

**TOWNSHIP OF MONTGOMERY
ORDINANCE NO. 04 – 1138**

**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 16-3.3 REGARDING THE ZONING MAP,
SECTION 16-3.2 REGARDING OPTIONAL DEVELOPMENT ALTERNATIVES,
SUBSECTION 16-4.2 a. REGARDING PRINCIPAL PERMITTED USES
IN THE "R-2" SINGLE-FAMILY RESIDENTIAL DISTRICT,
SUBSECTION 16-4.6 a. REGARDING PRINCIPAL PERMITTED USES
IN THE "REO-2" & "REO-3" RESEARCH, ENGINEERING AND OFFICE DISTRICTS,
SECTION 16-6.5 a. REGARDING THE TYPES AND LOCATIONS
OF OPTIONAL DEVELOPMENT ALTERNATIVES,
AND A NEW SUBSECTION 16-6.5 i. REGARDING
THE REQUIREMENTS AND DESIGN STANDARDS FOR THE DEVELOPMENT
OF AN OPTIONAL PLANNED OFFICE COMPLEX WITHIN DESIGNATED
PORTIONS OF THE "R-2", "REO-2" AND "REO-3" DISTRICTS**

**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 the first paragraph of Subsection 16-3.3, entitled "Zoning Map;
Critical Areas Map", of the Code of the Township of Montgomery (1984) to read in its entirety
as follows:

"16-3.3 Zoning Map; Critical Areas Map. The boundaries of the zoning
districts specified in Subsection 16-3.1 hereinabove, and the land areas designated
for the optional development alternatives specified in Subsection 16-3.2, also
hereinabove, are shown and established on the "Zoning Map" of the Township of
Montgomery, dated March 15, 2004, which accompanies and is part of this
chapter."

Note For The Reader Of This Ordinance: For informational

purposes, the area of Montgomery Township to be zoned for the optional “Planned Office Complex” includes Lots 38.01, 38.001, 38.03 & 43 in Block 34001, as those lots are indicated on the Township Tax Sheets, and consists of approximately 148.693 acres in area.

SECTION 2. Amend Subsection 16-3.2, entitled “Optional Development Alternatives”, of the Code of the Township of Montgomery (1984) to read in its entirety as follows in order to indicate a “Planned Office Complex” as an optional development alternative:

“16-3.2 Optional Development Alternatives. In addition to the permitted uses within each of the designated zoning districts, the following six (6) types of optional development alternatives are permitted on certain land areas within the Township of Montgomery in accordance with the applicable requirements of this chapter:

Type Of Alternative	Where Permitted
Single-Family Residential Clusters I	Within portions of the “R-1” and “R-2” zoning districts where indicated on the “Zoning” Map”.
Single-Family Residential Clusters II	Within portions of the “R-2” zoning district where indicated on the “Zoning Map”.
Planned Residential Developments	Within portions of the “R-1” zoning district where indicated on the “Zoning Map”.
Single-Family Conservation Design Subdivisions	Within the “R-5” and “MR” zoning districts.
Planned Shopping Complex	Within portions of the “HC” and “REO-3” zoning districts where indicated on the “Zoning Map”.
Planned Office Complex	Within portions of the “R-2”, “REO-2” and “REO-3” zoning districts where indicated on the “Zoning Map”.”

SECTION 3. Amend Subsection 16-4.2 a., entitled “Principal Permitted Uses On The

Land And In Buildings”, of the Code of the Township of Montgomery (1984), to add a new Subsection 16-4.2 a.12. to read in its entirety as follows in order to permit portions of a “Planned Office Complex” only on that portion of the “R-2” Single-Family Residential District where indicated on the “Zoning Map”, and in accordance with the provisions specified in Subsection 16-6.5 i. of the Land Development Ordinance:

“15. A portion of a Planned Office Complex only on that portion of the “R-2” District where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5 i. of this chapter.”

SECTION 4. Amend Subsection 16-4.6 a., entitled “Principal Permitted Uses On The Land And In Buildings”, of the Code of the Township of Montgomery (1984) to add a new Subsection 16-4.6 a.16. to read in its entirety as follows in order to permit portions of a “Planned Office Complex” only on those portions of the ‘REO-2” and “REO-3” Research, Engineering And Office Districts indicated on the “Zoning Map”, and in accordance with the provisions specified in Subsection 16-6.5 i. of the Land Development Ordinance:

“15. A portion of a Planned Office Complex only on those portions of the “REO-2” and “REO-3” Districts where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5 i. of this chapter.”

SECTION 5. Add a new Subsection 16-6.5 a.6. to the Code of the Township of

Montgomery (1984) regarding the types and locations of optional development alternatives to read in its entirety as follows:

- “6. A Planned Office Complex is permitted on a tract of land at least one hundred forty-five (145) acres in area within those portions of the “R-2” Single-Family Residential and the “REO-2” and “REO-3” Research, Engineering And Office zoning districts where indicated on the “Zoning Map”.”

SECTION 6. Add a new Subsection 16-6.5 i. to the Code of the Township of Montgomery (1984) regarding the requirements and design standards for the development of an optional “Planned Office Complex” within designated portions of the “R-2”, “REO-2” and “REO-3” zoning districts, to read in its entirety as follows:

“i. **Planned Office Complex.**

1. **Purpose.**

The overall purpose of the “Planned Office Complex” optional ordinance provisions is to create a comprehensively designed development of offices, research laboratories and supportive land uses in a campus-like setting, with specific open space areas and pedestrian oriented amenities for the employees and visitors of the complex and as may be necessary in order to implement the recommendations of the Montgomery Township Master Plan. Additionally, the “Planned Office Complex” is to be designed to implement the recommendations of the Traffic Circulation Plan Element portion of the Township Master Plan related to the traffic network within the subject area within Montgomery Township.

2. **General Ordinance Provisions.**

The following ordinance provisions were recommended by the Planning Board in the “2003 Amendment No. 1” to the Land Use Plan Element portion of the Township Master Plan, which was adopted by the Board on July 14, 2003. These provisions are considered integral to the ordinance governing development of a “Planned Office Complex” and the implementation of the necessary improvements to the traffic circulation system:

- (a) These overlay ordinance provisions for a “Planned Office

Complex” on the subject lands are an optional development alternative to the existing underlying zoning provisions, which are to remain in effect.

- (b) However, if any portion of the subject land area is to be developed as a “Planned Office Complex” (which is to include existing buildings on the land), then no portion of the land area may be developed in accordance with the currently existing underlying zoning provisions, and any such action of a developer to develop any portion of the subject property with the underlying zoning provisions will negate the ability of any portion of the remaining lands to be developed as a “Planned Office Complex” and may result in the repeal of the “Planned Office Complex” optional ordinance provisions.
- (c) These ordinance provisions permitting and governing the “Planned Office Complex” optional development alternative anticipate, and are based upon the assumption, that the landowner or developer apply for and obtain a single, comprehensively designed preliminary site plan approval for the entirety of the land area so zoned within eighteen (18) months from the date of the adoption of the ordinance provisions, and the “Planned Office Complex” ordinance provisions may be repealed if such application and approval are not applied for and obtained within the specified time period.
- (d) Possibly with the aid of funding from State and federal grants, and in accordance with the recommendations of the adopted Traffic Circulation Plan, the developer of the “Planned Office Complex”, at minimum, shall be responsible for the construction of all portions of all Master Plan roads within the subject land area and, additionally, for the new traffic light along the tract’s frontage on Route 518 plus any additional necessary off-tract improvements.
- (e) A “Planned Office Complex” shall only be approved by the Planning Board if the development will be adequately served by the traffic circulation network proposed by the applicant in conjunction with other roads and traffic circulation improvements being constructed by others.
- (f) No use within a “Planned Office Complex” shall have direct driveway access to an existing public street, including Route 518.
- (g) A “Planned Office Complex” shall only be approved by the

Planning Board if the development is provided the required utility services and connections.

- (h) A “Planned Office Complex” shall only be approved by the Planning Board if a phasing plan is submitted to the Board and is approved by the Township Committee as part of a developer’s agreement. The phasing plan shall indicate the areas of the related improvements to be developed during each phase including, but not limited to, the land uses, road improvements, stormwater management facilities and utilities.
- (i) Except for the public roadways within the office complex, the developer and, thereafter, the managing entity of the complex, shall be responsible for the repair and maintenance of all structures, landscaping, lighting, detention basins and open spaces.

3. Location And Size.

A “Planned Office Complex” shall be permitted on a tract of land at least one hundred forty-five (145) acres in area within those portions of the “R-2” Single-Family Residential and the “REO-2” and “REO-3” Research, Engineering And Office zoning districts where indicated on the “Zoning Map”. The “tract” of land shall be considered the collection of lots which originally were submitted to the Planning Board for review and approval of the “Planned Office Complex”, even though additional lots me be created.

4. Principal Permitted Uses On The Land And In Buildings.

- (a) Offices and Office Buildings.
- (b) Research Laboratories.
- (c) Hotels, including conference facilities, restaurants and other ancillary uses typically located within a hotel.
- (d) Public Utility Uses as “Conditional Uses” under N.J.S.A. 40:55D-67 (See Section 16-6.1, “Conditional Uses”, and specifically Subsection 16-6.1a. for the required conditions and standards for “Public Utility Uses”).
- (e) Child Care Centers as “Conditional Uses” under N.J.S.A. 40:55D-67 (See Section 16-6.1, “Conditional Uses”, and specifically Subsection 16-6.1k. for the required conditions and standards for “Child Care Centers”).

5. Accessory Uses Permitted.

- (a) Open space, conservation areas and active and passive recreational facilities.
- (b) Employee cafeterias as part of a principal building, provided the cafeteria is limited in service to the employees and visitors within the “Planned Office Complex”.
- (c) Parking decks.
- (d) Child Care Centers as “Conditional Uses” under N.J.S.A. 40:55D-67 as part of a principal building, provided that the Child Care Centers is limited in service to children of the employees within the “Planned Office Complex” (See Section 16-6.1, “Conditional Uses”, and specifically Subsection 16-6.1k. for the required conditions and standards for “Child Care Centers”).
- (e) Street furniture shall be required, as may be approved by the Planning Board and as appropriate to a campus-type office complex, including benches, statuary, fountains, trash receptacles, bicycle racks, bell and/or clock towers, and kiosks, all in accordance with the following criteria:
 - (1) The street furniture shall be located within relatively wide sidewalk areas between streets and buildings and also within open space areas.
 - (2) The street furniture shall be constructed of the highest quality for purposes of safety, durability, appearance and minimum maintenance.
 - (3) The street furniture shall be visually compatible with the design of the predominant architectural theme of the “Planned Office Park”.
 - (4) The street furniture shall be attached in place, and shall be maintained by the managing entity of the office complex.
- (f) Bus shelters and taxi stands.
- (g) Wireless communication antennas, provided they are either ground

mounted or attached to a building as approved by the Planning Board, and, if attached to a building, that they extend no higher than ten feet (10') above the building where attached.

6. **Maximum Floor/Area Ratio Intensity Of Development.**

Subject to implementation by the applicant of the applicable recommendations of the Traffic Circulation Plan Element portion of the Township Master Plan, and provided that the Planning Board concludes that the development will be adequately served by the traffic circulation network proposed by the applicant in conjunction with other roads and traffic circulation improvements being constructed by others, a floor/area ratio of 0.11 shall be allowed for the "Planned Office Complex".

7. **Area And Distance Requirements.**

(a) A landscape buffer of two hundred fifty feet (250') in width shall be provided along Route 518, and a landscaped buffer of sixty feet (60') in width shall be provided along any municipal street and any other tract boundary line, provided and in accordance with the following:

- (1) Landscape buffers shall be planted with a combination of deciduous and evergreen trees and shrubs of sufficient size and quantity to provide an effective screening of the interior of the site.
- (2) The landscape buffers may be required by the Planning Board to contain earthen berms.
- (3) Roadways, utilities, stormwater management facilities and active and passive recreational facilities may be permitted by the Planning Board to be located within a required landscape buffer, provided that landscape treatments are provided to effectively screen the interior of the site.
- (4) No landscape buffer shall be required along any tract boundary line with the airport property.
- (5) These landscape buffer provisions shall not apply to any existing buildings which previously received site plan approval from the Planning Board.

(b) Each newly proposed lot within the "Planned Office Complex"

shall be at least five (5) acres in area.

- (c) No newly proposed principal building shall be located within three hundred feet (300') of Route 518, within seventy-five feet (75') of any municipal street, or within two hundred feet (200') of any other tract boundary line, except that these provisions shall not apply to any existing buildings which previously received site plan approval from the Planning Board.
- (d) No newly proposed accessory building or parking deck structure shall be located within two hundred fifty feet (250') of Route 518, within sixty feet (60') of any municipal street, or within seventy-five feet (75') of any other tract boundary line, except that these provisions shall not apply to any existing buildings which previously received site plan approval from the Planning Board.
- (e) A building may be freely situated within its respective lot, provided that no building shall be located closer than fifty feet (50') to any other building or any parking deck structure.
- (f) The coverage of all buildings, structures, streets, driveways and other impervious surfaces shall not exceed thirty seven and one-half percent (37.5%) of the total tract area of the "Planned Office Complex".

8. Design Requirements For Enhancing Building Design.

- (a) All portions of all buildings shall be designed with compatible architectural themes and materials, whether constructed at one time or in stages over a period of time, and the architectural design proposed by the applicant shall be subject to review and approval by the Planning Board.
- (b) The architectural design and material surface and color of the building walls on all sides of a building shall be suitably finished to be compatible with the front of the building. No facsimile materials may be used without specific approval of the Planning Board.
- (c) Blank, unarticulated wall facades shall not be permitted.
- (d) Mechanical and emergency electrical equipment serving a building

or buildings shall be screened from view by architectural elements that are coordinated with the overall architectural theme of the office building(s). The equipment may be located on the ground, within a building, or on the roof of a building. In any case, and notwithstanding any other provision of this chapter to the contrary, the area enclosing the equipment shall not be included in any calculation of floor/area ratio (FAR).

9. Maximum Height Of Buildings And Structures.

- (a) No principal building shall exceed forty-eight feet (48') and three (3) stories in height, provided and in accordance with the following:
 - (1) There shall be no parapet or other addition(s) to the height of any building extending above the maximum forty-eight foot (48') height limit, except for the wireless communication antennas permitted as an accessory use.
 - (2) In accordance with the definition of "Building Height" in Subsection 16-2.1 of this chapter, which definition shall apply, if the finished grade of a building is higher than the predevelopment grade at any point beneath the building, then the building height shall be measured from an elevation no higher than one (1) foot above the highest point of the predevelopment grade beneath the building.
 - (3) An overall goal of the site design for the "Planned Office Complex" shall be to locate the relatively large and high buildings within the complex on the portions of the tract with the lowest topographical elevations.
 - (4) Both the front and rear of all principal buildings shall be accessible for fire fighting purposes.
- (b) No accessory building or parking deck shall exceed twenty-five feet (25') in height, plus an additional ten feet (10') for parapets, mechanical equipment and enclosures and/or stair enclosures.

10. Lighting Requirements.

- (a) Lighting shall be minimal for security and safety purposes, and a lighting plan shall be submitted for review and approval by the Planning Board indicating the location of the lighting fixtures, the direction of illumination, the wattage and isolux curves for each fixture, and the details of the lighting poles and luminaries.
- (b) The lighting fixtures shall be non-glare lights with recessed lenses focused downward and with “cut-off” shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead skyglow.
- (c) As appropriate for lighting and decorative purposes, bollard lighting, not more than four feet (4’) in height and appropriately shielded, may be provided along sidewalks and within open space areas.
- (d) Lighting may be attached to a building, provided that such lighting is focused downward and is specifically approved by the Planning Board.
- (e) Any lighting within any building or any parking deck structure shall have an intensity and shall be designed and focused to eliminate, to the maximum extent practicable, any emission of lighting outside of the building or structure.
- (f) The light intensity provided at ground level shall be indicated in footcandles on the submitted plans and shall average *not less* than five-tenths (0.5) footcandles at intersections and *not less* than approximately three-tenths (0.3) footcandles elsewhere in the area to be illuminated, and shall average *not more* than two (2.0) footcandles throughout the area to be illuminated.
- (g) Except for any lighting specifically determined by the Planning Board to be necessary and/or advisable for security purposes, all other lighting shall be controlled by circuit timers so that the lights are automatically turned off after business hours.
- (h) All newly installed traffic signal lights within and abutting the “Planned Office Complex” shall be mounted on poles that are green or black (versus unfinished silver). Traffic lights shall be equipped with crossing signs and switches that pedestrians can activate.

11. **Parking Requirements.**

- (a) Each individual use shall be provided parking spaces in accordance with the following minimum provisions. Where a parking area is designed to serve the needs of different uses with different parking requirements, the total number of required parking spaces shall be obtained by computing the parking requirements for each different use and adding the resulting numbers together.
 - (1) Offices and Office Buildings shall be provided parking at the ratio of one (1) parking space per two hundred fifty square feet (250 sf) of gross floor area or part thereof, except that medical offices shall be provided parking at the ratio of one (1) parking space per one hundred seventy-five square feet (175 sf) of gross floor area or part thereof.
 - (2) Research Laboratories shall be provided one (1) parking space per five hundred square feet (500 sf) of gross floor area.
 - (3) Hotels shall be provided one and one-quarter (1¼) space for each room or suite, plus one (1) additional space for every three (3) seats within any ancillary restaurant and one (1) space for every ten (10) seats within any ancillary conference facilities.
- (b) In order to reduce impervious surface coverage, the use of parking decks is encouraged and shall be required for all parking spaces in excess one (1) space per two hundred fifty square (250 sf) of gross floor area.

12. Off-Street Loading And Waste Disposal Requirements.

- (a) Each principal building or group of buildings shall provide at least one (1) off-street loading space within the building unless otherwise specifically approved by the Planning Board in consideration of the design of the development and the adequacy of an alternate loading plan proposed by the applicant.
 - (1) Any loading space at a dock shall be at least fifteen feet (15') in width and forty feet (40') in length, with adequate ingress and egress and with adequate space for maneuvering.

- (2) Any loading space shall be screened from public view by building walls or extensions thereof, fencing and/or landscaping.
- (b) Each principal building or group of buildings shall provide at least one (1) waste disposal location within the building unless otherwise specifically approved by the Planning Board in consideration of the design of the development and the adequacy of an alternate waste disposal plan proposed by the applicant.
 - (1) Any waste disposal location shall provide facilities for the collection and separation of recyclable materials in accordance with the recycling requirements of Somerset County.
 - (2) Any waste disposal location shall be screened from public view by building walls or extensions thereof, fencing and/or landscaping.

13. Landscaping Requirements.

- (a) A landscaping plan shall be submitted to the Planning Board for review and approval in accordance with the applicable requirements of this chapter and the additional requirements noted hereinbelow.
- (b) The landscaping plan shall be conceived as a total pattern throughout the development, integrating the various elements of the architectural design of the buildings and creating an aesthetically pleasing environment.
- (c) The required street furniture (e.g. benches, statuary, fountains, trash receptacles, bicycle racks, bell and/or clock towers, and kiosks) shall be integrated with the proposed landscaping plan.
- (d) All roadways and driveways shall be lined with shade trees.

14. Signage Requirements.

- (a) All signage within a “Planned Office Complex” shall be compatible in terms of design, materials, colors, lettering, lighting and the positions of the signs on the various buildings within the office complex.

- (1) At the time of application for preliminary site plan approval, the applicant shall submit a comprehensive plan for the signage throughout the office complex.
 - (2) All signage within the office complex must be specifically approved by the Planning Board, and any subsequent change or modification to an approved signage plan shall require reapplication to the Board for review and approval.
 - (3) No sign shall be designed with a soft edge appearance; instead, the lettering on all signs shall have crisp, well-defined edges, and plastic signs are discouraged.
 - (4) Each sign in the office complex shall be limited to one (1) color for its background, which shall be a pale, earth-tone color, plus one (1) color for the lettering and any logo; one (1) additional accent color is allowed on a logo, or to shade lettering, or to trim the border of the sign.
 - (5) If a sign within the office complex is lighted, no portion of the sign shall be internally illuminated. Instead, individual letters and any logo may be back lit or, alternatively, the sign may be externally lit from below or above the sign, with the light focused directly onto the sign and with appropriate shielding to prevent any sight of the light source from any street or neighboring property.
- (b) A total of two (2) signs at the intersection entrances to the office complex shall be permitted; both along Route 518.
- (1) Each sign shall be a monument sign, ground mounted on a solid base with no visible poles, columns or other upright supports, except that a sign may be attached to an architectural/landscape wall feature as may be approved by the Planning Board.
 - (2) Each sign shall not exceed a height of eight feet (8') above ground level.

- (3) The total size of each sign shall not exceed seventy-five (75) square feet in area, and shall be set back at least fifteen feet (15') from all street rights-of-way.
- (4) Each sign shall include the name of the office complex only.
- (c) One (1) facade of each building may have a sign attached flat against it, provided that the area of the sign shall not exceed fifty (75) square feet or five percent (5%) of the area, including windows and doors, of the facade to which the sign is to be attached, whichever area is less.
- (d) Additional signage may be permitted by the Planning Board for good cause shown by the applicant, provided that such additional signage must be specifically approved by the Board.

15. **Additional Site Design Requirements.**

(a) Sidewalks And Crosswalks:

- (1) Sidewalks shall be provided within the development as an interconnected network among buildings, parking areas and open space areas.
- (2) Street crosswalks shall be provided across all streets and between parking areas and building entrances.
- (4) While concrete sidewalks shall be permitted in most areas of the development, the sidewalks in all open space areas and all crosswalks shall be constructed of contrasting paving materials, such as concrete, brick pavers or natural stone.

(b) Traffic Design Features:

- (1) The of the proposed road network shall be proposed, reviewed and designed in accordance with the applicable recommendations of the Traffic Circulation Plan Element portion of the Township Master Plan.
- (2) Traffic calming devices, such as landscaped circles with signed pedestrian crossings, shall be provided

in appropriate locations.

(c) Stormwater Management Facilities:

The stormwater management plan shall include stormwater management facilities that are designed to enhance the aesthetic attributes of the proposed development, including water features and landscaping which create an attractive visual appearance. Stormwater management facilities shall not be located adjacent to Route 518.

16. **Affordable Housing Requirements.**

- (a) A “Planned Office Complex” development shall pay a development fee into the Montgomery Township “Housing Trust Fund” in accordance with Section 15-115 of the Code of the Township of Montgomery.
- (b) The development fee shall be utilized by the Township for any activity approved by the New Jersey Council On Affordable Housing (COAH).
- (c) The amount of the development fee shall be in accordance with the requirements of Section 15-115 of the Code of the Township of Montgomery in existence at the time a developer receives a Certificate of Occupancy.

17. **Other Applicable Requirements.**

All other applicable requirements of this "Land Development Ordinance" chapter not contrary to the specific conditions and standards specified herein shall be met, but waivers and/or variances of such other applicable requirements of this chapter may be granted by the Planning Board for good cause shown in accordance with N.J.S.A. 40:55D-51 b. and N.J.S.A. 40:55D-70 (c), respectively.”

SECTION 7. 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 8. 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.