

ML - General

7/1978

planned development ordinance

Ordinance No. 78-28

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(d)

ORDINANCE NO. 73-28

PLANNED RESIDENTIAL  
DEVELOPMENT  
ORDINANCE

JULY 1973

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SECTION I  
INTENT AND  
OBJECTIVES

A. INTENT

It is the intent of this Planned Residential Development (PRD) Ordinance to provide flexible residential land use and design regulations pursuant to the Municipal Land Use Law, Chapter 291, Laws of N. J. 1975, through the use of performance criteria and quality standards.

In this manner small to large scale neighborhoods or portions thereof may be developed with a variety of residential types and uses and may contain both individual building sites and common property which are planned and developed as a unit.

Such a planned residential unit is to be designed and organized as to be capable of satisfactory use and operation and a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood.

This ordinance specifically encourages innovations so that the growing demands of residential housing may be met by greater variety in type, design and siting of dwellings, and by the conservation and more efficient use of land to achieve a rational, orderly growth pattern inclusive of the need to insure and preserve ecological and natural resources, open space and the overall general welfare of the Township of Piscataway.

B. OBJECTIVES

To carry out the Intent of this article, a Planned Residential district endeavors to provide:

- \* 1. A choice in the types of environment, occupancy, tenure, (e.g., cooperatives, individual ownership, condominiums, leasing, etc.), types of housing, types of ownership, and community facilities available to existing and potential residents.
2. Usable Open Space and Recreation Areas for the Homeowners in the Planned Residential Development.
3. Preservation of natural topographical and geological features with emphasis upon:
  - (a) Prevention of top soil removal and erosion.
  - (b) Conservation of existing surface and subsurface water,
  - (c) Preservation of major trees or other environmentally enhancing features.
4. An efficient network of streets and utilities.
5. The development of a housing pattern in harmony with the objective of a more desirable living environment.

SECTION H

DEFINITIONS

A. PLANNED RESIDENTIAL DEVELOPMENT

means an area with a minimum contiguous acreage of thirty acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

B. DEVELOPER

means the legal or beneficial owner or owners of all lands proposed to be included in a Planned Residential Development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

C. PLAN

shall mean the written and graphic submission for a Planned Residential Development, including a plat of the subdivision, all covenants relating to use, location and bulk of buildings and structures, density of development, private streets, ways and parking facilities, common open space and public facilities.

D. COMMON OPEN SPACE

is a parcel or parcels of land or an area of water, or a combination of land and water within the site designed and intended for the use and/or enjoyment of occupants of the Planned Residential Development. Common Open Space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants.

E. HOMEOWNERS ASSOCIATION

an incorporated nonprofit organization operating in a development under recorded land agreements through which each lot owner shall be a member and each dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the Township.

F. MASTER DEED

the Master Deed creating and establishing the homeowners association shall be executed by the owner or owners of the property making up the association and shall be recorded in the office of the County Recording Officer where such property is located. The Master Deed shall express the following particulars:

1. The description of the land and the buildings or building, expressing their respective areas;

2. The general description and number of each apartment or dwelling unit, expressing its area, location, and any other data necessary for its identification;
3. The description of the general common elements of the property, and, in proper cases of the limited common elements restricted to a given number of apartments or dwelling units, expressing which are those units;
4. The respective percentage appertaining to each unit in the expenses of, and rights in, the elements held in common, both general and limited and
5. The name by which the Homeowners Association is to be known followed by the words "Homeowners Association."

**G. STAGING**

The construction and completion of a given number of living units within the Planned Residential Development in a period of time, with the appropriate and proportionate improvements, utilities, services, facilities, recreational structures and areas, bonds or performance guarantees to assure assimilation and absorption of that section or units into the framework of the community, without impairment of the requirements of the said approval for the Planned Residential Development.

**H. BUFFER**

An area within a property or site generally adjacent to and parallel with the property line. Buffer areas shall be installed at a width specified by the Municipal Agency, but in no case less than 50 feet when a residential area abuts an industrial or commercial zone. Buffer areas shall be located completely within the subdividers property and consist of either natural existing vegetation or the combined use of trees, shrubs, berms, fences or walls designed to continuously limit view of the site from adjacent sites or properties. Plantings shall consist of massed evergreen and deciduous trees and shrubs, planted and maintained in such a fashion that they will produce within two growing seasons a continuous visual screen at least six feet high. The quantity of natural screening existing on the property shall be taken into consideration upon evaluation of the site plan. No other above ground construction or use shall be allowed within the boundaries of a buffer area.

I. SCREEN

A buffer which may, at the determination of the Municipal Agency, be somewhat less than 50' in width and has no minimum height limitations.

SECTION III

The municipal authority exercising the power and duties set forth under this article shall be the Planning Board of the Township of Piscataway, Middlesex County, State of New Jersey.

SECTION IV

PROCEDURES A. APPLICATION FOR PRELIMINARY APPROVAL

The landowner or other entity having a cognizable interest in the land shall submit to the Planning Board an application and plans disclosing the following:

1. The location and size of the site and the nature of the developer's interest in the land, proposed to be developed;
2. The density, of land, use, to be allocated to parts of the site to be developed;
3. The location and size of any common open space and the form or organization proposed to own and maintain any common open space;
4. The use and the approximate height, bulk, and location of buildings and other structures;
5. The proposals for the disposition of sanitary waste, storm water and garbage.

6. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon, the use of the land, buildings, and structures, including proposed easements or grants for public utilities;
7. The provisions for (parking of vehicles) in accordance with existing Township ordinances and the location and width of proposed streets and public wa
8. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the Planned Residential Development are intended to be filed;
9. The preliminary approval and agreement of the developer to the (performance guarantee) in the terms of money or other legal surety, as submitted to the Planning Board by the Township Engineer, for the improvements necessary relative to each stage of construction inclusive of the recreational, convenience, commercial or public areas necessary to satisfy each stage. No construction will commence at any time prior to the receipt of these performance guarantees by the Township Clerk, and as certified as to form and legal content by the Township Attorney.
10. An Environmental impact assessment following guidelines established in Section XII of this Ordinance. The developer shall submit said Environmental Assessment to the Township Engineer, Township Planner, and Environmental Commission for review and written recommendation at least 30 days, prior to any action, by the Board.
11. A Educational Impact Statement relative to an **esfi»rcE?rT3n!OTrT>^^chool-age** children and the reference data necessary to support such an estimate.

B. PUBLIC HEARINGS

1. Within 45 days after the filing of an application pursuant to this section and containing all the required information and exhibits, a public hearing on said application shall be held by the Planning Board, public notice of which hearing shall be given in the manner prescribed in The Municipal Land Use Law. The Chairman, or, in his

absence, the Acting Chairman, of the Planning Board may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A transcript of the hearing shall be caused to be made by the Planning Board, copies of which shall be made available at cost to any party to the proceedings, and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. If the application and exhibits are referred to municipal agencies and experts in the employ of the municipality, a report on the proposed Planned Residential Development shall be prepared and filed with the Planning Board, not less than 5 days before the public hearing, and be available for public inspection during reasonable hours.
3. The planning Board may continue the hearing from time to time, and the Planning Board may refer the matter back to federal, state, county or municipal agencies or other, recognized experts for a further report, a copy of which, shall be filed on record without delay, provided, however, that in any event, the public hearing or hearings shall be concluded within 45 (days) after the date of the first public hearing, unless the developer shall consent in writing to an extension of time within which the hearing shall be concluded,

15 days  
subsequent  
expectation

C. FINDINGS AND ACTION

1. The Planning Board shall within 95 day following the submission of a completed application, either:
  - (a.) grant preliminary approval of the plan as submitted,
  - (b.) grant preliminary approval subject to specified conditions not included in the plan as submitted, or
  - (c.) deny preliminary approval to the plan.

Failure to so act within said period shall be deemed to be a grant of preliminary approval submitted, In the event preliminary approval is granted other than by lapse of time, either of the plan as submitted or, of the plan with conditions, the Planning Board shall, as part of its resolution, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval. In the event preliminary approval is granted "subject to conditions, the developer shall, within 45 days" after

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receiving a copy of the written resolution notify the Planning Board of acceptance or refusal to accept said conditions.

In the event the developer does not, within said period, notify the Planning Board of his acceptance of or his refusal to accept all said conditions, preliminary approval of the plan, with all said conditions, shall stand as denied.

Nothing contained herein shall prevent the Planning Board and the developer from mutually agreeing to a change providing, however, where the Planning Board deems such change to be significant, a public hearing shall be held, and the Planning Board may, at the request of the developer, extend the time during which the developer shall notify the Planning Board of his acceptance or refusal to accept the conditions.

2. The granting or denial of preliminary approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal, and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
  - (a) In what respects the plan is or is not consistent with the statement of objectives of a Planned Residential Development;
  - (b) The purpose, location, and amount of the common open space in the planned residential 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.
  - (c) 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;

1.) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

(e) In the case of a plan which proposed 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 residential development in the integrity of the plan.

3. In the event a plan is granted preliminary approval, with or without conditions, the Planning Board shall set forth in the written resolution the time within which an application for final approval of the plan shall be filed, or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.

D. STATUS OF PLAN AFTER PRELIMINARY APPROVAL

1. Within 5 working days after the adoption of the written resolution provided for in Paragraph C. above, it shall be certified by the clerk of the municipality and shall be filed in his or her office, and a certified copy shall be mailed to the developer.

2. Preliminary approval of a plan shall not qualify a plat of the planned residential development for recording, nor authorize development or the issuance of any building permits.

A plan which has been given preliminary approval as submitted, or which has been given preliminary approval with conditions which have been accepted by the developer (and provided that the developer has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified, revoked or otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the developer, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the resolution granting

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preliminary approval.

3. In the event that a plan is given preliminary approval and thereafter, but prior to final approval, the developer shall elect to abandon part or all of said plan and shall so notify the Planning Board in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the preliminary approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances applicable thereto as they may be amended from time to time, and the same shall be noted in the records of the clerk of the municipality.

SECTION V  
FINAL APPROVAL

1. An application for final approval may be for all the land included in a plan, or to the extent set forth in the preliminary approval, for a section thereof. Said application shall be made to the Planning Board and within the time or times specified by the resolution granting preliminary approval. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the Planning Board at the time of preliminary approval. A public hearing on an application for final approval shall not be required provided the plan is in substantial compliance with the plan theretofore given preliminary approval. 900

2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given preliminary approval provided any modification by the developer of the plan as preliminary approved does not:

- (a) Vary the proposed gross residential density or intensity of use by more than  $10\%$  or
- (b) Involve the ~~relocation~~ of the area set aside for common open space nor the substantial relocation of such area; nor
- (c) increase by more than  $10\%$  the total ground areas covered by buildings nor involve a substantial change in the height of buildings.

A public hearing shall be held to consider substantial modifications in the location and design of streets or

*Is 2 part process necessary?*  
*Yes*

*Is this too subtle?*

and sanitary scviage by th \* Planning Board,

3. "A public hearing shall not be held on an application for final approval of a plan when said plan as submitted for final approval is in substantial compliance as outlined above with the preliminary plan as approved. The burden shall, nevertheless, be upon the developer to show the Planning Board good cause for any variation between the preliminary plan as approved and the plan as submitted for final approval. Inasmuch as a public hearing is not required for final approval, and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the resolution of preliminary approval, the municipality shall within 45 days of such filing, grant such plan final approval; provided, however, that in the event the plan as submitted contains variations from the plan given preliminary approval but remains in substantial compliance with the plan as submitted for approval, the Planning Board may after a meeting with the developer, refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of said refusal the developer may:

- (a) File his application for final approval without the variations objected to by the Planning Board on or before the last day of the time within which he was authorized by the resolution granting preliminary approval to file for final approval, - or within 30 days from the date he received notice of said refusal whichever date shall last occur;
- (b) Treat the refusal as a denial of final approval and so notify the Planning Board.

4. In the event the plan as submitted for final approval is not in substantial compliance with the plan as given preliminary approval, the Planning Board shall, within 45 days of the date of application for final approval is filed, so notify the developer in writing, setting forth the particular ways in which the plan is not in substantial compliance. The Developer may;

- (a) Treat said notification as a denial of final approval; or
- (b) Refile his plan in a form which is in substantial compliance with the preliminary plan as approved; or request a public hearing.

If the developer shall elect either alternative "b" above, he may refile his plan or file a request for a public hearing as the case may be, on or before the last day of the time within which he was authorized by the resolution granting preliminary approval to file for final approval, or 30 days from the date he receives notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within 30 days after the required request for the hearing, is made by the developer, and notice thereof shall be given and the hearings shall be conducted in the manner prescribed in Section IV of this Ordinance. Within 45 days after the adjournment of the hearing, the Planning Board shall by resolution either grant final approval, of the plan or deny final approval of the plan.

5. In the event the Planning Board fails to act, either by grant or denial of final approval of the plan within the time prescribed, the developer may, after 20 days<sup>1</sup> written notice to the Planning Board, file a complaint in the Superior Court, Law Division, and upon showing that the Planning Board has failed to act either within the time prescribed, or subsequent to the receipt of the written notice provided for in this paragraph 5 and that the developer has complied with the procedures set forth in this section, the plan shall be deemed to have been finally approved, and the court shall, upon a summary proceeding, enter an order directing the County Clerk to record the plan as submitted for final approval without the approval of the Planning Board. A plan so recorded shall have the same force and effect as though that plan had been given final approval by the Planning Board,
6. A plan, or any part thereof, which has been given final approval by the Planning Board shall be so certified without delay by the clerk of the municipality and shall be filed on record forthwith in the office of the County Clerk before any development shall take place in accordance therewith. Upon the filing of record of the plan, all other land use ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within 5 years of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no

modification of the provisions of said plan, or part thereof, as finally approved, shall be made nor shall it be impaired by act of the municipality, except with the consent of the developer.

7. In the event that a plan, or a section thereof, is given final approval and thereafter the developer shall abandon said plan or the section thereof, that has been finally approved and shall so notify the Planning Board in writing, or in the event the developer shall fail to commence the planned residential development within 18 months after final approval has been granted, then and in that event, such final approval shall terminate and be deemed null and void unless such time period is extended by the Planning Board upon written application of the developer.

#### Judicial Review

Any decision of the Planning Board under this act granting or denying preliminary approval of a plan or authorizing or refusing to authorize a modification of a plan shall be deemed to be a final administrative decision and shall be subject to judicial review.

### SECTION VI

#### GENERAL

#### REQUIREMENTS

#### A. LOCATIONS OF PLANNED RESIDENTIAL DEVELOPMENT

The areas to be zoned for planned residential development are shown on the Land Use Element of the Piscataway Township 3335tex=P:ta-ru *Zoning Map.*

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#### B. MINIMUM AREA

The Planned Residential Development shall contain a minimum of 30 contiguous acres of land adjudged by the Planning Board in consultation with the Municipal Engineer and the Planner of the Township of Piscataway to be suitable in terms of topography, drainage, soil conditions, natural resources and general compatibility with the existing uses within the immediate area of the proposed Planned Residential Development as well as the intent and objectives of the Ordinance as contained in Section I. Land shall be deemed contiguous if it is owned by the same entity even though it may cross a street or other public or private right-of-way.

#### C. OWNERSHIP

The tract of land for a project may be owned, leased or controlled either by a single person, corporation or by a group of individuals or corporations. An application must be filed by the owner or by the authorized

agent of all property included in the project. In the case of multiple ownership, the approved plan shall be binding on all owners.

D. FEES

All fees must be received prior to any consideration or formal hearing of said Planning Board. The fee for review, investigation, research and analysis of any Planned Residential Development shall be twenty dollars (\$20.00) per unit for preliminary approval and ten dollars (\$10.00) per unit for final approval, paid to the Township of Piscataway, submitted to the Township Clerk.

E. PERMITTED USES

All uses within an area designated as a qualified Planned Residential Development are determined by the provisions of this section and the approved plan of the project concerned.

1. Residential Uses

Residences shall be of a variety of types, as contained herein, styles and design subject to the provisions of Section 7 as to the density, quantity of building types, variation of appearance and all other pertinent regulations contained herein as to bulk standards, criteria and zoning regulations,

2. Accessory Non-Residential Uses

a. Any retail, professional or commercial use compatible to the Planned Residential Development that is designed or intended to primarily serve the residents of the Planned Residential Development provided the gross land area allocated to such use does not exceed 5% of the gross land area for such commercial or retail use, and is so designated for such use on all plans submitted by the applicant for approval.

(5% limit on retail)

b. All buildings erected for non-residential purposes shall be erected by the farrier free method of construction,

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c. Customary accessory or associated uses such as private garages, storage spaces, recreational and community facilities, utility buildings or utility plants, church and schools shall also be permitted.

d. The permitted uses shall conform to the approved Planned Residential Development plan. The Planning Board may refuse, from time to time, the accessory uses permitted by the Planned Residential Development and they may permit those variances to the plan as to accessory buildings which in their opinion may benefit the general population of Piscataway Township.

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F. COMMON PROPERTY OR COMMON OPEN SPACE

Common property in a Planned Residential Development is a parcel or parcels of land, together with the improvements thereon, if any, the use and enjoyment of which are shared by the owners and occupants. Where common open space area is provided as required as part of the approved plan, it is to remain in its natural state undisturbed except for necessary utilities, fire hydrants, water lines, services roads, and foot paths. Trees, marsh ponds, woodlands, fields, etc. are to be preserved, and only those landscaping methods necessary to maintain their esthetic state or quality will be permitted.

G. STAGING AND SCHEDULING PLANNED RESIDENTIAL DEVELOPMENT

The Planning Board of Piscataway Township shall establish a staging schedule of development that is reasonable as to the sequence, type and number of residential and non-residential structures that may be constructed annually. This staging schedule shall be evaluated and related to the availability of utilities, adequacy of municipal facilities, both on site and off site, traffic volumes, road improvements and the completion of recreational facilities necessary to serve each stage in a direct ratio to actual dwelling unit construction,

H. MASTER DEED

1. Prior to the approval of any Planned Residential Development within Piscataway Township by the Planning Board, the applicant shall submit to the Township Attorney those legal instruments governing the operation of the Planned Residential Development so that the proposed ownership arrangements established by the applicant inclusive of the Master Deed will be in conformity with New Jersey State statutes-or-as to offer sufficient protection to the potential owners or occupants of the Planned Residential Development. The Township Attorney shall either approve, approve with conditions or disapprove said legal instruments within 30 days of receipt thereof.
2. The applicant shall also provide the Planning Board prior to an approval of a Planned Residential Development, the proposed rules and regulations of the Planned Residential Development as to the eventual establishment of the Homeowners Association within the Planned Residential Development and the resultant removal as estimated in time of the applicant or his corporate entity from the administration of the Planned Residential Development.
3. The Planning Board may deny any application for a Planned Residential Development in the event the Township Attorney

has not approved the legal documents of the Home-owners Association, the Master Deed or where the proposed rules of operation are adjudged to be inconsistent with sound consumer policy, and the intent and objectives of this Ordinance to supply a necessary housing need.

I. PARKING-

Parking shall be provided, at the rate of 2 spaces for each dwelling unit.\* All parking spaces shall measure ten feet by twenty feet and be adequately delineated. All parking spaces shall be on bituminous macadam pavement with low intensity lighting shielded and directed downward to offer additional safety and visibility to residents of the dwelling units.

J. LANDSCAPING

The ~~planned residential development~~ shall be completed by a professionally designed and constructed landscaping plan. The landscaping plan shall accompany any preliminary plans for approval and shall include lawns, terraces, ground cover, birms, trees, shrubs and other plantings in accordance with the staging plan. The Planning Board of Piscataway, New Jersey, may require additional landscaping and screening to enhance the character of the Planned Residential Development as well as the surrounding area from any accessory or recreational use of the proposed development. All existing tree stands shall be shown on a prepared contour map showing existing contours, drainage, swales and ditches, marshlands, waterways and streams, paths, roads or right-of-ways, etc. As many trees...shall, be retained in the plan as deemed acceptable by the Township Engineer.

SECTION VII  
DENSITY AND  
DEVELOPMENT

Planned Residential Development applications shall comply with the standards hereafter listed and all other applicable standards of this Ordinance:

1. The minimum required and designated natural open space shall be 20% of the total gross land areas of the Planned Residential Development. Open space, with the approval of the Planning Board, may be apportioned or located to achieve the total minimum area necessary.
2. On any Planned Residential Development proposal, an additional 5% of the total gross area shall be utilized, designed, and improved by the applicant for recreation.
3. Overall gross density for the Planned Residential Development shall not exceed, six dwelling units per gross acre.

State Agency provides housing subsidies for a minimum of fifteen percent of the total number of dwelling units for low and/or moderate income families, the Planning Board shall grant to any eligible planned residential development, a bonus of two units per acre. The definition of low and moderate income families is to be based on current State and Federal guidelines.

5. The total number of dwelling units within the Planned Residential Development shall be distributed in the following manner to provide a mixture and variation of housing types:

- f ^ a. Single family detached.. ^unJLts -
  - j Minimum % and maximum % of total units 5/20'
  - I
- I b. ~~Town Houses~~ ^~ (2 story).
  - j Minimum % and maximum % of total units 25/60
  - I
- I c. ~~Single family attached~~" (1 story)
  - I Minimum % and maximum % of total units 0/30
  - I
- I d. Senior citizen housing to 35 ft. heights
  - I Minimum % and ^maxUmuin % of total units Q/30
  - I
- I e. ~~Multi-family detached~~ units
  - I 2-6 family units to 35 ft. heights
  - I
  - ^ minimum % and maximum % of total, units 0/20

6. In any Planned Residential Development, architectural design for each type of housing shall be required in accordance with the following unit schedule:

- l 50 units or less 3 designs
- jj 51-150 units 4 designs
- f| 151-250 units 5 designs
- jr 251 units, or more 6 designs

kn architectural design is defined as follows:

- \ a. Roof variations of heights to the ridge line shall
  - i . occur for every grouping of-2-building-structures—
  - l -with a minimum height variation between ridges of
  - I 2 feet,
- b. A major alteration of the front elevation of the dwelling unit, basically by window treatment and door location inclusive of exterior building material, i,e, brick siding, clapboard, wood, masonry or shingles or other acceptable American Institute of Architects approved materials, or
- ^ c. The roofing design from hip, gable, mansard or — gambrel or other acceptable approved AIA types.

It is the intention of these various design alternatives to promote a harmonious blend of architectural structures by the applicant and to ensure an esthetically attractive Planned Residential Development in keeping with the surrounding residential area.

7. Interior roads designed to serve the Planned Residential Development shall have a minimum pavement width of 26 feet, paved and curbed in accordance with existing Township standards.
8. Sidewalks shall have a minimum width of 4 feet and be located along one side of the existing streets, connecting buildings, as well as connecting parking areas.
9. Any building or structure which cannot properly be served by emergency or service vehicles from a street or road abutting the lot shall be made accessible to such vehicles by a paved driveway.
10. No accessory building or garage shall be located in the front yard area nor closer than 10 feet to any
11. Each living unit of any type shall have two means of egress and ingress.
12. No multi-family building structure shall exceed 200 feet in total length.
13. In any construction, a maximum of 4 living units will be permitted in one continuous wall without breaks. A minimum of 2 feet offset or break in the front wall shall occur for every four continuous units. However, individual front walls of each unit may be offset or broken if so desired, to achieve esthetic composition. No single building composed of townhouse units shall exceed 4 living units in said single building.
14. No outside equipment or area shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area shall be made available within the building for the laundering and artificial drying of laundry or the disposal of each building. Waste materials and garbage must be privately disposed of by a method approved by the Township Board of Health.
15. The Planned Residential Development shall provide a 25 foot planted screen along the perimeter of the entire tract. The area shall not be computed in any lot area, front, rear or side yard setback. This screen shall be defined in Section II of this Ordinance and shall be designed so as to create a park-like setting for the Planned Residential Development.
16. The maximum coverage of all buildings inclusive of accessory buildings, storage buildings, garages, recreation buildings, retail or sales buildings.

- etc. shall not exceed if 30%<sup>x</sup> of the total gross area.
17. Although all streets in the Planned Residential Development may be privately owned and maintained, in order to protect the health, safety and welfare of the residents of the Planned Residential Development, as well as all other residents of Piscataway Township, the developer shall be obligated to agree at the time of the developer's agreement with the Township, that all fire, ambulance and other emergency vehicles and personnel shall provide services within the Planned Residential Development whenever the need arises. The developer's agreement shall also provide that the developer shall immediately comply with N. J. S. A. 39:5A-1 et seq. in order to allow the Police Department of the Township to patrol the private streets in the Planned Residential Development and to enforce N. J. S. A. title 39-as to all existing motor vehicle laws.
18. Sewage treatment shall be provided for in a manner. . . . which complies with all current, local, county, and state ordinances, regulations and statutes.

#### SECTION VIII

##### UTILITIES

- A. Refuse storage areas shall be located at designated areas and shall be so designed as to minimize any detrimental effect on the character of the development.
- ..... B. Common accessory buildings and facilities shall be designed to harmonize with the overall character of the development and shall meet the setback requirements set forth herein for groups of dwelling units.

##### ~~C. COMMON OPEN SPACE AND RECREATION FACILITIES~~

Common Open Space resulting from the application of standards for density, or intensity of land use shall be set aside for the use and benefit of the residents in such development. At least 20% of the total area shall be set aside as common open space and an additional 5% shall be in formal recreation facilities. Common open space and recreational facilities shall be subject to the following:

1. The Township may, at any time, and from time to time, accept the dedication of land or any interest therein for public use and maintenance. The landowner shall provide for and establish an organization for the ownership and maintenance of any common open space and recreation facilities and such organization shall not be

- dissolved nor shall it dispc JC cf any common open\* .  
space or recreation by ^ale 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 any other government agency. Any organization  
established for" the ownership and maintenance of  
common open space and recreation facilities shall have  
at least 51% of its"voting members residents, owners,  
or tenants of the Planned Residential Development.
2. In the event that the organization established to  
own and maintain common open space or recreational  
facilities, or any successor organization, shall at  
any time after establishment of the Planned Resi-  
dential Development fail to maintain the common  
open space in reasonable order and condition in  
accordance with the plan, the Township Council may  
serve written notice upon such organization or upon  
the residents and owners of the Planned Residential  
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 45 days thereof, and  
shall state the date and place of a hearing thereon  
which shall be held within 14 days of the notice.  
At such hearing the Township may modify the terms  
of the original notice as to the deficiencies and  
may give an extension of time within which they  
shall be cured. If the deficiencies set forth in  
the original notice or in the modifications thereof  
shall not be cured within said 45 days or any ex-  
tension thereof^, the municipality, in order to pre-  
serve the taxable values of the properties within  
the Planned Residential Development and to prevent  
the common open space from becoming a public nuisance,  
may enter upon said common open space and maintain  
the same for a period of 1 year. Said entry and  
maintenance shall not vest in the public any rights  
to use the common open space except when the same  
is voluntarily dedicated to the public by the resi-  
dents and owners.- Before the expiration of said  
year, the municipality 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 Residential Development, to be held by the  
Township Council, at which hearing such organization

Confidential Development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township Council 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 Township Council shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in 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. The decision of the Township Council in any such case shall constitute a final administrative decision subject to judicial review,

3. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. 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 Residential Development,

SECTION IX  
ENFORCEMENT

- A, To further the mutual interest of the residents and owners of the Planned Residential Development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

1. ENFORCEMENT BY THE TOWNSHIP

The provisions of the plan relating to (1) the use of land and the use, bulk and location of buildings, and structures, (2) the quality and location of common open space, and (3) the intensity of use of the density of residential units, shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers or regulation otherwise granted the Township by law.

and recreational areas shall be filed in the office of the county recording office.

3. ENFORCEMENT BY THE RESIDENTS AND OWNERS

All provisions of the plan shall run in favor of the residents and owners of the Planned Residential Development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions whether recorded by plat, --covenant, easement or otherwise may be enforce'd at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Residential Development except as to those portions of the plan which have been finally approved and have been recorded.

4. MODIFICATION OF THE PLAN BY THE TOWNSHIP

All those provisions of the plan authorized to be enforced by the Township may be modified, removed or released by the Township (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- a. No such modification, removal or release of the provisions of the plan by the Township shall affect the rights of the residents and owners of the Planned Residential Development to maintain and enforce those provisions at law or equity, as provided in this section.
- b. No modification, removal-or-release of the provisions of the plan by the Township shall be permitted except upon a finding by the Planning Board following a public hearing called and held in accordance with the provisions of this Ordinance, that the same is consistent with the efficient development and preservation of the entire Planned Residential Development, does not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Residential Development or the public interest and is not granted solely to confer a special benefit upon any person..

5. MODIFICATION BY THE RESIDENTS

Residents and owners of the Planned Residential Development, may to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their right to enforce

the provisions (of the plan), but no such action shall reflect the right of the Township to enforce the provisions of the plan in accordance with the provisions of this Section.

B. MAINTENANCE

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 conditions, free of litter and refuse, pot holes, cracked pavement, ice, snow, or other seasonal hazards, 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~~

If the owner fails to undertake repairs after proper notification, and in the opinion of the Township Engineer and/or Health Officer, conditions constitute a hazard to the safety and welfare of the residents and visitors of the Planned Residential Development, the Township will cause a Summons to be served and any such violation shall be subject to the maximum penalty of the Municipal Court. A reasonable time shall be set to repair such deficiencies and after the expiration of a designated time limit a daily fine of \$100.00 per day shall be levied until such deficiencies are corrected.

8/15/78  
an.

~~per day shall be levied until such deficiencies are corrected.~~

SECTION X\*

MISCELLANEOUS

\S

- A. All ~~wires~~ shall be underground.
- B. ~~solid~~ waste pick-up and disposal ~~for~~ the Planned Residential Development uses shall be the responsibility of the owner operator or tenant and shall be properly screened, maintained and placed on a concrete pad and be in accordance with the rules and regulations of the Township of Piscataway.
- G. The Department of Public Works and the Office of the Zoning Officer shall exercise the administrative function in the enforcement of the provisions of the Planned Residential Development Ordinance and where particularly appropriate designate other departments or agents acting in behalf of the Township of Piscataway to administer and enforce the provisions of this Ordinance;

SECTION XI  
ENVIRONMENTAL  
IMPACT  
ASSESSMENT

A. REQUIREMENT

Preliminary approval shall not be granted unless it has been affirmatively determined, after an environmental appraisal, that the proposed project:

1. Will not result in a significant adverse impact on the environment?
2. Has been conceived and designed in such a manner that it will not significantly impair natural processes; and
3. Will not place a disproportionate or excessive demand upon the total resources available to the project site and to the impact area.

B. CONTENTS OF EIA J

The Environment! Impact Assessment shall contain

information and analysis with respect to the following:

1. Description of the proposed project?
2. Inventory and analysis of the existing environmental conditions at the project site and the surrounding areas which shall describe air quality/topography, surface water quality, soils, geology, ground water, water supply, vegetation, wildlife, archaeological and historical features, land use, aesthetics, and noise levels.
3. A listing of all licenses, permits or other approvals as required by Municipal, County/ or State law and the status of each-
4. An assessment of the probable impact of the project, both adverse and beneficial, on the topics listed in B.2 above?
- 5\* Any probable adverse environmental effects. . . . . which cannot be avoided, including effects upon:
  - a. Water quality
  - b. Water supply
  - c. Noise
  - d. Undesirable land use patterns
  - e. Damage or destruction of significant plant or wildlife
  - f. Air quality
  - g. Aesthetics
  - h. Traffic
  - i. Property taxes
  - j. Destruction of any natural resources
  - k. Destruction of any man made resources

6. Description of the steps to be taken during and after construction, both at the project site and in the surrounding area, to minimize the adverse environmental effects.
7. The alternatives to the proposed project;
8. Summary environmental assessment. The EIA shall contain a concise summary of the environmental impacts of the proposed project. This summary should evaluate the adverse and positive environmental effects of the project, should it be implemented, and the public benefits expected to derive from the project, if any.

SECTION XII.  
SEVERABILITY

If any section, subsection, article, paragraph, subdivision clause or provision of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such adjudication shall apply only to the section, subsection, article, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION XIII.  
REPEALER

Except as may be specifically set forth in this Ordinance any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.



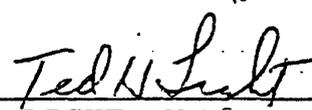
ROBERT M. LIGHT  
Council President

ATTEST:



ANN NOLAN, Township Clerk

Adopted, First Reading: July 18, 1978.  
 Publication Date: July 20, 1978.  
 Adapted, Second Reading: August 15, 1978.  
 Publication Date: August 17, 1978.



TED H. LIGHT, Matfor

Aug 17, 1978  
(date)