

§ 550-103. Nonresidential districts. [Amended 3-23-1999 by Ord. No. 7-99; 10-24-2000 by Ord. No. 40-2000; 8-6-2002 by Ord. No. 28-2002; 6-23-2009 by Ord. No. 10-2009; 10-27-2009 by Ord. No. 22-2009; 11-23-2010 by Ord. No. 28-2010; 10-28-2014 by Ord. No. 22-2014; 2-28-2017 by Ord. No. 6-2017; 7-25-2017 by Ord. No. 17-2017; 10-17-2017 by Ord. No. 21-2017; 12-19-2017 by Ord. No. 24-2017; 10-1-2019 by Ord. No. 19-2019; 10-15-2024 by Ord. No. 32-2024; 6-17-2025 by Ord. No. 12-2025]

A. C-1 and C-2 Commercial Districts. The purpose of these districts is to recognize areas of existing retail development and to provide opportunities for new areas near existing and proposed population centers for the location of commercial services, limited entertainment facilities and employment opportunities.

(1) Permitted principal uses shall be as follows:

- (a) Retail sales of goods and services. Automobile and truck sales and laundromats in the C-2 District only.
- (b) Professional and medical offices.
- (c) Veterinary clinics.
- (d) Restaurants, bars and nightclubs.
- (e) Banks and similar financial institutions in the C-2 District only.
- (f) Health clubs.
- (g) Theaters, bowling alleys, gymnasiums, tennis courts and pools.
- (h) Clubs, lodges and houses of worship.
- (i) Medical centers and mortuaries.
- (j) Utilities, excluding commercial radio and/or communications towers.
- (k) Public uses.
- (l) Antennas for wireless telecommunications services.

(2) Permitted accessory uses shall be as follows:

- (a) Parking areas, loading areas, trash and garbage collection areas and other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.
- (b) Outdoor dining, subject to the design and performance standards set forth in § 550-77.1.

(3) Conditional uses shall be as follows:

- (a) C-1 District.

- [1] Service stations and motor vehicle repair, in accordance with the standards regulating service stations in this chapter, specifically §§ 550-14 and 550-94.
- [2] Adult entertainment uses, in accordance with the standards regulating such uses in § 550-80.
- [3] Banks and similar financial institutions, provided that the minimum lot area is one acre and the minimum lot frontage is 200 feet.
- [4] Fast-food restaurants in accordance with § 550-103A(3)(b)[2].
- [5] Billboards in accordance with the standards set forth in § 550-95H.

(b) C-2 District.

- [1] Service stations, motor vehicle repair, in accordance with the standards referenced above for the C-1 District.
- [2] Fast-food restaurants, in accordance with the following standards:
 - [a] There shall be a minimum lot area of two acres.
 - [b] No fast-food restaurant shall be located any closer than 2,500 feet to the property line of the site of any other fast-food restaurant.
 - [c] The principal building or structure shall maintain a minimum distance of 150 feet from a residential district.
 - [d] Any accessory structure(s), trash enclosures, parking spaces, and traffic aisles shall maintain a minimum distance of 25 feet from a residential district.
 - [e] Drive-through window(s) shall not be designed as to face a residential district.
 - [f] No light source shall exceed a height of 18 feet.
 - [g] Strict compliance with the buffer standards as contained in § 550-36 of this chapter shall be met.
 - [h] No more than 60% of the total property shall be paved and/or covered by building construction, and the remaining portions of the lot shall remain in either natural open areas or appropriately landscaped areas to be approved by the Planning Board. The proposed site shall have a minimum lot width of 200 feet of frontage on the state highway. The lot depth minimum shall be the same as the commercial zoning district in which it is located.
 - [i] No parking area, excluding entrance drive and/or building, shall be located any closer than 15 feet to any publicly improved road right-of-way; and said parking lot and/or building, excluding entrance drives, shall not be located any closer than 15 feet to the side yard lines of said

property nor less than 15 feet from the rear yard line of the property in question except where the property adjoins a residential district, in which case Subsection A(3)(b)[2][c] shall apply.

- [j] Parking shall be provided on the following basis: for fast-food restaurants providing seating for patrons, a minimum of one parking space on site shall be provided per three seats. All other areas not devoted to patron seating shall provide on-site parking at the rate of one space per every 30 square feet of remaining floor area.
- [k] Entrances and exits to the property shall be provided along both the major state highway and the adjacent county road. Deceleration lanes should be provided along the state highway as deemed necessary by the Planning Board in accordance with New Jersey Department of Transportation requirements.
- [l] The proposed building must be aesthetically compatible with surrounding structures and conditions.
- [m] No fast-food restaurant shall be located on a site along a major state highway which is on the opposite side of said highway from any largely developed residential area, whether single-family or multifamily dwellings, which would result or is likely to result in substantial pedestrian traffic crossing said state highway.
- [n] Notwithstanding the above requirements, a fast-food restaurant may be located within any existing or hereinafter developed shopping center within the Township of Mount Olive; provided, however, that said shopping center shall contain at least 100,000 square feet of developed commercial buildings. The requirements of Subsection A(3)(b)[2][a] through [e] shall not apply to any fast-food restaurant to be located within any existing or hereinafter developed shopping center. In reviewing the plans of any proposed shopping center to have a fast-food restaurant, the Planning Board shall consider the parking requirements set forth hereinabove with respect to fast-food restaurants in computing the necessary parking for said shopping center.

- [3] Car wash facilities, in accordance with the definitions contained in § 550-5 and the design standards set forth in § 550-38, Car wash facilities.
- [4] Billboards in accordance with the standards set forth in § 550-95H.

(4) Conditional use standards shall be as follows:

- (a) The standards applying to service stations and auto repair facilities are set forth in this chapter in § 550-94 and shall apply in addition to those set forth above and in § 550-14 on conditional uses.

(5) Bulk regulations shall be as follows:

- (a) Impervious surface coverage shall be adjusted in accordance with the critical area provisions in § 550-39 of this chapter.
- (b) See attached Schedule of Limitations.¹

(6) C-1 Affordable Housing Overlay District.

- (a) Purpose. The purpose of the C-1 Affordable Housing Overlay District is to provide a realistic opportunity for the development of affordable housing for households of low- and moderate-income as required by South Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., ("FHA"). These regulations are intended to implement the recommendations set forth in the Township of Mount Olive Planning Board's Master Plan Reexamination Report adopted on November 14, 2024, and the Township's Housing Element and Fair Share Plan for the purpose of addressing a portion of the Township's Fourth Round prospective need obligation. Specifically, the C-1 Affordable Housing Overlay Zone is established as an incentive for the development of affordable housing by allowing for the development of new age-restricted multi-family inclusionary dwelling units within the "Village Green shopping center" located along Route 46 and which will also address a portion of the Township's fourth round affordable housing obligation and the need for active-adult (senior) housing within the Township generally. The C-1 Affordable Housing Overlay District is designed to enable the property within the Overlay District to be developed in the manner set forth herein as an alternative to the underlying C-1 Zoning District and development standards that are, and shall remain in force, except for the property located at Block 102, Lot 4.01. At the property located at Block 102, Lot 4.01, the age-restricted multi-family inclusionary dwelling units may be mixed with the underlying zone district development standards. However, the age-restricted multi-family dwelling units permitted in the C-1 Affordable Housing Overlay District shall comply with the standards set forth herein and include a mandatory affordable housing set-aside as provided in this subsection.
- (b) Applicability. The provisions set forth herein pertaining to the C-1 Affordable Housing Overlay District shall apply exclusively and solely to the property designated and known as Block 102, Lot 4.01 on the Township's current official Tax Maps of record on file in the office of the Township of Mount Olive Tax Assessor, which is otherwise known as the "Village Green shopping center."
- (c) Permitted uses. A mixed-use development consisting of a combination of any C-1 Zone District permitted principal, accessory or conditional use (subject to the regulations established for the C-1 Commercial District); and affordable inclusionary age-restricted multi-family dwelling units restricted and intended exclusively for adults 55 years of age or older subject to the regulations established for the C-1 Zone and herein.

[1] The phrase "age-restricted" as used in this subsection, shall mean and refer to

1. Editor's Note: The Schedule of Limitations is included as an attachment to this chapter.

the definition of "age-restricted unit" set forth within N.J.A.C. 5:80-26.2 of the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq. (UHAC), and which such definition of "age-restricted unit" set forth within the UHAC is hereby incorporated by reference, as if fully set forth at length herein.

(d) Permitted accessory uses for age-restricted multi-family dwellings shall be as follows:

- [1] Residential management and leasing office.
- [2] Common rooms/areas including for work, meetings, fitness and recreational activities (indoor and outdoor).
- [3] Indoor maintenance and storage areas related to age-restricted multi-family units.
- [4] Off-street parking and loading, including structured and surface parking.
- [5] Signs.
- [6] Utility infrastructure.
- [7] Exterior electric vehicle charging stations and make-ready infrastructure.
- [8] Other customary uses which are incidental and subordinate to age-restricted multi-family dwelling units.

(e) Mandatory affordable housing provisions.

- [1] Within the C-1 Affordable Housing Overlay District, at least 20% of the total residential dwelling units constructed, rounded up to the next whole dwelling unit, shall be restricted for "very-low-income housing," "low-income housing" and "moderate-income housing," as these terms are defined in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., ("FHA"). All affordable units shall be constructed on site and in accordance with the provisions of the FHA, the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.1 et seq. (UHAC), and the Township's affordable housing regulations set forth at § 550-86.
- [2] At least 50% of the total number of all affordable dwelling units shall be restricted to person(s) qualifying for low-income housing, of which no less than 13% shall be restricted for persons qualifying for "very-low-income housing" as this term is defined in the FHA. The remaining balance of the total number of affordable dwelling units may be restricted for persons qualifying for moderate-income housing. In no event shall the total number of moderate-income housing units exceed 50% of the total number of affordable dwelling units.
- [3] All affordable dwelling units shall be deed restricted for occupancy in accordance with the terms and conditions of the Township's affordable

housing deed restriction. The purchaser of any affordable dwelling unit offered for sale or resale shall also be required to execute an individual Township approved affordable housing unit deed restriction along with a Township approved recapture mortgage lien and recapture note.

- [4] The length of the affordability control period set forth in any affordable housing deed restriction for each affordable dwelling unit sold or offered for sale or resale shall be for a minimum period of time of at least 30 years from the later of the date the first affordable household occupies the unit or the date the first certificate of occupancy is issued for the respective affordable unit. Each deed restriction shall include a reservation of the Township's right and option to extend the initial affordability control period for an additional period of time in accordance with the provisions of the FHA, the UHAC and the Township's affordable housing regulations set forth at § 550-86.
- [5] The length of the affordability control period set forth in any affordable housing deed restriction for each affordable dwelling unit to be rented or offered for rent shall be for a minimum period of time of at least 40 years from the later of the date the first affordable household occupies the respective unit or the date the first certificate of occupancy is issued for the respective affordable unit. The affordable housing deed restriction shall include a reservation of the Township's right and option to extend the initial affordability control period for an additional period of time in accordance with the provisions of the FHA, the UHAC and the Township's affordable housing regulations set forth at § 550-86.
- [6] All affordable dwelling units shall be constructed, affirmatively marketed, sold or rented, and occupied in accordance with the provisions of the FHA, the UHAC and the Township's Affordable Housing regulations set forth at § 550-86.
- [7] Affordability averages. The range of affordability, minimum and maximum pricing for the sale and/or rental of affordable dwelling units and affordability average requirements shall meet all requirements of the FHA, the UHAC and the Township's affordable housing regulations set forth at § 550-86.
- [8] Affordable dwelling bedroom distribution; construction phasing. The bedroom distribution of all affordable dwelling units, and construction phasing of the affordable dwelling units with the market rate dwelling units to be developed on the tract shall meet the requirements of the FHA and the UHAC.
- [9] Unless otherwise permitted by the Township, the Township's Municipal Housing Liaison and Affordable Housing Administrative Agent shall be responsible to affirmatively market, administer and certify each household for any for sale or rental affordable unit, with all administrative costs to be paid by the developer/owner of the property.
- [10] The developer/owner shall provide the Planning Board with appropriate

documentation at the time of application for preliminary site plan and/or preliminary major subdivision approval to demonstrate compliance with the requirements for the low-and moderate-income units as set forth in this subsection.

(f) Development standards. Mixed use development shall be subject to the following:

- [1] The maximum floor area ratio for non-residential development shall be 0.22 as applied to the entirety of Block 102, Lot 4.01.
- [2] The maximum gross density for residential development shall be 10 units per acre as applied to the entirety of Block 102, Lot 4.01.
- [3] The maximum number of age-restricted multi-family dwelling units shall be 80. At least 20% of such units shall be set-aside as low-and moderate-income units (including 13% very-low-) and subject to all rules and regulations governing the Township's fourth round affordable housing obligation, the FHA, the UHAC and the Township's affordable housing regulations set forth at § 550-86. Should the developer/owner of the property seek to reduce the total number of age-restricted multi-family dwelling units, the developer may not reduce the total number of very-low-, low- and moderate-income restricted units to a total number that is less than 16 dwelling units.
- [4] Age-restricted multi-family dwelling units may be developed within a new building or above existing ground floor non-residential space, or any combination thereof.
- [5] No portion of a new building consisting of exclusively age-restricted multi-family dwelling units shall be located beyond a distance of 500 feet from where Block 102, Lot 4.01 forms the southeasterly limit of the intersection of Route 46 and Village Way East.
- [6] Maximum building coverage: 35%.
- [7] Maximum impervious coverage: 85%.
- [8] Setbacks.
 - [a] For any age-restricted multi-family dwelling units developed above ground floor non-residential space, the limits of the existing building footprint(s) shall be grandfathered and no further encroachment into the front, side or rear yard shall be permitted.
 - [b] For any age-restricted multi-family dwelling units developed within a new building, the setback requirements shall be as follows: minimum of 100 feet to Route 46 and minimum 50 feet to any other property line.
 - [c] Accessory structures shall not be located within the front yard setback from Route 46 and shall not be located closer than 25 feet to any other lot line.

[9] Maximum building height: 50 feet.

[10] Off-street parking requirements.

[a] For non-residential uses the minimum number of off-street parking spaces required shall be in accordance within § 550-56.

[b] For residential use the minimum number of off-street parking spaces required shall be in accordance with Residential Site Improvement Standards (RSIS).²

[11] Signs.

[a] Non-residential uses shall be subject to § 550-95.

[b] Residential uses shall be subject to § 550-95, except that in lieu of a freestanding sign, a facade sign shall be permitted subject to the same signage area limits established therein.

[12] Electric vehicle charging stations. Development shall comply with the requirements of New Jersey's Electric Vehicle Charging Station Law (P.L. 2021, c.171).

[13] Recreational amenities. Age-restricted multi-family residents, including all low- and moderate-income residents, shall have access to the recreational amenities at the adjacent Village Green apartment complex and pedestrian connectivity shall be provided to promote a walkable community.

[14] §§ 550-33E and 550-36B shall not apply to the C-1 Affordable Housing Overlay District.

(g) Zoning Map. The C-1 Affordable Housing Overlay District shall be as shown on the Township of Mount Olive Official Zoning Map, entitled the 2016 Zoning Map Township of Mount Olive, Morris County, New Jersey prepared by Van Cleef Engineering, as revised through April 5, 2022, adopted in accordance in accordance with N.J.S.A. 40:55D-32 et seq., which is made part of Chapter 550, Land Use, Article VI, Zoning at § 550-78, Interpretation and general provisions, Subsection F, Zoning districts and map.

B. CR-3: Commercial Residential District. The purpose of this district is to allow a mix of commercial use and residential use in transition areas where it is anticipated that commercial development is expected to eventually dominate.

(1) Permitted principal uses shall be as follows:

(a) Detached dwellings.

(b) Public uses.

(c) Antennas for wireless telecommunications services.

2. Editor's Note: See N.J.A.C. 5:21 et seq.

(2) Permitted uses in existing structures shall be as follows, provided that the gross floor area of any single use does not exceed 10,000 square feet:

- (a) Retail sales of goods and services.
- (b) Restaurants and bars.
- (c) Offices.
- (d) Printing offices or shops.

(3) Permitted accessory uses shall be as follows:

- (a) Parking areas, loading areas, trash and garbage collection areas and other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(4) Conditional uses shall be as follows: none.

(5) Bulk regulations shall be as follows:

- (a) Site disturbance shall be adjusted in accordance with the requirements of § 550-39, Critical areas, of this chapter.
- (b) See attached Schedule of Limitations.³

C. C-LI: Commercial/Light Industrial District. The purpose of this district is to make provisions for a wide range of industrial and regional commercial uses in an area of the Township with direct highway access, central water and sanitary sewer facilities, and population proximity in a manner that will integrate natural features, site, and building design and create an attractive working and shopping environment by offering flexibility in site layout.

(1) Permitted principal uses shall be as follows:

- (a) Offices and office buildings.
- (b) Research laboratories or other experimental testing or research establishments, such as product development, but not to include the processing of raw materials, except as incidental to the basic research purpose.
- (c) Warehousing, shipping and receiving.
- (d) The manufacturing, finishing and assembly of products.
- (e) Retail sales of goods and services.
- (f) Professional and medical offices.
- (g) Veterinary clinics.
- (h) Restaurants, bars and nightclubs.

3. Editor's Note: The Schedule of Limitations is included as an attachment to this chapter.

- (i) Fast-food restaurants and convenience markets, if part of a retail center containing at least 200,000 square feet.
- (j) Banks and similar financial institutions.
- (k) Health clubs.
- (l) Theaters and entertainment centers of a nonnuisance character.
- (m) Recreational facilities, bowling alleys, gymnasiums, tennis courts and pools.
- (n) Hotels and motels.
- (o) Clubs, lodges and houses of worship.
- (p) Medical clinics.
- (q) Utilities, but not including radio and communications towers, pump stations and water storage facilities.
- (r) Public uses.
- (s) Antennas for wireless telecommunications services.

(2) Permitted accessory uses shall be as follows:

- (a) Parking areas, loading areas, trash and garbage collection areas.
- (b) Outside storage areas, provided that their location conforms to the setbacks for principal buildings and that they comply with the buffering section of this chapter, § 550-36.
- (c) Other uses customarily associated with the above uses, provided that such uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.
- (d) Outdoor dining, subject to the design and performance standards set forth in § 550-77.1.

(3) Conditional uses shall be as follows:

- (a) Service stations and auto repair, but not including body shops.
- (b) Amusement arcades.
- (c) Radio and communications towers.

(4) Conditional use standards shall be as follows:

- (a) Service stations and auto repair in accordance with the standards regulating service stations in this chapter, specifically §§ 550-14 and 550-94.
- (b) Amusement arcades shall be part of a larger facility or center, such as a restaurant or theater, and not occupy more than 40% of the total gross floor area.

(c) For communications towers for radio, pager and cellular phone transmission, the minimum lot area of the district shall apply. The maximum height of a tower, excluding antenna(s), shall be 150 feet. A minimum distance equal to twice the height of the tower shall be maintained between the base of the tower and a residential district or residential use. All equipment buildings/structures must be screened with year-round landscaping, berms, fencing or suitable materials subject to the approving authority.

(5) Bulk regulations shall be as follows:

- (a) See attached Schedule of Limitations.⁴
- (b) Site disturbance shall be adjusted in accordance with the requirements of § 550-39, Critical areas, of this chapter.

(6) General design standards for commercial and industrial uses shall be as follows:

- (a) Accessibility. Distinct facilities must be provided for access via motor vehicles, public transportation, pedestrian and bicycle traffic. This shall include sidewalks, bikeways and bus shelters.
- (b) Site design. Notwithstanding the provisions of the Schedule of Limitations, the appropriate distances between freestanding structures shall be determined at the site plan review stage in consideration of interesting site design, prevailing building and fire safety code regulations and acceptable architectural and engineering standards. Strip mall design is to be discouraged. An area of the site equal to or greater than 10% of the building area must be designed as common space, either walkways, plazas, pedestrian malls, fountains, gardens or a similar configuration subject to Planning Board approval. Separate entry/exit points accessible directly from parking areas shall be appropriately designed and illuminated.

(7) Large-scale, comprehensively planned developments. Special provision is made for large-scale, comprehensively planned developments of 100 acres or more, whether or not the buildings are erected in one development stage or over a period of time, and whether or not the development area is contiguous, provided that it is entirely within the district, but where the major streets and utilities are set forth on a plan for the entire development prior to construction of any portion of the development, the initial development stage is larger than 25 acres, and access to individual lots or parcels is provided in the overall plan in a manner that addresses safety and traffic circulation issues for streets serving the district, in particular, Routes 46 and 206. The purpose is to provide flexibility to take advantage of topographic conditions, natural features and economies of scale in order to achieve better relationships among buildings, open space, streets and adjoining areas. As development takes place, the overall plan may be changed to accommodate subsequent land needs, provided that the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities. The Schedule of Limitations shall apply except as provided below. The

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critical areas provisions in § 550-39 of this chapter and the use provisions of this district in Subsection C(1), (2) and (3) above shall also apply, but all other provisions of this district shall not apply.

- (a) Lot size averaging will be permitted. Under the lot size averaging provisions, individual lots may have less than the minimum area required by the minimum lot size provisions but in no case less than two acres. For each lot having less than the minimum area required, there shall be another lot having at least the minimum area required, plus an area equal to the reduction in area of the undersized lot. The site plan layout shall integrate the undersized lot with the balance of the development.
- (b) Lot coverage and floor area ratios may be averaged. The maximum permitted lot coverage and maximum permitted floor area ratio, as stated in the Schedule of Limitations, may be applied to the development as a whole.
- (c) Where there is lot size, lot coverage and/or floor area ratio averaging, each development plan submitted shall summarize the provisions in table or map form; prior lot size, lot coverage and floor area ratio averaging for each lot shall be indicated for the development where allowance or transfer has been permitted, and such table or map shall be recorded with the County Clerk.
- (d) Yards and setbacks may be reduced to a minimum of 25 feet, with the following exceptions:
 - [1] A minimum setback of 75 feet shall be provided along Routes 80, 46 and 206. These required front yards or setbacks from major highways shall be landscaped with grass or ground cover, trees and shrubs, but may be crossed with access drives and include parking areas landscaped in accordance with § 550-56 of this chapter, provided that no parking shall be located within 25 feet of a street line.
 - [2] A minimum front yard of 50 feet shall be provided on collector streets.
 - [3] A minimum setback of 100 feet shall be provided from all residential district boundaries.
 - [4] No setbacks are required for two or more contiguous parcels planned as a unit to allow buildings on adjoining parcels to share a party wall along their common lot line or, in the case of buildings which do not share a party wall, to allow better and more flexible siting of buildings than would otherwise be possible. Common parking facilities, access drives and landscaped open space are also allowed.
 - [5] Building heights may be increased to 60 feet for a building or portion of a building more than 300 feet from a residential district boundary.
- (e) Parking structures shall not be included in the calculation of floor area ratio.
- (f) Notwithstanding the provisions of § 550-56, where either the lot size is greater than 7.5 acres or the gross floor area to be built on an individual lot is greater than

90,000 square feet, 1/3 of the required parking spaces may be located more than 300 feet from the entrance of the building being served if there is adequate provision for circulation between parking facilities and building entrances.

- (g) The Planning Board may, at the request of an applicant, agree that the requirements of § 550-28 relating to environmental impact reports may be satisfied by the applicant's preparation of one or more comprehensive reports for the entire district, or sections thereof, in accordance with § 550-28 of this chapter.
- (h) All area lighting shall be provided in accordance with § 550-53 entitled "Lighting," except that the light source may exceed a height of 18 feet but may not exceed a height of 25 feet and that the maximum light intensity provided at the ground level may exceed the average maximum of 0.5 footcandle over the entire area but may not exceed two footcandles within 50 feet of buildings and one footcandle in all other areas subject to Planning Board review and approval. The Planning Board shall reserve the right to apply the more restrictive standard in proximity to residential districts or to enforce the purposes of § 550-53.

(8) Combe Fill North Redevelopment Overlay Zone. In accordance with the Combe Fill Redevelopment Plan, an overlay zone for the development of a solar photovoltaic energy facility is hereby established. The overlay zone supplements, but does not exclude, the permitted principal, accessory and conditional uses of the C-LI Zone District within the overlay zone. The following development regulations are applicable to the Combe Fill North Overlay Zone and, where a conflict exists with other applicable standards set forth in Chapter 550, those established in this section shall apply. The development standards applicable to the overlay zone for the development of a solar photovoltaic energy facility shall be as follows:

- (a) Permitted principal use:
 - [1] Solar photovoltaic energy facility.
- (b) Permitted accessory use:
 - [1] All appurtenances associated with and necessary to the operations of a solar photovoltaic energy facility.
- (c) Permitted conditional use: none.
- (d) Development regulations shall be as follows:
 - [1] Minimum lot area: none.
 - [2] Maximum impervious coverage: none.
 - [3] Setbacks: Minimum fifty-foot setback on Gold Mine Road frontage and along easterly boundary of tract to adjacent Lots 9.01 and 9.03. No minimum setbacks to northerly and westerly tract boundaries.
 - [4] Minimum lot width and lot depth: none.

(e) Buffers:

- [1] Minimum landscaped buffer within fifty-foot setback along Gold Mine Road. The buffer shall provide a year-round visual screen and shall comprise a minimum double row of native evergreen trees with a minimum planting height of six feet. Berms and solid fencing may be included to enhance the buffer subject to site plan approval.

(f) Off-street parking and loading: none.

D. (Reserved)

E. L-I: Light Industrial District: The purpose of this district is to create development opportunities in recognition of the need for employment centers while orienting the uses to major highways for ease of access.

(1) Permitted principal uses shall be as follows:

- (a) Offices and office buildings.
- (b) Research laboratories or other experimental testing or research establishments, such as product development, but not to include the processing of raw materials, except as incidental to the basic research purpose.
- (c) The assembly of products.
- (d) Utilities, but not including commercial radio and communications towers.
- (e) Lumberyards.
- (f) Airports.
- (g) Motels and hotels.
- (h) Public uses.
- (i) Antennas for wireless telecommunications services.

(2) Permitted accessory uses shall be as follows:

- (a) Parking areas, loading areas, trash and garbage collection areas.
- (b) Warehousing, shipping and receiving.
- (c) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Conditional uses shall be as follows:

- (a) Radio and communications towers.

(4) Conditional use standards shall be as follows:

- (a) For communications towers for radio, pager and cellular phone transmission, the minimum lot area of the district shall apply. The maximum height of a tower, excluding antenna(s), shall be 150 feet. A minimum distance equal to twice the height of the tower shall be maintained between the base of the tower and a residential district or residential use. All equipment buildings/structures must be screened with year-round landscaping, berms, fencing or suitable materials subject to the approving authority.
- (b) Billboards in accordance with the standards set forth in § 550-95H.

(5) Bulk regulations shall be as follows:

- (a) Site disturbance shall be adjusted in accordance with the critical area provisions in § 550-39 of this chapter.
- (b) See attached Schedule of Limitations.⁵

F. G-I: General Industrial District. The purpose of this district is to provide areas where a wide range of industrial uses is permitted. This district is located where the potential for industrial growth is good due to convenient transportation routes, utility services and population proximity.

(1) Permitted principal uses shall be as follows:

- (a) Offices and office buildings.
- (b) Research laboratories or other experimental testing or research establishments, such as product development, but not to include the processing of raw materials, except as incidental to the basic research purpose.
- (c) Assembly of products.
- (d) Utilities, but not including commercial radio and communications towers.
- (e) Lumberyards.
- (f) Airports.
- (g) Motels and hotels.
- (h) Warehousing, shipping and receiving.
- (i) Outside storage areas, provided that their location conforms to the setbacks for principal buildings and that they comply with the buffering section of this chapter, § 550-36.
- (j) The manufacturing, finishing and assembly of products.
- (k) Public uses.
- (l) Antennas for wireless telecommunications services.

5. Editor's Note: The Schedule of Limitations is included as an attachment to this chapter.

(2) Permitted accessory uses shall be as follows:

- (a) Parking areas, loading areas, trash and garbage collection areas.
- (b) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Conditional uses shall be as follows:

- (a) Radio and communications towers.
- (b) Billboards in FTZ-1, 3, and 4 in accordance with the standards set forth in § 550-95H.

(4) Conditional use standards shall be as follows:

- (a) For communications towers for radio, pager and cellular phone transmission, the minimum lot area of the district shall apply. The maximum height of a tower, excluding antenna(s), shall be 150 feet. A minimum distance equal to twice the height of the tower shall be maintained between the base of the tower and a residential district or residential use. All equipment buildings/structures must be screened with year-round landscaping berms, fencing or suitable materials subject to the approving authority.

(5) Bulk regulations shall be as follows:

- (a) Site disturbance shall be adjusted in accordance with the critical area provisions in § 550-39 of this chapter.
- (b) For developments of 25 acres or more, the average lot size may be less than five acres. No lot shall be less than 100,000 square feet, and those lots less than five acres in size shall be developed so that the average lot size per tract shall not be less than five acres. No lot less than five acres shall be approved unless the application includes one or more lots greater than five acres to maintain the required average lot size. No lot less than five acres shall have less than 200 feet of street frontage on a street improved to Township specifications, and each lot shall be served by water, sewerage and drainage improvements, all improved to Township specifications. No lots of less than 250 feet frontage shall be permitted on a collector or major arterial road as shown on the Master Plan.
- (c) Additional area, yard and bulk regulations shall be as follows:

	Categories		
	I	II	III
Minimum lot area	5 to 49 acres	50 to 99 acres	100 acres and above
Maximum height	45 feet	60 feet	75 feet
Minimum lot width	250 feet	500 feet	1,000 feet
Minimum lot depth	250 feet	1,000 feet	2,000 feet

		Categories		
		I	II	III
Principal building/structure setbacks*				
	Front yard	100 feet	140 feet	180 feet
	Side and rear yard	50 feet	75 feet	100 feet
Accessory building structure setbacks**				
	Front yard	125 feet	150 feet	200 feet
	Side and rear yard	25 feet	50 feet	175 feet
	From principal building/structure	25 feet	50 feet	80 feet
Building coverage		N/A	N/A	N/A
Lot coverage***		60%	60%	60%
Floor area ratio		0.4	0.4	0.4

NOTES:

*

Any building or structure not exceeding the height restriction in Category I shall meet the setback standards of that category.

**

Any building or structure not exceeding the height restrictions of Categories I and II shall meet the setback standards of those respective categories.

Any building or structure or structures on a single lot having variable heights shall be required to meet the minimum lot line setbacks applicable to that height, in accordance with Categories I, II and III.

(d) See attached Schedule of Limitations.⁶

G. FTZ: Foreign Trade Zone Special District. The Foreign Trade Zone consists of four districts as shown on the Zoning Map. The purpose of this overall zone is to make provision for the special needs of a Foreign Trade Zone and linked manufacturing, warehousing and office activities in a manner that will preserve important natural features and achieve superior design by offering flexibility in site layout and creating an attractive working environment with suitable community facilities, shops and transient accommodations.

(1) Permitted principal uses shall be as follows:

(a) FTZ-1, FTZ-2 and FTZ-3 Districts:

- [1] The principal uses permitted in the G-I Zone.
- [2] Restaurants providing table and/or counter service and primarily oriented and designed to serve businesses, employees and business visitors in the area of the Foreign Trade Zone Special District.
- [3] Public uses.

6. Editor's Note: The Schedule of Limitations is included as an attachment to this chapter.

- [4] Antennas for wireless telecommunications services.
- (b) FTZ-4 District:
 - [1] The principal uses permitted in the G-I, C-1 and C-2 Zones.
 - [2] Planned unit residential development in accordance with the standards in Subsection G(7).
- (2) Permitted accessory uses shall be as follows:
 - (a) Parking areas, loading areas, trash and garbage collection areas.
 - (b) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.
 - (c) Outdoor dining, subject to the design and performance standards set forth in § 550-77.1.
- (3) Conditional uses shall be as follows:
 - (a) FTZ-1, FTZ-2 and FTZ-3 Districts:
 - [1] The uses permitted as principal uses or conditional uses, except billboards which are subject to the requirements set forth below, in the C-1 and C-2 Zones, provided that such uses serve as support uses to the FTZ-1, FTZ-2 and FTZ-3 uses. All such uses are subject to the provisions of § 550-14 and the conditional use standards applicable to the C-1 and C-2 Zone Districts in § 550-103A(3)(a) and (b) and (4). In the FTZ-1 and FTZ-3 Districts, such uses shall only be permitted along collector streets. Restaurants shall not be subject to the collector street requirement.
 - [2] Commercial radio and communications towers.
 - (b) FTZ-4 District:
 - [1] The uses permitted as conditional uses in the C-1 and C-2 Zones, provided that such uses serve as support uses to the FTZ-4 District uses. All such uses are subject to the provisions of §§ 550-14 and 550-103A(3)(a) and (b) and (4).
 - [2] Commercial radio and communications towers.
 - (c) Billboards in the FTZ-1, 3, and 4 Districts in accordance with the standards set forth in § 550-95H.
- (4) Conditional use standards shall be as follows:
 - (a) For communications towers for radio, pager and cellular phone transmission, the minimum lot area of the district shall apply. The maximum height of a tower, excluding antenna(s), shall be 150 feet. A minimum distance equal to twice the height of the tower shall be maintained between the base of the tower and a

residential district or residential use. All equipment buildings/structures must be screened with year-round landscaping berms, fencing or suitable materials subject to the approving authority.

(5) Bulk regulations shall be as follows:

- (a) See attached Schedule of Limitations.⁷
- (b) Site disturbance shall be adjusted in accordance with the critical area provisions in § 550-39 of this chapter, except that in the FTZ-4 District, the total floor area shall not exceed 4,138,700 square feet.
- (c) Parking structures shall not be included in the calculation of floor area ratio.
- (d) In the FTZ-1, FTZ-3 and FTZ-4 Districts, a minimum front yard of one foot for each two feet of building height shall be provided, but not less than 50 feet shall be provided on collector streets, and not less than 25 feet shall be provided on interior streets; and a minimum setback of 25 feet shall be provided along all zoning district boundaries.
- (e) In all subdistricts, a minimum setback of 75 feet shall be provided along Routes 80, 46 and 206. These required front yards or setbacks from major highways shall be landscaped with grass or ground cover, trees and shrubs and may be crossed with access drives and include parking areas landscaped in accordance with § 550-56 of this chapter provided that no parking shall be located within 25 feet of a street line.
- (f) In the FTZ-1 or FTZ-3 Districts, where a plan is submitted for the development of two or more contiguous parcels as a unit, the Planning Board, in its site plan review, may waive or reduce side or rear yard requirements either to allow buildings not more than two stories in height on adjoining parcels to share a party wall along their common lot line or, in the case of buildings which do not share a party wall, to allow better and more flexible siting of the buildings than would otherwise be possible while maintaining adequate separation in line with the intent of the yard regulations. Such development plans may also provide for common parking facilities, access drives and landscaped open space.
- (g) In the FTZ-1 and FTZ-3 Districts, where access requirements so restrict the depth or width of a lot that a five-acre minimum lot size would require the lot's other dimension to be more than twice the restricted dimension, the required lot area may be reduced so that the other dimension need not be more than twice the restricted dimension. If lot width is two times or greater than lot depth, then front yard setback of 25 feet from a collector street shall be permitted, provided that no parking stall shall be allowed in the front yard of the building. Lots of less than five acres are subject to lot size averaging as provided in Subsection G(5)(h) following.
- (h) In the FTZ-1 and FTZ-3 Districts, lot size averaging will be permitted for lots accommodating office or industrial uses on development tracts of 25 acres or more.

7. Editor's Note: The Schedule of Limitations is included as an attachment to this chapter.

Under the lot size averaging provisions, individual lots may have less than the minimum area required by the minimum lot size provisions but in no case less than 2.0 acres. Other lots will then be required to have greater areas than required by the minimum lot size provisions to balance those with lesser areas. In no event shall the total number of lots for development be increased so that it exceeds the number permitted by the applicable provisions of the bulk regulations set forth in the Schedule of Limitations.

(i) Lot coverage and, where applicable, floor area ratios may be averaged within each district. The purpose is to permit flexibility in the siting of buildings in order to take advantage of topographical conditions, to achieve better design relationships of buildings and open spaces and to preserve important natural features. Therefore, the maximum permitted lot coverage and maximum permitted floor area ratio, as stated in the Schedule of Limitations, may be applied to the tract as a whole, provided that such tract is located within one FTZ District, subject to the following limitations:

- [1] In the FTZ-1 and FTZ-3 Districts, each lot of less than five acres shall have at least 20% of its area uncovered and either landscaped or maintained in its natural state, and each lot of five acres or more shall have at least 40% of its area uncovered and either landscaped or maintained in its natural state.
- [2] In the FTZ-3 District, the floor area ratio on any one lot shall not exceed 0.6.
- [3] Existing rights-of-way shall not be counted as lot area when calculating lot coverage.
- [4] All lot coverage and/or floor area ratio averaging for each development plan submitted shall summarize the provisions in table or map form; prior lot sizes and floor area ratio averaging for each lot shall be indicated for the district where allowance or transfer have been permitted, and such map or table shall be recorded with the County Clerk.

(6) Special regulations.

- (a) In all subdistricts, notwithstanding the provisions of § 550-56, where either the lot size is greater than 7.5 acres or the gross floor area to be built on an individual lot is greater than 90,000 square feet, 1/3 of the required parking spaces may be located more than 300 feet from the entrance of the building being served if there is adequate provision for circulation between parking facilities and building entrances.
- (b) The Planning Board may, at the request of an applicant in the Foreign Trade Zone Special District, agree that the requirements of § 550-28 relating to environmental impact reports may be satisfied by the applicant's preparation of one or more comprehensive, generic or topical environmental impact reports; or a combination thereof, for the whole or part of the special district.
 - [1] Such reports may be prepared at any time prior to final site plan application or approval. If any such impact reports are prepared and approved, the

Planning Board shall waive any further environmental impact report requirement which would otherwise be necessary in connection with individual site plan applications and approvals within the area covered by such reports, provided that all appropriate environmental issues have been addressed. Where there are significant environmental issues attendant to the development of an individual parcel which have not been addressed in such reports, the applicant shall submit, at the time of applying for final site plan approval, such supplemental information as is necessary to describe and assess previously undescribed significant issues.

- [2] For those projects in the Foreign Trade Zone Special District which require compliance with federal or state environmental impact statement or report laws or regulations, materials prepared pursuant thereto shall be submitted to the Planning Board and, upon formal acceptance thereof, the requirements for environmental impact reports related to the matters covered therein shall be waived.
- [3] The terms "comprehensive," "generic" and "topical" are commonly used in environmental law and, for the purposes of this chapter, have the following meanings:
 - [a] "Comprehensive environmental impact reports" describe all of the specific impacts which can reasonably be anticipated from a group of individual buildings, actions or uses of property or buildings.
 - [b] "Generic environmental impact reports" describe the general impacts of similar kinds of buildings or structures (e.g., warehouses, manufacturing plants or offices).
 - [c] "Topical environmental impact reports" describe conditions and impacts related to specific environmental issues (e.g., air or water pollution, soil conservation or wildlife issues).

(7) Planned unit residential development.

- (a) A planned unit residential development is intended to provide a range of residential uses on a single tract in accordance with a comprehensive plan with regard to the location of uses, buildings, parking, open space, vehicle and pedestrian circulation and related site improvements, and to further encourage creative and innovative design while also providing flexibility in terms of how uses/buildings shall visually relate to each other as well as the overall landscape.
- (b) The minimum tract area for a planned unit residential development shall be 50

acres and may contain contiguous or noncontiguous lands.

- (c) Any developer seeking approval of a planned unit residential development may, but is not required to, submit a general development plan to the Planning Board. If a developer files a general development plan, then the Planning Board shall approve such plan prior to the filing of an application seeking preliminary major subdivision or preliminary site plan approval pursuant to this chapter. A general development plan submission shall be in accordance with the requirements established herein.
- (d) Permitted principal residential uses within a planned unit residential development shall be as follows:
 - [1] Single-family detached dwellings.
 - [2] Townhouses.
 - [3] Stacked townhouses/flats.
 - [4] Apartment/multidwelling units.
- (e) Permitted accessory uses within a planned unit residential development shall be as follows:
 - [1] Recreational, social and communal facilities for the exclusive use of residents and guests.
 - [2] Active and passive outdoor recreation facilities.
 - [3] Off-street parking areas.
 - [4] Gatehouses.
 - [5] Individual and common mailboxes.
 - [6] Signage.
 - [7] Enclosed trash and recycling storage areas.
 - [8] Patios and decks.
- (f) Conditional uses within a planned unit residential development shall be as follows:
 - [1] None.
- (g) Mandatory affordable housing provision.
 - [1] A planned unit residential development shall be required to provide 20% of the total residential dwelling units to households of low- and moderate-income with at least 1/2 the total number of such units available to low-income households and 13% shall be for very-low-income.
 - [2] The applicant/developer may elect to locate the required low- and moderate-

income units on a separate lot or lots pursuant to site plan and subdivision approval by the Planning Board.

(h) Overall development standards.

- [1] Residential density. Residential density, inclusive of both market and low- and moderate-income units, shall not exceed six units per gross acre. For purposes of computing residential density, all lands within the planned unit residential development tract area shall be counted, including any lands set aside as open space, whether dedicated to public use or not.
- [2] A required buffer of no less than 100 feet shall be provided to the Morris Canal. No disturbance shall be permitted within said buffer area, except for open space use and/or utilities, including subsurface stormwater management facilities, necessary to serve the development subject to Planning Board review and approval.
- [3] Open space shall comprise at least 40% of all lands within the planned unit residential development tract area. Open space may be set aside as common property for the benefit of the residents or may be dedicated to the municipality. Open space may include athletic fields, other active recreational facilities, walking and/or biking trails and passive recreation designed to the extent practical to preserve and enhance natural site features. Access drives, parking areas and any other facilities customarily incidental to open space use are permitted as part of the required open space component subject to Planning Board review and approval.
- [4] Infrastructure improvements. The Planning Board shall reserve the right to require on-tract and off-site road improvements to ensure safe and efficient ingress and egress to the planned unit residential development. All internal residential streets shall be designed in accordance with N.J.A.C. 5:21-1.1 et seq., Residential Site Improvement Standards.
- [5] Utilities. A planned unit residential development shall be served by a central water and sanitary sewerage system. All utility lines shall be installed underground in accordance with this chapter.
- [6] Phasing. Nothing contained herein shall preclude the phasing of any section of the planned unit residential development which shall include phasing plan for affordable units as established herein.
- [7] Subdivision. Nothing contained herein shall preclude a developer from seeking subdivision approval for purposes of allowing separate ownership and/or financing of lands within the planned unit residential development.
- [8] There shall be no required lot area dimensional requirements and no required internal setback requirements to lot lines in connection with any future subdivision within the planned unit residential development other than as may be established herein.

[9] The Planning Board may reduce any tree replacement requirements pursuant to § 550-75 as a means of reducing costs for inclusionary housing development consistent with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-311.

(i) Residential development standards.

[1] The planned unit residential development shall contain a mix of two or more of the following unit types: single-family detached dwellings, townhouses, stacked townhouses/flats and apartments/multidwelling units. The coverage requirements established below shall apply to the land area within the planned unit residential development devoted to each residential type, except that for single-family detached dwellings such coverage requirements shall apply to individual lots. Townhouses may be developed on a fee simple basis, in which case there shall be no separate dimensional, setback or coverage requirements for individual lots.

[2] Single-family detached dwellings.

- [a] Minimum lot area: 6,000 square feet.
- [b] Minimum lot width and frontage: 55 feet.
- [c] Minimum lot depth: 100 feet.
- [d] Minimum front yard setback: 20 feet; with open porch permitted within 15 feet of the front lot line.
- [e] Minimum side yard (each): 7.5 feet.
- [f] Minimum rear yard: 25 feet.
- [g] Maximum building coverage: 35%.
- [h] Maximum lot coverage: 60%.
- [i] Maximum building height: 40 feet.

[3] Townhouse dwellings.

- [a] Townhouse dwellings shall not exceed eight units in one overall structure.
- [b] Minimum setback to Continental Drive: 50 feet.
- [c] Minimum setback to internal street: 15 feet.
- [d] Minimum setback to other tract boundaries: 30 feet.
- [e] Maximum building height: 50 feet.
- [f] Maximum building coverage: 25%.

- [g] Maximum lot coverage: 60%.
- [h] Minimum distance between end unit and end unit: 20 feet.
- [i] Minimum distance between rear of unit and rear of unit: 50 feet, exclusive of rear decks/patios which may extend into this area.
- [j] Minimum distance between front of unit and front of unit: 50 feet.

[4] Stacked flats/townhouses.

- [a] Stacked flats/townhouses shall not exceed 24 units in one overall structure.
- [b] Minimum setback to public street: 50 feet.
- [c] Minimum setback to internal street: 25 feet.
- [d] Minimum setback to other tract boundary: 30 feet.
- [e] Maximum building height: 50 feet.
- [f] Maximum building coverage: 25%.
- [g] Maximum lot coverage: 60%.
- [h] Minimum distance between end unit and end unit: 20 feet.
- [i] Minimum distance between rear of unit and rear of unit: 50 feet, exclusive of rear decks/patios which may extend into this area.
- [j] Minimum distance between front of unit and front of unit: 50 feet.

[5] Apartment/multidwelling unit buildings.

- [a] Apartment/multidwelling unit buildings shall not exceed 36 units in one overall structure. Existing buildings within the FTZ-4 District as of November 2017 may have more than 36 units within one overall structure subject to compliance with gross density standards of the district.
- [b] Minimum setback to public street: 50 feet.
- [c] Minimum setback to internal street: 25 feet.
- [d] Minimum setback to other tract boundaries: 30 feet.
- [e] Maximum building height: 50 feet excluding existing buildings within the FTZ-4 District as of November 2017.
- [f] Maximum building coverage: 25%.
- [g] Maximum lot coverage: 60%.

[h] Minimum distance between rear of unit and rear of unit: 50 feet.

[6] Setbacks from tract boundaries for accessory buildings and structures. The minimum setbacks for accessory buildings and structures shall be as follows:

- [a] Recreation facilities shall maintain a minimum distance of 50 feet from all tract boundaries.
- [b] Individual or group mailboxes may be permitted within one foot of the curb.
- [c] Signage as established below.
- [d] A gatehouse shall maintain a minimum distance of 40 feet from a public street.

[7] Minimum off-street parking requirements. The number and design of parking spaces for the residential dwellings shall conform to the requirements of Section 5:21-4.14 and design standards of Sections 5:21-4.15 and 5:21-4.16 of the Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.)

[8] Pedestrian circulation network. All sidewalks shall be provided with appropriately scaled lighting to ensure public health and safety. Separate walking trails may be permitted as a component of the open space requirement but shall not serve as a substitute for sidewalks.

[9] Landscaping, street trees, and buffers. A landscape plan, prepared by a certified landscape architect, shall be required and shall provide for the following:

- [a] Street trees shall be installed on both sides of all streets planted at an average distance not to exceed 40 feet on-center.
- [b] The interior and perimeter edge of stormwater basins shall be suitably planted with trees and shrubbery. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

[10] Development signs. Development signage may be permitted subject to the following standards:

- [a] Development identification signs shall be limited to no more than three monument signs. The maximum height of an entire monument sign structure shall not exceed 12 feet from grade. The maximum sign area shall not exceed 60 square feet. No part of the sign shall have internal illumination. A development identification sign shall maintain a minimum setback of 10 feet from a public street or tract boundary.
- [b] A maximum of six directional signs may be permitted within the planned unit residential development. The maximum sign area per sign shall not exceed four square feet and the sign shall not exceed a mounting height

of four feet. Directional signs shall have no internal or external means of illumination. Directional signs shall not be located in any public right-of-way. The location shall be subject to Planning Board approval.

[11] Trash storage area. Trash and recycling receptacles shall be stored internally within all residential and recreational buildings except for the time period necessary to make such containers available for collection. Trash and recycling receptacles are permitted to be located outside the building(s), provided that suitable enclosures are provided to completely screen such receptacles from view. Screening materials may include solid wood or synthetic material, brick or solid block. Chain-link fence enclosures, with or without privacy slats, shall be prohibited.

[12] Phasing plan.

[a] A phasing plan for the low- and moderate-income units shall be provided at the time of preliminary site plan and/or subdivision approval in accordance with the following schedule:

Percentage of Market Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% plus 1	10%
50%	50%
75%	75%
90%	100%

[13] Compliance with affordable housing standards. The developer shall provide the Planning Board with appropriate documentation at the time of application for preliminary site plan and/or preliminary major subdivision to demonstrate compliance with the requirements for the low- and moderate-income units as set forth in this chapter.

(j) Findings for planned unit residential development. Prior to approving a planned unit residential development, the Planning Board shall render the following findings and conclusions pursuant to N.J.S.A. 40:55D-45:

- [1] That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to N.J.S.A. 40:55D-65;
- [2] That the proposals for maintenance and conservation of the common open space, and the amount, location and purpose of such open space, are adequate;
- [3] That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the

amenities of light and air, recreation and visual enjoyment are adequate;

- [4] That the proposed planned unit residential development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- [5] In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupant and owners of the proposed development in the total completion of the development are adequate.

(k) General development plan.

- [1] Contents. If the developer chooses to submit a general development plan to the Planning Board, said general development plan (exclusive of required reports and other written documentation) shall be submitted at a scale of approximately one inch equals 200 feet, or such scale permitting the entire tract to be shown on a single sheet not larger than 30 inches by 42 inches. Enlargement of portions of the general development plan may be submitted on separate sheet of the same size. A general development plan shall include the following:
 - [a] A general land use plan indicating the tract area and locations of the land uses to be included in the planned unit residential development. The total number of dwelling units permitted and proposed and proposed land area to be devoted to residential and open space use shall be set forth. In addition, the land area to be occupied by each proposed use shall be estimated. The density of the entire planned unit residential development shall be provided;
 - [b] A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned unit residential development and any proposed improvements to the existing transportation system outside the planned unit residential development;
 - [c] An open space plan showing the proposed land area and location of land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan of the operation and maintenance of such lands.
 - [d] A utility plan indicating the need for and showing the proposed location of sewage and water lines, and drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;
 - [e] A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;

- [f] An environmental inventory, including a general description of the vegetation, soils topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;
- [g] A community facility plan indicating the scope and type of supporting community facilities;
- [h] A housing plan outlining the number of housing units to be provided and the extent to which any affordable housing obligation assigned to the municipality pursuant to the New Jersey Fair Housing Act of 1985 (as amended) will be fulfilled by the development;
- [i] A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;
- [j] A fiscal report describing the anticipated demand on municipal services and the school district to be generated by the planned unit residential development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under Subsection G(7)(k)[1][k] below, and following the completion of the development in its entirety;
- [k] A proposed timing scheduling in the case of a planned unit residential development whose construction is contemplated over a period of years, including the number of market and affordable dwelling units to be included in each development phase, and any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned unit residential development prior to the completion of the development in its entirety; and
- [l] A written agreement between the developer and the Township relating to the planned unit residential development.

[2] Effect and duration of approval.

- [a] The planned unit residential development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of N.J.S.A. 40:55D-1 et seq., or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval. The general terms and conditions upon which the general development plan was granted, including but not limited to on-site or off-site requirements, shall not be changed, unless application for modification is made by the developer and approved by the Planning Board pursuant to the requirements of this section.
- [b] The term of the effect of the general development plan approval shall be

determined by the Planning Board using the guidelines set forth in Subsection G(7)(k)[2][c] below, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer received final approval of the first section of the planned unit residential development.

- [c] In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider: the number of dwelling units to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.
- [3] Modification of proposed schedule. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.
- [4] Variations in location of land uses or increase in density. The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned unit residential development or to increase the density of residential development in any section of the planned unit residential development.
- [5] Amendment or revision of general development plan; allowable reductions within original approval.
 - [a] Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer and approval by the Planning Board.
 - [b] A developer, without violating the terms of the general development plan approval, may, in undertaking any section of the planned unit development, reduce the number of residential units by no more than 15% or reduce the residential density floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et al.) without prior approval.
- [6] Notice of completion of section of development; notice by municipality of nonfulfillment; hearing, termination of approval; causes.
 - [a] Upon completion of each section of the development as set forth in the

approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to Section 15 of the State Uniform Construction Code Statute (N.J.S.A. 52:27D-133). If the Township does not receive such notification at the completion of any section of the development, the Township shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

- [b] If at any time the Township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.
- [c] In the event that a developer who has general development plan approval does not apply for preliminary site plan approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the Township shall have cause to terminate the approval.

[7] Termination of approval upon completion of development. In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

H. M Mining District. The purpose of this district is to allow present mining to continue as a permitted use rather than as a nonconforming use. This zoning district recognizes the unique operations within the Township due to the presence of natural resources suitable for mining but, at the same time, recognizes the unique necessity for public regulations brought about by the existence and excavation of these natural resources and their processing in those areas which are currently being actively mined and used for processing.

(1) Permitted principal uses shall be as follows:

- (a) Mining.
- (b) The processing of material mined.
- (c) Public uses.
- (d) Antennas for wireless telecommunications services.

(2) Permitted accessory uses shall be as follows:

- (a) Customary accessory uses such as truck parking, open storage of the raw materials, storage buildings, guardhouses, screening, milling, mixing and batching.

(3) Conditional uses shall be as follows:

- (a) Commercial radio and communications towers.

(4) Conditional use standards shall be as follows:

- (a) For communications towers for radio, pager and cellular phone transmission, the minimum lot area of the district shall apply. The maximum height of a tower, excluding antenna(s), shall be 100 feet. A minimum distance equal to twice the height of the tower shall be maintained between the base of the tower and a residential district or residential use. All equipment buildings/structures must be screened with year-round landscaping, berms, fencing or suitable materials subject to the approving authority.

(5) Bulk regulations shall be as follows:

- (a) The maximum building and structure height shall be 50 feet.
- (b) Upon termination of a mining operation, the property shall be left in a condition where no dangerous holes or other hazards exist and so that there is proper drainage to prevent the accumulation of stagnant water on the property.
- (c) Mining is subject to the provisions of § 550-60 of this chapter, which provides for licensing and regulation of quarrying within the Township.

I. Professional Business Zone.⁸

(1) Purpose.

- (a) The purpose of the Professional Business Zone district is to allow for development and redevelopment of those properties situated along the westbound lanes of U.S. Highway 46 between the intersection of Netcong Road and Route 46 to the east and the intersection of Cove Street and Route 46 to the west. The Professional Business Zone is designed to promote appropriate development and redevelopment opportunities within this one-mile corridor in recognition of the requirements for appropriate access to state highways pursuant to N.J.S.A. 40:55D-38b(10). The

8. **Editor's Note:** Section 4 of Ord. No. 40-2000 reads as follows: "Section 4. The design elements and site improvements contained in this ordinance shall not be applied retroactively to existing developed properties within the new zone district unless said property or properties are subject to site plan review in accordance with the requirements of Chapter 400, Land Use."

Professional Business Zone also recognizes the unique character of this district as it adjoins established residential neighborhoods in the Budd Lake section of the Township.

- (b) The Professional Business Zone is created to promote a new land use pattern which does not intrude upon the established residential neighborhoods in its intensity of activity and scale of buildings or structures. Site improvement standards within the District will serve to provide better traffic circulation on and off the highway, will reduce impervious coverage thereby reducing stormwater runoff and nonpoint source pollution at discharge points.
- (c) The Professional Business Zone implements an objective of the Master Plan Reexamination Report adopted by the Mount Olive Planning Board on September 28, 1995, wherein modification to the existing commercial zoning was recommended.

(2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

BARBER SHOPS, BEAUTY SALONS AND NAIL SALONS — A place of business engaged in the practice of barbering (barber shop), hair styling and related cosmetic services (beauty salon) and manicures, pedicures and related services (nail salons) each operated by a licensed and/or properly certified provider.

MEDICAL OFFICES — An office or offices for the practice of general or specialized medicine by licensed practitioners having one or more of the following qualifications: Degree of M.D. (Doctor of medicine), D.O. (Doctor of osteopathy), D.D.S. (Doctor of dental surgery), D.D.Sc. (Doctor of dental science), D.C. (Doctor of chiropractic), O.D. (Doctor of optometry) and D.P. (Doctor of podiatry).

OFFICES FOR PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES — The range of permitted uses in this category shall be those professional, scientific and technical services engaged in the practice of law, real estate and appraisal services, accounting, architecture, landscape architecture, engineering, land use planning, interior design, land surveying, graphic design, computer systems design and consulting, marketing and sales management services, administrative management, human resources consulting, environmental consulting services and advertising and public relations services, where there is a question of interpretation of said categories, the definitions herein shall be consistent with the descriptions presented in the appropriate sectors contained in North American Industry Classification System, United States, 1997, Office Of Management And Budget, Sector 54 - Professional, Scientific, and Technical Services.

SATELLITE PARKING LOT — An off-street, surfaced facility, limited to ground level parking spaces only and improved to the standards of this subsection and § 550-56 of this chapter reserved exclusively for those permitted principal and conditional uses within the district.

SHARED PARKING — The joint use of a parking area by two or more permitted principal or conditional uses in the zone district.

(3) Principal permitted uses.

- (a) Offices for professional, scientific and technical services.
- (b) Medical offices.
- (c) Barbershops, beauty salons and nail salons.
- (d) Child-care centers in accordance with N.J.S.A. 30:5B-1 et seq.
- (e) Public uses as defined in § 550-5.
- (f) Antennas for wireless telecommunications services.

(4) Accessory uses.

- (a) Parking areas (as distinct from parking lots; see conditional uses).
- (b) Loading areas.
- (c) Trash and recycling collection structures.
- (d) Freestanding signs.
- (e) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(5) Conditional permitted uses.

- (a) Residential apartments. Permitted in existing and new buildings with limit of one per lot. Trash and recycling collection must be handled privately in conjunction with shared office or commercial use on site. Off-street parking for one vehicle shall be provided. Said space may be shared with nonresidential component of site, subject to Planning Board approval.
- (b) Satellite parking lots. Must serve one or more permitted uses within zone district, provide complete screening along sides and rear of lot and have suitable buffer along front lot area, subject to Planning Board approval. Site plan approval for a satellite parking lot shall be conditioned upon a transportation plan acceptable to the Planning Board whereby patrons of the facility are provided safe and convenient transport via sidewalks, shuttle service or similar mechanism to and from the intended destination within the district.
- (c) Parking lots under this section must comply with all bulk requirements of the zone district and be in compliance with the design standards of § 550-56. Provision for security, ice and snow removal, lighting, landscaping and general maintenance of a satellite parking lot shall be the responsibility of the owner/operator. The appropriate legal mechanisms to satisfy said responsibilities shall be submitted at the time of site plan review for approval by the Planning Board. There shall be a limit of two satellite parking lots within the district. Overnight parking shall be prohibited.

(d) Billboards in accordance with the standards set forth in §550-95H.

(6) Bulk standards.

(a) Lot area.

- [1] Minimum lot area: one acre.
- [2] Minimum lot width: 200 feet.
- [3] Minimum lot depth: 100 feet.

(b) Standards for principal building and/or structure.

- [1] Front yard: 40 feet.
- [2] Side yard (each): 25 feet.
- [3] Rear yard: 30 feet.

(c) Additional standards.

- [1] Maximum height of building/structure: 25 feet.
- [2] Maximum building coverage: 15%.
- [3] Maximum lot coverage: 40%.
- [4] Maximum floor area ratio: 0.15.

(d) Standards for accessory use, building and/or structure. No accessory use, building or structure shall be located in a front, side or rear yard set back.

(e) Exceptions.

- [1] Side yard restrictions for parking areas may be reduced up to a zero lot line configuration to allow for shared parking, subject to Planning Board approval.
- [2] The Planning Board may permit parking areas within a portion of the rear yard setback where a minimum distance of 25 feet from the rear lot line is maintained. An enhanced buffer shall be provided to provide year-round screening, subject to Planning Board approval. The option to utilize a portion of the rear yard setback shall be reserved to circumstances where it is demonstrated that the minimum parking requirements cannot be satisfied within the prescribed areas of the site or where the alternate design will result in a safer and more efficient circulation pattern. The reduced setback option is not to be used to provide parking in excess of the requirements of this section.
- [3] Freestanding signs in conformance with the standards of this subsection may be located within the front yard setback. All signs shall provide a minimum setback distance of 10 feet from the front lot line.
- [4] Trash and recycling containers may be located within a side yard setback

where a minimum distance of 10 feet to the lot line is maintained where it can be demonstrated that said facilities cannot be situated within the prescribed area due to lack of proper access by service vehicles or where same interferes with safe and efficient circulation within the site. Where this reduced setback is used, the containers must be mounted on a concrete surface and fully enclosed with solid fencing or masonry walls or a combination of both.

[5] Ingress and egress driveways perpendicular to the public road are permitted to traverse through the front yard setback. Access lane(s) designed to run parallel with the public road across the interior of the site may be permitted within the front yard setback with a minimum distance of 15 feet to the front lot line to promote safe and efficient vehicular circulation, subject to a favorable recommendation by the Township Engineer. An appropriate year-round landscape buffer shall be provided with a minimum planting height of four feet along the entire frontage exclusive of sight triangles.

(7) (Reserved)

(8) Buffer requirements.

(a) Site plan approval shall include a buffer requirement between the lot(s) in the Professional Business Zone and the adjacent residential zone district. The buffer area shall provide a year-round screen to reduce off-site glare, noise and other nuisance characteristics as well as to enhance the environment and ecology of the site and the surrounding areas. The buffer area shall be not less than 30 feet in width and shall extend the entire length of the lot except for site plan approval in accordance with Subsection I(6)(e)[2]. No buildings, structures or other improvements except those required to accomplish the buffer standards shall be permitted in the designated buffer area.

(b) Said buffer area shall consist of existing vegetation or one created by the use of trees, shrubs, fences, decorative walls and/or landscaped berms to continuously limit views of and sound from the Professional Business Zone lot to adjacent residential properties. The buffer plan shall be created by a licensed landscape architect, and the Planning Board shall reserve the right to determine which method satisfies the requirements of this subsection.

(c) Buffer areas shall be clearly delineated on a site plan. Failure to maintain the buffer area to the approved standards shall constitute a violation of this subsection and shall be subject to enforcement provisions of this chapter.

(9) Parking requirements. Minimum parking requirements in the Professional Business Zone shall be as follows:

(a) Offices for professional, scientific and technical services: three spaces per 1,000 square feet of gross floor area.

(b) Medical offices: one space per 300 square feet gross floor area.

(c) Barber shops, beauty salons and nail salons: three spaces per operator station/chair.

- (d) Home occupation: as required per § 550-56.
- (e) Child-care centers: one space per 650 square feet.
- (f) Public uses: to be determined at time of site plan review.
- (g) Residential apartments: one space per apartment (may be shared with nonresidential component of site, subject to Planning Board approval).
- (h) Satellite parking lot: maximum number of spaces in accordance with all bulk and design standards of this subsection and § 550-56.

(10) Site lighting.

- (a) All site lighting shall conform to the maximum height limit of 18 feet for both pole-mounted and wall-mounted fixtures.
- (b) All fixtures shall be designed to direct light source in a downward direction and shall be equipped with back shields to prevent glare.
- (c) Floodlights mounted on utility poles or other appurtenances shall be prohibited.
- (d) All site lighting, with the exception of minimum illumination required for security purposes, shall be off between the hours of 11:00 p.m. and 7:00 a.m.

(11) Where a structure is approved having a flat roof, all mechanical equipment situated thereon shall be screened in all directions with appropriate material to conceal any view of such equipment and to ensure compliance with the noise control regulations contained in Chapter 266 of the Township Code. Notwithstanding § 550-83 of this chapter, screening and/or facade elevations to provide same shall be considered as part of the principal building/structure's height for purposes of maximum limits permitted in the zone district.

(12) Loading area. Notwithstanding the requirements of § 550-56E(2), a designated off-street loading space of 10 feet in width and 20 feet in length may be permitted.

(13) Pedestrian circulation. Provision shall be made for the safe movement of pedestrians within the interior of the site and along the highway frontage of a lot subject to site plan review.

J. AR: Active Recreation Zone District. The purpose of this district is to provide for a new zone district for active recreational facilities.

(1) Permitted principal uses shall be as follows:

- (a) Swimming pools, both indoor and outdoor.
- (b) Health clubs.
- (c) Facilities within an enclosed building with suitable acoustical construction so as to abate noise beyond the interior of the building accommodating training and playing of sports such as tennis, basketball, baseball, softball, volleyball, handball courts,

and skateboarding.

(d) Child-care centers pursuant to N.J.S.A. 40:55D-66.6.

(2) Permitted accessory uses shall be as follows:

(a) Retail sales limited to no more than 1,000 square feet.

(b) Showers and locker rooms.

(c) Party areas limited to no more than 50 participants.

(d) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Conditional uses shall be as follows:

(a) None.

(4) Bulk regulations shall be as follows:

(a) Minimum lot area: five acres.

(b) Minimum lot width: 250 feet.

(c) Minimum lot depth: 250 feet.

(d) Minimum front yard setback (principal and accessory building or structure): 75 feet.

(e) Minimum side yard setback (principal and accessory building or structure): 25 feet; 100 feet contiguous to residential zone district or residential dwelling.

(f) Minimum rear yard setback (principal and accessory building or structure): 25 feet.

(g) Accessory buildings and structures: setbacks to principal building: 10 feet.

(h) Maximum building coverage: 20%.

(i) Maximum lot coverage: 50%.

(j) Maximum height of principal building or structure: 40 feet.

(k) Maximum height of accessory building or structure: 15 feet.

(l) Maximum floor area ratio: 0.2.

K. Professional/Commercial-2 Zone District. The purpose of the Professional/Commercial-2 Zone District is to allow for development and redevelopment of those properties situated along the westbound lanes of U.S. Highway 46 west of the intersection of the highway with Mine Hill Road compatible with commercial zoning to the south in Washington Township and to the west in Hackettstown.

- (1) Permitted principal uses shall be as follows:
 - (a) Detached residential dwellings.
 - (b) Offices for professional, scientific and technical services.
 - (c) Medical offices.
 - (d) Retail sales of goods and services.
 - (e) Restaurants.
 - (f) Child-care centers pursuant to N.J.S.A. 40:55D-66.6.
- (2) Permitted accessory uses shall be as follows:
 - (a) Storage sheds.
 - (b) Trash and recycle container enclosure.
 - (c) Freestanding sign.
 - (d) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.
- (3) Conditional uses.
 - (a) None.
- (4) Bulk regulations shall be as follows:
 - (a) Residential dwelling: Lot area and bulk standards of the R-1/Residential Zone District shall apply.
 - (b) Nonresidential uses.
 - [1] Minimum lot area: two acres.
 - (c) Minimum lot width: 200 feet.
 - (d) Minimum lot depth: 250 feet.
 - (e) Minimum front yard setback (principal and accessory building or structure): 50 feet.
 - (f) Minimum side yard setback (principal and accessory building or structure): 25 feet.
 - (g) Minimum rear yard setback (principal and accessory building or structure): 25 feet.
 - (h) Accessory buildings and structures: setbacks to principal building: 10 feet.
 - (i) Maximum building coverage: 20%.
 - (j) Maximum lot coverage: 50%.

- (k) Maximum height of principal building or structure: 30 feet.
- (l) Maximum height of accessory building or structure: 15 feet.
- (m) Maximum floor area ratio: 0.15.