

**THE ZONING ORDINANCE  
OF THE TOWNSHIP OF GREEN BROOK**

(2019)

Printed with Amendments through 2025

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## **TOWNSHIP OF GREEN BROOK**

### **THE ZONING ORDINANCE OF THE TOWNSHIP OF GREEN BROOK (1987)**

#### **ARTICLE 1**

##### **PURPOSE; INTERPRETATION; SCOPE**

###### **101. TITLE**

This ordinance shall be known and may be cited as "*The Zoning Ordinance of the Township of Green Brook (1987)*". **[NOTE: This is printed copy of the ordinance as adopted in 1987 and as subsequently amended and supplemented, and incorporates amendments adopted through the calendar year 2025.]**

###### **102. PURPOSE.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted to promote the purposes set forth in Section 2 of Article 1 of Chapter 291, P.L. 1975, as amended and supplemented, The Municipal Land Use Law, and pursuant to the power and authority set forth in Article 8 of said Act.

**103. INTERPRETATION.** Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling. It is not intended by this ordinance to interfere with or abrogate or annul any easements, restrictions, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of land or buildings or requires larger yards, courts or other open spaces than are imposed or required by existing easements, restrictions, covenants or agreements between parties, the provisions of this ordinance shall govern.

###### **104. SCOPE**

From and after the effective date of this ordinance, the use of all land and every building and structure and portions of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Township of Green Brook, shall be in conformity with the provisions of this ordinance. Any lawful existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses.

## **105. RELATION TO THE LAND DEVELOPMENT ORDINANCE.**

This ordinance shall be read in conjunction with *THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF GREEN BROOK*, both ordinances being enacted pursuant to the Municipal Land Use Law, P.L. 1975, c. 291, as amended and supplemented.

## **106. COORDINATION WITH STATEWIDE RESIDENTIAL SITE IMPROVEMENT STANDARDS.**

The requirements and standards of the Land Use Ordinance of Green Brook Township shall apply to all land development applications for all agricultural, commercial, office, industrial, educational, or mixed uses in the Township of Green Brook. With respect to development applications for residential subdivisions or for residential site plan approvals, or for residential variances —the Residential Site improvement Standards of Article 5, Chapter 21 of the New Jersey Administrative Code shall govern, but only with respect to the particular standards or particular requirements which have been validly adopted by the New Jersey Administrative Code shall govern, but only with respect to the particular standards or particular requirements which have been validly adopted by the New Jersey Commissioner of Community Affairs, pursuant to N.J.S.A. 40:55D-40.1 et seq. if, with respect to a particular matter , no statewide standard has been validly adopted by the Commission of Community Affairs, then the requirements and standards of this ordinance shall govern such respect.

**ARTICLE 2.**  
**ZONE DISTRICTS; BOUNDARIES**

**201. ZONE DISTRICTS.**

For the purpose of this ordinance the Township of Green Brook is hereby divided into districts as follows:

RESIDENTIAL DISTRICT	LD-1
RESIDENTIAL DISTRICT	LD-3
RESIDENTIAL DISTRICT	MD
RESIDENTIAL DISTRICT	MHD
RESIDENTIAL DISTRICT	HD
SPECIAL MOUNTAININSIDE DEVELOPMENT DISTRICT	SMD
REGIONAL HIGHWAY COMMERCIAL DISTRICT	RHC
VILLAGE GATEWAY DISTRICT	VG
VILLAGE COMMERCIAL DISTRICT	VC
RESIDENTIAL/OFFICE VILLAGE COMMERCIAL DISTRICT	RVC
AFFORDABLE HOUSING DISTRICT	AHD
AFFORDABLE HOUSING DISTRICT 2	AHD 2
AFFORDABLE HOUSING DISTRICT 3	AHD 3
AFFORDABLE HOUSING DISTRICT 4	AHD 4
AFFORDABLE HOUSING DISTRICT 5	AHD 5
AFFORDABLE HOUSING DISTRICT 6	AHD 6
INDUSTRIAL DISTRICT	I
MOUNTAIN PRESERVATION DISTRICT	MP
PUBLIC AND RECREATION DISTRICT	PR
CONSERVATION AREA DISTRICT	CA

**202. ZONING MAP.**

The boundaries of the districts shall be as shown on a certain map entitled "Zoning Map for Township of Green Brook, County of Somerset, State of New Jersey" prepared by C. Richard Roseberry NJ Professional Engineer, dated June 4, 2019, which map has been and is now on file in the Office of the Clerk of the Township of Green Brook." Said map is hereby adopted and included within this ordinance as fully as if a replica of said map were printed herewith.

**203. SCHEUDLE OF REQUIREMENTS.**

The "*Schedule of Requirements*" attached hereto shall be a part of this ordinance, provided, however, that it shall be considered a general guide to the requirements of this ordinance and in any case where said "Schedule" may conflict with the express wording of any provision of this ordinance, such express wording shall control.

**204. DISTRICT BOUNDARIES.**

Where uncertainty exists as to any of said boundaries as shown on said Zoning Map, the following rules

shall apply:

**204.1** Zone boundary lines are intended generally to follow the center lines of streets and streams, and lot lines, or the projection or extension of lot lines, or the connection of the lot lines of separated lots across an intervening lot or lots; all as exist and are recorded in the official records of the Township, County, or State at the date of adoption of this ordinance.

**204.2** Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

**204.3** The location of a zone boundary line which divides a lot shall be determined by the use of the graphic scale appearing on the Zoning Map, unless the manner of determining its location is otherwise provided for above.

**204.4 MP - MOUNTAIN PRESERVATION DISTRICT:** an area has been shown on the Zoning Map as MP - MOUNTAIN PRESERVATION DISTRICT. It is intended to include within that district the band of lands on the southerly side of the Watchung Ridge where the slope exceeds 20 percent. In determining said zone district boundary in specific land development applications, the actual topographic conditions shall control and the lines on the Zoning Map shall not be scaled but shall be considered as intended to follow actual topographic conditions. (See definition of "Slope").

**204.5 CA - CONSERVATION AREA DISTRICT:** an area has been shown on the Zoning Map as CA - Conservation Area District. It is intended to include within that district the area, delineated as "floodway" (but not flood fringe), as shown on Delineation of Floodway and Flood Hazard Areas maps prepared by the New Jersey Department of Environmental Protection and Energy, dated December 1982. Said report shall control rather than the lines on the Zoning map.

## ARTICLE 3

### DEFINITIONS

#### **301. DEFINITION OF TERMS.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning herein indicated. The singular shall include the plural, and the plural the singular. The word "used" shall include the words "arranged", "designed", or "intended to be used". The word "building" shall include the word "structure". The present tense shall include the future tense.

In the event of any conflict between the following definitions and those contained in the Municipal *Land Use Law, PL. 1975, c. 291*, and any amendments and supplements thereto, the said state law shall control. See also definitions contains in The Land Development Ordinance of the Township of Green Brook.

**301.1 ACCESSORY BUILDING.** A subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof such accessory building shall be considered part of the main building. For the purposes of this ordinance, a garden shed or "play house", even if otherwise meeting the definition of a structure, shall not be considered an "accessory building" provided: (a) it does not exceed seven (7') feet in height at the eves, and (b) it contains more than one hundred square feet (100) in floor area. No such garden shed or "play house" shall be located closer than five (5') feet to any property line.

**301.2 ACCESSORY USE.** A use naturally, normally and customarily incidental and subordinate to the main use of the premises or lot

**301.3 ALTERATION OF BUILDING.** A change in the supporting members of a building, an addition to or diminution of a building. A change in use from that permitted in one zone district to a use permitted in another, a conversion of a building or a part thereof, or removal of a building from one location to another.

**301.4 ACRE.** *For all purposes of this ordinance, including, by way of illustration and not by way of limitation, determination of gross density and net density, whenever the term acre is used it shall be considered as containing 43,560 square feet.* [Note—this is as amended, by ordinance adopted December 29, 1988; prior to that amendment an "acre" was defined as containing 40,500 square feet].

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

**301.6 AUTOMOBILE WRECKING.** See *Junk Yard definition*.

**301.7 BASEMENT.** A story partly underground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building. *See "Cellar"; Sec. 301.16.*

**301.7-1 Building Height.** The height of the building shall be measured from the average grade line to the top of the highest peak of the roof. The average grade line is the average elevation of the ground elevations measured along the front of the building line as further defined in Section 301.8

**301.8 BUILDING LINE.** A line formed by the intersection of a horizontal plane at average grade and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface, *except as modified by Section 301.64-4*. All yard requirements are measured to the building line.

**301.9 BUSINESS OFFICE.** A business establishment which does not offer a product or merchandise for sale to the public but offers only a service to the public; such as a real estate office, insurance agents' office, and the like. Personal service establishments, such as barber and beauty shops, and repair service shops are not included within the meaning of Business Office.

**301.9-1 Cargo Container:** Any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight a Cargo Container is a structure.

**301.10 CELLAR.** A story partly underground and having more than one-half (1/2) of its clear height below the average level of the finished grade at the front of the building. *See "Basement".*

**301.11 CHURCH.** A building or group of buildings including customary accessory buildings designed or intended for public worship. For the purpose of this ordinance the word church shall include chapels, congregations, cathedrals, temples and similar designations as well as parish houses, convents and such accessory uses, and shall include buildings for what is generally known as "Sunday Schools", but not including church-conducted academic schools.

**301.12 CLUSTERED DEVELOPMENT.** A land subdivision in which the plotted lots may be reduced in size below the minimum for the zone district in which said subdivision is located without, however, increasing the population density for the area of the subdivision, as more particularly set forth and as subject to the conditions outlined in this ordinance. The resultant lots are grouped together in a compact service area with the open space areas dedicated in perpetuity to the Township for public use.

**301.13 COVERAGE.** That percentage of the plot or lot area covered by the building area.

**301.14 CURB LEVEL.** The officially established elevation of the street curb in front of the mid-point of the front lot line.

**301.15 DWELLING UNIT.** One or more rooms designed for, intended for, or occupied by one family or household.

**301.16 DWELLING, ONE-FAMILY.** A detached building containing only one (1) dwelling unit occupied exclusively by one family.

**301.17 ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance, by public utilities, telephone or municipal or other governmental agencies of underground or overhead gas, electric, steam, water or sewage transmission or distribution systems, including buildings, poles, alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

**301.18 FAMILY.** One or more persons living together as a single housekeeping unit. A family may consist of a single person or two or more persons, related by blood, marriage or adoption, and including a foster child or foster children, as contemplated by *N.J.S.A. 40:55D-66 c*. It is specifically provided that four or more persons living together in a club house, fraternity or sorority house, or the like, or four or more persons not related as provided for herein, living together in what is known as "communal house" or the like, shall not be considered a "family" within the meaning of this ordinance.

**301.19 FENCE.** A constructed barrier of wood, masonry, stone, wire, metal or any other materials, or combination of such materials, erected for the purpose of enclosing or screening yard areas or other features on a lot or property.

**301.20 FLOOR AREA.** The area of all floors computed by measuring the inside dimensions of the outside walls in a building, excluding: attic and basement and cellar floors, whether or not used for living purposes, attached accessory buildings, porches, patios, terrace or breezeways, verandas and garages.

**301.21 FRONTAGE, REVERSE.** The rear or reverse portion of a lot abutting a major or arterial street and provided with a twenty-five (25) foot buffer planting area between the lot and the street. This twenty-five (25) foot planting area shall not be included in determining the rear yard space.

**301.22 GARAGE, PRIVATE.** A detached accessory building or portion of a main building, used

exclusively for the storage of a passenger vehicle or vehicles, enclosed on three sides and having a closeable vehicular entrance on the fourth.

**301.23 GARAGE, PUBLIC.** A garage, other than a private garage, available to the public, operated for gain, and which is used either for the storage, servicing and/or repair of automobiles or other motor vehicles, and may include the incidental supply of gasoline or oil or other fuel for vehicular propulsion.

**301.24 GOLF COURSE.** An area of one hundred (100) or more contiguous acres containing a full-sized golf links, at least eighteen (18) holes in length totaling a minimum of five thousand four hundred (5,400) yards from tees to greens, together with such necessary and usual accessory uses as a club house, caretakers' dwellings, dining and refreshment facilities and other such uses provided that the operation of such facilities is incidental and subordinate to the operation of the golf course.

**301.25 HOME PROFESSIONAL OFFICE.** The office of a member of a recognized profession when conducted on residential property. Such home offices shall be limited to those of medical doctors, lawyers, accountants, engineers, artists, clergy, musicians and other recognized professionals which require a similar degree of training and experience and which engage in services to persons (as contrasted with animals or property), and the operation of which has the same impact on the area as those specifically listed herein.

**301.26 HOTEL** A building containing a number of rental units providing lodging, and usually meals, to the general public on a transient basis. Such rental units are customarily serviced by a single entrance to the principal building. When conducted solely within the principal building, incidental uses such as meeting rooms, dining rooms, kitchens, cocktail lounges, and the like, shall also be activities included within this definition of "*hotel*".

**301.27 JUNK YARD.** Any area and/or structure used for the collection, storage, or abandonment of any waste, discarded material, or 'junk', or the dismantling, demolition, salvaging, or abandonment of structures, automobiles, or other vehicles, equipment and machinery, pipe, or parts thereof.

**301.28 JUNK.** For the purposes of this ordinance, the term "junk" shall include rags, scrap iron, shavings, borings, old rope, old iron, brass, copper, tin, lead, aluminum, plastic, and other old materials, automobiles, trucks, tractors, trailers, construction equipment, boats, and all manner of vehicles which are unfit for reconditioning for sale or use or transportation, used parts of any of such vehicles or equipment, old bottles, drums, barrels, glass, lumber, paper, discarded machinery or parts thereof, old or broken pipe, brick, tubing and any forms of construction materials, discarded iceboxes, refrigerators, freezers, washing machines, dryers, water heaters, tubs, bathtubs, water closets, lavatories, and other

discarded fixtures, discarded doors, windows, and storm doors and storm windows, and any other second-hand articles or used materials and merchandise and such other articles or things as commonly come within the classification of junk or debris.

**301.29 LOT.** A parcel of land upon which main and accessory buildings are or may be placed, together with the required open spaces.

**301.30 LOT AREA.** The total square unit contents included within lot lines and measured to the street line only.

**301.31 LOT, CORNER.** A lot at the junction of, and having a frontage on, two or more intersecting streets.

**301.32 LOT, DEPTH.** A mean horizontal distance between the front and rear lot lines, measured at right angles to the streets from the intersection of the side lines and the front lot lines.

**301.33 LOT, FRONTAGE.** A lot line or portion thereof which coincides with a street line. In the case of corner lots the shorter of the two lot lines coinciding with the street lines shall be considered the lot frontage. See "*Street Line*".

**301.34 LOT, INTERIOR.** A lot other than a corner lot.

**301.35 LOT WIDTH.** The horizontal distance between the side lot lines measured between the points at which the rear line of the minimum front yard area intersects the side lot lines.

**301.36 MANUFACTURING.** The treatment or processing of raw products, and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

**301.37 MEDICAL BUILDING.** A building intended to house one or more offices and/or laboratories for the medical profession. An incidental use may include pharmacy for sale of prescription medicines and like sundries. By "medical profession" is meant all fields of medicine and dentistry, licensed by the State of New Jersey, and providing services to human beings.

**301.38 MOTEL.** A group of rental units for transient guests with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests. An office and single dwelling unit for the owner, operator or manager of said motel may be included as secondary uses in conjunction with the operation of a motel.

**301.39 MOTOR VEHICLE SERVICE STATION.** A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, including sale of accessories, oiling, greasing, washing, and light motor vehicle repairs on the premises, but in no

case to include major vehicle repairs or rebuilding, or fender, body or frame straightening, painting, or rebuilding.

**301.39-1 No Impact Home Based Business** -- A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- B. The business shall employ no more than one (1) employee including family members residing in the dwelling;
- C. There shall be no display or sale of retail goods from the premises and no stockpiling or inventory of a substantial nature;
- D. There should be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 10% of the habitable floor area; and
- H. The business may not involve any illegal activity.
- I. The business activity shall register with the Bureau of Fire Protection and comply with all Department of Health regulations.
- J. An application for No-Impact Home Based Business shall be submitted to the Township Technical Review Committee.

**301.40 NONCONFORMING BUILDING OR USE.** A lawful building, or lawful use of land or of a building existing at the effective date of this ordinance, or any amendment thereto, which does not conform with the requirements of this ordinance.

**301.41 NURSING, REST, CONVALESCENT HOME.** A home for the aged, convalescent, and ill persons where such persons are housed or lodged and furnished with food and nursing care for

compensation, and which is licensed as such under the laws of the State of New Jersey; same shall not include "boarding house".

**301.42 OCCUPANCY.** The act of occupying land or building for the purpose it is arranged, intended, designed or maintained.

**301.43 OPEN SPACE.** An unoccupied space open to the sky on the same lot with a principal building.

**301.44 PARKING AREA.** An open space, other than a street or other public way, used for the parking of motor vehicles and available for public use whether for a fee or as a service or privilege for clients, customers, suppliers or residents.

**301.45 PARKING SPACE.** An off-street area available for the parking of a motor vehicle and which in this ordinance is held to be a minimum of nine (9) feet wide and eighteen (18) feet long, exclusive of passageways and driveways appurtenant thereto, and giving access thereto. The Planning Board or Approving Authority, in reviewing site plans, shall have the power to permit a limited number of parking spaces to be less than the dimensions above, to be marked for compact vehicles only. Adequate provision shall be made for ingress and egress to all parking spaces as approved by the Township Engineer. [revised 9-20-95]

**301.46 PLANNING BOARD.** The Planning Board of the Township of Green Brook, unless otherwise specified.

**301.47 PRINCIPAL BUILDING.** A building in which is conducted the main or principal use of the lot on which said building is situated.

**301.48 POOL ROOM OR BILLIARD PARLOR.** Any building or structure, room or place in which pool or billiards shall be played for gain, hire or reward, or where a fee is charged for use of the facilities.

**301.49 PROFESSIONAL OFFICE.** The office of a member of a recognized profession maintained for the conduct of his or her profession. Such professions shall be limited to:

- a.** those of medicine, law, architecture, engineering, accounting, art, religion, music, and other professions which require a similar degree of training and experience and which engage in services to persons (as contrasted with animals or property); and
- b.** offices of veterinarians for the treatment and care of domestic pets, including veterinarian hospital facilities, provided that all such facilities are housed within buildings. This shall not permit operations commonly known as kennels, whether for coops, runs or other facilities.

**301.49-1 Recreation Facilities.** A place designed and equipped for the conduct of sports and leisure time activities (a.k.a. Health and Fitness Clubs).

**301.50 RESIDENTIAL DENSITY, GROSS.** The total number of dwelling units which may be developed on an area of land, before requirements for public access and required open space are provided.

**301.51-1 Restaurant.** Any establishment, however designated, at which food is sold principally for consumption on the premises to patrons seated within an enclosed building. A restaurant may have limited forms of entertainment to accompany the dining experience.

**301.51-2 Restaurant, Drive-in.** An establishment, however designated, at which patrons are served with food, soft drinks, ice cream and similar confections for principal consumption on the premises but outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

**301.51-3 Restaurant, Outdoor.** Any part of food establishment located outdoors, not used for any other purposes and open to the sky, with the exception that it may have retractable awnings or umbrellas, and may contain furniture, including tables, railings, planters that are readily moveable.

**301.51-4 Retail Food Establishment.** Any fixed facility in which food or drink is sold primarily for off-premises preparation or consumption

**301.51-5 Retail Sales.** Establishments engaged in the selling or rental of goods or merchandise (usually to the public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

**301.51-6 Retail Services.** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including personal service establishments, theatres, amusement and recreational services, health, educational, social services, museums, and galleries.

**301.52 SCHOOL PUBLIC OR PRIVATE.** Any non-profit academic institution offering courses and curricula which are approved by the New Jersey Department of Education, to pupils enrolled in nursery school, or in grades Kindergarten (pre-first grade) to twelve, or any segment of such grade structure.

**301.52-2 Shopping Center.** A group of commercial establishments planned, constructed, and managed as a total entity on a single lot; with customer and employee parking provided on-site, provisions for goods delivered separately from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved site plan. A shopping center may include multiple condominium lots.

**301.53 SLOPE.** The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

**301.54 SIGN.** Any structure or part thereof or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, drawing, mural, painting or representation used as, or which is in the nature of an announcement, direction or advertisement, or for the purpose of bringing the subject or location thereof to the attention of others. For the purpose of this ordinance the word “*sign*” includes “*billboard*”.

**301.54-1 Advertising Sign.** A sign which directs attention to a business, commodity, service, or establishment conducted, sold or offered elsewhere than upon the premises.

**301.54-2 Business Sign.** A sign which directs attention to a business or profession conducted upon the premises. A “for sale” or “to rent” sign relating to the property on which it is displayed shall be deemed a business sign.

**301.54-3 Sign, area of.** The area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided (straight lines) geometric shape which most closely outlines said sign.

**301.54-4 Façade,** as used in this Ordinance, for the purpose of defining the size of signage, shall be the front of the area occupied from center to center of the demising walls between units and from the finished floor on the First Level to the finished floor level to the Second Floor in two story buildings; and from finished second floor to the main building finished roof elevation, excluding parapets, mansard roofs, awnings of any kind, marquees, other treatments extending above the main building roof elevation; and in one story malls the front of the area occupied from center to center of the

demising walls between units and from the finished floor of the unit to the main building finished roof elevation, exclusive of any parapets, mansard roofs, awnings of any kind, marquees or other treatments extending above the main building roof elevation.

**301.54-5 Wall Blade Sign.** A sign mounted to a building or pole that hangs perpendicular to the normal flow of traffic.

**301.55 SITE PLAN.** The general plan or layout of a lot and the installation on the lot showing the location and/or proposed location of main buildings, other structures, streets, driveways, access roads, parking and loading lots and areas, drainage, topography, grading, landscaping, sewerage disposal system, water supply system, easements, signs, and utilities, including dimensions of all of the foregoing and elevations of all sides of building(s), together with such other data as will fully disclose the nature of the use or uses proposed. *SEE THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF GREEN BROOK.*

**301.56 STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**301.56-1 Half Story.** 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. See *BASEMENT*.

**301.57 STREET.** A public thoroughfare which has been dedicated or deeded to the public for public use and which has been improved in accordance with municipal standards.

**301.58 STREET LINE.** That line determining the limit of the highway rights of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the center line of the existing pavement.

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

**301.59 STRUCTURE.** The word "structure" shall include the word "building" and shall include anything constructed, assembled, or erected, the use of which requires location in or on the ground or attachment to something having location in or on the ground, and shall include, by way of illustration and not by way of limitation, fences which are more than 50% solid, swimming pools, tanks, towers,

signs, bins, tents, lunch wagons, trailers, dining cars, camp cars, or similar structures on wheels or other supports used for business, recreation, living, or other purposes. The word "structure" shall not apply to essential service utilities entirely below the ground.

**301.60 SWIMMING CLUB.** A public or privately-owned swimming pool open to the general public on a membership or fee basis and having appropriate dressing room facilities and off-street parking areas.

**301.61 SWIMMING POOL PRIVATE.** A swimming pool which is an accessory use to a dwelling unit located on the same lot. Such private swimming pool, whether "in ground" or "above-ground" shall be considered a structure and be subject to all of the provisions of this ordinance governing the location of an accessory building.

**301.62 TRAILER.**

**(A) TRAILER COACH.** A vehicle or structure used or so constructed as to permit its being used as a licensed conveyance upon the public streets or highways and constructed in such a manner as will permit its occupancy as a place of day-to-day habitation for one or more persons. This term shall also include automobile trailers, mobile homes, house trailers, trailer coaches and camper trailers, excepting therefrom "travel trailers" which are less than six (6) feet in width and less than ten (10) feet in length and which are not used for purposes of day-to-day habitation.

**(B) TRUCK TRAILER.** Any vehicle or unit equipped with wheels or similar devices used for the purpose of commerce or transporting goods, stock or merchandise, for transportation on a flat-bed, railroad or ship.

**301.63 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.

**301.64 YARD.**

**301.64-1 Front Yard.** An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. "*Setback line*" shall be synonymous with the rear limit of the required front yard area.

**301.64-2 Rear Yards.** An open space extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building on the same lot. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side building lines.

**301.64-3 Side Yard.** An open, unoccupied space between the side lot line and the building line nearest thereto, extending from the front yard to the rear yard, or in the absence of either-to the street or rear lines as the case may be. The width of the side yard shall be measured parallel to the front lot line.

**301.64-4 Nature of Yards.** The required yards shall be open to the sky, unobstructed, except for the ordinary projection of parapets, window sills, door posts, rainwater, leaders, cornices, canopies, eaves, bay windows, stairways and similar ornamental or structural fixtures which may not project more than two (2) feet into such yards.

**301.65 ZONING OFFICER.** The official appointed to administer the Zoning Ordinance of the Township of Green Brook, or the deputy of such official, or other person officially appointed to act in the place or stead of the Zoning Officer, or in the event of his or her absence, disability or disqualification.

#### **301.66 SOLAR ENERGY SYSTEM**

A device or combination of devices or elements that rely on direct sunlight as an energy source, including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity.

## ARTICLE 4

### GENERAL PROVISIONS

#### **401. ZONING AFFECTS ALL STRUCTURES, BUILDINGS AND LAND AND THE USE THEREOF.**

No land or premises may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted herein, for the district in which it is located, and all construction shall be in conformity with the regulations provided for the district in which such building or premises is located; nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the regulations designated in the Schedule and this ordinance for the district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or such use shall be deemed to be in violation of this ordinance, and the Certificate of Occupancy shall become void.

#### **402. YARDS AND STREET FRONTAGE.**

**402.1** Every lot must provide a front yard, rear yard and side yards as required by its zone district.

**402.2** 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 guaranteed by the posting of a performance guarantee pursuant to the Land Development Ordinance of the Township, unless relief has been granted under the provisions of Section 27 of Chapter 291, PL 1975, (N.J.S.A. 40:550-36) as the same may be amended or supplemented.

**402.3** All lots requiring reverse frontage shall have an additional twenty-five (25) feet of depth greater than the requirements of the district. This twenty-live (25) feet of depth will be planted by the developer or building in evergreen trees and shrubs so as to provide a visual screen at least six (6) feet in height and covering fifty percent (50%) of the frontage of the property by the end of two (2) growing seasons. Additional buffer devices, such as berms. may be required in connection with land subdivisions, as provided in *The Land Development Ordinance*. The Approving Authority and/or the Construction Official, as the case may be, shall require, in the same manner as set forth for performance guarantees in the *Land Development Ordinance*, the posting of guarantees that said plantings shall survive the second growing season or will be replaced if same do not survive. (See Article 10 of this ordinance).

**402.4** All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone district in which located. Corner lots shall provide the minimum front yard requirements for the respective zone district for all intersecting streets, for both

principal and accessory buildings.

#### **403. ACCESSORY BUILDING.**

**403.1** No accessory building may be built on any lot on which there is no principal building.

**403.2** No accessory building shall exceed the height of the principal building.

**403.3** For the purpose of regulating the locations of accessory buildings on corner lots, and on lots extending through between two parallel streets, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the district in which said corner lot or through lot is located; provided, further, that no accessory building shall be permitted in any front yard.

**403.4** Accessory buildings shall be at least ten (10) feet from any principal building situated on the same lot, unless an integral part thereof, and shall be at least six (6) feet from any other accessory building.

**403.5** No accessory buildings shall be erected or constructed closer than ten (10) feet to any side or rear lot line.

#### **404. DWELLINGS IN REAR OF LOTS.**

No building to be used as a dwelling shall be constructed, altered, or moved to the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot.

#### **405. REDUCTION OF LOT.**

No lot area shall be reduced by subdivision, sale or in any other manner so that the area of the lot or the dimensions of the required open spaces shall be smaller than herein prescribed.

#### **406. OFF-STREET PARKING REQUIRED IN RESIDENTIAL DISTRICTS; COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.**

**406.1 OFF-STREET PARKING AND DRIVEWAYS.** There shall be provided upon every lot in every Residential District, and upon every lot in any other District upon which a dwelling house may now or hereafter be permitted, off-sheat parking space for at least three vehicles, including a driveway for the same, all of which shall be adequately paved or covered with a substantial material such as asphalt, brick, concrete, gravel, macadam, or stone, or like material, so as to adequately withstand and not be adversely affected by changes in temperature or weather, the extremes of heat and cold experienced in the Township, damage from the elements such as, but not limited to, erosion, and the wear and tear brought about by the use of such areas by motor vehicles. In any case where any part of said parking area or driveway shall be below grade of the street giving access thereto, the design of said

area and the adequacy of the type of material used therein and curbing along the same, shall be subject to approval by the Township Engineer, guided by the topography, the grades of the street, the effect of the drainage system upon said proposed area, and other principles of sound engineering practice. All off-street parking areas and driveways required herein shall be maintained in good condition. Whenever a garage is provided upon any such lot, the areas within such garage used for motor vehicles may be counted toward the off-street parking spaces required under this ordinance.

#### **406.2 COMMERCIAL VEHICLES AND TRAILERS IN RESIDENTIAL DISTRICTS.**

- a.** Not more than one commercial vehicle having a gross weight of less than 6,500 lbs., owned or operated by a resident of the premises, shall be permitted to be regularly garaged on a lot in any Residential District. If there are two such vehicles, then one must be garaged and shall not be regularly parked or stored by, on or in the vicinity of such lot, without being garaged thereon. Any such vehicle not garaged shall be kept to the rear of the principle building and no closer than 15 feet from any side or rear property line. The foregoing regulations apply to any motor vehicle which bears commercial license and has any signage whether permanent or temporary (such as by magnetic attachment,) even if such vehicle otherwise would be a passenger vehicle. No commercial vehicle having a gross weight of 6,500 lbs. or more, whether owned or used by a resident of the premises or not, shall be regularly parked, stored or garaged on a lot in any Residential District.
- b.** No trailer designed or used for hauling or transporting shall be regularly parked or stored on, by, or in the vicinity of any lot in any Residential District.
- c.** No trailer or motorized vehicle designed or used for dwelling purposes, no boat trailer, no campers, no motorized sleds, and no boats or marine equipment shall be regularly parked or stored on a lot in any Residential District without being garaged thereon, or placed behind the front line of the principal building on a driveway or similar surface. Such storage or parking shall be no closer to any side or rear property line than otherwise permitted by Ordinance for the placement of an accessory building in such residential zoning asset forth in Sections 601.3-3b, 602.3-3(a)(2), 602.3-3(b)(2), 602.3-4(a)(2), 602.3-4(b) (2), 603.3-3, 603.3-4, 603A.3-3, 603A3-4, 604.3-4, 604.3-5, 605.3 and 608.3-6.1(i) of the Zoning Ordinance for the Township of Green Brook. Where not otherwise regulated, placement shall be no closer than the standard set forth in Section 403.5.

#### **406.3 MAXIMUM GRADE OF DRIVEWAYS**

The maximum grade and the design of the profile contour of all private driveways shall be subject to the approval of the Township Engineer, guided by sound engineering practices. No part of the grade of any

private driveway shall exceed at any point, the slope of 10% for gravel surface driveways, nor exceed the slope of 14% for paved driveways. This provision shall be considered a “Design and Performance Standard” and subject to the power of the approving authority to grant exceptions in appropriate cases, as set forth in Section 108 of the Land Development Ordinance.

#### **407. DANGEROUS CONDITIONS.**

No permit shall be granted for a building or use if the design, construction or location of the same involves or is likely to involve exceptional risks of traffic congestion, public safety, or hazard.

#### **408. INCONGRUOUS BUILDINGS.**

If the design or construction of any building or use is so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property, the Zoning Officer and/or Construction Official shall deny the permit and refer the applicant to the Board of Adjustment which shall act thereon after appeal and hearing in accord with the statutes of New Jersey, and subject to the standards set forth in this ordinance and the Land Development Ordinance, guiding the exercise of discretion by the Board of Adjustment.

#### **409. TRAFFIC VISIBILITY ACROSS CORNER LOTS.**

On any corner lot no fence, structure, or planting over thirty (30) inches in height shall be erected or maintained within thirty (30) feet of the intersection of the road right-of-way lines so as to interfere with traffic visibility across the corner, and no wall or fence, and no hedge, tree, shrub, or other growth shall be maintained in such a way as to cause danger to traffic on a street by obscuring the view.

#### **410. PRINCIPAL BUILDING, RESIDENTIAL DISTRICTS.**

No lot in a residential district shall have erected upon it more than one (1) principal, one-family residential building.

#### **411. OPEN SPACES AROUND BUILDING.**

No yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered to provide a yard or open space for any other building.

#### **412. INGRESS OR EGRESS THROUGH RESIDENTIAL DISTRICT TO BUSINESS OR INDUSTRIAL PROPERTY.**

No ingress to or egress from any building or industrial use shall be permitted over or across any property located in a residential district. No business or industrial property and no property used for any business or industrial purpose having frontage upon any street, highway, or road in a business or industrial zone district

shall be permitted access for business or industrial purposes by means of any street, avenue, or road not located in a business or industrial district. For the purposes of this ordinance the use of any access by vehicles, whether such vehicles be themselves commercial or whether the same be the passenger vehicles of employees or customers of a business or industry shall be considered itself a business or industrial use and shall not be permitted in any residential district.

#### **413. NATURE AND EXTENT OF USES OF LAND.**

The control and regulation of the uses of buildings and structures as herein provided, shall apply equally to the nature and extent of the use of the land.

#### **414. OUTDOOR STORAGE OR DISPLAY.**

No article, material, merchandise, goods, inventory, or part thereof, or equipment shall be kept, stored, displayed or exhibited outside of the confines of a building unless the same is screened by fences, walls, or planting in such manner that it is not visible from the public street or adjoining properties. All such storage or display must be located behind the rear building line, except as may otherwise be approved by the Approving Authority as part of a site plan application for a specific permitted or conditional use in this Ordinance.

#### **415. PUBLIC UTILITIES.**

**415.1** The provisions of this ordinance shall not apply to customary local utility distribution or collection lines for water, gas, telephone, cable TV, or electric service. All facilities such as pumping stations, repeater stations, and electric sub-stations which require a structure shall be subject to the provisions of this ordinance.

**415.2** In all cluster developments, or land subdivisions involving the extension of streets or the opening of new streets, and in any other case required by law, all utilities shall be placed underground.

#### **416. SOIL REMOVAL.**

No persons, firm or corporation shall strip, excavate, or otherwise remove top soil for sale or other use other than on the premises from which taken. The provisions of the *Soil Removal Ordinance of the Township of Green Brook* shall also be complied with.

#### **417. PRESERVATION OF NATURAL FEATURES.**

To the maximum extent possible, existing natural features such as trees, brooks, drainage channels and view shall be retained. Whenever such features interfere with the proposed use of property, a retention of the maximum amount of such features consistent with the use of the property shall be required, and this shall be

designated on the site plan in all cases where a site plan is required in this ordinance, or in the Land Development Ordinance.

**418. DUMPING PROHIBITED.**

The dumping of refuse, waste material, junk or other substances is prohibited in all districts within the Township. This provision shall not supersede or repeal any other ordinance or regulations prohibiting the same.

**419. YARDS AND OTHER AREAS MUST BE IN SAME ZONE AS USE.**

All yards, open space, off-street parking and required landscaping in connection with any use must be contained within the same district in which such use is permitted.

**420. DEDICATION OF EASEMENTS AND RIGHT-OF-WAY TO TOWNSHIP.**

No lot which conforms to the requirements of this ordinance governing minimum lot width, depth or area shall be deemed or considered to be nonconforming where such nonconformity is created solely by virtue of the dedication to and acceptance by the Township of Green Brook, or the County of Somerset, or the State of New Jersey, of land for a street, avenue, or road right-of-way, or sewer or drainage easement provided that the width, depth or lot area remaining is not less than eighty percent (80%) of the requirements of this ordinance; and provided further that this Section shall not apply where such dedication is made pursuant to the Land Development Ordinance in connection with the subdivision of lands into four (4) or more lots or in connection with the dedication of a new street.

**421. PROHIBITED USES.**

**421.1 ANY USE NOT SPECIFICALLY PERMITTED IN A ZONE DISTRICT ESTABLISHED BY THIS ORDINANCE IS HEREBY EXPRESSLY PROHIBITED FROM THAT DISTRICT**

**421.2 SPECIFICALLY PROHIBITED USES.** Without in any way limiting or being limited by the language in Section 421-1 hereof, the following uses and activities are specifically prohibited in all zone districts in the Township of Green Brook.

**421.2-1** All billboards, signboards, advertising signs or devices not expressly related to the business being conducted on the premises, or otherwise specifically permitted by this ordinance.

**421.2-2** Auction market or auction establishments, whether conducted in an enclosed building or structure or not.

**421.2-3** Any business or use conducted outside the confines of a building or structure, including by way of illustration and not by way of limitation, junk yards, dismantling or storage of motor vehicles

or machinery, the sale or rental of trucks, busses, truck trailers, trailers designed or intended for hauling or transporting, trailers designed or intended for dwelling purposes, campers, recreational vehicles (whether self-contained, motorized, or requiring another vehicle in order to move same from place to place), boats, motorized sleds or carts, motorcycles, motorbikes or the like, or construction, quarrying or tree service equipment, machinery or materials, outdoor amusements, miniature golf courses, golf courses, golf driving ranges and similar outdoor commercial recreation facilities, drive-in theaters, drive-in restaurants as defined in this ordinance, or any other business or use conducted outside the confines of a building or structure. The foregoing prohibitions all apply regardless of the manner of registration of any of the vehicles mentioned under the motor vehicle laws, and regardless of whether any of same may also be used for regular passenger transportation.

**421.2-4** The sale, rental, leasing, storage, or display of trucks, busses, truck trailers, trailers designed or intended for hauling or transporting, trailers designed or intended for dwelling purposes, campers, recreational vehicles (whether self-contained, motorized, or requiring another vehicle in order to move same from place to place), boats, motorized sleds or carts, motorcycles, motor bikes or the like, or construction, quarrying or tree service equipment, machinery or materials, except only from a totally enclosed building or structure. The foregoing prohibitions shall apply regardless of the manner of registration or any such vehicle under the motor vehicles laws, and regardless of whether any of same may also be used for regular passenger transportation.

**421.2-5** Outdoor storage of any kind, except as may otherwise be approved by the Approving Authority as part of a site plan application for a specific permitted or conditional use in this Ordinance. *See Section 414.*

**421.2-6** Privately-operated dumps for the disposal of garbage, trash, junk, refuse, and similar materials, whether by landfill, incineration, or otherwise.

**421.2-7** Seasonal resort cottages.

**421.2-8** Trailer courts or parks, trailer coaches used for dwelling, or any commercial activities related to the outdoor storage, display, exhibition, sale, or rental of trailer coaches.

**421.2-9** Cemeteries or crematoriums.

**421.2-10** Outdoor vending machines, except where specifically permitted incidental to another use.

**421.2-11** Any use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered, or which will cause environmental pollution or be inimical to the ecology of the area.

**421.2-12** Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare, or waste products. [See Section 6O8.5-5]

**421.2-13** Multi-family dwellings or more than one dwelling unit on any single property, except in a Planned Residential Development approved by the Planning Board in an AHD Affordable Housing District. (Note: amendment of August 8, 1991].

**421.2-14** Nothing in this ordinance shall permit or be deemed to permit any use, act or activity which is prohibited by *N.J.S.A. 2C:14-1* et seq., *N.J.S.A. 2C:34-1* et seq., or any other provision of the *New Jersey Code of Criminal Justice* or any other statute of the State of New Jersey or regulation promulgated under the *New Jersey Administrative Code* (N.J.A.C.).

**421.2-15** Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept or stored, unless garaged, on any premises within the Township. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

**421.2-16** No cargo container shall be allowed in any area District, except as may be permitted with a temporary use permit as detailed in Section 1204.4-2.

**421.2-17** All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in *N.J.S.A. 24:6I-33*. Licensed cannabis delivery services situated outside the geographic boundaries of the Township may deliver cannabis items and related supplies within the Township as permitted by the *New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act*, *N.J.S.A. 24:6I-31*, et. seq.

## **422. LIMITATION ON VARIANCE OR CONDITIONAL USE.**

A variance, conditional use approval or any other relief granted by the Approving Authority shall expire if no construction permit shall have been issued for the permitted construction, alteration or conversion, as the case may be, within one (1) year from the date of the resolution memorializing such variance; conditional use approval or other relief granted, or shall expire if a certificate of occupancy has not been granted within two (2) years from the date of memorialization of the resolution granting such variance, conditional use approval or other relief; provided, however, that where a variance, conditional use approval or other relief is granted in conjunction with a preliminary or final subdivision or a preliminary or final site plan approval for which section 37 or section 40 of the *Municipal Land Use Law* (*N.J.S.A. 40:55D-49 or 52*) grants rights for a period longer than one (1) year, then the variance, conditional use approval or other relief granted by the Approving Authority shall remain in effect for a period of time concurrent with the rights granted under *N.J.S.A. 40:55D-49 or 52*.

## **423. COMPUTATION OF DENSITY IN SLOPE AREA.**

In computing the gross area of lands within a proposed development, the area of lot(s), shall be first reduced by portions of land subject to certain constraints as provided in the following schedule:

<u>Constraint</u>	<u>Percentage of Area of Constraint by which Lot Area is to be reduced</u>
Wetlands (1)	100
(1) Verified by the NJDEP	

## **424. CHILD CARE CENTERS.**

**424.1 AS PERMITTED USE IN NON-RESIDENTIAL DISTRICTS.** Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to *P.L. 1963, c. 492 (N.J.S.A. 30:5B-1 et seq)*, shall be a permitted use in all nonresidential districts of the Township, as provided in P.L. 1989, c. 286 (N.J.S.A. 40:55D-66.6).

### **424.2 AS ACCESSORY USE IN CONNECTION WITH CERTAIN CONDITIONAL USES.**

A. Subject to the limitations and conditions herein set forth, day care facilities for children of employees may be established as an accessory use to the following: conditional uses pursuant to Sections 706 [Schools], 707 [Hospitals, Philanthropic or Eleemosynary uses], 700 [Quasi-Public Buildings and Recreation Areas], 710 [Nursing Homes], 712 [Churches], and 713 [Hotels and Motels].

B. The provisions of this Section shall apply only to establishments having not less than twenty (20) employees.

C. The facility so established:

1. Shall be primarily for the child care of employees of the primary use; provided, however, that to the extent the use thereof for other children would not exceed the space limitations set forth herein, children who are not children of employees of the establishment may be accepted into the program.

2. The area set aside for such facilities shall be limited to five (5)% of the total building area of the establishment to which it is accessory.

3. The site plan shall designate all areas, interior and exterior, devoted or to be devoted to such day care facility.

4. If the number of children shall bring such day care facility within the terms of State Regulations, same shall comply in all respects with all requirements of state laws and regulations, *N.J.S.A. 18A:70-1 to 9; N.J.A.C. 10:122-1.1 et seq.* as the same may hereafter be amended and supplemented.

5. Where children who are not children of employees are to be accepted into the facility, adequate arrangements shall be made for ingress and egress for the parent or guardian of the child to leave and pick-up the child at the beginning and end of the care time.

**424.3 FAMILY DAY CARE AS HOME OCCUPATION.** Pursuant to the provisions of *PL. 1987; c. 305 (N.J.S.A. 40:55D-66.4 and 40:55D-66.5)*, a “family day care home”, as defined in said statute, shall be deemed to be a home occupation for purposes of this Zoning Ordinance.

#### **426. APPEARANCES AND MAINTENANCE OF EXTERIOR OF STRUCTURES**

The exterior of all premises, the exterior of structures, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood. The aforesaid shall also be maintained so that the appearance of the premises and structures shall not constitute a blight factor for adjoining property owners or an element leading to the progressive deterioration of the neighborhood embracing the following:

**426.1 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL.** There shall not be stored equipment and materials relating to business, commercial or industrial uses unless permitted under the Zoning Ordinance for the premises.

**426.2 GENERAL MAINTENANCE.** The exterior of every structure or accessory structure not inherently resistant to decay, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain its appearance. The same shall be maintained free from broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions indicative of deterioration or inadequate maintenance so that the property may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blight conditions.

**426.3 GRASS, WEEDS, AND UNCULTIVATED VEGETATION.** Premises and exterior property, excluding forested areas, shall be maintained free from grass, weeds, or uncultivated vegetation in excess of 8 inches in height.

#### **427. TOWNSHIP WIDE SET ASIDE REQUIREMENTS**

Any property in the Township of Green Brook that is currently zoned for non-residential uses and

subsequently receives a zoning change or use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside of twenty (20%) percent, regardless of tenure. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Township's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Township of Green Brook to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of Chapter 9 Building and Housing, Section 9-3 Affordable Housing Regulations.

## **428. STEEP SLOPE DISTURBANCE**

### **428.1 PURPOSE.**

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

### **428.2 INTENT.**

It is the intent of this ordinance to provide compliance with N.J.A.C.7:15-5.25(g)6, as it exists at the time of the adoption of this ordinance, which requires municipalities to adopt an ordinance protecting steep slopes from new disturbances.

### **428.3 BACKGROUND.**

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

### **428.4 APPLICABILITY.**

This ordinance shall be applicable to new development or land disturbance on a steep slope within the Township of Green Brook.

### **428.5 DEFINITIONS.**

The following definitions shall apply solely to this section of the ordinance:

“Disturbance” means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of native vegetation.

“Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Native Vegetation” means any vegetation that exists naturally, without intervention by humans, in a specific geographic area. Also, vegetation that would exist naturally in an area if not for human intervention. Plants that are not geographically native to the area, that may have been introduced into the area, either intentionally or accidentally, are not considered to be native.

“Redevelopment” means the construction of structures or improvements on areas which previously contained structures or other improvements.

“Steep Slopes” means any slope equal to or greater than 15 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

#### **428.6 DESIGNATION OF AREAS**

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

#### **428.7 STEEP SLOPE LIMITS**

For steep slopes any disturbance shall be prohibited except as provided below:

1. Disturbance and construction associated with the installation of utilities; and
2. Redevelopment within the limits of existing impervious surfaces; and
3. Disturbances of no more than 1000 square feet in connection with an existing developed property.

#### **428.8 DISTURBANCE LIMITS IN OTHER THAN STEEP SLOPE AREAS**

1. The maximum disturbance limits in other than steep slope areas (slopes less than 15%) shall be limited by the site development standards pertinent to the zone in which the property lies.

## ARTICLE 5

### NONCONFORMING BUILDINGS, LOTS AND USES

#### **501. CONTINUANCE.**

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this ordinance may be continued even if such use of land or building does not conform to the regulations specified by this ordinance, provided, however:

- 501.1** That no nonconforming lot shall be further reduced in size.
- 501.2** That no nonconforming building shall be enlarged, extended or increased, unless such enlargement would tend to reduce the degree of nonconformance and except as provided in subsection 501.4 hereof.
- 501.3** That no nonconforming use maybe expanded.
- 501.4** That any single-family dwelling house lawfully in existence on the effective date of this ordinance, but which has been rendered nonconforming by this ordinance, either by reason of area or use, may be extended upon the same lot and may be altered, provided:
  - (a) that the yard requirements of the MD Residential District are met (or in the case of a single-family residence in the HD Residential District, that the yard requirements for the HD Residential District are met); or
  - (b) that previous approval has been granted for setbacks less than that required for the MD Residential District in this ordinance [See Section 506 for Front Yard Setbacks], and
  - (c) that the extension or enlargement will not increase the degree of nonconformity from the previous approvals.

Accessory buildings to such an existing single-family dwelling house may be constructed on the same lot to the extent that such buildings are permitted in the MD Residential District. That the limitations imposed by this ordinance shall not prohibit the extension, enlargement, alteration, remodeling, repairing, or modernization of any dwelling, nor the construction, extension, enlargement, alteration, remodeling, repairing or modernization of a permitted building or structure accessory thereto in any Residential District existing at the effective date of this ordinance which conforms to the ordinance immediately superseded hereby, but which dwelling does not strictly conform to the requirements of this ordinance, provided, however, that such extension, enlargement, alteration, remodeling, repairing, or modernization of such dwelling, or such construction, enlargement, alteration, remodeling, repairing, or modernization of such permitted accessory

building or structure, as the case may be, does not itself create a violation of any of the provisions of this ordinance, and provided, further, that no additional families or dwelling units are occasioned thereby.

## **502. ABANDONMENT.**

**502.1** If the nonconforming use of any land or building is terminated for a period of time of one year or more, such termination shall be presumed to constitute an abandonment for the purpose of this ordinance, and the burden shall be placed upon any person asserting that such use was not abandoned, affirmatively to prove such assertion. This provision shall not preclude the finding of an abandonment by reason of cessation or termination of use for a period of less than one year.

**502.2** If a nonconforming use of a building or land is abandoned, subsequent use of such building or land shall be in conformity with the provisions of this ordinance.

## **503. RESTORATION.**

A nonconforming use or structure existing at the effective date of this ordinance maybe restored or repaired in the event of partial destruction thereof.

## **504. REPAIR FOR SAFETY.**

Nothing in this ordinance shall prevent strengthening or restoring to a safe condition any wall, floor, or roof which has been declared unsafe by the Construction Official or Public Officer.

## **505. REVERSION.**

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

## **506. NONCONFORMING LOTS INCLUDED IN CERTAIN PRIOR SUBDIVISIONS.**

**506.1 BUILDING ON CERTAIN PRE-EXISTING LOTS.** Buildings may be erected on lots shown upon a subdivision plan at the effective date of this ordinance, which are not of the required minimum area or width or on which the required open spaces cannot be easily provided, if such lots are included in a land subdivision and development plan which was either duly approved under the Municipal Planning Act of 1953, prior to the effective date of this ordinance but subsequent to January 1, 1954, or which plan of subdivision was granted preliminary approval under the Municipal Land Use Law (N.J.S.A. 40A:55-1 et seq.), prior to the effective date of this ordinance and granted final approval after the effective date of this ordinance but within three years from the date of such preliminary approval.

**506.2 FRONT YARD ENCROACHMENT OF SINGLE-FAMILY RESIDENCE.** An existing

single-family residence in a residential district may be extended, enlarged, altered, remodeled, repaired or modernized, even if the addition, extension or modernization shall extend into the front yard area required by this ordinance, provided the existing residence and the proposed addition, extension or modernization shall meet the following criteria:

1. The residence is part of a subdivision which was either duly approved under the *Municipal Planning Act of 1953*, subsequent to January 1, 1954, or under the *Municipal Land Use Law* (N.J.S.A. 404:55-1, *et seq.*), and said residence complies with the front yard requirements in effect at the time of said Planning Board approval.
2. That if the filed subdivision map contains a front setback line, the proposed addition, extension or modernization does not violate such filed map setback.
3. That the addition, extension or modernization shall not encroach further into the front yard than the residence to which it is being added.
4. That in no event shall any addition, extension or modernization be closer than twenty five (25') feet to the street line.
5. In the case of a corner lot (having, under the definitions of this ordinance, two front yards), an extension, meeting the above criteria, may be permitted as to one but not both of the front yards.

#### **507. CONSTRUCTION APPROVAL PRIOR TO ORDINANCE.**

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a construction permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and the ground story framework of which, including the second tier of beams, has been completed within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the effective date of this ordinance.

#### **508. ALTERATIONS.**

Except as otherwise herein provided, a nonconforming building may be altered but not enlarged or extended, unless said building is changed to a building conforming or more nearly conforming to the requirements of this ordinance.

#### **509. UNLAWFUL USE NOT AUTHORIZED.**

Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the

effective date of this ordinance.

## **510. ESTABLISHMENT OF VALIDITY OF NONCONFORMING BUILDING OR USE.**

The following procedure is to be followed where an owner of a building or use not in conformity with the provisions of this ordinance seeks to establish that said building and/or use is a valid nonconforming building or use as defined in this ordinance.

**510.1** Application to the Zoning Officer. The owner or other party in interest shall apply to the Zoning Officer for a Zoning Certificate certifying that said building and/or use is a valid nonconforming building and/or use under the terms of this ordinance and the laws of New Jersey. Accompanying said application, the applicant shall submit proofs by affidavit that said building and/or use, as the case may be, was a valid lawful use under the ordinance superseded hereby, or was then a valid nonconforming use or building by reason of having pre-existed said ordinance superseded hereby. Copies of any documents, such as leases, surveys, contracts, and the like, certified as true copies by persons having knowledge thereof, shall also be submitted and the proofs shall be as detailed as possible and shall set forth, to the extent possible, the facts surrounding the date of establishment or construction of the use or building, the exact location thereof, and the extent or intensity of any use thereon or therein.

**510.2** The Zoning Officer, if satisfied that said proofs tend to establish the existence of the valid nonconforming building or use, shall refer such proofs to the Planning Board which shall review the same and, if satisfied that said proofs establish such a valid nonconforming building or use, shall direct the Zoning Officer to issue the Zoning Certificate, which shall specifically set forth any limitations established in connection with such nonconforming building or use. The proofs shall remain on file as permanent records of the Zoning Officer.

**510.3** If the Zoning Officer, upon submission of the application and proofs to that office, does not find that they tend to establish the validity thereof, or if, after review by the Planning Board, said Planning Board does not so find, then the application shall be denied and the applicant shall have the right to appeal such decision to the Board of Adjustment (*N.J.S.A. 40A:55D-70b*).

## ARTICLE 6

### ZONE DISTRICT REGULATIONS

#### **601. LD-3 RESIDENTIAL DISTRICT.**

Development of the areas designated for the lowest density development is limited by the type of existing road access to the area, the unavailability of utilities and municipal services, and, most importantly, the lack of sewage disposal facilities. Experience has demonstrated that the soil and underground strata conditions have not supported individual sewage disposal systems on smaller lots. Residential development in these areas, as hereinafter set forth, is planned at a gross density of one unit per three acres, (unless specified means of sewage disposal and of public water supply are provided) with the recognition that, even at a density of one unit per three acres the ability to build must be considered and proved by the applicant on a lot by, lot basis.

#### **601.1 PERMITTED USES.**

**601.1-1** Single-family dwelling.

**601.1-2** Municipal buildings, municipal facilities deemed necessary by the Township Committee including service facilities such as fire house and rescue squad buildings, whether operated by the municipality itself or by a non-profit organization duly organized for those purposes.

**601.1-3** A home professional office for a period residing on the premises, provided that no more than one half of the floor area of one story of the dwelling is devoted to such use.

**601.1-4** Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work. (*See Section 204.4-1*).

**601.1-5** The keeping of farm animals, provided they are kept within an enclosure distant at least fifty (50) feet from any lot line on a lot having an area of not less than three (3) acres. Such enclosure or buildings shall not be located between the front building line of the principal building and the street line. The regulations of this Section shall not restrict the keeping of domestic house pets. The provisions of this Section shall not be construed to permit commercial operations such as piggeries, mink farms, fox farms, dog kennels or pigeon lofts.

**601.1-6** Farming, provided that the tract is a minimum of five (5) acres.

#### **601.2 PERMITTED ACCESSORY USES.**

**601.2-1** Private garages.

**601.2-2** Signs, subject to the provisions of *Article 9*.

**601.2-3** Fences, subject to the provisions of *Article 10*.

**601.2-4** Other normal, incidental residential secondary structures such as private swimming pools, tool sheds, outdoor barbecues, fireplaces, trellises, lamp posts or the like.

**601.2-5** Off-street parking facilities, subject to the provisions of *Article 8*.

**601.2-6** Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

**601.2-7** Open Decks and Raised Patios. For residential lots conforming to the minimum lot areas, open decks or raised patios (above existing grade) created by retaining structures (e.g. timber or other material retaining walls) attached to and adjacent to the Principal Building are permitted to extend beyond the rear yard setback line for the Principal Building, subject to the following requirements:

1. The permitted rear yard setback of the Principal Building may only be reduced up to 40% for open decks or raised patios.
2. The side yard setbacks to open decks or raised patios shall be the same as for the principal building.
3. Open decks and raised patios shall not be covered (no roof) and shall be open to the sky. Conversion of the portion of open decks and raised patios extending beyond the envelope of the principal building to living space by installation of roofs, walls, heating, etc., is not permitted.
4. The open decks or raised patios shall be considered as part of the building coverage for the purpose of determining the lot coverage, as permitted in the Zoning District.
5. Handrails around decks and raised patios are permitted.
6. Second story decks must comply with the setbacks for the principal building.

**601.2-8** Solar Energy Systems

1. The permitted rear yard setback of the Principal Building may only be reduced up to 40% for open decks or raised patios.
2. The side yard setbacks to open decks or raised patios shall be the same as for the principal building.
3. Open decks and raised patios shall not be covered (no roof) and shall be open to the sky.

Conversion of the portion of open decks and raised patios extending beyond the envelope of the principal building to living space by installation of roofs, walls, heating, etc., is not permitted.

4. The open decks or raised patios shall be considered as part of the building coverage for the purpose of determining the lot coverage, as permitted in the Zoning District.

5. Handrails around decks and raised patios are permitted.

6. Second story decks must comply with the setbacks for the principal building.

#### **601.2-9 No Impact Home Based Business**

### **601.3 AREA AND BULK REQUIREMENTS.**

**601.3-1 Height:** No building shall exceed a maximum of 2 ½ stories or 35 feet.

**601.3-2 Front Yard:** There shall be a front yard of not less than fifty (50) feet; provided, however, that the Approving Authority, in approving a flag lot, may establish a different setback consistent with the planning of such flag lot.

#### **601.3-3 Side Yards.**

a. Principal buildings: there shall be two side yards, and no side yard shall be less than 15 feet, provided, however, that the aggregate width of the two side yards combined must equal at least 35 feet.

b. Accessory buildings: no accessory building shall be closer than 15 feet to a side lot line.

#### **601.3-4 Rear Yard:**

a. Principal buildings: there shall be a rear yard of at least 50 feet except where cluster residential development is permitted, the rear yard shall be at least 40 feet

b. Accessory buildings: no accessory building shall be closer than 15 feet to the rear lot line.

**601.3-5 Minimum Lot Coverage:** The combined area of all buildings and structures on any lot containing three (3) acres or more, shall not cover more than five (5%) percent of the total lot area; the combined area of all buildings and structures on any other permitted lot shall not cover more than twenty (20%) percent of the total lot area

**601.3-6 Minimum Lot Area:** Each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed thereon to conform to the requirements of this ordinance, including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage and off-street parking and driveway requirements provided.

- a. Any residential building lot which depends upon either an on lot individual sewage disposal system or an on lot individual water supply system, shall be not less than 121,500 square feet in area.
- b. Any property which will be serviced by both a sanitary sewer system (as hereinafter defined) and potable water from a licensed water company providing water from other than individual on lot wells shall be subject to the same minimum lot area regulations as set forth in the LD-1 Residential District, *Section 602*, that is, no lot shall be less than 40,500 square feet in area, except as provided herein for cluster residential development, each single family residential lot in a permitted cluster residential development shall contain at least 20,000 square feet, except as maybe authorized pursuant to *Section 602, 309*.

**601.3-7** Lot Width: each lot required to contain three areas in area shall be at least two hundred (200) feet in width.. For lots qualifying under *601.3-6 (b)* lot width shall meet the requirements of *Section 602.3-7*.

**601.3-8** Flag Lots: on approved primary local or secondary local roads, lots to the rear of lots fronting on an approved road are permitted, provided that the lot has a minimum frontage of twenty-five (25) feet, if approved by the Approving Authority and upon a finding that the reduction in lot frontage shall benefit the Township by reason of encouraging the development of rear acreage without derogating from the public welfare or from the intent of this ordinance. Such twenty-five (25) foot frontage shall be owned in fee by the owner of said lot and be part of said lot and shall not be used in common with the owners of any other lot. The lot area requirement shall be calculated without including the area within the staff of the flag. The minimum lot area of a flag lot (exclusive of the area within the staff), shall meet the requirements of *601.3-6 (a) or (b)*, whichever be applicable.

**601.3-9** Cluster Residential Development

- a. Cluster Residential Development, where permitted in the LD-3 Residential District, shall be subject to the provisions of *Section 602.1-6*.
- b. Variation of Lot Sizes within Cluster Development. *See Section 602.3-9*.
- c. The Approving Authority in considering any application for cluster residential development, shall pay particular attention, to traffic generation, road patterns and ingress and egress, and effect upon existing streets and traffic, and the establishment of a master plan for road development and pattern throughout the district. As a general rule, where feasible, access to a

development shall be by more than one access road.

d. No dwelling house lot in a Cluster Residential Development in a LD-3 Residential District shall contain less than 20,000 square feet in area.

**601.3-10** **Definition of Sanitary Sewer System.** As used in *Section 601.3-6 (b)*, above, the term “sanitary sewer system” shall mean a public sanitary sewer system operated by the Township of Green Brook, or any agency thereof, individually or jointly with another municipality or municipalities, or sewerage authority, or a sewage disposal facility otherwise publicly or privately operated and approved by the *New Jersey Department of Environmental Protection and Energy*, but shall not include an “individual sewage disposal system” or an “on site sewage disposal” as those terms are defined in *N.J.A.C. 7:9-24*.

**601.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7:**

**601.4-1** Public Utilities.

**601.4-2** Schools, but only if sanitary sewers are available.

**601.4-3** Churches, but only if sanitary sewers are available.

**601.4-4** Golf Courses.

**601.4-5** Quasi-public buildings and recreation uses.

**602. LD-1 RESIDENTIAL DISTRICT**

The Master Plan of the Township has long contemplated low density residential development throughout the northern part of the Township. The District recognizes the pattern of past development and the conservation of land values and natural features of the areas. Sanitary sewers have been provided for portions of these areas, and are contemplated for much of the remaining area, and the vacant lands within said areas should only be developed when sanitary sewers are available. Even when sanitary sewers are installed, however, the zoning should remain consistent with past development and there are few lands remaining for development within these areas. Residential development, as hereinafter set forth, is planned at a gross density of one unit per gross acre.

**602.1 PERMITTED USES.**

**602.1-1** Single-family dwelling.

**602.1-2** Same as Section 601.1-2.

**602.1-3** Same as Section 601.1-3.

**602.1-4** Same as Section 601.1-4

**602.1-5** Same as Section 601.1:5.

**602.1-6** Cluster Residential Development, subject to the following provisions:

- a. The project shall embrace a total land area of not less than twenty (20) acres.
- b. The Cluster Residential development project shall be connected to a public utility systems, and shall be adequately served by a public water system, a drainage system, and public sanitary sewer system, and by a surface water drainage system.
- c. The project developer shall provide at least 25% of the total project area, or 5 acres, whichever is greater, to be devoted exclusively to permanent recreation or open space for public use. The common open space shall not be restricted by wetlands, easements, or contain any slopes in excess of 15%. All such proposed open space shall be evaluated by the approving authority as to its suitability. Prior to making a determination, the Township Committee shall indicate its approval of the proposed public dedication. Any public dedication shall be approved in form by the Township Attorney, and a title insurance policy, written by a title insurance company authorized to do business in New Jersey, shall insure thereto free of all liens, encumbrances except those restrictions and/or easements which shall be acceptable to the Township. Any title insurance policy shall be paid for by the developer. If such lands are to be permanently restricted by other means, such as restrictive covenants, or by conveyance to a homeowner's association, then such other means of permanent restriction to open space shall be subject to the approval of the approving authority.
- d. The total number of dwelling lots in the project shall be subject to the standards set forth in Section 602.3-9. Variation of lot sizes pursuant to Subsection 602.3-9 shall be limited by the total density requirement of this section.
- e. All cluster residential developments must comply with the procedures set forth in the *Land Development Ordinance* for site plan and land subdivision review, or for both, if applicable to a particular cluster residential development.

**602.2 PERMITTED ACCESSORY USES. SAME AS SECTION 601.2.**

**602.3 AREA AND BULK REQUIREMENTS.**

**602.3-1** Height: No building shall exceed a maximum of 2 ½ stories, or 35 feet

**602.3-2 Front Yard:** There shall be a front yard which shall generally be not less than 50 feet, except that the front yard may vary to recognize topographic conditions or environmental features (such as the location of trees), or the established setback line on the street, provided that the front yard shall not be less than 40 feet

**602.3-3 Side Yards.**

a. For cluster residential developments:

(1) Principal buildings: there shall be two side yards, and no side yard shall be less than 15 feet, provided, however, that the aggregate width of the two side yards combined must total at least 35 feet.

(2) Accessory buildings: no accessory building shall be closer than 15 feet to a side lot line.

b. For all other permitted uses:

(1) Principal buildings: there shall be two side yards, and no side yard shall be less than 20 feet, provided, however, that the aggregate width of the two side yards combined must equal at least 50 feet

(2) Accessory buildings: no accessory building shall be closer than 20 feet to a side lot line.

**602.3-4 Rear Yard.**

a. For cluster residential developments:

(1) Principal buildings: there shall be a rear yard of at least 40 feet

(2) Accessory buildings: no accessory building shall be closer than 15 feet to the rear lot line.

b. For all other permitted uses:

(1) Principal buildings: there shall be a rear yard of at least 50 feet.

(2) Accessory buildings: no accessory building shall be closer than 20 feet to the rear lot line.

**602.3-5 Maximum Lot Coverage:** the combined area of all buildings and structures on any lot shall not cover more than twenty (20%) percent of the total lot area.

**602.3-6 Minimum Lot Area:** Each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed thereon to conform to the requirements of this ordinance, including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage, and off-street parking and driveway requirements, provided that no lot shall be less than forty thousand

five hundred (40,500) square feet in area, except as provided herein for cluster residential developments. Each single-family residential lot in a permitted cluster residential development shall contain at least twenty thousand (20,000) square feet, except as hereinafter provided (*See Section 602.3-9*).

**602.3-7 Lot Width:**

- a. For cluster residential developments, each lot shall be at least 100 feet in width.
- b. For all other permitted uses: each lot shall be at least 150 feet in width.

**602.3-8 Flag Lots.**

On approved primary local or secondary local roads, one acre lots to the rear of lots fronting on an approved road are permitted, provided that the lot has a minimum frontage of twenty-five (25) feet, if approved by the Approving Authority, and upon a finding that the reduction in lot frontage shall benefit the Township by reason of encouraging the development of rear acreage without derogating from the welfare or from the intent of this ordinance. Such twenty-five (25) foot frontage shall be owned in fee by the owner of said lot and be part of said lot and shall not be used in common with the owners of any other lot. The area requirement shall be calculated without including the area within the staff of the flag.

**602.3-9 Variation of Lot Sizes within Cluster Development**

A. As set forth in *Section 602.3-6* the minimum lot area for lots in cluster residential subdivisions shall be 20,000 square feet except as provided by Section 602.3-9 (b). However, the total number of units in a cluster residential subdivision shall not exceed the total number of single family residential units which would have been possible utilizing conventional zoning. To determine the total number of units permitted, the applicant shall submit a Yield Map drawn to scale, showing the basic layout including streets and areas for public improvements designed under conventional single family residential criteria. The number of residential units possible under such conventional zoning, as shown on the Yield Map, shall establish the total number of units if developed as a cluster residential subdivision to determine the number of lots permitted by Section 602.3-6, the applicant shall submit a concept plan lot layout wherein all lots shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet. The number of lots shown on the cluster plan shall not exceed the number of lots as shown on the Yield Map. A cluster residential project shall require a tract having a minimum land area of not less than twenty (20) acres, including roadways and open spaces.

B. In the case of a comprehensive plan for a cluster residential subdivision, if the approving authority makes findings of fact that there are demonstrated environmental reasons because of existing topographical conditions, the need to preserve certain natural features, or the advisability of increasing the area to be permanently dedicated to conservation, or to be left in a natural state or to be dedicated to the public safety, the approving authority shall have the discretionary power to approve the varying within the cluster subdivision of particular lot areas and dimensions, particular yards and setbacks required by this Zoning Ordinance, but not with respect to more than one-quarter of all the residential lots proposed for the cluster residential development, and subject also to the following limitations:

1. No more than 25% of the total number of lots shall be less than 20,000 square feet in area.
2. No lot shall have an area of less than 15,000 square feet.
3. No lot shall have a width of less than 65 feet measured at the required front setback line
4. In no case shall the number of lots exceed the exact number of lots shown on the Yield Map as defined and specified in Section 502.3-9(a).

C. Any such relief granted pursuant to this subsection shall be granted only if, after the granting of bulk relief of not more than one-quarter of all concerned residential lots, the mathematical averages of lot areas and dimensions, yards and setbacks of all residential lots within the cluster subdivision still conform to the ordinance standards that would otherwise be applicable to residential lots within a cluster residential development upon the subject property.

d) Any such relief by way of variation within the cluster subdivision shall be granted unless the approving authority specifically finds that in this particular case, the deviations permitted are appropriate to the type of cluster development involved. This is a discretionary subdivision provision pursuant to N.J.S.A. 40:55d-40 (b).

## **602.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**602.4-1** Public Utilities

**602.4-2** Schools.

**602.4-3** Hospitals, philanthropic and eleemosynary uses.

**602.4-4** Quasi-public buildings and recreation areas.

**602.4-5** Nursing homes.

**602.4-6** Churches.

**602.4-7** Golf Courses.

## **603. MD RESIDENTIAL DISTRICT.**

The areas included within this zone classification have developed with greater density than those contained within the LD-3 and LD-1 Residential Districts, and have available, for the most part, sanitary sewers and other utilities.

### **603.1 PERMITTED USES.**

**603.1-1** Single-family dwelling.

**603.1-2** Same as 601.1-2.

**603.1-3** Same as 601.1-3.

**603.1-4** Same as 601.1-4.

### **603.2 PERMITTED ACCESSORY USES. SAME AS PERMITTED UNDER SECTION 602.2.**

### **603.3 AREA AND BULK REQUIREMENTS.**

**603.3-1** Height Same as Section 601.3-1.

**603.3-2** Front Yard: Same as Section 602.3-2.

**603.3-3** Side Yards: There shall be two side yards, and no side yard shall be less than 10 feet; provided, however, that the aggregate width of the two side yards combined must equal at least twenty-five (25%) percent of the lot width at the building line. No accessory building shall be closer than 10 feet to a side lot line.

**603.3-4** Rear Yard: There shall be a rear yard of at least 50 feet. No accessory building shall be closer to the rear lot line than 20 feet.

**603.3-5** Maximum Lot Coverage: Same as Section 602.3-5.

**603.2-6** Minimum Lot Area: Each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed thereon to conform to the requirements of this ordinance, including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage, and off-street parking and driveway requirements, provided, however, that no lot shall contain less than fifteen thousand (15,000) square feet

**603.3-7** Lot Width: each lot shall be at least 100 feet in width.

**603.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITION USE, SUBJECT TO ARTICLE 7.**

**603.4-1** Public Utilities.

**603.4-2** Schools.

**603.4-3** Hospitals, philanthropic or eleemosynary uses.

**603.4-4** Quasi-public buildings and recreation areas.

**603.4-5** Nursing homes.

**603.4-6** Churches.

**603A. MHD RESIDENTIAL DISTRICT.**

The areas included within this zone classification have developed with greater density than the MD Residential District, but not at the density of the HD Residential District, and have, or are about to have, sanitary sewers and other utilities.

**603A.1 PERMITTED USES. SAME AS SECTION 603.1.**

**603A.2 PERMITTED ACCESSORY USES. SAME AS SECTION 603.2.**

**603A.3 AREA AND BULK REQUIREMENTS.**

**603A.3-1** Height: Same as Section 603.3-1

**603A.3-2** Front Yard: There shall be a front yard which shall generally be not less than 35 feet

**603A.3-3** Side Yards: Same as Section 603.3-3

**603A.3-4** Rear Yard: There shall be a rear yard of at least 30 feet.

**603A.3-5** Maximum Lot Coverage: Same as Section 603.3-5

**603A.3-6** Minimum Lot Area: Each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed thereon to conform to the requirements of this ordinance, including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage, and off-street parking and driveway requirements, provided, however, that no lot shall contain less than twelve thousand five hundred (12,500) square feet

**603A.3-7** Lot Width: Same as Section 603.3-7.

**603A.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7. SAME AS SECTION 603.4.**

## **604. HD RESIDENTIAL DISTRICT.**

This Zone District recognizes the need for lots for housing on smaller lots and recognizes that prior to the adoption of zoning in the Township, and in the first zoning ordinance of the Township, certain lands were developed on lots with a minimum width of 50 feet, and this District will provide for such lots as recognized lots, rather than as nonconforming lots.

### **604.1 PERMITTED USES. SAME AS SECTION 603.1.**

### **604.2 PERMITTED ACCESSORY USES. SAME AS SECTION 603.2.**

### **604.3 AREA AND BULK REQUIREMENTS.**

**604.3-1** Height. Same as Section 601.3-1.

**604.3-2** Permitted Accessory Uses: same as Section 602.2.

**604.3-3** Front Yard: there shall be a front yard of not less than 30 feet.

**604.3-4** Side Yards: there shall be two side yards, and no side yard shall be less than 10 feet; no accessory building shall be closer than 10 feet to a side lot line.

**604.3-5** Rear Yard: there shall be a rear yard of at least 35 feet no accessory building shall be closer to the rear lot line than 15 feet.

**604.3-6** Minimum Lot Area: each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed thereon to conform to the requirements of this ordinance, including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage, and off-street parking and driveway requirements, provided, however, that no lot shall contain less than five thousand (5,000) square feet

**604.3-7** Lot Width: each lot shall be at least 50 feet in width.

### **604.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITION USE, SUBJECT TO ARTICLE 7.**

**604.4-1** Public Utilities,

## **605. SPECIAL MOUNTAININSIDE DEVELOPMENT DISTRICT.**

The “mountaininside” portion of Green Brook, being generally that portion of the Township extending northward between New Jersey Route 22 and the ridge of the First Watchung Mountain, is still substantially undeveloped on its slope and represents one of the last remaining natural areas in this region; the most northerly portions of the slope, where the grades exceed 20%, do not permit

development, and the development of the remainder presents special problems and concerns because of the need to preserve natural features, and to prevent erosion and serious drainage damages on lower lands.

### **605.1 PERMITTED USES.**

**605.1-1** Single-family dwellings.

**605.1-2** Same as Section 601.1-2.

**605.1-3** Same as Section 601.1-3.

**605.1-4** Same as Section 601.1-4.

**605.1-5** Cluster Residential Development, subject to the provisions of Section 602.1-6 & 605.2

**605.1-6** Adult Communities

**605.2 PERMITTED ACCESSORY USES.** Same as Section 601.2, EXCEPT THAT WITH REGARD TO OPEN DECKS AND RAISED PATIOS (Section 601.2-7 in the SMD district for non-clustered residential lots, etc.)

For non-clustered residential lots conforming to the minimum lot areas, and clustered residential lots conforming to the lot area requirements at the time of subdivision approval, open decks or raised patios more than 24" above existing grade created by retaining structures (e.g. timber or other material retaining walls) attached to and adjacent to the Principal Building are permitted to extend beyond the rear yard setback line for Principal Building, subject to the following requirements:

1. The permitted rear yard setback of the Principal Building may only be reduced up to 40% for open decks or raised patios.

2. The side yard setbacks to open decks and raised patios shall be the same as for the principal building.

3. Open decks or raised patios shall not be covered (no roof) and shall be open to the sky.

Conversion of the portion of open decks or raised patios extending beyond the envelope of the principal building to living space by installation of roofs, walls, heating, etc., is not permitted.

4. The open decks or raised patios shall be considered as part of the building coverage for the purpose of determining the lot coverage, as permitted in the Zoning District.

5. Handrails around decks and raised patios are permitted.

6. Second story decks are not subject to this exemption and must comply with setbacks for the principal building.

**605.3 AREA AND BULK REQUIREMENTS.** Same as *Section 602.3*, except that with regard to flag lots (Section 602.3-8) in the SMD District flag lots may be permitted in residential development plans provided that each flag lot shall contain an area twice the size of the lot behind which it is located, exclusive of the area of the staff of the flag.

**605.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**605.4-1** Public Utilities.

**605.4-2** Quasi-public buildings and recreation areas.

**606. RHC REGIONAL HIGHWAY COMMERCIAL DISTRICT.**

The establishment of this District recognizes the existence of certain commercial activities along New Jersey Route 22, and provides for their continuance and the development of said District for regional commercial markets. It is also the purpose to limit certain commercial activities to such District, all in such manner as will also recognize the traffic concentration on said highway and provide safety measures thereon, and adjacent thereto.

**606.1 PERMITTED USES,**

**606.1-1** Shopping centers

**606.1-2** Retail Sales

**606.1-3** Retail Service

**606.1-4** Personal Services

**606.1-5** Business Offices including banks and fiduciary institutions

**606.1-6** Restaurants

**606.1-7** Restaurants, Outdoor

**606.1-8** Recreation Facilities

**606.1-9** Retail Food Establishments

**606.1-10** Shopping Centers

**606.1-11** Auto-oriented services such as car washes, car detailing, and motor vehicle service stations. Electric vehicle charging stations, including but not limited to EV charging stations and rapid charging stations.

## **606.1-12 Hotels**

**606.1-13** Drive-up and/or drive-thru pick-up windows serving any form of retail or commercial establishment such as, but not limited to, banks, pharmacies, fast food restaurants

**606.1-14** Self-Storage Facilities provided they are located within an enclosed structure.

**606.1-15** Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

## **606.2 PERMITTED ACCESSORY USES,**

**606.2-1** Signs, subject to the provisions of Article 9.

**606.2-2** Fences and landscaping, subject to the provisions of Article 10.

**606.2-3** Off-street parking facilities, subject to the provisions of Article 8.

**606.2-4** Loading and unloading ramps and structures, subject to the provisions of Article 8.

**606.2-5** Private garages incidental to the business conducted.

**606.2-6** Solar Energy Systems.

**606.2-7** Light Manufacturing and/or Warehousing accessory to a retail store provided the retail store is no smaller than 10% of the entire gross floor area and is open to the public during all hours of operation of the manufacturing and/or warehousing component.

**606.2-8** Motor Vehicle Sales, limited to three (3) at any given time, as accessory to a permitted public garage with a license as a new or used car dealership issued by the New Jersey Motor Vehicle Commission, subject to the provisions contained within the Township's General Ordinance for Motor Vehicle Sales Licensing.

## **606.3 AREA AND BULK REQUIREMENTS**

**606.3-1** Height no building shall exceed a maximum of 2 stories, or 35 feet.

**606.3-2** Front Yard: there shall be a front yard of not less than 50 feet.

**606.3-3** Side Yards: there shall be two side yards, and no side yard shall be less than 25 feet, provided, however, that the aggregate width of the two side yards combined must total at least 60 feet at the building line. No accessory building shall be closer than 25 feet to any side lot line.

**606.3-4** Rear Yard: there shall be a rear yard of not less than 50 feet. No accessory building shall be closer than 30 feet to the rear lot line.

**606.3-5 Maximum Lot Coverage:** The maximum lot coverage for all buildings and structures on any lot shall be limited to:

1. 25% for lots less than 40,000 s.f.
2. 35% for lots 40,000 to 59,999 s.f.
3. 40% for lots 60,000 s.f. or greater

**606.3-6 Minimum Lot Area.** each lot shall be of sufficient size in relation to the building and accessory buildings to be constructed there-on to conform to the requirements of this ordinance including but not by way of limitation, front yard, rear yard, side yards, maximum lot coverage, off-street parking and loading and unloading requirements, and ingress and egress to and from the same, and landscaping and buffer area requirements, provided, however, that no lot shall contain less than 40,000 square feet.

**606.3-7 Lot Width:** each lot shall be at least 200 feet in width.

**606.3-8 Maximum Impervious Coverage:** The maximum impervious coverage on any lot shall be limited to the following:

1. 80% for lots less than 40,000 s.f.
2. 70% for lots 40,000 s.f. or greater

For the purpose of calculating impervious coverage, any surface that has been covered with a layer of material so that it is highly resistant to infiltration by water is deemed impervious. This includes surfaces constructed of compacted stone.

#### **606.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITION USE, SUBJECT TO ARTICLE 7.**

**606.4-1** Public Utilities.

**606.4-2** Nursing Homes.

**606.4-3** Quasi-public buildings and recreation areas.

**606.4-4** Public garages and motor vehicle service stations.

**606.4-5** Automobile sales establishments operated by new or used car dealers.

**606.4-6** Hotels and Motels.

#### **606.5 OTHER PROVISIONS AND REQUIREMENTS.**

**606.5-1** Special Design Requirements. To encourage the sound development of major highway

frontage, the following special provisions shall apply in any location in the RI-IC District which abuts New Jersey Route 22 and other roads designated as “primary roads” in the Township Master Plan.

- a. Access Barrier. Access to Route 22 and primary roads shall be controlled in the interest of public safety. Each building or group of buildings used for nonresidential purposes, and its parking or service areas, shall be physically separated from the highway or roadway by a curb, planting strip, or other suitable barrier of not less than ten (10) feet in depth against unchannelled motor vehicle ingress or egress except for access ways authorized herein.
- b. Access ways. Each separates use, grouping of attached buildings, or groupings permitted as part of a single integrated plan shall have not more than two (2) access ways to any one highway or primary road. Insofar as practicable, *the use of* common access ways, with acceleration and deceleration lanes servicing them, by two or more permitted highway uses shall be provided in order to reduce the number and closeness of access points along the highway, and to encourage the fronting of commercial structures upon a parallel street and not directly upon a public highway.
- c. Directional signs in conjunction with said access ways, and for control of traffic to and from parking areas, shall be provided as approved by the Approving Authority in conjunction with site plan review and approval.

**607 REPEALED/RESERVED**

**608. AFFORDABLE HOUSING - AHD DISTRICT.**

**608.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for lower-income families to meet the existing and anticipated housing needs of such persons, to maintain a socio-economic mix in the community, to provide a range of housing types dispersed throughout the community and to satisfy the Township’s obligation to provide a fair share of the region’s housing needs, the Township Committee has determined that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

**608.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:93-1.3, as the same may

be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control. **[AMENDED 3-16-98]**

**608.2-1 Affordable Housing** A dwelling unit with a sales price or rent within the means of a low or moderate income household as defined in *Subchapter 12, Controls on Affordability*, of the Substantive Rules of the Council on Affordable Housing.

**608.2-2 Low Income Housing** means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

**608.2-3 Moderate Income Housing** means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by household with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

**608.2-4 Affordable Housing Agency.** The Green Brook Affordable Housing Agency as set forth in *Section 1:15-1 et seq. of The Revised Ordinances of the Township of Green Brook* (1973).

**608.2-5 Inclusionary development**, means a residential housing development in which a substantial percentage of the housing units is provided for a reasonable income range of low and moderate, income households. The term may also mean housing developments comprised completely of low and moderate income units.

**608.2-6 Density** means gross density of the entire parcel, including any recreational and open space.

### **608.3 AFFORDABLE HOUSING DISTRICT. [AHD]**

**608.3-1** There is hereby created a zoning district designated as the Affordable Housing District. It shall include and consist of the following properties:

Block 155, Lot 1 (as a single parcel).

Block 26, Lots 3.01 Block 25, Lot 9, and Block 108, Lots 15, 16, 23 & 24, (as a single parcel).

Block 95, Lot 3 and Block 101.1 Lot 1 (as a single parcel)

Block 101, Lot 3.02 (as a single parcel).

**608.3-2 Affordable Housing Projects.** Properties in an Affordable Housing District may be developed at the following gross densities up to the stated unit limits, on condition that lower income units are provided in the percentages shown , depending upon the density at which the parcel is developed.

<u>Density Units per acre</u>	<u>Lower Income Set aside</u>
Up to 6.00 units	at least 20%
Up to 5.20 units	at least 10%
Up to 4.00 units	at least 5%

By “at least 20 %” lower income units, it is meant that at least one unit out of every five units shall be middle or low income affordable housing. By “at least 10%” lower income units, it is meant that at least on unit out of every ten units shall be used for middle or low income affordable housing. By “at least 5% lower income units it is meant that at least one unit out of every twenty units shall be used for middle or low income affordable housing.

All the affordable housing units so constructed shall be subject to the adopted rules and regulations of the Council on Affordable Housing N.J.A.C. 5:93-1 et seq. as now or hereafter adopted, and subject to the affordable housing regulations as provided in this ordinance and in the ordinance creating the Green Brook Affordable Housing Agency (Section 9-3.1 et seq. of the Revised General Ordinances of the Township of Green Brook) as now or hereafter adopted.

Any Affordable Housing Development on a tract of fifteen (15) acres or larger shall make provision for a least twenty-five (25%) percent of the affordable housing units to be rental units, if the Township shall be allowed to require rental units pursuant to N.J.A.C. 5:93-5.14. In lieu thereof an Affordable Housing Development may be excused from this requirement if the Approving Agency makes a finding that the Green Brook Township rental unit obligations have already been fully satisfied by other developers.

**608.3-4 Permitted Uses.**

**608.3-4.1** Same as 601.1-2 through 601.1-4.

**608.3-4.2** Multi-family dwellings and townhouses.

**608.3-4.3** Two-family dwellings, including both side-by side and duplex (one over an-other) style dwellings.

**608.3-4.4** Public or private parks and playgrounds.

**608.3-4.5** Public or private recreation buildings and facilities.

**608.3-4.6** On a tract containing more than 40 gross acres, a day care center and commercial of the types set forth in Sections 607.1-1 and 607.1-2 of this Ordinance, shall be permitted. If provided, there shall be a minimum of 4,000 square feet and a maximum of 10,000 square feet, and no single use shall occupy more than 2,000 square feet of floor area.

**608.3-5** Permitted Accessory Uses.

**608.3-5.1** Garages and off-street parking facilities.

**608.3-5.2** Storage and maintenance buildings.

**608.3-5.3** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises cable T.V. services, gazebos, clustered mailboxes, school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**608.3-5.4** Signs as permitted in this ordinance.

**608.3-5.5** Public utility infrastructure including water holding tank and pumping station facilities.

**608.3-5.6** Solar Energy Systems

**608.3-6** Area and Bulk Requirements.

Notwithstanding the use of the term “shall” in this subsection, it is intended that the following be considered as guidelines for the developer in preparing its application, and for the Planning Board in reviewing same, and same shall be interpreted in the light of N.J.S.A. 40:55D-39 b.

**608.3-6.1** Bulk requirements.

(a) There shall be the following minimum distances between buildings in the multi-family residential areas:

Windowless wall to windowless wall	20 feet
Window wall to windowless-wall	20 feet
Window wall to window wall front to front	40 feet
Rear to rear	40 feet
Rear to end	20 feet

Any building face to local street curb face or edge of pavement	20 feet
Any building face to collector street curb face or edge of pavement	20 feet
Any building face to arterial street curb face or edge of pavement	50 feet
Any building face except garage face to common parking area	12 feet
Garage face to common parking area	5 feet

The Planning Board shall reduce the above distances by not more than one-third if there is an angle of forty-five (45) degrees or more between buildings or if extensive landscaping or buffers are placed between buildings, as shown on an approved landscape plan.

(b) Coverage: The maximum coverage by buildings in the AHD shall not exceed thirty (30%) percent. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent, except as provided by Section 608.5-6.1 (o). *For the purpose of determining impervious lot coverage, swimming pools shall be excluded, but sidewalks, (including walkways around pools), paving, decks, patios, sheds, etc., will be included in determining impervious coverage.*

(c) Buffer areas: No building, driveway or parking area shall be located within thirty (30) feet of any tract boundary line.

(d) Building height No building shall exceed three (3) stories in height

On side slope locations, there shall be a maximum of two stories on the uphill side and three stories on the downhill side. No building shall exceed thirty feet (30) in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed thirty-five (35) feet in height from the finished grade along the downhill side of the building.

(e) No building or group of attached buildings shall contain more than twenty-four (24) units. *In no event shall the length of a building exceed the 210 feet permitted in Section 608.3-6.1(f).*

(f) No building shall exceed a length of two hundred and ten (210) feet.

(g) Each dwelling unit shall have at least two (2) exterior exposures with at least one (1) window in each exposure; alternatively, each dwelling unit shall be designed in conformance with the Uniform Construction Code such that either eight (8%) percent of the floor area of all habitable rooms shall be in windows or the maximum depth of the unit shall not exceed twenty-six (26) feet

- (h) All units shall have access out at grade level.
- (i) Accessory buildings, shall meet the property line setbacks of the principal buildings.
- (j) No accessory building shall be more than one story and the maximum height of an accessory building shall be sixteen (16) feet from average grade to mid-point of pitched roof. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.
- (k) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between structures.
- (l) Cable T.V. is to be encouraged. If not provided, exterior television antennae shall be limited to one (1) master antenna per building.
- (m) Laundry facilities, as a norm, shall be provided in each unit. Where not included in the unit, a laundry facility room may be provided in the building.
- (n) One or more completely enclosed but unroofed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations. Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures.

**608.3-7 Commercial Uses.** Where commercial uses are permitted pursuant to Section 608.3-4.6, above, they shall be located on the ground level of the buildings and dwelling units shall always be incorporated in the commercial buildings on the second and/or third levels.

**608.4 Development in the AHD district shall comply with Section 423 of the Zoning Ordinance.**

**608.5 ALTERNATE SITE PROVISION OF LOWER INCOME HOUSING.**

The developer shall have the obligation to provide lower income housing units in the percentages set forth in this Section, but may do so: (a) by developing the same on site at the percentages set forth in this Section, or (b) by providing for construction of such units on an alternate site or sites within the Township of Green Brook, or (c) by a combination of (a) and (b).

**608.6 CONSTRUCTION IN PHASES.**

Within inclusionary developments, low and moderate income housing units shall be built in accordance with the schedule and requirements of the *Council on affordable housing N.J.A.C. 5:93-5.6(d)*, as same

may exist at the time of approval of an application for development.

## **608.7 LOW AND MODERATE INCOME REQUIREMENTS.**

### **608.7-1 Apportionment of Lower Income Units.**

All affordable housing projects pursuant to this Section shall have one half of the affordable housing unit requirement fulfilled as low income housing units, and the other half of the affordable housing unit requirement fulfilled as moderate income housing units.

**608.7-2 Bedroom Distribution.** Within an inclusionary development:

- (1) At a minimum, 30 percent of all low and moderate income units shall be two bedroom units; and
- (2) At a minimum, 20 percent of all low and moderate income units shall be three bedroom units; and
- (3) No more than 20 percent of all low and moderate income units may be efficiency units.

**608.7-3. Conversion of Rental Units**

Units offered as rental units shall comply with the applicable provisions of Subchapter 9 of the “Substantive Rules” (N.J.A.C. 5:93-1 et seq) of the New Jersey Administrative Code, (COAH)

**608.7-4. Construction in Environmentally Sensitive Areas.** Low and moderate income units shall not be constructed on (a) inland wetlands as delineated on the US. Fish and Wildlife Service National Wetlands Inventory, or as delineated on-site by the U.S. Army Corps of Engineers or *New Jersey Department of Environmental Protection*, whichever agency has jurisdiction; (b) flood hazard areas as defined in N.J.A.C. 7:13; and (c) site with slopes in excess of 15 percent as determined from the *U.S.G.S. Topographic Quadrangles* which render a site unsuitable for low and moderate income housing. See *N.J.A.C. 5:93-4.2 (d)(2)*.

**608.7-5 Heat Source.** Pursuant to N.J.A.C. 5:93-7.4, the low and moderate income units shall utilize the same heating source as market units within the inclusionary development.

**608.8 PROCEDURE FOR APPROVAL OF AFFORDABLE HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

**608.8-1 Application Procedure.** An application for an affordable housing development shall be considered as a planned residential development and is to be processed through the major site plan procedure as set forth in *The Land Development Ordinance of the Township of Green Brook*, and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 40:55D-45. *See also Section 608.11.*

**608.9 AVAILABLE SEWER CAPACITY AND PUBLIC UTILITIES.**

All applications seeking to utilize the increased density provisions of this Article shall demonstrate to the

Planning Board the availability of sanitary sewers, public water, and all other utilities, with adequate capacity to accommodate the needs of the entire project. The applicant shall provide to the Planning Board all information required by *Sections 702.5 and 702.6 of the Land Development Ordinance*.

#### **608.10 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an affordable housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance, and to comply with the implementing rules and regulations of the Green Brook Affordable Housing Agency. Such instrument shall be in recordable form and shall be subject to approval by the Township Attorney.

#### **608.11 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of an affordable housing project, the following additional information shall be submitted to the Planning Board as a part of the application.

**608.11-1** Data on or accompanying the preliminary plat showing which dwellings are to be low income units and which will be moderate income units; location, floor area and layout of the lower income units and of all other units.

**608.11-2** If a development is to be constructed in phases, a staging plan selling forth the exact units to be included in each phase and specifying the number, location, number of bedrooms, and whether the units will be owner or renter occupied for the low and moderate income units.

**608.11-3** An application involving an inclusionary development in the Affordable Housing District [AHD] which is required to provide rental units, [*See Section 608.3-2*] shall set forth necessary details to show the location and method of providing such rental housing units to be included in the development [*See N.J.A.C. 5:93-5:14*]

**608.11-4** A form of the proposed covenants and restrictions, including provisions to assure that any lower income units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent sales and rentals of lower income units will also be subject to the requirements of this ordinance.

**608.11-5** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

#### **608.12 OFF STREET PARKING.**

**608.12-1** For residential units off-street parking shall be provided as follows:

Efficiency or One-bedroom unit - 1.75 spaces per unit.

Two-bedroom unit - 2.0 spaces per unit.

Three-bedroom unit or larger - 2.0 spaces per unit.

For each space that is assigned to a specific unit (garage or numbered parking spaces) and for each space that might block another (the driveway leading to the garage), an additional 0.25 space shall be provided in the form of small parking lots dispersed throughout the project for guest and overflow parking.

If an entire housing project is designed for persons age 62 and over, the parking ratio may be reduced to 1.0 space per unit

**608.12-2** The Parking space requirements for commercial uses shall be as defined in Section 801.2-10. Parking areas for the commercial uses shall be exempt from the provisions of Sections 801.2-5, 801.2-6, 801.2-7B, 801.2-9 and 1001.1.

#### **608.13 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

#### **608.14 PLANNING BOARD WAIVERS AND VARIANCES.**

**608.14-1** When hearing applications for affordable housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**608.14-2** The Planning Board shall not have jurisdiction to approve affordable housing projects in a district restricted against such affordable housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per gross area of land to be developed.

**608.14-3** It is intended that developer provide for the preservation of open space for active and passive recreational facilities, of wetlands for ecological and safety purposes, and of steep slopes and areas of erodible soils, to prevent siltation and erosion and for the creation of green ways serving as neighborhood dividers and visual breaks and of tot-lots and playground and recreational facilities to serve the residents. Open space locations shall be convenient to the population they serve, as well as in locations assisting in the improved design of the development.

#### **608.15 REDUCTION OF DEVELOPMENT FEES.**

Affordable housing applications made under this article shall be entitled to the elimination of fees for that portion of the subdivision fees, site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with *Article 11 of The Land Development Ordinance*, and Construction Permit fees, related to any lower income units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

#### **608.16 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not construct and lease or sell the lower income units in accordance with an approved plan for an Affordable Housing Project, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

### **609. I INDUSTRIAL DISTRICT.**

In recognition of the existence of limited industrial uses in the Township, and in recognition of the need for some additional flexibility in uses, and diversity in the tax base, two I Industrial Districts have been recognized and established to accommodate planned corporate offices, light production assembly, and light manufacturing uses.

#### **609.1 PERMITTED USES.**

**609.1-1** Plants and facilities engaged in light manufacturing, fabricating, compounding, assembling, storing, warehousing, handling, or other processing of commodities, materials or equipment.

**609.1-2** Research laboratories and product development facilities.

**609.1-3** Executive and administrative offices, including central or headquarters type buildings occupied by single companies or affiliated members of a corporate entity, which do not include separate offices for rent or lease.

**609.1-4** Employee education and training facilities operated by a corporation or firm for use by its employees or employees of other corporations or firms.

**609.1-5** Same as Section 601.1-4.

#### **609.2 PERMITTED ACCESSORY USES.**

**609.2-1** Signs, subject to the provisions of Article 9.

**609.2-2** Fences and landscaping, subject to the provisions of Article 10.

**609.2-3** Off-street parking facilities, subject to the provisions of Article 8.

**609.2-4** Loading and unloading ramps and structures, subject to the provisions of Article 8.

**609.2-5** Private garage and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.

**609.2-6** Solar Energy Systems

### **609.3 AREA AND BULK REQUIREMENTS.**

**609.3-1** Height: same as Section 606.3-1.

**609.3-2** Front Yard: there shall be a front yard of not less than 100 feet from New Jersey Route 22, for all properties fronting on said Route 22; all other front yards shall be not less than 50 feet.

**609.3-3** Side Yards: there shall be two (2) side yards, and no side yard shall be less than 25 feet, provided, however, that the aggregate width of the two side yards combined must total at least 35% of the lot width at the building line. No accessory building shall be closer than 50 feet to any side lot line.

**609.3-4** Rear Yard: there shall be a rear yard of not less than 50 feet. No accessory building shall be closer than 50 feet to the rear lot line.

**609.3-5** Maximum Lot Coverage: the combined area of all buildings and structures on any lot shall not cover more than 40% of the total lot area.

**609.3-6** Minimum Lot Area: no lot shall be less than one (1) acre; and, further, no parcel in the I Industrial District containing five (5) acres or less shall hereafter be subdivided, and no parcel in any such zone containing more than five. (5) acres shall hereafter be subdivided in such manner that any lot resulting there from contains less than three (3) acres.

**609.3-7** Lot Width: each lot shall be at least 300 feet in width..

**609.3-8** Maximum percent lot coverage by building(s) and pavement shall be limited to 80% of the lot area and no less than 20% of the total area shall be landscaped.

### **609.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**609.4-1** Public Utilities.

## **609.5 OTHER PROVISIONS AND REQUIREMENTS.**

**609.5-1** All industrial uses shall conform to the performance standards set forth in *Section 605.5-4* of this ordinance.

**609.5-2** Residential uses of any type and retail business establishments are categorically prohibited uses in this District. Also prohibited is any use which by its nature would tend to create or in any way result in a detrimental effect upon the surrounding area and the general community.

**609.5-3** Industrial uses located in this zone shall set aside not less than twenty percent (20%) of the tract for lawns and landscaping and shall use said area for no other purpose.

**609.5-4** Parking areas may be permitted in the front yard, but not closer than 25 feet to the street nor nearer than 10 feet to any building or any property line; parking areas may be permitted in side yards up to 75 percent of the total area of each side yard, but not closer than 10 feet to any property line or building; parking areas may be permitted in the rear yard but not closer than 10 feet to any property line or building.

## **610. MP MOUNTAIN PRESERVATION DISTRICT.**

The Township of Green Brook includes a portion of the Watchung Ridge, parts of which contains slopes exceeding twenty percent (20%) grade. Such area, designated in this ordinance as the MP Mountain Preservation District, has physical conditions which preclude development, and the stripping of such woodlands, and development thereof would constitute dangers and hazards to life and public and private property and facilities, and the great increase in flooding of low-lying areas. Accordingly, if such area is to be developed at all, or changed in any manner from its existing natural wooded state, such development or changes must be strictly limited and carefully planned so as not to aggravate the serious water problems now coming from said area, and so as not to destroy the purposes served by such areas in maintaining the environment and preventing erosion, flooding, and other hazards.

### **610.1 PERMITTED USES.**

There shall be no permitted use as of right except as open space preserved in natural wooded condition, except as may be permitted as a Conditional Use by the Planning Board, subject to Article 7, and only as to those listed in Section 610.4.

### **610.2 PERMITTED ACCESSORY USES. SEE SECTION 610.4.**

### **610.3 AREA AND BULK REQUIREMENTS. SEE SECTION 610.4.**

### **610.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS**

## **CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**610.4-1** Public Utilities: provided, however, that this shall not include telephone dial equipment centers or power substations, or any public utility use requiring a substantial building, or any building or structure impairing the purposes of this District; and provided, further, that any cutting or-removal of trees or other growth shall be strictly supervised by the Township, and same shall be subject to all other ordinances of this Township relating to cutting of trees, or the like, and the excavation, removal, or stockpiling of soil, dirt, and other materials, and to the *Soil Erosion and Sediment Control provisions of the Land Development Ordinance*, and review and approval by the Somerset-Union Soil Conservation District.

**610.4-2** Public and quasi-public recreation areas (*See Section 709*), provided, however, that any buildings or structures are clearly incidental to the main use of the lands as wooded, naturally preserved lands, and that no building or structure impairing the purposes of this District shall be permitted, and provided, further, that any cutting or removal of trees or other growth shall be strictly supervised by the Township, and same shall be subject to all other ordinances of this Township relating to cutting of trees, or the like, and the excavation, removal or stockpiling of soil, dirt, and other materials, and to the *Soil Erosion and Sediment Control provisions of the Land Development Ordinance*, and review and approval by the Somerset-Union Soil Conservation District.

**610.4-3** Storm water detention and storm water management facilities, including swales, berms, retention basins, weirs and outfalls, provided, however, that such structures are incidental to the use of lands outside the Mountain Preservation District, and that no buildings shall be placed in the Mountain Preservation District. Any cutting or removal of trees or other growth shall be strictly supervised by the Township, and the same shall be subject to all other ordinances of this Township relating to cutting of trees, excavation, removal, or stockpiling of soil, dirt, and other materials, as to the *Soil Erosion and Sediment Control provisions of the Land Development Ordinance*, and review and approval by the Somerset-Union Soil Conservation District.

## **610.5 OTHER PROVISIONS AND REQUIREMENTS.**

**610.5-1** Where property in this MP Mountain Preservation District is contiguous to other property located in another zone district, and in the same ownership, the property in this District may be computed and used by said owner in determining gross density for residential units to be constructed in such other zone district adjacent thereto, and such area and bulk requirements as rear yard, minimum lot area, and dedication as open space, and as providing landscaping or buffer from any residential property which may adjoin; however, no part of such property located in the MP

Mountain Preservation District shall be developed, cleared or used for buildings or structures, parking, loading or unloading areas, or driveways, or for any other purpose, notwithstanding that this ordinance may otherwise permit such uses in rear yards or the like.

**610.5-2** Determination of MP Mountain Preservation District boundaries: See Section 204.4.

**610.5-3** No subdivision shall be granted for a parcel in the MP Mountain Preservation District less than three (3) acres in area.

**610.5-4** (Section use undetermined)

**610.5-5** No Cutting or Removal of Trees. Notwithstanding the provisions of the Tree Ordinance, [General Ordinances Section 16-1] which otherwise may permit the cuffing of a limited number of trees on private property in a given calendar year, there shall be no cutting, pruning, topping or removal of any tree on any property in the MP (Mountain Preservation District) unless (a) the same is done as part of an approved Conditional Use -see Section 610.4, (b) is specifically authorized by the approving authority in connection with a development application or (c) is authorized by the Township Engineer an emergency where the tree, or part thereof, imperils the public safety and welfare. Any violation of this section shall not only subject the persons responsible for removing trees to the penalties of this ordinance, but the owner(s) of the property may be required to replace any tree removed with a replacement planting of any type designated by the Township Engineer.

## **611. PR PUBLIC AND RECREATION DISTRICT.**

The lands within this District consist exclusively of lands in public ownership whether federal, state, county or local, which have been set aside for parks and playgrounds, open space, school sites, municipal buildings and facilities, or like uses. The purpose of this District is to recognize such uses and dedications, and to provide for the continuation of the same in perpetuity.

### **611.1 PERMITTED USES.**

**611.1-1** The use of lands for public parks, playgrounds, athletic fields, and similar public recreational purposes, with construction of such buildings and structures as may be necessary or incidental to such uses of said lands.

**611.1-2** Open spaces or the preservation of lands in natural state or condition.

### **611.2 PERMITTED ACCESSORY USES.**

**611.2-1** Fences and landscaping, subject to the provisions of *Article 10*.

**611.2-2** Off-street parking facilities, subject to the provisions of *Article 8*.

**611.3 AREA AND BULK REQUIREMENTS.**

Where any property in a PR Public and Recreation District is proposed to be put to any use, as contrasted with being kept as open space or preserved in natural state or condition, insofar as such property may be subject to the jurisdiction of this ordinance, the same shall be subject to such area and bulk requirements as set forth in the applicable section of Article 7.

**611.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS  
CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**611.4-1** Public Utilities.

**611.4-2** Although the uses of land set forth under Section 611.1-1 herein are designated as permitted uses, to the extent that any property in this District may be subject to the jurisdiction of this ordinance, the procedures set forth under Article 7, and particularly Section 709 thereof, shall be followed with regard to the use of any such lands.

**611.4-3** Schools. See Section 706.

**611.4-4** Uses Permitted Upon Application to the Planning Board as Conditional Use

611.4-4 Wireless Communication Facilities (See Section 717).

**612. CA CONSERVATION AREA DISTRICT.**

The Township of Green Brook has low and level areas along the Green Brook and its tributaries, subject to frequent and recurring flooding, and the improper use of which constitutes serious threats and hazards to the public safety and welfare, and damages and endangers life and public and private property and facilities. The floodway area has been delineated as such by the *New Jersey Department of Environmental Protection and Energy*, and, to qualify for Federal Flood Insurance programs, the Township has been required to adopt regulations pertaining to such flood areas, as set forth in the “Flood Hazard Zone” ordinance, incorporated in the *Revised Ordinances of the Township of Green Brook (1973)* as Section 11:7-1 *et seq.*

For the manner of determining the boundaries of this District see *Section 204.5*.

**612.1 PERMITTED USES.**

**612.1-1** There shall be no use of lands except as open space or preservation in natural state or condition, except as may be permitted as a Conditional Use by the Planning Board, subject to the

standards set forth in *Chapter 7 of Article 11 of the Revised Ordinances of the Township of Green Brook (1973)*, as amended and supplemented (*11:7-1 et seq., Flood Hazard Zones*), and as may be promulgated by the Department of Environmental Protection and Energy for use and construction in the floodway.

**612.1-2** Buildings, structures and uses existing on the effective date of “The Zoning Ordinance of the Township of Green Brook (1979)” (the ordinance superseded hereby), and which were placed in this Zone District by said ordinance, may continue as nonconforming uses (*See Article 5*) and, in addition shall be entitled to construction permits for repairs and alterations and improvements which do not involve any additional land utilization, in accordance with the requirements of the zone district immediately to the north of such building, structure or use.

**612.2 PERMITTED ACCESSORY USES. SEE SECTION 612.4.**

**612.3 AREA AND BULK REQUIREMENTS. SEE SECTION 612.4.**

**612.4 USES PERMITTED UPON APPLICATION TO THE PLANNING BOARD AS CONDITIONAL USE, SUBJECT TO ARTICLE 7.**

**612.4-1** Public Utilities, provided, however, that this shall not include telephone dial equipment centers or power substations, or any public utility use requiring a substantial building or any building structure impairing the purposes of this District.

**612.4-2** Public and quasi-public recreation areas (See Section 709), provided, however, that any buildings or structures are clearly incidental to the main use of the lands as open lands, and that no building or structure impairing the purposes of this District shall be permitted.

**612.4-3** Fencing and landscaping, in connection with any use which may be permitted pursuant to this Section, subject also to the provisions of Article 10.

**612.4-4** Off-street parking facilities in connection with any use that may be permitted pursuant to this Section or as may be allowed as accessory to the use of adjacent premises, not within this District, for schools, athletic facilities, churches, hospitals, or nursing homes, subject also to the provisions of Article 8.

**612.4-5** Wireless Communications Facilities (See Section 717)

**612.5 OTHER PROVISIONS AND REQUIREMENTS.**

**612.5-1** This Section 612 shall be read in conjunction with the ordinance recited in Section 612.1-1, above, and shall be interpreted with the standards and purposes therein set forth.

**612.5-2** Nothing in this ordinance shall be deemed to permit any use of lands or buildings or structures in any area not permitted by the *Division of Water Policy, New Jersey Department of Environmental Protection and Energy*; or any other agency which may be given authority over such matters, pursuant to *N.J.S.A. 58:16A-50, et seq.*, as the same maybe amended and supplemented from time to time; nor shall the granting of any approval by any such Division require the granting of any approval under this, ordinance.

**612.5-3** This ordinance shall be interpreted so as not to impair the eligibility of the Township of Green Brook for federal flood insurance.

**612.5-4** No net fill shall be permitted upon any lot or portion of a lot located in the CA CONSERVATION AREA DISTRICT except and unless specifically authorized by the New Jersey Department of Environmental Protection.

## **613 PLANNED RESIDENTIAL NEIGHBORHOOD**

### **613.1 STATEMENT OF PURPOSE**

In recognition of the existence of a single family residential development constructed as part of a multi-parcel inclusionary development, the PRN zoning district has been established to accommodate the single-family residential nature of the district and to permit associated activities.

### **613.2 PERMITTED USES**

- 613.2-1** Single-family dwellings
- 613.2-2** Municipal facilities deemed necessary by the Township Committee.

### **613.3 PERMITTED ACCESSORY USES**

- 613.3-1** Private Garages
- 613.3-2** Signs, subject to the provisions of Article 9
- 613.3-3** Fences, subject to the provisions of Article 10
- 613.3-4** Retaining walls with a maximum height of 4'
- 613.3-5** Other normal, incidental residential secondary structures such as private swimming pools, tool sheds, outdoor barbecues, fireplaces, trellises, lamp posts, or the like.

**613.3-6** Off-street parking facilities, subject to the provisions of Article 8

**613.3-7** Open decks and raised patios

#### **613.4 AREA AND BULK REQUIREMENTS- PRINCIPAL STRUCTURES**

**613.4-1** Height: No building shall exceed a maximum of 2 ½ stories, or 35 feet

**613.4-2** Front Yard: There shall be a minimum front yard of 20'

**613.4-3** Rear Yard: There shall be a minimum rear yard of 30'

**613.4-4** Side Yard: There shall be a minimum side yard of 6' on one side; 10' on the other side. For properties with only one side yard, the minimum side yard shall be 10'.

**613.4-5** Lot Area: No lot shall be less than 20,000 s.f.

**613.4-6** Lot Width: There shall be a minimum lot width of 66'

**613.4-7** Impervious Coverage: There shall be a maximum impervious coverage of 45% of the lot area, or 4,000 s.f.; whichever is more restrictive.

#### **613.5 AREA AND BULK REQUIREMENTS- ACCESSORY STRUCTURES**

**613.5-1** The number of accessory structures permitted on any lot in the PRN district is one (1).

**613.5-2** Accessory Structures shall meet the bulk requirements for principal structures provided that no accessory structure may be located within 10' of the principal structure.

**613.5-3** Accessory structures may not be located within the front yard.

**613.5-4** Accessory structures may not be located on any slope in excess of 15%.

### **614. AFFORDABLE HOUSING DISTRICT -AHD 2 DISTRICT.**

#### **614.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for low, very low and moderate-income families to meet the existing and anticipated housing needs of such persons, to maintain a socio-economic mix in the community, to provide a range of housing types dispersed throughout the community and to satisfy the Township's obligation to provide a fair share of the region's housing needs, the Township Committee has determined

that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

## **614.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:97, as the same may be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control.

**614.2-1 Affordable Housing** - A dwelling unit with a sales price or rent within the means of a low or moderate income household as defined N.J.A.C. 5:97-9 of the Substantive Rules of the Council on Affordable Housing.

**614.2-2 Low Income Housing** means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

**614.2-3 Moderate Income Housing** means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

**614.2-4 “Very low income housing”** means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

**614.2-5 Inclusionary development** means a development containing both affordable units and market rate units. The term includes but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

**614.2-6** Density means net density of the entire parcel excluding wetlands in accordance with the requirements of Section 423 of the zoning ordinance.

### **614.3 AFFORDABLE HOUSING DISTRICT 2. [AHD 2]**

**614.3-1** There is hereby created a zoning district designated as the Affordable Housing District 2. It shall include and consist of the following properties:

#### **SAGE**

Block 158, Lots 11, 12, 29, and 30 and 31 (as a single parcel).

**614.3-2** Affordable Housing Projects. Properties in an Affordable Housing District 2 may be developed at the following gross densities up to the stated unit limits, on condition that affordable housing income units are provided in the percentages shown, depending upon the density at which the parcel is developed.

#### **Lower Income Set aside**

Density Units per acre	Low and Moderate Income Set aside
Up to 11.5 units	at least 25%

By "at least 25 %" lower and moderate income units, it is meant that at least 1 unit out of every 4 units shall be moderate or low income rental housing. Thirteen percent of the low and moderate income units shall be affordable to households at 30 percent of median income.

All the affordable housing units so constructed shall be rental units and shall be subject to the adopted rules and regulations of the Council on Affordable Housing N. J.AC. 5:97 et seq. as now or hereafter adopted, and subject to the affordable housing regulations as provided in this ordinance.

#### **614.3-4 Permitted Uses.**

**614.3-4.1** Same as 601.1-2 through 601.1-4.

**614.3-4.2** Multi-family dwellings and townhouses.

**614.3-4.3** Two-family dwellings, including both side-by side and duplex (one over an-other) style dwellings.

**614.3-4.4** Public or private parks and playgrounds.

**614.3-4.5** Public or private recreation buildings and facilities.

### **614.3-5 Permitted Accessory Uses.**

**614.3-5.1** Garages and off-street parking facilities.

**614.3-5.2** Storage and maintenance buildings.

**614.3-5.3** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, cable T.V. services, gazebos, clustered mailboxes, school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**614.3-5.4** Signs: Non-illuminated Development name sign (2), not exceeding 30 s.f. each side.

**614.3-5.5** Public utility infrastructure including water holding tank and pumping station facilities.

### **614.3-6 Area and Bulk Requirements.**

**614.3-6.1** Bulk requirements.

(a) There shall be the following minimum distances between principal buildings in the multi-family residential areas:

Windowless wall to windowless wall	20 feet
Window wall to windowless-wall	20 feet
Window wall to window wall front to front	35 feet
Rear to rear	40 feet
Rear to end	20 feet
Any building face to local street curb face or edge of pavement	20 feet
Any building face to collector street curb. face or edge of pavement	50 feet
Any building face to arterial street curb face or edge of pavement	20 feet
Any building face except garage face to common parking area	20 feet
Garage face to common parking area	15 feet

(b) Coverage: The maximum coverage by buildings in the AHD 2 shall not exceed thirty (30%) percent of the net acreage area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent of the net acreage, except as provided by Section

**614.5-6.1 (o).** For the purpose of determining impervious lot coverage, swimming pools shall be excluded, but sidewalks, (including walkways around pools), paving, decks, patios, sheds, etc., will be included in determining impervious coverage.

(c) Buffer areas: No building, driveway or parking areas shall be located within thirty (30) feet of any tract boundary line.

(d) Building height: No building shall exceed three (3) stories in height

On side slope locations, there shall be a maximum of two stories on the uphill side and three stories on the downhill side. No building shall exceed thirty-five feet (35) in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed forty (40) feet in height from the finished grade along the downhill side of the building.

(e) No building or group of attached buildings shall contain more than twenty-four (24) units.

(f) No building shall exceed a length of two hundred and ten (210) feet.

(g) Each dwelling unit shall have exterior exposures with at least one (1) window in each exposure or two (2) exterior exposures, or at least two (2) windows for one (1) exterior exposure; alternatively, each dwelling unit shall be designed in conformance with the Uniform Construction Code such that either eight (8%) percent of the floor area of all habitable rooms shall be in windows or the maximum depth of the unit shall not exceed twenty-six (26) feet.

(h) All units shall have separate/individual access out to grade level.

(i) Accessory buildings, shall meet the same bulk requirements as the principal buildings.

(j) No accessory building shall be more than one story and the maximum height of an accessory building shall be sixteen (16) feet from average grade to mid-point of pitched roof. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.

(k) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between structures.

(l) Cable T.V. is to be encouraged. If not provided, exterior television antennae/satellite dish shall be limited to one (1) master antenna/satellite dish per building.

(m) Laundry facilities, as a norm, shall be provided in each unit. Where not included in the unit a

laundry facility room may be provided in the building.

(n) One or more completely enclosed but unroofed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations.

Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures.

#### **614.4 RESERVED**

#### **614.5 SITE PROVISION OF AFFORDABLE HOUSING.**

The developer shall have the obligation to provide affordable housing units on-site in the percentages set forth in this Section. Affordable housing units shall comply with the Uniform Housing Affordability Controls and all other applicable laws, rules and regulations, including applicable Council on Affordable Housing regulations and the Fair Housing Act. The affordable units shall have a minimum thirty (30) year deed restriction and shall be affirmatively marketed as required by the aforementioned regulations. The developer shall be responsible for all costs associated with initial rental of the affordable units and for the

continuing administration of the affordable units and the preservation of the creditworthiness of the units.

#### **614.5-1 Payments-In-Lieu**

Payments in lieu may be made for fractional affordable units required by zoning. The amount of payments in lieu of constructing affordable units on-site shall be established by Ordinance and based on the cost of constructing new residential units pursuant to NJAC 5:97. Payments in lieu shall be deposited into the Green Brook Township Affordable Housing Trust Fund pursuant to NJAC 5:97-8.3.

### **614.6 MARKETING AND ADMINISTRATION**

The affordable dwelling units shall comply with the marketing and administration requirements of N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26, et seq., as same may exist at the time of approval of an application for development.

### **614.7 AFFORDABLE HOUSING REQUIREMENTS.**

#### **614.7-1 Apportionment of Affordable Units.**

All inclusionary housing projects pursuant to this Section shall have a minimum 50% of the affordable housing unit requirement fulfilled as low income housing units. At least 13% of the low and moderate rental units must be affordable to very low income households.

**614.7-2** Inclusionary developments are to be built in accordance with the following schedule:

Percentage of Market-rate Units Completed Units Completed	Minimum Percentage of Low-and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

**614.7-3** Construction in Environmentally Sensitive Areas. Affordable units shall not be constructed on (a) wetlands as delineated with an approved LOI (Letter of Interpretation) issued by the New Jersey Department of Environmental Protection; (b) flood hazard areas as defined in N.J.A.C. 7:13; and (c) slopes in excess of 15 percent.

**614.7-4** Heat Source & Community Amenities: Pursuant to N.J.A.C. 5:97-6.4(g), the affordable units

shall utilize the same heating source as market units within the inclusionary development and have access to all community amenities available to market rate units and subsidized in whole by association fees.

**614.7-5 Integration of Units:** Pursuant to N.J.A.C. 5:97-6.4(f), to the maximum extent feasible, the affordable units shall be fully integrated into development with the market units except affordable housing rental units may be provided separate from market rate for-sale units. If the inclusionary development is all rental units, the low and moderate income units shall be interspersed.

**614.7-6 Accessibility and Adaptability:** Pursuant to N.J.A.C. 5:97-6.4(h), the first floor of all townhouse dwelling units and all other multistory dwelling units shall comply with N.J.A.C. 5:97-3-14.

**614.7-7** The affordable units shall comply with N.J.A.C. 5:97-9.

#### **614.8 PROCEDURE FOR APPROVAL OF INCLUSIONARY HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

**614.8-1 Application Procedure.** An application for an inclusionary housing development shall be considered as a planned residential development and is to be processed through the major site plan procedure as set forth in The Land Development Ordinance of the Township of Green Brook, and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 4055D-45. See also Section 614.1 1.

#### **614.9 AVAILABLE SEWER CAPACITY AND PUBLIC UTILITIES.**

All applications seeking to utilize the increased density provisions of this Article shall demonstrate to the Planning Board the availability of sanitary sewers, public water, and all other utilities, with adequate capacity to accommodate the needs of the entire project. The applicant shall provide to the Planning Board all information required by Sections 702.5 and 702.6 of the Land Development Ordinance.

#### **614.10 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an inclusionary housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance.

Such instrument shall be in recordable form, and shall be subject to approval by the Township Attorney.

#### **614.11 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of an inclusionary housing project, the following additional information shall be submitted to the Planning Board as a part of the application:

**614.11-1** Data on or accompanying the preliminary plat showing which dwellings are to be very low income, which will be low income units and which will be moderate income units; location, floor area and layout of the lower income units and of all other units.

**614.11-2** If a development is to be constructed in phases, a staging plan setting forth the exact units to be included in each phase and specifying the number and location of units and the number of bedrooms per unit.

**614.11-3** A form of the proposed covenants and restrictions, including provisions to assure that any affordable units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent rentals of low and moderate income units will also be subject to the requirements of this ordinance.

**614.11-4** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

#### **614.12 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

#### **614.13 PLANNING BOARD WAIVERS AND VARIANCES.**

**614.13-1** When hearing applications for inclusionary housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**614.13-2** The Planning Board shall not have jurisdiction to approve inclusionary housing projects in a district restricted against such inclusionary housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per net area of land to be developed.

**614.13-3** It is intended that developer provide for the preservation of open space for active and passive recreational facilities, of wetlands for ecological and safety purposes, and of steep slopes and areas of erodible soils, to prevent siltation and erosion and for the creation of green ways serving as neighborhood dividers and visual breaks and of tot-lots and playground and recreational facilities to serve the residents. Open space locations shall be convenient to the population they serve, as well as in locations assisting in the improved design of the development.

#### **614.14 REDUCTION OF DEVELOPMENT FEES.**

Inclusionary housing applications made under this article shall be entitled to the elimination of fees for that portion of the subdivision fees, site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with Article 11 of The Land Development Ordinance, and Construction Permit fees, related to any affordable units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

#### **614.15 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not construct and lease the affordable units in accordance with an approved plan for an Affordable Housing Project, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

### **615. AFFORDABLE HOUSING DISTRICT - AHD 3 DISTRICT.**

#### **615.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for lower-income families to meet the existing and anticipated housing needs of such persons, to maintain a socio-economic mix in the community, to provide a range of housing types dispersed throughout the community and to satisfy the Township's obligation to provide a fair share of the region's housing needs, the Township Committee has determined that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

## **615.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:93, as the same may be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control.

**615.2-1 Affordable Housing** - A dwelling unit with a sales price or rent within the means of a low or moderate-income household as defined N.J.A.C. 5:93.

**615.2-2 Inclusionary development** means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low, very low and moderate-income households. The term may also include the conversion of a non-residential structure to residential and the erection of new affordable units through the reconstruction of a vacant residential structure.

## **615.3 AFFORDABLE HOUSING DISTRICT 3. [AHD 3]**

**615.3-1** Block 103, Lots 2, 3 and 4. Should any portion of the above lots be subdivided for any purpose other than an inclusionary development, that portion shall be excluded from the lot for the purpose of calculating density.

**615.3-2 Affordable Housing Projects.** Each lot specified in Section 615.3-1 may be developed with up to a maximum of 12.0 units per acre for sale units or rental units, on the condition that at least 20% of the units are reserved for affordable housing units (“Affordable Housing Project”). All affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1, et seq., the Township’s Housing Element and Fair Share Plan, and applicable laws, with regards to moderate, low and very-low income qualification percentages, bedroom count distribution, location within the development, and other applicable requirements of law. Occupancy of units shall be subject to the requirements set forth in the Developer’s Agreement for each project.

### **615.3-3 Permitted Uses.**

For the portion of the lots set back further than 400’ from the right of way line of Route 22:

**615.3-3.1 Multi-family dwellings, townhouses and stacked townhouses.**

(a) “Stacked townhouse” shall mean a one-family dwelling unit attached in a row of at least three such units in which each unit has its own access to the outside, and each unit is separated from any other unit by one or more vertical and horizontal common fire-resistant walls or other such common wall system or floor/ceiling assemblies as may be approved by the Township Code Enforcement Officer.

(b) "Townhouse" shall mean a one-family dwelling unit attached in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls or other such common wall system as may be approved by the Township Code Enforcement Officer.

(c) "Residential Apartments or Flats" shall mean any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the same, or a residence of three or more families living independently of each other and doing their own cooking in such building. The term includes flats and apartments.

**615.3-3.2** Two-family dwellings, including both side-by side and duplex (one over an-other) style dwellings.

**615.3-3.3** Existing uses may remain as valid non-conforming uses and may be subdivided from the lot without the need for use variance.

**615.3-3.4** Public or private parks and playgrounds.

**615.3-3.5** Public or private recreation buildings and facilities.

For the portion of the lots fronting and between the Route 22 right of way and a line 400' parallel to the Route 22 right of way:

**615.3-3.6** Commercial Uses as specified in Section 606.1

**615.3-3.7** Mixed-use buildings which may include residential apartments or flats above commercial or office uses. Residential apartments are not permitted on the first floor, and commercial uses are not permitted on floors other than the first floor. Access for mixed use buildings shall be from a township public street with direct access to Route 22 and King George Road, improved to municipal standards. Direct driveway access to a state highway is prohibited for mixed use buildings.

**615.3-4** Permitted Accessory Uses.

For the portion of the lots set back further than 400' from the right of way line of Route 22:

**615.3-4.1** Garages and off-street parking facilities.

**615.3-4.2** Storage and maintenance buildings.

**615.3-4.3** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, cable T.V. services, gazebos, clustered mailboxes, school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**615.3-4.4** Signs: Two (2) non-illuminated or Externally illuminated Development name signs , not exceeding forty (40) square feet each side, no taller than 6 feet, setback a minimum of 15 feet from any

property line.

**615.3-4.5** Public utility infrastructure including water holding tank and pumping station facilities.

For the portion of the properties fronting and between the Route 22 right of way and a line 400' parallel to the Route 22 right of way:

**615.3-4.6** Same as Section 606.2

**615.3-4-7** Signs. Same as 901.2 as they pertain to the RHC Zoning District

**615.3-5** Area and Bulk Requirements.

**615.3-5.1** For purposes of calculating density, the AHD 3 zone is excluded from the provisions of Section 423 of the Zoning Ordinance.

**615.3-5.2** The lot area for the dedication of right of way for public streets shall not be excluded from the gross lot area for the purpose of calculating density.

**Bulk requirements.**

(a) There shall be the following minimum distances between principal buildings (i.e. multi-family, townhouse and stacked townhouse building):

Windowless wall to windowless wall	20 feet
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Window wall to windowless wall	40 feet
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Window wall to window wall front to front	40 feet
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Rear to rear	40 feet
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Rear to end	20 feet
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(b) Any building face to local street curb face or edge of pavement 20 feet

(c) Any building face to collector street curb. face or edge of pavement 40 feet

(d) Any building face to arterial street curb face or edge of pavement 180 feet

(e) Any building face except garage face to common parking area 20 feet

(f) Coverage: The maximum coverage by buildings within an Affordable Housing Project shall not exceed thirty (30%) percent of the lot(s) comprising the project. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent of the lot(s), except as provided by Section 615.5-6.1 (o). For the purpose of determining impervious lot coverage, swimming pools shall be excluded, but sidewalks, (including walkways around pools), paving, decks, patios, sheds, etc., will be included in determining impervious coverage.

(g) Buffer areas: No building, parking areas and their associated driveways shall be located within thirty (30) feet of any property boundary line abutting a commercial district, excluding any access driveways and public streets.

(1) Within the thirty-foot (30) wide buffer area a variety of plants shall be installed.

Buffer plantings shall consist of a combination of shade trees, evergreen trees and shrubs to provide a natural looking buffer.

(2) One (1) shade tree shall be planted for every one hundred fifty (150) linear feet of buffer. Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.

(3) One (1) evergreen tree shall be planted for every fifty (50) linear feet of buffer. Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.

(4) Twenty (20) shrubs shall be planted for every seventy-five (75) linear feet of buffer. Shrubs shall be planted at a minimum of thirty-six (36) inches in height. Fifty percent (50%) of shrubs shall be evergreen.

(5) Existing trees within the proposed buffer areas that are healthy shall be maintained and may be counted toward the planting requirements.

(6) Proposed buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

(h) Building height:

Mixed Use Buildings: No building shall exceed four (4) stories in height.

No building shall exceed forty feet (40') in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed fifty (50') feet in height from the finished grade along the downhill side of the building.

Commercial Buildings: Same as Section 606.3-1.

Residential Buildings: No building shall exceed three (3) stories in height.

Walkout basement conditions shall not constitute a "story" for purposes of this subsection.

Notwithstanding the definition of "building height" in Ordinance Section 301.7, no building shall exceed forty-two (42) feet in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed fifty-one (51) feet in height from the finished grade along the downhill side of the building.

(i) No building or group of attached buildings shall contain more than thirty-five (35) residential

units.

- (j) No building shall exceed a length of two hundred and ten (210) feet.
- (k) Accessory buildings, shall meet the same bulk requirements as the principal buildings.
- (l) No accessory building shall be more than one story and the maximum height of an accessory building shall be sixteen (16) feet from average grade to mid-point of pitched roof. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.
- (m) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between garage structures.
- (n) Cable T.V. is to be encouraged. If not provided, exterior television antennae/satellite dish shall be limited to one (1) master antenna/satellite dish per building. Master antenna/satellite dishes shall be screened from view from any public right-of-way.
- (o) Laundry facilities, as a norm, shall be provided in each unit. Where not included in the unit a laundry facility room may be provided in the building.
- (p) One or more completely enclosed but unroofed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations. Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures. Garbage and refuse areas shall comply with the Land Development Ordinance, Section 712.

**615.3-6** Connections between uses: Direct pedestrian connections between buildings within the project and to other lots within the AHD 3 Zone and to adjoining properties in other zone districts are to be provided whenever feasible and available, at a reasonable cost, including sidewalks along roadways within the AHD-3 Zone. Such connections include connections between street sidewalks and non-residential uses, connections between non-residential and residential uses, connections between parking areas of non-residential uses, and connections between non-residential uses and existing residential neighborhoods located within or adjacent to the district.

## **615.4 STEEP SLOPE AREA.**

### **615.4-1 Definition of Steep Slope Area.**

Any area exceeding twenty (20%) percent grade in a generally continuous line running east and west along the face of the south side of the mountain, from property line to property line, shall be considered a steep slope and shall not be disturbed except as set forth in Section 615.4-2 below.

Isolated ridges, gullies, knobs or knolls, or peninsulas extending above or below the continuous line and running north and south shall not be considered steep slopes for purposes of protection. Man-made slopes over twenty (20%) percent below the continuous line shall also be excluded from this definition.

### **615.4-2 The following items of infrastructure may be constructed in a steep slope area without restriction except for the provision of easements.**

- a. Stormwater improvements.
- b. Sanitary sewer improvements.
- c. Underground or overhead electric, telephone or cable TV lines.
- d. Public water mains.
- e. Public Utility water holding tank and pumping station.
- f. Roadways and walkways.

## **615.5 ACCESS**

The developments within the AHD 3 Zone shall provide for the construction of public roadway connections to King Court and Route 22, with a paved public road access to the easterly and westerly property lines for the future extension and connection to adjacent properties. Each developer shall be responsible for construction to their property line, unless agreed to otherwise with neighboring development. For development occurring in phases, a temporary paved cul-de-sac may be required within the public portion of the roadway extending to the adjacent property line. No more than 62 units may be occupied that have sole access off of Route 22 without the access to King George Road being completed.

## **615.6 CONVERSION OF RENTAL UNITS.**

Units offered as rental units shall comply with the applicable provisions of the New Jersey Administrative Code.

## **615.7 CONSTRUCTION IN ENVIRONMENTALLY SENSITIVE AREAS.**

Affordable units shall not be constructed on (a) wetlands as delineated with an approved LOI (Letter of Interpretation) issued by the New Jersey Department of Environmental Protection; (b) flood hazard areas as defined in N.J.A.C. 7:13; and (c) slopes in excess of 20 percent.

## **615.8 INTEGRATION OF UNITS**

All affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1, et seq., the Township's Housing Element and Fair Share Plan, and applicable laws, with regards to integration of units.

## **615.9 PROCEDURE FOR APPROVAL OF INCLUSIONARY HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

615.9-1 Application Procedure. An application for an inclusionary housing development shall be considered as a planned residential development and is to be processed through the major site plan procedure as set forth in The Land Development Ordinance of the Township of Green Brook, and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 4055D-45.

## **615.10 AVAILABLE SEWER CAPACITY AND PUBLIC UTILITIES.**

All applications seeking to utilize the density provisions of this Article shall demonstrate to the Planning Board the availability of sanitary sewers, public water, and all other utilities, with adequate capacity to accommodate the needs of the entire project. The applicant shall provide to the Planning Board all information required by Sections 702.5 and 702.6 of the Land Development Ordinance.

## **615.11 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an affordable housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance, and to comply with the implementing rules and regulations of the Green Brook Affordable Housing Plan. Such instrument shall be in recordable form, known as a Developer's Agreement, and shall be subject to approval by the Township Attorney.

## **615.12 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of an inclusionary housing project, the following additional information shall be submitted to the Planning Board as a part of the application:

**615.12-1** Data on or accompanying the preliminary plat showing which dwellings are to be very low income, which will be low income units and which will be moderate income units; location, floor area and layout of the affordable units and of all other units.

**615.12-2** If a development is to be constructed in phases, a staging plan setting forth the exact units to be included in each phase and specifying the number, location, number of bedrooms, and whether the units will be owner or renter occupied for the affordable units.

**615.12-3** An application involving an inclusionary development in the Affordable Housing District [AHD] which is required to provide rental units, (See Section 615.3-2) shall set forth necessary details to show the location and method of providing such rental housing units to be included in the development (See N.J.A.C. 5.93-5:14)

**615.12-4** A form of the proposed covenants and restrictions, including provisions to assure that any affordable units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent sales and rentals of affordable units will also be subject to the requirements of this ordinance.

**615.12-5** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

## **615.13 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

## **615.14 PLANNING BOARD WAIVERS AND VARIANCES.**

**615.14-1** When hearing applications for affordable housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**615.14-2** The Planning Board shall not have jurisdiction to approve affordable housing projects in a district restricted against such affordable housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per net area of land to be developed.

## **615.15 REDUCTION OF DEVELOPMENT FEES.**

Affordable housing applications made under this article shall be entitled to the elimination of fees for that

portion of the subdivision fees, site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with Article 11 of The Land Development Ordinance, and Construction Permit fees, related to any affordable units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

#### **615.16 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not construct and lease or sell the affordable units in accordance with an approved plan for an Affordable Housing Project, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

### **616. AFFORDABLE HOUSING DISTRICT -AHD 4 DISTRICT.**

#### **616.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for lower-income families to meet the existing and anticipated housing needs of such persons, to maintain a socio-economic mix in the community, to provide a range of housing types dispersed throughout the community and to satisfy the Township's obligation to provide a fair share of the region's housing needs, the Township Committee has determined that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

#### **616.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:93, as the same may be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control.

**616.2-1 Affordable Housing** - A dwelling unit with a sales price or rent within the means of a low or moderate-income household as defined N.J.A.C. 5:93.

**616.2-2 Inclusionary development** means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low, very low and moderate-income households. The term may also include the conversion of a non-residential structure

to residential and the erection of new affordable units through the reconstruction of a vacant residential structure.

### **616.3 AFFORDABLE HOUSING DISTRICT 4. [AHD 4]**

**616.3-1** Block 101.12 Lot 3.01.

**616.3-2** Affordable Housing Project. The tract specified in Section 616.3-1 may be developed with up to a maximum of 23 units, on the condition that at least 12 affordable housing units are provided elsewhere within the township. The affordable housing units shall be moderate, low and/or very low income affordable housing. Thirteen percent of the low and moderate-income units shall be affordable to households at 30 percent of median income.

**616.3-3** Permitted Uses.

**616.3-3.1** Multi-family dwellings.

**616.3-4** Permitted Accessory Uses.

**616.3-4.1** Off-street parking facilities.

**616.3-4.2** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, cable T.V. services, gazebos, clustered mailboxes, school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**616.3-4.3** Signs: One (1) Non-illuminated or Externally illuminated Development name sign, not exceeding 30 square feet each side, no taller than 6 feet, setback a minimum of 15 feet from any property line.

**616.3-4.4** Public utility infrastructure including water holding tank and pumping station facilities.

**616.3-5** Area and Bulk Requirements.

**616.3-5.1** For purposes of calculating density, the AHD 4 zone is excluded from the provisions of Section 423 of the Zoning Ordinance.

#### **Bulk requirements.**

(a) There shall be the following minimum distances between principal buildings:

Windowless wall to windowless wall	20 feet
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Window wall to windowless wall	40 feet
--------------------------------	---------

Window wall to window wall front to front	40 feet
Rear to rear	40 feet
Rear to end	20 feet
(b) Any building face to local street curb face or edge of pavement	20 feet
(c) Any building face to collector street curb. face or edge of pavement	40 feet
(d) Any building face to arterial street curb face or edge of pavement	180 feet
(e) Any building face except garage face to common parking area	10 feet

(f) Coverage: The maximum coverage by buildings in the AHD 4 shall not exceed thirty (30%) percent of the tract area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent of the tract area,

(g) Building height:

No building shall exceed three (3) stories in height. No building shall exceed thirty-five (35') in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed forty (40') feet in height from the finished grade along the downhill side of the building.

(h) Accessory buildings shall meet the same bulk requirements as the principal buildings.

(i) No accessory building shall be more than one story and the maximum height of an accessory building shall be sixteen (16) feet from average grade to mid-point of pitched roof. Recreational buildings and facilities shall be governed by the height limitations for principal buildings.

(j) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between garage structures.

(k) Cable T.V. is to be encouraged. If not provided, exterior television antennae/satellite dish shall be limited to one (1) master antenna/satellite dish per building. Master antenna/satellite dishes shall be screened from view from any public right-of-way.

(l) Laundry facilities, as a norm, shall be provided in each unit. Where not included in the unit a laundry facility room may be provided in the building.

(m) One or more completely enclosed but unroofed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations. Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures. Garbage and refuse areas shall comply with the Land Development Ordinance, Section 712.

**616.3-6 Connections between uses.**

Direct pedestrian connections by concrete sidewalk between buildings within the tract and public street is required.

**616.4. CONVERSION OF RENTAL UNITS.**

Units offered as rental units shall comply with the applicable provisions of the New Jersey Administrative Code.

**616.5 PROCEDURE FOR APPROVAL OF INCLUSIONARY HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

**616.5-1 Application Procedure.** An application for an inclusionary housing development shall be considered as a major site plan and is to be processed through the major site plan procedure as set forth in The Land Development Ordinance of the Township of Green Brook and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 4055D-45.

**616.6 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an affordable housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance, and to comply with the implementing rules and regulations of the Green Brook Affordable Housing Plan. Such instrument shall be in recordable form, known as a Developer's Agreement, and shall be subject to approval by the Township Attorney.

**616.7 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of an inclusionary housing project, the following additional information shall be submitted to the Planning Board as a part of the application:

**616.7-1** Data on or accompanying the preliminary plat showing which dwellings are to be very low income, which will be low income units, and which will be moderate income units; and location with unit identification.

**616.7-2** If a development is to be constructed in phases, a staging plan setting forth the exact units to be included in each phase and specifying the number, location, number of bedrooms, and whether the units will be owner or renter occupied for the affordable units.

**616.7-3** An application involving an inclusionary development in the Affordable Housing District [AHD] which is required to provide rental units shall set forth necessary details to show the location and method of providing such rental housing units to be included in the development (See N.J.A.C. 5.93-5:14)

**616.7-4** A form of the proposed covenants and restrictions, including provisions to assure that any affordable units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent sales and rentals of affordable units will also be subject to the requirements of this ordinance.

**616.7-5** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

## **616.8 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

## **616.9 PLANNING BOARD WAIVERS AND VARIANCES.**

**616.9-1** When hearing applications for affordable housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**616.9-2** The Planning Board shall not have jurisdiction to approve affordable housing projects in a district restricted against such affordable housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per net area of land to be developed.

## **616.10 REDUCTION OF DEVELOPMENT FEES.**

Affordable housing applications made under this article shall be entitled to the elimination of fees for that portion of the subdivision fees, site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with Article 11 of The Land Development Ordinance, and Construction Permit fees, related to any affordable units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

## **616.11 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not lease the affordable units in accordance with the Developers Agreement, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

## **617 VILLAGE GATEWAY DISTRICT**

### **617.1 GENERAL**

#### **617.1-1 Vision/Purpose**

The Village Gateway district is intended to create a low- to moderate-density commercial development on and around the intersection of Washington Avenue and Route 22, which is more consistent with the pedestrian-friendly design of the Village Center than other highway commercial development. The following regulations are intended to allow for a variety of commercial uses, including retail, office, and restaurants within walking distance of the Village Commercial area.

These district standards are meant to encourage development with access from Washington Avenue with parking and loading in the side and rear yards. Development should be of the highest quality and should support the goal of creating a prominent gateway district that architecturally enhances the character of the rest of the Village Center. These standards are intended to support the creation of a safe and comfortable pedestrian network that connects the Village Gateway District to the Village Commercial District, the Residential/Office Village Commercial District, as well as surrounding civic amenities and schools. The frontage requirements are intended to ensure that the pedestrian realm is safe and enjoyable to walk through.

#### **617.1-2 Applicability**

A. The standards of this section are applicable to all properties within the boundaries of the VG

(Village Gateway) zoning district as shown on the official zoning map of the Township of Green Brook (see Section 202). Said location and boundaries have been selected to be consistent with the policies in the Master Plan.

B. The standards of this section have been designed to be applicable to all developments, re-developments, and infill developments within the boundaries of the designated district that are subject to Land Use Board approval.

C. The Form and Design Standards contained in Section 617.6 are applicable to all structures within the district.

D. Nothing in this section shall be deemed to permit any lands, buildings, structures, or development in any area not permitted by the New Jersey Department of Environmental Protection, or any other agency, which may be given authority over such matters, pursuant to the Flood Hazard Area Control Act N.J.S.A. 58:16A.

## **617.2 USES**

### **617.2-1 Permitted and Conditional Uses**

<b>§</b>	<b>USES</b>	
<b>A</b>	<b>COMMERCIAL SERVICES</b>	
1	Bars, brewpubs, and microbreweries	P
2	Business offices	P
3	Day care centers	P
4	Hotels	P
5	Medical offices, clinics, and immediate care facilities	P
6	Product service establishments	P
7	Professional offices	P
8	Recreational facilities	P
9	Restaurants, cafes, coffeehouses and eateries	P
10	Retail food establishments	P
11	Retail sales	P
12	Retail services	P
13	Specialty grocery store	P
14	Banks	P
<b>B</b>	<b>GOVERNMENT/CIVIC/INSTITUTIONAL</b>	
1	Cultural uses	P
2	Public/Semi-public open space	P

P = Permitted

### **617.2-2 Permitted Accessory Uses**

- A. Signs, subject to the provisions of Article 9
- B. Fences and landscaping, subject to the provisions of Article 10
- C. Off-street parking facilities
- D. Trash enclosures
- E. Mailboxes, Drop-boxes
- F. Restaurants, Outdoor
- G. Drive-up, drive-through, and walk-up windows serving any form of retail or commercial establishment such as, but not limited to, banks, pharmacies, restaurants.

### **617.2-3 Prohibited Uses**

Any use not explicitly permitted is prohibited, including, but not limited to:

- A. Check Cashing businesses
- B. Massage Parlors
- C. Kennels
- D. Uses requiring storage or display of goods outside a fully enclosed building
- E. Lumber yards
- F. Sexually oriented businesses
- G. Tattoo, body piercing or branding establishments
- H. Manufacturing and other commercial uses deemed to be hazardous in the building code
- I. Auto-oriented businesses
- J. Pawn Shops
- K. Funeral Homes
- L. Residential

## **617.3 PERMITTED BUILDING TYPES**

Definitions for the following building types can be found in Section 617.3-1. The following table identifies which building types are permitted on each Frontage Type within the Village Gateway district. For more information on Frontage Types, see Section 617.7. For a map of frontage types, see Figure 1.

*Figure 1: Frontage Type Map*



§	Building Types	Commercial Frontage
A	Civic	NP
B	Mid-rise, residential	NP
C	Mixed-use	NP
D	Pedestrian-accessible commercial	P
E	Single family detached	NP

**617.3-1 Building Types**

P = Permitted, NP = Not Permitted



Pedestrian-Accessible Commercial Building. A single or multi-story building designed for retail or office uses. Buildings have active ground floor uses with primary access on the street frontage side of the building, with additional access from the off-street parking side of the building. They may be walkups or elevator buildings. Common entrances and other spaces may be shared. Parking may not

abut the primary street frontage.

#### **617.4 LOT REQUIREMENTS**

Minimum lot requirements for all building types permitted in the VG district are as follows:

<b>§</b>	<b>Standard</b>
A	Minimum Lot Width 200'
B	Minimum Lot Depth 150'
C	Minimum Lot Size 30,000 ft <sup>2</sup>
D	Maximum Building Coverage 40%
E	Maximum Impervious Coverage 75%

#### **617.5 SETBACKS**

<b>§</b>	<b>Standard</b>
A	Build-to Line 40'
B	Build-to Line, Occupancy Rate 70%
D	Side Yard Setback 15' min.
E	Rear Yard Setback 25' min.
F	Parking Setback from Build-to Line 10' min.
G	Accessory Structure Setback from Build-to Line 25' min.
H	Front setback (Residential Frontage) 40' min.

##### **617.5-1 Setbacks and Encroachments**

- A. A building may be set back up to 20 feet from the build-to line in order to accommodate an outdoor eating area, plaza, or other public open space. In order to preserve the continuity of the street wall, a permanent low-lying screening wall, fence, series of planters, or similar design element must be provided at the required build-to line.
- B. Patios must respect setback requirements.
- C. Awnings, upper floor balconies and bay windows may encroach into setbacks up to 3 feet.

#### **617.6 FORM AND DESIGN STANDARDS**

The following form standards shall apply to all construction within the district:

<b>§</b>	<b>Standard</b>	<b>MIN</b>	<b>MAX</b>
A	Maximum Building Height		35' / 2½ stories
B	Ground Floor Height	12'	20'
C	Distance Between Vertical Breaks	10'	24'
D	Distance Between Roofline Offsets	24'	50'
E	Roofs		
1	Roof Pitch (Gabled)	6:12	9:12
2	Roof Pitch (Hipped)	4:12	6:12
3	Eave Overhang		1'
E	Flat Roof Permitted	Permitted for building of more than 2 Stories	

### **617.6-1 Permitted Building Elements**

<b>§</b>	<b>Standard</b>
A	Awnings
B	Balconies (above ground level)
C	Bay Windows
D	Dormers
E	Cupolas
F	Porches

P = Permitted, NP = Not Permitted

### **617.6-2 Massing and variation**

- A. Buildings shall avoid long, uninterrupted walls or roof planes. Facades shall be broken up horizontally and vertically using material changes or offsets as prescribed in Section 617.6.
- B. Architectural elements that add visual interest to roofs, such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

### **617.6-3 Roofs**

- A. Buildings shall have gabled, hipped, or flat roofs. Mansard roofs are prohibited.
- B. Where flat roofs are permitted, the rooftops must be visually articulated with a parapet or cornice.
- C. Gabled and hipped roofs shall provide overhanging eaves on all sides that extend 1 foot beyond the building wall.
- D. Building roofs are to be uncluttered. Vertical roof projections such as vents, stacks, elevator mechanical rooms, or roof-mounted equipment shall be integrated into the architecture. All penetrations through the roof (e.g. mechanical equipment or skylights) shall be organized in a manner that is integral to the architectural form of the building and completely screened from view by parapet walls or an approved enclosure. The screen shall reflect and complement the architecture of the building.

### **617.6-4 Orientation**

- A. Building fronts shall be oriented to the primary street upon which the structure is sited. For corner lots, buildings should be oriented to both street fronts.

### **617.6-5 Building Arrangement**

- A. Buildings shall be arranged and clustered to maximize opportunities for shared parking, circulation, loading, pedestrian walks, walls, and plazas.

### **617.6-6 Building access**

- A. All buildings shall have pedestrian access on both the street frontage side of the building (front) and the off-street parking side (rear) of the building. Corner buildings shall have at least one

entrance addressing each street front where possible.

B. Pedestrian entrances fronting primary streets should be clearly defined and highly visible.

Ground floor businesses and storefronts should use architectural features and/or pedestrian-oriented amenities at the street (e.g. display windows, awnings, canopies, overhangs, recessed/protruding).

#### **617.6-7 Windows and fenestration**

A. There are to be no blank facades. All facades must provide windows as prescribed in Section 617.7.4.

B. Windows shall be un-tinted. Mirrored or reflective glass is not permitted.

C. Windows shall be vertically proportional to the size of the structure. Whenever possible, upper story windows shall be vertically aligned with lower story windows.

D. Ground floor façades of retail, restaurant, and related uses facing a street shall have windows providing views of display areas and/or the building interior.

1. These ground floor windows shall begin between 2 and 3 feet above ground level and end 10 feet above ground level.

2. Display windows for ground floor storefronts shall not be blocked with merchandise or interior merchandise display.

#### **617.6-8 Ground floors**

A. For multi-story buildings, the ground level façade should have a distinctive look from the façade of the floor levels above. This can be achieved by using different architectural elements such as cornice lines, building material changes, trim accents, lighting, awnings, and/or projections.

#### **617.6-9 Lighting**

A. Facades shall be internally or externally illuminated. Lights should be properly shielded or recessed behind architectural features so they do not shine directly on or into a building on an abutting property. No light, except streetlights, shall shine directly onto public roads.

B. Light fixtures attached to the exterior of any building shall be architecturally compatible with the surrounding area lighting.

C. Decorative lighting, including but not limited to string lighting (e.g. bistro lights) and building or tree up lighting, is permitted with approval from the Planning Board.

#### **617.6-10 Step Backs**

A. Where required, step backs may be used to provide outdoor space for occupants through the inclusion of a balcony or rooftop deck.

#### **617.6-11 Utilities Screening**

A. All HVAC and telecommunication systems must be screened from public view and from view of adjacent properties. Screens must be designed to be architecturally compatible with the principal building.

## **617.7 FRONTAGE REQUIREMENTS**

**617.7-1 Purpose.** Frontage Types are integral to creating the appropriate nexus between the public and private realms. They provide uniform rules for how a private building and public street interact, and help establish a vision for how a street or block should look and function. Such rules allow the vision and goals of the Township be realized over time through incremental development and changing architectural styles and materials.

**617.7-2 Intent.** Frontage requirements will provide for a substantial landscaped buffer, street trees, planters, and other streetscaping elements to protect pedestrians from automobile traffic and provide a pleasant pedestrian environment throughout the Village Gateway district. Wide sidewalks and active ground floor uses will encourage walkability and reduce the number of vehicle trips needed to visit the different uses within the VG district.

**617.7-3** Frontage types. Frontage requirements are based on the type of roadway and character of proposed and adjacent land uses. There are two types of frontages within the Village Gateway District:

A. **Commercial Frontage.** The Commercial Frontage Type is meant to create a safe and attractive pedestrian environment along corridors that have primarily commercial uses on the ground floor of buildings. This frontage type is characterized by wide sidewalks, with amenities such as planters, street trees, street lighting, and street furniture all present in the front yard. Businesses may have sidewalk cafés or pop-out café windows in the front or side yard to bring additional energy to the street front. Branding signage is permitted.

### **617.7-4** Frontage Requirements

The following standards shall be applied to all buildings, depending on the Frontage Type, as illustrated in Figure 1.

**Figure 1: Frontage Type Map**



#### FRONTAGE TYPE

§	Standard	Commercial Frontage
A	Ground Floor Use	Retail or "Active"
B	Transparency, Ground Floor	60-75%
C	Transparency, Upper Floors	40%
D	Public Realm Elements	
1	Benches	1 every 100 linear feet
2	Bike Racks	1 per building entrance
3	Planters	Avg. 25' on center
4	Trash Receptacles	1 per 150 linear feet

#### **617.7-5 Commercial Frontage Requirements.**

- A. A 20-foot wide landscaped buffer shall be provided between the street curb and sidewalk. When a building fronts on a highway (per the Master Plan definition), the landscape buffer shall be increased to 40 feet. This buffer may consist of grasses, shrubs, and plantings. Street trees, planters, benches, and street lighting shall be located in this buffer.
- B. A 10-foot wide buffer shall be provided between the sidewalk and building façade. The buffer may consist of outdoor café seating, street furniture, hardscaping, planters, low walls, fencing, decorative architectural elements, plantings, shrubs, ornamental grasses, or similar landscaping.
- C. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet.
- D. Outdoor cafes are permitted in the front or side yard, provided that a minimum of 5 feet of pedestrian clearance is provided for sidewalks and entrances remain unimpaired. Pop-out café windows are encouraged.
- E. Plazas are permitted to front onto the street and must include amenities such as fountains, public art, gazebos, shade trees/structures, trash receptacles, benches, lights, trellises, or other similar features. All plazas are subject to Planning Board approval.
- F. Public open spaces including plazas, pedestrian walkways, and outdoor cafes must front on a public street.
- G. Street furniture shall be decorative, functional, properly scaled to the space, and consistent in style with the street furniture in this and surrounding district. All street furniture shall be subject to Planning Board approval.

#### **617.8 STREET TREES**

- A. Street trees shall be provided along all existing or proposed public streets along the public frontage and are in addition to other required plantings (Section 617.10).
- B. Trees shall be spaced an average of 50 feet on center. To determine the required number of street trees, the linear frontage of public frontage shall be divided by the required planting interval, without deducting areas for driveway curb cuts or crosswalks. Trees shall be planted as evenly as possible given site constraints such as driveways or crosswalks.
- C. Tree pits shall be at least one-third (1/3) larger in width and in depth than the existing root ball of the particular tree to be planted.
- D. Acceptable tree species shall be no more than 25 feet at mature height to reduce conflicts with overhead utility lines.

## **617.9 STREET LIGHTING**

- A. Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public, as well as one for every 70 feet of street frontage. Pedestrian light fixtures shall have a maximum mounting height of 14 feet.
- B. All lighting fixtures shall utilize HADCO Decorative Lighting – Contempo II mounted on a HADCO Contempo decorative pole – or approved equal.
- C. All lighting designs and installations are subject to review and approval by the Township Engineer.

## **617.10 GENERAL LANDSCAPING**

- A. All landscaping is subject to approval and maintenance requirements as outlined in Sections 1001.1 and 1001.2.
- B. Landscaping is required in all designated setback/buffer areas, parking lots, and areas around buildings not used for ingress/egress. The type of landscaping required/permitted based on frontage type.
- C. Landscaping is permitted to be integrated with other site design elements, where appropriate, such as paths and walkways, foundations, water features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.
- D. Plantings shall be drought tolerate, noninvasive, and native species.

## **617.11 PARKING LOT LANDSCAPING**

- A. All parking lots shall provide a minimum of 150 square feet of planted area per every ten parking spaces. Subject to the approval of the Planning Board, these planted areas may be single or double bay planting islands, diamond tree pits, or planting medians.
- B. Planting areas shall be a minimum of 4 feet wide and contain a minimum of one (1) shade tree along with shrubs, ground cover, grasses and/or perennials, so as to cover the entire area when installed.
- C. Islands shall be placed opposite each other in adjacent rows of parking in order to reduce the number of raised islands and increase the area available for tree roots.
- D. The last parking stall in a row shall be separated from drive aisles by a planting island with a minimum width of nine (9) feet.
- E. All shrubs and trees shall be set back a minimum of three (2) feet from the edge of the planting area for sight line and safety purposes.

- F. Low-impact development techniques, such as open grid pavers, porous asphalt, pervious concrete, or precast pervious concrete slabs are encouraged, subject to approval of the Planning Board.
- G. For parking lot areas with greater than five hundred (500) square feet of planted area, planted areas may include bioswales, rain gardens, and other green stormwater management techniques that direct, collect, and filter water naturally from the parking lot and its surrounding hardscape, subject to approval of the Planning Board.

## **617.12 BUFFERS**

**617.12-1** Purpose. The primary purpose of buffers is to eliminate views and minimize adverse impacts from traffic, noise, and glaring light from adjacent areas.

**617.12-2** General Requirements

- A. Buffer plantings shall be provided in addition to other landscaping as required by Section 617.10.
- B. Buffers are required in the following locations:
  1. Along edges where commercial uses or parking abuts adjacent single-family residential zones.
  2. Along all lot lines separating any building from utility or telecommunication equipment.
- C. Buffer widths shall be in addition to any required building setbacks.
- D. The location and design of buffers shall consider the building being screened, its distance from the lot line and differences in elevations grade.
- E. No structure, activity, storage of materials, or parking of vehicles shall be permitted within a buffer.
- F. Buffers shall be identified on site and subdivision plans.

**617.12-3** Along edges that abut single-family residential zones or uses, buffers shall be a minimum of 10 feet, and consist of a living fence, comprised of a combination of:

- A. Shade/ornamental trees, shrubs, ornamental grasses, and/or other plantings; and
- B. Decorative fencing or a masonry wall. Fences shall have a minimum height of six (6) feet and a maximum height of eight (8) feet. Buffers shall be designed to achieve 80% opacity within a height of six (6) feet after five (5) years growth.

**617.12-4** Buffers along lot lines, utilities, or telecommunication equipment shall have a minimum width of five (5) feet and consist of a living fence, comprised of a combination of:

- A. Shrubs, ornamental grasses, and/or other plantings; and
- B. Decorative fencing or a masonry wall. Fences shall have a minimum height of six (6) feet and a

maximum height of eight (8) feet. Buffers shall be designed to achieve 80% opacity within a height of six (6) feet after five (5) years growth.

### **617.13 FENCES AND WALLS**

- A. Fences and walls are to be used solely for the screening and buffering purposes provided in other sections of this chapter, in addition to their use on the perimeter of private patios and courts, recreational areas and other sensitive areas deemed appropriate by the Planning Board. All approved fences and walls shall be designed as integrated parts of the overall architectural and site designs.
- B. Chain link fences are prohibited. Permitted fence styles include wrought iron, board-on-board and other decorative styles approved by the Planning Board.
- C. Concrete masonry unit/cinder block wall veneers are prohibited. Permitted wall veneer materials include brick, polished or unfinished stone, architectural paneling and other materials approved by the Planning Board.
- D. Fences and walls shall not be located where they impede pedestrian or bicycle circulation through or between site areas.
- E. No hedge, wall or fence of any type shall be erected or maintained if it is deemed a safety hazard by obstructing the view of motorists.
- F. Fences and walls not used for buffering purposes shall have a maximum height of six (6) feet.

### **617.14 PARKING STANDARDS**

Off-street parking standards shall comply with the requirements of Article 8 of the Land Development Code, except as modified herein.

#### **617.14-1 Off-street Parking Standards**

- A. Off-street surface parking lots shall be located to the rear of principal buildings or to the side. Surface parking shall not be located between a building and a street.
- B. Parking shall comply with all setback requirements. Under no conditions shall parking in the side yard shall not be located ahead of the front façade of the building.
- C. Parking may be located on the ground floor of a building but may not front on a public street.
- D. Parking that is visible from the public street or adjacent residential use shall be sufficiently screened with a combination of fencing, shrubs, trees, and/or plantings.

#### **617.14-2 Shared Parking**

- A. All developments shall provide a shared parking access easement to adjoining properties within

the VG district for vehicular circulation between properties and access to shared off-street parking areas.

B. Property owners are permitted to reduce the required number of parking spaces by up to 25% for mixed-use buildings or creating shared parking between adjacent uses. Property owners shall comply with the provisions of Section 803 when applying for a reduction in the required number of parking spaces.

## **617.15 CIRCULATION STANDARDS**

### **617.15-1 Vehicular Circulation.**

- A. Where necessary, one ingress/egress driveway shall be permitted every 200 feet of street frontage.
- B. Wherever possible, driveways closer than 50 feet to intersections should be avoided.
- C. Driveways shall be 12 feet for one-way access and 24 feet for two-way access. Driveways shall not exceed 24 feet in width unless deemed necessary for safe pedestrian and vehicular circulation.
- D. New curb cuts shall only be permitted if it is demonstrated:
  - 1. Access is not possible from a side street,
  - 2. Access cannot be gained through a shared drive with a neighboring property, or
  - 3. Access cannot be gained through a cross easement with a neighboring property.

### **617.15-2 Pedestrian Circulation.**

- A. Sidewalks shall be required to connect the street frontage to all front building entrances, parking areas, plazas, other usable open space areas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations.
- B. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet. In all other areas, sidewalks shall have a minimum unimpeded width of 5 feet.
- C. Sidewalks and pedestrian plazas shall be constructed of durable, attractive materials like brick, stone, pavers, or stamped concrete. Sidewalk materials shall be continued across curb cuts where possible.
- D. All pedestrian crossings on roads or in parking areas shall use material differences or markings (e.g. inlaid thermal plastic, paint, stamped concrete, pavers) that make them easy to view and distinguish them from the rest of the roadway.

## **617.16 STORMWATER MANAGEMENT AND ENVIRONMENTAL DESIGN**

**617.16-1** Stormwater Management. Developments that cannot comply with the requirements of Article 6 of the Land Development Ordinance regarding stormwater management are permitted to seek a variance or waiver of the regulations provided an acceptable mitigation plan is submitted and approved. Criteria for acceptable mitigation plans are specified in the Green Brook Township Stormwater Management Plan.

**617.16-2** Environmental Design. The following environmentally sustainable features are permitted to be incorporated into the site and building design of any new or existing development:

- A. Solar panels (electric and hot water)
- B. Skylighting that allows building to take advantage of natural light during the day and natural heat during cold months
- C. Solar screening that allows for natural cooling during warm months
- D. Green or vegetative roofs
- E. Highly reflective and highly emissive roofing material
- F. Greywater systems such as cisterns and rain barrels for use in landscape irrigation and toilets
- G. Drought tolerant, noninvasive, native landscape species
- H. Porous pavement
- I. Light emitting diode (LED) lighting
- J. Bioswales and rain gardens

## **618 VILLAGE COMMERCIAL DISTRICT**

### **618.1 GENERAL**

#### **618.1-1** Vision/Purpose

The Village Commercial district is intended to create pedestrian-oriented development in and around the intersection of Greenbrook Road and Washington Avenue. The following regulations are intended to encourage commercial and mixed-use residential development that encourages people to walk and bike to and around the district. These district standards are meant to encourage development with access from the main street with parking and loading in the side and rear yards. Development should be of the highest quality and should support the goal of creating a village center that architecturally enhances the residential character of the rest of the Village. These standards are intended to support the creation of a safe and comfortable pedestrian network that connects the Village Commercial District to the Village Gateway District, the Residential/Office Village Commercial District, as well as surrounding civic amenities and schools. The frontage requirements

are intended to ensure that the pedestrian realm is safe and enjoyable to walk through.

### **618.1-2 Applicability**

- A. The standards of this section are applicable to all properties within the boundaries of the VC (Village Commercial) zoning district as shown on the official zoning map of the Township of Green Brook (see Section 202). Said location and boundaries have been selected to be consistent with the policies in the Master Plan.
- B. The standards of this section have been designed to be applicable to all developments, re-developments, and infill developments within the boundaries of the designated district that are subject to Land Use Board approval.
- C. The Form and Design Standards contained in **Section 618.6** are applicable to all structures within the district.
- D. Nothing in this section shall be deemed to permit any lands, buildings, structures, or development in any area not permitted by the New Jersey Department of Environmental Protection, or any other agency, which may be given authority over such matters, pursuant to the Flood Hazard Area Control Act N.J.S.A. 58:16A.

## **618.2 USES**

### **618.2-1 Permitted Uses**

<b>§</b>	<b>USES</b>
<b>A COMMERCIAL SERVICES</b>	
1	Bars, brewpubs, and microbreweries
2	Business offices
3	Day care centers
4	Medical offices, clinics, and immediate care facilities
5	Product service establishments
6	Professional offices
7	Recreational facilities
8	Restaurants, cafes, coffeehouses and eateries
9	Retail food establishments
10	Retail sales
11	Retail services
12	Specialty grocery store
13	Banks
<b>B GOVERNMENT/CIVIC/INSTITUTIONAL</b>	
1	Government buildings and public utility offices
2	Cultural uses
3	Public/Semi-public open space
4	Community centers

P = Permitted

## **618.2-2 Conditional Uses**

- A. Residential uses are permitted on the condition that they occur in one of the permitted building types. For a list of permitted building types, see **Section 618.3**

**PERMITTED BUILDING TYPES.** Residential uses permitted within a specific Building Type shall conform to the standards provided in the Building Type definitions. To identify building types that permit residential uses, see the definition of building types in Section 618.3-1. Residential Uses that yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside of fifteen (15%) percent if the affordable units will be for rent and minimum of twenty (20%) percent if the affordable units will be for sale in accordance with the Green Brook Township-Wide Set-Aside Ordinance.

## **618.2-3 Permitted Accessory Uses**

- A. Signs, subject to the provisions of Article 9
- B. Fences and landscaping, subject to the provisions of Article 10
- C. Off-street parking facilities
- D. Trash enclosures
- E. Mailboxes, Drop-boxes
- F. Restaurants, Outdoor

## **618.2-4 Prohibited Uses**

Any use not explicitly permitted is prohibited, including, but not limited to:

- A. Check Cashing businesses
- B. Massage Parlors
- C. Kennels
- D. Uses requiring storage or display of goods outside a fully enclosed building

- E. Lumber yards
- F. Sexually oriented businesses
- G. Tattoo, body piercing or branding establishments
- H. Manufacturing and other commercial uses deemed to be hazardous in the building code
- I. Auto-oriented businesses
- J. Drive-through establishments
- K. Pawn Shops
- L. Funeral Homes
- M. Hotels/Motels

### **618.3 PERMITTED BUILDING TYPES**

Definitions for the following building types can be found in **Section 618.3-1**. The following table identifies which building types are permitted on each Frontage Type within the Village Commercial District. For lots with both commercial and residential frontage, the uses permitted for either frontage are permitted on the full lot, provided that vehicular access is restricted to the commercial frontage street in accordance with Section 618.7-3.

For more information on Frontage Types, see **Section 618.7**. For a map of frontage types, see **Figure 1**.

**Figure 1: Frontage Type Map**



§	Building Types	Commercial	Residential
		Frontage	Frontage
A	Civic	P	P
B	Mixed-use	P	NP
C	Pedestrian-accessible commercial	P	NP
D	Single-family detached	NP	NP

P = Permitted, NP = Not Permitted

### 618.3-1 Building Types

Civic Building



**Civic Building.** A building that contains governmental, civic, or institutional uses. They are typically significant buildings that may have large setbacks, monumental and unique design characteristics, public art installations, and/or public space. Examples include courthouses, government administrative offices, schools, libraries, community centers, and museums. They do not contain commercial, residential, or industrial uses and are typically fully detached.

Mixed-Use Building



Pedestrian-Accessible Commercial Building



**Mixed-Use Building.** A multi-story building with residential or office units on the upper floors and retail or other active uses on the ground floor. All uses are integrated in a single building, with upper floors typically serviced by their own entrance. Access to ground floor uses is provided from the primary street frontage. Parking is permitted inside the ground floor of the building but may not abut the primary public frontage.

**Pedestrian-Accessible Commercial Building.** A single or multi-story building designed for retail or office uses. Buildings have active ground floor uses with primary access on the street frontage side of the building, with additional access from the off-street parking side of the building. They may be walkups or elevator buildings. Common entrances and other spaces may be shared. Parking may not abut the primary street frontage. Drive-thrus are not permitted.

#### 618.4 LOT REQUIREMENTS

Minimum lot requirements for all building types permitted in the VC district are as follows:

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§ Standard

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A	Minimum Lot Width	140'
B	Minimum Lot Depth	135'
C	Minimum Lot Size	18,900 ft <sup>2</sup>
D	Maximum Building Coverage	50%
E	Maximum Impervious Coverage	85%

## 618.5 SETBACKS

§	Standard
A	Build-to Line (Commercial Frontage) 40'
B	Build-to Line, Occupancy Rate 70%
C	Minimum Front Yard Setback (Residential Frontage) 40'
D	Side Yard Setback 10' min.
E	Rear Yard Setback 10' min.
F	Parking Setback from Build-to Line 10' min.

### 618.5-1 Setbacks and Encroachments

- A. A building may be set back up to 20 feet from the build-to line in order to accommodate an outdoor eating area, plaza, or other public open space. In order to preserve the continuity of the street wall, a permanent low-lying screening wall, fence, series of planters, or similar design element must be provided at the required build-to line.
- B. Patios must respect setback requirements.
- C. Awnings, upper floor balconies and bay windows may encroach into setbacks up to 3 feet

## 618.6 FORM STANDARDS

The following form standards shall generally apply to all construction within the district, subject to review and approval by the Land Use Board. Deviations from these standards shall be considered by the Board as waivers:

§	Standard	MIN	MAX
A	Building Height	36' / 3 stories	
B	Ground Floor Height	12'	20'
C	Distance Between Vertical Breaks	10'	24'

D	Distance Between Roofline Offsets	24'	50'
E Roofs			
1	Roof Pitch (Gabled)	6:12	9:12
2	Roof Pitch (Hipped)	4:12	6:12
3	Eave Overhang		1'
F	Flat Roof Permitted	Permitted for building of more than 2 Stories	

### 618.6-1 Permitted Building Elements

§	Standard
A	Awnings P
B	Balconies P
C	Bay Windows P
D	Dormers P
E	Cupolas P
F	Porches NP

P = Permitted, NP = Not Permitted

### 618.6-2 Massing and variation

- A. Buildings shall avoid long, uninterrupted walls or roof planes. Facades shall be broken up horizontally and vertically using material changes or offsets as prescribed in **Section 618.6**.
- B. Architectural elements that add visual interest to roofs, such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

### 618.6-3 Roofs

- A. Buildings shall have gabled, hipped, or flat roofs. Mansard roofs are prohibited.
- B. Where flat roofs are permitted, the rooftops must be visually articulated with a parapet or cornice.
- C. Gabled and hipped roofs shall provide overhanging eaves on all sides that extend 1 foot beyond the building wall.
- D. Building roofs are to be uncluttered. Vertical roof projections such as vents, stacks, elevator mechanical rooms, or roof-mounted equipment shall be integrated into the architecture. All penetrations through the roof (e.g. mechanical equipment or skylights) shall be organized in a manner that is integral to the architectural form of the building and completely screened from view by parapet walls or an approved enclosure. The screen shall reflect and complement the architecture of the building.

#### **618.6-4 Orientation**

- A. Building fronts shall be oriented to the primary street upon which the structure is sited.  
For corner lots, buildings should be oriented to both street fronts.
- B. Should a property have 60' feet or more of frontage onto a Commercial Street, the property should be oriented towards that frontage and the standards for that Frontage Type apply.

#### **618.6-5 Building Arrangement**

- A. Buildings shall be arranged and clustered to maximize opportunities for shared parking, circulation, loading, pedestrian walks, walls, and plazas.

#### **618.6-6 Building access**

- A. All buildings shall have pedestrian access on both the street frontage side of the building (front) and the off-street parking side (rear) of the building. Corner buildings shall have at least one entrance addressing each street front where possible.
- B. For mixed-use buildings, retail and residential entrances should be separated and differentiated in location as well as articulation so that there is a clear distinction between them.
- C. Pedestrian entrances fronting primary streets should be clearly defined and highly visible. Ground floor businesses and storefronts should use architectural features and/or pedestrian-oriented amenities at the street (e.g. display windows, awnings, canopies, overhangs, recessed/protruding).

#### **618.6-7 Windows and fenestration**

- A. There are to be no blank facades. All facades must provide windows as prescribed in **Section 618.7-4**.
- B. Windows shall be un-tinted. Mirrored or reflective glass is not permitted.
- C. Windows shall be vertically proportional to the size of the structure. Whenever possible, upper story windows shall be vertically aligned with lower story windows.
- D. Ground floor façades of retail, restaurant, and related uses facing a street shall have windows providing views of display areas and/or the building interior.
  1. These ground floor windows shall begin between 2 and 3 feet above ground level and end 10 feet above ground level.
  2. Display windows for ground floor storefronts shall not be blocked with merchandise or interior merchandise display.

#### **618.6-8 Ground floors**

- A. For multi-story buildings, the ground level façade should have a distinctive look from the façade of the floor levels above. This can be achieved by using different architectural elements such as cornice lines, building material changes, trim accents, lighting, awnings, and/or projections.
- B. All non-residential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 12 feet, excluding ground floor parking.

#### **618.6-9 Lighting**

- A. Facades shall be internally or externally illuminated. Lights should be properly shielded or recessed behind architectural features so they do not shine directly on or into a building on an abutting property. No light, except streetlights, shall shine directly onto public roads.
- B. Light fixtures attached to the exterior of any building shall be architecturally compatible with the surrounding area lighting.
- C. Decorative lighting, including but not limited to string lighting (e.g. bistro lights) and building or tree up-lighting, is permitted with approval from the Planning Board.

#### **618.6-10 Utilities Screening**

- A. All HVAC and telecommunication systems must be screened from public view and from view of adjacent properties. Screens must be designed to be architecturally compatible with the principal building.

### **618.7 FRONTOAGE REQUIREMENTS**

**618.7-1 Purpose.** Frontage Types are integral to creating the appropriate nexus between the public and private realms. They provide uniform rules for how a private building and public street interact, and help establish a vision for how a street or block should look and function. Such rules allow the vision and goals of the Township be realized over time through incremental development and changing architectural styles and materials.

**618.7-2 Intent.** Frontage requirements will provide for a substantial landscaped buffer, street trees, planters, and other streetscaping elements to protect pedestrians from automobile traffic and provide a pleasant pedestrian environment throughout the Village Commercial district. Wide sidewalks and active ground floor uses will encourage walkability and reduce the number of vehicle trips needed to visit the different uses within the VC district.

**618.7-3 Frontage types.** Frontage requirements are based on the type of roadway and character of proposed and adjacent land uses. There are two types of frontages within the Village Commercial District:

- A. Commercial Frontage. The Commercial Frontage Type is meant to create a safe and attractive pedestrian environment along corridors that have primarily commercial uses on the ground floor of buildings. This frontage type is characterized by wide sidewalks, with amenities such as planters, street trees, street lighting, and street furniture all present in the front yard. Businesses may have sidewalk cafés or pop-out café windows in the front or side yard to bring additional energy to the street front. Branding signage is permitted.
- B. Residential Frontage. The Residential Frontage Type creates a transition from the Village Center to nearby single-family neighborhoods. This frontage type contains some of the same streetscaping elements, including street trees and street lighting, but fewer public realm amenities than the Commercial Frontage Type. Front yards are primarily residential in character (e.g. front lawn, landscaping, and porches). Vehicular access is restricted to Commercial Frontage for any lot that contains both Commercial and Residential Frontage.

#### **618.7-4        Frontage Requirements**

The following standards shall be applied to all buildings, depending on the Frontage Type, as illustrated in **Figure 1**.

**Figure 1: Frontage Type Map**



#### FRONTAGE TYPE

§	Standard	Commercial Frontage	Residential Frontage
A	Ground Floor Use	Retail or "Active"	"Active"
B	Transparency, Ground Floor	60-75%	25%
C	Transparency, Upper Floors	40%	20%
D	Step back Required	N/A	N/A
E	Step back Requirements	N/A	N/A
F	Public Realm Elements		
1	Benches	1 every 100 linear feet	N/A
2	Bike Racks	1 per building entrance	N/A
3	Planters	Avg. 25' on center	N/A
4	Trash Receptacles	1 per 150 linear feet	N/A

#### **618.7-5 Commercial Frontage Requirements.**

- A. A 20-foot wide landscaped buffer shall be provided between the street curb and sidewalk. When a building fronts on a highway (per the Master Plan definition), the landscape buffer shall be increased to 40 feet. This buffer may consist of grasses, shrubs, and plantings. Street trees, planters, benches, and street lighting shall be located in this buffer.
- B. A 10-foot wide buffer shall be provided between the sidewalk and building façade. The buffer may consist of outdoor café seating, hardscaping, planters, low walls, fencing, decorative architectural elements, plantings, shrubs, ornamental grasses, or similar landscaping.
- C. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet.
- D. Outdoor cafes are permitted in the front or side yard, provided that a minimum of 5 feet of pedestrian clearance is provided for sidewalks and entrances remain unimpaired. Pop-out café windows are encouraged.
- E. Plazas are permitted to front onto the street and must include amenities such as fountains, public art, gazebos, shade trees/structures, trash receptacles, benches, lights, trellises, or other similar features. All plazas are subject to Planning Board approval.
- F. Public open spaces including plazas, pedestrian walkways, and outdoor cafes must front on a public street.
- G. Street furniture shall be decorative, functional, properly scaled to the space, and consistent in style with the street furniture in this and surrounding district. All street furniture shall be subject to Planning Board approval.

#### **618.7-6 Residential Frontage Requirements**

- A. A 20-foot wide landscaped buffer shall be provided between the street curb and sidewalk. This buffer may consist of grasses, shrubs, plantings, green infrastructure, and/or pervious pavers. Street trees and street lighting shall be located in this buffer.
- B. A front yard a minimum of 10 feet in depth shall be provided between the sidewalk and the building. The front yard shall not be hardscaped, except for areas designated for pedestrian or vehicular circulation. Front yard landscaping may consist of natural grass lawns, decorative grasses, shrubs, plants, and decorative rocks or stones.
- C. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10

feet.

#### **618.8 STREET TREES**

- A. Street trees shall be provided along all existing or proposed public streets along the public frontage and are in addition to other required plantings (Section 618.10).
- B. Trees shall be spaced an average of 50 feet on center. To determine the required number of street trees, the linear frontage of public frontage shall be divided by the required planting interval, without deducting areas for driveway curb cuts or crosswalks. Trees shall be planted as evenly as possible given site constraints such as driveways or crosswalks.
- C. Tree pits shall be at least one-third (1/3) larger in width and in depth than the existing root ball of the particular tree to be planted.
- D. Acceptable tree species shall be no more than 25 feet at mature height to reduce conflicts with overhead utility lines.

#### **618.9 STREET LIGHTING**

- A. Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public, as well as one for every 70 feet of street frontage. Pedestrian light fixtures shall have a maximum mounting height of 14 feet.
- B. All lighting fixtures shall utilize HADCO Decorative Lighting – Contempo II mounted on a HADCO Contempo decorative pole – or approved equal.
- C. All lighting designs and installations are subject to review and approval by the Township Engineer.

#### **618.10 LANDSCAPING**

- A. All landscaping is subject to approval and maintenance requirements as outlined in Sections 1001.1 and 1001.2.
- B. Landscaping is required in all designated setback/buffer areas, parking lots, and areas around buildings not used for ingress/egress. The type of landscaping required/permitted based on frontage type.
- C. Landscaping is permitted to be integrated with other site design elements, where appropriate, such as paths and walkways, foundations, water features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.
- D. Plantings shall be drought tolerate, noninvasive, and native species.

#### **618.11 PARKING LOT LANDSCAPING**

- A. All parking lots shall provide a minimum of 150 square feet of planted area per every ten

parking spaces. Subject to the approval of the Planning Board, these planted areas may be single or double bay planting islands, diamond tree pits, or planting medians.

- B. Planting areas shall be a minimum of 4 feet wide and contain a minimum of one (1) shade tree along with shrubs, ground cover, grasses and/or perennials, so as to cover the entire area when installed.
- C. Islands shall be placed opposite each other in adjacent rows of parking in order to reduce the number of raised islands and increase the area available for tree roots.
- D. The last parking stall in a row shall be separated from drive aisles by a planting island with a minimum width of nine (9) feet.
- E. All shrubs and trees shall be set back a minimum of three (2) feet from the edge of the planting area for sight line and safety purposes.
- F. Low-impact development techniques, such as open grid pavers, porous asphalt, pervious concrete, or precast pervious concrete slabs are encouraged, subject to approval of the Planning Board.
- G. For parking lot areas with greater than five hundred (500) square feet of planted area, planted areas may include bioswales, rain gardens, and other green stormwater management techniques that direct, collect, and filter water naturally from the parking lot and its surrounding hardscape, subject to approval of the Planning Board.

## **618.12 BUFFERS**

**618.12-1** Purpose. The primary purpose of buffers is to eliminate views and minimize adverse impacts from traffic, noise, and glaring light from adjacent areas.

### **618.12-2** General Requirements

- A. Buffer plantings shall be provided in addition to other landscaping as required by **Section 618.10**.
- B. Buffers are required in the following locations:
  1. Along edges where abut adjacent single-family residential zones or uses.
  2. Along all lot lines separating any building from utility or telecommunication equipment.
  3. Along property lines that abut conservation areas
- C. Buffer widths shall be in addition to any required building setbacks.
- D. The location and design of buffers shall consider the building being screened, its distance from the lot line and differences in elevations grade.
- E. No structure, activity, storage of materials, or parking of vehicles shall be permitted within a

buffer.

F. Buffers shall be identified on site and subdivision plans.

**618.12-3** Along edges that abut single-family residential zones or uses, buffers shall be a minimum of 10 feet.

A. Buffers shall consist of a combination of shade/ornamental trees, shrubs, ornamental grasses, and/or other plantings.

B. Decorative fencing or a masonry wall may be permitted, subject to Planning Board approval.

Fences shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.

**618.12-4** Buffers along lot lines, utilities, or telecommunication equipment shall have a minimum width of five (5) feet and consist of a living fence, comprised of a combination of:

A. Shrubs, ornamental grasses, and/or other plantings; and

B. Decorative fencing or a masonry wall. Fences shall have a minimum height of six (6) feet and a maximum height of eight (8) feet. Buffers shall be designed to achieve 80% opacity within a height of six (6) feet after five (5) years growth.

**618.12-5** Buffers/setbacks along edges adjacent to conservation areas shall conform Federal, State and local laws for environmentally regulated spaces.

A. All buffers along natural areas shall use the existing tree line as a natural buffer to the greatest extent possible.

B. All natural areas shall be protected by a conservation easement and shall not violate any Federal, State, and/or local regulations governing these areas.

### **618.13 FENCES AND WALLS**

A. Fences and walls are to be used solely for the screening and buffering purposes provided in other sections of this chapter, in addition to their use on the perimeter of private patios and courts, recreational areas and other sensitive areas deemed appropriate by the Planning Board. All approved fences and walls shall be designed as integrated parts of the overall architectural and site designs.

B. Chain link fences are prohibited. Permitted fence styles include wrought iron, board-on-board and other decorative styles approved by the Planning Board.

C. Concrete masonry unit/cinder block wall veneers are prohibited. Permitted wall veneer materials include brick, polished or unfinished stone, architectural paneling and other materials approved by the Planning Board.

D. Fences and walls shall not be located where they impede pedestrian or bicycle circulation through or between site areas.

- E. No hedge, wall or fence of any type shall be erected or maintained if it is deemed a safety hazard by obstructing the view of motorists.
- F. Fences and walls not used for buffering purposes shall have a maximum height of six (6) feet.

## **618.14 PARKING STANDARDS**

Off-street parking standards shall comply with the requirements of Article 8 of the Land Development Code, except as modified herein.

### **618.14-1 Off-street Parking Standards**

- A. Off-street surface parking lots shall be located to the rear of principal buildings or to the side. Surface parking shall not be located between a building and a street.
- B. Parking shall comply with all setback requirements. Under no conditions shall parking in the side yard be located ahead of the front façade of the building.
- C. Parking that is visible from the public street or adjacent residential use shall be sufficiently screened with a combination of fencing, shrubs, trees, and/or plantings.
- D. Parking may be located on the ground floor of a building but may not front on a public street.

### **618.14-2 Shared Parking**

- A. All developments shall provide a shared parking access easement to adjoining properties within the VC district for vehicular circulation between properties and access to shared off-street parking areas.
- B. Property owners are permitted to reduce the required number of parking spaces by up to 25% for mixed-use buildings or creating shared parking between adjacent uses. Property owners shall comply with the provisions of Section 803 when applying for a reduction in the required number of parking spaces.

## **618.15 CIRCULATION STANDARDS**

### **618.15-1 Vehicular Circulation.**

- A. Where necessary, one ingress/egress driveway shall be permitted every 200 feet of street frontage.
- B. Wherever possible, driveways closer than 50 feet to intersections should be avoided.
- C. Driveways shall be 12 feet wide for one-way access and 24 feet for two-way access. Driveways shall not exceed 24 feet in width unless deemed necessary for safe pedestrian and vehicular circulation.
- D. Curb Cuts. New curb cuts shall only be permitted if it is demonstrated:
  1. Access is not possible from a side street,
  2. Access cannot be gained through a shared drive with a neighboring property, or

3. Access cannot be gained through a cross easement with a neighboring property.

**618.15-2 Pedestrian Circulation.**

- A. Sidewalks shall be required to connect the street frontage to all front building entrances, parking areas, plazas, other usable open space areas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations.
- B. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet. In all other areas, sidewalks shall have a minimum unimpeded width of 5 feet.
- C. Sidewalks and pedestrian plazas shall be constructed of durable, attractive materials like brick, stone, pavers, or stamped concrete. Sidewalk materials shall be continued across curb cuts where possible.
- D. All pedestrian crossings on roads or in parking areas shall use material differences or markings (e.g. inlaid thermal plastic, paint, stamped concrete, pavers) that make them easy to view and distinguish them from the rest of the roadway.

**618.16 STORMWATER MANAGEMENT AND ENVIRONMENTAL DESIGN**

**618.16-1** Stormwater Management. Developments that cannot comply with the requirements of Article 6 of the Land Development Ordinance regarding stormwater management are permitted to seek a variance or waiver of the regulations provided an acceptable mitigation plan is submitted and approved. Criteria for acceptable mitigation plans are specified in the Green Brook Township Stormwater Management Plan.

**618.16-2** Environmental Design. The following environmentally sustainable features are permitted to be incorporated into the site and building design of any new or existing development:

- A. Solar panels (electric and hot water)
- B. Skylighting that allows building to take advantage of natural light during the day and natural heat during cold months
- C. Solar screening that allows for natural cooling during warm months
- D. Green or vegetative roofs
- E. Highly reflective and highly emissive roofing material
- F. Greywater systems such as cisterns and rain barrels for use in landscape irrigation and toilets
- G. Drought tolerant, noninvasive, native landscape species
- H. Porous pavement
- I. Light emitting diode (LED) lighting
- J. Bioswales and rain gardens

**Section 5.** “The Zoning Ordinance Of The Township Of Green Brook”, Article 6 “Zone District Regulations”, is hereby amended by adding the following, Section 619 “Residential/Office Village Commercial District”.

## **619 RESIDENTIAL/OFFICE VILLAGE COMMERCIAL DISTRICT**

### **619.1 GENERAL**

#### **619.1-1 Vision/Purpose**

The Residential/Office Village Commercial District is intended to create a transition zone between the Village Commercial District and nearby neighborhoods. The district regulations allow for a mix of office and residential uses to provide an opportunity for new office uses to find a home in the Village at Green Brook without substantially changing the built character of the area. These standards are also intended to extend a safe and comfortable pedestrian network from other areas of the Village into adjacent neighborhoods and civic amenities.

#### **619.1-2 Applicability**

- A. The standards of this section are applicable to all properties within the boundaries of the Residential/Office Village Commercial (RVC) zoning district as shown on the official zoning map of the Township of Green Brook (see Section 202). Said location and boundaries have been selected to be consistent with the policies in the Master Plan.
- B. The standards of this section have been designed to be applicable to all developments, re-developments, and infill developments within the boundaries of the designated district that are subject to Land Use Board approval.
- C. The Form and Design Standards contained in **Section 619.6** are applicable to all structures within the district.
- D. Nothing in this section shall be deemed to permit any lands, buildings, structures, or development in any area not permitted by the New Jersey Department of Environmental Protection, or any other agency, which may be given authority over such matters, pursuant to the Flood Hazard Area Control Act N.J.S.A. 58:16A.

### **619.2 USES**

#### **619.2-1 Permitted Uses**

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##### **§ USES**

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**A COMMERCIAL SERVICES**

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1	Business offices	P
2	Home professional offices	P
3	Medical offices	P
4	No-impact home based offices	P
5	Professional offices	P

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P = Permitted

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**619.2-2 Conditional Uses**

E. Residential uses are permitted on the condition that they occur in one of the permitted building types. For a list of permitted building types, see **Section 619.3 PERMITTED BUILDING TYPES**. Residential uses permitted within a specific Building Type shall conform to the standards provided in the Building Type definitions. To identify building types that permit residential uses, see the definition of building types in **Section 301 DEFINITIONS**.

**619.2-3 Permitted Accessory Uses**

- A. Home professional offices and/or no-impact home based offices are permitted above private garages associated with single-family detached houses, or in freestanding garage or storage structures. There is a limit of one home office per principal dwelling units.
- B. Private garages, as an incidental structure secondary to a residential use
- C. Signs, subject to the provisions of **Article 9**
- D. Fences and landscaping, subject to the provisions of **Article 10**
- E. Other normal, incidental residential secondary structures such as private garages, tool sheds, swimming pools, outdoor barbecues, fireplaces, trellises, lampposts, or the like.
- F. Off-street parking facilities, subject to the provisions of **Article 8**
- G. Open decks and raised patios

**619.2-4 Prohibited Uses**

Any use not explicitly permitted is prohibited, including, but not limited to:

- A. Check Cashing businesses
- B. Massage Parlors
- C. Kennels
- D. Uses requiring storage or display of goods outside a fully enclosed building
- E. Lumber yards
- F. Sexually oriented businesses

- G. Tattoo, body piercing or branding establishments
- H. Manufacturing and other commercial uses deemed to be hazardous in the building code
- I. Auto-oriented businesses
- J. Drive-through establishments
- K. Pawn Shops
- L. Funeral Homes
- M. Hotels/Motels

### **619.3 PERMITTED BUILDING TYPES**

Definitions for the following building types can be found in Section **619.3-1**. The following table identifies which building types are permitted on each Frontage Type within the Residential/Office Village Commercial District. For more information on Frontage Types, see Section **619.7**. For a map of frontage types, see **Figure 1**.

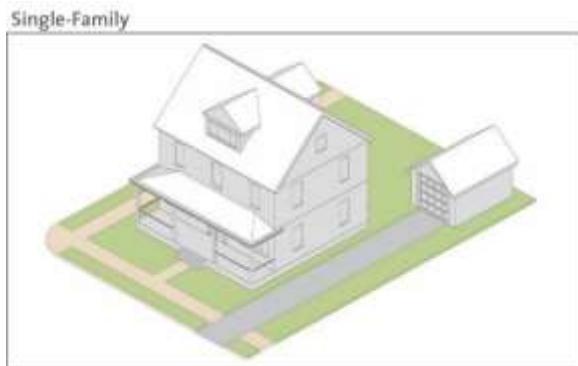
**Figure 1: Frontage Type Map**



§	Building Types	Residential Frontage
A	Civic	NP
B	Mid-rise, residential	NP
C	Mixed-use	NP
D	Pedestrian-accessible commercial	NP
E	Single-Family detached	P

P = Permitted, NP = Not Permitted

### 619.3-1 Building Types



**Single-Family Detached Building.** A detached single family home on its own individual lot, originally designed to be used exclusively by one family. Depending on the zone, non-residential uses, such as a home based occupation or professional offices, may be permitted to occupy this type of structure.

## 619.4 LOT REQUIREMENTS

Minimum lot requirements for all building types permitted in the RO district are as follows:

§	Standard
A	Minimum Lot Width 40'
B	Minimum Lot Depth 80'
C	Minimum Lot Size 3,200 ft <sup>2</sup>
D	Building Coverage 25%
E	Impervious Coverage 35%

## 619.5 SETBACKS

§	Standard
A	Front Yard Setback 50' min
B	Side Yard Setback 5' min.
C	Rear Yard Setback 25' min.
D	Parking Setback from Build-to Line 10' min.
E	Accessory Structure Setback from Build-to Line 25' min.

### 619.5-1 Setbacks and Encroachments

- A. Free standing private garages, garden sheds, decks, porches, patios, and other similar structures must respect setback requirements.
- B. Awnings, upper floor balconies, and bay windows may encroach into setbacks up to 3 feet.

## 619.6 FORM STANDARDS

§	Standard	MIN	MAX
A	Building Height	35' / 2½ stories	
B	Ground Floor Height	10'	
C	Finished Floor Elevation	18"	
D	Distance Between Vertical Breaks	10'	24'
E	Distance Between Roofline Offsets	10'	40'
F	Roofs		
1	Roof Pitch (Gabled)	6:12	9:12
2	Roof Pitch (Hipped)	4:12	6:12
3	Eave Overhang	1'	
F	Flat Roof Permitted	Not Permitted	

### 619.6-1 Permitted Building Elements

§	Building Elements
A	Awnings NP
B	Balconies P
C	Bay Windows P
D	Dormers P
E	Cupolas NP
F	Porches P

P = Permitted, NP = Not Permitted

### 619.6-2 Massing and variation

- A. Buildings shall avoid long, uninterrupted walls or roof planes. Facades and rooflines shall be

broken up vertically using material changes or offsets as prescribed in Section 619.6.

- B. Architectural elements that add visual interest to roofs, such as dormers, masonry chimneys, and other similar elements are encouraged.

#### **619.6-3 Roofs**

- A. Buildings shall have gabled or hipped roofs. Mansard roofs are prohibited.
- B. Gabled and hipped roofs shall provide overhanging eaves on all sides that extend 1 foot beyond the building wall.
- C. Building roofs are to be uncluttered. Vertical roof projections such as vents, stacks, elevator mechanical rooms, or roof-mounted equipment shall be integrated into the architecture. All penetrations through the roof (e.g. mechanical equipment or skylights) shall be organized in a manner that is integral to the architectural form of the building and completely screened from view by parapet walls or an approved enclosure. The screen shall reflect and complement the architecture of the building.

#### **619.6-4 Building Orientation**

- A. Building fronts shall be oriented to the primary street upon which the structure is sited.

#### **619.6-5 Pedestrian Access**

- A. All building fronts shall have a primary pedestrian access (i.e. a front door) that fronts onto the primary street.

#### **619.6-6 Windows**

- A. There are to be no blank facades. All facades must provide windows as prescribed in **Section 619.7-4**.
- B. Windows shall be un-tinted. Mirrored or reflective glass is not permitted.
- C. Windows shall be proportional to the size of the structure. Whenever possible, upper story windows shall be vertically aligned with lower story windows.

#### **619.6-7 Lighting**

- A. Facades may be internally or externally illuminated. Lights should be properly shielded or recessed behind architectural features so they do not shine directly on or into a building on an abutting property. No light, except streetlights, shall shine directly onto public roads.
- B. Light fixtures attached to the exterior of any building shall be architecturally compatible with the primary structure.

#### **619.6-8 Utilities Screening**

- A. All HVAC and telecommunication systems must be screened from public view and from view of adjacent properties. Screens must be designed to be architecturally compatible with

the principal building.

## **619.7 FRONTOAGE REQUIREMENTS**

### **619.7-1 Purpose**

Frontage Types are integral to creating the appropriate nexus between the public and private realms. They provide uniform rules for how a private building and public street interact, and help establish a vision for how a street or block should look and function. Such rules allow the vision and goals of the Township be realized over time through incremental development and changing architectural styles and materials.

### **619.7-2 Intent**

Frontage requirements will provide for a substantial landscaped buffer, street trees, planters, and other streetscaping elements to protect pedestrians from automobile traffic and provide a pleasant pedestrian environment throughout the Residential/Office Village Commercial District. Wide sidewalks and streetscaping will encourage walkability and reduce the number of vehicle trips needed to visit the different uses within and around the district. The frontage requirements for the Residential/Office Village Commercial District are presented in a similar format to the Village Gateway and Village Commercial District standards for consistency.

**619.7-3** Frontage types. Frontage requirements are based on the type of roadway and character of proposed and adjacent land uses. There is one frontage type within the Residential/Office Village Commercial District:

- A. Residential Frontage. The Residential Frontage Type creates a transition from the Village Center to nearby single-family neighborhoods. This frontage type contains some of the same streetscaping elements, including street trees and street lighting, but fewer public realm amenities than the Commercial Frontage Type. Front yards are primarily residential in character (e.g. front lawn, landscaping, and porches).

### **619.7-4 Frontage Requirements**

The following standards shall be applied to all buildings, depending on the Frontage Type, as illustrated in **Figure 1**.

**Figure 1: Frontage Type Map**



§	Standard	Residential Frontage
A	Transparency, Ground Floor	25%
B	Transparency, Upper Floors	20%
C	Step back Required	N/A
D	Step back Requirements	N/A
E	Public Realm Elements	
1	Benches	N/A
2	Bike Racks	N/A
3	Planters	N/A
4	Trash Receptacles	N/A

#### 619.7-5 Residential Frontage Requirements

- A 10 foot wide landscaped buffer shall be provided between the street curb and sidewalk. This buffer may consist of grasses, shrubs, plantings, green infrastructure, and/or pervious pavers. Street trees and street lighting shall be located in this buffer.
- A front yard a minimum of 10 feet in depth shall be provided between the sidewalk and the

building. The front yard shall not be hardscaped, except for areas designated for pedestrian or vehicular circulation. Front yard landscaping may consist of natural grass lawns, decorative grasses, shrubs, plants, and decorative rocks or stones.

- C. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet.

#### **619.8 STREET TREES**

- D. Street trees shall be provided along all existing or proposed public streets along the public frontage and are in addition to other required plantings (Section 619.10).
- E. Trees shall be spaced an average of 50 feet on center. To determine the required number of street trees, the linear frontage of public frontage shall be divided by the required planting interval, without deducting areas for driveway curb cuts or crosswalks. Trees shall be planted as evenly as possible given site constraints such as driveways or crosswalks.
- F. Tree pits shall be at least one-third (1/3) larger in width and in depth than the existing root ball of the particular tree to be planted.
- G. Acceptable tree species shall be no more than 25 feet at mature height to reduce conflicts with overhead utility lines.

#### **619.9 STREET LIGHTING**

- A. Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public, as well as one for every 70 feet of street frontage. Pedestrian light fixtures shall have a maximum mounting height of 14 feet.
- B. All lighting fixtures shall utilize HADCO Decorative Lighting – Contempo II mounted on a HADCO Contempo decorative pole – or approved equal.
- C. All lighting designs and installations are subject to review and approval by the Township Engineer.

#### **619.10 LAND SCAPING**

- A. All landscaping is subject to approval and maintenance requirements as outlined in Sections 1001.1 and 1001.2.
- B. Landscaping is required in all designated setback/buffer areas, parking lots, and areas around buildings not used for ingress/egress. The type of landscaping required/permitted based on frontage type.
- C. Landscaping is permitted to be integrated with other site design elements, where appropriate, such as paths and walkways, foundations, water features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.

D. Plantings shall be drought tolerate, noninvasive, and native species.

## **619.11 PARKING STANDARDS**

Off-street parking standards shall comply with the requirements of Article 8 of the Land Development Code, except as modified herein.

i. **Off-street Parking Standards**

- A. Off-street parking spaces, excluding private driveways and attached garages, shall be located to the rear of principal buildings or to the side. Surface parking shall not be located between a building and a street.
- B. Off-street surface parking shall comply with all setback requirements. Under no conditions shall parking in the side yard be located ahead of the front façade of the building.

ii. **Shared parking.** Shared parking is encouraged for adjacent office uses that require daily visitor parking. Property owners may provide a shared parking access easement to adjoining properties to accommodate shared parking lots.

## **619.12 CIRCULATION STANDARDS**

iii. **Pedestrian Circulation**

- A. Along public street frontages, sidewalks shall have a minimum unimpeded width of 10 feet. In all other areas, sidewalks shall have a minimum unimpeded width of 5 feet.
- B. Sidewalks and pedestrian plazas shall be constructed of durable, attractive materials like brick, stone, pavers, or stamped concrete. Sidewalk materials shall be continued across curb cuts where possible.
- C. All pedestrian crossings on roads or in parking areas shall use material differences or markings (e.g. inlaid thermal plastic, paint, stamped concrete, pavers) that make them easy to view and distinguish them from the rest of the roadway.

## **619.13 ENVIRONMENTAL DESIGN**

- A. The following environmentally sustainable features are permitted to be incorporated into the site and building design of any new or existing development:
  1. Solar panels (electric and hot water)
  2. Skylighting that allows building to take advantage of natural light during the day and natural heat during cold months
  3. Solar screening that allows for natural cooling during warm months
  4. Highly reflective and highly emissive roofing material
  5. Greywater systems such as cisterns and rain barrels for use in landscape irrigation and

- toilets
- 6. Drought tolerant, noninvasive, native landscape species
- 7. Porous pavement
- 8. Light emitting diode (LED) lighting

## **620. AFFORDABLE HOUSING DISTRICT -AHD 5 DISTRICT.**

### **620.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for lower-income families to meet the existing and anticipated housing needs of such persons, to maintain a socio-economic mix in the community, to provide a range of housing types dispersed throughout the community and to satisfy the Township's obligation to provide a fair share of the region's housing needs, the Township Committee has determined that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

### **620.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:93, as the same may be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control.

**620.2-1 Affordable Housing** - A dwelling unit with a sales price or rent within the means of a low or moderate-income household as defined N.J.A.C. 5:93.

**620.2-2 Inclusionary development** means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low, very low and moderate-income households.

### **620.3 AFFORDABLE HOUSING DISTRICT 5. [AHD 5]**

**620.3-1 Block 122, Lots 1, 3, 4 and 4.01 .** Should any portion of the above parcels be subdivided from the overall tract for any purpose other than an inclusionary development, that portion shall be excluded from the tract area for the purpose of calculating density.

**620.3-2 Affordable Housing Projects.** The tract specified in Section 620.3-1 may be developed with up to a maximum of 6.0 units per acre for sale or rent on the condition that at least 20% of the units are

reserved for affordable housing units. All affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1, et seq., the Township's Housing Element and Fair Share Plan, and applicable laws, with regards to moderate, low and very-low income qualification percentages, bedroom count distribution, location within the development, and other applicable requirements of law. Occupancy of units shall be subject to the requirements set forth in the Developer's Agreement for each project.

### **620.3-3 Permitted Uses.**

#### **620.3-3.1 Multi-family dwellings, townhouses, or stacked townhouses.**

(a) "Stacked townhouse" shall mean a one-family dwelling unit attached in a row of at least three such units in which each unit has its own access to the outside, and each unit is separated from any other unit by one or more vertical and horizontal common fire-resistant walls or other such common wall system or floor/ceiling assemblies as may be approved by the Township Code Enforcement Officer.

(b) "Townhouse" shall mean a one-family dwelling unit attached in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls or other such common wall system as may be approved by the Township Code Enforcement Officer.

(c) "Residential Apartments or Flats" shall mean any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the same, or a residence of three or more families living independently of each other and doing their own cooking in such building. The term includes flats and apartments.

#### **620.3-3.2 Two-family dwellings, including both side-by side and duplex (one over an-other) style dwellings.**

#### **620.3-3.3 Public or private parks and playgrounds.**

#### **620.3-3.4 Public or private recreation buildings and facilities.**

### **620.3-4 Permitted Accessory Uses.**

#### **620.3-4.1 Garages and off-street parking facilities.**

#### **620.3-4.2 Storage and maintenance buildings.**

**620.3-4.3 Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, cable T.V. services, gazebos, clustered mailboxes,**

school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**620.3-4.4 Signs:** One (1) Non-illuminated or Externally illuminated Development name sign , not exceeding 30 square feet each side, no taller than 6 feet, setback a minimum of 15 feet from any property line.

### **620.3-4.5 Public utility infrastructure including water holding tank and pumping station facilities.**

### **620.3-5 Area and Bulk Requirements.**

**620.3-5.1** For purposes of calculating density, the AHD 5 zone is excluded from the provisions of Section 423 of the Zoning Ordinance.

**620.3-5.2** The lot area for the dedication of right of way for public streets shall not be excluded from the gross lot area for the purpose of calculating density.

## Bulk requirements.

(a) There shall be the following minimum distances between principal buildings:

Windowless wall to windowless wall	20 feet
Window wall to windowless wall	40 feet
Window wall to window wall front to front	40 feet
Rear to rear	40 feet
Rear to end	20 feet

(b) Any building face to private street curb face or edge of pavement 20 feet

(c) Any building face to a public right of way 25 feet

(d) Any building face except garage face to common parking area 20 feet

(e) Coverage: The maximum coverage by buildings in the AHD 5 shall not exceed three (3) stories.

percent of the tract area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent of the tract area.

(f) Buffer areas: No building, parking areas and their associated driveways shall be located within thirty (30) feet of any tract boundary line, excluding any access driveways and public streets.

(1) Within the thirty-foot (30) wide buffer area a variety of plants shall be installed.

Buffer plantings shall consist of a combination of shade trees, evergreen trees and shrubs to

provide a natural looking buffer.

(2) One (1) shade tree shall be planted for every one hundred fifty (150) linear feet of buffer. Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.

(3) One (1) evergreen tree shall be planted for every fifty (50) linear feet of buffer.

Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.

(4) Twenty (20) shrubs shall be planted for every seventy-five (75) linear feet of buffer. Shrubs shall be planted at a minimum of thirty-six (36) inches in height. Fifty percent (50%) of shrubs shall be evergreen.

(5) Existing trees within the proposed buffer areas that are healthy shall be maintained and may be counted toward the planting requirements.

(6) Proposed buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

(g) Building height:

Residential Buildings: No building shall exceed three (3) stories in height.

Walkout basement conditions shall not constitute a “story” for purposes of this subsection.

Notwithstanding the definition of “building height” in Ordinance Section 301.7, no building shall exceed forty-two (42) feet in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed fifty-one (51) feet in height from the finished grade along the downhill side of the building.

(h) No building or group of attached buildings shall contain more than thirty-five (35) residential units.

(i) No building shall exceed a length of two hundred and ten (210) feet.

(j) Accessory buildings, shall meet the same bulk requirements as the principal buildings.

(l) No accessory building shall be more than one story and the maximum height of an accessory building shall be sixteen (16) feet from average grade to mid-point of pitched roof.

Recreational buildings and facilities shall be governed by the height limitations for principal buildings.

(m) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least ten (10) feet in width and twenty (20) feet in depth. Each group of attached garages shall have a joint capacity of not more than

twelve (12) automobiles arranged in a row, and there shall be a minimum distance of ten (10) feet between garage structures.

- (n) Cable T.V. is to be encouraged. If not provided, exterior television antennae/satellite dish shall be limited to one (1) master antenna/satellite dish per building. Master antenna/satellite dishes shall be screened from view from any public right-of-way.
- (o) One or more completely enclosed but unroofed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations. Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures. Garbage and refuse areas shall comply with the Land Development Ordinance, Section 712.

**620.3-6**      Connections between uses: Direct pedestrian connections between buildings within the tract and between properties that are at the boundary of the tract with properties in the adjoining district are required. Such connections include connections between street sidewalks and non-residential uses, connections between parking areas of accessory uses, and connections between residential uses and existing residential neighborhoods located within or adjacent to the district.

## **620.4 ACCESS**

Hauser Lane shall be improved to meet the cartway width of the RSIS requirements for Rural Street, with no parking, 20' wide, with curbing, and sidewalk on one side of the street. This uniform roadway section shall be extended to Mountain Boulevard.

## **620.5 UTILITIES**

The project shall be served by public water and sewer. The sanitary sewer shall be extended to the centerline of Wischer Lane and terminate at a manhole with pipe stubs to the north and south. Pipe stubs are to be capped. The sanitary line shall be sized to accommodate the full development of the sewer service area upstream of the property that flows to the Middlesex County Utility Authority.

## **620.6. CONVERSION OF RENTAL UNITS.**

Units offered as rental units shall comply with the applicable provisions of the New Jersey Administrative Code.

**620.7. CONSTRUCTION IN ENVIRONMENTALLY SENSITIVE AREAS.** Affordable units shall not be constructed on (a) wetlands as delineated with an approved LOI (Letter of Interpretation) issued by the *New Jersey Department of Environmental Protection*; (b) flood hazard areas as defined in N.J.A.C. 7:13; and (c) slopes in excess of 20 percent.

**620.8 INTEGRATION OF UNITS:** Pursuant to N.J.A. C. 5:97-6.4(f), to the maximum extent feasible, the affordable units shall be fully integrated into development with the market units.

**620.9 PROCEDURE FOR APPROVAL OF INCLUSIONARY HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

**620.9-1 Application Procedure.** An application for an inclusionary housing development shall be considered as a planned residential development and is to be processed through the major site plan procedure as set forth in *The Land Development Ordinance of the Township of Green Brook*, and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 4055D-45.

**620.10 AVAILABLE SEWER CAPACITY AND PUBLIC UTILITIES.**

All applications seeking to utilize the density provisions of this Article shall demonstrate to the Planning Board the availability of sanitary sewers, public water, and all other utilities, with adequate capacity to accommodate the needs of the entire project. The applicant shall provide to the Planning Board all information required by *Sections 702.5 and 702.6 of the Land Development Ordinance*.

**620.11 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an affordable housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance, and to comply with the implementing rules and regulations of the Green Brook Affordable Housing Plan. Such instrument shall be in recordable form, known as a Developer's Agreement, and shall be subject to approval by the Township Attorney.

## **620.12 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of an inclusionary housing project, the following additional information shall be submitted to the Planning Board as a part of the application:

**620.12-1** Data on or accompanying the preliminary plat showing which dwellings are to be very low income units, which will be low income units and which will be moderate income units; location, floor area and layout of the affordable units and of all other units.

**620.12-2** If a development is to be constructed in phases, a staging plan setting forth the exact units to be included in each phase and specifying the number, location, number of bedrooms, and whether the units will be owner or renter occupied for the affordable units.

**620.12-3** An application involving an inclusionary development in the Affordable Housing District [AHD] which is proposing to provide rental units, (*See Section 620.3-2*) shall set forth necessary details to show the location and method of providing such rental housing units to be included in the development (*See N.J.A.C. 5.93-5:14*)

**620.12-4** A form of the proposed covenants and restrictions, including provisions to assure that any affordable units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent sales and rentals of affordable units will also be subject to the requirements of this ordinance.

**620.12-5** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

## **620.13 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

## **620.14 PLANNING BOARD WAIVERS AND VARIANCES.**

**620.14-1** When hearing applications for affordable housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**620.14-2** The Planning Board shall not have jurisdiction to approve affordable housing projects in a district restricted against such affordable housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per net area of land to be developed.

## **620.15 REDUCTION OF DEVELOPMENT FEES.**

Affordable housing applications made under this article shall be entitled to the elimination of fees for that portion of the subdivision fees, site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with *Article 11 of The Land Development Ordinance*, and Construction Permit fees, related to any affordable units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

## **620.16 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not construct and lease or sell the affordable units in accordance with an approved plan for an Affordable Housing Project, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

# **621. AFFORDABLE HOUSING DISTRICT -AHD 6 DISTRICT.**

## **621.1 STATEMENT OF PURPOSE.**

In order to provide housing opportunities for affordable households and to satisfy the Township's obligation to provide a fair share of the region's housing needs, the Township Committee has determined that the provisions of this Section shall be added to and form part of the zoning regulations of the Township of Green Brook.

## **621.2 DEFINITIONS.**

Words and terms in this ordinance shall be deemed to have the meaning and definition as set forth in the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C 5:93, as the same may be amended and supplemented, and in the event of any conflict, the definitions in said Substantive Rules shall control.

**621.2-1 Affordable Housing** - A dwelling unit with a sales price or rent within the means of a low or moderate-income household as defined N.J.A.C. 5:93.

**621.2-2 100% affordable development** means a residential housing development in which all of the

housing units, except a unit reserved for a Superintendent, are deed restricted for occupancy by affordable households.

### **621.3 AFFORDABLE HOUSING DISTRICT 6. [AHD 6]**

**621.3-1** Block 76, Lot 30. Should any portion of the aforementioned parcel be subdivided from the overall tract for any purpose other than a 100% affordable development, that portion shall be excluded from the tract area for the purpose of calculating density.

**621.3-2 Affordable Housing Projects.** The tract specified in Section 621.3-1 may be developed with up to a maximum of 55 family rental units plus one (1) unit to be reserved for an on-site Superintendent, on the condition that 55 units are deed restricted as family rental affordable housing units. All affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1, et seq., the Township's Housing Element and Fair Share Plan, and applicable laws, with regards to moderate, low and very-low income qualification percentages, bedroom count distribution, and other applicable requirements of law. Occupancy of units shall be subject to the requirements set forth in the Developer's Agreement for each project.

### **621.3-3 Permitted Uses.**

**621.3-3.1** Multi-family residential apartment buildings.

(a) "Multi-Family Residential Apartment Buildings" shall mean any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the same, as a residence of for multiple families living independently of each other and doing their own cooking in such building.

**621.3-3.3** Public or private parks and playgrounds.

**621.3-3.4** Public or private recreation buildings and facilities.

### **621.3-4 Permitted Accessory Uses.**

**621.3-4.1** Garages and off-street parking facilities.

**621.3-4.2** Storage and maintenance buildings.

**621.3-4.3** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises, cable T.V. services, gazebos, clustered mailboxes, school bus shelters, utility structures such as holding tanks and pumping stations, recycling container structures and the like.

**621.3-4.4 Signs:** One (1) Non-illuminated or Externally illuminated Development name sign, not exceeding 30 square feet each side, no taller than 6 feet, setback a minimum of 15 feet from any property line.

**621.3-4.5** Public utility infrastructure including pumping station facilities.

**621.3-5 Area and Bulk Requirements.**

**Bulk requirements.**

(a) There shall be the following minimum distances between principal buildings:

Windowless wall to windowless wall	20 feet
Window wall to windowless wall	40 feet
Window wall to window wall front to front	40 feet
Rear to rear	40 feet
Rear to end	20 feet

(b) Any building face to private street curb face or edge of pavement 10 feet

(c) Any building face to an Arterial Street (Route 22) right of way 25 feet

(d) Any building face to a Local Street right of way 35 feet

(e) Any building face except garage face to common parking area 5 feet

(f) Coverage: The maximum coverage by buildings in the **AHD 6 District** shall not exceed thirty (30%) percent of the tract area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed sixty (60%) percent of the tract area.

(g) Buffer areas: No building, parking areas and their associated driveways shall be located within ten (10) feet of any tract boundary line, excluding any access driveways and public streets.

(1) Within the ten-foot (10) wide buffer area a variety of plants shall be installed. Buffer plantings shall consist of a combination of shade trees, evergreen trees and shrubs to provide a natural looking buffer.

(2) One (1) shade tree shall be planted for every one hundred fifty (150) linear feet of buffer. Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.

(3) One (1) evergreen tree shall be planted for every fifty (50) linear feet of buffer.

Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.

- (4) Twenty (20) shrubs shall be planted for every seventy-five (75) linear feet of buffer. Shrubs shall be planted at a minimum of thirty-six (36) inches in height. Fifty percent (50%) of shrubs shall be evergreen.
- (5) Existing trees within the proposed buffer areas that are healthy shall be maintained and may be counted toward the planting requirements.
- (6) Proposed buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

(h) Building height:

Residential Buildings: No building shall exceed three (3) stories in height.

Walkout basement conditions and first-level parking garages shall not constitute a “story” for purposes of this subsection. Notwithstanding the definition of “building height” in Ordinance Section 301.7, no building shall exceed forty-two (42) feet in height to the top of the ridge line when measured from the finished grade along the uphill side of the building and shall not exceed fifty-one (51) feet in height from the finished grade along the downhill side of the building.

- (i) Accessory buildings, shall meet the same bulk requirements as the principal buildings.
- (j) If a garage is provided, it may be built into the principal structure or be separately constructed as hereinafter provided. Each garage space shall be at least nine (9') feet in width and eighteen (18') feet in depth.
- (k) Cable T.V. is to be encouraged. If not provided, exterior television antennae/satellite dish shall be limited to one (1) master antenna/satellite dish per building. Master antenna/satellite dishes shall be screened from view from any public right-of-way.
- (l) One or more completely enclosed structures for the collection, source separation and storage of solid waste shall be provided. The system of collecting, storing, recycling and disposal of solid waste shall be in accordance with State and Board of Health and Township regulations. Provision shall be made for the recycling of materials required to be recycled by the Township. No garbage or other refuse shall be stored or collected except in approved structures. Garbage and refuse areas shall comply with the Land Development Ordinance, Section 712.

**621.3-6**      Connections between uses: Direct pedestrian connections between buildings within the tract and between properties that are at the boundary of the tract with properties in the adjoining district are required. Such connections include connections between street sidewalks and non-residential uses,

connections between parking areas of accessory uses, and connections between residential uses and existing residential neighborhoods located within or adjacent to the district.

#### **621.4 ACCESS**

Access to be provided via a private driveway from Andrew Street.

#### **621.5 UTILITIES**

The project shall be served by public water and sewer.

#### **621.6. CONVERSION OF RENTAL UNITS.**

Units offered as rental units shall comply with the applicable provisions of the New Jersey Administrative Code.

**621.7. CONSTRUCTION IN ENVIRONMENTALLY SENSITIVE AREAS.** Affordable units shall not be constructed on (a) wetlands as delineated with an approved LOI (Letter of Interpretation) issued by the *New Jersey Department of Environmental Protection*; (b) flood hazard areas as defined in N.J.A.C. 7:13; and (c) slopes in excess of 20 percent; unless authorization is granted by the NJDEP.

#### **621.8 INTEGRATION OF UNITS:** Not Applicable

#### **621.9 PROCEDURE FOR APPROVAL OF 100% AFFORDABLE HOUSING PROJECTS.**

It is intended through this Section that innovative land use and mixtures of housing types be permitted within an individual development. Flexible land use standards within the established zone density, should allow optimum use of the site while preserving critical areas and common open space as outlined above.

**621.9-1 Application Procedure.** An application for a 100% affordable housing development shall be considered as a planned residential development and is to be processed through the major site plan procedure as set forth in *The Land Development Ordinance of the Township of Green Brook*, and shall comply with the provisions thereof procedurally and substantively. See N.J.S.A. 4055D-45.

#### **621.10 AVAILABLE SEWER CAPACITY AND PUBLIC UTILITIES.**

All applications seeking to develop under the terms of this Article shall demonstrate to the Planning Board

the availability of sanitary sewers, public water, and all other utilities, with adequate capacity to accommodate the needs of the entire project. The applicant shall provide to the Planning Board all information required by *Sections 702.5 and 702.6 of the Land Development Ordinance*.

## **621.11 APPLICANTS COMPLIANCE AGREEMENT.**

The applicant shall file, as a part of the application for preliminary approval of an affordable housing project, a written agreement to comply with the affordable housing regulations prescribed in this ordinance, and to comply with the implementing rules and regulations of the Green Brook Affordable Housing Plan. Such instrument shall be in recordable form, known as a Developer's Agreement, and shall be subject to approval by the Township Attorney.

## **621.12 ADDITIONAL DATA REQUIRED.**

On any application for preliminary approval of a 100% affordable housing project, the following additional information shall be submitted to the Planning Board as a part of the application:

**621.12-1** Data on or accompanying the preliminary plat showing which dwellings are to be very low income, which will be low income units and which will be moderate income units; location, floor area and layout of the affordable units and of all other units.

**621.12-2** If a development is to be constructed in phases, a staging plan setting forth the exact units to be included in each phase and specifying the number, location, number of bedrooms, and whether the units will be owner or renter occupied for the affordable units.

**621.12-3** An application involving an inclusionary development in the Affordable Housing District 6 [AHD-6] which is proposing to provide rental units, (*See Section 621.3-2*) shall set forth necessary details to show the location and method of providing such rental housing units to be included in the development (*See N.J.A.C. 5.93-5:14*)

**621.12-4** A form of the proposed covenants and restrictions, including provisions to assure that any affordable units will be sold or rented in accordance with the requirements of this ordinance, and imposing covenants and restrictions running with the land to assure that subsequent sales and rentals of affordable units will also be subject to the requirements of this ordinance.

**621.12-5** Such other information as may be determined by the Planning Board to be necessary to assure compliance with the terms and purposes of this Section.

## **621.13 EXPEDITED HEARINGS OF AFFORDABLE HOUSING APPLICATIONS.**

The Planning Board shall give priority to affordable housing applications made under this section.

## **621.14 PLANNING BOARD WAIVERS AND VARIANCES.**

**621.14-1** When hearing applications for affordable housing projects the Planning Board shall have jurisdiction, in appropriate cases, and for good causes shown, to grant waivers and variances from the strict requirements of the zoning ordinance and land development ordinance that would otherwise apply.

**621.14-2** The Planning Board shall not have jurisdiction to approve affordable housing projects in a district restricted against such affordable housing projects, nor to permit an increase in the permitted floor area ratio, nor to permit an increase in the permitted density of dwelling units per net area of land to be developed.

## **621.15 REDUCTION OF DEVELOPMENT FEES.**

Affordable housing applications made under this article shall be entitled to the elimination of fees for that portion of the site plan review fees, Environmental Impact Statement Fees, Storm Water Control fees in accordance with *Article 11 of The Land Development Ordinance*, and Construction Permit fees, related to any affordable units included in the project. All other units in the project will be subject to the normal fee schedule. The usual completion guaranty requirements and Maintenance Guaranty requirements will remain in effect with respect to all units.

## **621.16 REVOCATION AND WITHHOLDING OF OCCUPANCY PERMITS.**

In the event an applicant does not construct and lease or sell the affordable units in accordance with an approved plan for an Affordable Housing Project, the Construction Official, in addition to other penalties and enforcement powers granted by law, shall have the authority to revoke the development permit or development Certificates of Occupancy, and withhold the issuance of subsequent certificates of occupancy on all units in the project until the development is brought into compliance with the plan that was approved by the Approving Authority.

## **ARTICLE 7**

### **CONDITIONAL USES**

#### **701. NATURE OF CONDITIONAL USES.**

The necessity for certain specific uses is recognized, either by reason of the advisability of permitting same in the Township, or by reason of Court decisions which do not permit complete prohibition of same within all areas of the Township, but at the same lime it is recognized that they or any one of them may be, or become, inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings. Accordingly, the following "conditional uses" are permitted in a particular zoning district only upon a showing that such use in the specified location, and in the district in which such use is listed as a possible conditional use, will comply with the conditions and standards for the location or operation of such use as contained in this ordinance, and upon the issuance of an authorization therefore by the Approving Authority.

#### **702. PROCEDURE.**

An application for a conditional use shall be made to the Approving Authority in accordance with the procedures and standards set forth in the Land Development Ordinance, and shall accompany the application for site plan review set forth in that ordinance.

The following uses, to the extent the same are listed as permitted conditional uses in any specific district, may be permitted as a condition use in such district by the Approving Authority; provided, however, that where requirements for maximum lot coverage, lot area, lot width, or minimum floor area out-lined in this Article differ from the requirements of the specific district, the requirements set forth in this Article shall prevail.

#### **703. MODIFICATIONS IN PROPOSAL**

In acting upon an application for a conditional use, the Approving Authority may suggest modifications and changes.

#### **704. CONDITIONS ON APPROVAL**

The Approving Authority in granting approval of any conditional use may impose such conditions, in addition to those required in this ordinance, as are necessary to assure that the general purpose and intent of this ordinance is met.

#### **705. PUBLIC UTILITIES.**

Public utility uses, such as telephone dial equipment centers and power substations, but not service or

storage yards, may be permitted in any district provided that:

**705.1 WITH THE APPLICATION THE APPLICANT SHALL SUBMIT**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and the Approving Authority under the Land Development Ordinance.
- b. A plat showing the locations of all existing buildings and structures within two hundred (200) feet of the subject property, and showing all streets within one thousand (1,000) feet of the subject property.
- c. A plan showing or indicating the distribution routes for said utility to and from said property.

**705.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The proposed installation in a specific location is necessary for the satisfactory provision of services by the utility to the neighborhood or area in which the particular use is to be located;
- b. The design of any building in connection with such facilities conforms to the general character of the area, and will not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located;
- c. Adequate and attractive fences and safety devices will be provided.
- d. Sufficient landscaping including shrubs, trees and lawn will be provided and will be periodically maintained;
- e. Adequate off-street parking will be provided;
- f. All of the area, yard, and building coverage requirements of the respective zone will be met.

**706. SCHOOLS.**

Schools, as defined in this ordinance, may be permitted as a conditional use in any district in which such use is set forth as a conditional use.

**706.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the *Land Development Ordinance*.
- b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed school.

c. A statement setting forth in general terms the proposed course of instruction, indicating 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.

**706.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The curriculum of the proposed school shall be approved by the *New Jersey Department of Education*.
- b. The minimum lot area for a nursery school or for an elementary school shall be five (5) acres, plus one (1) additional acre for each one hundred (100) pupils, or, fraction thereof. The minimum lot area for an intermediate school, junior high school, or high school shall be ten (10) acres, plus one (1) additional acre for each one hundred (100) pupils or fraction thereof.
- c. No more than ten percent (10%) of the site shall be occupied by buildings.
- d. The minimum street frontage for a nursery or elementary school shall be five hundred (500) feet. The minimum street frontage for all other schools shall be seven hundred (700) feet.
- e. 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.
- f. No parking or play area shall be permitted within seventy-five (75) feet of any street or property line; and no buildings shall be permitted within one hundred twenty-five (125) feet of any street or property line.
- g. Off-street parking shall be provided in the following ratios:

Nursery or elementary schools shall provide one (1) parking space for each staff member and 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 and 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 judgment of the Approving Authority, such considerations as the unavailability of the bus services, the distance from centers of population, or a relatively high percentage of pupils driving their own cars make such increased requirements desirable.

h. No driveway shall open onto a public street or road within one hundred fifty (150) feet of an intersection of such street or road with another public street or road. In determining the suitability of proposed or existing driveways upon the site, the Approving Authority 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.

i. Illumination for night athletic activities shall be shielded from view from adjoining streets and residential areas.

**706.3** In any case where a school may now be in existence, or may hereafter be granted approval pursuant to the provisions of this ordinance, in the event of expansion of the school, or in the event of increase in staff and/or pupil enrollment of said school beyond that set forth in the statement presented pursuant to *Section 706.1c* hereof, (whether or not such increase in staff and/or pupil enrollment is accompanied by any enlargement of facilities), or in the event of any changes in use or additional facilities, beyond those shown on the site plan accompanied by the Approving Authority, the person, firm, corporation, board or body in charge of said school, and the owner of *the* property upon which it is located, shall reapply to the Approving Authority in the same manner as for an original application as provided herein.

## **707. HOSPITALS, PHILANTHROPIC OR ELEEMOSYNARY USES.**

Hospitals, philanthropic or eleemosynary uses, but not correctional or detention institutions, may be permitted as a conditional use in any district in which such use is set forth as a conditional use.

### **707.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with the proposed use.
- c. A statement setting forth in general terms the proposed use or uses, the anticipated number of staff and/or employees, the nature of the services to be rendered, and the total number of persons expected to use the proposed facilities at any one time; for example, in the case of a hospital, the maximum number of "beds, or other usual measure of capacity.

### **707.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED**

**THAT**

- a. The subject property contains at least five (5) acres.
- b. No structure will be erected nearer than seventy-five (75) feet to any street line, nor nearer than fifty (50) feet to any property line.
- c. The off-street parking and loading requirements of *Article 8* will be met.
- d. Buildings will not occupy more than twenty-five (25%) of the lot area.
- e. All other requirements set forth in this ordinance for the zone in which it is to be located are observed; except that the front, rear and side yards shall be increased one (1) foot for each foot by which such building exceeds the height limit herein established for the zone district in which it is to be located, but in no case shall any building exceed a height of thirty-five (35) feet.
- f. Such use will in no way be detrimental to the surrounding property values and that the building or use proposed will serve a useful purpose and promote the general welfare of the Township.

**707.3** In any case where any such use may now be in existence, or may hereafter be granted approval pursuant to the provisions of this ordinance, in the event of any expansion of said facilities, or change in the use as originally approved, or increase in intensity of such use beyond that originally represented (whether or not such intensity is accompanied by enlargement of the physical facilities), the person, firm, corporation, board of body in charge of said use, and the owner of the property upon which it is located, shall reapply to the Approving Authority in the same manner as for an original application as provided herein.

**708. GOLF COURSES.**

Golf courses, as defined in this ordinance, may be permitted as a conditional use in any district in which such use is set forth as a conditional use.

**708.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed golf course, including, but not by way of limitation, club house facilities.
- c. Sufficient plans prepared by a golf course, architect recognized by the National Golf Foundation

and experienced in golf course design, and the design and construction of the golf course shall be in accordance with the standards and recommendations of the *United States Golf Association (USGA)*.

d. Said plans shall be in sufficient detail to show the type of construction to be employed in tees, fairways and greens; any improvements to existing water areas and the creation of new water areas; and any other features and improvements peculiar to golfing facilities.

e. A written statement setting forth the intended manner of operating the golf course and other proposed accessory facilities, including:

- (1) a breakdown of total employment, differentiating between seasonal and year 'round employees.
- (2) the maximum utilization of the proposed facilities; and if a "membership" club facility, the maximum membership to be permitted, differentiating between full memberships and other types which maybe made available.
- (3) any intent of the organization to stage unusual (or non-member) invitation, open or elimination tournaments; or to stage any other special events not directly related to the golf course proper.

**708.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

a. The plot contains a minimum of 100 contiguous acres and provides for a full-sized golf links, at least 18 holes in length, totaling a minimum of 5,400 yards from tees to greens.

b. Off-street parking: at least 200 off-street parking spaces shall be provided for each such 18 holes golf course Additional off-street parking spaces shall be required and provided where accessory facilities are included such as but not limited to dining and refreshment facilities, swimming pools and tennis courts; such parking spaces to be sufficient in number and so placed in location as to provide parking facilities for the anticipated users of such accessory facilities as determined by the Approving Authority. (The provisions of Article 8 of this ordinance may be used as standards for similar uses elsewhere.)

c. No part of the golf course or other golfing areas shall be closer to any adjoining property line than is specified in the following schedule:

- (1) Behind the tee: twenty-five (25) feet;
- (2) From the tee to green: one hundred (100) feet, as measured from the edge of the maintained

fairway; provided, however, that where such area is naturally planted with substantial trees and foliage of adequate density as to provide a natural barrier, such distance may be reduced to thirty-five (35) feet.

(3) Behind the green one hundred (100) feet from the clipped surface of the green; provided, however, that where such area is naturally planted with substantial trees and foliage of adequate density as to provide a natural barrier, such distance may be reduced to thirty-five (35) feet.

(4) From other golfing areas (including but not limited to, driving ranges, pitching greens, putting greens, and other ball hitting and landing areas, whether maintained as fairway, rough, putting surface, or golfing hazard): one hundred (100) feet; provided, however, that where such area is naturally planted with substantial trees and foliage of adequate density as to provide a natural barrier, such distance may be reduced to thirty-five (35) feet.

d. The size of the membership shall be limited to an amount commensurate with the scale of the facilities to be provided, as determined by experience of similar facilities in other areas.

e. No active recreational area, facility or structure, except a golf course or other golfing area, as provided for elsewhere herein, shall be closer to any adjoining property line than two hundred (200) feet.

f. No building, structure or facility, unless otherwise provided for in this Section, shall be closer than fifty (50) feet to any adjoining property line or public right-of-way.

g. Any lighting in connection with the operation of the golf course or incidental and accessory activities shall be so arranged as to reflect the light away from all adjoining residence districts, buildings or streets.

h. Adequate landscaping shall be provided.

**708.3** The maximum membership limit of said organization, and maximum utilization of the proposed facilities, shall be fixed at the time of application and shall be commensurate with the amount of land to be used and the exact nature of the use. No further expansion of said membership or said utilization shall be made unless additional land is acquired, or other steps taken to provide for such increases, and supplemental application is made.

## **709. QUASI-PUBLIC BUILDINGS AND RECREATION AREAS.**

Quasi-public buildings and recreation areas and facilities, including club houses, parks, playgrounds, swimming pools, tennis courts and other similar activities operated by non-profit membership organizations

may be permitted as a conditional use in any district in which such uses are set forth as conditional uses.

**709.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. A set of architectural plans and specifications showing proposed buildings and structures
- c. A statement setting forth full particular on the operation of the proposed use.
- d. A complete list of proposed charter membership, including names and resident addresses.

**709.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The proposed use is a bona fide non-profit organization operated solely for the recreation and enjoyment of the members of said organization.
- b. The proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights or the values of adjacent properties; that the design of any structure erected in connection with such use will be in keeping with the general character of the area, and that sufficient landscaping, including trees, shrubs, and lawn will be provided to serve as a buffer between said use and any adjoining residential properties, and to insure an attractive appearance for the use.
- c. The property proposed to be occupied by such use shall have a minimum lot area of one (1) acre, a minimum road frontage of one hundred fifty (150) feet, and a maximum lot coverage of twenty percent (20%).
- d. No building, structure, or active recreational facilities shall be located within fifty (50) feet to an adjacent residential lot.

**709.3** The maximum membership limit of said organization shall be fixed at the time of any application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless additional land is acquired or other steps taken to provide for such increase, and supplemental application is made to the Approving Authority.

**710. NURSING HOMES.**

Nursing homes may be permitted as a conditional use in any district in which such use is set forth as a conditional use.

**710.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance
- b. Complete architectural plans and specifications of all proposed buildings and structures and of any existing structures proposed to be continued and used in connection with such proposed nursing home.
- c. A statement setting forth the full particulars on the operation of the proposed structure and use.

**710.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The proposed nursing home will be duly licensed under the *New Jersey Hospital Licensing Act*, as the same may be amended and supplemented and will conform in all respects to standards prescribed by the appropriate bureau or agency of the State of New Jersey having jurisdiction over nursing homes.
- b. That the following yard restrictions will be met:
  - (1) A minimum lot area of three (3) acres with a minimum lot frontage of two hundred (200) feet.
  - (2) Front, rear and side yards of fifty (50) feet, except where such uses abut New Jersey Route 22, in which cases there shall be a minimum front yard of one hundred (100) feet.
  - (3) A maximum lot coverage of ten percent(10%).
  - (4) A maximum building height of two (2) stories or twenty-eight (28) feet, whichever is lesser.
- c. Off-street parking facilities may be provided in any of the required yard areas except the front yard. Parking shall be provided at the ratio of not less than one (1) parking space for every four (4) beds, plus one additional space for every two (2) employees and members of the staff in the largest working shift.
- d. That the proposed use shall in no way be detrimental to the surrounding property values, and the structure or-use proposed will further the general welfare of the Township of Green Brook.
- e. The number of beds to be provided for the proposed nursing home, when added to the total number of beds provided for in other existing or approved nursing homes in the Township, shall not result in a total number of nursing home beds in excess often percent (10%) of the total population of the Township of Green Brook as recorded by the then most recent decennial census of population

conducted by the United State Department of Commerce, Bureau of the Census.

f. The applicant shall detail the methods to be employed in transporting patients to and from the nursing home, both in emergency situations and non-emergent transportation situations, and shall demonstrate that the nursing home has the internal capacity for all such transportation and will not require the services of the volunteer first aid or rescue squad for such purposes.

**710.3** Any nursing home proposed and approved hereunder shall also comply in all respects with the ordinance of the Township of Green Brook providing for life safety in Nursing, Convalescent and Old Age Homes and Buildings, as the same may be amended and supplemented from time to time.

## **711. ADULT BOOKSTORES AND RELATED USES**

“Adult bookstores”, businesses showing x-rated movies or video, and other businesses dealing primarily with sexually-oriented or sexually-explicit materials acts or paraphernalia but not any use, act or activity which is prohibited by *N.J.S.A. 2C:14-1 et seq.*, *N.J.S.A. 2C:34-1 et seq.*, or any other provision of the New Jersey Code of Criminal Justice may be permitted as a conditional use in the RHC [REGIONAL HIGHWAY COMMERCIAL DISTRICT] only, provided, that the following standards and conditions are met

**711.1** This conditional use section recognizes the experiences this Township has had with the uses defined herein, with traffic and safety hazards, shoulder parking by tractor-trailers inadequate on-site parking and the use of customers of such business nearby streets and other parking lots inadequate landscaping and buffering inadequate fencing provisions and in the impact such uses have upon uses in the same building and in the neighborhood

Certain regulations are necessary for the protection of the public health, safety and welfare, including protection of persons who may utilize the facilities offered by such uses. It is noted that other uses which also claim protection of First Amendment rights, such as churches, newspaper offices and distribution centers, and other media-establishments, are also subject to proper zoning and land-development regulation.

### **711.2 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the *Land Development Ordinance*.
- b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed use.

- c. Complete interior floor plans, with dimensions, including the area to be devoted to retail sales and displays, the area for movies or video viewing booths, and such other areas as may be provided; width of aisles shall be shown, and ingress and exit locations. The plan shall show the number, size and location of movie and video viewing booths, the type of materials to be used in the construction thereof, and the design of the doors thereto, window areas opaque, by coverings or otherwise, to prevent the viewing of the interior of the premises from the outside.
- e. The application shall show the steps proposed to make all parking self-contained on site, and to prevent parking on the highway or other streets, or on parking lots of other properties and to prevent pedestrian-access to the applicant's lot.
- f. The application shall show the construction features and the system of security to be used in the building and on the premises, including the parking area, to prevent unlawful sexual activity from occurring.

**711.3 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The lot area shall be not less than two (2) acres.
- b. There shall be a minimum lot width of 300 feet and a minimum lot depth of 300 feet.
- c. The lot shall not be located within 1,500 feet of the property line of any school or church.
- d. The lot shall not be located within 500 feet of the property line of any premises licensed for the sale of alcoholic beverages for consumption on premises.
- e. The use proposed shall be the only principal use on the property, and no other separate use shall be permitted in same building or in a separate building on the same lot.
- f. The building or structure to be utilized whether, proposed or existing shall be "finished". If the windows are to be covered so as to prevent view of the interior from the outside of the building same shall be done internally or externally with finished shutters or like opaque finishing feature, and not with plywood or other materials, painted or unpainted which give the appearance of "boarding-up".
- g. Each projection booth, or area used for viewing films, video or other projections shall:
  - (1) be constructed and maintained so as to permit only one occupant at a time, and shall be regulated so that only one person shall be in such booth at any one time;
  - (2) be constructed and maintained so that there is no opening, aperture or window between booths;

- (3) be constructed and maintained so that the door thereof shall provide an opening at the bottom, not less than 24-inches in height to permit that portion of the interior to be seen from outside the booth;
- (4) be constructed and maintained so that the top of the door thereof shall not be higher than six (6) feet from the floor, and shall be open to the ceiling.

h. There shall be both landscape buffering, designed to shield the view, and fencing, along property lines so as, practically as possible, to prevent parking off-site (whether on the highway or-side streets, or on other properties) and pedestrian access from other properties or along the highway to the subject property.

i. In all other respects, the proposed use and buildings shall comply with the area and bulk requirements of the RHC zone district, not modified herein.

j. All requirements of the *Business Licensing Ordinance of the Township of Green Brook* with regard to any automatic amusement device shall be complied with in all respects, and all limitations therein shall be applicable to such use.

k. The collective parking provisions of Section 801.2-4 shall not apply.

l. Where the parking area adjoins a residential district, the buffer strip required by *Section 801.2-7 b* shall be increased to at least twenty-five (25) feet.

m. Sign provisions: Notwithstanding the property frontage, there shall be a maximum of one (1) sign which shall be erected in conformance with the provisions of section 901.2-3 of this ordinance, provided, however, no adult or bookstore or sexually oriented business shall display an identification sign which shall be more than forty (40) square feet in size. Further, such adult bookstore or sexually oriented business shall be required to maintain a second sign giving notice that the premises are off limits to minors.

n. For “Adult bookstores” and related uses permitted as a conditional use pursuant to this Section parking shall be provided as follows:

- (1) Provision shall be made for two square feet of parking area for each square foot of floor area in the permitted building.
- (2) In addition to (1) above, provision shall be made for an off-street parking area not less than twelve feet by sixty-five feet, for tractor-trailer parking with sufficient room for such tractor-trailer to maneuver on and off the highway and into and out of said parking spaces. No such

parking space shall be located in front of any building.

(3) In addition to (1) and (2) above, there shall be one additional on-site parking space for each automatic amusement device or projection or viewing booth established in the premises.

(4) All parking spaces shall be maintained on the same lot as the use.

(5) There shall be no parking within 50 feet of any street right-of-way line, or within twenty-five

(25) feet of any property line.

o. The lot upon which this conditional use is situated shall not be located within one thousand (1000) feet of any residential lot or area zoned for residential use; school bus stop or any municipal or county playground, place of public resort and recreation, or other sexually oriented business.

p. any conditional use permitted hereunder shall be surrounded by a perimeter buffer of at least (50) feet in width with plantings, fence or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.

## **712. CHURCHES.**

Churches maybe permitted as a conditional use in any district in which such use is set forth as a conditional use.

### **712.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the *Land Development Ordinance*.

b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed church.

### **712.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT**

a. The lot area shall be not less than three (3) acres.

b. In all other respects, the proposed use and buildings shall comply with the area and bulk requirements of the zone district in which the proposed church is to be located; provided, however, that the Approving Authority shall have the authority to grant an exception from the height limitation for a church spire, bell tower or belfry.

## **713. HOTELS AND MOTELS.**

Hotels and Motels may be permitted as a conditional use in the *RHC Regional Highway Commercial*

*District*, subject to the following:

**713.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed use.

**713.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT.**

- a. The proposed use and buildings shall comply with the area and bulk requirements of the RHC *Regional Highway Commercial District*.
- b. Both public sanitary sewers and public water supply are available and will be utilized by the use.
- c. The site shall have direct access to a major arterial road, which for the purpose of this Section shall include only roads maintained by the State or Federal government.
- d. The Approving Authority shall require such landscaping and planting as its deems appropriate, being guided by the requirements established for other uses in the *RHC Regional Highway Commercial District*.
- e. The entire area of the site traversed by motor vehicles shall be hard surfaced, and a minimum of 1.2 parking spaces shall be provided for each unit.
- f. One access road shall be permitted onto a public road for each 200 feet of frontage on that road. At the point of intersection with a public road, the access road shall not exceed a width of 24 feet. The center line of an access road where it intersects a public road shall be, perpendicular to the intersected street; at least 50 feet from any, side property line or street line other, than the street line which the access road intersects; and at least 75 feet from the center line of any other access road. Acceleration and deceleration lanes shall be provided.
- g. A minimum of 40 guest rooms shall be provided.
- h. All guest rooms shall only be accessible from an interior corridor.
- i. Maximum building height shall be three and a half (3.5) stories

**713.3** All requirements of the Business Licensing Ordinance of the Township of Green Brook with regard to any hotel or motel shall be complied with in all respects, and all limitation therein shall be applicable to all hotels and motels in the Township of Green Brook.

## **714. PUBLIC GARAGES AND MOTOR VEHICLE SERVICE STATIONS**

Public Garages may be permitted as a conditional use in the RHC Regional Highway Commercial District only, and only in strict compliance with the provisions of this Section and other applicable provisions of this ordinance.

### **714.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the, Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. To be included in said Site Plan, in addition to those items specified in the Land Development Ordinance, a statement of the number of automobiles which may be garaged and the type of services performed.
- c. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed use.

### **714.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. Public garages shall be located on a lot having a frontage of not less than 200 feet.
- b. The entire area of the site to be traversed by motor vehicles shall be surfaced with a concrete or asphalt pavement.
- c. No part of any public garage shall be used for residence or sleeping purposes.
- d. No uses prohibited by any provisions of this ordinance for any business district, including but not limited to those prohibited uses set forth in *Section 421*, shall be permitted in conjunction with the use of any property for a public garage, and no such prohibited use shall be permitted, allowed or considered as an accessory use to the use of any premises as such public garage.
- e. Public garages may be located in the *RHC District* only, and shall comply in all respects, not specifically enumerated in this Section, with the area and bulk requirements of the RHC District.
- f. The Approving Authority shall require such landscaping planting and buffer areas as it deems appropriate being guided by the requirements established for other uses in the *RHC District*. See also Article 10.
- g. No public garage shall be established or used for the type of operation generally known as a “body shop”, nor shall the same include major body repairs or rebuilding, fender, body or frame straightening, painting or rebuilding.
- h. All maintenance and repair of vehicles and servicing thereof, except for the usual supplying of gasoline and accessories at the pumps, shall be conducted within the confines of a building.

- i. No motor vehicles shall be advertised “for sale” or be stored on the property to be sold in any commercial district unless permitted as part of an approved site plan by the approving authority. No more than one (1) non-commercial, registered vehicle may be advertised “for sale” or be stored on a residential property to be sold for a period not to exceed ninety (90) days during any calendar year.
- j. All vehicles stored on the property for service shall be in a location that is specifically identified on a site plan approved by the Township. All vehicles shall have up-to-date registration.

## **715. MOTOR VEHICLE SALES ESTABLISHMENTS OPERATED BY NEW OR USED CAR DEALERS.**

Such establishments maybe permitted as a conditional use in the RHC Regional Highway Commercial District only, provided that the following standards and conditions are met.

### **715.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. The detailed site plan and all accompanying data and documents as submitted to and considered by the Zoning Officer and Approving Authority under the Land Development Ordinance.
- b. To be included in said Site Plan, in addition to those items specified in said Land Development Ordinance, or to be submitted concurrent therewith as a separate document, shall be the plot plan required by Article IV of the *Business Licensing Ordinance of the Township of Green Brook*.
- c. The completed application for a license to sell motor vehicles, as set forth and required by Article IV of the *Business Licensing Ordinance of the Township of Green Brook*.
- d. Complete architectural plans and specifications of all proposed buildings and structures, and of any existing structures proposed to be continued and used in connection with such proposed use.

### **715.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The area and bulk requirements of the *RHC District* as set forth in Section 606.3 will be met, except as may be modified in this Section. The minimum lot area for a Motor Sales Establishment Operated by New or Used Car Dealers shall be four (4) acres.
- b. A minimum of twenty percent (20%) of the lot area will be set aside and maintained with landscaping, and shall not be used for any other purpose.
- c. All areas over which motor vehicles normally travel shall be paved with a dustless all weather material, clearly, marked for travel lanes, and shall be adequately drained; all subject to the approval of the Township Engineer.
- d. The applicant has complied and will continue to comply with the requirements of the *Green Brook Licensing Ordinance*, as the same may be amended from time to time as the same is applicable to the sales of new or used motor vehicles.

### **715.3 OTHER REQUIREMENTS AND LIMITATIONS.**

- a. The sale of motor vehicles from said property, whether new or used vehicles and whether from an enclosed building or outside shall be confined to the sale of vehicles normally licensed for passenger use.
- b. No motor vehicle parts and no wrecked, demolished or inoperable motor vehicles shall be permitted to stand outside.
- c. All motor vehicle repairs servicing and maintenance shall be conducted entirely within a fully enclosed building, which is properly ventilated.
  - (1) Said repairs, servicing and maintenance may include oiling, greasing, washing, waxing and the usual repairs connected with warranties, but shall not include major rebuilding or fender, body or frame straightening work, or painting except as to minor touch-up incidental to repairs.
  - (2) Said work shall be limited to work incidental to such establishment and same shall not include permission to operate a motor vehicle service station or public garage otherwise open to the public.
- d. No part of any such establishment shall be used for residence or sleeping purposes.
- e. No uses prohibited by any provisions of this ordinance for any business district, including but not limited to those prohibited uses set forth in Section 421, shall be permitted in conjunction with the use of any property for such automobile sales establishment, and no such prohibited use shall be permitted, allowed, or considered as an accessory use to the use of any premises as such automobile sales establishment.
- f. Buildings for the sale of motor vehicles may have, in addition to sales and display areas, space for administrative offices, parts rooms, service and repair facilities incidental to the sales of motor vehicles, and storage of new and used motor vehicles for sale.
- g. Required front yard areas may be used for storage, parking and display of new or used motor vehicles for sale, landscaping, guard rail, lighting, driveways, and to the extent permitted in this ordinance, for customer parking and signs.

## **716. FARM ANIMALS IN LD-1 and MD RESIDENTIAL DISTRICTS.**

The keeping of farm animals is permitted as a conditional use in The LD-1 and MD Residential Districts, subject to the following:

### **716.1 WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT:**

- a. A plan of the site showing the dimensions of the property, the location and size of all buildings and the purposes thereof, and the location of all outdoor areas proposed to be used by such animals,

the location of all fences and such other information as may be required by the Approving Authority.

b. A statement of the type(s) and number of animals proposed for said property and the purposes by which they are to be kept.

**716.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS DETERMINED THAT:**

- a. The property on which the use is proposed shall contain not less than two (2) acres.
- b. The type(s) and number of animals shall be limited to an amount commensurate with the size of the property and the facilities to be used thereon, as determined by reference to standard guides for such type of farming or animal use.
- c. Animal enclosures shall not be located between the front building line of the principal building and the street line and shall be located not less than fifty (50) feet from any other lot lines.
- d. Nothing herein shall be construed to permit commercial operations such as piggeries, mink farms, fox farms, dog kennels or pigeon lofts.

**717 WIRELESS COMMUNICATION FACILITIES**

Wireless Communication Facilities (WCF) shall mean any structure consisting of one or more rods, panels, discs or similar device used for the transmission or reception of radio frequency signals either attached to existing buildings or structures, utility poles, signs, or require the erection of a support structure (i.e.) monopole, lattice tower, guy-wire support tower, or similar structure). This section shall not pertain to amateur radio station operations or receive only antennae when the antenna is accessory to the principal use of the property.

For the purpose of defining its use, a wireless communication facility may not be considered an accessory use if it serves an area greater than the lot it is situated thereon.

**717.1 WITH AN APPLICATION, THE APPLICANT SHALL SUBMIT:**

a) A detailed site plan and all accompanying data as required under the Section 309 Plat Design Standards for Site Plans of the Township Land Development Ordinance (1982).

b) A plat showing the location and height of all wireless communication towers within a four (4) mile radius of the site.

c) Complete architectural plans of any proposed buildings and structures.

**717.2 NO SUCH CONDITIONAL USE SHALL BE PERMITTED UNLESS IT IS**

**DETERMINED THAT:**

- a) The height of the WCF shall not exceed fifty (50) feet as measured from the existing ground surface to the top of the facility, nor shall it exceed a height of fifty (50) feet from the existing ground surface if attached to an existing building.
- b) No ladders or climbable surface shall be permitted either on or within the WCF.
- c) All wiring associated with the WCF shall be buried underground.
- d) A stone driveway shall be constructed to the WCF with an ample off-street parking area for two vehicles.
- e) The WCF and any ancillary structure shall be set back from all property lines a distance equal to twice the height of the structure.
- f) The WCF is accessible by emergency vehicles.
- g) The WCF shall be adequately screened by landscaping consisting of native evergreen and deciduous trees at least eight (8) feet in height at the time of planting along staggered rows.
- h) The equipment compound shall be architecturally designed to conform to the general housing character of the area.
- i) The bulk requirements set forth in the zoning district requirements and these requirements shall be taken from the property lines of the entire lot unless a portion of the property is leased for the purpose of installing a WCF. If leased, the setback requirements shall be taken from the boundary of the easement or leased parcel.
- k) Towers shall be camouflaged to minimize their visual impact on the landscape. The towers shall be painted to be consistent with the surrounding natural setting or surrounding buildings.
- l) Towers may not be artificially illuminated unless required by the FAA.
- m) The owner of the WCF must agree that the facility meets or exceeds current standards and regulations of the FAA, FCC, and any other agency of the State or Federal government. If such standards and regulations are changed, the owners of the structure shall agree to bring the facility into compliance with the revised standards within six (6) months of the effective date, unless a different compliance schedule is mandated by the controlling State or Federal agency.
- n) Upon transfer of ownership or tenancy of the facility or property, an application must be made to the zoning officer for a Continuing Certificate of Occupancy. The prospective owner or tenant

must agree to these requirements set forth in this section and any additional requirements hereafter established prior to a continuing occupancy permit being issued.

o) Upon termination of use of the structure, the owner of the tower agrees to demolish and remove the facility within three (3) months of being deactivated.

p) No signs are permitted at or on the facility with the exception of approved caution and regulatory signs.

q) The owner(s) must agree to lease any additional space on the tower to other companies and shall design the tower to accommodate as many additional antennae as may be feasible.

## ARTICLE 8

### PARKING AND LOADING

#### **801. OFF-STREET PARKING REGULATIONS.**

Off-street parking space shall be provided as further specified in this ordinance, and shall be furnished with necessary passageways and driveways.

##### **801.1 OFF-STREET PARKING FOR SINGLE-FAMILY DWELLINGS.**

Each single-family-dwelling shall provide off-street parking space for *at* least two (2) motor vehicles, which may be provided in the garage and on the driveway.

##### **801.2 OFF-STREET PARKING FOR NON-RESIDENTIAL USES.**

**801.2-1** All parking areas, driveways, and streets shall be surfaced with a dustless, durable, all weather pavement (bituminous concrete, concrete, pervious pavement, pervious concrete, or equivalent) all shall be installed according to the requirements of the NJDOT Standard Specifications for Road and Bridge Construction, current edition. All parking areas shall be clearly marked for vehicle spaces, properly graded with adequate drainage, all subject to the approval of the Township Engineer.

**801.2-2** The site plan filed pursuant to the *Land Subdivision Ordinance* shall designate the areas to be used for off-street parking, passageways and driveways, and the dimensions thereof.

**801.2-3** Except as provided in Section 801.2-4 here of, or as may be permitted in Section 803, all parking spaces shall be provided on the same lot as the use to be served by said parking area.

**801.2-4** For business uses in the commercial districts (RHC and VC) only, collective off-street parking areas for two (2) or more buildings or uses located on adjacent lots may be 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 or more of the collective users, and provided, further, that no parking space located more than 300 feet from the entrance to a building may be counted as providing a parking space for that building.

**801.2-5** Except as may be otherwise specifically provided in the regulations of this ordinance (see 607.6), parking areas may be located in any yard space for business uses but shall be no closer than twenty-five (25') feet to any street line or ten (10') feet to any property line.

**801.2-6** Except as may be otherwise specifically provided in this ordinance, not more than two (2)

driveways, of not less than twenty (20) feet nor more than thirty (30) feet in width used as a means of ingress and egress for non-residential off-street parking areas shall be permitted for each two hundred (200) feet of frontage on a public street, nor shall any driveways be located closer than fifty (50) feet to the intersection of the right-of-way lines of two public streets.

**801.2-7**

- a. All parking areas, driveways, and streets shall have curbing installed, being concrete eight inches (8") thick and eighteen inches (18") thick and eighteen inches (18") deep and shall be installed according to the requirements of the NJDOT Standard Specifications for Road and Bridge Construction, current edition. Belgium block curbing may be substituted with the approval of the Township Engineer. The height of the depressed curb at driveways shall be one and one half inches (1 ½") above the gutter. Where required for stormwater management, curb cuts or flush curbs with curb stops may be permitted in conjunction with vegetated swales to allow the disconnection of impervious surfaces.
- b. When the parking area adjoins a residential district, the following regulations shall also apply.
  - (1) When a parking area adjoins a residentially zoned property, a planted buffer strip as defined in Section 1001.1, at least 25 feet wide shall be provided between the parking area and the adjoining property.
  - (2) A fence shall be erected as provided in Section 1002.

**801.2-8** All parking areas and appurtenant passageways and driveways serving business uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided to deflect light from adjacent residential uses so that no glare is perceptible beyond the property lines.

**801.2-9** Off-street parking areas located in the Village Gateway (VG), Village Commercial (VC) or Residential/Office Village Commercial (RVC) Districts, and which provide parking for twenty (20) or more vehicles shall be provided with shade trees of a type approved by the Approving Authority in accordance with the same standards set forth in the Land Development Ordinance. The shade trees shall be located in a planned manner within the parking area in quantity not less than one (1) shade tree for every twenty (20) parking spaces.

**801.2-10** Parking spaces shall be provided as follows:

- a. Barber and beauty shops 2 spaces per chair plus one additional space for each employee.

- b. Banks, financial, and business offices and professional offices-one parking space for every one hundred fifty (150) square feet of gross floor area or major fraction thereof; home professional office -one parking space for every one hundred fifty (150) square feet of gross floor area or major fraction thereof, devoted to such home professional office use, which shall be in addition to the off-street parking space required for the residential use under Section 801.1.
- c. Shopping centers - one parking space for every two hundred (200) square feet of gross floor area or major fraction thereof.
- d. Retail Food Establishments - one parking space for every one hundred (100) square feet of gross floor area or major fraction thereof.
- e. Laundromats - one parking space for every two (2) washing machines.
- f. Motor vehicle sales and service - one parking space for every two hundred (200) square feet of gross floor area or major fraction thereof.
- g. Restaurants (indoor and outdoor service) - one parking space for every four (4) seats for customers, plus one space for every two (2) employees on the largest shift
- h. Bowling alleys - five (5) parking spaces for each bowling lane.
- i. Auditoriums, churches, theaters, stadiums, assembly halls, and similar places of public and quasi-public assembly having fixed seating facilities - one parking space for every three (3) seats in the main assembly unit.
- j. Auditoriums, exhibition halls, assembly halls, union halls, community centers, and similar places of public and quasi-public assembly not having fixed seating facilities - one parking space for every three (3) persons who may legally be admitted therein at one time under the State Fire Prevention Laws.
- k. Hospitals, nursing homes, and similar institutional uses for care of the ill or aged - one parking space for every four (4) beds, plus one additional parking space for every two (2) employees and members of the staff in the two largest working shifts.
- l. Mortuaries and funeral homes - two (2) parking spaces for every fifty (50) square feet of floor area.
- m. Non-office public utility installations - five (5) parking spaces.
- n. Parks and other outdoor recreation sites - five (5) parking spaces for each gross acre of land up to fifty (50) acres, and one parking space per gross acre of land in excess of fifty (50) acres.

o. Industrial uses: parking shall be provided as follows:

One (1) parking space for each one thousand (1,000) square feet of building area, plus one parking space for each employee, determined by the maximum number of employees on the premises at any one time, plus five (5) parking spaces.

In determining the number of employees, in any case where shift work is involved, where a shift of workers will arrive at the premises before work to relieve a shift that is to depart the site, the number of parking spaces to be provided shall be computed on the basis of the total number of employees on the two largest work shifts.

p. Schools - see Section 706.2 g.

q. Golf Courses - see Section 703.2 b.

r. Hotels and Motels see Section 713.2 e.

s. Stores for the retail sale of furniture - one (1) parking space for every five hundred (500) square feet of gross floor area or major fraction thereof.

t. Conditional uses under Section 711 - see Section 711.3 n.

u. As to any use not specified above, or not otherwise provided for in this ordinance, the parking requirement shall be determined by the Township Engineer based on Institute of Transportation Engineering published data, or other generally accepted design criteria.

**801.2-11** Where a property or building is used or occupied for more than one of the uses above set forth or otherwise provided for in this ordinance, the number of parking spaces provided shall be the total required for all such uses contained on said property or in said building, as the case may be. This section excludes Shopping Centers

**801.2-12** The minimum number of parking spaces required by this ordinance shall be kept current with any changes in size or use of a building or property and/or number of employees, as the case may be. In addition to the requirements of a Certificate of Occupancy set forth in Section 1204.2 of this ordinance, in any case where there is an increase in the size of any building or number of employees, or change in the use of any land or buildings the occupant shall immediately report such information to the Zoning Officer who, in conjunction with the Planning Board, shall review such increase to ascertain if additional parking spaces shall be required by reason of such increase or change. In the event any such increase or change shall require additional parking spaces, the same shall immediately be provided; compliance shall be evidenced by a Certificate of Occupancy, and in

the event of noncompliance, the prior Certificate of Occupancy shall be revoked and the owners, tenants and other parties in interest shall be subject to the penalties of this ordinance for operation and/or use without a Certificate of Occupancy.

**801.2-13** All off-street parking areas, passageways, and driveways, shall be subject to the approval of the Zoning Officer and Planning Board to insure their adequacy, their relation to traffic safety, protection of the adjacent properties, whether residential or otherwise, and conformity to the requirements of this ordinance, subject to the standards set forth in this ordinance.

**801.2-14** In any business (RHC, VC) or Industrial District, parking spaces shall be no closer than ten (10) feet to any building.

## **802. OFF-STREET LOADING AND UNLOADING PROVISIONS.**

**802.1** For every building, structure or part thereof having five thousand (5,000) square feet or more of gross building area, erected and occupied for commerce, manufacturing, storage, goods display, retail store, wholesale store or warehouse, distribution center, market, restaurant, laundry, dry cleaning, place of public or quasi-public assembly, industry, or 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, and with areas designated for parking and their passageways and drive-ways, in accordance with the following standards:

- a. Every such building, structure or part thereof having at least 5,000 square feet of gross building area, as aforesaid, but less than 10,000 square feet of gross building area, there shall be provided at least one (1) truck standing, loading and unloading space on the premises, not less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height.
- b. For each additional 25,000 square feet of gross building areas as aforesaid, or fraction thereof, there shall be provided one additional truck standing, loading and unloading space having the foregoing minimum dimensions.
- c. No such truck standing, loading, or unloading space shall be in front of nor visible, from the front of any building, and no loading or unloading shall be conducted in front of any building.

**802.2** 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.

**802.3** Loading space as required under this Section shall be provided in an area in addition to off-street parking space and shall not be considered as supplying off-street parking space.

**802.4** Off-street loading and unloading areas shall be surfaced with a dustless, all-weather pavement (asphalt, bituminous, concrete or equivalent), which shall be adequately drained, all subject to the approval of the Township Engineer, and subject to the posting of performance guarantees as set forth in *Article 10* of this ordinance.

### **803. SPECIAL PERMIT FOR REDUCTION IN REQUIRED PARKING OR LOADING SPACES.**

**803.1** The number of off-street parking spaces or off-street loading and unloading spaces to be installed initially as required by the provisions of Sections 801 and 802 for building types or uses other than dwellings or residences, may be reduced provided that:

- a. A special permit is obtained from the Planning Board in accordance with the provisions of this Section.
- b. The reduced number of off-street parking or loading spaces to be installed shall not be less than the minimum number found by the Planning Board to be needed to serve adequately the use or prospective use of the building in the light of the occupancy thereof, customers, employees, traffic in connection therewith, and such other factors as are relevant to parking generated thereby.
- c. An off-street parking plan providing for not less than the number of parking spaces required by the applicable subsections of Section 801 shall be submitted and, if approved, shall become part of any special permit. That part of such parking layout that represents parking spaces or loading spaces in excess of the reduced number to be installed pursuant to special permit, which excess is not to be installed initially, shall not be encroached upon by buildings or other structures, shall remain readily available for future construction and installation of off-street parking, and shall be maintained in its natural state or with such landscaping as shall be required or approved by the Planning Board.
- d. The applicant shall enter into a written agreement with the Township by which the applicant agrees to construct and install all or any part of such additional off-street parking at any time or times if the Planning Board, after receipt of a complaint from the Zoning Officer or from any interested person, shall by resolution determine to require such construction and installation, and shall so notify the owner of the premises. The agreement shall also provide that the owner shall maintain the area to be covered by the excess parking space in the manner required by the Planning Board pursuant to *Section 803.1 (d)* and that if the owner shall fail to so maintain such area, or fail to construct and install required off-street parking or loading spaces after notice to do so, the Township shall have the

right to enter upon the premises and to cause such maintenance to be performed or such off-street parking to be constructed thereon. The agreement shall further provide that if such maintenance or construction by the Township becomes necessary, the cost of such, after procedure as required by law, shall become and be a lien upon the premises, enforceable and collectible in the same manner as municipal improvement assessments. The form of the agreement shall be subject to approval of the Township Attorney and shall become a part of any special permit issued

**803.2** Any owner or group of owners of a non-residential building or buildings, located not more than 300 feet apart in any RHC, VC or Industrial Zone District, may apply for a reduction in the parking requirements of each individual use and to utilize the “shared parking” concept to establish the overall parking requirements for the entire property or properties, provided that:

- a. A special permit is obtained from the Planning Board after the filing of a “shared parking” application.
- b. In considering a “shared parking” application, the Planning Board shall follow the procedure for granting relief under *N.J.S.A. 40:55D-70(b)*.
- c. There shall be filed with the “shared parking” application, the site plan containing all information required by the Land Development Ordinance. If approved, the site plan shall become a part of the “shared parking” special permit.
- d. There shall be filed with the “shared parking” application, five (5) copies of a “shared parking” study prepared by a qualified traffic engineer or transportation planner. If approved, the “shared parking” study shall become a part of any special permit issued. The filing of the written study does not relieve the applicant from the necessity of presenting oral testimony at the time of the hearing on the application. The study shall set forth all criteria used, including peak unit ratios, parking utilization for each unit by half hour periods, parking accumulation totals for each half hour period, employee parking requirements, and any other criteria used in developing the “shared parking” recommendation. Any technical articles, learned treatises or other authorities cited or relied upon shall be listed by title, author, date of publication and address from which copies may be obtained.
- e. The applicant shall enter into a written agreement with the Township to limit and restrict the uses placed or to be placed upon the subject property so that the “shared parking” provided will not be over utilized. The written agreement shall provide that upon complaint from the Zoning Officer, or from any interested person, the Planning Board may limit the number, type or extent of uses on the premises, or the hours of operation of the uses on the premises, so that the “shared parking” will not

be overcrowded. The agreement shall also provide that the covenants and undertakings of the applicant will be binding upon its successors and assigns, and also upon its tenants, subtenants, and all other persons acquiring any interest in or possession of the premises. The agreement shall be in recordable form and shall be subject to the approval by the Township Attorney as to form. The agreement shall become a part of any special permit issued by the Planning Board. The failure of the applicant to abide by the terms of the agreement shall constitute a violation of the relief granted, which violation may be prosecuted under Article 12 of this ordinance.

f. The Planning Board shall have the power, in connection with the grant of such "shared parking" special permit, to impose conditions upon the applicant relating to the types of occupancies to be upon the premises, the nature of all commercial uses and their hours of operation. The Planning Board shall have the power to prohibit certain uses or occupancies if the projected parking requirements of the uses or occupancies would over utilize the "shared parking" available.

## ARTICLE 9

### SIGNS

#### DEFINITIONS:

Animated Signs: Signs that display images in a dynamic way, like television or movies

Contractor: Home Improvement Contractor legally licensed by the State of New Jersey

Digital Signs: A form of electronic display, including but not limited to LCD, LED, Plasma Display, or Projected Images.

Display Interval: The amount of time between displaying different images

EMC: Electronic Message Center

Nit: a luminance unit equal to 1 candle per square meter (.093 candela/s.f.) measured perpendicular to the rays from the source

Scrolling Signs: Signs that have the letters or images move across the sign

#### **901. SIGN REGULATIONS.**

##### **901.1 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

In all Residential Districts, and all properties in any zone district used for residential purposes, the following regulations shall apply:

**901.1-1** Nonilluminated or nonflashing indirectly illuminated name plate sign, situated within the property lines and bearing only the name of the principal occupant and/or the street number of a private dwelling and not exceeding seventy-two (72) square inches in total area; provided, however, that any illumination shall not cause a glare visible beyond the property lines.

**901.1-2** Nonilluminated or nonflashing indirectly illuminated professional signs bearing the name of the professional person or persons using the premises and indicating the profession, each of such signs not to exceed one (1) square foot on each of two (2) sides for each professional occupying the premises.

**901.1-3** Signs identifying a use in a residential district such as a club house, public or quasi-public building or buildings used solely for nonprofit, church, school, hospital or other like purposes but not including any activity of a retail nature, provided said sign is located on the same premises as the use that it identifies. No such sign exceeding (9) square feet on each of two (2) sides may be placed upon any property.

**901.1-4** One (1) temporary advertising sign pertaining only to the lease or sale of the same premises on which it is placed provided that such sign shall not exceed six (6) square feet in area on each of two sides and shall not be illuminated. Such signs shall be removed within seven (7) days after the execution of any lease, rental agreement, or occupancy by other than owners, or agreement of sale for the premises.

**901.1-5** One temporary ground mounted sign for contractors pertaining to work being performed on the premises where the work is being performed provided that the sign shall not exceed four (4) square feet, inclusive of all contractors performing work on said premises. Such signs shall be removed promptly upon completion of the work. In no event shall the Temporary Signs stay in place for more than sixty (60) days in any one calendar year.

**901.1-6** Not more than one (1) sign for each use, profession or activity coming within the provisions of this section shall be permitted for each street contiguous to the premises, but in no case shall there be more than two (2) such signs on the premises.

**901.1-7** Such signs as may be required by the Township, County, State or Federal Government.

**901.1-8** Signs for elections, special elections, or referendums may be erected. Said signs shall be removed within five (5) calendar days after the completion of the event by whoever paid for the sign.

**901.2 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS.** In the RHC and VC Districts and the Industrial District, the following sign regulations shall apply.

**901.2-1** Any sign permitted under Section 901.1.

**901.2-2** Non-illuminated or non-flashing illuminated sign identifying each permitted use in a principal building may be applied or attached to the front facade of that building. Such signs shall not project more than twelve (12) inches from the building facade nor extend above the uppermost edge of such facade. Roof-mounted signs are prohibited. Where a principal building fronts on more than one street, such signs may also be placed on the facades facing such additional streets. The total area of all signs placed on all facades of a building shall not exceed ten percent (10%) of the area of the front facade of the building ("front facade" being where the main entrance is located) for Upper Level Businesses. Facade Signs on Upper Level Businesses shall not exceed 10% of the front Facade Area of the space being occupied. Facade Signs for Lower Level Businesses with entrances at the rear of Buildings (opposite street side of building) may not exceed 10 % of the facade area of the space being occupied. Facade Signage on Lower Level Businesses, that is indirectly illuminated from above is limited to business hours. The maximum lighting level permitted for Facade Signage

on the rear of buildings shall be 0.5 foot candles at 15 feet.

**901.2-3** Free-standing business signs are permitted but only if erected on the same premises on which the business to which they refer is conducted when the property frontage conforms to the requirements set forth in the Schedule under Section 901.2-3a. One free standing business sign shall be permitted for two adjacent properties, if one or both properties do not meet the minimum frontage requirements in the schedule under Section 901.2-3a. Such signs shall conform to the following:

a. There may be one (1) free-standing digital, non-illuminated, or illuminated sign permitted in the RHC District for each lot except for lots having a frontage of 189 ft. or less to identify the permitted use on the premises. Illuminated signs may be illuminated only by non-flashing internal or downward directed and shielded indirect lighting and lighting levels shall not exceed 1.0 foot candle at 15 feet in any direction from the sign. The total area of each of two sides of any such sign shall be in accordance with the following schedule:

#### SCHEDULE

<u>Property</u> <u>Frontage</u>	<u>Number of</u> <u>Occupancies</u>	<u>Maximum Size</u> <u>Sign Each Occupant</u>	<u>Maximum Size Sign</u> <u>for all Occupancies</u>
190'-249'	1	30 Sq. Ft.	30 Sq. Ft
190'-249'	2 or more	30 Sq. Ft.	120 Sq. Ft.
250' and over	1	50 Sq. Ft.	50 Sq. Ft.
250' and over	2 or more	50 Sq. Ft.	200 Sq. Ft.

Digital (Video and Electronic Message Center Signs) may be substituted for permitted illuminated signs subject to the following criteria:

- a) Brightness shall not exceed 1000 nits daylight and 200 nits at night. Dimming of signs shall occur automatically
- b) Intervals between displays shall be no less than 2 hours. Changes in images shall be instantaneous
- c) Scrolling and animated displays are not permitted
- d) The display shall automatically go dark if there is a malfunction
- e) Cannot be located within 400 feet of a residential district, unless an application for minor site plan is submitted to the Land Use Board demonstrating that the sign will be adequately

screened from view from all residentially zoned properties within 400 feet of the proposed sign.

**901.2-3 (b)** There may be one (1) free-standing sign permitted in the VC district for each business, or group of businesses, that is not attached to any other building. Such signs may be internally illuminated only by non-flashing fluorescent lights. Digital signs are not permitted in the VC district. Lighting levels shall not exceed 1.0 foot-candle at 15' in any direction from the sign. Wall blade identification signs are limited to 36 s.f. in area. The total area of each of the two sides of the free-standing sign shall be in accordance with the following schedule:

Property Frontage	Maximum Size Sign per Property
Less than 125'	5 s.f.
125' and over	20 s.f.

c. On buildings in the RHC District having walkways roofed over with a permanent rigid canopy or other such structural device there may be one (1) illuminated or non-illuminated sign for each structure or occupant in such shopping center hanging from the under side of the canopy and not exceeding three (3) square feet per side. Said sign shall provide a minimum of 8 feet of clear space above the walkway.

d. Awnings of any kind, Canopy or Marquee Signs, conforming to the Yard Requirements as defined under Section 301.8 Building Line, means any sign attached to a permanent or retracting overhead shelter that projects from the face of the building and is supported from the building shall be a minimum of 10 feet above the ground and may not extend more than five (5) feet from the face of the building. All signage shall be parallel to the face of the building and shall not exceed eight (8) inches in height or four (4) inches in height if the sign is on sleeves; skirts or bands at the outer perimeter of the awnings of any kind, canopy, or marquees attached to the same building must be the same shape and color.

**901.2-4** One Banner or one Flag and Pennants may be installed for the opening of a new Business for a period not exceeding fourteen calendar days. Temporary Advertising signs for Special Sales in the form of a maximum of one banner or one flag not exceeding fifty (50) square feet may be installed for a maximum of twenty one calendar days. A permit is required before installation (21 days shall

be deemed to include any days that the signs are in place prior to a permit being issued). No more than 6 permits for special sales will be issued during the calendar year. Temporary Advertising signs are not permitted on properties that have digital free standing advertising signs.

**901.2-5** Advertising Signs visible through doorways and windows for purpose of advertising pasted, painted, hung, or otherwise attached to, or directly behind, windows or doors may be placed in windows for a period not exceeding fourteen (14) calendar days for any given sign. Such signs shall not exceed 20% of the total window or doorway area of the front of the store.. Such Temporary signs are not permitted in side or rear windows or doors. One (1) temporary "Help Wanted" signs no larger than 2 s.f. is permitted for a period no longer than 45 days.

**901.2-6** One sign is permitted demarcating the entrance and exit driveway to each property. Each sign shall be no larger than four (4) square feet and shall not contain any words or logo's other than "Entrance" and "Exit".

**901.2-7** One Temporary Real Estate Sign for each Street Frontage in Commercial Districts pertaining only to the lease or sale of the same premises in which it is placed are permitted. That such sign shall not exceed twelve (12) square feet in area and shall not be illuminated. Such signs shall be removed within seven (7) days after the execution of any lease, rental agreement or agreement of sale for the premises.

**901.2-8** Prohibited Signs. The following types of signs or artificial lighting are prohibited:

- a. Billboards, Commercial Outdoor Advertising Signs, or other signs which are not expressly and directly related to the business being conducted on the premises.
- b. Flashing, Animated, Intermittent, scrolling, or moving signs, including any sign or device on which the artificial light is not maintained stationary, or is not constant in intensity and color, at all times when in use.
- c. Neon or LED (Light Emitting Diode) strips or ropes or other lights used to outline windows or outlining individual occupancies in strip centers, accessory structures, signs, light poles and appurtenances, and vertical features.
- d. Sound generating signs of any type or kind.
- e. No devices, such as, streamers, balloons, flags, search tights, spinners, pennants, pinwheels, sandwich boards, inflatable items or characters, A-Frame type, etc. or sales promotion signs

(except as provided in Section 901.2-4, 901.2-5, & 901.2-7.

- f. Signs, being held or carried, posted in any fashion on poles, posts, trees, sidewalks, or curbs or on any Township property or public right of way.
- g. Vehicles parked so as to serve as Advertising Signs.
- h. Any sign not specifically permitted by this Ordinance.

### **901.3 SIGNS PERMITTED IN THE SMD DISTRICT** See Section 901.1.

## **902. SIGN PERMITS**

Sign permits shall be required for all signs greater than two (2) square feet in area. See Section 1204.5.

## **903. GENERAL PROVISIONS.**

**903.1** No flashing or moving signs of any type may be erected anywhere within the corporate limits of the Township of Green Brook.

### **903.2 FREE STANDING SIGN REQUIREMENTS:**

	RHC district	VC district
Maximum height to top of sign	25'	6'
Maximum depth of sign	18"	18"
Minimum setback from right-of-way line to center of sign	15'	15'
Minimum setback from property line to sign	5'	15'
Minimum height to bottom of sign	10'	3'
Maximum height to bottom of sign	22'	-

**903.3** No sign shall be permitted which, by reason of location, color or illumination shall obstruct, camouflage, detract from, be confused with, or shall interfere with any traffic direction or control signal, sign, or device.

**903.4** All such signs which do not conform to the specific requirements and standards set forth in this ordinance are specifically prohibited. (See Section 901-2-8).

**903.5** Unless otherwise permitted by the Planning Board or Zoning Board of Adjustment, illuminated signs or the exterior lights that illuminate them shall be turned off within 30 minutes after the close of business of the use advertised or identified by the sign or by 11:00 pm, whichever is later.

## **904 ADMINISTRATIVE PROCEDURES - SIGNS**

**904.1** Any sign including stanchions, support, etc. now or hereafter existing which no longer advertises a

bona fide business being conducted on the premises shall be removed from said premises by the record owner or beneficial user of the premises within ten (10) days from the receipt of a written order to do so from the Construction Official and/or Zoning Officer.

**904.2** Where an existing sign frame is to remain after, a bona fide business has moved from the premises, the owner or beneficial user shall replace the sign with an opaque panel to cover the internal portions of the sign within ten (10) days from the receipt of a written order to do so from the Construction Official and/or Zoning Officer. In default of said removal, the Township Clerk is authorized to effect the removal of said sign and to charge all costs incident to the same to either the record owner or the beneficial user of the premises, or to both, provided that there shall be no duplication of the payment of said costs.

**904.3** If at any time the Township Committee shall determine that any sign in the Township constitutes a menace to the health, safety, morals or general welfare of the community, it shall notify the record owner and the beneficial user of the premises on which said sign is located by serving a written notice upon such person or persons, together with a written notice of demand that the condition be remedied within ten (10) days from the receipt of said notice and demand. If the condition is not so remedied, the Township Committee shall undertake the necessary steps to rectify the same, charging all the costs incident to the owner or beneficial user of the premises, or both, provided that there shall be no duplication of the payment of said costs.

**904.4** The Construction Official, Township Engineer, Building Code Enforcement Official, or other Authorized Public Officer shall at all times have the power to act to require the removal, demolition or repair of any sign or any other structure under the State Uniform Construction Code or any other applicable law, ordinance or regulation.

## ARTICLE 10

### LANDSCAPING AND FENCES

#### **1001. LANDSCAPING.**

**1001.1** Landscaping consisting of attractive trees, shrubs, plants, natural or synthetic grass lawns and decorative stones or rock gardens, shall be shown on site plans and shall be planted and maintained as required in specific sections of this ordinance, or as set forth in this Section.

- a. Whenever a non-residential use abuts a residential zone, a solid and continuous landscaped screen shall be planted and maintained along the property line of the non-residential use. Said landscaping shall consist of massed evergreens, deciduous trees, and shrubs, of such species and size as will produce, within two (2) growing seasons, a screen at least six (6) feet in height, and of such density as will effectively obscure the light of automobile headlights emitted from the premises throughout the full course of the year. Such buffer shall be at least 25 feet wide. In addition to such planting, the owner of the non-residential property shall erect on the buffer area a fence at least six (6) feet in height for the purpose of protecting the residential property from litter, debris, and light glare, and such other nuisances that would disturb peaceful possession. Such fence shall be solid, and shall be located as required by the approving authority.
- d. Planted buffer areas shall be used for stormwater management to disconnect areas of impervious coverage. Landscaping in buffer strips shall consist of native vegetation, which requires less fertilization and watering than non-native species.
- e. A 25' vegetative buffer strip shall be provided adjacent to all streams, creeks, and other waterways and water bodies to mitigate thermal runoff impacts, provide wildlife habitat, and increase site aesthetics. Where natural wooded conditions do not exist, new native plantings shall be installed.

#### **1001.2 GUARANTEES.**

**1001.2-1** Whenever landscaping, seeking and/or buffer area planting is required under this Section, or any other Section of this ordinance, or by the Land Development Ordinance, or by any condition of approval of the Planning Board or Board of Adjustment, the same shall be planted prior to the issuance of the Certificate of Occupancy for the use of the property; provided, however, that when

the season or weather conditions do not permit such plantings to coincide with the completion of the buildings or structures, same shall be accomplished within a time to be specified in the issuance of such Certificate of Occupancy, based upon the season of the year when issued.

**1001.2-2** No Certificate of Occupancy shall be issued for any use requiring landscaping, seeking and/or planted buffer area under this ordinance, or as a condition of any approval under this ordinance, unless the owner shall have filed with the Township the performance guarantees required under the provisions of the Land Development Ordinance of this Township, sufficient in amount to cover the costs of such required plantings, including replacement thereof and maintenance thereof for a two year period.

## **1002. FENCES**

**1002.1** When fences are to be installed as part of an initial application involving a building or other structures, the same shall be shown on the site plan, and the nature of said proposed fence shall be described.

**1002.2** Barbed-wire and electrically charged fences are specifically prohibited; however barbed-wire may be permitted to be installed above a height of six (6) feet on customary security-type fences, if permission therefore is specifically granted by the appropriate authorities.

**1002.3** All fences must be erected within the property lines, and no fences shall be erected so as to encroach upon a public right-of-way. See also Section 409.

**1002.4** Every fence shall be maintained in a safe, sound, upright condition.

**1002.5** Spite fences are specifically prohibited, as are "fences" made from used or discarded materials not usually associated with fences, such as but not limited to doors, old lumber and the like

**1002.6** No new fences may be installed which exceeds the height of 6' (six feet).

**1002.7** No fence greater than 4' (four feet) in height may be installed in the front yard (as defined in Section 301.64.1.)

**1002.8** Properties which are corner lots, having frontage on two or more public roads, shall comply with Section 1002.7 for the front yard in which the house faces. The second front yard shall be considered a side yard except that no fence greater than 4' (four foot) in height may be installed in front of the rear building line of the house as projected to the right of way line.

## ARTICLE 11

### BOARD OF ADJUSTMENT AND PLANNING BOARD

#### **1101. BOARD OF ADJUSTMENT.**

Whenever the term Board of Adjustment is used in this ordinance, it shall mean the Board of Adjustment of the Township of Green Brook as established pursuant to statute and *Article 11 of the Land Development Ordinance*.

#### **1102. PLANNING BOARD.**

Whenever the term Planning Board is used in this ordinance, it shall mean the Planning Board of the Township of Green Brook as established pursuant to statute and *Article 11 of the Land Development Ordinance*.

#### **1103. PROCEDURES.**

The procedures for applications to the Board of Adjustment and the Planning Board, requirements as to hearings, fees to be charged, and other matters, shall be as set forth in the *Land Development Ordinance of the Township of Green Brook*.

#### **1104. POWERS.**

It is intended that the Board of Adjustment and the Planning Board possess all of the powers conferred upon such boards, respectively, by law.

#### **1105. STANDARDS GOVERNING EXERCISE OF DISCRETION BY THE APPROVING AUTHORITY**

In any instance where the Approving Authority, whether Board of Adjustment or Planning Board, is empowered to act upon any application or upon a variance or conditional use, or to exercise its discretion in the granting of any relief pursuant to this ordinance, or any other applicable law, it shall, in addition to any other factors elsewhere in this ordinance:

**1105.1** Assure itself that the proposed change or use is consistent with the spirit, purpose or intent of the Zoning Ordinance.

**1105.2** Determine that the proposed change or use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change, use or plan is adequately safeguarded.

**1105.3** Determine that the proposed change or use will serve the best interests of the Township, and the

convenience of the community (where applicable), and the public welfare.

**1105.4** Be guided in its study, review and recommendations by sound standards of subdivision practice, where applicable.

**1105.5** Consider the suitability of the proposed location of an industrial or commercial use with respect to probably effects upon highway traffic, and assure adequate access arrangements in order to protect major highways from undue congestion and hazard; guide the development of highway frontage insofar as possible so as to limit the total number of access points and encourage the fronting of buildings on parallel marginal roads or on roads perpendicular to the highway guide the development of direct access to and from State highway properties so as to promote, where possible, acceleration and deceleration lanes to and from the State highway and to discourage where possible; right angle turns into and off the State highway.

**1105.6** Consider the effect of the proposed change or use upon topographical conditions and drainage and flood problems, giving due consideration to the flood hazard areas set forth in the map referred to in Section 611 of this ordinance, and provide for preservation of the channel and flow of water in natural streams and water courses and storm water sewers or drainage ditches, to safeguard the public against flood damage.

**1105.7** Consider the effect, of the proposed change or use upon the logical, efficient and economical extension of public services and facilities such as water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.

**1105.8** Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from the Board of Health in any case required herein or deemed advisable.

**1105.9** Require that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous or objectionable interference of any kind.

**1105.10** Consider the effect of the proposed change or use upon the ecology of the community to assure adequate environmental protection.

**1105.11** The Board of Adjustment or Planning Board, as the case may be, in granting any approvals under this ordinance, may impose such conditions, in addition to those required in this ordinance, as are necessary to assure that the general purposes and intent of this ordinance are met. Such conditions may

include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, and minimizing of noxious, offensive or hazardous elements, preservation of natural features, and the posting of performance guarantees, of the nature required in the *Land Development Ordinance*, to assure compliance with requirements that will survive initial construction and the issuance of the Certificate of Occupancy.

#### **1105.12 FINDINGS WITH RESPECT TO INDIVIDUAL LOTS.**

In the official resolution approving the design layout of any development application, the Approving Authority shall make a specific finding that all of the proposed lots shown on the development plat are suitable and useable for the intended purpose, and that each proposed lot contains sufficient area to accommodate the proposed building or buildings, proposed accessory structures, proposed parking, the proposed potable water supply, the proposed sewage disposal system, as well as to provide adequate space for all front, side and rear yard setbacks required by the zoning ordinance.

The Approving Authority shall also make a specific finding that the development application being approved does not require variance, conditional use approvals, plan-design waivers or relief from any other ordinance requirement, nor does it violate the terms or conditions imposed upon the subject property as a part of any earlier development application approval. If variance or other relief is required, the Approving Authority shall specify the types of relief required. This section shall apply to any single lot which is itself the subject of a separate application; provided, however, that the Approving Authority is not required to make the specific findings in an application involving a single lot which is utilized for a single family dwelling.

#### **1105.13 LOTS NOT SUITABLE.**

If the Approving Authority finds that one or more of the proposed lots do not comply with the foregoing standards, then the design layout of the development shall not be approved, and the applicant shall be directed to submit a revised design layout. The official findings of the Approving Authority shall state which of the proposed lots was found to be unsuitable, and shall state the reasons for the finding of unsuitability, making reference to specific provisions, terms or conditions imposed by earlier development approval resolutions, of the Land Development Ordinance, of the Zoning Ordinance, of any other local ordinances or of any law of the State of New Jersey which forms part of the basis for the, denial of approval.

## ARTICLE 12

### ADMINISTRATION; PERMITS; CERTIFICATES

#### **1201. ENFORCEMENT.**

The primary enforcement officers of this ordinance shall be the Zoning Officer and the Construction Official, and their respective deputies and Building Sub-Code official.

**1201.1** Zoning Officer. The Township Committee shall appoint a Zoning Officer annually at its reorganization meeting, or as soon thereafter as may be practicable. The Zoning Officer shall serve for the remainder of the calendar year in which appointed.

**1201.2** Deputy Zoning Officers. The Township Committee may also designate Deputy Zoning Officers for the purpose of signing complaints and prosecuting violations of this ordinance in the Municipal Court, or any other Court, and such deputy zoning officers may include, by way of illustration and not by way of limitation, the Chief of Police and members of the Police Department, as the Township Committee may deem advisable.

**1201.3** The same individual may be named by the Township Committee to serve as both the Construction Official and Zoning Officer, or the Township Committee may appoint separate persons to said positions.

**1201.4** For the purpose of administering, issuing and enforcing zoning permits under N.J.S.A. 40:55D-18 and Article 12 of the Zoning ordinances, all references to "zoning officer" shall mean "administrative officer".

#### **1202. DUTIES OF ZONING OFFICER.**

It shall be the duty of the Zoning Officer, or duly authorized assistants or deputies, to examine and inspect any plans, buildings or premises to determine that they are not in violation of the provisions of this ordinance. The Zoning Officer shall have the right to enter any building or premises during daytime hours in the course of his or her official duties, except as otherwise may be proscribed by law.

**1202.1** Where the Zoning Officer, in the course of his or her duties, determines that any plans, buildings, or premises are in violation of the provision of this ordinance, he or she shall, in writing, order the responsible party to remedy such conditions and to cease such violations. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be invoked by the Township, and the violators rights of appeal; all as provided for by this ordinance and the laws of the State of New Jersey. A copy of the written order shall

be transmitted to the Construction Official who shall thereupon cause the Certificate of Occupancy for the building or premises to be suspended or to be held null and void. A new Certificate of Occupancy shall be required for any further use of such building or premises.

**1202.2** The Zoning officer shall issue Zoning Permits or Temporary Use Permits, as appropriate and as provided for elsewhere in this ordinance. No such permit shall be issued for any plans which would be in violation of the provisions of this ordinance.

**1202.3** The Zoning Officer shall inspect premises after construction and prior to issuance of a Certificate of Occupancy to assure that the building in fact does comply with the plans as approved and this ordinance. If it does, the Zoning Officer shall issue the Zoning Certificate. (See Section 1204.5).

**1202.4** The Zoning Officer shall maintain a permanent record of all matters considered and all action taken by him or her. Such records shall form a part of the records of that office and shall be available for the use of the Township Committee and other officials of the Township, County and State. The records to be maintained shall include at least the following:

(a) Application File. An individual permanent file for each application for a permit provided for by this ordinance shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents, maps, and plans; notations regarding pertinent dates and fees, and the like; as appropriate one (1) copy of the resolution of the Approving Authority in acting upon the application; and the date the permit applied for was issued or denied by the Zoning Officer.

(b) Monthly Report the Zoning Officer shall prepare a monthly report for the Township Committee. Said report shall cite all actions taken by the Zoning Officer including all referrals made by him or her, all permits and certificates issued and denied: and all complaints of violations received and all violations found and the action taken by the office consequent thereon.

A copy of this monthly, report shall also be transmitted by the Zoning Officer to the Tax Assessor, Planning Board and Board of Adjustment at the same time it is transmitted to the Township Committee.

## **1203. PROCEDURE ON APPLICATIONS.**

**1203.1** At the lime of application for a construction permit (by whatever name) to construct, alter or repair a detached one or two dwelling-unit building, to be used exclusively for residential purposes, in a Residential District, the applicant shall also apply to the Zoning Officer for a Zoning Permit.

(A) The applicant shall supply the Zoning Officer with the information required by Section 603 (d) of the Land Development Ordinance, as well as all data required by the State Uniform Construction Code.

(B) If the Zoning Officer shall determine that said application conforms in all respects to the requirements of this ordinance, he or she shall issue the Zoning Permit and sign and stamp all plans, and so advise the Construction Official.

(C) If the Zoning Officer shall determine that said application does not conform in all respects to the requirements of this ordinance, he or she shall note in what respects the application does not conform and shall deny the application. The Zoning Officer shall notify the Construction Official of such denial, and shall advise the applicant of the applicant's right to apply to the proper board for an appropriate remedy.

**1203.2** As a condition precedent to (i) the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure, (ii) the use or occupancy of any building structure or land, an applicant shall apply to the zoning officer for a zoning permit. The zoning officer may condition the issuance of such permit, certificate and authorization upon submission of such data, materials, plans, plats and information as is authorized under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Zoning Ordinance of the Township of Green Brook, and upon the express approval of the appropriate state, county or municipal agencies; the fee for the review and issuance of the zoning permit shall cover administrative costs for the issuance of the permit, certificates and authorization. The zoning officer shall issue or deny a zoning permit within in (10) business days of receipt of a request, therefore in the event the zoning officer fails to grant or deny a zoning permit within this period, the failure shall be deemed as to be an approval of the application for the zoning permit. In any case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of the law or of any ordinance or other regulation made under authority conferred by law, the proper local authority or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, or to prevent and illegal act, conduct, business or use in and about such premises.

**1203.3** At the time of application for a construction permit, by whatever name, to construct, alter, or repair a building to be used for commercial, industrial or multi-family residential purposes, the applicant must be in receipt of an unconditional zoning permit issued by the zoning officer.

## **1204. CERTIFICATES AND PERMITS.**

The Certificates and Permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this ordinance.

**1204.1 CONSTRUCTION PERMIT.** No construction permit as required by the Uniform Construction Code, shall be issued unless the Construction Official shall first receive or issue, as the case may be, a Zoning Permit, showing that the plans and intended use of such building or structure are designed and intended to conform in all respects to the provisions of this ordinance and all other applicable ordinances, laws and regulations.

## **1204.2 CERTIFICATE OF OCCUPANCY**

**1204.2-1** No Certificate of Occupancy shall be issued unless the Construction Official shall first receive or issue, as the case may be, a Zoning Permit or Zoning Certificate, as applicable, showing that said land and/or premises and the use thereof comply in all respects to the provisions of this ordinance and all other applicable ordinances, laws and regulations.

**1204.2-2** No land shall be occupied or use and no building shall be occupied or used, in whole or in part for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Construction Official stating that the land or building, and the occupation or use of said land or building, comply with all the provisions of this ordinance, and all other applicable ordinances, laws and regulations.

**1204.2-3** No change or extension of use and no alteration of use shall be made in a nonconforming use of any land or building, without a Certificate of Occupancy having first been issued by the Construction Official indicating that such change, extension or alteration is in conformity with the provisions of this ordinance and all other applicable ordinance, laws and regulations.

### **1204.2-4**

(A) No change shall be made in the use or occupancy of any land or building without a certificate of occupancy having first been issued by the Construction Official indicating that such change is in conformity with the provisions of this Ordinance, all other ordinances, laws and regulations, and does not violate the terms and conditions of variances or approvals previously granted to the subject property. Whenever the ownership or tenancy of a building, other than a building used or occupied exclusively as a dwelling, shall change, a certificate of occupancy shall be obtained indicating that the use or occupancy is in conformity with the provisions of this Ordinance, all other applicable ordinances, laws and regulations, and the terms and conditions of any variances

or previous approvals granted to the subject property.

(B) Such certificate of occupancy shall be required in such case, whether or not there is any change in the use of such building, in order to insure that there is no change of such use and to register the name or names of the party or parties liable for compliance with the terms of this Ordinance and all other applicable ordinances, laws, regulations and the 'terms and conditions of variances or other approvals previously granted to the subject property. In any case where the certificate of occupancy is required because of a change in tenancy or ownership, but there is no change in use, and the issuance of such certificate of occupancy is in order, the Construction Official shall issue the certificate without referral to the Planning Board or other Approving Authority, and no site plan review shall be required.

(C) In any case where the certificate of occupancy is required because of a change in use, the Construction Official shall refer the application to the Planning Board or other Approving Authority for review.

#### **1204.2-5**

(a) In any case where a Construction Permit is also required, the Certificate of Occupancy shall be applied for at the same time that the application for a Construction Permit is filed and shall be issued within ten (10) days after the erection or alteration of the building shall have been completed in conformity with the provisions of this ordinance and all other applicable ordinances, laws and regulations.

(b) In any case where no Construction Permit is required, but a Certificate of Occupancy is sought, or, in a case where a Certificate of Occupancy is required because of a change in the ownership or tenancy of a building, other than a building used or occupied exclusively as a dwelling, the Certificate of Occupancy shall be applied for before the land or building is used by the new owner or tenant, as the case may be; such Certificate of Occupancy shall be issued within ten (10) days after the application therefore, provided the proposed use or occupation of the land or building shall conform with the provisions of this ordinance and all other applicable ordinances, laws and regulations.

**1204.2-6** A record of all Certificates of Occupancy shall be kept on file in the office of the Construction Official and copies shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected, upon payment of the appropriate fee therefore.

**1204.3 ZONING PERMIT.** The Zoning Officer is hereby empowered to issue a Zoning Permit for any

plans regarding the construction or alteration of any building or part of any building, or the change in use of any land or building or part thereof, in accordance with the following:

**1204.3-1** For a detached one or two dwelling unit building to be used exclusively for residential purposes in a Residential District, when the Zoning Officer shall determine that such plans are not in violation of the provisions of this ordinance.

**1204.3-2** For any other use, other than specified in subsection 1204.3-1 above, when the Zoning Officer, with the Approving Authority, under the procedures set forth in Article 3 of the Land Development Ordinance, shall determine that such plans are in conformity with the provisions of this Ordinance, that the same do not require a variance or conditional use from the terms of this Ordinance, and that the same are in compliance with and do not violate the terms and conditions of variances or approvals previously granted to the subject property.

**1204.3-3** For any use requiring a variance or conditional use permit, upon receipt of the final approval of the Approving Authority for such variance or conditional use, and accompanying site plan approval.

**1204.3-4** The reference to “two dwelling unit building” in Sections 1203.1 and 1204.3-i, above, is made to conform to the language in *N.J.S.A. 40:55D-37*, and shall not be deemed permission for any such use unless specifically permitted in a district in this ordinance.

**1204.3-5** The issuance of a Zoning Permit shall constitute a determination that the requirements of this ordinance have been met and shall be a prerequisite to the issuance of a construction permit. (See Sec. 1204.1).

**1204.3-6 Application for Zoning Permit**

The zoning permit application entitled “Township of Green Brook, Application for Zoning Permit (2002) is hereby adopted and included within this ordinance.

**TOWNSHIP OF GREEN BROOK**

**APPLICATION FOR ZONING PERMITS (2002)**

**IMPORTANT:** a current survey **MUST** be submitted with this application showing the size and location of the lot, the dimensions and locations of the proposed building or structure on the lot, building set back, dimensions of rear and side yards, and the dimensions and locations of the existing buildings or structures on the lot. For non-residential applications a floor plan depicting interior layout of the unit is required in addition to the survey.

BLOCK \_\_\_\_\_

DATE \_\_\_\_\_

LOT \_\_\_\_\_

ZONE \_\_\_\_\_

1. Name of applicant: \_\_\_\_\_

(If an applicant is a corporation or partnership, give correct corporate title or business name and name of partners or authorized agent)

2. Applicant's phone number \_\_\_\_\_

3. Applicant's address \_\_\_\_\_  
\_\_\_\_\_

4. Name of lot Owner \_\_\_\_\_

(If applicant is not owner, give name and address of the owner of the premises and letter giving permission for Zoning Permit signed by owner and notary)

5 Address of premises: \_\_\_\_\_

6. Attorney for applicant, if applicant is a corporation. \_\_\_\_\_

Address \_\_\_\_\_

Permit is requested for:

New House      Survey and Floor plans \_\_\_\_\_

New deck, or extension of existing, (indicate size of deck) existing \_\_\_\_\_

proposed \_\_\_\_\_

Accessory structure over 100 square feet

Pool, in ground or above ground (please circle)

Addition, explain use and submit floor plans

Porch

Demolition (explain)

Signs

Other (please detail) \_\_\_\_\_

example: pond, sidewalk, flagpole

I (we) hereby declare and represent to the Township of Green Brook that the statements made by me (us) in this application are true and within my (our) knowledge; and that this application meets all the conditions as set forth in both the Land Development Ordinance and Zoning Ordinance of the Township of Green Brook

Conditions:

and such statements are made for the purpose of obtaining a Zoning Permit

Owner's Signature \_\_\_\_\_

Zoning Officer's Approval \_\_\_\_\_

Denial - violates Zoning Ordinance section: \_\_\_\_\_

Construction Permits required:      yes       no

Board of Health required:      yes       no

Planning Board approval required:      yes       no

Board of Adjustment approval required:      yes       no

NJDEP approval required      yes       no

Road Opening permit required      yes       no

Other: \_\_\_\_\_      yes       no

A Zoning permit is required:

(1) as a precedent to the commencement of use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

(2) That acknowledges that such use, structure or building complies with the provisions of the Municipal Zoning Ordinance or variance there from duly authorized by a municipal agency.

Application fee paid \$ \_\_\_\_\_

#### **1204.4 TEMPORARY USE PERMIT.**

The Zoning Officer is hereby empowered to issue a Temporary Use Permit when he or she shall

determine that the requirements of this ordinance with respect thereto have been met and as directed by the Approving Authority as follows:

**1204.4-1 In connection with Construction or Development**

It is recognized that certain types of construction and development require certain temporary structures and uses incidental thereto; not intended to remain permanently on the property, and not otherwise permitted by this ordinance.

The Approving Authority in its general supervision and site plan review shall have the power to authorize, for a period not to exceed one (1) year, the following uses customarily incidental to such construction and/or development storage of building supplies and machinery, the assembly of building materials, temporary trailer or construction dwelling for use of workers and supervisors on the site, and a real estate office located on the tract offered for sale.

The issuance of such permits shall be conditioned upon written agreement by the owner to remove any structure or structures erected there under and to discontinue such uses upon expiration of the Temporary Permit. Such permits may be renewed by the Approving Authority annually, over a period not to exceed three (3) years.

**1204.4-2 In connection with other temporary uses.**

It is recognized that there are certain activities or uses of land and/or buildings which are by their nature conducted only for a limited period of time and which may not otherwise be permitted by the provisions of this ordinance, but which are of such nature and are so located that they will:

- (a) In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone; or
- (b) contribute materially to the welfare of the Township, particularly in a state of emergency, or in connection with civic or charitable functions, under conditions peculiar to the time and place involved; or
- (c) arise by reason of the requirements of other law with reference to property

Such uses may include strictly limited activities, such as outdoor amusements or circus events by non-profit civic organizations, one-day auctions ordered by Courts in bankruptcy or other Court-ordered liquidation, the provisions of temporary quarters for a limited period following a fire or other casualty loss, or seasonal activity such as the sale of Christmas trees from an open lot

Application for a Temporary Use Permit, under this subsection shall be made to the Zoning

Officer, and shall be accompanied by a site plan modified to show such information as may be required in order to enable the Zoning Officer and Approving Authority to consider said matter. Such application shall also set forth in detail the times and dates for such proposed temporary use, and any other information which may be required by the Zoning Officer and Approving Authority.

The Approving Authority shall review such application and, upon the finding that one or more of the above criteria are met, and upon finding that the proposed activity or use is of the nature contemplated hereby, and being guided by other standards set forth in this ordinance for the exercise of decision powers by a board acting pursuant to this ordinance, shall direct the Zoning Officer to issue such Temporary Use Permit.

A Temporary Use Permit issued pursuant to this subsection (1204A-2) shall be effective only for the period set forth in such Permit, but in no case for a period to exceed six (6) months.

In the event of the denial of such a Temporary Use Permit, the applicant shall have the right to appeal such determination to the Board of Adjustment (40:55D-70b).

#### **1204.5 SIGN PERMIT.**

Prior to the erection of construction or establishment of any sign greater than two (2) square feet in area (see Section 902), a sign permit shall be required. The application therefore shall show the size, type and location of the sign, and the legend to be included thereon, and shall set forth such other information as may be required by the Zoning Officer to show compliance with the terms of this Ordinance. If said application shows compliance with the requirements of this Ordinance, the Zoning Officer shall issue such permit. If such sign shall also require a building permit under the Construction Code the Township of Green Brook, there shall be no erection or construction of any such sign until such building permit shall also have been obtained. Upon satisfactory completion of the sign, the Zoning Officer shall endorse upon the original sign permit, and upon the copies in his file, approval thereof if the same shall have been erected, constructed or established in accordance with the requirements of this Ordinance.

#### **1204.6 TEMPORARY OUTDOOR SALE PERMIT**

The Zoning Officer is hereby empowered to issue a Temporary Outdoor Sale Permit for outdoor sales by non-residential uses that would typically not be permitted by the provisions of this ordinance. Outdoor sales typically consisting of, but not limited to, tent sales, sidewalk sales, or truck sales. Application for a temporary outdoor sale permit shall be accompanied by a site plan

modified to show such information as may be required in order to enable the Zoning Officer to consider said permit.

Such application shall also set forth the times and dates for the temporary outdoor sale permit. The issuance of a temporary outdoor sale permit does not give the applicant the authority to install any temporary advertising signs unless a separate temporary banner Permit authorized under section 901.2-4 is obtained. In approving the temporary sale permit, the zoning officer may alter the location of the sale to avoid traffic congestion and protect the public safety. The location of the temporary outdoor sale shall be set back at least 50 feet from the street right of way and at least 10 feet from all driveways and other property lines, or other distance as determined appropriate by the zoning officer. Temporary outdoor sale permits shall be valid for 14 days. No more than 6 permits for temporary outdoor sales per business will be issued during the calendar year.

## **ARTICLE 13**

### **VIOLATIONS AND PENALTIES**

#### **1301. PENALTIES.**

Any person, firm or corporation that shall violate any provision of this ordinance shall, upon conviction thereof by any Court authorized by law to hear and determine the matter, be fined such sum not exceeding Five Hundred (\$500.00) Dollars, as such Court in its discretion may impose, or, if the party so convicted be a natural person, such person may be imprisoned for a term not exceeding ninety (90) days as such Court in its discretion may impose, or be fined such sum not exceeding Five Hundred (\$500.00) Dollars, as such Court in its discretion may impose, or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such Court in its discretion may impose.

Each day that such violation exists shall constitute a separate offense punishable by a like fine or penalty.

#### **1302. PARTIES LIABLE.**

The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this ordinance shall be placed or shall exist, or be suffered, allowed or permitted to exist, and any architect, building, developer, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of any such violation shall each be guilty of a separate violation, and upon conviction thereof shall be each liable to the fine or imprisonment, or both, specified in Section 1301, above.

#### **1303. OTHER REMEDIES.**

The penalties provided in this Article are additional to any other remedies available to the Township of Green Brook, or to residents or property owners of the Township of Green Brook who may be affected by any violation of this ordinance, by law.

#### **1304. REVOCATION AND RESCISSION OF APPROVAL, AND/OR PERMITS.**

Whenever it shall come to the attention of either the Planning Board or Board of Adjustment, that action was taken by such Board based upon fraud or misrepresentation by or on behalf of the applicant as to material fact, such Board shall have the right to rescind its previous action and to order' revocation of any approval, permit, or certificate theretofore granted upon such fraud or misrepresentation. Such rescission and revocation shall remain in effect unless and until such Board shall reinstate such approval following a hearing thereon granted to the applicant within 45 days of any request therefore by the applicant. The rights of rescission and revocation set forth in this paragraph shall be in addition to the right to proceed under the

other paragraphs of this Article.

### **1305. VIOLATIONS OF CONDITIONS OF APPROVAL**

Any person, firm, or corporation that shall violate any condition of approval of a development application, whether imposed by the Planning Board or Zoning Board of Adjustment shall, upon conviction thereof, by any court authorized by law to determine the matter, be subject to the penalties and other regulations as set forth in Article 13.

## **ARTICLE 14**

### **VALIDITY**

#### **1401. SEVERABILITY.**

If any section, subsections 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.

## **ARTICLE 15**

### **REPEALER**

#### **1501. 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, but only to the extent as that they are so in conflict or inconsistent “The Zoning Ordinance of the Township of Green Brook (1979)” is hereby repealed and superseded by this ordinance.

The adoption of this ordinance shall not prevent or bar the continuation or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance of the Township of Green Brook, or in violation of “The Zoning Ordinance of the Township of Green Brook (1979)”.



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Note: This Index is not part of the Ordinance but is included for assistance in finding specific sections.



## SCHEDULE OF REQUIREMENTS

<u>SCHEDULE OF REQUIREMENTS</u>											
DISTRICT	USE	Area (sq. ft.)	Width (ft.)	Coverage Building/Impervious (percent)	Principal Building				Accessory Building		
					Minimum Yard Requirements				Minimum Yard Requirements		
					Front	Rear (ft.)	Side (ft.)	Combined	Maximum Height (stories/ft.)	Rear (ft.)	Side (ft.)
LD-1	1-Family	40,500	150	20/NA	50	50	20	50	2.5/35	20	20
LD-1 {2}	1-Family	20,000	100	20/NA	50	40	15	35	2.5/35	15	15
LD-3	1-Family	121,500	200	5/NA	50	50	15	35	2.5/35	15	15
LD-3 {1}	1-Family	40,500	150	20/NA	50	50	15	35	2.5/35	15	15
LD-3 {2}	1-Family	20,000	100	20/NA	50	40	15	35	2.5/35	15	15
MD	1-Family	15,000	100	20/NA	50	50	10	25% of width	2.5/35	20	10
MHD	1-Family	12,500	100	20/NA	35	30	10	25% of width	2.5/35	30	10
HD	1-Family	5,000	50	NA/NA	30	35	10	20	2.5/35	15	10
SMD	1-Family	40,500	150	20/NA	50	50	20	50	2.5/35	20	20
SMD {2}	1-Family	20,000	100	20/NA	50	40	15	35	2.5/35	15	15
AHD	Affordable Housing				See Section 608						
AHD 2	Affordable Housing				See Section 614						
AHD 3	Affordable Housing				See Section 615						
AHD 4	Affordable Housing				See Section 616						
AHD 5	Affordable Housing				See Section 620						
AHD 6	Affordable Housing				See Section 621						
RHC	Commercial	40,000	200	25 <sup>1</sup> / 80 <sup>1</sup> 35 <sup>2</sup> / 70 <sup>4</sup> 40 <sup>3</sup> / 70 <sup>4</sup>	50	50	25	60	2/35	30	25
VG <sup>6</sup>	See Section 617.2-1	30,000	200	40 / 75	Varies	25	15	30	2.5/35	See Section 617	
VC <sup>7</sup>	See Section 618.2-1	18,900	140	50 / 85	Varies	10	10	20	3/36	See Section 618	
RVC <sup>8</sup>	Residential/Offices	3,200	40	25 / 35	50	25	5	10	2.5/35	See Section 619	
I	Industrial	See Section 609.3-6	300	40 / 80	100 <sup>5</sup>	50	25	35% of width	2/35	50	50
PRN	1-Family	20,000	66 <sup>f</sup>	NA/45	20	30	6 and 10	16	2.5/35	10	10

### Notes

This schedule is for guidance only. Consult specific sections of the Zoning Ordinance for actual requirements. In case of conflict with the Schedule, the text of the Zoning Ordinance shall control.

{1} For properties serviced by public water and sewer

{2} For clustered developments with public water and sewer

1 For lots less than 40,000 sq. ft.

- 2 For lots between 40,000 and 59,999 sq. ft.
- 3 For lots greater than 60,000 sq. ft.
- 4 For lots greater than 40,000 sq. ft.
- 5 For lots fronting on Route 22, all other front yards shall be at least 50 feet
- 6 See Section 617 for additional requirements
- 7 See Section 618 for additional requirements
- 8 See Section 619 for additional requirements