

**TOWNSHIP OF MONTGOMERY
ORDINANCE NO. 04 - 1136**

**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 16-4.12 a. REGARDING PRINCIPAL PERMITTED USES
IN THE "HC" HIGHWAY COMMERCIAL DISTRICT,
SUBSECTION 16-4.6 a. REGARDING PRINCIPAL PERMITTED USES
IN THE "REO-3" RESEARCH, ENGINEERING AND OFFICE DISTRICT,
SECTION 16-6.5 a. REGARDING THE TYPES AND LOCATIONS
OF OPTIONAL DEVELOPMENT ALTERNATIVES,
AND A NEW SUBSECTION 16-6.5 h. REGARDING
THE REQUIREMENTS AND DESIGN STANDARDS FOR THE DEVELOPMENT
OF AN OPTIONAL PLANNED SHOPPING COMPLEX WITHIN DESIGNATED
PORTIONS OF THE "HC" 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 November 24, 2003, which accompanies and is part of this
chapter."

Note For The Reader Of This Ordinance: The "Zoning Map" is

attached at the end of this ordinance. For informational purposes, the area of Montgomery Township to be zoned for the optional "Planned Shopping Complex" includes Lots 56, 77, 78 and a portion of Lot 46 (approximately 3.5 acres) in Block 34001, as those lots are indicated on the Township Tax Sheets.

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 Shopping 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 five (5) 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"."

SECTION 3. 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 add a new Subsection 16-4.12 a.15. to read in its entirety as follows in order to permit portions of a “Planned Shopping Complex” on only on that portion of the “HC” Highway Commercial District where indicated on the “Zoning Map”, and in accordance with the provisions specified in Subsection 16-6.5 h. of the Land Development Ordinance:

“15. A portion of a Planned Shopping Complex only on that portion of the “HC” District where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5 h. 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.15. to read in its entirety as follows in order to permit portions of a “Planned Shopping Complex” on only on that portion of the “REO-3” Research, Engineering And Office District indicated on the “Zoning Map”, and in accordance with the provisions specified in Subsection 16-6.5 h. of the Land Development Ordinance:

“15. A portion of a Planned Shopping Complex only on that portion of the “REO-3” District where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5 h. of this chapter.”

SECTION 5. Add a new Subsection 16-6.5 a.5. 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:

- “5. A Planned Shopping Complex is permitted on a tract of land at least fifty (50) acres in area within those portions of the “HC” Highway Commercial and the “REO-3” Research, Engineering And Office zoning districts where indicated on the “Zoning Map”.”

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

“h. **Planned Shopping Complex.**

1. **Purpose.**

The overall purpose of the “Planned Shopping Complex” optional ordinance provisions is to create a comprehensively designed, pedestrian oriented, compact development of mixed uses, mostly retail, and including a small number of age-restricted residential units in proximity to the existing seven (7) homes on the south side of Route 518, provided that the homes are integral with the design of the overall development. Additionally, the “Planned Shopping 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. **Objectives.**

In order to encourage the sound utilization of land and promote a strong sense of community in the vicinity of the commercial center of Montgomery Township at and nearby the Route 206/Route 518 intersection, the “Planned Shopping Complex” ordinance provisions are intended to facilitate the following objectives:

- (a) To create a primarily retail environment, which emphasizes

pedestrian circulation, attractive civic spaces, squares and vest pocket parks, with a special sense of identity;

- (b) To create a “Main Street” type boulevard, with broad sidewalks and public spaces for a variety of pedestrian activities;
- (c) To incorporate site and construction design elements that will stimulate local patronage of the retail and other uses within the complex;
- (d) To facilitate the creation of an overall pedestrian circulation system throughout the commercial center of Montgomery Township, linking all four (4) corners of the Route 206/Route 518 intersection;
- (e) To promote a high quality of design for buildings, signs, parking areas and streetscape;
- (f) To create dispersed parking areas and discourage large, single-level parking lots;
- (g) To provide controlled interaction between motorized vehicles, bicycles and pedestrians;
- (h) To preserve the quality of our natural environment;
- (i) To encourage energy conservation and sustainable design;
- (j) To encourage and facilitate the use of mass transit in the Route 206 corridor; and
- (k) To promote the concepts of “Smart Growth” as described in the New Jersey State Development And Redevelopment Plan.

3. **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 Shopping Complex” and the implementation of the necessary improvements to the traffic circulation system:

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

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 Shopping Complex”, 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 Shopping Complex” and may result in the repeal of the “Planned Shopping Complex” optional ordinance provisions.
- (c) These ordinance provisions permitting and governing the “Planned Shopping 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 Shopping 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 Shopping 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 and one-half (½) of the new traffic light and related road improvements along the tract’s frontage on Route 206.
- (e) No use within a “Planned Shopping Complex” shall have direct driveway access to an existing public street, including Route 206 and Route 518.
- (f) A “Planned Shopping Complex” shall only be approved by the Planning Board if the development is provided the required utility services and connections.
- (g) A “Planned Shopping 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.

- (h) Except for the public roadways within the shopping 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.

4. Location And Size.

A "Planned Shopping Complex" shall be permitted on a tract of land at least fifty (50) acres in area within those portions of the "HC" Highway Commercial and the "REO-3" Research, Engineering And Office zoning districts where indicated on the "Zoning Map".

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

- (a) Retail sales of goods and services, provided that pharmacies shall have no more than one (1) prescription drop-off/pick-up window.
- (b) Professional offices limited to those professional occupations licensed by the components of the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs.
- (c) Banks, including drive-through facilities.
- (d) Restaurants, excluding drive-through facilities.
- (e) Hotels, containing up to one hundred (100) rooms for guests.
- (f) 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").
- (g) Single-Family Detached or Patio Homes with porches, provided that they are age-restricted in accordance with the requirements of this ordinance, that they are integral with the design of the overall development, and that no more than thirty-two (32) dwelling units shall be permitted.

6. **Accessory Uses Permitted.**

- (a) Outdoor eating areas associated with a permitted restaurant are permitted, provided that such outdoor eating areas must be specifically approved by the Planning Board.
- (b) Street furniture shall be required as may be approved by the Planning Board, 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 is located within relatively wide sidewalk areas between streets and buildings and also within vest pocket park areas along a street.
 - (2) The street furniture is constructed of the highest quality for purposes of safety, durability, appearance and minimum maintenance.
 - (3) The street furniture is visually compatible with the design of the predominant architectural theme of the area.
 - (4) The street furniture within vest pocket park areas and along any street shall be attached in place, and shall be maintained by the managing entity of the shopping complex.
- (c) Bus shelters and taxi stands.

7. **Expected Concept Design For The “Planned Shopping Complex”**

- (a) The expected site layout of the proposed “Planned Shopping Complex” previously was put in the form of a concept plan by the prospective developers of the development, and it is that concept plan which has been generally endorsed by the Montgomery Township Planning Board and which forms the basis for these ordinance provisions.
- (b) The concept plan for the “Planned Shopping Complex”, labeled “Montgomery Village Center”, is dated June 27, 2003 and was prepared for the “CGEM Group, LLC” by Woolly Morris Architects.

- (c) The concept plan for the “Planned Shopping Complex” was included in a “2003 Amendment No. 1” to the Land Use Plan Element portion of the Township Master Plan, which was adopted by the Planning Board on July 14, 2003.
- (d) The subject plan is included in these ordinance provisions by reference to indicate the desired overall concept of how the subject property should be site planned under the terms of these optional development alternative zoning provisions for a “Planned Shopping Complex” on the subject lands.
- (e) However, it is not intended that the concept plan be considered definitive regarding any particular aspect of the plan, and it is expected that the review of a formally submitted site plan by the Planning Board during the public hearing process will result in further refinements to the concept plan.

8. Maximum Intensity Of Development.

- (a) Floor/Area Ratio For Commercial Development:
Subject to implementation by the applicant of the applicable recommendations of the Traffic Circulation Plan Element portion of the Township Master Plan, and assuming a development plan based upon the concept plan included within the “2003 Amendment No. 1” to the Land Use Plan Element Portion of the Township Master Plan, a floor/area ratio of 0.1425 shall be allowed for the permitted commercial development.
- (b) Single-Family Detached or Patio Homes With Front Porches:
In addition to the permitted commercial development, up to thirty-two (32) single-family detached or patio homes with front porches shall be permitted.

9. Area And Distance Requirements.

- (a) Commercial Uses:
 - (1) Minimum distances between commercial buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum separation between the buildings shall be the sum of the two (2) abutting distances.

- (2) The minimum distances shall be twenty feet (20') for the front of a commercial building, ten feet (10') for the side of a building, and fifteen feet (15') for the rear of a building.
 - (3) No portion of any commercial building shall be closer to any portion of any other building than the combined distances of the abutting requirements for each building.
 - (4) Additionally, and in any case, no commercial building shall be located within two hundred feet (200') from any lot line of any existing residential lot or within feet (100') from any other tract boundary line.
 - (5) No more than three (3) commercial uses within the "Planned Shopping Complex" shall exceed twenty-five thousand (25,000) gross square feet in area, with the aggregate area of the three (3) commercial uses not exceeding one hundred fifty thousand (150,000) square feet, and with no individual commercial use exceeding sixty thousand (60,000) square feet in area.
 - (6) In order to provide a range of shopping opportunities within the "Planned Shopping Complex", all other buildings shall contain tenants with a range of sizes between seven hundred fifty (750) gross square feet and twenty-five thousand (25,000) gross square feet, with as even a distribution of sizes within the range as practicable.
- (b) Age-Restricted Single-Family Detached Or Patio Homes With Front Porches:
- (1) Individual single-family detached or patio home lots shall meet the following requirements:

Principal Building
Minimum Requirements

Lot Area	4,500 sq. ft.
Lot Frontage	50 ft.
Lot Width	50 ft.
Lot Depth	90 ft.
Side Yard	10 ft. one; 0 ft. other
Front Yard	20 ft.
Rear Yard	15 ft.

Accessory Building
Minimum Requirements

Distance To Side Line	5 ft.
Distance To Rear Line	5 ft.

Intensity
Maximum Requirements

Lot Coverage	60%
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- (2) No single-family or patio home lot shall be located within one hundred fifty feet (150') of any existing roadway or within fifty feet (50') of any tract boundary line.
- (3) In order to reasonably assure that a sufficient area of a lot remains available to a property owner for potential building expansion and the construction of decks, patios and other customary accessory uses on the lot, a typical plan shall be submitted to the Planning Board for review and approval indicating the extent of lot coverage to be constructed on the lots prior to initial sale to a homeowner.
- (4) The applicant shall provide for review and approval by the Planning Board suggested requirements and restrictions to be incorporated in the deeds of the lots regarding limitations for building expansion and the type of fencing to be permitted.

10. **Design Requirements For Enhancing Building Design.**

(a) Design Requirements For Commercial Buildings:

- (1) All buildings shall have a dual pitched, single ridge roof (such as gable, hip, gambrel or mansard) with a minimum pitch of six feet (6') vertical to twelve feet (12') horizontal, and large, flat roof areas shall be screened from public view. Moreover, where roof mounted equipment is necessary and/or preferable for the operation of the building, a façade roof treatment exhibiting the appearance of such a dual pitched, single-ridge roof may be permitted if specifically approved by the Planning Board.
- (2) 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.
- (3) In order to avoid a monotonous streetscape, the building facades of individual buildings should vary from one building to another.
- (4) 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.
- (5) The entry facades of all buildings shall be designed at a pedestrian scale. Blank, unarticulated street wall facades shall not be permitted. The required articulation may include variations in materials and patterns as well as elements like bay windows, doors, canopies, awnings, balconies, columns and/or similar elements.
- (6) Mechanical equipment serving a building shall be screened from public view by features integrated into the overall design of the building.

- (7) Non-anchor commercial buildings along the “Main Street” type boulevard should be 2-stories in order to create a vertical edge to the streetscape.
- (8) As part of the preliminary site plan submission to the Planning Board for review and approval, the applicant shall provide a visual study and depiction of the streetscape along the “Main Street” type boulevard, clearly indicating both horizontal and vertical elements of the buildings, sidewalks, parking spaces, landscaping, street paving and street furniture.

(b) Design Requirements For Residential Dwellings:

- (1) All facades of all buildings shall be of a compatible architectural design and material and shall vary from one dwelling unit to another.
- (2) Attached garages are not permitted on the front facades of a dwelling unit.
- (3) A minimum of ten percent (10%) of each building facade shall be comprised of windows and doorways.

(c) Building Height:

- (1) No commercial building shall exceed thirty-five feet (35’) and two and one-half (2½) stories in height, provided that the Planning Board may permit an increase in the linear height of a commercial building in order to achieve a desired roof pitch, provided that the linear height to the second floor plate line does not exceed twenty-two feet (22’) in height, that the total linear height to the top of the roof does not exceed forty feet (40’) in height, that the building contains no more than two and one-half (2½) stories, and that both the front and rear of the building is accessible for fire-fighting purposes.

- (2) No age-restricted patio home dwelling unit shall exceed thirty-two feet (32') in height and two and one-half (2½) stories, except that the height of any garage portion of a patio home shall not exceed twenty-two feet (22') and that chimneys shall have no height restrictions.
- (3) No accessory building, as may be approved, shall exceed fifteen feet (15') in height and one and one-half (1½) stories.

11. 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 in the relatively large parking areas south of the boulevard, which are labeled "A", "B" and "G" on the previously referenced June 27, 2003 concept plan. (See Subsection 16-6.5 h.7. hereinabove), may be up to twenty-two feet (22') in height. The lighting fixtures in these areas 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) Lighting along the "Main Street" type boulevard and elsewhere in the development, but not required within parking areas "A", "B" and "G", shall be decorative fixtures as approved by the Planning Board with a height not higher than fourteen feet (14').
- (d) 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 vest pocket park areas.
- (e) Lighting may be attached to a building, provided that such lighting is focused downward and is specifically approved by the Planning Board.

- (f) Any lighting within any building or any garage 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.
- (g) 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.
- (h) 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.
- (i) All newly installed traffic signal lights within and abutting the planned shopping 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.

12. **Parking Requirements.**

- (a) Commercial Uses:
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, although the Planning Board may approve a lesser number of spaces in consideration of shared parking opportunities.
 - (1) Retail sales of goods and service uses 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.

- (2) Professional office uses and banks shall be provided parking at the ratio of one (1) parking space per two hundred square feet (200 sf) of gross floor area or part thereof. Additionally, drive-through facilities for banks shall provide room for at least twelve (12) automobiles to queue per lane.
 - (3) Restaurants shall be provided one (1) parking space per every three (3) seats.
 - (4) Hotels shall be provided one and one quarter (1¼) parking spaces per guest room.
- (b) Single-Family Detached Or Patio Homes With Porches:
- (1) Given the age-restricted occupancy of the dwelling units, each unit shall be provided 1.5 spaces for each 1-bedroom or 2-bedroom unit and 2.0 spaces for each 3-bedroom unit. Where the bedroom count per dwelling unit is not specified, 2.0 spaces per dwelling unit shall be provided.
 - (2) Each garage space shall count as 1.0 parking space, regardless of the length of the driveway.
 - (3) Additionally, a two (2) car garage and driveway combination shall count as 3.5 parking spaces for a patio home dwelling unit, and a one (1) car garage and driveway combination shall count as two (2) parking spaces, provided that each driveway space measures a minimum of ten feet (10') in width for a minimum of eighteen feet (18') in length between the face of the garage door and the public sidewalk in front of the unit. Therefore, a one (1) car driveway shall be a minimum of ten feet (10') wide and eighteen feet (18') long, and a two (2) car driveway shall be a minimum of twenty feet (20') wide and eighteen feet (18') long.

- (4) In any case, an adequate number of parking spaces shall be required to accommodate visitors to the residents within the development. Therefore, in addition to the parking spaces otherwise required for each dwelling unit, an additional number of off-street and/or on-street parking spaces, equal to one-quarter ($\frac{1}{4}$) space per each unit, shall be provided.
- (5) All other applicable requirements of the "New Jersey Residential Site Improvement Standards" shall be met.

13. 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.

14. 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) Where appropriate, the edge of parking lot areas shall be bordered by three foot (3') high fencing, possibly wrought iron, in combination with a hedge row and ornamental deciduous trees. In any case, the material and level of ornamentation of the fencing shall be consistent with the materials and level of ornamentation of the nearby buildings.
- (e) All roadways shall be lined with shade trees.

15. Signage Requirements.

- (a) All signage within a "Planned Shopping Complex" shall be compatible in terms of design, materials, colors, lettering, lighting and the positions of the signs on the various buildings within the shopping complex.
 - (1) At the time of application for preliminary site plan approval, the applicant shall submit a comprehensive plan for the signage throughout the shopping complex.
 - (2) All signage within the shopping 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 shopping 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 shopping 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) Detached dwelling units and patio homes are permitted to have customary and typical street number designations and nameplate signs, provided that such signs do not exceed two (2) square feet in area and do not display any type of advertising.
 - (c) A total of two (2) signs at the intersection entrances to the shopping complex shall be permitted; one (1) along Route 518 and one (1) along Route 206.
 - (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 shopping complex and may include the names of up to six (6) of the major tenants within the complex.
- (d) First floor tenants facing and having direct pedestrian access to the “Main Street” type boulevard shall each be permitted one (1) attached or suspended sign, provided and in accordance with the following requirements:
- (1) The sign shall identify the name of the tenant only.
 - (2) The sign shall not be located above the ceiling level of the first floor of the building.
 - (3) The sign may be attached flat against the building, may be located on an awning, or may be suspended from a building wall or a roof overhang.
 - (4) If the sign is attached flat against the building or is located on an awning, the sign shall not exceed twenty-four (24) square feet in area.
 - (5) If the sign is suspended from a building wall or a roof overhang, the sign shall not exceed eight (8) square feet in area and shall extend no closer than eight feet (8’) to the ground level beneath the sign.
 - (6) The maximum height of the letters or numbers on any such sign shall be ten inches (10”), and the maximum height of any logo shall be sixteen inches (16”).
 - (7) Finally, while a building may have a sign for each individual first floor tenant facing and having direct pedestrian access to the “Main Street” type boulevard, the total area of all the attached and suspended signs shall not exceed fifty (50) square feet in area or one-half (½) square foot of sign area per one (1) linear foot of building frontage along the street, whichever square footage is less.

- (e) Second floor tenants facing and having direct pedestrian access to the “Main Street” type boulevard shall each be permitted one (1) attached sign at the entrance to the use. The sign shall identify the name of the use and shall not exceed four (4) square feet in area.

- (f) Any first or second floor tenant facing and having direct pedestrian to the “Main Street” type boulevard shall be permitted one (1) additional sign to be painted or otherwise attached to a window or to a glass portion of the entrance door to the portion of the building occupied by the subject use, provided and in accordance with the following:
 - (1) The sign shall consist only of individual letters and numbers stating the name of the use, the owner or proprietor’s name, the telephone number of the use, and/or the days and hours of business operation.

 - (2) The lettering and numbers on the sign shall not exceed six inches (6”) in height, and the total area of the sign shall not exceed ten percent (10%) of the area of the window or of the glass portion of the entrance door to which the sign is attached.

- (g) Uses not facing and having direct pedestrian access to the “Main Street” type boulevard, and any use occupying at least twenty-five thousand (25,000) square feet of space, may have a sign attached flat against a facade of the building not facing the “Main Street” type boulevard, provided and in accordance with the following:
 - (1) The area of the facade sign shall not exceed fifty (50) square feet or ten percent (10%) of the area, including windows and doors, of the facade to which the sign is to be attached, whichever area is less.

 - (2) In any case, no facade of a building shall be permitted to have more than one (1) sign attached thereto.

- (h) Portable hinged A-frame (a.k.a. “sandwich board”) signs shall be permitted for first floor tenants facing the “Main Street” type boulevard, provided and in accordance with the following:
 - (1) The portable sign shall be constructed of wood and shall have a non-glossy finish with clear and legible wording.
 - (2) The frame of the sign shall not exceed four feet (4’) in height when closed and three feet (3’) in height when open. The width of the frame shall not exceed twenty eight inches (28”).
 - (3) The portable sign shall be displayed only during the hours that the business and is open and in operation.
 - (4) The portable sign shall not be considered in computing the allowable sign area otherwise permitted.

- (i) Temporary interior window signs are permitted, provided and in accordance with the following:
 - (1) Window signs shall not occupy more than one (1) square of area within the subject window.
 - (2) Window signs shall be displayed for a time period not to exceed thirty (30) days.
 - (3) The window sign shall not be considered in computing the allowable sign area otherwise permitted.

- (j) 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.

16. **Additional Site Design Requirements.**

(a) Sidewalks And Crosswalks:

- (1) Sidewalks shall be provided within the development as an interconnected network among commercial buildings, residential buildings, parking areas and public areas.
- (2) The interconnected network of sidewalks within the development shall be connected at appropriate locations with the other three (3) land quadrants at the Route 206/Route 518 intersection.
- (3) 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 along the “Main Street” type boulevard 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) The established speed limits on all newly proposed roadways shall be pedestrian friendly.
- (3) Traffic calming devices such as landscaped circles with signed pedestrian crossings shall be provided in appropriate locations.

(c) Other Design Features:

- (1) Sustainable construction techniques shall be utilized to minimize the impact upon the environment, including energy efficient building designs, recycled materials, water conservation devices, permeable pavement, native plantings, low chemical usage to maintain the landscaping, and similar measures which are sensitive to the environment.
- (2) 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. Where possible, stormwater management facilities shall not be located adjacent to Route 206 or to Route 518.

17. **Age-Restrictions For Single-Family Detached And Patio Homes.**

- (a) All age-restricted single-family detached or patio home dwelling units shall be deed restricted for occupancy by households with at least one (1) person fifty-five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period.
- (b) The wording of the required deed restriction shall be submitted by the applicant to the Planning Board for review as part of the application for final subdivision approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Township Committee and incorporated with the developer's agreement between the developer and the Township Committee as a condition of any final approval granted by the Planning Board.

18. **Affordable Housing Requirements.**

- (a) A “Planned Shopping 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.

19. **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.”

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.