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Proposed zoning Ordinance-Draft

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PROPOSED ZONING ORDINANCE

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Prepared for the  
TOWNSHIP OF NORTH BRUNSWICK  
by  
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OCTOBER 1984

ARTICLE I  
Title; Purpose

§ 145-1. Short Title.

This chapter may be cited and referred to as the "North Brunswick Township Land Use Ordinance."

§ 145-2. Purpose.

This chapter is adopted pursuant to the Municipal Land Use Law in order to promote and protect the public health, safety, morals and general welfare and in furtherance of the following related and more specific objectives:

- A. To encourage Township action to guide the appropriate use or development of all lands in a manner which will promote the public health, safety, morals and general welfare.
- B. To secure safety from fire, flood, panic and other natural and man-made disasters.
- C. To provide adequate light, air and open space.
- D. To ensure that the development of the Township does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods.
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens.
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- J. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.
- K. To encourage planned development which incorporates the best features of design and relates the type, design and layout of residential, commercial, industrial and recreational development to the particular site.
- L. To encourage senior citizen community housing construction.
- M. To encourage coordination of the various public and private procedures and activities shaping land development with a view to lessening the cost of such development and to the more efficient use of land.

ARTICLE II  
Zone Districts; Schedule of District Regulations

§ 145-3. Establishment of zones.

For purposes of this chapter, the Township of North Brunswick is divided into the following zones:

R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Single-and Two-Family Residential
R-4A	Single-Family Residential
R-5	Garden Apartment Residential
R-6 (PRD)	Planned Residential Development
R-7	Multistoried Senior Citizen Apartment Residential
R-M	Manufactured Housing Residential
R-T-D	Townhouse-Duplex Residential
C-1	Neighborhood Commercial
C-2	General Commercial
G-0	General Office
OR	Mid-Rise Office Research
I-1	Industrial
I-2	Industrial
TMU	Transitional Mixed Use
PUD	Planned Unit Development
PUD-II	Planned Unit Development
ERR	Education-Recreation-Research

§ 145-4. Zoning Map.

The boundaries of all zone districts set forth in this chapter shall be shown on a map entitled "Zoning Map, North Brunswick Township, Middlesex County, New Jersey," dated October, 1984, prepared by E. Eugene Cross Associates. Such map is hereby made a part of this chapter.

§ 145-4.1 Schedule of District Regulations.

A. The schedule of regulations applying to each zoning district, entitled "Schedule of Area, Yard and Building Requirements" (hereafter called the "schedule"), is hereby declared to be a part of this Chapter and is attached hereto.

B. The schedule is intended to summarize the major regulations by zoning district, including those applying to lot size, yards, building heights, and other regulations that may be easily summarized in tabular form. It is not meant to provide comprehensive coverage of all requirements and provisions of this Chapter. Areas and dimensions therein are minimum requirements.

§ 145-5. Designation of boundaries.

Zone boundary lines are intended to follow the center line of the streets, railroad rights-of-way, electric transmission line rights-of-way, watercourses, existing lot or property lines or municipal boundary lines, all as shown on the Zoning Map, but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated. If a zone boundary line falls within twenty (20) feet of a lot line existing at the time of passage of this chapter, then the lot line shall be considered the zone boundary. In the event that the zone boundary is unclear, the exact location of the zone boundary line shall be decided by the Department of Planning and Development and may be appealed to the Zoning Board of Adjustment. Where a zone boundary line divides one (1) or more lots which are in single ownership at the time of passage of this chapter, any use authorized in either district on such lot or lots may extend not more than fifty (50) feet beyond the boundary line of the district in which such use is permitted. The use so extended shall be deemed to be conforming.

SECTION 145-4.1  
 SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS  
 ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK  
 MIDDLESEX COUNTY, NEW JERSEY

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Zone	Minimum Lot Requirements			Minimum Required Yard Depth in Feet						Maximum % Lot Coverage by Principal Building	Maximum Height Principal Bldg.		Maximum % Lot Coverage by all ImperVIOUS Surfaces	Minimum Gross Habitable Floor Area per Residential Unit
	Area in Sq. Ft. or Acres	Lot Width in Ft.	Lot Depth in Ft.	Principal Building			Accessory Buildings & Structures				In Stories	In Feet		
				Front Yard in Ft.	Minimum One Side Yard in Ft.	Total Both Side Yards in Ft.	Rear Yard in Ft. or % of Lot Depth	Side Yard in Ft.	Rear Yard in Ft.					
R-1	20,000/ 20,000	120/140	120	40	15	35	20%	5	5	15	2½	30	40	900
R-2	15,000/ 20,000	100/125	100	40	12	28	20%	5	5	20	2½	30	50	800
R-3	10,000/ 12,000	90/100	90	35	8	20	20%	5	5	25	2½	30	60	700
R-4	7,500/ 9,000	75/90	90	30	6	18	20%	5	5	30	2½	30	60	700
R-4A	7,500/ 9,000	75/90	90	30	6	18	20%	5	5	30	2½	30	60	700
R-5	5 acres	300	400	(A)	75	150	75	75	75	25	2½	30	60	(B)
R-6 <sup>(C)</sup>	30,000/ 30,000	150/175	150	45	15	35	20%	5	5	15	2½	30	40	900
R-7	2 acres	300	200	30	35	70	35	10	10	30	7	70	60	400
RM	Not Applicable													
R-T-D	Not Applicable													
C-1	15,000/ 20,000	100/125	100	(D)	10	20	20	5	5	40	2½	30	80	-

cont'd

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Zone	Minimum Lot Requirements			Minimum Required Yard Depth in Feet						Maximum % Lot Coverage by Principal Building	Maximum Height Principal Bldg.		Maximum % Lot Coverage by all Impervious Surfaces	Minimum Gross Habitable Floor Area per Residential Unit
	Area in Sq. Ft. or Acres	Lot Width in Ft.	Lot Depth in Ft.	Principal Building				Accessory Buildings & Structures			In Stories	In Feet		
				Front Yard in Ft.	Minimum One Side Yard in Ft.	Total Both Side Yards in Ft.	Rear Yard in Ft. or % of Lot Depth	Side Yard in Ft.	Rear Yard in Ft.					
D-2	20,000/ 30,000	150/200	100	(E)	10	20	35	5	5	40	3	40	80	-
D-0 <sup>(F)</sup>	1½ acres	200	250	75	20	40	40	5	5	40	3	40	80	-
D-R	20 acres	500	400	(G)	(G)	(G)	(G)	(G)	(G)	40	-	75	80	-
I-1 <sup>(H)</sup>	2 acres	250	300	(I)	30	60	60	20	20	40	3	40	80	-
I-2 <sup>(H)</sup>	3 acres	350	350	(J)	40	80	75	20	20	40	3	40	80	-
TMU	Not Applicable													
PUD	Not Applicable													
PUD-II	Not Applicable													
ERR	25 acres	600	500	(K)	100	200	100	20	20	30	-	40	60	-

- (A) As specified in 145-56.A.1).
- (B) As specified in 145-56.B.6).
- (C) The standards in this schedule apply to the development of single-family dwellings which are not part of a PRD or ERD development; See 145-59 & 145-60 for standards applicable to PRD & ERD developments.
- (D) As specified in 145-66.A.
- (E) As specified in 145-68.A.
- (F) The standards in this schedule apply to office development which is not part of a planned office park development; See 145-70.3. for standards applicable to a planned office park development.
- (G) As specified in 145-81.1.A & C.
- (H) The standards in this schedule apply to the development of sites which are not part of a planned industrial park development.
- (I) As specified in 145-72.A.
- (J) As specified in 145-75.A.
- (K) As specified in 145-78.A.

ARTICLE III  
Definitions and Word Usage

§ 145-6. Word usage.

In this chapter, 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 word "zone" includes the word "designed" and the phrase "intended to be used"; and the word "shall" is always mandatory.

§ 145-7. Definitions.

Certain words, phrases and terms in this chapter are defined for the purpose herein as follows:

**ACCESSORY USE OR BUILDING**-- A building or use that is incidental to the principal building or use on the same lot.

**ADMINISTRATIVE OFFICER**-- The Code Enforcement Officer of the Township of North Brunswick.

**ALLEY**-- A public or private way less than thirty (30) feet in width.

**ALTERATION**-- A change or rearrangement in the structural parts or in the existing facilities which alters the use of the building or an enlargement, whether by extension of a side or by increasing in height or by a move from one location or position to another.

**APARTMENT**-- Same as "dwelling unit."

**APARTMENT HOUSE**-- Same as "dwelling, multiple."

**APPLICATION FOR DEVELOPMENT**-- The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to C.40:55D-34 or C.40:55D-36 of the Municipal Land Use Law.

**APPROVING AUTHORITY**-- The Planning Board or the Board of Adjustment of the Township of North Brunswick unless a different agency is designated by chapter when acting pursuant to the authority of the Municipal Land Use Law.

**AUCTION MARKET**-- Premises on which auction sales of merchandise or any other personal property are held at periodic times.

**AUTOMOBILE OR TRAILER SALES AREA**-- An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**AUTOMOBILE WRECKING**-- See "junkyard."

**BASEMENT**-- See "cellar."

**BILLBOARD**-- An off-site sign used to identify the product made or the activity being pursued by any individual, business, service, commercial or industrial enterprise for the purpose of apprising the public of the location of such enterprise and/or the type of activity in which it is engaged.

**BOARDINGHOUSE or ROOMING HOUSE**-- Any dwelling wherein furnished rooms for rent are provided in which more than

two (2) persons are housed or lodged, with or without meals.

**BOARD OF ADJUSTMENT--** The Board established pursuant to C.40:55D-69 of the Municipal Land Use Law.

**BUFFER--** An area consisting of trees, shrubs, solid fencing or a combination of all of these so installed as to provide both a visual and an acoustical barrier between properties. No building, parking area, street, sign (except traffic directional sign) and storage of materials shall be permitted.

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

**BUILDING AREA--** The total area measured on a horizontal plane at the grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**BUILDING COVERAGE--** That area of a lot which is occupied by a building or structure but not including uncovered walkways, steps, patios or a parking lot or area or any similar improvements thereto.

**BUILDING HEIGHT--** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. Chimneys, spires, water towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating "building height."

**BUILDING LINE--** A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface.

**BUILDING PERMIT--** See "construction permit."

**BUILDING, PRINCIPAL--** A building in which is conducted the principal use of the lot on which the building is situated.

**BUSINESS OFFICE--** A business establishment which does not offer a product or merchandise for sale to the public but offers a service to the public. However, personal services, such as barber and beauty shops, and repair services, such as radio and television repair shops, are not to be included within the definition of "business office."

**CAPITAL IMPROVEMENT--** A governmental acquisition of real property or a major construction project.

**CELLAR or BASEMENT--** A story wholly or partly underground, not designed for living quarters or habitable use and having more than one-half ( $\frac{1}{2}$ ) of its clear height below the average level of the adjoining ground.

**CERTIFICATE OF OCCUPANCY--** A certificate issued by the Construction Official upon completion of the construction of a new building in accordance with the construction permit or upon a change in the occupancy or use of a building which certifies that all requirements of this chapter, or such adjustments thereof which have been granted by the Board of Adjustment, and all other applicable requirements, have been complied with.

**CHURCH--** A building or group of buildings including customary accessory buildings, such as auditoriums,



designed or intended for public worship. The word "church" shall include chapels, congregations, cathedrals, temples and other similar designations, as well as parish houses, convents and such accessory uses.

**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.

**COMMERCIAL RECREATIONAL ACITIVITY**-- Any use of a building or part of a building or premises wherein recreational activities are operated by a private utility for profit. For purposes of this definition, "commercial recreational activities" shall include, but not be limited to, theaters, bowling alleys, roller-skating and ice-skating rinks and mechanical amusement game rooms. (Added 8-16-82).

**COMMERCIAL SHOPPING CENTER**-- An integrated development of six (6) or more uses of retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants and auditoriums, housed in an enclosed building or buildings and utilizing such common facilities as customer parking, pedestrian walkways, truck loading and unloading space, utilities and sanitary facilities.

**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. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED**-- Community residence for the developmentally disabled means any community residential facility licensed pursuant to P.L. 1977, c.448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include but not be limited to group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall be not be considered a health-care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971, c. 136, N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

**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 chapter and upon the issuance of an authorization therefor by the Planning Board.

**CONSTRUCTION PERMIT**-- An authorization to begin construction work in compliance with the State Uniform Construction Code and the rules and regulations of the New Jersey Department of Community Affairs which may be amended from time to time.

CONVENTIONAL-- Development other than planned development.

CORNER LOT-- A parcel of land fronting on two (2) or more intersecting streets.

COURT-- An open unoccupied space bounded on at least two (2) opposing sides by a building wall, but not a front, side or rear yard.

CURB LEVEL-- The officially established grade of the curb in front of the midpoint of the front lot line.

DAYS-- Calendar days.

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 other person having an enforceable proprietary interest in such land.

DEVELOPMENT-- The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required pursuant to this chapter.

DEVELOPMENTALLY DISABLED-- Experiencing a disability which originates before eighteen (18) years of age, which has continued or is expected to continue indefinitely, which constitutes a substantial handicap and which is attributable to mental retardation, cerebral palsy, epilepsy, autism or other conditions found by the Commissioner of Human Services to give rise to an extended need for similar services.

DEVELOPMENT REGULATION-- The Zoning Ordinance, Subdivision Ordinance, Site Plan Ordinance, Official Map Ordinance or other Township regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to the Municipal Land Use Law.

DISTRICT-- Any part of the territory of North Brunswick Township which is designated on the Zoning Map to which certain uniform regulations and requirements of this chapter apply.

DIVISION-- The Division of State and Regional Planning in the Department of Community Affairs.

DRAINAGE-- The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or alleviation of flooding.

DRIVE-IN RESTAURANT-- An establishment which is designed to provide, either wholly or in part, service to customers outside the confines of the principal building, while in their automobiles parked or standing upon the premises, regardless of whether or not seats or other accommodations are provided for the customers.

DWELLING, DUPLEX (SEMIATTACHED)-- A semiattached dwelling on an independent lot that is attached on one

(1) side along a common or party wall, which is jointly owned, to a similar dwelling on an adjacent lot designed for occupancy by one (1) family.

DWELLING, GARDEN APARTMENT-- One (1) of several individual dwelling units designed and erected as an integral development with singleness of use and operation and which utilizes such common facilities as pedestrian walkways, parking and garage areas, open space or recreation areas and utility and sanitary systems.

DWELLING, MULTIPLE-- A building designed for or occupied by three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses and garden apartments, but not including motels.

DWELLING, SINGLE-FAMILY-- A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TOWNHOUSE-- An independent dwelling with cooking, sleeping and sanitary facilities, designed for occupancy by one (1) family, which is attached to similar dwelling types by not more than two (2) party walls extending from the foundation to the roof. There shall be two (2) means of access directly from the outside for each unit, which shall not provide access in common with any other unit. A townhouse may include a building or structure in fee simple, condominium or a combination of both. In no case shall a townhouse contain more than one (1) dwelling unit.

DWELLING, TWO-FAMILY-- A building designed for or occupied by two (2) families living independently of each other.

DWELLING UNIT-- A house or other structure or a portion of any building or structure designed, arranged or used for living quarters for one (1) or more persons as a single housekeeping unit with cooking, sleeping and sanitary facilities.

DWELLING UNIT, EFFICIENCY-- A dwelling unit consisting of a single room or common space exclusive of bathroom, kitchen, hallways, closets or dining room directly off the principal room.

EDUCATIONAL USE-- Public, parochial and private elementary and secondary schools duly licensed by the State of New Jersey, attendance at which is sufficient compliance with the compulsory education requirements of the state. Summer day camps shall not be considered as "educational uses" or accessories to such uses.

ELEEMOSYNARY USE-- Any nonprofit organization which is primarily supported by charitable contributions.

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

ESSENTIAL SERVICES-- The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, or underground gas, electrical, steam or water transmission or distribution systems, including mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare. "Essential services" shall include firehouses and first-aid and emergency-aid squads.

**FAMILY--** One (1) or more persons living as a single, nonprofit housekeeping unit, as distinguished from individuals or groups occupying a hotel, club or fraternity or sorority house. The "family" shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

**FARM--** Any parcel of land, five (5) acres or larger in size, which is used primarily for gain in the raising of crops, hay, sod, trees, fruit, livestock and poultry but which does not include any sale of produce not actually grown on the premises.

**FARM BUILDING--** Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, provided that such building is located on, operated in conjunction with and necessary to the operation of a farm.

**FENCE--** An artificially constructed barrier of wood, masonry, stone, wire, metal or any manufactured material or combination of materials used as a boundary or means of protection or confinement.

**FENCE, OPEN--** A fence in which two-thirds (2/3) of the area between grade level and the top cross member is open.

**FINAL APPROVAL--** The official action of the Planning Board or Board of Adjustment on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

**FLOOR AREA RATIO (F.A.R.)--** A control on the intensity of land use which is calculated as the ratio of the gross floor area under roof of the main building, including basement, to the total area of the lot on which the building is located. Off-street parking space within the building is specifically excluded from this calculation.

**GARAGE--** A building or structure in which motordriven vehicles are stored.

**GARAGE, PRIVATE--** An accessory building or part of a principal building used only for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

**GARAGE, PUBLIC--** A building or part of a building or premises used or designed to be used for storing, repairing, servicing, selling, renting, adjusting or equipping of automobiles and other motor vehicles, but not used for the storage of trailers, dismantled, wrecked or inoperable motor vehicles, parts thereof or junk.

**GARAGE SALES--** All sales known as garage sales, lawn sales, attic sales, rummage sales, porch sales, or flea markets or any similar casual sales of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

**GARDEN APARTMENT--** A building of not more than two and one-half (2½) stories and thirty (30) feet in height as measured from the average level of the ground immediately adjacent to the base of the structure to its highest point exclusive of chimney or tower, on one (1)

lot containing multiple-dwelling units and sharing joint utility services or facilities or both.

**GARDEN APARTMENT DEVELOPMENT--** Two (2) or more garden apartments on a single lot.

**GOVERNING BODY--** The Mayor and Township Council of the Township of North Brunswick.

**GRADING PERMIT--** A permit which must be obtained from the Zoning Officer prior to the alteration of the existing grade on a lot. The alteration of the existing grade on a lot shall be in accordance with the grading plan approved by the Township Engineer.

**GROSS FLOOR AREA--** The area of all floors of a building, including interior balconies and mezzanines, measured from the interior walls of each story of a building including basements, cellars and storage areas for nonresidential uses. The "gross floor area" of all buildings on a lot shall include the floor area of accessory buildings on the same lot, measured the same way.

**GROSS HABITABLE FLOOR AREA--** The sum of the gross horizontal areas of the floor or several floors of a dwelling designed for habitable use measured from the interior walls of each floor, but not including any cellar or basement, garage space, breezeway, interior patios, enclosed porches or accessory building space. A basement or cellar or portion thereof may qualify for inclusion if its area is designed for habitable use.

**HIGHLY FLAMMABLE LIQUIDS OR GASES--** Liquids or gases having a flash point of one hundred degrees Fahrenheit (100 F.) (thirty-seven and seven-tenths degree centigrade (37.7 C.)) or less or autoignition temperatures of one hundred forty degrees Fahrenheit (140 F.) (five hundred sixty degrees centigrade (560 C.)) or less.

**HISTORIC SITE--** Any building, structure, area or property that is significant in the history, architecture, archeology or culture of the State of New Jersey, its communities or the nation and has been so designated pursuant to the Municipal Land Use Law.

**HOSPITAL--** A building or group of buildings providing health services under the supervision of licensed physicians, primarily for human inpatients, medical and surgical care for the sick or injured and including related facilities, central service facilities and staff offices which are an integral part of the facilities.

**HOTEL/MOTEL--** A building containing furnished rooms to be occupied for sleeping purposes by guests, without kitchen facilities being used, rented or hired out.

**IMPROVED STREET--** A street curbed and paved in accordance with the standards set forth in this chapter for new streets or, alternately, a street which has been accepted and maintained by the Township of North Brunswick.

**INTERESTED PARTY:**

- A. In a criminal or quasicriminal proceeding, any citizen of the State of New Jersey.
- B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the Township, whose right to use, acquire or enjoy property is or may be affected by any

action takes under the Municipal Land Use Law or whose right to use, acquire or enjoy property under the Municipal Land Use Law or under any other law of this state or of the United States has been denied, violated or infringed by an action or a failure to act under this chapter.

**INTERIOR OR INSIDE LOT--** A lot bounded by a street on one (1) side only.

**INTERIOR STREET OR ROAD--** A street or road that is developed wholly within a parcel under one (1) ownership and that meets all Township standards.

**JUNK OR SALVAGE YARD--** Any lot and/or structures used for the collection, storage or abandonment of any waste, discarded or used material or the dismantling, demolition, salvaging or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof.

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

**LANDOWNER--** The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, shall be deemed to be a "landowner" for the purpose of this chapter.

**LOADING SPACE--** An off-street space or space at the rear of the building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading. Such space must have clear means of ingress and egress to a public street at all times.

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

**LOT AREA--** An area of land which is determined by the limits of the lot line bounding the area and shall be expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating "lot area." Portions of lots encumbered by easements shall be included in the calculation of "lot area."

**LOT COVERAGE--** The area of a lot covered by buildings and structures expressed as a percentage of the total lot area.

**LOT DEPTH--** The average distance of a line drawn from the street line to the rear lot line at right angles to the front property line. When the front property line is an arc of a circle or irregular in shape, the depth shall be the average distance between the front and rear lines. The greater frontage of a corner lot is its width and its lesser frontage is its depth.

**LOT LINE--** Any line designating the extent or boundary of a lot which shall further be defined as follows:

- A. **FRONT LOT LINE--** A lot line or portion thereof which is coexistent with a street line.
- B. **REAR LOT LINE--** The lot line most distant and generally opposite and parallel to the front lot line.
- C. **SIDE LOT LINE--** Any lot line other than a front or rear lot line.

LOT, THROUGH-- A lot running through from one street to another.

LOT WIDTH-- The distance between the side lot lines measured at right angles to the lot's depth. Required "lot width" shall be measured at the permitted building front setback line.

MAINTENANCE GUARANTY-- Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this chapter.

MAJOR SUBDIVISION-- Any subdivision not classified as a minor subdivision.

MASTER PLAN-- A composite of one (1) or more written or graphic proposals for the development of the Township as set forth and adopted pursuant to the Municipal Land Use Law.

MAYOR-- The chief executive of the Township of North Brunswick.

MECHANICAL AMUSEMENT DEVICE-- Any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally or use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, electronic video games and all games, operations similar thereto under whatever name they may be indicated.

MECHANICAL AMUSEMENT GAME ROOM-- Any use of a building or part of a building or premises wherein there is located more than four (4) mechanical amusement devices.

MINOR SUBDIVISION-- A subdivision of land that does not involve:

- A. The creation of more than four (4) lots fronting on an existing street.
- B. A lot or lots having been previously subdivided within the past twelve (12) months.
- C. A planned development.
- D. Any new streets.
- E. Extension of any off-tract improvements.

MOBILE HOME-- Same as "trailer" or "trailer house," and as defined in § 145-92.5.

MOTOR VEHICLE REPAIR GARAGE-- A building or portion of a building in which auto body work or the overhauling or replacement of engines is conducted.

MOTOR VEHICLE SERVICE STATION-- An area of land, including structures thereon, used for the servicing of motor vehicles, whose primary service is the retail sale of gasoline. This use may also include minor repairs such as replacing of mufflers and tail pipes, motor tune-ups, changing of tires, polishing, washing and lubrication, all of which are incidental to the primary service rendered. Auto body work of any nature shall be excluded.

MUNICIPAL AGENCY-- The Planning Board, Board of Adjustment or Township Committee or any agency created by or responsible to the Township when acting pursuant to this chapter.

**MUNICIPALITY--** The Township of North Brunswick.

**NONCONFORMING LOT--** A lot the area, dimension or location of which was lawful prior to adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NONCONFORMING STRUCTURE--** A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NONCONFORMING USE--** A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NURSERY--** A place where trees, shrubs, vines and ornamental plants are propagated and grown for gain.

**NURSERY SCHOOL--** A school designed to provide daytime care or instruction of two (2) or more children from two (2) to six (6) years of age, inclusive, and operated on a regular basis.

**OCCUPANCY--** The specific purpose for which land or a building is used, designed or maintained.

**OFFICIAL COUNTY MAP--** The map with changes and additions therein, adopted and established from time to time by resolution of the Board of Chosen Freeholders of the county pursuant to N.J.R.S. 40:27-5.

**OFFICIAL MAP--** A map adopted by ordinance pursuant to Article 5 of the Municipal Land Use Law.

**OFFSITE--** The area located outside of the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OFF TRACT--** The area not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

**ONSITE--** The area located on the lot in question.

**ON TRACT--** The area located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**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.

**PARKING AREA, PRIVATE--** An open area, other than streets, for the same use as a private garage.

**PARKING AREA, PUBLIC--** A paved open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a



fee, free or as an accommodation for clients or customers.

**PARKING SPACE--** An off-street space provided for the parking of a motor vehicle designed in accordance with the requirements of this chapter, exclusive of driveways or access drives.

**PARTY IMMEDIATELY CONCERNED--** For the purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under the Municipal Land Use Law.

**PATIO--** An area of land, not used for receiving and storing material, where the ground has been surfaced with a construction material, such as brick, stone, cement or lumber, which does not project above the official grade groundlevel and which is entirely uncovered by a roof or any superstructure.

**PERFORMANCE GUARANTY--** Any security, which may be accepted by the Township in the form of cash, certified check, performance bond or surety bond, as may be required by the approving authority, provided that the cash amount, if any, shall not exceed ten percent (10%) of the total performance guaranty.

**PLANNED COMMERCIAL DEVELOPMENT--** An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one (1) or more structures with apurtenant common areas to accommodate commercial or office uses incidental to the predominant use as may be permitted by ordinance.

**PLANNED DEVELOPMENT--** A planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

**PLANNED UNIT DEVELOPMENT--** An area with a minimum of fifty (50) acres of one (1) or more parcels to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasipublic, commercial or industrial areas in such ranges of ratios of nonresidential uses as specified hereinafter.

**PLANNED RESIDENTIAL DEVELOPMENT--** An area with a minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan containing one or more residential clusters.

**PLANNING BOARD--** The Township Planning Board established pursuant to the Municipal Land Use Law.

**PLAT--** A map or maps of a subdivision or site plan.

**PRELIMINARY APPROVAL--** The conferral of certain rights pursuant to C.40:55D-46, C.40:55D-48, and C.40:55d-49 of the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the approving authority and the applicant.

**PRELIMINARY FLOOR PLANS AND ELEVATIONS--** Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

**PRIMARY OR PRINCIPAL USE--** The primary or principal purpose for which a building, structure or lot is used.

**PROFESSIONAL OFFICE--** The office of a member of a recognized profession maintained for the conduct of his profession. Such professions shall be limited to those of medicine, law, architecture, engineering, art, religion, music and other professions which require similar degrees of training and experience.

**PUBLIC AREAS:**

- A. Public parks, playgrounds, trails, paths and other recreational areas.
- B. Other public open spaces.
- C. Scenic and historic sites.
- D. Sites for schools and other public buildings and structures.

**PUBLIC DEVELOPMENT PROPOSAL--** A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body or any amendment thereto.

**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 biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

**PUBLIC OPEN SPACE--** An open space area conveyed or otherwise dedicated to the Township, a Township agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

**QUORUM--** The majority of the full authorized membership of a Township agency.

**RESIDENTIAL CLUSTER--** An area to be developed as a single entity according to a plan, containing residential housing units which have a common or public open space area as an appurtenance.

**RESIDENTIAL DENSITY--** The number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

**RESTAURANT--** Any establishment, however designated, at which food is sold for consumption on the premises but normally to patrons seated within an enclosed building. However, a snack bar at a public or a community playground, playfield, park or swimming pool operated solely by the agency or group operating the recreational facility, for the convenience of patrons of the facility, shall not be deemed to be a "restaurant."

**RESUBDIVISION:**

- A. The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
- B. The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

**RETAINING WALL--** A structure more than eighteen (18) inches high erected between lands of different elevations to prevent the washing down or erosion of earth from the upper slope level.

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

**SETBACK--** The horizontal distance between a building or structure and any front, side or rear lot line, measured perpendicular to such lot lines at the point where the building is closest to such lot lines.

**SETBACK LINE--** A line within any lot parallel to any street or property line beyond which a building shall not extend, except as otherwise provided for in this chapter.

**SIGN--** Any device, structure or object, including painted wall signs, for visual communication, that is used for the purpose of advertising the property or establishment upon which the display is exhibited but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

**SIGN, ADVERTISING--** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises.

**SIGN AREA--** The area enclosed by the outermost frame or edge of a sign. In case of lettering attached to building facades, the "sign area" shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between.

**SIGN, BUSINESS--** A sign which directs attention to a business or profession conducted on the premises. A "for sale" or "for rent" sign relating to the property on which it is displayed shall be deemed a "business sign."

**SIGN, IDENTIFICATION--** Any sign which shall be used to advertise and identify the business conducted on the premises where the sign is located.

**SITE PLAN--** A development plan of one (1) or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
- B. 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, lighting and screening devices.
- C. Any other information that may be reasonably required in order to make an informed determination as to approval of the plan by the Planning Board or Board of Adjustment and as may be hereinafter required by this chapter.

#### STANDARDS OF PERFORMANCE

- A. Standards adopted regulating noise levels, glare, earthbone or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters,

smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township.

- B. Standards required by applicable federal or state laws and Township ordinances.

STORY-- That portion of a building between the surface of a floor and the ceiling immediately above.

STORY, HALF-- That portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such half-story. A basement shall also be included as a half-story.

STREET-- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way:

- A. Which is an existing State, County, or Township roadway.
- B. Which is shown upon a plat heretofore approved pursuant to law.
- C. Which is approved by official action as provided by this chapter.
- D. Which 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 may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

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:**

- A. The division of a lot, tract or parcel of land into two (2) 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:
  - (1) Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size.
  - (2) Divisions of property by testamentary or intestate provisions.
  - (3) Divisions of property upon court order.
  - (4) Conveyances so as to combine existing lots by deed or other instrument.
- B. The term "subdivision" shall also include the term "resubdivision."

SWIMMING POOL, COMMERCIAL AND/OR PUBLIC-- A swimming pool that is operated for profit and open to the public or to a limited number of members and their guests, upon payment of an hourly, daily, weekly, monthly, annual or other fee or operated as a service rendered by a hotel,

motel or apartment development whose units are rented to transient or permanent residents.

**SWIMMING POOL, PRIVATE--** A swimming pool located on a single-family lot with a residence on it, utilized by the owner or his nonpaying guests, but which is not operated for profit.

**TRAILER--** Any unit designed for living or sleeping purposes which is equipped with wheels or some device used for the purpose of transporting such unit from place to place whether by motor vehicles or other means or any unit used for living or sleeping purposes whether the same is on blocks, posts or any other type of foundation. This term shall also include automobile trailers, mobile homes, house trailers and trailer coaches used as offices, residences or accessory structures for storage purposes for both residential and nonresidential uses, except travel trailers which are under eight (8) feet in width and under twenty-five (25) feet in length and which are not used for purposes of day-to-day habitation.

**TRAILER COURT OR PARK--** Land and premises upon which two (2) or more trailer coaches occupied for living or sleeping purposes are located .

**TRUCK TERMINAL--** A location at which trucks are parked or privately serviced that transport goods and materials not produced, received for sale, warehoused or used in manufacturing at that location.

**USE--** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**USE, PERMITTED--** A use of a building or land that conforms to the provisions of this chapter.

**VARIANCE--** Permission to depart from the literal requirements of this chapter pursuant to C.40:55D-40b., C.40:55D-70c., and C.40:55D-70d., of the Municipal Land Use Law.

**WAREHOUSE--** A structure or building, the principal use of which is for the storage of merchandise or commodities on a short- or long-term basis, having shipping and receiving facilities as a secondary use. Trucking terminals having facilities designed to store, deposit or hold merchandise on a temporary basis for further shipment or distribution shall not be considered "warehouses" under this definition.

**YARD--** An open unoccupied space on the same lot with a building, which space is unobstructed from the ground to the sky.

**YARD, FRONT--** A yard extending the full width of the lot and not less in depth than the minimum distance required between the street line and the front setback line.

**YARD, REAR--** A yard extending across the entire width of the lot between the rear line of the principal building and the rear lot line.

**YARD, SIDE--** A yard extending along the side lot line from the front yard to the rear yard and the nearest part of the principal building.

ZONING PERMIT-- A document signed by the administrative officer:

- A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.
- B. Which acknowledges that such use, structure or building complies with the provisions of the Township Zoning Ordinance or variance therefrom duly authorized by a township agency pursuant to C.40:55D-60 and C.40:55D-70 of the Municipal Land Use Law.

#### ARTICLE IV General Regulations

##### § 145.8. Precedence of more restrictive provisions.

Any restrictions or requirements with respect to buildings or land which appear in other ordinances of the Township of North Brunswick or are established by law and which are greater than those set forth therein shall take precedence over the provisions of this chapter.

##### § 145-9. Conformity required.

No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to, enlarged or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than those included among the uses listed as permitted uses in each zone, nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area, building location, percentage of lot coverage, off-street parking space and such other regulations designated in this chapter for the zone in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this chapter, and no certificate of occupancy shall be issued therefor.

§ 145-9.1 Site Plan Requirement. Except as hereafter exempted, no building permit shall be issued for any building or use or for the enlargement of any building or use unless a site plan is first submitted and approved in accordance with the provisions of Article XXVIII of this Ordinance, and no certificate of occupancy shall be given unless all construction conforms to the approved plan; except that site plan approval shall not be required for single-family and two-family dwellings or accessory uses incidental to one- and two-family dwellings.

##### § 145-10. Yards and open spaces.

No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.

##### § 145-11. Off-street parking.

No off-street parking area, loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for one use or structure shall be considered as providing off-street parking, loading or unloading area for a use or structure on any other lot, unless specifically permitted elsewhere in this chapter.

§ 145-12. Installation of underground tanks.

Installation of underground tanks shall be governed by the provisions of the Township of North Brunswick Fire Prevention Code and Life Safety Code.

§ 145-13. Railroad tracks restricted.

No railroad track or portion thereof shall be installed, erected, constructed, laid or moved within the limits of North Brunswick until the plans shall first have been submitted to the Planning Board and the Public Utilities Department and approved by the Planning Board after public notice and a public hearing, which public notice and public hearing shall be in conformity with the usual notices and public hearings prescribed for all matters to be heard by the Planning Board as specifically set forth in this chapter.

§ 145-14. Construction in certain areas restricted.

No structure shall be constructed within the following areas:

- A. Within delineated flood hazard areas, unless in accordance with the standards of applicable flood hazard regulations.
- B. Along the length of the Six-Mile Run up to United States Coast and Geodetic Elevation 90 as it relates to the future Six-Mile Run Reservoir.
- C. All brush, grass and natural vegetation within fifty (50) feet of the bank of a lake, pond, run, stream or major drainage ditch shall be retained, if possible.

§ 145-15. Prohibition on Removal of Trees.

- A. No tree over three (3) inches in diameter measured three (3) feet above ground within one hundred (100) feet of any stream shall be removed, nor shall any area fifteen (15) feet square within one hundred (100) feet of any such stream be cleared of all smaller trees, except as follows:
  - (1) Pursuant to a site plan approved by the Township of North Brunswick.
  - (2) Any tree growing in a public or private right-of-way.
- B. Removal of diseased and dead trees may not be prohibited, except that girding or poisoning of trees in order to avoid compliance with approved plans shall constitute a violation.

§ 145-16. Stripping or excavating.

No persons, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use except in connection with the construction or alteration of a building on such premises and excavating or grading incident thereto. No fill or soil shall be removed from the site without prior written approval of the Township Engineer and Construction Official.

§ 145-17. Retention of natural features.

Existing natural features such as trees, brooks, drainage channels and views shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required.

§ 145-18. Storage of solid wastes.

Solid wastes, if stored outdoors, shall be placed in metal or plastic receptacles with tight-fitting covers. Such receptacles shall not be stored or placed within any front yard area prior to the time at which solid wastes are permitted to be placed at the curblines for collection. Such receptacles may be stored in either the rear or side yard area. They shall be completely screened from view of adjoining property and street areas with planting or fencing.

**§ 145-19. Dumping restricted.**

The dumping of refuse, waste materials or other substances is prohibited in all districts within the township, with the exception of designated landfill sites. Only organic matter may be used for the purpose to fill in order to establish grades.

**§ 145-20. Storage of materials restricted.**

No persons shall store materials of any kind on the premises in any district except for the construction of a structure to be erected on the premises, unless specifically permitted elsewhere in this chapter.

**§ 145-21. Compatibility of materials and design.**

The outer walls of a nonresidential building shall be faced with either brick or stone or other material approved by the Planning Board. The architecture of all buildings shall be compatible with structures on adjacent lands and in the neighborhood.

**§ 145-22. Vision Clearance on Corner Lots.**

In any district on any corner lot, within the triangular area determined as provided in this subsection, no wall, fence, sign or other structure shall be erected to a height in excess of three feet above curb level, and no vehicle, object or other obstructin of a height in excess of three feet shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of three feet, except that trees whose branches are trimmed away to height of at least ten feet above curb level shall be permitted. Such triangular area shall be formed by the two intersecting street center lines and by a diagonal line connecting points on these street center lines which are 25 feet from the intersection of the street center lines for local roads and 75 fet for all other roads.

**§ 145-23. Setback encroachments.**

For the purpose of calculating the average setback of a building, overhanging eaves and cornices shall always be excluded, but porticos and open and closed porches shall be included as part of the building, but steps on the side of the building shall always be included as part of the building. Chimneys shall also be excluded from setback requirements, provided that they are not closer than five (5) feet to any property line.

**§ 145-24. Frontage on improved streets required.**

Every principal building shall be built upon a lot with frontage upon a public street improved to meet the township's requirements or for which such improvements have been insured by the posting of a performance guaranty pursuant to this chapter, unless relief has been granted by the Municipal Land Use Law.

**§ 145-25. Measurement of front-yard area from proposed right-of-way.**

Where a building lot has frontage on a street which the Master Plan or the Official Map of the township indicates is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.



§ 145-25.1 Compliance with prevailing front yard setbacks.

In residential zones where structures have already been erected, the average setback line observed by dwellings on the same side of the street within two hundred (200) feet on each side of any vacant lot shall determine the setback of all structures on such lot.

§ 145-26. Front yards on corner lots.

All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone for both intersecting streets, for both principal and accessory buildings.

§ 145-26.1 Location requirements for accessory buildings.

Unless elsewhere specified in the ordinance, accessory buildings shall conform to the following regulations as to their locations on the lot:

- A. An accessory building attached to a principal building shall comply in all respects with yard requirements of this chapter for the principal buildings.
- B. Detached accessory buildings, yard utility buildings and storage buildings are permitted in the rear yard only.
- C. No accessory building shall be closer than five (5) feet to a rear or side property line.
- D. On through lots no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on that part of the street which said yard abuts.

§ 145-27. Underground services excepted.

The provisions of this chapter shall not apply to customary underground essential services, except that all facilities such as pumping stations, repeater stations and electric substations which require a structure above the grade shall require a conditional use approval subject to the provisions of Article XXIX of this chapter.

§ 145-28. Underground installation of utility lines.

All utility lines and accessory appurtenances, including but not limited to electric distribution, communications, streetlighting and cable television, shall be installed underground within easements or dedicated public rights-of-way. The developer shall arrange with the serving utility for the underground installation of the utility's distribution lines and service connections in accordance with the provisions of the applicable standard terms and conditions of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board, prior to granting of approval, a written instrument from each serving utility, which shall evidence full compliance with the provisions of this section; provided, however, that lots which abut existing easements or public rights-of-way where overhead utility lines have theretofore been installed may be supplied with service from such overhead lines where no new utility poles are required and the new service connection from the utility's overhead lines shall be installed underground.

§ 145-29. Farms permitted in any zone district.

Farms shall be permitted in any zone district, provided that all buildings and structures utilized for farm purposes are set back at least one hundred (100) feet from all property lines or in accordance with setback requirements of the zone, if such requirements are greater, and provided that roadside standards

for the sale of products raised on the farm shall not be located closer than forty (40) feet to any street line.

§ 145-30. Raising of vegetables and fruit for personal use.

The raising of vegetables and fruits for personal use, but not for sale, shall be permitted on any lot in any zone, provided that no such vegetables or fruits may be grown in the required front yard area, with the exception of the fruit-bearing trees.

§ 145-31. Grading.

The erection of a structure on a lot or the alteration of the existing grade on a lot shall be in accordance with a grading plan approved by the Township Engineer or his representative and shall meet the following requirements:

- A. Wherever possible, the land shall be graded so that the stormwater from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with the Detailed Standards-Drainage Facilities.
- B. Unless otherwise required by the standard specifications, all tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below finished grade.
- C. The minimum slope for lawns shall be three-fourths percent ( $3/4\%$ ) [seventy-five hundredths percent ( $0.75\%$ )] and for smooth hard-finished surfaces, other than roadways, four-tenths of one percent ( $4/10$  of  $1\%$ ) [forty-hundredths percent ( $0.40\%$ )].
- D. The maximum grade for laws within five (5) feet of a building shall be ten percent ( $10\%$ ) and for lawns ore than five (5) feet from a building, twenty-five percent ( $25\%$ ).
- E. Retaining walls installed in slope control areas shall be constructed of heavy creosoted timber or logs, of reinforced concrete, of other reinforced masonry or of other construction acceptable to the Township Engineer and adequately designed, and detailed on the final plat, to carry all earth pressures including any surcharges. The heights of retaining walls shall not exceed one-third ( $1/3$ ) of the horizontal distance from the foundation wall of any building to the face of the retaining wall. Should the township adopt, subsequent to this chapter, standard details for such construction, the same shall govern.
- F. The subdivider shall take all necessary precautions to prevent any siltation of streams during the construction of the subdivision. Such provisions may include but are not limited to construction and maintenance of siltation basins or holding ponds and diversion beams throughout the course of construction.

§ 145-32. Display of goods restricted.

Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type beyond two (2) feet from the structure in which such business activity is carried on.

§ 145-33. Standards for open space.

A minimum of 50% of the land to be donated for public purposes shall be in tracts of 5 acres or more in size.

§ 145-34. Exceptions to height restrictions.

Height limitations of this chapter shall not apply to chimneys, church spires, gables, parapet cupolas, standpipes, flagpoles, monuments, transmission towers, radio and television antennas, cables, water tanks and conditioners and similar structures and necessary mechanical appurtenances for the zone in which the building is located, provided that [no such exception shall cover at any level more than ten percent (10%) of the area of the roof or ground on which it is located.]

§ 145-35. Required increases in yards.

Public and quasi-public buildings, schools, churches and other similar permitted uses shall increase the front, rear and side yards one (1) foot for each foot by which the building exceeds the height limit herein established for such zone in which it is located, but in no case shall any building have a height exceeding forty (40) feet.

§ 145-36. Location and construction of freestanding aerials and antennas.

Freestanding aerials or antennas shall be located or placed in the rear yard and shall be not more than fifteen (15) feet higher than the highest building within a radius of two hundred (200) feet, and if the aerial or antenna is more than twenty (20) feet in height, it shall be built to withstand winds up to one hundred (100) miles per hour.

§ 145-37. Height limitations for attached aerials and antennas.

An aerial or antenna attached to or on a building shall extend not more than fifteen (15) feet above the highest building within a radius of two hundred (200) feet, and if it extends more than twenty (20) feet above the point of attachment, the aerial or antenna shall be constructed so that it will be able to withstand winds up to one hundred (100) miles per hour.

§ 145-38. Location and construction of flagpoles.

Freestanding flagpoles may be erected or placed in any yard, and if the pole is more than twenty (20) feet in height, it shall be so built as to be able to withstand winds up to one hundred (100) miles per hour.

§ 145-39. Irregularly shaped lots.

In a case of irregularly shaped lots, the minimum lot width may be measured at the building line, provided that in no case shall the lot frontage be less than seventy-five percent (75%) of the minimum lot width requirements, and the lot areas shall be the minimum required size for that zone.

§ 145-40. Uses prohibited in all zones.

Any use not specifically permitted in a zoning district established by this chapter is hereby expressly prohibited from that district, and further, the following uses and activities shall be specifically prohibited in any zone:

- A. Junkyards, automobile wrecking or disassembly yards; and the sorting or baling of scrap metal, paper, rags or other scrap or waste material.
- B. The keeping and raising of any animal other than horses of more than five (5) domestic pets.
- C. Trailers, mobile homes, trailer courts or trailer coaches, except upon a duly licensed mobile home park.
- D. Privately operated dumps for the disposal of garbage, trash, junk, refuse and similar materials.
- E. The manufacturing of paints and varnishes.

- F. Any use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.
- G. Any use which emits excessive and objectionable amounts of dust, fumes, noise odor, smoke, vibration, glare or waste products.
- H. Truck terminals, when not a part of a permitted commercial or industrial use.
- I. Dealerships devoted entirely to the sale of used automobiles or trucks.
- J. Use of animated, flashing, pulsing or twirling signs, windmills or similar banners or moving reflectors.
- K. Foundry and steel fabricators.
- L. The use of trucks, trailers or other type of vehicles for storage or advertising purposes.
- M. Palmistry, fortune-telling, spirtualists and other similar practitioners.

§ 145-40.1 Garage sales [Added 11-3-80]

There may be no more than two (2) sales commonly known as garage sales, as defined herein, at any one (1) location during one (1) calendar year. Said sales shall not commence earlier than 9:00 a.m., terminating by sundown and extending no more than a two-day period. Garage sales shall offer only used items and personal property when the sale is held. Any person intending to conduct a garage sale shall, prior to the sale, register with the Township Administrative Officer.

ARTICLE V  
General Regulations for Residential Districts

§ 145-41. Harmonious quality of new structures.

Within any residential district, no building shall be constructed or altered so as to be inharmonious to the residential character of adjacent structure.

§ 145-42. Keeping of horses.

The keeping of horses for personal pleasure or use shall be permitted for any single-family residential use, provided that:

- A. There shall be not more than two (2) horses located on any residential property.
- B. There shall be an aggregate open area equal to not less than five (5) acres for each horse on the property.
- C. Such open area shall not be located closer than one hundred (100) feet to any property line.
- D. Buildings for the quartering of horses shall not be located closer than one hundred (100) feet to any property.

§ 145-43. Outdoor storage of trailers and boats.

The outdoor storage of an unoccupied travel trailer, camper or small boat shall be permitted on single-family properties, provided that only one (1) such travel trailer or camper and one (1) small boat be permitted to be stored outdoors at any single-family residence.

§ 145-43.1 Prohibition of trucks in residential zones.

- A. No truck, tractor, trailer or licensed commercial vehicle more than three-fourths (3/4) ton's manufacturer's rated capacity shall be stored or parked on any lot situated in a residential zone, nor shall any such vehicle be parked on any street overnight in any residential zone.

§ 145-44. Number of stories limited.

Unless specifically authorized elsewhere in this chapter, all dwelling units shall be above the finished grade level and the number of stories above ground level shall be limited to 2½, and no dwelling shall have an outside stairway to the second floor above ground level.

§ 145-45. Number of principal buildings limited.

Any parcel utilized for single-family or two-family dwelling purposes shall not contain more than one (1) principal building.

§ 145-45.1 Single-family cluster option in the R-1 and R-2 zones.

The following two cluster options are permitted development alternatives in the R-1 and R-2 residential zones subject to compliance with the regulations herein established.

- A. Open space cluster. In order to provide incentives for the dedication of open space adjacent to existing Township land, single-family detached homes may be clustered under the open space cluster option in the R-1 and R-2 residential zones subject to compliance with the following provisions:

- (1) A minimum of 10 contiguous acres is required in order to develop under the open space cluster option.
- (2) Building density under this cluster option shall be increased from approximately 1.75 units per gross acre to 2.5 units per gross acre in the R-1 Residential Zone, and from approximately 2.3 units to 3.3 units per gross acre in the R-2 Residential Zone.
- (3) Lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein. While minimum lot size and frontage is not specified herein, the general design shall be in conformance with good planning practices and shall be approved by the Board.
- (4) Bulk regulations concerning minimum lot width and yard areas are reduced proportionately to the individual reductions in lot size.
- (5) A minimum of 20% of the tract shall be dedicated to the Township of North Brunswick. Lands to be so dedicated shall be contiguous to existing recreation areas and school sites where possible.
- (6) Land to be conveyed for public use shall be improved by the applicant in accordance with applicable Township standards prior to dedication.

- B. Variable lot size cluster. In order to provide the design flexibility necessary to allow for the preservation of environmentally sensitive lands such as lands which are subject to flooding on a recurring basis, single family detached homes may be clustered under the variable lot size cluster option in the R-1 and R-2 residential zones subject to compliance with the following provisions:

- (1) No minimum tract size is required in order to exercise the variable lot size provision. However, in order to exercise this provision the applicant is required to demonstrate to the Board that sensitive environmental lands or natural features would best be preserved by utilizing the variable lot size provision.
- (2) In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of lot size and lot width requirements specified in the schedule of district regulations.
- (3) Lot sizes may be varied to the extent that not more than 50 percent of the lots may have lot areas and lot widths of not less than 60 percent of that generally required in the zone, provided that the remainder of the lots are increased in area so that the average lot size will be not less than 20,000 square feet in the R-1 zone and 15,000 square feet in the R-2 zone.
- (4) The Board, in passing on such plats, shall consider the physical characteristics of the land, including the topography of the land and the sensitivity of lands subject to flooding on a recurring basis, in order to determine whether such variation in lot size will provide a better layout of the subdivision and a better use of the land for building sites than would a conventional subdivision with uniform lot size.
- (5) Bulk regulations concerning minimum lot width and yard areas are reduced proportionately to the individual reductions in lot size.

§ 145-45.2. Affordable housing requirements.

- A. Applicability and density controls. With the exception of residential tracts which are governed by Court Order resulting from litigation known as the Urban League of Greater New Brunswick et al. vs. Township of North Brunswick, all residential developments which result in gross densities exceeding 4 units per acre shall provide for at least 15% of the total number of units to be set aside for low and moderate income households; provided, however, that any such tract developed at a gross density of 7 or more units per acre shall provide at least 20% of the total number of units for low and moderate income households.

Lower income units in all developments containing set aside units shall contain an appropriate bedroom mix.

- B. Construction phasing. In all developments where low and moderate income units are provided, the low income units and the moderate income units shall each be continuously phased in with the construction of the market units, on a schedule to be approved by the Board as part of the development approval.
- C. Location requirements. The low and moderate income units shall be sufficiently integrated within the development so as to avoid undue concentration and physical isolation of said units and to ensure that said units are reasonably accessible to any common open space, public facilities, public transportation and shopping facilities available to the rest of the development.
- D. Affirmative marketing requirements. All developers of low and moderate income units shall affirmatively market those units to persons of low and moderate income,

irrespective of race, color, sex, religion or national origin. Such affirmative marketing shall include advertisement in newspapers with general circulation in the urban core areas located in the 11-county present need region identified in the Court-appointed Expert's Report dated April 2, 1984. Said developer shall notify local fair housing centers, housing advocacy organizations, Urban Leagues, and governmental social service and welfare departments located within the 11-county region of the availability of low and moderate income units. All marketing practices shall comply with applicable federal and state laws against discrimination.

ARTICLE VI  
R-1 Residential District

§ 145-46. Uses.

The following uses are permitted in R-1 Residential Districts:

A. Permitted principal uses.

- (1) Single-family detached dwellings.
- (2) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses.

- (1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses.

- (1) Signs, in accordance with Article XXV of this chapter.
- (2) Private swimming pools, subject to § 145-94 of this chapter.
- (3) Fences, in accordance with § 145-93 of this chapter.
- (4) Television antennas, not exceeding fifteen (15) feet in height from the roof of the main structure and other restrictions as noted in Article V of this chapter.
- (5) Private garages, yard utility buildings or storage buildings permanently installed on a concrete base at least six (6) inches thick or other equally permanent installation or approved by the Construction Official.
- (6) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

D. Conditional uses (subject to Article XXIV of this chapter):

- A) Community residence for the developmentally disabled, housing more than six (6) persons.

§ 145-47. Development standards.

- A. If a single-family home is proposed to be developed adjacent to an apartment or non-residential use which does not include a buffer area in accordance with the

requirements of this chapter, then an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added along any required side or rear yard which abuts said apartment or non-residential use.

- B. All properties and uses shall also be subject to the general provisions under Article IV.
- C. Nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is available to meet the requirements, and where there are existing homes on either side, the minimum lot width and/or area shall be ninety percent (90%) of the present zoning requirements, provided that the proposed structure shall meet all other zoning requirements.

§ 145-48. Reserved.

ARTICLE VII  
R-2 Residential District

§ 145-49. Permitted uses.

The following uses are permitted in R-2 Residential Districts.

A. Permitted principal uses:

- (1) Single-family detached dwellings.
- (2) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

- (1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses:

Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

- (1) Private and parochial schools.
- (2) Churches and places of worship.
- (3) Public utilities.
- (4) Community residence for the developmentally disabled, housing more than six (6) persons.

§ 145-50. Development standards.

- A. If a single-family home is proposed to be developed adjacent to an apartment or non-residential use which does not include a buffer area in accordance with the requirements of this chapter, then an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added along any required side or rear yard which abuts said apartment or non-residential use.
- B. All properties and uses shall also be subject to the general provisions under Article IV.



- C. For nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is available to meet the requirements and where there are existing homes on either side, the minimum lot width and/or area shall be seventy-five percent (75%) of the present zoning requirements, provided that both municipal water and sanitary sewers are available and are to be used, and further that the proposed structure shall meet all other zoning requirements.

ARTICLE VIII  
R-3 Residential District

§ 145-51. Permitted uses.

The following uses are permitted in R-3 Residential Districts:

A. Permitted principal uses:

- (1) Single-family detached dwellings.
- (2) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

- (1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses:

Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

- (1) Private and parochial schools.
- (2) Churches and places of worship.
- (3) Public utilities.
- (4) Philanthropic and eleemosynary uses.
- (5) Community residence for the developmentally disabled, housing more than six (6) persons.

§ 145-52. Development standards.

Same as specified in 145-50 for the R-2 Residential Zone.

ARTICLE IX  
R-4 Residential District

§ 145-53. Permitted uses.

The following uses are permitted in R-4 Residential Districts:

A. Permitted principal uses:

- (1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

(1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses:

Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

(1) Private and parochial schools.

(2) Churches and places of worship.

(3) Public utilities.

(4) Philanthropic or eleemosynary uses.

(5) Boardinghouses and rooming houses.

(6) Community residence for the developmentally disabled, housing more than six (6) persons.

#### § 145-54. Development standards.

A. If a single-family home is proposed to be developed adjacent to an apartment or non-residential use which does not include a buffer area in accordance with the requirements of this chapter, then an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added along any required side or rear yard which abuts said apartment or non-residential use.

B. All properties and uses shall also be subject to the general provisions under Article IV.

C. For nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is available to meet the requirements, and where there are existing homes on either side, the minimum lot width and/or area shall be (2/3) of the present zoning requirements, provided that the proposed structure shall meet all other zoning requirements.

### ARTICLE IXA R-4A Residential District

#### § 145-54.1. Uses.

The following uses are permitted in R-4A Residential Districts:

A. Permitted principal uses.

(1) Single-family detached dwellings.

(2) Temporary buildings for use incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses.

(1) Off-street parking, subject to Article XXIV of the chapter.

C. Permitted accessory uses.

Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

Same as specified in 145-53.D. for the R-4 Residential Zone.

§ 145-54.2. Development standards.

Same as specified in 145-54 for the R-4 Residential Zone.

ARTICLE X  
R-5 Residential District

§ 145-55. Permitted uses.

The following uses shall be permitted in R-5 Residential Districts:

A. Permitted principal uses:

(1) Garden apartments.

(2) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

(3) Temporary sales and/or rental offices.

B. Required accessory uses:

(1) Signs, in accordance with Article XXV of this chapter.

(2) Fences, in accordance with § 145-93 of this chapter.

(3) Television antennas not exceeding fifteen (15) feet in height from the roof of the main structure and subject to other restrictions as noted in Article IV of this chapter.

(4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

D. Conditional uses (subject to Article XXIX of this chapter):

(1) Community residences for the developmentally disabled, housing more than six persons.

§ 145-56. Development standards for garden apartments.

A. The following project design requirements for garden apartments are in addition to those specified in 145-4.1., Schedule of District Regulations:

- (1) Minimum front yard setback: 100 feet from state and federal highways, 50 feet from existing and proposed Township streets, and thirty-five (35) feet from all other internal streets and roadways.
- (2) Maximum density: ten (10) dwelling units per acre.
- (3) There shall be not more than twenty (20) contiguous dwelling units in each building.
- (4) The length of any one (1) building shall not exceed one hundred seventy-five (175) feet.
- (5) The project shall be designed to avoid straight unbroken lines. There shall be no more than four (4) dwelling units in a line without a variation in setback equal to a minimum of ten (10) feet in the exterior surface or building elevation.
- (6) Each building unit shall have a master television antenna.
- (7) All buildings shall be of fire-resistant material and shall comply with the provisions of the township's Fire Prevention Code.
- (8) The design layout of garden apartment structures shall be such that the front of one building does not face the back of another building. When buildings are arranged front-to-back, they shall be separated by a minimum of one hundred (100) feet.
- (9) The architecture of all buildings shall be compatible with structures on adjacent lands and in the neighborhood.
- (10) All buildings shall supply, in an enclosed basement area, laundry facilities for the use of the occupants of the building unless such facilities are provided within each unit.
- (11) All buildings shall be clearly identified by posting of building numbers.

B. Individual apartment units shall comply with the following design requirements:

- (1) Every dwelling unit shall have two (2) separate means of ingress and egress from the building in which it is located.
- (2) All apartment units shall include complete kitchen facilities, toilets and bathing and washing facilities, as well as living space.
- (3) Each dwelling unit shall contain at least one (1) clothes closet with a minimum floor area of forty (40) square feet for the main bedroom and twenty (20) square feet for each other bedroom or similar facility. Where two (2) bedrooms are provided in a dwelling unit, a linen closet with a minimum floor area of fifteen (15) square feet and a storage closet with a floor area of at least twenty-five (25) square feet shall be provided within each dwelling unit.
- (4) In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit four hundred twenty (420) cubic feet of storage area in a convenient, centrally located area in the basement or ground floor of the dwelling structure or elsewhere where personal belongings and effects may be stored

without constituting a fire hazard and where said belongings and effects may be kept locked and separated from belongings of other occupants.

- (5) All walls separating apartment units shall be of masonry construction not less than eight (8) inches in thickness or the equivalent in terms of sound transmission loss factor. Each apartment shall be separated from adjacent apartments by nonhabitable spaces such as bathrooms, kitchens, stairs or mechanical areas.
- (6) The floor area per dwelling unit shall not be less than the following: 500 square feet for efficiency apartments; 600 square feet for one-bedroom units; and 700 square feet for two-bedroom units.
- (7) Excluding bathrooms, closets, halls and stairways, bedrooms shall have a minimum floor area of one hundred (100) square feet.
- (8) No dwelling unit shall be located above the second floor or below the first floor.
- (9) Each dwelling unit shall contain at least one (1) fully equipped bathroom of at least forty-five (45) square feet, not including closet space.

C. All apartment projects must comply with the following open space and recreation requirements:

- (1) A playground area or areas shall be provided at the rate of at least four hundred fifty (450) square feet per dwelling unit. Outdoor play equipment shall be installed in each playground, in sufficient amount and variety to service to occupants of the project. A swimming pool area or areas may be installed as approved by the Planning Board and Recreation Committee. All recreational areas which are adjacent to a public street or internal roadway shall be separated from said roadway by a fence at least four (4) feet in height. In an active recreation area or areas, an auxiliary building or buildings shall also be erected in conjunction with said pool or pools.
- (2) For the purpose of this provision, "usable open space" shall be exclusive of front yard, service driveways, parking areas, loading or storage areas, drying yards, etc. and shall be maintained exclusively for residents of the apartment house and their guests.
- (3) Active and passive recreation areas shall not be located closer than twenty (20) feet to a road or driveway.

D. Off-street parking, driveway and roadway requirements:

- (1) A minimum of two (2) off-street parking spaces shall be provided for each unit.
- (2) Parking shall be prohibited along internal streets, in required front yard areas and in usable open space areas.
- (3) No off-street parking area shall be located within sixty (60) feet of any adjoining property line of a single-family use.
- (4) Off-street parking areas shall be physically separated from streets and roads by curbs, constructed in accordance with Township specifications.
- (5) Parking areas shall be constructed in accordance with provisions established in this chapter and

shall be graded, piped and provided with catch basins so as to adequately drain the entire area to the satisfaction of the Township Engineer.

- (6) In any apartment project where more than sixty (60) open parking spaces are required, the parking area shall be divided into sections each not exceeding sixty (60) open parking spaces, and such sections shall be separated by grassed or landscaped areas at least five (5) feet in width, except that such dividing strips may be sidewalks or walkways, provided that the same meet specifications of the Township Engineer.
- (7) All off-street parking shall be located on the immediate apartment house property.
- (8) Streets not leading into parking areas shall be cul-de-sac in design with sufficient turning area and radius for emergency vehicles.
- (9) All interior streets and related improvements shall be maintained by the apartment owner.
- (10) All roadways within the garden apartment area shall provide a minimum paved roadway of thirty-six (36) feet.

E. Other provisions.

- (1) Where a garden apartment development abuts an area zoned for single-family, industrial or commercial use. Said development shall provide a 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, within the required side or rear yard which abuts such use.
- (2) All areas not devoted to structures, parking areas or other required uses shall be appropriately landscaped and maintained. Wherever feasible, natural features will be preserved. Landscaped areas, playgrounds and recreational areas shall be maintained by and at the expense of the owner.
- (3) No buildings, including garages, other accessory structures, interior streets and driveways, parking areas or play areas may be located in the buffer strip.
- (4) All buildings shall be setback a minimum of 10 feet from driveways and parking lots, and 35 feet from internal roadways.
- (5) A garbage and refuse storage and collection area which is accessible for disposal and collection shall be provided at the rear of each building and shall be adequately screened from view on three (3) sides. The collection and removal of garbage and refuse shall be the responsibility of the owners.
- (6) One (1) nonilluminated project identification sign shall be permitted on each public street on which the garden apartment development has frontage. The project name, address and vacancy status may be advertised. Such signs shall not exceed sixteen (16) square feet total aggregate area of all sides with a maximum height of four (4) feet located within the property lines. No signs shall be attached to buildings nor shall any other signs other than pedestrian or vehicular directional signs be visible from the premises.
- (7) Topsoil shall not be removed from the site during construction but shall be stored and redistributed

to areas most exposed to view by occupants and the public, and such areas shall be stabilized by seeding or planting.

- (8) Interior roadways, parking areas, dwelling to transeways and walkways shall be sufficiently illuminated to minimize hazards to pedestrians and motor vehicles. All luminaries shall be directed downward and properly shielded to avoid disturbing glares to occupants, buildings and adjoining properties and public streets.
- (9) Grading, paving, storm drain and catch basin construction shall be in accordance with Township standards as required by this chapter.
- (10) At least one (1) full-time resident superintendent shall be responsible as agent for the owner for the care, supervision and maintenance of the project. In developments larger than two hundred (200) dwelling units, an additional full-time maintenance person shall be provided for each one hundred (100) dwelling units or fraction thereof in the development.
- (11) All utilities necessary to serve garden apartment developments shall be installed underground in accordance with Township standards as specified in this chapter.
- (12) Other standards and conditions relating to the site plan review and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the Planning Board.
- (13) All properties and uses shall also be subject to the general provisions under Article IV. Prior to issuance of a construction permit all uses other than a single- or two-family detached structure shall be subject to site plan approval in accordance with Article XXVIII.
- (14) No licensed commercial vehicle with a manufacturer's rated capacity of more than three-fourths (3/4) ton shall be parked on any street overnight in this residential zone.
- (15) Electrical meters shall be installed within all buildings.
- (16) Nonconforming residential uses located in this zone shall be permitted to have accessory buildings as permitted in the R-2 Zone in accordance with the provisions of the R-2 Zone.

#### ARTICLE XI

#### R-6 (PRD) Planned Residential Development District

##### § 145-57. Purpose.

- A. The R-6 (PRD) Planned Residential District is intended to permit the construction of planned developments having a high quality of layout and design which will stabilize and enhance the character of the area, promote the conservation and protection of natural features, provide a mix of housing types and promote the healthy, safety and general welfare of the entire Township.
- B. The purposes of the following regulations are to:



- (1) Improve the feasibility of creating attractive and usable open space within developments.
- (2) Preserve desirable natural features and tree cover.
- (3) Preserve conditions under which the layout of lots, buildings, streets and other features of land development can be achieved in both an attractive and practical manner.
- (4) Encourage forms of development which will be beneficial to the overall Township.

§ 145-58. Permitted uses.

The following uses are permitted in R-6 Residential Districts:

A. Permitted uses:

- (1) Single-family homes
- (2) Planned residential developments (PRD) consisting of a mix of single-family dwellings and attached housing structures which are designed with 6 or less units per structure.
- (3) Economic residential developments (ERD) constructed prior to the effective date of this Ordinance; said developments consisting of a mix of single-family homes and garden apartments.
- (4) Temporary buildings incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses.

- (1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses:

Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

- (1) Community residence for the developmentally disable, housing more than six persons.

§ 145-59. Development standards differentiating Planned Residential Developments (PRD) and Economic Residential Developments (ERD).

A. Development standards for planned residential developments (PRD) are as follows:

- (1) The maximum density of a PRD shall be 3½ units per gross acre.
- (2) Single-family dwelling shall number not less than 50% of the total number of dwelling units to be constructed, and attached housing units shall not exceed 50% of the total number of dwellings to be constructed.

- (3) No attached housing structure shall consist of more than six residential units.
- (4) Lot sizes and dimensions for attached housing may be freely disposed and arranged in conformity with the overall density standards herein. While minimum lot size and frontage is not specified herein, the general design shall be in conformance with good planning practices given the number of units per structure, and shall be approved by the Board.
- (5) Single-family dwellings which are part of a PRD shall comply with the standards for one-family dwellings in the R-2 Residential Zone.

B. Development standards for economic residential development (ERD) constructed prior to the effective date of this ordinance are as follows:

- (1) The maximum density of an ERD shall be 3½ units per gross acre.
- (2) Single-family dwellings shall number not less than twenty-five percent (25%) of the total number of dwelling units to be constructed, and garden apartments shall not exceed seventy-five percent (75%) of the total number of dwellings to be constructed.
- (3) The standards for garden apartments in the R-5 Zone under § 145-56 shall apply. However, those sections concerning open space dedication shall not be applicable. Open space and common use areas may be considered to provide such open space if in the opinion of the Planning Board such space may be used conveniently by the residents of the garden apartments.
- (4) Single-family dwellings which are part of an ERD shall comply with the standards for one-family dwellings in the R-2 Residential Zone.

§ 145-60. Development standards applicable to both PRD and ERD developments.

A. PRD and ERD tract planning standards.

- (1) A minimum of 10 acres is required for PRD or ERD development.
- (2) The layout of streets shall provide for proper and safe means of vehicular access to existing and planned public streets serving the area. No dwelling unit shall have direct vehicular access to any arterial road (as designated by the Township Master Plan).
- (3) All habitable buildings shall be connected to and properly served by public water and sanitary sewer systems. All areas to be developed shall be properly drained by an approved storm drainage system.
- (4) All site improvements shall be installed in accordance with an approved plan subject to the applicable provisions of this chapter and/or the principles of sound engineering practice.
- (5) The sum total of all dwelling types shall not exceed three and one-half (3½) times the total number of acres included in the tract.
- (6) A PRD or ERD development may be developed in stages. Such staging shall be delineated on the

approved development plan or included in any written agreement setting forth the terms and conditions of approval.

- (7) Any PRD or ERD shall provide for one-family dwelling lots or reserved open space on lands contiguous to existing lots outside the PRD or ERD if said lots are smaller than five (5) acres or developed for single-family residential use. The PRD or ERD plan shall provide for an appropriate transition from preexisting uses outside the tract to the development patterns within the PRD or ERD.

B. Standards for open space and common use areas in PRD or ERD developments.

- (1) At least twenty percent (20%) of the total acreage included in the tract shall be permanently reserved for open space recreational areas (not counting street areas). Such reservation may be made either by dedication to the township or by other legal instrument approved by the Township Committee to assure the reservation and maintenance in perpetuity.
- (2) All lands subject to flooding by a ten-year-frequency storm and lands having a slope greater than twenty percent (20%) not included within lots to be conveyed or sites to be developed and areas to be utilized for required public improvements (other than streets) shall be included in the open space reservation.
- (4) Any open space that is to be established for other than the preservation of natural features, wooded areas, drainageways and similar unimproved uses shall be graded, seeded or otherwise improved by the developer as shall be set forth in the approved plan or any accompanying written agreement of the terms and conditions of approval.

§ 145-61. Additional regulations.

- A. All properties and uses shall also be subject to the general provisions under Article IV.
- B. For nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is available to meet the requirements and where there are existing homes on either side, the minimum lot width and/or area shall be ninety percent (90%) of the present zoning requirements, provided that the proposed structure shall meet all other zoning requirements.

ARTICLE XII  
R-7 Residential District

§ 145-62. Objectives.

- A. It is recognized that there exists an inadequate supply of decent, safe, rental housing for elderly persons and elderly families in the Township of North Brunswick. The lack of properly constructed rental housing specifically designed to meet the needs of the elderly at affordable rentals is a serious social problem. To correct this situation, it is necessary to provide for the erection of new dwelling units at rentals at which the elderly can afford. These specific needs and requirements can best be met through the sponsorship of an elderly housing project by a nonprofit corporation with federal assistance under the Senior Citizens' Housing Act of 1959, as amended.

- B. Since it is a public purpose and objective to secure adequate housing for the elderly, the following provisions are designed to facilitate the participation of a private nonprofit corporation to develop a senior citizen housing project. These purposes and objectives are consistent with the Senior Citizens Nonprofit Rental Housing Tax Law, N.J.R.S. 55:14I-1.

§ 145-63. Permitted uses.

The following uses shall be permitted in the R-7 Residential District:

A. Permitted principal uses:

- (1) Multistoried senior citizen apartments.
- (2) Municipal buildings and grounds.
- (3) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

- (1) Off-street parking: one (1) parking space per two (2) dwelling units. Off-street parking may be located in any front, side or rear yard area, provided that such parking is not closer than fifteen (15) feet to any property line.

C. Permitted accessory uses:

- (1) Signs, in accordance with Article XXV of this chapter.
- (2) Fences, in accordance with Article XXIII of this chapter.
- (3) Television antennas not exceeding fifteen (15) feet in height from the roof of the main structure and subject to other restrictions as noted in Article IV of this chapter.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- (5) Active and passive recreational facilities.

§ 145-64. Maximum density and special development requirements.

- A. Maximum density: fifty (50) dwelling units per acre.
- B. The developer and nonprofit sponsor shall qualify under the rules and regulations of the New Jersey supplemented (7) and the provisions of the Limited Dividend Nonprofit Housing Corporation or Association Law, Chapter 184 of the Laws of 1949, as amended and supplemented. (8)
- C. To be eligible for occupancy in a senior citizen project, an individual must be at least sixty (60) years of age or over.
- D. All properties and uses shall be subject to the general provisions under Article IV.

ARTICLE XIII  
C-1 Neighborhood Commercial District

§ 145-65. Permitted uses.

Retail uses of a neighborhood convenience nature shall be permitted in the C-1 Neighborhood Commercial District as follows:

A. Permitted principal uses:

- (1) Apparel and accessories stores.
- (2) Banks.
- (3) Drugstores.
- (4) Eating and drinking establishments (non-drive-inc).
- (5) Finance, insurance and real estate services.
- (6) Florists.
- (7) General business offices.
- (8) General merchandise stores.
- (9) Government buildings and grounds.
- (10) Grocery stores
- (11) Liquor stores.
- (12) Personal services.
- (13) Professional services.
- (14) Retail stores.
- (15) Variety stores.
- (16) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses:

- (1) Signs, subject to the provisions of Article XXV of this chapter.
- (2) Fences, subject to the provisions of § 145-93 of this chapter.
- (3) Repair services related to the permitted uses in this zone district.
- (4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- (5) Mechanical amusement devices, as defined in this chapter, provided that no more than four (4) such devices shall be permitted within any building or premises used for business purposes in this zone.

D. Conditional uses (subject to the provisions of Article XXIX of this chapter):

- (1) Public utilities.
- (2) Philanthropic or eleemosynary uses.

§ 145-66. Development standards.

- A. Minimum front yard setback: thirty-five (35) feet and one hundred (100) feet from U.S. Route 1 and U.S. Route 130.
- B. Where a proposed commercial development abuts a residential zone or a lot developed for residential uses, a buffer shall be established an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.
- C. All properties and uses shall also be subject to the general provisions under Article IV.
- D. Front yards may be utilized for parking, provided that no parking shall be closer than twenty-five (25) feet to the street line of U.S. Route 1 and U.S. Route 130 nor closer than ten (10) feet to other street lines. All nonparking areas shall be landscaped.
- E. Nonconforming residential uses located in this zone shall be permitted to have accessory buildings and uses permitted in the R-2 Zone, in accordance with the provisions of the R-2 Zone.
- F. All properties and uses are subject to the performance standards as specified in Article XXVII.

ARTICLE XIV  
C-2 General Commercial District

§ 145-67. Permitted uses.

Retail trade stores and service uses are permitted in the C-2 General Commercial District as follows:

- A. Permitted principal uses:
  - (1) Apparel and accessories stores.
  - (2) Assembly halls, theaters, bowling alleys, rollerskating and ice-skating rinks, mechanical amusement game rooms and other similar commercial recreational activities, provided that they are carried on within a building.
  - (3) Banks.
  - (4) Drugstores.
  - (5) Educational services, but excluding primary and secondary schools and colleges.
  - (6) Finance, insurance and real estate services.
  - (7) Florists.
  - (8) Furniture, home furnishings and equipment.
  - (9) General business offices.
  - (10) General merchandise.
  - (11) Governmental services.

- (12) Grocery stores.
- (13) Municipal buildings, parks and playgrounds.
- (14) Personal services.
- (15) Professional services.
- (16) Publication of newspapers and periodicals.
- (17) Retail trade stores.
- (18) Restaurants and eating and drinking places (non-drive-in).
- (19) Variety stores.
- (20) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- (21) Shopping centers.

B. Required accessory uses.

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses:

Same as specified in 145-65.C. for the C-1 Neighborhood Commercial District.

D. Conditional uses (subject to the provisions of Article XXIX of this chapter):

- (1) Public utilities.
- (2) Motor vehicle service stations.
- (3) Drive-in restaurants.
- (4) Hospitals, nursing homes and sanatoriums.
- (5) New car sales, service and showrooms.
- (6) Commercial swimming pools and swimming clubs.
- (7) Motels.
- (8) New truck sales, display service and rental.

§ 145-68. Development standards.

- A. Minimum front yard setback: One hundred (100) feet from U.S. Route 1 and U.S. Route 130 and 60 feet from all other streets.
- B. Where a proposed commercial development abuts a residential zone or a lot developed for residential uses, a buffer shall be established; an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.
- C. All properties and uses shall also be subject to the general provisions under Article IV.
- D. Front yards may be utilized for parking, provided that no parking shall be closer than ten (10) feet to the

street line and all nonparking areas shall be landscaped.

- E. Nonconforming residential uses located in this zone shall be permitted to have accessory buildings and uses permitted in the R-2 Zone in accordance with the provisions of the R-2 Zone.
- F. All properties and uses are subject to the performance standards as specified in Article XXVII.



ARTICLE XV  
G-O General Office District

§ 145-69. Permitted uses.

The following uses are permitted in G-O General Office Districts:

- A. Permitted principal uses:
  - (1) Administrative, executive and editorial offices.
  - (2) Banks and financial offices.
  - (3) Medical and dental offices and clinics.
  - (4) Professional offices.
  - (5) Real estate and other general business offices.
- B. Required accessory uses:
  - (1) Off-street parking, subject to § 145-68D of this Article and Article XXIV of this chapter.
  - (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.
- C. Permitted accessory uses:
  - (1) Signs, subject to the provisions of Article XXV of this chapter.
  - (2) Fences, subject to the provisions of § 145-93 of this chapter.
  - (3) Other customary uses and buildings which are clearly incidental to the principal use and building.
- D. Conditional uses (subject to the provisions of Article XXIX of this chapter):
  - (1) Public utilities.
  - (2) Philanthropic or eleemosynary uses.

§ 145-70. Development standards.

- A. Office buildings shall not exceed a floor-area-ratio of 1.0. The maximum floor area ratio of 1.0. shall be permitted only if the proposed project is designed to accommodate all required off-street parking spaces.
- B. Where a proposed office development abuts a residential zone or a lot developed for residential uses, an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.
- C. Front yard areas may be utilized for parking, provided that no such parking shall be closer than ten (10) feet to the street line.
- D. All properties and uses shall also be subject to the general provisions under Article IV.
- E. All properties and uses are subject to the performance standards as specified in Article XXVII.

- F. Nonconforming residential uses located in this zone shall be permitted to have accessory buildings and uses permitted in the R-2 Zone in accordance with the provisions of the R-2 zone.

§ 145-70.1 Planned office park development.

Planned office park development may be permitted in the G-O Zone, provided that the site to be developed shall contain a minimum of twenty (20) acres.

§ 145-70.2 Permitted uses for planned office park development.

The following uses are permitted in a planned office park development:

A. Permitted principal uses:

- (1) Administrative, executive and editorial offices.
- (2) Banks and financial offices.
- (3) Medical and dental offices and clinics.
- (4) Professional offices.
- (5) Real estate and other general business offices.
- (6) Experimental, research or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
- (7) Administrative and general offices where no manufacturing is performed.
- (8) Federal, state, county and municipal buildings and grounds.
- (9) Banks.
- (10) Educational services, but excluding primary and secondary schools and colleges.
- (11) Finance, insurance and real estate services.
- (12) Conference and training facilities, including assembly halls and associated housing for such conference and training facilities, which relate to the operations and functions of the various uses permitted in this section.
- (13) Computer and data processing facilities.
- (14) Office uses and regional sales facilities in combination with warehousing and distribution operations, provided that such warehousing and distribution operations do not exceed twenty percent (20%) of the facility by area.

B. Required accessory uses.

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses:

- (1) Signs, subject to the provisions of Article XXV of this chapter.

- (2) Fences, subject to the provisions of § 145-93 of this chapter.
- (3) Private recreation uses intended to provide recreational opportunities to individuals and employees associated with businesses and facilities contained within the planned office park development.
- (4) Other customary uses and buildings which are clearly incidental to the principal use and building.

§ 145-70.3. Development standards for planned office park development.

A. Area, yard and building requirements.

- (1) Minimum lot size: five (5) acres.
- (2) Minimum lot width: three hundred fifty (350) feet.
- (3) Minimum lot depth: three hundred fifty (350) feet.
- (4) Minimum front yard setback: one hundred (100) feet from U.S. Route 1 and U.S. Route 130 and sixty (60) feet from all other streets.
- (5) Minimum side yard setback.
  - (a) Either side: forty (40) feet.

Total of both sides: eighty (80) feet, except that wherever a side lot line in this zone abuts a lot in a single-family detached residential zone, a side yard of one hundred seventy-five (175) feet shall be required.

- (6) Minimum rear yard setback: seventy-five (75) feet, except that wherever a rear lot line in this zone abuts a lot in a single-family detached residential zone, a rear yard of one hundred seventy-five (175) feet shall be required.
- (7) Building height and setback.
  - (a) Maximum building height shall be sixty (60) feet, except that wherever a building is to be constructed on a lot in this zone which abuts a lot in a single-family detached residential zone, the following schedule shall apply:

[1] Thirty-five (35) feet, provided that wherever a building is to be constructed on a lot in this zone the side or rear lot line of which abuts a lot in a single-family detached residential zone, a building setback of one hundred seventy-five (175) feet shall be provided which shall include a one-hundred-foot-buffer in accordance with the applicable provisions of this chapter.

[2] Forty (40) feet, provided that wherever a building is to be constructed on a lot in this zone the side or rear lot line of which abuts a lot in a single-family detached residential zone, a building setback of two hundred (200) feet shall be provided which shall include a one-hundred-foot buffer in accordance with the applicable provisions of this chapter.

[3] Fifty (50) feet, provided that wherever a building is to be constructed on a lot in this zone the side or rear lot line of which abuts a lot in a single-family detached residential zone, a building setback of two hundred fifty (250) feet shall be provided which shall include a one-hundred-twenty-five foot buffer in accordance with the applicable provisions of this chapter.

[4] Sixty (60) feet, provided that wherever a building is to be constructed on a lot in this zone the side or rear lot line of which abuts a lot in a single-family detached residential zone, a building setback of three hundred (300) feet shall be provided which shall include a one hundred fifty-foot buffer in accordance with the applicable provisions of this chapter.

(b) Buildings to be constructed on lots which do not abut a single-family detached residential zone shall be set back from the boundary line of a single-family detached residential zone in accordance with the minimum setback requirements of Subsection A(7)(a).

(8) Required Buffer. Required side and rear yard setbacks shall include a 30' landscaped buffer designed in accordance with Article XXVI when said side or rear yard abuts a residentially zoned or developed lot.

(9) Maximum lot coverage: forty percent (40%).

B. Conditional uses (subject to the provisions of Article XXIX of this chapter):

(1) Public utilities.

(2) Philanthropic or eleemosynary uses.

C. Accessory buildings.

(1) An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building.

(2) Detached accessory buildings, yard utility buildings and storage buildings are permitted in the rear yard only, but may not be constructed or installed within any required buffer area.

(3) On through lots, no accessory buildings erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on that part of the street which said yard abuts.

(4) Accessory buildings shall be set back a minimum of twenty (20) feet from all property lines, except that where the yard abuts a single-family detached residential zone, the accessory building shall be set back a minimum of forty (40) feet.

D. Other provisions.

(1) No railroad tracks or siding shall be erected within one hundred fifty (150) feet or any side or rear lot line that abuts a residential zone or use.

- (2) The installation of railroad tracks shall be subject to the North Brunswick ordinance included as Chapter 111, Railroad Tracks, of this Code.
- (3) All properties and uses shall also be subject to the general provisions of Article IV.
- (4) No parking area or driveway shall be located within fifty (50) feet of any side or rear lot line that abuts a lot in a single-family detached residential zone.
- (5) No tree having a diameter of more than three (3) inches and a height of three (3) feet from the ground and located within one hundred (100) feet of any side or rear lot line that abuts a residential zone or lot utilized for residential purposes shall be removed unless such removal is in accordance with a plan approved by the Planning Board.
- (6) All properties and uses are subject to the performance standards as specified in Article XXVII.
- (7) Nonconforming residential uses located in this zone shall be permitted to have accessory buildings and uses permitted in the R-2 Zone in accordance with the provisions of the R-2 Zone.

ARTICLE XVI  
I-1 Industrial District

§ 145-71. Permitted uses.

The following uses are permitted in I-1 Industrial Districts:

A. Permitted principal uses:

- (1) Light manufacturing, processing, producing or fabricating operations which meet the performance standards for the zone, provided that all operations and activities, except parking, are conducted within enclosed buildings and that there is no outside storage of material, equipment or refuse.
- (2) Experimental, research or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive operations beyond the boundaries of the property involved.
- (3) Administrative and general offices where no manufacturing is performed.
- (4) Federal, state, county and municipal buildings and grounds.
- (5) Warehouses and distribution centers.

B. Required accessory uses:

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses:

- (1) Signs, subject to the provisions of Article XXV of this chapter.

- (2) Fences, subject to the provisions of § 145-93 of this chapter.
  - (3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- D. Conditional uses (subject to the provisions of Article XXIX of this chapter);
- (1) Public utilities.

§ 145-72. Development standards.

- A. Minimum front yard setback: one hundred (100) feet from U.S. Route 1 and U.S. Route 130 and sixty (60) feet from all other streets.
- B. Where a proposed non-residential development abuts a residential zone or a lot developed for residential uses, an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.
- C. Accessory buildings.  
  
Same as specified in 145-70.3.C. for planned office park development in the G-O Zone.
- D. Other provisions.  
  
Same as specified in 145-70.3.D. for planned office park development in the G-O Zone.

§ 145-73. Industrial park development.

Planned industrial park development may be permitted in the I-1 Zone, provided that the site to be developed shall contain a minimum of ten (10) acres.

- A. Area, yard and building requirements.
  - (1) Minimum lot size: one (1) acre.
  - (2) Minimum lot width: two hundred (200) feet.
  - (3) Minimum lot depth: two hundred (200) feet.
  - (4) Minimum side and rear yard setbacks. Minimum rear and side yard setbacks may be reduced proportionately to the individual reductions in lot area.
- B. Other provisions. All other requirements for industrial development shall conform to those established under the I-1 District and other applicable requirements of this chapter.

ARTICLE XVII  
I-2 Industrial District

§145-74. Permitted uses.

The following uses are permitted in I-2 Industrial District.

- A. Permitted principal uses:
  - (1) Light manufacturing, processing, producing or fabrication operations which meet the performance standards for the zone, provided that all opera-

tions and activities, except parking, are conducted within enclosed buildings and that there is not outside storage of material, equipment or refuse.

- (2) Experimental, research or testing laboratories, provided that no operation shall be conducted or testing operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
- (3) Administrative and general offices where no manufacturing is performed.
- (4) Federal, state, county and municipal buildings and grounds.
- (5) Warehouses and distribution centers.
- (6) Sheet metal fabricating, provided that no danger to life, limb or property is created beyond the limits of the lot and that no objectionable noise, smoke, dust, gas, glare or effluent is emitted the effect of which is noticeable outside the I-2 Industrial Zone.

**B. Required accessory uses:**

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

**C. Permitted accessory uses:**

- (1) Signs, subject to the provisions of Article XXV of this chapter.
- (2) Fences, subject to the provisions of § 145-93 of this chapter.
- (3) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

**D. Conditional uses (subject to the provisions of Article XXIX of this chapter): None.**

**§ 145-75. Development standards.**

- A. Minimum front yard setback: one hundred (100) feet from U.S. Route 1 and U.S. Route 130 and sixty (60) feet from all other streets.
- B. Where a proposed non-residential development abuts a residential zone or a lot developed for residential uses, an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.
- C. Accessory buildings.  
Same as specified in 145-70.3.C. for planned office park development in the G-0 Zone.
- D. Other provisions.  
Same as specified in 145-70.3.D. for planned office park development in the G-0 Zone.

**§ 145-76. Industrial park development.**

Planned industrial park development may be permitted in the I-2 Zone, provided that the site to be developed shall contain a minimum of twenty (20) acres.

- A. Area, yard and building requirements.
  - (1) Minimum lot size: two (2) acres.
  - (2) Minimum lot width: two hundred fifty (250) feet.
  - (3) Minimum lot depth: three hundred (300) feet.
  - (4) Minimum side and rear yard setbacks. Minimum rear and side yard setbacks may be reduced proportionately to the individual reduction in lot area.
- B. Other provisions. All other requirements for industrial developments shall conform to those established under the I-2 District and other applicable requirements of this chapter.

**ARTICLE XVIII**  
**ERR Education-Recreation-Research District**

**§ 145-77. Permitted uses.**

The following uses are permitted in the ERR Districts:

- A. Permitted principal uses:
  - (1) University and college-type facilities, except dormitories or other types of housing.
  - (2) Agriculture and farming.
  - (3) Research plants.
  - (4) Philanthropic or eleemosynary uses.
  - (5) Federal, state, county and municipal buildings and grounds, including public schools, parks and playgrounds, but not including workshops, warehouses, garages and storage yards.
  - (6) Cemeteries.
- B. Required accessory uses:
  - (1) Off-street parking, subject to the provisions of Article XXIV.
  - (2) Off-street loading, subject to the provisions of Article XXIV.
- C. Permitted accessory uses:
  - (1) Signs, subject to the provisions of Article XXV.
  - (2) Fences, subject to the provisions of § 145-93.
  - (3) Other customary uses and buildings which are clearly incidental to the principal use and building.
- D. Conditional uses (subject to the provisions of Article XXIX of this chapter):
  - (1) Public utilities.
  - (2) County penal facilities.



E. Prohibited uses:

- (1) Dormitories or other types of student or faculty housing shall be prohibited.

§ 145-78. Development standards.

- A. Minimum front yard setback: two hundred (200) feet from state and federal highways and one hundred (100) feet from all other streets.
- B. Where a proposed non-residential or dormitory development abuts a residential zone or a lot developed for residential uses, an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.

ARTICLE XIX  
TMU Transitional Mixed Use District

§ 145-79. Purpose.

This zone has been designed in order to provide for a mixture of land use types which acknowledges the non-residential development potential of large vacant tracts of land with frontage on Route 1, while also providing for transitional housing types to act as a buffer between permitted non-residential development and established residential developments abutting this zone.

However, it is not intended to preclude development of 100% of this zone for large scale, non-residential development. Therefore, the zone is designed to incorporate substantial buffer areas in place of transitional housing types to provide for compatibility of land use in the event that no residential development is proposed.

§ 145-79.1 Properties subject to additional regulations resulting from Court Order in litigation known as the Urban League of Greater New Brunswick, et. al. vs. the Township of North Brunswick.

Certain properties shall, as a result of Court Order, comply with the additional standards specified in 145-79.3.D. These properties are identified by block and lot number as follows:

<u>Block</u>	<u>Lot</u>
4.05	47, 75.01, 105, 106, 107, 119
74	25, 26, 27, 28, 31.01, 31.02, 1.01, 1.02

§ 145-79.2. Permitted uses.

The following uses are permitted in the Transitional Mixed Use Zone:

A. Principal uses:

- (1) General and professional office use.
- (2) Warehousing facilities, limited in accordance with 145-79-3.A (5).
- (3) Research facilities.
- (4) Convenience commercial uses and restaurants, limited in accordance with 145-79.3.A.(4).
- (5) High technology industrial uses where it can be demonstrated that the use is not incompatible with residential development.

- (6) Single-family dwellings.
  - (7) All types of attached housing structures subject to compliance with the development standards of 145-79.3.B.
  - (8) Hotel/convention facilities developed as one facility.
  - (9) Public buildings and uses.
- B. Required accessory uses:
- (1) Off-street parking, subject to § 145-68D of this Article and Article XXIV of this chapter.
  - (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.
- C. Permitted accessory uses: Any accessory use permitted in existing residential, commercial, office and industrial zones provided that the use can be demonstrated to be ancillary to a principal use on the site.
- D. Conditional uses (subject to the provisions of Article XXIX of this chapter):
- (1) Churches and places of worship.
- E. Prohibited uses. Any non-residential use which will result in a hazardous, noxious or offensive condition beyond the confines of the building.

§ 145-79.3. Development standards.

- A. Overall tract planning standards for tracts of 45 acres or more. Tracts of 45 acres or more may be developed for mixed use development in accordance with the following standards:
- (1) Minimum tract size.
  - (2) Minimum percentage of land developed for non-residential purposes. 40% of the total acreage.
  - (3) Minimum percentage of office use. 40% of the non-residential floor space.
  - (4) Maximum amount of retail commercial development. 5% of the non-residential floor space.
  - (5) Maximum amount of warehousing: 40% of the non-residential floor space.
  - (6) Land use along Route 1 frontage. All lands with frontage on Route 1 shall be developed for office-professional use.

- (7) Height restrictions. Office development shall not exceed 60' in height. Residential structures shall not exceed 3 stories or 36 feet. However, residential structures exceeding 2½ stories are permitted only if developed in conjunction with office development of 3 or more stories in height.
  - (8) Locational requirements. While the location of residential and non-residential development within the zone is not specifically delineated in this section, the appropriateness of proposed locations and transitions between non-residential and residential land uses shall be in accordance with good planning practices and shall be approved by the Board.
  - (9) Flexible development regulations. Lot sizes and dimensions and other bulk requirements are not specified herein. However, said design shall be in accordance with good planning practices and shall be subject to Board approval.
- B. Tract planning standards for tracts which are less than 45 acres. On tracts which are less than 45 acres, no mixed use development shall be permitted. However, these tracts may be developed in accordance with the following:
- (1) The minimum area required for development is 2.5 acres.
  - (2) Land within 500 feet of Route 1, shall be developed only for non-residential uses which are permitted in section 145-79.2.A. Such a non-residential development may extend beyond 500 feet from Route 1 if buffered from residential development in accordance with buffer requirements of this section.
  - (3) Land which is in excess of 500 feet from Route 1 may be developed for residential uses permitted in section 145-79.2.A. However, residential development densities for housing which is developed on tracts of less than 45 acres shall be equal to 60% of the net density permitted for a mixed use development in section 145-79.3.C.(2). In no event shall the density of development exceed 6 units per acre. The development standards of section 145-79.3.c.(3)-(13) shall apply.
- C. Residential development standards for tracts of 45 acres or more.
- (1) Gross residential density. 5.5 units per acreage of the tract, with the exception of tracts which were litigated and are governed by Court Order in accordance with 145-79.3.D.
  - (2) Net residential density. 10 units per acre devoted to residential use, with the exception of tracts which were litigated and are governed by Court Order in accordance with 145-79.3.D.
  - (3) Residential housing mix. In order to assure a diversity of residential housing types, attached housing structures with 5 or more units per structure shall not exceed 75% of the total number of dwelling units to be constructed. With the exception of the above limitation, no minimum or maximum percentages of alternative housing resources are prescribed herein.
  - (4) Locational and buffer requirements for attached housing: No attached housing structure is to be

constructed adjacent to an existing single-family property unless setback 75' from said property. Included in this setback shall be a 30 foot buffer strip designed in accordance with Article XXVI of this Chapter. 3 story attached housing structures shall be setback 150' from existing single-family properties. Included in said setback shall be a 50' buffer in accordance with Article XXVI of this chapter.

- (5) Minimum setback distances from roadways, parking areas and non-residential uses. All residential structures shall comply with the following minimum setback requirements:
  - (a) 50 feet from existing proposed Township roads.
  - (b) 35 feet from private internal roads; said setback measured from the edge of pavement to the building.
  - (c) 10 feet from off-street parking areas.

- (d) 100 feet from adjacent non-residential uses.
- (6) Lot configuration. Lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein. However, said design shall be in accordance with good planning practices and shall be subject to Board approval.
- (7) Buffer requirements. A 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be required between any residential and non-residential uses, even if said uses are separated by a public or private roadway.
- (8) Minimum distance between buildings. 20 feet between structures which do not exceed 2 stories; 30 feet between all others.
- (9) Maximum building height. 3 stories or 35 feet.
- (10) Maximum number of units per structure. 20 units for two-story buildings and 30 units for 3 story buildings.
- (11) Variation in setback. No structure shall have more than two continuous attached dwelling units with the same front and rear building line. Variations shall have a minimum of 4 feet in such front and rear building lines.
- (12) Proximity of parking. Off-street parking spaces shall be located within reasonable distance of the building which they are intended to serve.
- (13) Signs. One (1) nonilluminated project identification sign shall be permitted for each access road into the development. Such sign must generally conform to the design of the proposed project and shall not exceed 50 square feet in area.

D. Standards applicable to designated properties cited in 145-79.1.

- (1) Standards applicable to lots 47, 75.01, 105, 106, 107 and 119 in block 4.05:
  - (a) Residential acreage and number of residential units. A maximum of 100 acres shall be developed for residential use, and in no case shall the number of residential units to be constructed exceed 1000 units.
  - (b) Affordable housing requirement. No less than 200 of the dwelling units approved for construction on this tract shall be marketed at a price which makes them affordable to lower income families in accordance with the regulations of the Township of North Brunswick Affordable Housing Ordinance.  
  
1/3 of these units (67) shall be affordable by low income households and the remaining 2/3 of these units (133) affordable by moderate income households.
  - (c) Non-residential construction. A minimum of 672,000 square feet of non-residential space shall be constructed in accordance with 145-79.3.A.
  - (d) Location of collector roadway. A collector road, running parallel to Route 1 between the residential and non-residential portions of

the tract, shall be constructed to provide primary access to non-residential development fronting on Route 1.

- (2) Standards applicable to lots 25, 26, 27, 28, 31.01, 31.02, 1.01 and 1.02 in block 74:
  - (a) Maximum residential acreage and number of residential units. A maximum of 38 acres shall be developed for residential purposes, and in no case shall the number of residential units exceed 380 units.
  - (b) Affordable housing requirement. No less than 76 of the dwelling units approved for construction on this tract shall be marketed at a price which makes them affordable to lower income families in accordance with the regulations of the Township of North Brunswick Affordable Housing Ordinance.

1/3 of these units (25) shall be affordable by low income households and the remaining 2/3 of these units (51) affordable by moderate income households.
  - (c) Non-residential construction. A minimum of 7 acres shall be developed for non-residential use in accordance with 145-79.3.A.
- (3) Standards applicable to lower income units in both tracts.
  - (a) Additional controls on lower income units. Designated lower income units shall be subject to price, rental, occupancy and resale controls as established by the Township of North Brunswick's Affordable Housing Ordinance.
  - (b) Construction phasing and marketing of lower income units. Construction phasing and affirmative marketing requirements imposed on the builder with respect to lower income units shall be in accordance with Court Order.
  - (c) Location of lower income units. Lower income units shall be scattered throughout the residential development portion of the tract, and no more than 50% of the units in any attached housing structure shall be designated as lower income units.

#### § 145-79.4. Other provisions.

All other requirements for PUD developments in sections 145-87 through 145-92 shall apply to development in the TMU Zone unless such requirement is in conflict with the regulations governing the TMU Zone or other stipulation of Court Order.

#### ARTICLE XIX.A. O-R Office Research District

#### § 145-80. Purpose.

The purpose of this zone is to encourage large scale coordinated development of office research facilities in order to capitalize on the tract's location at a grade separated interchange on Route 1. The size and location of the tract lends itself to development at a greater intensity of land use than

other available non-residential areas in the Township. As such, development standards have been established to encourage integrated development for corporate office and research facilities.

§ 145-81. Permitted uses.

The following uses are permitted in the O-R Office Research District:

A. Permitted principal uses:

- (1) Administrative, executive and editorial offices.
- (2) Banks and financial offices.
- (3) Medical and dental offices and clinics.
- (4) Professional offices.
- (5) Experimental, research or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
- (6) Administrative and general business offices where no manufacturing is performed.
- (7) Educational services, but excluding primary and secondary schools and colleges.
- (8) Finance and insurance offices.
- (9) Hotel/convention facilities provided that only those retail and service uses which are ancillary to the principal use shall be permitted.
- (10) Computer and data processing facilities.

B. Required accessory uses.

- (1) Off-street parking, subject to the provisions of Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses.

- (1) Signs, subject to the provisions of Article XXV of this chapter.
- (2) Fences, subject to the provisions of § 145-93 of this chapter.
- (3) Private recreation uses intended to provide recreational opportunities to individuals and employees associated with businesses and facilities contained within the development.
- (4) Other customary uses and buildings which are clearly incidental to the principal use and building.

§ 145-81.1 Development standards.

A. Area, yard and building requirements.

(1) Minimum front yard setback: one hundred (100) feet from U.S. Route 1 and sixty (60) feet from all other streets.

(2) Minimum side yard setback:

(a) Either side: forty (40) feet.

Total of both sides: eighty (80) feet, except that wherever a side yard of a building which is proposed to exceed 30 feet in height abuts a lot in a single-family detached residential zone, the minimum required side yards shall increase in accordance with 145-81.1.A.(4).

(3) Minimum rear yard setback: seventy-five (75) feet, except that wherever the rear yard of a building which is proposed to exceed 30 feet abuts a lot in a single-family detached residential zone, the minimum required rear yards shall increase in accordance with 145-81.1.A.(4).

(4) Building height and setback: The maximum building height shall be 75 feet; provided that wherever a building which is proposed to exceed 35 feet in height abuts a residentially zoned or developed lot, rear yard and side yard setbacks shall increase in relation to building height in accordance with the following:

<u>Amendment</u>	<u>Building height exceeds 30'</u>	<u>Additional setback required</u>
	5'	20'
	10'	40'
	15'	60'
	20'	80'
	25'	100'
	30'	120'
	35'	140'
	40'	160'

(5) Required buffer. Required side and rear yard setbacks shall include a 30' landscaped buffer designed in accordance with Article XXVI when said side or rear yard abuts a residentially zoned or developed lot.

(6) Maximum lot coverage: forty percent (40%).

B. Conditional uses (subject to the provisions of Article XXIX of this chapter): None.

C. Accessory buildings.

(1) An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building.

(2) Detached accessory buildings, utility buildings and storage buildings are permitted in the rear yard only, but may not be constructed or installed within any required buffer area.

(3) Accessory buildings shall be set back a minimum of twenty (20) feet from all property



lines, except that where the yard abuts a single-family detached residential zone, the accessory building shall be set back a minimum of forty (40) feet.

D. Other provisions.

- (1) All properties and uses shall also be subject to the general provisions of Article IV.
  - (2) No parking area or driveway shall be located within fifty (50) feet of any side or rear lot line that abuts a lot in a single-family detached residential zone.
  - (3) No tree having a diameter of more than three (3) inches and a height of three (3) feet from the ground and located within one hundred (100) feet of any side or rear lot line that abuts a residential zone or lot utilized for residential purposes shall be removed unless such removal is in accordance with a plan approved by the Planning Board.
  - (4) All properties and uses are subject to the performance standards as specified in Article XXVII.
- B. Where a proposed non-residential or dormitory development abuts a residential zone or a lot developed for residential uses, a buffer shall be established; an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard which abuts said residential use.

C. Accessory buildings.

Same as specified in 145.70.3.C. for planned office park development in the G-0 Zone.

ARTICLE XX  
PUD Planned Unit Development

§ 145-82. Purpose.

In order that the public health, safety, morals and general welfare may be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to provide for necessary commercial facilities conveniently located to such housing; to provide for well-located, clean, safe and pleasant residential; commercial and industrial development so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, shops and industrial plants conveniently located to each other may extent to all citizens and residents of the township; and in order to encourage a more efficient use of land and of public services or private services in lieu thereof; and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes; to lessen the burden of traffic on streets and highways; to conserve the value of the land; and, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential, commercial and industrial development and other facilities, including the foregoing, at the time of development in a manner consistent with the preservation of the property values within established residential areas and to ensure that the increased flexibility of substantive regulations over land development authorized herein is subject to such administrative standards and procedures as shall encourage the disposition of

proposals for land development without undue delay, the following standards, procedures and requirements shall apply.

**§ 145-83. Objectives.**

The Township of North Brunswick wishes to take full advantage of such modern design construction technology and planning methods as will advance and promote the sound growth and general welfare of the township; strengthen and sustain its economic potentials; provide safe, efficient and economic municipal services; and establish appropriate patterns for the distribution of population, commerce and industry compatible with a modern way of life, coordinated with the protection and enhancement of natural beauty and resources; and in order to provide for a variety of service activities, parks, playgrounds, recreational areas, parking and other open space in orderly relationship to each other and in conformity with the development of the township as a whole. In order to effectuate the foregoing and to implement sound planning goals and practices to achieve the highest potential use of land, the following criteria and procedures are established.

**§ 145-84. Designation of authority.**

The municipal authority designated to act under the provisions of this zone district shall be the Planning Board of the Township of North Brunswick.

**§ 145-85. Minimum acreage.**

Planned unit developments containing residential and nonresidential uses shall have an initial size of not less than fifty (50) acres. The minimum size may be provided in one (1) tract or by the assemblage of several parcels which would total not less than fifty (50) acres and be zoned PUD. Acreage made part of a planned unit development shall be connected by one (1) or more public or private roads. Land and uses situated between noncontiguous parcels to be made part of a PUD shall be determined by the Planning Board to be compatible with the PUD plan and be consistent with the purposes and objectives of this Article. Streets and roads shall not be deemed to divide acreage for this purpose.

**§ 145-86. Permitted uses.**

In a planned unit development the following uses and customary accessory uses may include and shall be limited to:

- A. Single-family dwellings, duplex units, townhouses and garden apartments.
- B. Office-professional development and shopping facilities providing retail goods and services, provided that nonresidential uses may occupy no more than 50% of the PUD. However, in no case shall nonresidential uses occupy less than ten percent (10%) of any planned unit development if nonresidential uses are to be developed.
- C. Public and private educational and recreational facilities to be permitted in any district or as approved by the Planning Board.
- D. Public utility and essential service facilities.
- E. The following conditional uses, subject to the provisions of Article XXIX of this chapter, may be developed separately or be made a part of a planned unit development:

- (1) Churches and places of worship, including religious schools and community centers.

**§ 145-87. Development standards.**

- A. Residential density. Residential development densities of a planned unit development shall be determined as follows:
- (1) Gross residential density. The total number of dwelling units divided by the acreage of the entire planned unit development shall not exceed seven (7).
  - (2) Net residential density. The total number of dwelling units divided by the acreage of the portions of the planned unit development designated for residential uses, including but not limited to open space, recreation, streets, driveways, parking and walkways, shall not exceed ten (10).
- B. Townhouse units in a planned unit development shall not exceed sixty percent (60%) of the total allowable residential units.
- C. Open space. A minimum of fifteen percent (15%) of the net residential area of a planned unit development shall be devoted to common open space. Streets, roadways, parking and other improved areas shall not be considered open space.
- D. Commercial uses and buildings designed and intended to cater to regular shopping and service needs may be provided by:
- (1) Providing the business with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants.
  - (2) Protecting both business development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences.
  - (3) Protecting both business development and nearby residences against congestion, particularly in areas where the established pattern is predominately residential, by providing for sufficient off-street parking and loading facilities.
  - (4) Providing sufficient space in appropriate locations for commercial and miscellaneous services.
  - (5) Promoting the most desirable use of land and direction of building development in accordance with a well-considered plan to promote stability to commercial development, to strengthen the economic base of the township, to protect the character of development and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the township's tax revenues.
- E. Industrial, manufacturing, laboratory, research, office or other work establishments may be provided by:
- (1) Providing sufficient space in appropriate locations to meet the needs of expected future economy with due allowance for the need for a choice of proper sites.

- (2) Providing that, as far as possible, such space will be available for use for industry and related activities and to protect residences by separating them from industrial activities and by prohibiting the use of such space for new residential development.
- (3) Industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences, by permitting such development in areas where this chapter restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (4) Protecting adjacent residential and commercial areas and protecting the labor force in other establishments engaged in less offensive types of manufacturing and related activities.
- (5) Protecting industrial and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another and by providing space off public streets for parking and loading facilities associated with such activities.
- (6) Promoting the most desirable use of land and direction of building development in accordance with a well-considered plan to promote stability of industrial and related development, to strengthen the economic base of the township, to protect the character of the development and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the township's tax revenues.

F. Site and structure regulations.

- (1) Plot and lot sizes and dimensions and structure heights and locations thereon may be freely disposed and arranged in conformity with the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Minimum lot size or frontage and minimum percentage of lot coverage are not specified herein although the Planning Board may be guided by standards elsewhere herein for comparable conditions and by common good practice.
- (2) Except as follows, other provisions of this chapter governing side and rear yard sizes in residential areas shall not apply.
- (3) Minimum setback distances of 100 feet and 50' shall be provided on all existing state and county roads respectively. Garden apartments or townhouse units to be constructed in this zone on lands fronting on Finnegans Lane shall provide a one-hundred-foot buffer area from the existing right-of-way line of Finnegans Lane. Access drives, streets and permitted signs may be located within this buffer area as approved by the Planning Board.
- (4) All common open spaces between structures shall be protected where necessary by fully recorded covenants running with the land, conveyances or dedications.

- (5) The right-of-way and pavement widths for internal ways, rad and alleys serving garden apartments, multifamily dwellings, townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instances, other provisions of this chapter shall not apply but may serve as general guides to the Planning Board in approving the development plans.
- (6) Service ways for public service facilities (vehicular) shall not be less than ten (10) feet in width.
- (7) Dedicated streets or highways shall be subject to other township ordinances and the laws of the State of New Jersey.
- (8) Along all boundary lines of any Planned Unit Development District, except where they coincide with the right-of-way lines of a federal, state, county or township road, public utility right-of-way or public park, a minimum building setback of fifty (50) feet shall be provided. The Planning Board may require greater building setbacks and/or a buffer zone along boundary lines of a planned unit development when such is deemed necessary.

#### G. Utilities and services.

- (1) The developer shall furnish public water and sewer facilities based on a written agreement with the North Brunswick Public Works and Utilities Department. The developer shall provide all necessary storm drainage, highway access, paved service streets and parking facilities, making reasonable provision for service to the connections with adjoining properties in other ownerships. All such improvements shall be installed in complete accordance with township standards and as required in this chapter.
- (2) Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system. When such facilities cannot be reasonably provided due to topographic or geologic conditions of the land or due to other extraordinary or unusual circumstances, the landowner shall adequately demonstrate the lack of feasibility of such an undertaking to the satisfaction of the Planning Board before a waiver of this requirement shall be granted.

#### H. Ownership and maintenance of common open space.

- (1) Ownership. The common open space areas required may be accepted for dedication to the township where a specific use such as public school sites, public parks and other uses are deemed compatible by the Planning Board. Where such areas are not so dedicated to the township, the landowner must provide for and establish an organization for the ownership and maintenance of such area. Such orga-

nization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township or North Brunswick.

(2) Maintenance.

- (a) In the event that the organization established to own and maintain the common open space shall, at any time after establishment of the planned unit development, fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Board shall serve written notice upon such organization or upon the residents and owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice.
- (b) At such hearing the Planning Board may modify the terms of the original notice as to the deficiencies set forth in the original notice; or, if the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Planning Board, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space except where the same is voluntarily dedicated to the public by the residents and owners.
- (c) Before the expiration of said year, the Planning Board shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the planned unit development, to be held by the Planning Board, at which hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the Township, continue for a succeeding year.
- (d) If the Planning Board shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the township shall cease to maintain said common open space at the end of said year. If the Planning Board shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the township may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- (e) The decision of the Planning Board in any such case shall constitute a final administrative

decision subject to judicial review. The cost of such maintenance by the township shall be assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on said properties.

- (f) The township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Clerk upon the properties affected by such lien within the planned unit development.

I. Special requirements.

- (1) Every structure or group of structures and uses, including those of an institutional, charitable or public nature, and every designed plot area or cluster unit having services, facilities or utilities in common private usage and in common ownership or control by its occupants or which functions as an independent corporate property owner or agent of management shall be located upon and within a lot or plot of land which shall be fully dimensioned and designated as representing the area of responsibility and extent of such individual group ownership or management as may be established by ownership in full or partial fee or for lease under deed covenant, lease contract or such other conditions of usage or occupancy legally established and recorded therefor; and a description or plan of each lot or plat shall be filed separately or as part of the descriptive maps of the Planned Unit Development District with the Tax Assessor.
- (2) In addition to all other standards, conditions or requirements set forth in this chapter, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open spaces, compatibility of building types, building construction plans and other factors relating to site design. Such site review will also consider the site design as it fits in with the general development of the entire planned unit development area.

ARTICLE XX.A.

PUD - II

Planned Unit Development

§ 145-87.1. Purpose.

This zone has been created in order to comply with Court Order resulting from settlement of litigation known as the Urban League of Greater New Brunswick, et. al. vs. the Township of North Brunswick. Permitted uses, residential densities and various other development standards incorporated in this section have been developed in accordance with said Court Order.

§ 145-87.2. Limits of zone.

This zone shall encompass the 404 acre tract known as the Manor Realty Tract, designated as Block 148, Lot 111.01.

PUD II

§ 145-87.3. Permitted Uses.

The following uses shall be permitted in the PUD II Zone:

A. Principal uses:

- (1) Single-family dwellings, duplexes, townhouses, garden apartments and other attached housing types, provided that no residential structure shall exceed three stories in height.
- (2) Any non-residential use permitted in existing commercial, office and industrial zones, with the exception of warehousing, which is limited to an accessory use.
- (3) Public utilities.
- (4) Hotel/convention facilities developed as one facility.
- (5) Commercial uses limited to 10% of the non-residential floor space.

B. Required accessory uses:

- (1) Off-street parking, subject to Article XXIV of this chapter.
- (2) Off-street loading, subject to the provisions of Article XXIV of this chapter.

C. Permitted accessory uses:

- (1) Any accessory use permitted in existing residential, commercial, office and industrial zones, provided that the use can be demonstrated to be ancillary to a principal use on the site.
- (2) Warehousing.

D. Conditional uses (subject to the provisions of Article XXIX of this chapter):

- (1) Churches and places of worship.
- (2) Shopping centers.

E. Prohibited uses. Any non-residential use which will result in a hazardous, noxious or offensive condition beyond the confines of the building.

§ 145-87.4. Development standards.

A. Residential development.

- (1) Acreage and density requirements. A maximum of 220 acres shall be developed for residential purposes at a gross density of approximately 13.4 units per acre. However, in no case shall the number of residential units exceed 2950 units.
- (2) Affordable housing requirement. No less than 520 of the dwelling units approved for construction in this zone shall be marketed at a price which makes them affordable to lower income families in accordance with the regulations of the Township of North Brunswick Affordable Housing Ordinance.

1/3 of these units (173) shall be affordable by low income households and the remaining 2/3 of these units (347) affordable by moderate income households.

Designated lower income units shall be subject to price, rental, occupancy and resale controls as established by the Township of North Brunswick Affordable Housing Ordinance.



- (3) Construction phasing and marketing of lower income units. Construction phasing and affirmative marketing requirements imposed on the builder with respect to lower income units shall be in accordance with court order.
- (4) Location of lower income units. Lower income units shall be scattered throughout the residential development portion of the tract, and no more than 50% of the units in any attached housing structure shall be designated as lower income units.
- (5) Minimum setback distances from roadways, parking areas, the railroad and non-residential uses. All residential structures shall comply with the following minimum setback requirements:
  - (a) 200 feet from the railroad.
  - (b) 100 feet from Route 130.
  - (c) 50 feet from existing and proposed Township roads.
  - (d) 35 feet from private internal roads; said setback measured from the edge of pavement to the building.
  - (e) 10 feet from off-street parking areas.
  - (f) 100 feet from adjacent non-residential uses.
- (6) Residential housing mix. In order to assure a diversity of residential housing types, attached housing structures with 5 or more units per structure shall not exceed 75% of the total number of dwelling units to be constructed. With the exception of the above limitation, no minimum or maximum percentages of alternative housing resources are prescribed herein.
- (7) Lot configuration. Lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein. However, said design shall be in accordance with good planning practices and shall be subject to Board approval.
- (8) Buffer requirements. A 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be required between all residential and non-residential uses, even if said uses are separated by a public and private roadway.
- (9) Minimum distance between buildings. 30 feet between structures which exceed 2 stories; 20 feet between all others.
- (10) Maximum building height. 3 stories or 36 feet.
- (11) Maximum number of units per structure: 20 units for two-story buildings and 30 units for 3 story buildings.
- (12) Variation in setback. No structure shall have more than two continuous attached dwelling units with the same front and rear building line. Variations shall be a minimum of 4 feet in such front and rear building lines.
- (13) Proximity of parking. Off-street parking spaces shall be located within reasonable distance of the building which they are intended to serve.
- (14) Signs. One (1) nonilluminated project identification sign shall be permitted for each access

road into the development. Such sign must generally conform to the design of the proposed project and shall not exceed 50 square feet in area.

B. Non-residential development.

- (1) Acreage and minimum floor space of nonresidential development. A minimum of 184 acres shall be developed for non-residential use. This development shall result in a minimum of 3,000,000 square feet of non-residential space.
- (2) Maximum floor area ratio. A floor-area-ratio of .5 shall not be exceeded.
- (3) Location requirement. While the location of residential and non-residential development within the zone is not prescribed in this section, the appropriateness of proposed locations and transitions between non-residential and residential land uses shall be in accordance with good planning practices and shall be subject to Board approval.
- (4) Flexible development regulations. Lot sizes and dimensions, building heights and other bulk requirements are not specified herein. However, said design shall be in accordance with good planning practices and shall be subject to Board approval.
- (5) Construction phasing. Non-residential development shall proceed in accordance with the schedule established by Court Order.
- (6) Maximum Building height. 60 feet.

§ 145-87.5. Other provisions.

All other requirements for PUD developments in sections 145-87 through 145-92 shall apply to development in the PUD-II Zone unless such requirement is in conflict with the regulations governing the PUD-II Zone or other stipulation of Court Order.

§ 145-88. Application procedure for Planned Unit Developments.

The procedures and approvals provided herein for tentative and final approval of a planned unit development, and applications for such tentative and final approval, shall be in accordance with the following:

- A. Preapplication procedures. Prior to submitting a formal application for tentative approval of a planned unit development, an applicant may confer with the Planning Board and submit an outline development plan to obtain initial opinions on the acceptability of the proposal.
- B. Application for tentative approval.
  - (1) Submission of application. Any landowner desiring to establish a planned unit development hereunder shall first submit an application for tentative approval to the Planning Board at a regular meeting. Such application shall be filed by the landowner or other entity having a cognizable interest in the land. Fifteen (15) completed copies of the plan and application shall be filed with the Secretary of the Planning Board who shall distribute the copies as follows:
    - (a) One (1) copy to each member of the Planning Board.

- (b) Two (2) copies to the Director of the Department of Planning and Development.
  - (c) One (1) copy to the Township Engineer.
  - (d) One (1) copy to the Township Public Works and Utilities Department.
  - (e) One (1) copy to the Township Industrial Committee.
  - (f) One (1) copy to the Middlesex County Planning Board.
  - (g) One (1) copy to the New Jersey Division of State and Regional Planning in the Department of Community Affairs.
  - (h) One (1) copy to the Planning Board Attorney.
  - (i) Three (3) copies filed with the Secretary of the Planning Board.
- (2) Application for a planned unit development shall be made in duplicate on the form provided by the township, which shall be considered an application for tentative approval.
- (3) The fee for such application shall be twenty dollars (\$20.) per dwelling unit plus fifty dollars (\$50.) per acre of land designated for nonresidential uses.
- (4) Such an application shall indicate:
- (a) The name of the applicant.
  - (b) The location of the land proposed to be developed.
  - (c) The nature of the applicant's interest in the land.
  - (d) The density of land use to be allocated to various parts of the site.
  - (e) The location and size of any common open space.
  - (f) The firm or organization proposed to own and maintain common open space.
  - (g) The use, approximate height, bulk and location of buildings or other structures.
  - (h) The proposed provision for disposition of storm and sanitary water.
  - (i) The substance of any covenants, grants, easements or any other restrictions proposed to be imposed upon the land or buildings, including easements for public utilities.
  - (j) Proposed provisions for parking.
  - (k) Locations and widths of streets and ways.

- (l) Modifications from the existing ordinances governing streets or ways or land use being requested.
- (m) The projected schedule for development and the approximate times when final approvals would be requested.
- (n) A statement of why the public interest would be served by the proposed development and wherein the proposed development would meet the objectives of this chapter.

§ 145-89. Public hearings; grant or denial of tentative approval.

- A. Public hearings for tentative approval for a PUD plan shall be held and conducted in accordance with the described procedure, conditions and regulations as specified in the Municipal Land Use Law (1975).
- B. A transcript of the hearing shall be caused to be made by the Planning Board, the cost of which shall be paid by the applicant. Copies shall be made available at cost to any party to the proceeding, and all exhibits accepted in evidence shall be properly identified and the reason for the exclusion clearly noted in the record. A report on the proposed planned unit development by the Department of Planning and Development shall be prepared and filed with the Planning Board not less than five (5) days before the public hearing and shall be available for public inspection during reasonable hours.
- C. The Planning Board may continue the hearing from time to time, and the Planning Board may refer the matter back to the Department of Planning and Development for a further report, a copy of which shall be filed for record without delay.
- D. Presentation of evidence.
  - (1) At the public hearing, the applicant shall present evidence as to the planned unit development's:
    - (a) General character and substance.
    - (b) Objectives and purposes to be served.
    - (c) Adequacy and completeness of standards.
    - (d) Satisfactory application for standards in specific details of design and organization of elements and plans.
    - (e) Economic feasibility.
    - (f) Environmental impact.
    - (g) Time factors and sequential development potentials.
    - (h) Conformity to comprehensive plans for township development.
  - (2) To this end, factual evidence and expert opinion shall be submitted by the developers in the form of such necessary maps, charts, reports, models and other tangible materials presented by attorneys, architects, engineers, realtors, professional planners and economists as will clearly state for record the full nature and extent of the proposal.

- E. The Planning Board shall decide upon the tentative PUD application in accord with procedure, conditions and regulations as specified in the Municipal Land Use Law (1975).
- F. The grant or denial of tentative approval shall be by written resolution, including but not limited to findings of fact and conclusions setting forth in what respects the plan would or would not be in the public interest and:
  - (1) In what respects the plan is or is not consistent with the statement of objectives of a planned unit development.
  - (2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.
  - (3) The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.
  - (4) The physical design of the plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.
  - (5) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.
  - (6) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the planned unit development in the integrity of the plan.
  - (7) That the plan is in conformity with the provisions of Municipal Land Use Law (1975) and the Master Plan of the Township of North Brunswick.
- G. Status of plan after tentative approval. Upon receipt of preliminary approval, the developer shall possess such rights as set forth in N.J.R.S. 40:55D-49(d).

§ 145-90. Application for final approval.

- A. The application for final approval of all or a section of an approved tentative PUD plan shall be made to the appropriate administrative officer. The Planning Board shall act upon the application in accordance with procedures and conditions and standards as specified in the Municipal Land Use Law (1975).
- B. At the time of filing for final PUD plan approval, the applicant shall pay to the Township of North Brunswick a fee equal to one-half (½) the amount of the tentative application fee.

§ 145-91. Required improvements

Before final approval of a planned unit development, the Planning Board may require, in accordance with the standards of

this chapter, the installation, or the furnishing of a performance guaranty in lieu thereof, of all or any of the following improvements it may deem to be necessary or appropriate: street grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyors' monuments, water mains, culverts, bridges, storm sewers, sanitary sewers or other means of sewage disposal, drainage facilities or structures and other improvements as the Planning Board may require or deem necessary in the public interest.

§ 145-92. Escrow funds to defer costs of professional and clerical staff.

Upon receipt of an application for a sketch development plan and for tentative plan approval for a Planned Unit Development or a Transitional Mixed Use Development, the Secretary of the Planning Board shall send a copy of the application and a set of all maps and reports to the Board Attorney and Board Planner. Within ten (10) days of receipt, the Board Attorney and Board Planner shall submit to the Secretary of the Planning Board an estimate of funds sufficient in amount to undertake technical reviews, prepare reports, conduct site inspections and to attend meetings. Said funds shall be required to be placed in an escrow amount by the Township Treasurer to be used as follows:

- A. The Board professional staff and clerical staff shall submit vouchers for all necessary fees for attendance at meetings and examination, inspection and review of the planned unit development, which fees shall be paid in the ordinary manner. Said vouchers shall be based upon hourly fees for necessary manhours expended.
- B. Any of the aforesaid moneys left in the escrow account upon completion of the project or phase of the application procedure, as the case may be, shall be returned to the applicant as soon as it is practically possible.
- C. Should additional funds be required after the original funds are exhausted, such funds as shall, in the judgment of the Planning Board, be necessary shall be paid in the appropriate account or accounts.
- D. The Planning Board shall notify the Professional Staff Attorney that all appropriate examinations, inspections and reviews shall be undertaken.
- E. The Planning Board shall take no formal action on any specific phase of a planned unit development unless all application fees and escrow funds have been paid.
- F. In addition to the examination, inspection and review of the planned unit development by Professional Staff, the Planning Board may hire a consulting engineer to study and review the planned unit development. The findings of the consulting engineer shall be made in a written report to the Planning Board and given in testimony as part of the public hearing. The cost of such services shall be paid by the applicant to the Township Treasurer and placed in the appropriate account.

#### ARTICLE XXI

#### R-T-D Townhouse-Duplex Residential District

§ 145-92.1. Intent.

The intent of the R-T-D District is to establish development standards to permit the construction of semiattached duplex dwellings or townhouses within this district.

§ 145-92.2. Permitted uses.

The following uses are permitted in R-T-D Townhouse-Duplex Residential Districts:

A. Permitted principal uses:

- (1) Duplex dwelling units (semiattached).
- (2) Townhouses.
- (3) Temporary buildings incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.

B. Required accessory uses:

- (1) Off-street parking, subject to Article XXIV of this chapter.

C. Permitted accessory uses: Same as specified in 145-46.C. for the R-1 Residential Zone.

D. Conditional uses (subject to Article XXIX of this chapter):

- (1) Private and parochial schools.
- (2) Churches and places of worship.
- (3) Public utilities.
- (4) Philanthropic or eleemosynary uses.

§ 145-92.3. Development standards for duplex dwellings.

A. Area, yard and building requirements.

- (1) Plot and lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Minimum lot size and frontage are not specified herein for comparable conditions and by common good practice.
- (2) Maximum density: seven (7) units per acre.
- (3) Minimum front yard setback: thirty (30) feet.
- (4) Minimum distance between buildings: ten (10) feet.
- (5) Minimum rear yard setback: twenty percent (20%) of the lot depth.
- (6) Maximum building height: the lesser of thirty (30) feet or two and one-half (2½) stories.
- (7) Maximum lot coverage: twenty-five percent (25%).
- (8) Minimum gross habitable floor area, per unit: six hundred (600) square feet.

B. Other provisions.

- (1) If a single-family home is proposed to be developed adjacent to an apartment or non-residential use which does not include a buffer area in accordance with the requirements of this chapter, then an additional 30 foot buffer strip, designed in accordance with the requirements of Article XXVI, shall be added along any required side or rear yard which abuts said apartment or non-residential use.

- (2) All properties and uses shall also be subject to the general provisions under Articles IV and V.
- (3) For nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is available to meet the requirements and where there are existing homes on either side, the minimum lot width and/or area shall be two-thirds (2/3) of the present zoning requirements, provided that the proposed structure shall meet all other zoning requirements.

§ 145-92.4. Development standards for townhouse dwellings.

A. Area, yard and building requirements.

- (1) Plot and lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Minimum lot size and frontage are not specified herein, although the Planning Board may be guided by standards set elsewhere herein for comparable conditions and by common good practice.
- (2) Maximum density: seven (7) units per acre.
- (3) Minimum setback distance: fifty (50) feet from state and county roads and thirty (30) feet from all other streets.
- (4) Maximum lot coverage: twenty percent (20%).
- (5) Minimum width of any townhouse: twenty (20) feet.
- (6) Minimum gross habitable floor area: seven hundred (700) square feet.
- (7) Maximum building height: the lesser of thirty (30) feet or two and one-half (2½) stories.
- (8) Maximum number of units per structure: eight (8).
- (9) Minimum distance between buildings: twenty-five (25) feet.
- (10) Every dwelling unit shall contain a minimum of two (2) means of access.
- (11) Television antenna equipment shall be built into the buildings. No individual antenna shall be permitted to be erected on any roof.
- (12) Where townhouse units have frontage on off-street parking lots and driveways, the minimum front yard setback shall be approved by the Planning Board at the time of site plan review.

B. Other provisions.

- (1) There shall be a buffer strip thirty (30) feet in width from any side or rear lot line that abuts an area zoned or developed for single-family, industrial or commercial use. The buffer strip shall conform to the standards of Article XXVI.
- (2) All properties and uses shall also be subject to the general provisions under Articles IV and V.
- (3) For nonconforming lots existing prior to June 6, 1966, where insufficient land width and/or area is



available to meet the requirements and where there are existing homes on either side, the minimum lot width and/or area shall be two-thirds (2/3) of the present zoning requirements, provided that both municipal water and sanitary sewers are available and are to be used, and further provided that the proposed structure shall meet all other zoning requirements.

- (4) The developer of a townhouse dwelling project shall donate to the township or other public or quasi-public body or homeowners' association, whichever shall be designated by the Township Committee, an amount of land within the project not less than ten percent (10%) of the gross area of the tract. The Planning Board shall review and recommend to the Township Committee, which, in turn, shall specifically approve the open space land for dedication, the locations and proposed uses of land to be dedicated in accordance with the foregoing and as guided in its decisions by this section and the following:
  - (a) Lands to be dedicated shall be so located, as to meet the needs of open spaces, parks, playgrounds, rights-of-way protecting major streams or open drainageways or buffer areas as shown on the Master Plan or Official Map of the township or to provide additional neighborhood area for recreational purposes. The Planning Board shall make certain that not only township requirements shall be satisfied but that the dedicated area is so located as to meet any possible potential need of the neighborhood included in a development proposal being considered.
  - (b) The lands so dedicated shall include, wherever feasible, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements in order to qualify open land for acceptance by the township.
- (5) Dedicated areas may be deeded to township ownership and control for its dedicated purposes, deeded to another public or quasi-public body or organization approved by the Township Committee or deeded to property owners or associations within the bounds of the original development for their use, control and management for a club or recreational use and providing appropriate restrictions to assure the effectuation of the purposes of this chapter and to provide for the maintenance and control of the area. Every effort shall be made, if nontownship ownership is approved, to place development and maintenance responsibility upon the property owners within the bounds of the development. Upon failure to maintain an orderly open space, the township may and can perform such maintenance and assess the cost to the responsible property owner or owners.

ARTICLE XXII  
R-M Residential District

§ 145-92.5. Definitions.

For the purposes of this chapter, the terms listed below shall be defined and interpreted as follows:

**BUILDING SEWER**-- That part of the drainage system of a mobile home lot beginning at the inlet of the sewer riser pipe which receives the discharge from the drain outlet of the mobile home and terminating at the sewer line serving the mobile home park.

**MOBILE HOME**-- A manufactured transportable year-round single-family dwelling built on one (1) or more chassis and containing a flush toilet, bath or shower and kitchen sink and designed to be connected to a piped water supply, sewerage facilities and electrical service.

**MOBILE HOME LOT**-- A parcel of land designed to accommodate a mobile home and includes the mobile home stand and the mobile home yard.

**MOBILE HOME PARK**-- A parcel of land which has been so designated and improved that it contains two (2) or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. Said term shall be synonymous with "trailer park."

**MOBILE HOME SPACE**-- A plot of ground within a mobile home park improved and authorized pursuant to this chapter for the accommodation of one (1) mobile home.

**MOBILE HOME STAND**-- That part of a mobile home lot which has been reserved exclusively for the placement of a mobile home.

**PARK MANAGEMENT**-- The owner or his designated agents, being administrative officers of the mobile home park.

**RECREATION BUILDING**-- A building used by the park residents for recreational purposes or other general purposes common to all residents.

**SEWER CONNECTION**-- The connector consisting of all pipes, joints, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the building sewer.

**TENANT**-- Any person who rents or leases a mobile home lot from the park management.

**WATER CONNECTION**-- The connection consisting of all pipes, fittings and appurtenances from the water riser to the water inlet of the distribution system of the mobile home.

**WATER SERVICE PIPE**-- The pipe conveying water from a water main to the water riser on a mobile home lot or to the water distributing system of a building.

**§ 145-92.6. General requirements.**

- A. **Compliance.** The provisions of this Article comprise the minimum standards with which all mobile home parks and the park management shall comply, as well as with the rules and regulations and policies or laws administered by the Township of North Brunswick or any agency or subdivision in this state having legal jurisdiction, including Chapter IX of the New Jersey State Sanitary Code relating to mobile home parks.
- B. **Licensing.** No person, firm or corporation shall construct or operate and maintain a mobile home park in the Township of North Brunswick unless such person, firm or corporation shall first obtain a license for the construction, maintenance and operation thereof from the Township of North Brunswick and pay the deposit fees as hereinafter provided. No mobile home shall be installed, operated, maintained or occupied within the township except upon a duly licensed mobile home park. Any approval of plans and applications for a license issued hereunder shall be subject to automatic revoca-

tion in the event that the applicant to whom said approval is granted shall fail to commence construction of the mobile home park for which a license is applied within one (1) year from the date of the granting of said approval.

- C. Duration of licenses. Licenses or permits to maintain and operate a mobile home park pursuant to this section shall be issued annually and shall expire on July 31 of each year.
- D. Approval of facilities. No work on the construction or expansion of a mobile home park shall be undertaken unless approval of the facilities is required by this section shall have been granted by the State Department of Health and the Township of North Brunswick.
- E. Affordable housing requirement applicable to designated properties. In accordance with Court Order resulting from litigation known as the Urban League of Greater New Brunswick et al. vs. the Township of North Brunswick, 28% of the units developed on lots 114.1 and 114.2 in block 148 shall be designated lower income units. 14% of the total units (45 units fully developed) shall be affordable by low income households and 14% of the units (45 units) shall be affordable by moderate income households.

§ 145-92.7. Design standards and improvements.

- A. Organization. The mobile home park site planning and improvements shall provide facilities appropriate to the needs of the residents for safe, healthful and comfortable living areas. The mobile home park site, including mobile home stands, patios, buildings and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of the plot and the position of buildings and common facilities and with full regard to the use and public safety and appearance.
- B. Location. A mobile home park shall only be permitted within the zoning district designated on the Zoning Map of the Township of North Brunswick.
- C. Lot layout and occupancy. Each mobile home lot shall be clearly identified by number. Each mobile home lot shall be adequate to accommodate the mobile home occupying same. The number of mobile homes permitted in a mobile home park shall not exceed the number of mobile home lots. Nothing contained in these regulations shall be construed as prohibiting the maintenance of a retail mobile home sales agency within a mobile home park or the sale or a mobile home, whether occupied or unoccupied or unoccupied, which is located on a mobile home lot and connected to pertinent utilities. However, the retail mobile home sales agency and any mobile homes displayed as models or stored for any reason in the park shall be located and designed in accordance with the same standards as other mobile homes occupied by tenants of the park, provided, first, that there is only one (1) retail mobile home sales agency and a maximum of seven (7) mobile home models displayed or otherwise stored in the park and, second, that the retail mobile home sales agency and mobile home models displayed or otherwise stored in the park are located in a manner that does not create a nuisance to the tenants of the park.
- D. Mobile homes per acre. The maximum number of mobile homes permitted per acre shall be eight (8).
- E. Separation and setback requirements. Each mobile home shall be located on a mobile home lot so as to comply with the following:

- (1) Plot and lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Minimum lot size and frontage are not specified herein, although the said design shall be in accordance with good planning practices and subject to Board approval.
- (2) Mobile homes may be situated in a zero lot-line fashion in which two adjacent mobile homes abut each other. However, there shall be a minimum of fifteen (15) feet between each mobile home which is not designed in zero lot-line fashion.
- (3) No mobile home shall be closer than fifty (50) feet to adjoining property lines. A thirty-foot-wide landscape buffer shall be provided within the fifty-foot setback from adjoining property lines.
- (4) There shall be a minimum setback of twenty (20) feet from the right-of-way line of any private street and fifty (50) feet from the right-of-way line of all existing state, county and public streets. A thirty-foot-wide landscape buffer shall be provided within the 50 foot setback from state, county and public streets.
- (5) No mobile home shall be closer than fifty (50) feet to any structure or building except metal or masonry storage sheds and other mobile home units.

F. Mobile home stands. Each mobile home space shall be provided with a mobile home stand of sufficient size to accommodate the mobile home to be placed thereon. The stand shall be constructed of five (5) inches of two-thousand-five hundred-pounds-per-square-inch portland cement concrete at twenty-eight (28) days. There shall be six-by-six-inch 10/10 wire mesh placed two and one-half (2½) inches from the finished surface of the concrete. Contraction joints shall be placed at maximum intervals of ten (10) feet. The concrete shall be placed upon a minimum of four (4) inches of compacted gravel. Where stands are to be constructed on fill, the fill shall be allowed to settle for one-half (½) year unless provisions are made for proper compaction in a minimum of six-inch lifts. The concrete shall be cured with a curing compound which shall be applied as soon as the concrete has been finished and protected from damage for a period of not less than thirty-six (36) hours.

G. Patios and decks.

- (1) Each mobile home space shall be provided with either a patio or elevated wooden deck to provide outdoor living space. The patio shall be constructed of a minimum of four-inch portland cement concrete or other rigid type of impervious pavement as approved by the Planning Board.

H. Road layout and road width. Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the mobile home stands and other important facilities on the streets. The streets shall be retained as private streets on the property. All roads in the mobile home park shall be designed with gentle curves so as not to be monotonous to drivers and shall be continuous, except that closed ends of dead-end streets shall be no more than six hundred (600) feet in length and shall be provided with a vehicular turning space of at least thirty (30) feet in radius. All private roadways which lead to a public

highway or public street shall be at least thirty-six (36) feet wide from curb to curb. All roads shall be installed to comply with the provisions of the Township Land Subdivision Ordinance and the requirements contained herein.

- I. Sidewalks. In locations where common facilities are concentrated, including open space and recreation areas, and on one-side of all roadways in a mobile home park, common, continuous walkways of at least four (4) feet in width and of durable concrete construction shall be provided.
- J. On-street parking shall be permitted on roadways having thirty-foot-wide pavement from curb to curb. At least two (2) car parking spaces for each mobile home shall be provided. Parking spaces shall be provided either in convenient bays or in other areas upon the mobile home space.
- K. Streetlights. Streetlights shall be installed at every intersection and along interior streets as approved by the Planning Board. The applicant shall have the option under this section of illuminating the mobile home park with gas lamps in colonial style. If the option is exercised, however, the gas lamps shall be installed at every intersection and at intervals of sixty (60) feet along both sides of all interior streets.
- L. Additions. Additions shall conform to the following:
  - (1) Skirting shall be provided on all mobile homes so that no part of the undercarriage is visible. Porches, awnings, storage sheds or other additions shall be installed only if permitted by the park management and the Township Zoning Ordinance and Building Code.
  - (2) Storage sheds shall be of metal or masonry construction.
  - (3) No storage shed, porch or other addition, excluding awnings covering porches or patios, shall be built or installed if the area used for such additions added to the area used for the mobile home and patio totals more than two-thirds (2/3) of the gross lot area.
- M. Subfloor storage. Gasoline and similar flammable liquids shall not be stored underneath a mobile home. Other types of storage underneath a mobile home shall be permitted only if approved by the park management. If approved, the following conditions shall be satisfied:
  - (1) The storage area shall be provided with a base of concrete or other impervious material.
  - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - (3) The storage area shall be enclosed by skirting.
- N. Recreation areas. A recreation area shall be provided for each mobile home park of a minimum size of ten percent (10%) of the total licensed area. The recreation area shall be centrally located and conveniently distributed in relation to the mobile home residences. Such space shall be usable for active recreation, which may include but not necessarily be limited to climbing, basketball, swimming, tennis and handball and which shall be free of traffic hazards. There shall be at least one (1) recreation building which may contain a

recreation hall, meeting room, laundromat or other related facilities such as restrooms and storage areas. A report on the adequacy of the recreation facilities shall be submitted by the Township Recreation Committee to the Planning Board prior to the approval of a mobile home park site plan.

- O. Landscaping and natural site protection. Landscaping to be provided in the park shall be shown on the site plan. Wooded areas shall be preserved wherever possible without causing interference with the general plans, specifications and other requirements pertaining to the site.

**§ 145-92.8. Water supply system and sanitary sewerage facilities.**

The licensee shall be required to provide adequate water supply and sanitary sewerage facilities, and all mobile homes shall be connected thereto. Such facilities shall conform to the potable water standards established by the New Jersey State Department of Health and Chapter IX, Mobile Home Parks, of the New Jersey State Sanitary Code. The foregoing utilities shall be approved by the State Department of Health and the Department of Environmental Protection in accordance with the applicable statutes.

**§ 145-92.9. Refuse storage, collection and disposal.**

- A. General. The storage and collection of refuse shall be so managed as to prevent health hazards, rodent harborage, insect breeding, accident hazards and air pollution.
- B. Refuse containers. All refuse shall be stored in durable, flytight, watertight and rodentproof containers.
- C. Container location. Containers shall be located either at each mobile home lot or at one (1) or more centralized locations within the mobile home park. Such area(s) shall be accessible for disposal and collection.
- D. Collection and removal. The collection and removal of garbage and refuse shall be the responsibility of the park management.

**§ 145-92.10. Application procedure; license fees; other requirements.**

Licenses for the construction and maintenance and operation of a mobile home park in accordance with the application procedures required by this Article shall be issued by the Township Committee of the Township of North Brunswick upon proper application and after the review and approval of a proposed mobile home park by the various township agencies hereinafter stated.

**A. Application procedures.**

- (1) Application. Application for license to construct or operate and maintain a mobile home park shall be made by filing an application in duplicate and twelve (12) copies of a site plan with the Township Planning Board. The application and site plan shall contain information required in Article XXVIII of this chapter. A fee equal to one hundred dollars (\$100.) plus five dollars (\$5.) per unit shall accompany the site plan application for a mobile home park license.
- (2) Referral. Upon receipt of an application for a mobile home park, the Planning Board shall forward copies of the proposal to the Township Engineer, the Board of Health, the Middlesex County Planning

Board and the Township Bureau of Fire Prevention for their consideration. The Planning Board shall not act in regard to the application until the receipt of reports from the aforesaid agencies or individuals or unless a thirty-day period has elapsed after the forwarding of the applications to the agencies and no report in writing has been received. In the latter event, it shall be deemed that such person or agency has approved the proposal.

- (3) Notice. Upon passage of the thirty-day period referred to above, the Planning Board shall establish a date for a public hearing. Once a date for the public hearing has been established, the applicant shall send, by certified mail, notice of the hearing, at least ten (10) days prior to the date thereof, to all owners of land within two hundred (200) feet of the area covered by the site plan, including land across a street or streets therefrom, as the names of such owners appear on the most recent township tax record. The notice shall specify the time and place of the hearing, give a brief description of the proposed mobile home park and state that a copy of the site plan thereof has been filed with the Planning Board and is available in the office of the Planning Board Secretary for public inspection. The applicant shall also cause notice of the hearing to be published in the official newspaper at least ten (10) days prior to the hearing. The applicant shall also cause notice of the hearing to be published in the official newspaper at least ten (10) days prior to the hearing. The applicant shall submit an affidavit prior to the hearing stating that he has notified all property owners within two hundred (200) feet, including owners of property directly across the street or streets from the property involved.
- (4) Review by the Planning Board. The Planning Board shall review the application and the site plan for its adequacy in providing for good site design, particularly such items as ingress and egress, vehicular and pedestrian circulation, location and orientation of buildings, landscaping and buffer planting, parking areas and other planning considerations. The Planning Board shall consider in its review the reports of the other persons and agencies referred to hereinabove and particularly those pertaining to the adequacy of proposed drainage facilities, water supply and sewer facilities, paving requirements and any other engineering requirements.
- (5) Approval of plan. The Planning Board shall approve or disapprove the proposed site plan and application with respect to adequacy of planning standards for the site. Its approval or reason for disapproval shall be clearly stated in a resolution from the Planning Board. If the application and site plan are approved by the Planning Board, it shall be referred to the Township Committee for issuance of a license, and the Township Committee shall offer those parties having an interest in the application to speak at a public hearing called for that purpose. Issuance of the license will be based upon the standards set forth in this section and upon those considerations provided for in this section. Issuance or denial shall be by formal action of the Township Committee at a public meeting after interested parties shall be given an opportunity to be heard.

B. Fees. The license fee to operate a mobile home park in the Township of North Brunswick shall be three thousand five hundred dollars (\$3,500.) per year, plus a fee of ten dollars (\$10.) per month for each mobile home registered in the mobile home park during said month. A calendar month is hereby defined as any continuous thirty-day period of occupancy. The aforesaid fee shall be paid prior to the issuance of the license.

(1) Time of payment. The annual license fee is due on or before August 1 of each year.

(2) Monthly reports. Every person holding a license for the operation of a mobile home park shall pay the fee provided above, monthly, on or before the 10th day of the next succeeding month, and, if not paid at the end of the 10th day, the payment shall become delinquent and shall be subject to a penalty equal to ten percent (10%) of the amount of the delinquent payment. The payment shall be accompanied by a monthly report form signed and sworn by the licensee or by his duly authorized agent. The monthly report shall contain the following information:

(a) Name and address of licensee and address of mobile home park.

(b) Month for which the report is made.

(c) Total number of mobile homes registered at the mobile home park in such month, with dates of arrival and departure.

(d) The number of spaces occupied by the mobile homes.

(e) Such other information as the Township Committee may from time to time require. The monthly report shall be filed with the Township Clerk and the fees accompanying same shall be paid to the general treasury of the township.

C. Other requirements.

(1) Certification. The Zoning Officer of the township shall from time to time certify in writing, to the Clerk, the number of mobile home spaces in the mobile home parks located in the township. Such a certification shall occur at least twice a year and be filed by June 1 and November 1.

(2) No violations. No license shall be issued until the Health Officer and the Zoning Officer shall have certified that they know of no violation of any law, regulation or ordinance applicable to mobile homes or mobile home parks.

(3) Renewal of licenses. Licenses for the renewal of mobile home park licenses previously issued to an applicant shall be issued upon consultation by the township agencies required in the case of original applications. Such license shall be issued if it shall appear that the mobile home park conforms to this Article in all respects and the design standards herein set forth and upon payment of the required fees. Application for a renewal license shall be made by the filing of four (4) copies of written application, signed by the person seeking a renewal license, which shall contain the following information:



- (a) The application shall set forth any change in ownership or interest in the property by the person making the application.
  - (b) The application shall set forth any changes in the mobile home park with respect to matters set forth in the prior application and shall contain all data required with respect to an original application concerning any such changes unless such changes have been previously approved.
- (4) Approval to operate. Mobile home parks shall not be operated by any person until the Township Committee has given formal approval therefor by issuance of an appropriate license. The license shall be displayed in a conspicuous place on the premises where it can be easily observed. No person shall operate a mobile home park whose license therefor is suspended.
  - (5) Inspection. Mobile home park buildings and premises shall be subject to inspection by an authorized representative of the Township Committee.
  - (6) Suspension of license or permit to operate. The license or permit of any person to operate a mobile home park may be suspended at any time for good cause by the Township Committee upon three (3) days' notice in writing after due hearing. The person whose license or permit has been suspended or his representative in charge of the mobile home park shall, at the time of such license suspension, be informed why the license or permit to operate the mobile home park is suspended, the reason for such action and the remedial action to be taken before the suspension may be lifted. Application for reinstatement of such license may be made any time thereafter and may be granted upon satisfactory proof of remedial action.
  - (7) Alterations to mobile home park and facilities. Applications for approval of plans and specifications for modification, alteration, extension or expansion of a licensed mobile home park shall be made in conformance with the application requirements of this section. The fee for such application shall be one-half (½) the amount of the original filing fee.
  - (8) Notices to maintain facilities and roads. The holder of the license shall cause all facilities to be maintained in good operating order and shall cause all roads and streets within the mobile home park to be plowed and sanded when conditions so require. Failure to comply with such requirements within twenty-four (24) hours after notice by the township to the holder of the license or to the person specified above with respect to any maintenance or repairs within the jurisdiction of such person shall constitute a violation.
  - (9) Accessibility to mobile home parks. All roads and streets within a mobile home park shall be accessible to all residents of the mobile home park, their guests, invitees and licensees and township agencies of the Township of North Brunswick.
  - (10) Park management.
    - (a) Park office. In any mobile home park there shall be an office established which may be

located either in a mobile home or in a permanent building and which shall be the office of the person in active charge of the mobile home park. A copy of the park license and a copy of this section shall be conspicuously posted therein and the park register, as hereafter referred to in this section, shall be at all times kept in that office.

- (b) Park register. The mobile home park license shall maintain park register, which shall be kept up-to-date with the following information: the name of each owner of each mobile home or the tenant thereof, the serial number of each mobile home, the body type and license number of each mobile home, the date of arrival of each mobile home and the date of departure of each mobile home. Likewise, a daily and monthly total of the total number of mobile home spaces occupied shall be placed in the register. A copy of the register shall be delivered to the Clerk of the township by the 10th day of the month following the end of the reporting required by this Article.
- (c) Inspection of register. The mobile home park owner shall keep the register available for inspection by township officials at all times. The register shall not be destroyed for a period of three (3) years following the date of registration.

ARTICLE XXIII  
Fences and Swimming Pools

§ 145-93. Fences.

A. The following provisions are applicable to all districts.

- (1) Fences hereafter erected, altered or reconstructed in any zone in the Township or North Brunswick shall be of the following types:
  - (a) Open fences not exceeding four (4) feet in height above ground level when located in a front yard area (except corner lots: refer to § 145-22).
  - (b) Open or solid fences not exceeding six (6) feet in height above ground level when located in any side or rear yard area.
  - (c) Open wire fences not exceeding eight (8) feet in height may be erected within public park, public playground or public school properties.
  - (d) Fences enclosing commercial and private pools as specified in § 145-94 and 145-95.
  - (e) Fences specifically required by other provisions of this chapter.
  - (f) Residential property owners may erect a solid fence not exceeding six (6) feet in height or an open wire fence not exceeding eight (8) feet in height where the property abuts land zoned and used for commercial and industrial purposes.
  - (g) Open fences enclosing private tennis courts not exceeding ten (10) feet in height may be erected in rear yards, provided that the fence is located not closer than five (5) feet to any property line.
- (2) Every fence shall be maintained in a safe, sound upright condition.
- (3) All fences must be erected within the property lines, and no fence shall be erected so as to encroach upon a public right-of-way.
- (4) All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected.
- (5) The following fences and fencing material are specifically prohibited in all zones in the Township of North Brunswick:
  - (a) Barbed wire fences.
  - (b) Canvas fences.
  - (c) Cloth fences.
  - (d) Electrically charged fences.
  - (e) Expandable fences.
  - (f) Collapsible fences.

B. The following provisions are applicable to C-1, C-2, G-O, O-R, ERR, I-1, and I-2 Zone Districts:

(1) Fences hereafter erected, altered or reconstructed in the above-mentioned zones shall be in accordance with the following:

(a) Fences permitted under the general provisions applicable to all zones as specified in this section.

(b) Open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and at the building setback line.

§ 145-94. Private swimming pools.

The following regulations are applicable only to residential districts.

A. Types of pools.

(1) Permanent underground.

(2) Permanent underground. All pools other than permanent underground pools are considered permanent aboveground pools. Those aboveground equipped with fences above the top level of the pool need no additional fencing.

B. Lighting. All lighting for a private swimming pool shall be installed so as to comply with all safety regulations and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.

C. Electric lines. No overhead electric lines shall be carried across any swimming pool or wading area.

D. Noise. No activities shall be conducted at any private swimming pool which shall cause undue noise or constitute a nuisance to any neighbor.

E. Construction permit. When an application is made for a permit to construct and locate a swimming pool, the applicant shall show an approval from the Health Officer of the Township of North Brunswick as to suitability and adequacy of design, materials and construction or construction specifications of said pool, including all necessary equipment and appurtenances thereto. The application for a private swimming pool construction permit shall identify the building lot, the location of the residence, location of the swimming pool, all accessory equipment and apparatus, type of pool, all basic dimensions including the outside dimensions of the pool, locations of steps, diving stands, boards and location and detail specification of enclosure and gate on the lot. Application for a construction permit to erect or locate a private swimming pool shall be made only by the owner of the property.

F. Maintenance. The private swimming pool shall be maintained in good working order and in a safe and sanitary condition at all times. The area surrounding the pool and its enclosure shall be kept neat and in good order and attractive so as to be in conformity with surrounding properties. No rubbish, debris or litter of any kind shall be permitted at any time.

G. Inspection. The private swimming pool, bathing area and enclosure shall be subject to an annual inspection by the Zoning Officer. In addition, such facility shall be subject to inspection any time by the Health Officer and Police Department of North Brunswick Township.

- H. Pool location. An outdoor swimming pool shall be located not less than eight (8) feet from the side or rear of the residence on a building lot, to the rear of the building setback line, not less than ten (10) feet from any side property line and not less than ten (10) feet from the rear property line.
- I. Pump location. The pump of a filtration or pumping system of a private swimming pool shall be located not less than fifteen (15) feet from any side or property line.
- J. Enclosure. All pools, except for those pools equipped with fences above the top level of the pool, shall be surrounded entirely by a suitably tight fence, with no opening greater than two (2) inches square and capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8) feet apart. However, one (1) side or sides of the residence may serve as part of the enclosure. The fence shall be located not less than six (6) feet from the closest edge of the pool. Fences shall be from four (4) feet to six (6) feet in height and, if made of wire, must be of the chain-link type. Solid fences six (6) feet in height shall be permitted, provided that the residence serves as part of the enclosure in such a manner to avoid obstruction to visibility. All supporting structures shall be on the inside of the fence and the top of such support shall be at least one (1) inch lower than the top of the fence.
- K. Gate. An opening or openings in the fence to afford entry to the pool shall be equipped with a substantial gate similar to the fence, which gate shall extend from not more than two (2) inches above the ground to the height of the fence. The gate shall be of a self-closing type, opening outwardly only, shall be equipped with a lock and key or padlock and chain and shall be kept located except when the pool is in use.

§ 145-95. Commercial or private club swimming pools.

The following regulations for commercial or private club swimming pools are applicable to all districts.

- A. Location of club- or bathhouse. The club- or bathhouse for an outdoor commercial or private club swimming pool shall be set back not less than one hundred fifty (150) feet from the front property line and not closer than one hundred (100) feet to the side and rear property lines. However, no club- or bathhouse shall be required for a hotel or motel.
- B. Pool location. An outdoor commercial or private club swimming pool shall be located not less than thirty-five (35) feet from the side or rear of the clubhouse, bathhouse, motel or hotel on the building lot and not less than two hundred (200) feet from the front property line and not less than one hundred (100) feet from the side or rear property line.
- C. Off-street parking. Ample parking space shall be provided in an area or areas located not less than one hundred (100) feet from the front property line and not less than sixty (60) feet from the side or rear property lines and providing a total area equal to three hundred fifty (350) square feet to each car space. For a private club with a membership of up to one hundred (100) members, not less than eighty (80) car spaces shall be provided. For each additional twenty-five (25) members or fraction thereof, not less than twenty (20) additional car spaces will be provided. For a commercial pool with up to one hundred (100) lockers or clothes

baskets, there shall be provided not less than forty (40) car spaces, and for each additional twenty-five (25) lockers or clothes baskets, not less than ten (10) additional car spaces, and, in addition thereto, two (2) car spaces for each three (3) family lockers.

- D. Size of pool. A swimming pool for a private club, limited to a maximum of one hundred (100) members, shall have a minimum size of one thousand eight hundred (1,800) square feet, and for each additional twenty-five (25) members or fraction thereof, the pool shall be enlarged by five hundred (500) square feet.
- E. Swimming section. The diving section shall be greater than five and one-half (5½) feet in depth. The area reserved around each diving board or platform provided for diving purposes shall be not less than three hundred (300) square feet.
- F. Pump location. The pump of a filtration or pumping system of a commercial swimming pool or private club pool shall be located not less than seventy-five (75) feet from any side or rear property line.
- G. Lounging and spectator area. In addition to the decks or walks surrounding the swimming pool, an area shall be provided for lounging or spectator use.
- H. Club- and bathhouse facilities. The club- or bathhouse shall be equipped with separate facilities for men and women. These facilities shall include adequate dressing rooms, lockers, showers and toilets.
- I. Wading pool. A swimming pool for private club or commercial use shall provide a separate wading pool.
- J. Pool enclosure. To provide safety and a degree of privacy, an outdoor swimming pool for private club or commercial use shall be surrounded entirely by a suitably strong tight fence, capable of holding a live load of two hundred fifty (250) pounds between posts, located not more than eight (8) feet apart. However, one (1) side or sides of the club- or bathhouse may serve as part of the enclosure. The fence shall be located not less than fifteen (15) feet from the closest edge of the pool. The fence shall be from eight (8) feet to ten (10) feet high, having no opening larger than a two-inch square. All supporting structures shall be on the inside of the fence, and the top of such support shall be at least one (1) inch lower than the top of the fence.
- K. Gate. Any opening or openings in the fence to afford entry to the pool shall be equipped with a substantial gate similar to the fence, which gate shall extend from not more than two (2) inches above the ground to the height of the fence. The gate shall be of a self-closing type, opening outwardly only, and be equipped with a lock and key or chain and padlock and shall be kept locked except when the pool is in use.
- L. Lighting. A complete system of artificial lighting shall be provided for a swimming pool, including lounging and parking areas, which is operated by a private club or for commercial use. Arrangement and design of lights shall be clearly visible to attendants. All lighting fixtures shall be shielded so as to prevent any direct beam from falling upon any adjoining property. Overhead wires shall not be carried across the swimming pool and wading pool proper, decks and lounging areas. Underwater lighting shall be designed, installed and grounded so as not to create a hazard to bathers.

- M. Noise. No sound-amplifying system shall be operated or other activities permitted at any swimming pool for commercial or private club use, which shall cause undue noise or constitute a nuisance to the surrounding neighbors. Closing time shall be 10:30 p.m.
- N. Maintenance. Swimming pools for commercial or private club use shall be maintained in good working order and in a safe and sanitary condition at all times as specified by the Swimming Pool Code of the township's Board of Health. The area surrounding the pools, its enclosures, parking area and lounging areas shall be kept neat, in good order and attractive so as to be in conformity with the surrounding properties. No rubbish, debris or litter of any kind shall be permitted at any time.
- O. Inspection. Any swimming and wading pool for commercial or private club use, including bath- or clubhouse, bathing, wading, lounging and parking areas and all enclosures, shall be subject to inspection at any time by the Health Officer and Police Department of the Township of North Brunswick.
- P. License to operate. An annual license or permit to operate a swimming and wading pool for commercial or private club use shall be required on or before the first day of May of each year and shall be obtained from the Clerk of North Brunswick Township upon payment of a fee of twenty-five dollars (\$25.), provided that no complaint of improper maintenance of the club- or bathhouse, swimming and wading pools, lounging and parking areas or its enclosures has been filed by the Health Officer or Police Department of the Township of North Brunswick.

ARTICLE XXIV  
Off-Street Parking and Loading

§ 145-96. Regulations applicable to all districts.

- A. Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways and driveways (except when provided in connection with one-family and two-family residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces and shall be adequately drained, subject to the approval of the Planning Board. Landscaping consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans. Special buffer planting shall be provided along the side and rear property lines so as to provide protection to adjacent properties when such lot lines abut residential zones or uses. The buffer area shall adhere to the provisions of Article XXVI.
- B. None of the off-street parking facilities that are required in this chapter shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this chapter shall apply only to the enlarged portions of the building or use. If the use is to be changed, the provisions of this chapter shall apply to the new use.
- C. The collective provisions of an off-street parking area by two (2) or more buildings or uses located on adjacent

lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one (1) or more of the collective users.

- D. No display vehicles or trailer devices for commercial purposes shall remain in any district for longer than a twenty-four hour period.
- E. Parking areas may be located in any rear or side yard but may not be located in any required front yard area except where specifically permitted elsewhere in this chapter.
- F. Parking spaces, driveways and aisles shall be clearly marked and delineated. For safety and fire-fighting purposes, free access between adjacent parking areas shall be provided.
- G. It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of sagging conditions, potholes, cracked pavement, etc. All lighting, bumpers, markings, signs, drainage and landscaping shall be similarly kept in workable, safe and good condition. If the owner fails to undertake repairs, after proper notification by the Building Inspector, the Township Committee may authorize repairs to be made at the owner's expense if, in the Township Committee's opinion, conditions constitute a hazard to the safety and welfare of the township residents and visitors or may revoke the owner's certificate of occupancy and require property to be vacated.

§ 145-97. Regulations for certain districts.

The following general provisions are applicable only to C-1, C-2, G-O, O-R, SPD, I-1, and I-2 Districts:

- A. All parking areas and appurtenant passageways and driveways shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- B. Not more than two (2) driveways used as a means of ingress or egress for off-street parking areas shall be permitted for each three hundred (300) feet of frontage on a public street, nor shall any driveway be located closer than one hundred (100) feet to the intersection of two (2) public streets.
- C. All parking areas for twenty (20) or more vehicles shall be landscaped with hedging and/or shade trees of a type and quantity approved by the Planning Board.
- D. All parking areas for ten (10) or more vehicles shall have artificial lighting that will provide an adequate lighting level throughout the parking area. Freestanding light poles shall be no higher than the height of the highest principal building served by the parking area plus five (5) feet.
- E. Required parking area shall be provided within one hundred fifty (150) feet of all uses. It shall be measured from the nearest point of public entrance to the building that such facility is required to serve. All parking spaces located at the rear of any commercial use shall have public access to rear entrances and exits.



- F. Traffic patterns shall be reviewed with regard to ingress and egress, as well as the internal system of vehicular and pedestrian movement, so as to avoid congestion, provide adequate space for maneuvering into parking spaces, provide for the safety of pedestrians going to and from buildings and parking areas and the separation of truck traffic serving the uses from pedestrian traffic.
- G. Truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and products on other than a public street or public parking area.
- H. For every building, structure or part thereof having over five thousand (5,000) square feet of gross building area erected and occupied for commerce, hospital, laundry, dry cleaning, places of public and quasi-public assembly, industry and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys. Every building, structure or addition thereto having a use which complies with the above definition shall be provided with at least one (1) truck standing, loading and unloading space on the premises; not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. Such buildings that contain in excess of twenty-five thousand (25,000) square feet of gross building area will be required to provide additional off-street loading spaces as determined by the Planning Board during site plan review.
- I. Access to truck standing, loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.
- J. Loading spaces as required under this section shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.
- K. Whenever an off-street loading and unloading area shall be located next to a residential zone, said loading and unloading area shall be suitably screened and buffered subject to approval by the Planning Board and in accordance with the requirements of Article XXVI.
- L. No off-street loading and unloading area shall be permitted in any required front yard area.

§ 145-98. Design standards.

- A. Parking space size. Each off-street parking space shall measure not less than nine (9) feet wide and not less than nineteen (19) feet deep, exclusive of access drives and aisles, except that parallel curb parking spaces shall be nine (9) feet wide and twenty-three (23) feet deep. Except in the case of one-family dwellings, no parking areas provided hereunder shall be established for less than four (4) spaces.
- B. Access aisles and driveways.
  - (1) No access drive, driveway, pathway or any other means of egress or ingress shall be located in any residential zone to provide access to uses other than those permitted in any such residential zone.

- (2) All driveways shall cross sidewalk areas at grade.
- (3) No driveway to or from a parking area shall be located closer than one hundred (100) feet to the nearest right-of-way line of an intersecting street. However, any major use, such as a shopping center or industrial use, which, in the opinion of the Planning Board, will generate large traffic volumes shall not be located closer than two hundred (200) feet to the nearest right-of-way line of an intersecting street.
- (4) Driveways shall have a minimum width of twelve (12) feet for one-way traffic and twenty-five (25) feet for two-way traffic for all other uses.
- (5) Aisles from which cars directly enter or leave parking spaces shall not be less than:
  - (a) Twenty-five (25) feet wide for perpendicular parking.
  - (b) Twenty-two (22) feet wide for sixty-five degree angle parking.
  - (c) Twenty (20) feet wide for thirty-degree and forty-five degree angle parking.
  - (d) Twenty-five (25) feet for all aisles following two-way traffic.

C. Sidewalks and curbing.

- (1) Sidewalks with a minimum width of four (4) feet shall be provided in all parking areas for five (5) or more vehicles, between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur.
- (2) Sidewalks shall be raised six (6) inches above the parking area, except where crossing streets or driveways, and curbed as a protection to pedestrians using the walks.
- (3) Sidewalks and parking areas must be arranged to prevent cars from extending over sidewalk areas.

§ 145-99. Off-street parking requirements for residential districts.

The following off-street parking spaces are required for R-1, R-2, R-3, R-4, R-4A, R-5, R-6, R-M and R-T-D Districts:

- A. One-family, two-family, duplex, mobile home and townhouse dwellings: two (2) off-street parking spaces per dwelling unit. The required parking spaces may be within an enclosed garage.

§ 145-100. Off-street parking requirements for nonresidential districts.

The following off-street parking spaces are required for all uses located in C-1, C-2, G-O, O-R, SPD, I-1 and I-2 Districts:

- A. Industrial manufacturing, research plants and warehouses.
  - (1) Storage, warehousing, distribution and shipping activities: at least one (1) space for each one thousand (1,000) square feet of gross floor area.
  - (2) Manufacturing or fabrication activities: at least one (1) space for each five hundred (500) square feet of gross floor area.

- (3) Administrative and executive office activities: at least one (1) space for each one hundred fifty (150) square feet of gross floor area.
- (4) Visitor parking: at least one (1) parking space for each five (5) executive office workers.

B. Commercial, retail, general office and other nonresidential uses.

- (1) Beauty and barber shops: one (1) parking space for each two hundred fifty (250) square feet or gross floor area.
- (2) Supermarkets and self-service food stores: one (1) parking space for each two hundred fifty (250) square feet of gross floor area.
- (3) Medical and dental offices: one (1) parking space for each two hundred (200) square feet or gross floor area.
- (4) Banks, financial and business offices and professional offices: one (1) parking space for each two hundred (200) square feet of gross floor area.
- (5) Furniture, appliance and hardware stores: one (1) parking space for each four hundred (400) square feet of gross floor area.
- (6) All other retail and service stores: one (1) parking space for each two hundred (200) square feet of gross floor area.
- (7) Restaurants, taverns, cafeterias and diners: one (1) parking space for each one hundred (100) square feet of gross floor area.
- (8) Drive-in restaurants: one (1) parking area for each twenty (20) square feet of gross floor area.
- (9) Laundromats: one (1) parking space for each two hundred (200) square feet or gross floor area.
- (10) Bowling alleys: six (6) parking spaces for each bowling lane.
- (11) New car sales and service: one (1) parking space for each two hundred (200) square feet of gross floor area, not including spaces used for storage of new or used vehicles being offered for sale or being serviced, plus one (1) parking space for each employee during the largest shift.
- (12) Motor vehicle service stations: one (1) parking space for each service bay, plus one (1) parking space for each employee, with a minimum of two (2) parking spaces for employees.
- (13) Auditoriums, churches, exhibition halls, assembly halls, union halls, community centers and similar places of public and quasi-public assembly not having fixed seating facilities: one (1) parking space for every four (4) persons who may legally be admitted therein at one time under the State Fire Prevention Laws.
- (14) Auditoriums and similar places of public assembly having fixed seating facilities: one (1) parking space for every four (4) seats.
- (15) Motion-picture theaters: one (1) parking space for every two (2) seats.

- (16) Hospitals and similar institutional uses for care of the ill or aged: one (1) parking space for each three hundred (300) square feet of gross floor area.
- (17) Mortuaries and funeral homes: one (1) parking space for each one hundred (100) square feet of gross floor area.
- (18) Transportation and terminal facilities: one (1) parking space for every fifty (50) square feet or gross floor area.
- (19) Parks and other outdoor recreation sites: five (5) parking spaces for each gross acre of land up to fifty (50) acres and one (1) parking space per gross acre of land above fifty (50) acres.

ARTICLE XXV  
Signs and Outdoor Advertising

§ 145-101. Applicability of regulations.

The following regulations shall apply to all signs and outdoor advertising and shall be in addition to other regulations for specific uses elsewhere in this chapter.

§ 145-102. Regulations applicable to all districts.

The following general provisions are applicable to all zones:

- A. Unless otherwise provided for, all signs shall relate to the premises on which they are erected.
- B. Any signs not specifically permitted are hereby prohibited.
- C. No sign shall be located closer than twenty (20) feet to any lot line, except traffic signs and other signs installed by governmental agencies.
- D. No sign shall exceed twenty (20) feet in height above ground level, except signs erected against the side of a building, which signs shall not extend above the height of the vertical wall or cornice to which they are attached.
- E. Signs may be double-faced, in which case the maximum sign area will apply to only one (1) side.
- F. The area of a sign shall include every part of the sign, including moldings, frames, posts, pylons or other supporting members.
- G. Where the face of a sign has openings or is of an irregular shape, the area of the sign, exclusive of supporting members, shall be considered as the total area of the smallest rectangle that can enclose the sign.
- H. Freestanding signs shall be supported by posts or pylons of durable materials, which may include concrete, steel, treated wood or other suitable material, and shall be set securely in the ground or concrete so that the sign will be capable of withstanding high winds. No other bracing or guy wire shall be permitted.
- I. Any sign attached flat against the surface of a building shall be constructed of durable material and attached securely to the building with nonrusting hardware. The use of wood or fiber plugs is prohibited.
- J. Advertising or identification of an establishment painted on the surface of a building shall be considered

part of the total allowable sign area and shall be subject to the regulation of this Article.

- K. Signs attached to the side of the building shall not exceed more than twelve (12) inches from the face of the building.
- L. A permit shall be secured from the Construction Official after review and approval of the Zoning Officer for the erection, alteration or reconstruction of any signs, other than nameplate, identification, temporary, sales or rental signs which are less than two (2) square feet in area.
- M. Whenever a sign becomes structurally unsafe or endangers the safety of the building or the public, the Zoning Officer shall order such sign to be made safe or removed. Such order shall be complied with within ten (10) days of the receipt thereof by the person, firm or corporation owing or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.
- N. Signs shall not be painted on or affixed to water towers, storage tanks, smokestacks or similar structures.
- O. The area surrounding ground signs shall be kept neat, clean and landscaped. The owner of the property upon which the sign is located shall be responsible for maintaining the condition of the area.
- P. Facade signs and freestanding signs for office, commercial and industrial uses, permitted in § 135-105 of this Article, and may be internally illuminated.

#### § 145-103. Prohibited signs.

The following signs are prohibited:

- A. Moving or revolving signs and signs using waving, blinking, flashing, vibrating, flickering, tracer or sequential lighting.
- B. Signs using words such as "stop," "look" or "danger" or any other sign which in the judgement of the Police Chief of the township constitutes a traffic hazard or otherwise interferes with the free flow of traffic.
- C. Roof signs.
- D. Signs advertising a product or service not sold on the premises, signs advertising or directing attention to another premises and any other sign not related to the premises on which the sign is erected.
- E. Signs causing interference with radio or television reception.
- F. Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.
- G. Signs placed in awnings, trees, fences, utility poles or signs attached to other signs.
- H. Temporary mobile message signs.
- I. The use of flags, banners and pennants.

#### § 145-104. Permitted signs in residential districts.

The following signs are permitted in R-1, R-2, R-3, R-4, R-4A, R-5, R-6, R-7, R-M and R-T-D Districts:

- A. Nonilluminated directional signs identifying parking areas, entrances, loading zones, exits and similar locations and not exceeding three (3) square feet in area.
- B. Name and number plates identifying residences and affixed to a house, apartment or mailbox and not exceeding fifty (50) square inches in area.
- C. Lawn signs identifying residents and not exceeding one and one-half (1½) square feet in area.
- D. Nonilluminated real estate signs announcing the sale, lease or rental of the premises on which the sign is located. Such signs shall not exceed three (3) square feet in area in a residential zone.
- E. Temporary and permanent traffic signs and signals or other signs installed by a government agency.
- F. Temporary signs advertising public functions or fundraising events for charitable or religious organizations and not exceeding twelve (12) square feet in area.
- G. Religious institutions, hospitals, nursing homes, private schools and service organizations may have one (1) freestanding wall not exceeding twenty (20) square feet in area.
- H. Housing developments or garden apartment developments may place one (1) temporary sign at each entrance to the project and at the rental or sales office during the course of the development. One (1) sign shall not exceed twenty (20) square feet in area of six (6) feet in height. Other signs shall not exceed fifteen (15) square feet in area or five (5) feet in height.
- I. One (1) nonflashing sign identifying farms, public and private parks and recreation areas, and not exceeding thirty (30) square feet in area on any one (1) side, and further provided that such sign shall not be closer than thirty-five (35) feet to any street or property line.
- J. Temporary political signs.

§ 145-105. Permitted signs in nonresidential districts.

The following signs are permitted signs in C-1, C-2, G-O, O-R, SPD, I-1 and I-2 Districts:

- A. Nonilluminated directional signs identifying parking areas, entrances, loading zones, exits and similar locations and not exceeding three (3) square feet in area.
- B. Name and number plates identifying residences and affixed to a house, apartment or mailbox and not exceeding fifty (50) square inches in area.
- C. Lawn signs identifying residents and not exceeding one and one-half (1½) square feet in area.
- D. Nonilluminated real estate signs announcing the sale, lease or rental of the premises on which the sign is located. Such signs shall not exceed three (3) square feet in area in a residential zone.
- E. Temporary and permanent traffic signs and signals or other signs installed by a government agency.
- F. Temporary signs advertising public functions or fundraising event for charitable or religious organizations and not exceeding twelve (12) square feet in area.
- G. Religious institutions, hospitals, nursing homes, private schools and service organizations may have one (1)

freestanding or wall sign not exceeding twenty (20) square feet in area.

- H. Housing developments or garden apartment developments may place one (1) temporary sign at each entrance to the project and at the rental sales office during the course of development. One (1) sign shall not exceed twenty (20) square feet in area or six (6) feet in height. Other signs shall not exceed fifteen (15) square feet in area or five (5) feet in height.
- I. One (1) nonflashing sign identifying farms, public and private parks and recreation areas, and not exceeding thirty (30) square feet in area on any one (1) side, and further provided that such sign shall not be closer than thirty-five (35) feet to any street or property line.
- J. Temporary political signs.

§ 145-105. Permitted signs in nonresidential districts.

The following are permitted signs in C-1, c-2, G-0, ERR, SPD, I-1 and I-2 Districts:

- A. Nonilluminated directional signs identifying parking areas, entrances, loading zones, exits and similar locations and not exceeding three (3) square feet in area.
- B. Nonilluminated real estate signs announcing the sale, lease or rental of the premises on which the sign is located. Such signs shall not exceed twenty (20) square feet in area for commercial and office uses and fifty (50) square feet in area for industrial properties.
- C. Temporary political signs.
- D. Temporary and permanent traffic signs and signals or other signs installed by a government agency.
- E. Temporary signs advertising public functions or fundraising events for charitable or religious organizations not exceeding twelve (12) square feet in area.
- F. Religious institutions, hospitals, nursing homes, private schools and service organizations may have one (1) freestanding or wall sign not exceeding twenty (20) square feet in area.
- G. Each office, commercial use or industry not exceeding two (2) stories in height may have one (1) or more exterior signs identifying or advertising the names of tenants or uses occupying the premises, provided that such sign(s) shall not exceed ten percent (10%) of the front facade area of the building.
- H. Freestanding signs.
  - (1) Any office, commercial or industrial building over two (2) stories in height having a gross floor area of less than ten thousand (10,000) square feet shall be permitted one (1) freestanding sign, provided that the area of such sign shall not exceed forty (40) square feet. Any office, commercial or industrial building having a gross floor area of at least ten thousand (10,000) square feet shall be permitted one (1) freestanding sign, provided that the area of such sign shall not exceed fifty (50) square feet. Where more than one (1) use is conducted in a building or attached buildings on the same lot, only one (1) freestanding sign shall be permitted.
  - (2) Freestanding signs for office, commercial and industrial buildings in excess of ten thousand

(10,000) square feet of gross floor area shall be in accordance with the following schedule:

Gross Floor Area (square feet)	Maximum Size of Sign Face (square feet)
10,000 to 15,000	50
15,000 to 30,000	75
30,000 to 50,000	100
Over 50,000	150

- (3) Any office, commercial or industrial building having over one hundred thousand (100,000) square feet of gross floor area may have two (2) freestanding signs. The total area of both signs shall not exceed the maximum size sign face of one hundred fifty (150) square feet.
- (4) One (1) nonflashing sign identifying farms, public and private parks and recreation areas and not exceeding thirty (30) square feet in area on any one (1) side, and further provided that such sign shall not be closer than thirty-five (35) feet to any street or property line.

ARTICLE XXVI  
Landscaping and Buffer Areas

§ 145-106. General regulations.

- A. Within a buffer area, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of lawn, massed evergreen and deciduous trees and shrubs of such species and density as will provide, within two (2) growing seasons, a solid and continuous screen throughout the full course of the year. The intense density of the buffer screen may be reduced by the Planning Board if it is found that the proposed use is visually attractive and not detrimental to the appearance of the neighboring uses.
- B. The entire buffer area and all required yard areas not occupied by parking areas shall be graded and planted with grass seed or sod and such shrubbery or trees as may be desired by the Planning Board. The entire area shall be attractively maintained and kept free of all debris and rubbish. In the event that any of the plantings in accordance with this section do not live within the first year.
- C. The required height for a landscape screen shall be measured in relationship to the elevation of the land at the edge of the adjacent area or structure to be buffered. In such cases as when the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of adjacent area to be buffered, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area to be buffered, the required height may be reduced in an amount equal to said difference in elevation, provided that in no case shall the required height be reduced to less than three (3) feet.
- D. All nonpaved areas in commercial, industrial, public and semipublic buildings and use areas shall be suitably landscaped with grass, trees, shrubs and other landscaped materials.



- E. When a parking area of four (4) or more vehicles or a loading and unloading area adjoins an adjacent residential property area, a landscaped buffer screen shall be provided between the parking area and the adjoining property. The buffer screen shall be no less than six (6) feet in height.
- F. The buffer screen around parking lots and loading and unloading areas may be constructed of wood or other fence material, provided that not more than twenty-five percent (25%) of the fence is open on its vertical surface. In such cases, evergreen and deciduous trees and shrubs shall be planted along the fence to break up the monotony of the fence. Such landscaping may be omitted if it is the finding of the Planning Board that the type of fence to be erected is visually attractive and not detrimental to the appearance of surrounding areas.
- G. If the Construction Official or Zoning Officer, upon inspection, determines that the landscape materials, buffer areas and screens are not being maintained in good condition, he shall notify the owner, in writing, of his findings and order that any negligent maintenance on the part of the owner be corrected within thirty (30) days of the notice. In the event that any planting required by this chapter fails to live, it shall be replaced. If the owner fails to correct these conditions, after proper notification by the Construction Official or the Zoning Officer, the Township Committee may authorize correction of the condition by authorizing the appropriate legal action.
- H. The certificate of occupancy for the use on the premises shall not be issued until such time as the landscaping requirements set forth in this subsection are installed in accordance with the plan approved by the Planning Board or until a performance bond is posted with the township in an amount equal to the estimated cost of said landscaping installation. In any event, a performance bond shall be posted with the township in an amount equal to fifty percent (50%) of the total estimated cost to ensure that the installed landscaping complies with the requirements set forth at the completion of the second growing season.
- I. Prior to commencing construction of any buildings, structures, railroad tracks, driveways or parking areas, a permanent fence shall be constructed along the entire length of any side or rear lot line that abuts a residential zone or lot utilized for residential purposes in a commercial or industrial zone. Such fence shall be a solid fence six (6) feet in height or an open fence eight (8) feet in height and shall be of a type and material approved by the Planning Board.
- J. Unless the delineated buffer area shall contain such existing trees either maintained at present grade or suitably welled so as to qualify to meet the standards above, such buffer area shall be landscaped with two (2) rows of spruce trees or approved equal, with ten (10) feet between each row. The trees in each row shall be twenty (20) feet on centers. Each tree in one row shall be fourteen (14) feet from any other tree in the other row so as to be staggered in appearance. Each tree shall be a minimum of five (5) feet in height.

ARTICLE XXVII  
Performance Standards

§ 145-107. General regulations.

- A. As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or its designated representative, that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance, the Planning Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific operation procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.
- B. The Planning Board may require that instruments and/or other devices be used to determine compliance with all applicable performance standards of an existing use, and the cost shall be incurred by the specific use in question.
- C. All applications for conditional uses and use variances which must meet the performance standards of this Article shall include necessary documentation indicating compliance with the performance standards established herein.
- D. In the event that a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established herein after completion or installation and operation. Within thirty (30) days after a conditional permit is granted, a certificate of occupancy shall be applied for and satisfactory evidence submitted that all standards established by this Article have been met.

§ 145-108. Specific standards.

A. Noise.

- (1) Any noise produced on the premises shall not be in excess of standards listed below when measured at any property line of the lot on which the use is located:

Frequency Band (cycles per second)	Sound Pressure Level (decibels re 0.002 dyne/cm)
20 to 75	69
75 to 150	54
150 to 300	47
300 to 600	41
600 to 1,200	37
1,200 to 2,400	34
2,400 to 4,800	31
4,800 to 10,000	28

- (2) If the noise is not smooth and continuous but is of an impulsive or periodic character, the decibel levels indicated above shall be reduced by fifteen percent (15%).

- B. Air pollution. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property, or which will

interfere unreasonably with the comfortable enjoyment of life and property anywhere in the township. All provisions of the New Jersey Air Pollution Code, as amended and as augmented by regulations hereinafter designated as the "code," and all the following provisions stated, whichever shall be the more stringent, shall be complied with:

- (1) Smoke. In any nonresidential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any thirty (30) consecutive minutes.
- (2) Solid particles.
  - (a) In any residential zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than fifty percent (50%) of the allowable emission in pounds per hour established by Chapters 7 and 8 of the New Jersey Air Pollution Code.
  - (b) In any remaining zone, the allowable discharge shall be seventy-five percent (75%) of the allowable emission permitted by the code.
  - (c) No open burning shall be permitted in any zone.
  - (d) All incinerators shall be approved by the State Department of Health.
  - (e) No solid fuel shall be used to heat or cool any building or used in any process.
  - (f) Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficient to prevent the generation of dust from the movement of such vehicles or equipment.
- (3) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained. Table I (Odor Thresholds in Air) in Part I (Odor Thresholds for 53 Commercial Chemicals) of Research on Chemical Odors, copyrighted October 1968 by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining quantities of offensive odors.

C. Liquid waste. No liquid waste shall be discharged into any watercourse in the township except as herein provided. If the applicant proposes to construct facilities for the treatment of waste, he shall supply:

- (1) A statement by the New Jersey Department of Health that such proposed facilities are in compliance with applicable state laws and regulations.
- (2) Approval of the installation of such facilities by the appropriate officials. No liquid waste shall

be discharged into the public sewage collection and disposal system unless the appropriate municipal or authority officials shall have first investigated the character and volume of such waste and shall have certified that the system is adequate to receive the liquid waste. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

D. Solid waste. All uses in the township shall:

- (1) Assume full responsibility for adequate and regular collection and removal of all refuse except if the township assumes the responsibility.
- (2) Comply with all applicable provisions of the Air Pollution Control Code.
- (3) Comply with all provisions of the State Sanitary Code, Chapter 8, Refuse Disposal, Public Health Council of the State Department of Health.
- (4) Permit no accumulation on the property of any solid waste, junk or other objectionable materials.
- (5) Not engage in any sanitary landfill operation on the property except as may be permitted by other township codes and ordinances.

E. Radiation. All use of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended, and any codes, rules or regulations promulgated under such Act as well as the Radiation Protection Act, P.L. 1958, c. 116, as amended, whichever shall be more stringent.

F. Fire and explosion hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Planning Board may require the applicant to supply proof of:

- (1) Approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry indicating that adequate safeguards against fire and explosion have been taken or installed.
- (2) Approval from the appropriate township fire prevention officer that the applicant has complied with all applicable township fire prevention regulations.

G. No activity shall be maintained on the premises which will produce heat or glare beyond any property line.

H. No machinery or operation shall be permitted which shall cause perceptible earth-shaking vibration beyond the property lines of the lot on which the use is located.

I. Storage of flammable material. The storage of all flammable and combustible liquids and gases shall be subject to approval by the North Brunswick Fire Prevention Bureau.

J. Fireproof construction. All new construction and additions except one- and two-family dwellings shall be of

fireproof construction as defined in the New Jersey State Uniform Construction Code.

K. Lighting and illumination. Artificial lighting or illumination provided on any property or by any use shall adhere to the following standards:

- (1) The illumination provided by artificial lighting shall not exceed five-tenths (0.5) footcandle beyond any property line.
- (2) Spotlights or other types of artificial lighting that provide a concentrated beam of light shall be so directed that the beam of light does not extend beyond any property line.
- (3) Spotlights or other types of artificial lighting used to illuminate signs or building faces shall be located above the areas they illuminate and shall not emit beams of light that are directed above the horizontal plane of light of the light source.

#### ARTICLE XXVIII Site Plan Review

##### § 145-109. Approved required; exceptions.

Before any permit is issued for a building or an addition, loading or unloading facilities, railroad tracks, site development wherein a substantial change of grade is made or a quantity of earth is moved or the construction of a new off-street parking lot, a detailed site plan and other required data shall be submitted for approval of the Planning Board or Board of Adjustment, except that the following shall be excluded from such requirements: single- and two-family houses and industrial expansion in the I-1 and I-2 Districts where the total floor or parking area addition to an existing building or to an existing lot shall not be more than twenty percent (20%) of the existing area and shall not be reduce the existing distance between any building or lot and an abutting residential district. Also excluded are existing developed properties where there is a change from one permitted use to another permitted use.

##### § 145-110. Application for site plan review; procedure

Application for site plan review shall be made in ten (10) copies. The applicatin for site plan approval shall include the following:

- A. Site plan. A site plan shall be professionally prepared, drawn at a scale not smaller than one (1) inch equals fifty (50) feet and including the following for the site and all areas within one hundred (100) feet of the site:
  - (1) Name and title of person preparing map.
  - (2) Dates, scale and North sign.
  - (3) Tax Map block number and zone district in which property is located.
  - (4) The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railroads, canals, rivers, buildings, structures or any other feature directly on the property or beyond the property if such feature has an effect upon the use of said property.
  - (5) The location, use and ground area of such proposed building, structure or any other land use, including all setback dimensions.

- (6) The location and widths of proposed streets servicing the area.
- (7) The capacity of proposed off-street parking areas and locations of all off-street parking spaces.
- (8 ) The location and size of proposed loading berths. The location and treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width and any other device necessary to traffic safety and/or convenience.
- (9) The location of and identification of proposed open spaces, parks or other recreation areas.
- (10) The general location of landscaping and other forestry features.
- (11) The location and design of buffer areas and screening devices to be maintained.
- (12) The location of sidewalks, walkways and all other areas proposed to be devoted to pedestrian use.
- (13) General nature and location of public and private utilities, including maintenance facilities.
- (14) Specific location of signs.
- (15) Interior traffic circulation.
- (16) An exterior lighting plan showing the location, type, illumination and direction of light for all proposed lighting fixtures.
- (17) Topographical information including the elevation of buildings, contour lines at not less than two-foot intervals and grades of all roads, driveways and sewers.
- (18) All existing property lines and the name of the owner of each property.
- (19) Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, height and general design or architectural styling.
- (20) Any other information required by the Planning Board or Board of Adjustment which is reasonably necessary to ascertain compliance with the provisions of this chapter or other federal, state, county or municipal laws, rules or regulations.
- (21) For any area that will be developed in stages, a total development plan must be submitted in accordance with this section.

B. In reviewing the site plan, the Planning Board or Board of Adjustment shall consider its conformity with the Master Plan and other codes and ordinances of the township. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The impact on drainage shall be considered to ensure against flooding. Conservation features, aesthetics, landscaping and impact on surrounding development, as well as on the entire township, shall be part of the review. In its review the Planning Board or Board of

Adjustment may request recommendations for any local, county, state and/or federal agency which may have an interest in the particular development for which site plan approval is being sought.

C. The Planning Board or Board of Adjustment may require that public and private improvements, landscaping and buffer area requirements be secured by a performance guaranty in the same manner prescribed for such improvements in the subdivision administration section of this chapter.

D. Fees.

(1) All applications for site plan approval shall be accompanied by a fee to defray the public cost for review and processing of site plan. The fees shall be in accordance with the following:

(a) Residential uses: a fee of fifty dollars (\$50.) plus an additional fee equal to ten dollars (\$10.) per unit for garden apartments and other multi-unit projects in excess of two (2) attached units.

(b) Nonresidential uses: a fee of fifty dollars (\$50.) plus an additional fee equal to ten dollars (\$10.) per acre or fraction thereof up to five (5) acres. For nonresidential uses over five (5) acres, an additional fee of twenty dollars (\$20.) for each one thousand (1,000) square feet of building area up to ten thousand (10,000) square feet of building area and fifteen dollars (\$15.) for each five thousand (5,000) square feet or area thereafter.

(c) Amended site plan applications for all uses: a fee equal to one-half ( $\frac{1}{2}$ ) the amount required for the original site plan application.

(d) In the event a special meeting is scheduled to consider site plan applications by request of an applicant, the applicant shall be required to deposit additional funds in sufficient amount for professional services rendered by the Board Attorney, planner, engineer, secretary and transcriber. Such funds should be placed in an escrow account by the Township Treasurer to be used as payment to the Board staff.

(2) Fees required under this section shall be in addition to other applicable fees in this chapter or other ordinances of the township.

#### ARTICLE XXIX Conditional Uses

§ 145-111. Guiding principles; general requirements.

A. Recognizing that certain uses, activities and structures are necessary to serve the needs and conveniences of the Township of North Brunswick and, at the same time, recognizing that such uses may be or may become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as

conditional uses. In addition to other powers conferred by this chapter and applicable statutes, the Planning Board shall have jurisdiction and power to approve conditional uses, under the terms and conditions established by this chapter under the following stipulations and guiding principles:

- (1) The use for which application is being made is specifically authorized as a conditional use in the Article of this chapter for the zoning district in which it is located.
- (2) The design, arrangement and nature of the particular uses is such that the public health, safety and welfare will be protected and reasonable consideration afforded to the:
  - (a) Character of the neighborhood and zone.
  - (b) Conservation of property values.
  - (c) Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood.
  - (d) Potential congestion of vehicular traffic or creation of undue hazard.
  - (e) Principles and objectives of this chapter and the Master Plan of the Township of North Brunswick.

B. All applications for conditional uses shall require site plan approval.

#### § 145-112. Private and parochial schools.

Private and parochial schools, excluding institutions of higher learning or private trade or business schools, may be permitted as conditional uses in certain zone districts as provided for in this chapter, provided that:

- A. The curriculum of the proposed school shall be approved by the New Jersey Department of Education.
- B. Lot area and coverage.
  - (1) The minimum lot area for an elementary school shall be ten (10) acres, plus one (1) additional acre for each one hundred (100) pupils.
  - (2) The minimum lot area for an intermediate school shall be twenty (20) acres, plus one (1) additional acre for each one hundred (100) pupils.
  - (3) The minimum area for a high school shall be thirty (30) acres, plus one (1) additional acre for each one hundred (100) pupils.
  - (4) No more than ten percent (10%) of the site shall be covered by buildings.
- C. The minimum street frontage for an elementary school shall be five hundred (500) feet. The minimum street frontage for all other schools shall be seven hundred (700) feet.
- D. A front and rear yard, each with a depth of not less than one hundred (100) feet, and two (2) side yards, each with a width of not less than one hundred (100) feet, shall be provided. No parking or play area shall be allowed within seventy-five (75) feet of any street or property line, and no buildings shall be allowed



within one hundred twenty-five (125) feet of any street or property line.

- E. Off-street parking. Elementary schools shall provide one (1) parking space for each staff member or employee, plus one (1) parking space for each ten (10) pupils, plus adequate space for buses and delivery vehicles. All other schools shall provide one (1) parking space for each staff member or employee, plus one (1) parking space for each five (5) pupils, plus adequate space for buses and delivery vehicles. These requirements may be increased if, in the judgement of the Planning Board, such considerations as the unavailability of the bus service, the distance from centers of population or a relatively high percentage of pupils driving their own cars make such increased requirements desirable.
- F. No driveway shall open onto a public street within one hundred fifty (150) feet or an intersection of such street with another public street. In determining the suitability of proposed or existing driveways upon the site, the Planning Board shall consider such factors as grade and site clearance; the number and pattern of driveways; the number, location and design of ingress and egress points; the volume of traffic which may be anticipated on the site and upon adjoining roads; and the condition and width of pavement of adjoining roads.
- G. Illumination of night athletic activities shall be shielded from view from adjoining streets and residential areas.
- H. The application shall include a complete set of architectural plans and specifications and existing and proposed buildings and structures and a statement setting forth in general terms the proposed courses of instruction. This statement shall indicate the grade levels of the pupils to be housed in the building or buildings, the planned pupil capacity of such building or buildings and the contemplated eventual enrollment of the school.

§ 145-113. Churches and places of worship.

Churches and places of worship may be permitted as conditional uses in certain zone districts as provided for in this chapter, provided that:

- A. The minimum lot area shall be sixty thousand (60,000) square feet; and the minimum width shall be three hundred (300) feet.
- B. All minimum requirements of lot depth, front, rear and side yard setbacks and building height conform to those established in the same zone.
- C. Driveways must be at least ten (10) feet from any side lot lines and one hundred (100) feet from the intersection of street lines. Not more than two (2) driveways shall be permitted for each three hundred (300) feet of street frontage.
- D. Adequate buffer areas and planting and/or fencing shall be provided to protect surrounding properties from the effect of light or noise generated in connection with the use of the property in accordance with Article XXVI.

§ 145-114. Public utilities.

Public utility zones, which must be provided above ground, may be permitted in any zone district, provided that:

- A. The proposed installation must be provided above ground in a specific location as is necessary and convenient for the efficiency of the public utility system or the

satisfactory and convenient provision of service by the utility to the neighborhood area in which the particular use is to be located.

- B. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
- C. Adequate and attractive fences, buffer areas and other safety devices will be provided in accordance with Article XXVI.
- D. Sufficient landscaping, including shrubs, trees and lawn, is to be provided and will be periodically maintained.
- E. All of the area, yard and building coverage requirements of the respective zone will be met.
- F. A minimum of one (1) off-street parking space for each employee during the shift of largest employment shall be provided for those public utility structures that require personnel to be on duty, either full- or part-time.

§ 145-115. Philanthropic and eleemosynary uses.

Fraternal, social, civic, recreational, philanthropic or eleemosynary uses may be permitted as a conditional use in certain zone districts as provided for in this chapter, provided that:

- A. A statement setting forth full particulars on the operation of the structure or use is filed with the Planning Board by the applicant.
- B. The Planning Board shall find that any parcel upon which such use is proposed contains at least five (5) acres of land; that no structure will be erected nearer than seventy-five (75) feet to any street line nor nearer than thirty (30) feet to any property line; that buildings will not occupy more than twenty-five percent (25%) of the lot area; that all other requirements as set forth in this chapter for the zone in which it is to be located are observed; that such use will in no way be detrimental to the surrounding property values; and that the structure or use proposed will serve a useful purpose to the general welfare of the township.
- C. The front, rear and side yards shall be increased by one (1) foot for each foot by which such building exceeds the height limit herein established for the zone in which it is located, but in no case shall any building exceed a height of fifty (50) feet.
- D. The site plan provides adequate buffer areas, if needed, as well as an attractive and functional landscaping scheme.
- E. Signs may be illuminated but nonflashing and limited in area to not more than thirty (30) square feet on any one (1) side. The number and location of signs shall be determined by the Planning Board.
- F. Philanthropic and eleemosynary uses shall provide off-street parking spaces in a number and location as determined by the Planning Board based upon the anticipated maximum occupancy of the building or use.

§ 145-116. Boardinghouses and rooming houses.

Boardinghouses and rooming houses may be permitted as conditional uses in certain residential zone districts, as provided for in this chapter, provided that:

- A. The structure or use shall conform to all requirements for one-family dwellings in the zoning district, and the size of rooms shall meet air-cubage requirements of the Board of Health.
- B. Off-street parking facilities shall be provided on the premises in the rear and side yards, but not in the front yard, of not less than one (1) parking space for each roomer.
- C. The proposed use shall in no way be apparently detrimental to surrounding property values, and the structures or use proposed will further the general welfare of the Township of North Brunswick.
- D. No structure or lot shall provide lodgings for more than three (3) roomers or boarders.
- E. The owner of the property shall have his place of residence in the same house.

§ 145-117. Motor vehicle service stations.

Motor vehicle service stations may be permitted by as conditional uses in certain zone districts as provided for in this chapter, provided that:

- A. The site plan shall also show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed and the number of automobiles which are to be garaged.
- B. Motor vehicle service stations shall have a lot area of not less than sixty thousand (60,000) square feet with a minimum street frontage of three hundred (300). No building shall be located closer than one hundred (100) feet to any street line.
- C. All paved areas other than driveways shall be located no closer than forty (40) feet to the street line.
- D. Driveways shall be no more than thirty-five (35) feet nor less than twenty-five (25) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and one hundred (100) feet from the intersection of street lines. No more than one (1) driveway shall be permitted for each one hundred fifty (150) feet of street frontage.
- E. No motor vehicle service station shall be located within one thousand (1,000) feet of any public entrance to a church, school, library, hospital, fire station, park, playground, charitable institution or place of public assemblage or within two thousand five hundred (2,500) feet of any existing motor vehicle service station. The distance shall be measured in a straight line along the center line of streets forming the shortest route from a point opposite the nearest side boundary from said public entrance to a point opposite the nearest boundary of the service station or garage lot.
- F. All fuel pumps shall be located at least fifty (50) feet from any street or property line.
- G. No vehicle shall be permitted to be standing or parked on the premises of a motor vehicle service station other

than those used by the employees in the indirect or direct operation of the establishment, except for the following: no more than five (5) during working hours and no more than three (3) overnight.

- H. The entire area of the site traversed by motor vehicles shall be hard-surfaced.
- I. No outdoor oil drainage pits or hydraulic lifts shall be permitted.
- J. Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicle may be stored out of doors.
- K. Coin-operated service stations are not permitted.
- L. No auto body work shall be permitted.
- M. Permitted signs and advertising devices.
  - (1) One (1) pylon identification sign, internally illuminated, for each three hundred (300) feet of frontage, not to exceed twenty (20) feet in height and forty-five (45) square feet in area on any one (1) side.
  - (2) One portable A-frame approximately three by three (3 x 3) feet shall be permitted for each three hundred (300) feet of frontage.
  - (3) A sign pertaining to the products or services offered by the service station may be displayed on the pylon sign. Such sign shall not exceed two (2) square feet.
  - (4) The use of all flags, windmills, banners and any flashing or animated signs and the use of neon shall be prohibited; however, the use of pennants may be utilized for the purpose of advertising the opening of a new station but shall be restricted to a ten-day period.
- N. Accessory goods for sale may be displayed on the pump islands and the building island only. The outside storage of oil cans and/or antifreeze and similar products may be displayed on the respective islands if provided for in a suitable metal stand or rack.
- O. A ten-foot-wide buffer, suitably landscaped, shall be provided between the curb cuts and along all other property lines. The buffer screen shall adhere to the standards set forth in Article XXVI.
- P. The maximum lot coverage shall be ten percent (10%) of the lot area.
- Q. The minimum open space shall be thirty percent (30%) of the lot area.

#### § 145-118. Motels.

Motels, which may include restaurants, cocktail lounges and swimming pools, may be permitted by as conditional uses in certain zone districts as provided for in this chapter, provided that:

- A. The site is located on a primary arterial roadway as classified in the Township of North Brunswick Master Plan.
- B. The site has a minimum of 3½ acres.

- C. All minimum requirements of lot depth, lot width front, rear and side yard and building height conform to those established for the zone.
- D. Not more than forty percent (40%) of the land shall be covered by buildings.
- E. Every building shall have a minimum setback of ten (10) feet from all interior development roads, driveways and parking areas.
- F. Interior roads and vehicular passageways in parking areas shall have a minimum width of twenty (20) feet.
- G. The minimum open space shall be twenty-five percent (25%) of the lot area.
- H. All paved areas other than driveways shall be located no closer than thirty (30) feet to the street line.
- I. A ten-foot-wide buffer strip, designed in accordance with Article XXVI of this chapter shall be provided along all property lines; provided, however, that when said use abuts a residentially zoned or developed lot, the width of the buffer shall be a minimum of 30 feet.
- J. Each motel shall contain a minimum of one hundred (100) units of accommodations.
- K. Any refuse disposal facilities shall be enclosed and removed from sight. Dumpster service is required at the owner's expense.
- L. Where buildings are at right angles at one another and are not interconnecting, there shall be a minimum distance of ten (10) feet between them.
- M. Where the buildings are parallel to one another, there shall be a minimum distance between them equal to the height of the taller building but in no event less than twenty-five (25) feet.
- N. One (1) off-street parking space shall be required for each motel unit, and additional parking shall be required for restaurant or cocktail lounges, in accordance with § 145-100 of this chapter. No additional parking shall be required for swimming pools, provided that the pools are not open for use by the general public but are primarily for the use of guests at the motel.
- O. Swimming pools shall be subject to the provisions of § 145-94 of this chapter.

§ 145-119. Shopping centers.

Shopping centers, which may include all uses permitted in a C-2 General Commercial District, may be permitted in certain industrial districts as provided in this chapter, provided that:

- A. The site has a minimum of seven hundred (700) feet of frontage and lot width on U.S. Route 1 and U.S. Route 130.
- B. A minimum lot area shall be forty (40) acres.
- C. All uses shall conform to those established for the C-2 Zone.
- D. All minimum requirements of front, side and rear yards and building height shall conform to § 145-81B(1).
- E. Not more than twenty percent (20%) of the land shall be covered by buildings.

- F. There shall be a buffer strip along the entire perimeter of the property, exclusive of the front yard, of at least ten (10) feet in width measured inward from the property line and suitably landscaped with grass and/or ground cover, shrubs and trees. The buffer strip shall adhere to the standards set forth in Article XXVI.
- G. Every building shall have a minimum setback of twenty (20) feet from all interior development roads, driveways and parking areas.
- H. The minimum open space shall be twenty percent (20%) of the lot area.
- I. Topsoil shall be removed from the site during construction but shall be stored and redistributed to areas most exposed to view by occupants and the public, and such areas shall be stabilized by seeding and planting.
- J. Interior development roads, parking areas, entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same and shall, where necessary, be shielded to avoid disturbing glares to occupants or buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.
- K. Front yard areas may be utilized for parking, provided that no such parking shall be within two hundred (200) feet of U.S. Route 1 and U.S. Route 130 and one hundred (100) feet from all other streets.
- L. The land shall be so graded, paved areas so pitched and storm drains and catch basins so located as to provide rapid runoff of stormwater, under the normal range of water conditions, as may be required by the Township Engineer and in accordance with § 145-31.
- M. Off-street parking shall be provided at the minimum of seven and one-half (7½) spaces per one thousand (1,000) square feet of gross leasable area which includes allowance for employee parking. "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

§ 145-120. County penal facilities.

County penal facilities may be permitted in the Educational-Recreational-Research District as a conditional use as provided for in this chapter, provided that:

- A. The site of a county penal facility shall contain a minimum of one hundred (100) acres.
- B. Buildings shall be set back a minimum distance of five hundred (500) feet from all property lines.
- C. No parking area or driveway shall be located within two hundred (200) feet of any side or rear lot line that abuts a residential zone.
- D. Where the side or rear lot line of a county penal facility abuts a residential zone, a buffer strip shall be established in accordance with Article XXVI.
- E. The maximum building coverage shall be ten percent (10%).

- F. Off-street parking areas shall provide a minimum of one (1) parking space for every five (5) inmates plus one (1) additional parking space for each employee during the largest working shift.

§ 145-121. Hospitals, nursing homes and sanatoriums.

Hospitals, nursing homes and sanatoriums may be permitted as conditional uses in certain zone districts as provided in this chapter, provided that:

- A. The minimum lot area shall be ten (10) acres.
- B. The minimum lot frontage shall be five hundred (500) feet.
- C. The minimum lot depth shall be four hundred (400) feet.
- D. All minimum requirements of front, rear and side yards, coverage, open space, setbacks and building height shall conform to those established in the same zone, except that greater requirements may be imposed by the Planning Board.

§ 145-122. Drive-in restaurants.

Drive-in restaurants may be permitted in certain zone districts as conditional uses as provided in this chapter, provided that:

- A. The minimum lot area shall be three (3) acres.
- B. The minimum lot frontage shall be three hundred (300) feet.
- C. The minimum lot depth shall be three hundred (300) feet.
- D. The maximum lot coverage shall be ten percent (10%).
- E. All minimum requirements of front, rear and side yards, setbacks and building height shall conform to those established for the zone, except that greater requirements may be established by the Planning Board.
- F. The applicant shall submit plans showing the placement, type, intensity and direction of all lighting.
- G. There shall be a buffer strip along the entire perimeter of the property, exclusive of the front yard, of at least ten (10) feet in width measured inward from the property line and suitably landscaped with grass and/or ground cover, shrubs and trees. The buffer strip shall adhere to the standards set forth in Article XXVI.
- H. The minimum open space shall be thirty percent (30%) of the lot area.
- I. Driveways shall be no more than thirty-five (35) feet nor less than twenty-five (25) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and one hundred (100) feet from the intersection of street lines. No more than one (1) driveway shall be permitted for each one hundred fifty (150) feet of a street frontage.
- J. The applicant shall demonstrate that trash will be adequately disposed of.
- K. The applicant shall demonstrate that the drive-in shall not become a public nuisance.
- L. All paved areas other than driveways shall be located no closer than forty (40) feet to the right-of-way.

§ 145-123. New car sales and showrooms.

New car sales, services and showrooms may be permitted in certain zone districts as conditional uses as provided in Article XXIX of this chapter, provided that:

- A. The minimum lot area shall be five (5) acres.
- B. The minimum lot frontage shall be four hundred (400) feet.
- C. The minimum lot depth shall be four hundred (400) feet.
- D. All minimum requirements of front, rear and side yards, coverage setbacks and building height shall conform to those established in the zone.
- E. Used cars shall not be sold except as an accessory use to a new car dealer.
- F. There shall be a building in conjunction with the use which shall contain not less than fifteen thousand (15,000) square feet of usable floor area.
- G. The area devoted to outside display of new and used cars shall not exceed the thirty-five percent (35%) of the total lot area, whichever is less.
- H. The minimum open space shall be twenty-five percent (25%) of the lot area.
- I. All outdoor display and service areas, including driveways and parking facilities, shall be paved with a suitable asphalt or other similar material commonly used in driveway construction.
- J. Display lighting shall be shielded and shall be located and maintained as not to constitute a hazard or nuisance to the public using the highway or to neighbors. In particular, so-called "string lights" shall not be permitted.
- K. Where the use is situated adjacent to residentially used property, adequate screening shall be provided along the property line as required by the Planning Board in individual cases and in accordance with Article XXVI.
- L. No cars shall be stored or displayed within the front yard area.

§ 145-124. Commercial swimming pools and swimming clubs.

Commercial swimming pools and swimming clubs may be permitted as conditional uses in certain zone districts as provided for in this chapter, provided that:

- A. They shall adhere to the minimum standards specified in § 145-95 of this chapter.
- B. The standards for health and safety as specified in the township ordinance regulating swimming pools and swimming clubs shall be met.
- C. Signs for swimming clubs shall be limited to one (1) nonflashing sign having an area not to exceed thirty (30) square feet on any one (1) side.
- D. The minimum land area for swimming clubs shall be seven (7) acres with a minimum frontage and depth of four hundred (400) feet.

§ 145-124.1 New truck sales, display, service and rental.



The sales, display, service and rental of trucks may be permitted in certain zone districts as conditional uses as provided in Article XXIX of this chapter, provided that:

- A. The minimum lot area shall be three (3) acres.
- B. All minimum requirements of lot width and depth, front, rear and side yards and building height shall conform to those established in the zone.
- C. The sale and rental of used trucks shall be an accessory use to a new truck sales and service use.
- D. There shall be a building in conjunction with the use which shall contain not less than fifteen thousand (15,000) square feet of usable floor area.
- E. The areas devoted to outside display of new and used trucks shall not exceed thirty-five percent (35%) of the total lot area.
- F. All outdoor display and service areas, including driveways and parking facilities, shall be paved in accordance with the requirements of this chapter.
- G. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the public using the highway or to adjoining property owners. In particular, so-called "string lights" shall not be permitted.
- H. No vehicles shall be stored or displayed within the required front yard area. However, off-street parking facilities may be located in the front yard area, provided that no parking shall be closer than forty (40) feet to the street line and all nonparking areas shall be landscaped.
- I. Where the use is situated adjacent to residentially zoned or used property, the following shall be required:
  - (1) A 50' buffer, designed in accordance with the requirements of Article XXVI of this chapter, shall be required along said residential use.
  - (2) Overhead doors and windows shall not be permitted on the side of any structure which faces a residentially zoned or developed property, if said structure will house service and maintenance activities. In addition, such buildings shall be constructed of sound-deadening materials which would result in acceptable noise levels in accordance with the performance standards contained in Article XXVII of this chapter.
  - (3) Outside maintenance, repair servicing work and painting, etc., and outside storage of parts, supplies and materials shall not be permitted.
  - (4) No parking area or driveway shall be located within sixty (60) feet of any side or rear lot line that abuts a residential zone or use.

§ 145-124.2 Community residence for developmentally disabled.

A community residence for the developmentally disabled, housing more than six (6) persons, may be permitted as a conditional use in certain residential zone districts as provided for in this chapter, provided that:

- A. A conditional use permit shall not be granted for such residences located within one thousand five hundred (1,500) feet of an existing community residence for developmentally disabled persons.

- B. A conditional use permit shall not be granted if existing community residences or community shelters within the township exceed fifty (50) persons or five-tenths percent (0.5%) of the township population, whichever is greater.
- C. Applicants for conditional use permits shall demonstrate to the Planning Board that every resident admitted shall be provided with assistance in maintaining a basic level of self care and in developing the potential to live independently in the township. The operator of a residence for the developmentally disabled shall provide to the Township Department of Health proper documentation certifying that each proposed resident is neither a danger to himself nor to the community. Such documentation shall be provided for each proposed resident before he is allowed to take up occupancy in the facility. Should a resident of the facility become a danger either to himself or to the community, said resident shall be removed immediately from the facility.
- D. The applicant shall provide documentation that the proposed residence has been properly licensed by the New Jersey Department of Human Services. In addition, the operator of a community residence for the developmentally disabled shall provide such properly licensed medical, nursing and supervisory staff as the Township Department of Health deem necessary and adequate for the particular facility in question.
- E. The applicant shall supply information concerning the operation and maintenance of residences and the rules and regulations governing the admission and discharge of residents. In addition to providing said information to the Planning Board, the same information shall be provided by the operator of a community residence for the developmentally disabled to the Township Department of Health and shall immediately provide copies of any changes to rules and regulations to the Township Department of Health.
- F. The applicant shall demonstrate that essential life-safety, health and comfort conditions will exist in a homelike atmosphere in the proposed community residence.
- G. Except as specified in this section, the use of single-family dwellings for community residents shall conform to all development standards of the zone district within which the residence is to be located.
- H. Except as specified in this section, the use of multiple-unit structures and/or apartment-type buildings for community residences shall conform to all development standards of the R-5 Zone.
- I. Off-street parking shall be provided at a rate of one (1) parking space per each dwelling unit within a multiple-unit dwelling. For single-family dwellings, parking shall be provided at a rate of one (1) parking space per each occupant of the residence, which may be located on the site and on the street. On-street parking may only be permitted by the Planning Board if it is determined that adequate on-street parking is available without interference with traffic circulation.
- J. The applicant shall provide detailed plans for a community residence, which shall indicate the use of all spaces contained within the dwelling. In addition, the operator of the community residence for the developmentally disabled shall provide copies of said plans to the Township Department of Health, and said plans are subject to the approval of the Township Department of Health as to the safety and adequacy of the particular facility.

- K. Community residences shall provide internal and outdoor passive recreation areas to sufficiently accommodate the occupants of the dwelling. In addition, facilities shall be provided for internal recreation for meetings, games and other similar activities.
- L. The applicant shall demonstrate to the Planning Board that adequate transportation will be continually provided to meet the daily needs of the occupants of the dwelling.
- M. A community residence shall have twenty-four-hour-on-site supervision and security. Security shall also consist of a fence and/or a landscape screen, or a combination of both fencing and landscaping, surrounding the facility, adequate to prevent residents of the facility from leaving unnoticed and to prevent unauthorized persons from entering the facility, as deemed appropriate by the Planning Board.
- N. The applicant shall submit details concerning all life-safety and emergency facilities and equipment which are to be provided within the building. The operator of the community residence for the developmentally disabled shall provide a centrally supervised fire alarm system with supervised smoke detectors monitored by the Police Department. The installation of smoke detectors, fire alarms, fire escapes and sprinkler systems shall be in accordance with the requirements of the Uniform Construction Code and the Bureau of Fire Prevention.
- O. The use of any existing or proposed building or structure as a community residence shall be in accordance with the State Uniform Construction Code and shall also be subject to the approval of the Bureau of Fire Prevention.
- P. As part of the application for a conditional use permit for a community residence, a fully detailed written disclosure shall be submitted to the Planning Board identifying all individuals involved in a corporation, partnership, society or association, whether public or private, whether for profit or nonprofit, involved in the operation and maintenance of such residence.
- Q. In considering the granting of a conditional use permit for a community residence, the Planning Board may be guided by standards contained elsewhere herein for comparable conditions and by common good practices.
- R. The applicant shall demonstrate to the Planning Board that the site location, existing development pattern of the area, traffic circulation and pedestrian mobility and safety are suitable for the establishment of a community residence. Any operator of a community residence for the developmentally disabled who wishes to convert the facility from a community residence for the developmentally disabled to a normal apartment complex shall ensure that all developmentally disabled and mentally ill persons have been vacated from the premises and adequately housed prior to allowing occupancy by any normal apartment tenants.
- S. The operator of a community residence for the developmentally disabled shall carry liability insurance with coverage of one million dollars (\$1,000,000.) per incident, which shall insure the operator against claims of negligence causing injury to the residents of the facility and which shall insure the public against any injury to persons or property perpetrated by a resident of the facility. Said insurance policy shall specifically provide that the mental state of the facility resident who was injured or who perpetrated an act shall not be used as a defense against recovery on the policy.

- T. The operators of a community residence for the developmentally disabled shall provide detailed information to the Planning Board concerning its approval and compliance with the Rules and Regulations Governing Community Mental Health Service and State Aid Under the Community Mental Health Services Act (N.J.S.A. 30:9A), N.J.A.C. 10:37-1.0 through 10:37-8.0.

ARTICLE XXX  
Nonconforming Uses

§ 145-125. Continuance.

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued, although such use of buildings does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:

- A. No nonconforming lot shall be further reduced in size.
- B. No nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformity.

§ 145-126. Abandonment.

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owners to reinstate such use within a period of three (3) months from the date of cessation or discontinuance.

§ 145-127. Restoration.

No building damaged by fire or other causes to the extent of more than fifty percent (50%) of its assessed valuation shall be required or rebuilt except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, roof or floor which as been declared unsafe by the Construction Official.

§ 145-128. Revision.

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

§ 145-129. Alterations.

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the assessed value of the building unless said building is changed to a conforming use.

§ 145-130. Effect on prior approvals.

This chapter or any amendments thereto shall not affect any building so as to cause a change of plans or construction or designated use purpose, provided that any one (1) of the following series of conditions and circumstances has been satisfied, and provided that work has begun and all foundations are in place up to the first-floor level within eighteen (18) months after the effective date of this chapter:

- A. Application for a construction permit with a complete set of plans made prior to the effective date of this chapter.
- B. Either variance approval or site plan approval has been granted within six (6) months prior to the effective date of this chapter.

§ 145-31. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.