

**TOWNSHIP OF MONTGOMERY
ORDINANCE NO. 04 - 1139**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVI, "LAND DEVELOPMENT",
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)
COUNTY OF SOMERSET, STATE OF NEW JERSEY
AND SPECIFICALLY SECTION 16-4.12
REGARDING “PRINCIPAL PERMITTED USES”
AND THE “REQUIREMENTS FOR ALL BUILDINGS”
IN THE “HC” HIGHWAY COMMERCIAL DISTRICT,
AND A NEW SUBSECTION 16-4.12 k. REGARDING
“SPECIAL PROVISIONS FOR CHILD CARE CENTERS” IN THE “HC” DISTRICT**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MONTGOMERY**, in the County of Somerset and the State of New Jersey, that Chapter
XVI, "Land Development", of the Code of the Township of Montgomery (1984) is hereby
amended and supplemented as follows:

SECTION 1. Amend Subsection 16-4.12.a., entitled “Principal Permitted Uses On The
Land And In Buildings”, of the Code of the Township of Montgomery (1984), to change
Subsection 16-4.12 a.7. to read in its entirety as follows in order to reference additional
provisions governing the construction of a “Child Care Center” as a principal permitted use in
the “HC” Highway Commercial zoning district:

- “7. Child Care Centers licensed by the Department of Human Services pursuant to P.L. 1983, c. 492 (C.30:5B-1, et seq.). See Subsection 16-4.12 k. of this chapter hereinbelow for additional provisions governing the development of Child Care Centers within the “HC” Highway Commercial zoning district.”

SECTION 2. Amend Section 16-4.12., entitled “HC Highway Commercial”, of the Code of the Township of Montgomery (1984), to add a new Subsection 16-4.12 k. to read in its entirety as follows in order to provide additional provisions governing the construction of a “Child Care Center” as a principal permitted use in the “HC” Highway Commercial zoning district:

“k. *Special Provisions For Child Care Centers.* In addition to being permitted to be developed on its own dedicated lot, a Child Care Center also may be developed within a second building on a lot within the “HC” Highway Commercial zoning district, provided and in accordance with the following:

1. The subject lot must be at least three (3) acres in area, which is three times (3x’s) the minimum required one (1) acre for the development of a single building within the “HC” District.
2. The Child Care Center may be developed as the sole principal use within the building, or the Child Care Center may share the space within the building with “offices”, which is another permitted use in the “HC” District, and is a use that could compatibly coexist with a Child Care Center.
3. The two (2) buildings on the single lot shall be separated as follows:
 - (a) The two (2) buildings shall be separated by a distance of at least twenty feet (20’) where the separation distance is used solely for pedestrian movement; or
 - (b) The two (2) buildings shall be separated by a distance of at least fifty feet (50’) where the separation distance is used to any extent for parking and/or vehicular circulation.
4. All other applicable requirements of this chapter for “individual

uses” within the “HC” District shall apply, and the entirety of all floors of all buildings shall be included in the calculation of the allowable floor/area ratio.”

SECTION 3. Amend Subsection 16-4.12. e., entitled “Requirements For All Buildings Within The ‘HC’ District”, of the Code of the Township of Montgomery (1984), by changing the introductory paragraph of Subsection 16-4.12 e.4. to read in its entirety as follows in order to clearly indicate that more than one (1) principal building is permitted in certain circumstances for lots developed with a “Child Care Center”:

- “4. More than one (1) principal building shall be permitted only in certain circumstances for lots developed with a “Child Care Center” in accordance with Subsection 16-4.12 k. of this chapter hereinbelow and for a tract of land specifically approved by the Planning Board for a permitted shopping center provided and in accordance with the following:”

SECTION 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Somerset County Planning Board, all in accordance with the law.