

Chapter 16. Land Development

§ 16-6. EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES.

§ 16-6.1. Conditional Uses.

[Ord. #85-482, S 601; Ord. #87-555, S 3; Ord. #87-570, S 8; Ord. #88-584, S V A-C; Ord. #89-635, S 4; Ord. #89-639, S 6; Ord. #89-648, SS 2, 3; Ord. #90-663, S 7; Ord. #90-674, S 1; Ord. #90- 687, S 1; Ord. #90-695, S 1; Ord. #92-746, S 4; Ord. #92-759, S 4; Ord. #93-781, S 6; Ord. #93-789, S 2; Ord. #93-790, S 5; Ord. #94-816, S 1; Ord. #96-8, S 3; Ord. #98-932, S 2; Ord. #98-933, SS 6, 7; Ord. #98-953, S 1; Ord. #00-1016, S 2; Ord. #01-1037, S 2; Ord. #02-1065; Ord. #2002-1079, S 2; Ord. #03-1089, SS 1, 2; Ord. #05-1182, S 2; Ord. #06-1236, S 2; Ord. #08-1275, S 1; Ord. #08-1278, SS 1-5; Ord. #2015-1487 S 4; Ord. No. 17-1556 § 3]

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, application shall be made to the Planning Board. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to this chapter. Public notice and a hearing shall be required as stipulated in this chapter. Conditional uses include the following:

a. Public Utility Uses.

1. For purposes of this chapter, the term "public utility uses" shall include such uses as telephone dial equipment centers, power substations and other utilities serving the public, such as sewage treatment plants, but shall exclude dumps and sanitary landfills.
2. The proposed installation in a specified location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.
3. The design of any building in connection with such facilities must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.
4. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Code in effect at the time of the construction.
5. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
6. Off-street parking shall be provided as determined by the Planning Board during site plan review.

b. Car Washes.

1. All mechanical activities must be conducted within a totally enclosed building.
2. Off-street parking shall be provided in accordance with the following schedule: Three access lanes for each mechanized car wash entrance with each lane having a minimum capacity for

12 vehicles; one separate space for each waxing, upholstery cleaning or similar specialized service area; and one space for each employee. All vehicle entrances shall be from the rear of the building and all parked and waiting vehicles shall be accommodated on the lot.

3. One sign shall be permitted, either free-standing or attached, not exceeding an area equivalent to 5% of the first floor portion of the front facade or 75 square feet, whichever is smaller. Freestanding signs shall be set back at least 25 feet from all street and lot lines.
4. All of the other area, yard, building coverage, height, and general requirements of the respective zone and other applicable requirements of this chapter must be met.
5. Nondomestic wastes from car washes shall be pretreated in accordance with a plan approved by the Township Engineer prior to their discharge into a public sewer.

c. Hotels.

1. The minimum lot size for a hotel shall be 10 acres and the minimum frontage shall be 400 feet. Any hotel that may be constructed on a lot or parcel of land must contain a minimum of at least 100 units of accommodation in addition to a permanent on-site superintendent's living quarters. Hotels also may contain ancillary retail, service, restaurant and convention facilities, provided said facilities are provided primarily for the use of the hotel occupants.
2. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of eight feet in height.
3. Each unit of accommodation shall include a minimum of two rooms; a bedroom and a separate bathroom. No units shall include any cooking facilities within said unit, except that this provision shall not apply to the living quarters of the permanent on-site superintendent.
4. There shall be a residency limitation on all guests of 30 days maximum, except that the residency limitation shall not apply to the superintendent living on the premises.
5. Off-street parking shall be provided at the ratio of 1.25 spaces per room, plus one parking space for every 10 seats provided in ancillary restaurant and convention facilities.
6. No building shall exceed four stories and 40 feet in height.
7. Two signs shall be permitted, one free-standing and one attached, each not exceeding an area equivalent to 5% of the first floor portion of the front facade or 100 square feet, whichever is smaller. Freestanding signs shall be set back at least 25 feet from all street and lot lines.
8. All of the other area, yard, building coverage, height, and general requirements of the respective zone and other applicable requirements of this chapter must be met.

d. Motels.

1. The minimum lot size for a motel shall be six acres and the minimum frontage shall be 350 feet. Any motel that may be constructed on a lot or parcel of land must contain a minimum of at least 20 units of accommodation, in addition to a permanent on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
2. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of eight feet in height.
3. Each unit of accommodation shall include a minimum of two rooms; a bedroom and a separate bathroom. No units shall include any cooking facilities within said unit, except that this provision shall not apply to the living quarters of the permanent on-site superintendent.
4. There shall be a residency limitation on all guests of 30 days maximum, except that the residency limitation shall not apply to the superintendent living on the premises.
5. Off-street parking shall be provided at the ratio of 1.25 spaces per room.

6. One sign shall be permitted, either freestanding or attached, not exceeding an area equivalent to 5% of the first floor portion of the front facade or 75 square feet, whichever is smaller. Freestanding signs shall be set back at least 25 feet from all street and lot lines.
7. All of the other area, yard, building coverage, height, and general requirements of the respective zone and other applicable requirements of this chapter must be met.

e. Senior Citizen Housing.

1. No site shall contain less than 10 acres.
2. The maximum residential density shall not exceed 15 dwelling units per gross acre.
3. No dwelling unit shall contain more than two bedrooms.
4. The maximum building height shall not exceed 35 feet and 2 1/2 stories.
5. A minimum of 1 1/4 parking spaces shall be provided for each dwelling unit.
6. Individual dwelling units shall meet or exceed minimum design requirements specified by the New Jersey Housing Finance and Mortgage Agency.
7. A land area or areas equal in aggregate to at least 250 square feet per dwelling unit shall be designated on the site plan for the recreational use of the residents of the project.
8. Prior to any Township approval, the following prerequisites shall have been accomplished:
 - (a) Verification that there are adequate utility services and support facilities for the project, including existing and/or proposed transit and commercial establishments serving everyday needs, within one mile walking distance of the proposed site.
 - (b) Concerning age restrictions:
 - (1) All dwelling units in a senior citizen housing development shall be deed restricted for occupancy by households with at least one person 55 years of age or older and with no person less than 19 years of age, provided that visitors less than 19 years of age are permitted for no more than eight weeks during any twelve-month time period. This provision shall not apply to any resident manager on the premises of the development.
 - (2) The wording of the required deed restriction shall be submitted by the applicant to the Planning Board for review as part of the application for final subdivision approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Township Committee and incorporated within a developer's agreement between the developer and the Township Committee as a condition of any final approval granted by the Planning Board for a senior citizen housing development.
 - (3) The wording of the required deed restriction as finally approved by the Township Committee shall be recited in the Master Deed and the Homeowners' Association by-laws, which also shall be reviewed and approved by the Township Committee and Planning Board as a condition of any final approval granted by the Planning Board for a senior citizen housing development.
 - (c) Verification of preliminary approval of the project by any State or Federal agency which finances or assists the financing or operation of such housing.
9. All other applicable requirements of this chapter must be met.

f. Service Stations.

1. The minimum lot size for service stations shall be one acre and the minimum frontage shall be 200 feet.

2. No new land area devoted to a service station shall be located within any designated historic district and/or within any designated Well Head Protection Area.
3. Gasoline pumps and pump islands shall be set back at least 50 feet from any street right-of-way or other property line.
4. Canopies and permitted, but only over the pumps, pump islands, kiosks and associated aisles, and the canopy shall be considered a principal building and shall be set back at least 40 feet from any street right-of-way or other property line.
5. Service stations may include a second principal building, in addition to a canopy, either for the servicing of vehicles by the service station, for an ancillary office area where the sale of lubricants and automotive accessories occurs, or for an area for the retail sale of goods, such as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for the convenience of motorists, provided and in accordance with the following:
 - (a) If the second principal building is used for the servicing of vehicles and/or for an ancillary office area, with no food sold except for food and drinks from dispensing machines, the subject service station may be located in either the CC-2 Community Commercial or the HC Highway Commercial zoning districts on sites at least one acre in area.
 - (b) If the second building is used for the relatively more intensive retail sale of goods, such as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for the convenience of motorists, the subject service station may be located only in the HC Highway Commercial zoning district on sites at least 1.5 acres in area.
 - (c) In any case, the size of the second principal building shall not exceed 3,500 square feet, provided that if all trash and recycling facilities and all refrigeration units are located inside the building, the building shall not exceed 4,000 square feet in area.
 - (d) The second principal building shall be set back the distances required for principal buildings in the subject zoning district, but in no case less than 50 feet from any street right-of-way.
6. All required setback areas shall be landscaped with a mixture of shrubs and trees in addition to lawn area and ground cover, and the plantings shall buffer any adjacent residential areas and shall break up the view of the paved area(s) of the site.
7. Other than gasoline filling pumps and/or air pumps, any and all appliances, lifts, pits, storage areas, and tires shall be within a fully enclosed building.
8. Any and all lubrication, repair or similar activities shall be performed in a fully enclosed building, and no motor vehicle parts or partially dismantled vehicles shall be displayed or stored elsewhere on the property.
9. Service stations shall provide one public rest room facility for male use and one public rest room facility for female use.
10. Service stations shall provide off-street parking in accordance with the following provisions:
 - (a) At least six off-street parking spaces shall be provided for the first lift, wheel alignment pit or similar work area, five additional spaces for a second work area, and an additional three spaces for each additional work area.
 - (b) At least one parking space for every 200 square feet of the gross floor area of any convenience store associated with the service station shall be provided.
 - (c) Additional parking may be required by the Planning Board in order to ensure adequate off-street parking for all employees.

- (d) Parking spaces shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service areas, and no designated parking space shall obstruct access to such facilities.
- (e) No parking shall be permitted on an unpaved area.

11. Service stations may be permitted the following signage:

- (a) One freestanding sign not exceeding 50 square feet in area and eight feet in height. The freestanding sign shall be set back at least 15 feet from all street rights-of-way and at least 25 feet from all other property lines.
- (b) Either one sign attached flat against the building not exceeding 30 square feet in area, or one sign attached on each of two sides of a canopy, with each sign not exceeding 15 square feet in area.
- (c) Additional signage shall be permitted on the pumps only, consisting of the brand name and/or insignia of the gasoline sold, a lead warning sign, a price indicator and any other sign required by law.

12. No damaged, wrecked or dismantled vehicle, junk or trailer shall be permitted on the property. Moreover, no more than six motor vehicles awaiting repair may be located upon any service station property outside of a fully enclosed building for a period of time more than seven days.

13. The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale, rent or other purposes shall not be permitted as part of a service station.

14. All of the other area, yard and general requirements of the respective zoning district and all other applicable requirements of this chapter must be met.

g. Residential Care Facilities for the Elderly.

- 1. The minimum tract size shall be 50 acres.
- 2. The maximum gross density of apartment and/or townhouse residential units on the tract shall not exceed 5.5 units per acre of "non-critical lands", plus a transfer of 1/5 dwelling unit per acre of any "critical" lands on the tract to the "non-critical" acreage; provided in any case that not more than 300 such residential units shall be permitted as a part of any residential care facility for the elderly. Additionally, no "critical" acreage shall be developed.
- 3. Residential care facilities for the elderly shall provide skilled nursing and assisted residential care facilities for not more than 20% of the apartments and/or townhouse residential living units. Such nursing and care facilities shall be for the primary use of the residents of the residential care facility and may include medical care facilities and physical therapy facilities.
- 4. Residential care facilities for the elderly also may provide the following ancillary facilities for the primary use of the residents of the residential care facility: Dining facilities, recreational facilities, retail and service uses and such other ancillary facilities as may be approved by the Board.
- 5. The age limitations in the definition of "residential care facilities for the elderly" shall not apply to any resident manager on the premises. Additionally, a guest house consisting of not more than 12 bedrooms in aggregate, each for the temporary accommodation of guests of the residents of the residential life care facility, shall be permitted and shall not be included as part of the maximum density calculation.
- 6. All dwelling units and related facilities shall be connected to approved and functioning water and sanitary sewer systems prior to issuance of a certificate of occupancy.
- 7. All residential care facilities for the elderly shall be limited to direct vehicular access to State Route 206 and/or a non-local road intersecting directly with State Route 206. Moreover, the applicant shall be required to submit traffic impact data which clearly indicates that no

significant negative traffic impact upon local residential streets and existing residential neighborhoods will result from the residential care facility and that the traffic impact emanating from the residential care facilities for the elderly will be significantly less than the potential traffic impact emanating from the affirmatively permitted office/research type uses.

8. The floor area ratio of all buildings other than the buildings containing the residential apartments and/or townhouses shall not exceed 0.1. Additionally, the total lot coverage, including all buildings and impervious surfaces, shall not exceed 40%.
9. No building shall exceed 40 feet and three stories in height. Additionally, all buildings shall be designed with a pitched roof and no half-story shall be used for any purpose other than the containment of mechanical equipment. For purposes of this section, the provisions of Subsection **16-6.2** of this chapter shall not apply; i.e., no building shall exceed 40 feet in height at its highest point.
10. The minimum distance between buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum separation between buildings shall be the sum of the two abutting distances. The minimum distances shall be 20 feet for the front of a building; 15 feet for the side of a building; and 25 feet for the rear of a building. No portion of any building shall be closer to any portion of any other building than the combined distances of the abutting requirements for each building, provided that the corner of a building offset more than a 20° angle from a line drawn parallel to another building shall be considered a side of the building. In addition, no building shall be located closer than 150 feet from the right-of-way line of State Route 206 and any arterial street, 75 feet from the right-of-way line of any category of collector street, 50 feet from the right-of-way line of any local street, or 15 feet from any internal private road or parking area. Additionally, all buildings shall be set back a minimum 100 feet from any property line other than a street line.
11. If any parking area, road, building or structure is located within 250 feet of a common property line with a residential district, the minimum setback area shall include a planted buffer of 50 feet along said property line (see Subsection 16-8.4b20 for additional standards).
12. For each townhouse and/or apartment residential unit, in addition to any storage area contained inside individual dwelling units, there shall be provided 150 cubic feet of storage area in a convenient, centrally located area in the cellar, basement or ground floor of the building where personal belongings and effects may be stored without constituting a fire hazard and where said belongings and effects may be kept locked and separated from the belongings of other residents.
13. A minimum of one parking space shall be provided for each townhouse and/or apartment residential unit and each bed in any skilled nursing and assisted residential care facility. A minimum 1 1/2 parking spaces shall be provided for each bed in the permitted guest house. Additional off-street parking shall be provided for uses other than the apartment and/or townhouse residential units, the nursing care facility and the guest house at the ratio of one space per 1,000 square feet of net habitable floor area. In any case, sufficient parking shall be provided as determined by the Board, taking into consideration the number of dwelling units, the anticipated number of employees, and the nature and extent of the ancillary facilities within the development.
14. Adequate trash and garbage pick-up stations shall be provided within totally enclosed containers located in a manner so as to be obscured from view from parking areas, streets, and property lines by a fence, wall, planting or combination of the three.
15. A residential care facility for the elderly may have one sign along any non-local road which the tract abuts provided there exists at least 200 feet of unbroken frontage. The sign shall not exceed 10 feet in height, shall be set back from the street right-of-way and driveways a minimum of 30 feet, shall be set back from any property line a minimum of 50 feet and shall not exceed an area of 25 square feet.

16. All other applicable provisions of this chapter not contrary to the specific provisions herein shall apply.
17. In reviewing a proposal for a residential care facility for the elderly, and in determining pertinent design elements for the development, the Board shall consider the following criteria:
 - (a) The relationship of the proposed development with the existing development in the vicinity of the tract;
 - (b) The ability to efficiently and safely provide for the movement of the volume of traffic to be generated by the proposed development without adversely affecting existing residential neighborhoods;
 - (c) Any additional public services that will be made necessary by the proposed development.
 - (d) The amount, location and proposed use of the permanent open space to be achieved by the proposed development; and
 - (e) The preservation of trees, groves, waterways, scenic points, historic spots and other municipal assets and landmarks.

h. Residential Limited Care Facilities for the Elderly.

1. The minimum tract size shall be 20 acres.
2. Only efficiency and one bedroom apartments shall be permitted and the provisions within Subsection **16-6.3**, Townhouses And Apartments, of this chapter regarding apartments shall be met.
3. The maximum number of apartment units permitted, including any apartment units used for members of the staff, shall not exceed a density of eight units per gross acre of land.
4. Nursing care shall be provided, and such care shall be only for the elderly residents on-site and shall not include medical care facilities or physical therapy facilities.
5. Dining facilities and recreational facilities shall be provided, and such facilities shall be only for the elderly residents on-site and the staff.
6. A residential limited care facility for the elderly shall be connected to an approved and functioning water and sanitary sewer system prior to the issuance of a Certificate of Occupancy.
7. The floor area ratio (F.A.R.) of all buildings shall not exceed 0.105, and the total lot coverage shall not exceed 25%.
8. No building shall exceed 35 feet and 2 1/2 stories in height.
9. A minimum of 3/4 parking space shall be provided for each apartment unit used by an elderly resident or household, and a minimum of two parking spaces shall be provided for each apartment unit used by a staff member. All additional net habitable floor area shall be provided parking at the ratio of one parking space per 1,000 square feet or fraction thereof.
10. A residential limited life care facility for the elderly shall be permitted one sign. The sign may be located along any arterial or collector category of road which the tract abuts, provided there exists at least 200 feet of unbroken frontage.

The sign shall not exceed eight feet in height, shall be set back from the street right-of-way and any driveways into the site a minimum of 30 feet, shall be set back from any property line a minimum of 50 feet, and shall not exceed an area of 25 square feet.
11. All other applicable provisions of this chapter not contrary to the specific conditions included herein shall apply.

12. In reviewing a proposal for a residential limited care facility for the elderly, and in determining pertinent design elements for the development, the Board shall consider the following criteria:

- (a) The relationship of the proposed development with the existing and zoned for development in the vicinity of the tract;
- (b) The adequacy of the existing and proposed vegetation and landscaping to adequately mitigate against any adverse impact which might be caused by the proposed development upon any existing or zoned for residential dwelling an/or residential neighborhood.

i. Satellite Dish Antennas.

1. For purposes of this chapter, the term "satellite dish antennas" shall mean any apparatus or structure constructed or installed out of doors with the purpose of receiving television, radio or similar waves.

2. These provisions are based upon the following findings of the Township of Montgomery:

- (a) That satellite dish antennas pose a potential risk to the safety of residents and the property within the Township;
- (b) That the potential risk increases as these antennas are placed on the roofs or atop structures within the Township;
- (c) That satellite dish antennas have a negative aesthetic impact upon the community;
- (d) That the negative aesthetic impact increases as these antennas are placed upon roofs or other structures within the Township.
- (e) That the Township desires to further the objectives of protecting the health and safety of its citizens and property and the aesthetic character of the community;
- (f) That the Township may impose regulations upon satellite dish antennas that have a reasonable and clearly defined health, safety or aesthetic objective; and,
- (g) That the Township may not impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment.

3. The installation and construction of satellite dish antennas shall be subject to the following minimum requirements:

- (a) A satellite dish antenna shall function only as a receiving station and not as a transmitting station except, subject to the following requirements, an antenna used by an amateur radio operator licensed by the Federal Communications Commission is permitted, provided that the antenna is permitted only at the authorized transmitting location;
- (b) A satellite dish antenna may not be placed on any lot which does not contain a permitted principal structure;
- (c) A satellite dish antenna shall be ground mounted in the rear yard area of a lot and shall be located in conformity with the rear yard and side yard setback requirements for a principal permitted structure in the zoning district in which the lot is located; except that, in cases where the applicant can demonstrate that locating the satellite dish antenna in the rear yard in accordance with Subsection **16-6.1i2(c)** hereinabove is impracticable or would prevent the otherwise proper functioning of the satellite dish antenna, the Board may approve an alternate location as listed hereinbelow in order of municipal preference, based upon the testimony offered by the applicant:
 - (1) As a first preferred alternate to Subsection **16-6.1i2(c)** hereinabove, a satellite dish antenna may be ground mounted in the rear yard of the lot and shall be located in conformity with the rear yard and side yard setback requirements for a permitted accessory structure in the zoning district in which the lot is located; or

- (2) As a second preferred alternate to Subsection **16-6.1i2(c)** hereinabove, a satellite dish antenna may be ground mounted in the side yard area of the lot and shall be located in conformity with the side yard setback requirements for permitted accessory structures and the front yard setback requirements for a permitted principal structure in the zoning district in which the lot is located; or
- (3) As a third preferred alternate to Subsection **16-6.1i2(c)** hereinabove, a satellite dish antenna may be roof-mounted, provided that the bottom of the satellite dish antenna shall not extend above the roof line where mounted and is located toward the rear of the structure away from the street line.

- (d) A satellite dish antenna shall not exceed 12 feet in diameter and, unless impracticable, shall be of the aluminum mesh type.
- (e) No ground mounted satellite dish antenna shall extend higher than 15 feet above ground level.
- (f) A ground mounted satellite dish antenna shall be screened from adjacent properties to the extent possible and practical with non deciduous plantings. To the greatest extent possible, all satellite dish antennas shall blend with the immediate surrounding area, including the color of the roof if roof-mounted.
- (g) No lot shall have more than one satellite dish antenna. Wires and cables running between the ground mounted antenna and any structure shall be properly installed underground in accordance with the Uniform Construction Code. Additionally, the installation of the satellite dish antenna shall meet all local, State and Federal requirements, including those contained in the Uniform Construction Code.
- (h) Portable satellite dish antennas are prohibited.
- (i) Satellite dish antennas shall be installed or constructed in a manner so as not to interfere with television, radio or similar reception in adjacent and nearby areas and shall meet all State and Federal requirements.
- (j) Applications for installation or construction of satellite dish antennas, except those that are ground mounted in the rear yard area of a lot and located in conformity with the rear yard and side yard setback requirements for a principal permitted structure in the zoning district in which the lot is located, shall be subject to minor site plan review and approval as set forth in Subsection **16-8.3** of this chapter. All applications shall be subject to any other applicable construction permit provisions.

j. Community Residences for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence.

- 1. Any community residence for the developmentally disabled or community shelter for victims of domestic violence that house more than six persons, excluding resident staff, shall require a 'Conditional Use' permit for the use of a dwelling unit for such shelter or residence, including the conversion of a dwelling unit for such use.
- 2. In no case shall more than 15 persons, excluding resident staff, occupy any community residence or community shelter.
- 3. The minimum area and yard requirements applicable to the particular zoning district shall each be increased by 16.67% for each person housed in the community residence or community shelter over and above six persons, excluding resident staff.
- 4. No community residence for the developmentally disabled or community shelter for victims of domestic violence occupied by more than six persons shall be located within 1,500 feet of an existing community residence or community shelter.

5. A 'Conditional Use' permit shall not be granted if the total number of persons, other than resident staff, residing in aggregate at such community residences or community shelters throughout the Township exceeds 50 persons or 0.5% of the population of the Township, whichever is greater.
6. The residential character of the lot and buildings shall not be changed and there shall be no exterior evidence of the community residence or community shelter. No signs shall be permitted except information and direction signs as permitted for single-family detached dwellings.
7. The following design requirements shall be incorporated within the submitted plan:
 - (a) Each community residence or community shelter shall be connected to public water and sewer facilities;
 - (b) Community residences or community shelters shall have immediate access to public transportation services or, in the alternative, provide occupants with a van or equivalent transportation service; and,
 - (c) Community residences or community shelters shall resemble single-family detached dwellings in appearance.
8. All community residences or community shelters shall have 3/4 parking spaces for each resident thereof. The Planning Board shall give due consideration to provisions for visitation and the number of resident staff in order to ensure that there are ample parking facilities. Therefore, the Planning Board may, at its discretion, require more parking spaces than 3/4 spaces per resident or may, if the evidence so warrants, waive strict adherence to this standard. Moreover, sufficient off-street area is to be provided for the pick-up and discharge of occupants by vans or other vehicles servicing the residents.
9. All other area, yard, building coverage, height and requirements of the respective zone and other applicable requirements of this Ordinance must be met.

k. Child Care Centers.

1. All child care centers shall be located on the first floor of a building and may be extended to the second floor of a building; basements and cellars may only be used for ancillary storage of equipment and materials.
2. A minimum of 100 square feet per child of outdoor space adjacent the center shall be provided and shall be adequately fenced or otherwise protected from hazards, traffic and driveways.
3. The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.
4. Child care centers shall provide one parking space per employee plus one additional parking space for every eight children. Adequate space shall be provided for the loading and unloading of children which shall take place on-site and not in the public right-of-way.
5. Location of access driveways, landscaping, signage and general site plan design shall be compatible with the neighborhood in which it is to be located. The location of any child care center shall be appropriately situated in relation to the use or area it is intended to serve.
6. Where a child care center is provided as an accessory use to a principal use located on the same lot, regardless of whether the child care center is situated as part of a principal building or as the entire use of an accessory building, the gross floor area devoted to the child care center shall be considered common area for purposes of determining the maximum permitted floor area ratio and lot coverage.
7. Where a child care center is provided as a principal use as permitted in this chapter, the following area and yard requirements shall apply:

Principal Building Minimum	
Lot area	1 ac.
Lot frontage	150'
Lot width	150'
Lot depth	150'
Side yard (each)	35'
Front yard	75'
Rear yard	50'
Accessory Building Minimum	
Distance to side line	25'
Distance to rear line	25'
Distance to other building	25'
Maximum	
Floor Area Ratio	0.125 for non-critical acreage, plus a transfer of an additional 0.025 from any "critical" acreage of the lot to the non-critical lands.
Lot coverage	37.5%

(1) An area equivalent to at least 75% of the minimum required lot area shall be contiguous "non-critical" acreage and must be appropriately situated for the location and construction of the child care center and its appurtenances, including any septic system serving the lot; otherwise the minimum required lot area shall be five acres.

8. Adequate landscape screening shall be provided along lot lines common with residential uses or districts, where applicable, in accordance with Subsection 16-84.b20.
9. One unlighted sign not exceeding 30 square feet in area and 10 feet in height is permitted. The sign shall be set back at least 25 feet from all street and property lines.
10. Each child care center shall be connected to public sewer and water facilities or alternate systems as may be approved by the Township Board of Health.
11. Any child care center shall comply with all State standards and licensing requirements.
12. All other applicable requirements of this chapter shall apply, except where the Board determines otherwise.

I. Airports.

1. For purposes of this chapter, and in accordance with N.J.A.C. 16:54-1.3, the terms "aircraft" and "airport" are defined as follows:
 - (a) Aircraft shall mean any contrivance now known or hereafter invented, used or designed for air navigation or flight in the air; and
 - (b) Airport shall mean a designated area of land, water, or both, which is licensed by the State of New Jersey for the landing and take-off of airplanes and other aircraft, and which provides facilities for shelter, security and service of aircraft.
2. The total land area devoted to the Airport shall not exceed 92.8 acres which is to be divided into Landside Development Acreage and Aviationside Runway and Taxiway Acreage as follows:
 - (a) Landside Development Acreage:

- (1) The Landside Development Acreage shall not exceed 33.8 acres and shall be comprised of the portion of Proposed Lot 57 in Tax Block 34001 as shown on the map entitled New Proposed Site Plan For The Princeton Airport, which was prepared by D.S. Engineering and which appears in the 2002 Supplement No. 1 to the Montgomery Township Master Plan; and
- (2) More specifically, the Landside Development Acreage is shown to be located south of the existing taxiway, except for an approximately ninety-foot wide band of land which extends along the westerly property line of Proposed Lot 57.

(b) Aviationside Runway and Taxiway Acreage:

- (1) The Aviationside Runway and Taxiway Acreage shall not exceed 59 acres and shall be comprised of the remainder of Proposed Lot 57 in Tax Block 34001 as shown on the map entitled New Proposed Site Plan For The Princeton Airport, which was prepared by D.S. Engineering and which appears in the 2002 Supplement No. 1 to the Montgomery Township Master Plan; and
- (2) In addition to the lands owned fee simple by the Airport and comprising the Aviationside Runway and Taxiway Acreage, easements may be acquired by the Airport on adjacent lands as may be required by the New Jersey Department of Transportation, Division of Aeronautics, in order to restrict otherwise permitted development and provide for the safe takeoff and landing of aircraft.

3. Airport facilities within the Landside Development Acreage shall be permitted to include the following respective principal and accessory uses as approved by the Township of Montgomery in accordance with the provisions of this chapter:

(a) Principal uses within the Landside Development Acreage:

- (1) Offices necessary for the operation of the airport and ancillary aviation services;
- (2) Hangars for the inside shelter, service and/or repair of aircraft and of electronic devices used in aviation; and
- (3) Tie-down areas for the securing of operative fixed wing and helicopter aircraft outdoors.

(b) Accessory uses within the Landside Development Acreage:

- (1) A fueling area;
- (2) A heliport;
- (3) A retail shop for the sale of items related to aviation;
- (4) A waiting room;
- (5) A dining area and the provision of food within the principal airport building only;
- (6) The sales, leasing and chartering of aircraft and the financing thereof;
- (7) Pilot training for fixed wing and/or helicopter aircraft;
- (8) The conduct of professional and consultant services related to aviation;
- (9) Parking lots; and
- (10) Signs.

4. Airport facilities within the Aviationside Runway and Taxiway Acreage shall be permitted to include the following respective principal and accessory uses as approved by the Township of Montgomery in accordance with the provisions of this chapter:

- (a) Principal uses within the Aviationside Runway and Taxiway Acreage.
 - (1) A runway;
 - (2) Taxiway; and
 - (3) Tie-down areas for the securing of operative fixed wing aircraft outdoors, provided that all such areas are located south of the taxiway, except that tie-down areas also may be located west of the end of the taxiway, provided that the areas are south of a line extension of the southerly side of the runway to the west.
- (b) Accessory uses within the Aviationside Runway and Taxiway Acreage:
 - (1) Lighting of the runway and taxiways;
 - (2) Wind indicators; and
 - (3) Instrumentation required for the safe takeoff and landing of aircraft.

5. All preexisting development on the subject Airport lands shall be permitted to remain and shall be deemed conforming, notwithstanding any other provision of this chapter. For purposes of this chapter, the preexisting development on the subject Airport lands shall be considered to be the existing development (not proposed) depicted on the Overall Site Location Plan Map, dated April 7, 1989 and submitted by Princeton Airport to the Montgomery Township Zoning Board of Adjustment as part of application No. BA-478/89 SPUV.

6. Any and all development on the subject airport lands occurring after May 16, 1996 shall conform to the following requirements for the Landside Development Acreage:

- (a) No building, structure, pavement, parking area, tie-down area of any other improvement or activity shall be located within 125 feet of the right-of-way line of State Route 206 or within 50 feet of any other property line, except that tie-down areas may be located within 25 feet of the westerly property line of the airport property if otherwise permitted by this subsection.
- (b) No building shall be closer than 25 feet to another building; provided that in any case sufficient distance between buildings shall be provided to permit adequate access for fire fighting and other emergency vehicles.
- (c) The maximum floor/area ratio for all buildings shall be 0.1 and the maximum lot coverage (buildings plus all other impervious surfaces) shall not exceed 41.5%.
- (d) No building or structure shall exceed 2 1/2 stories and 35 feet in height provided, however, that if a lower height limit is required by State and Federal regulations, then no building or structure shall exceed such lower height limit.
- (e) Each individual use shall provide off-street parking according to the following minimum provisions; the total number of required parking spaces shall be obtained by computing individually the parking requirements for each different activity and adding the resulting numbers together:
 - (1) One space for every 250 square feet of net habitable floor area for permitted offices, the retail shop, waiting room areas, and all other net habitable floor area not utilized as a hangar or dining facility;
 - (2) One space for every three seats within a dining area; and
 - (3) One space for every 1,000 square feet or fraction thereof of gross floor area utilized as a hangar.
- (f) Airports may have one free-standing sign not exceeding 75 square feet in area to identify the airport. No sign shall interfere with the flight of aircraft and all signs shall conform to all

provisions herein and shall be set back from all street and property lines at least 50 feet and shall not exceed 15 feet in height. For each specific activity occupying at least 750 square feet of segregated area having direct access from the outside, a sign not exceeding eight square feet in area identifying the name of the activity also shall be permitted attached flat against the building at the entrance.

- (g) Any helicopter storage area and any helicopter hover area shall be located south of the runway, shall be within the New Jersey Airport Safety Zone and shall be within 750 feet of the runway center line.
- (h) All areas of the property not utilized by building(s) or paved surfaces shall be landscaped as approved by the Planning Board in order to lessen the visual impact of the facility and to prevent erosion and drainage problems.

7. Any and all development on the subject airport lands occurring after May 16, 1996 shall conform to the following requirements for the Aviationside Runway and Taxiway Acreage:

- (a) No structure, pavement or any other improvement shall be located within 125 feet of the right-of-way line of State Route 206 or within 50 feet of any other property line, except that tie-down areas may be located within 25 feet of the westerly property line of the airport property if otherwise permitted by this subsection.
- (b) The runway shall not exceed 75 feet in width.
- (c) The length of the runway shall be 3,100 feet. Additional pavement not exceeding 75 feet in width may be located at the eastern and western ends of the runway to be designated and serve, respectively, as displaced threshold and runway overrun areas. Collectively, the displaced threshold and runway overrun areas shall not exceed 400 feet in length. The portion of said additional 400 feet length of pavement designated as displaced threshold or runway overrun shall be determined on the basis of obstacle clearance and other safety considerations. The center line of the runway shall not extend more than 600 feet to the west of the intersection point between the center line of the runway and the easterly lot line of Lot 43 in Tax Block 34001 (Montgomery Township Tax Assessment Maps, Revised Edition 2003).
- (d) Since no buildings are permitted in the Aviationside Runway and Taxiway Acreage, no floor/area ratio (F.A.R.) is provided or permitted.
- (e) The maximum lot coverage of the Aviationside Runway and Taxiway Acreage shall be 20%.

8. All development on the subject airport lands shall require major site plan approval in accordance with Section **16-8** of the Land Development Ordinance of the Township of Montgomery. The Airport Layout Plan (ALP) shall form the basis for the site plan submission, provided that all other information required by the Land Development Ordinance for a preliminary major site plan submission and for a final major site plan submission is included. Moreover, in addition to the information required for preliminary and final site plan submissions within Section **16-8** of this chapter, the following information specific to the airport shall be required:

- (a) The location, use and height above grade of any obstruction in the area contiguous to the airport; within at least 3,000 feet from the end of the runway and within at least 500 feet from each side of the center line of the runway;
- (b) The proposed air traffic pattern, in both mapped and narrative form;
- (c) A description and mapping of the location of the screening devices and any other provisions to be made to safeguard the character of surrounding areas and minimize noise, dust, vibration or any other nuisances;
- (d) A description of fire fighting and other safety aids and equipment to be provided; and

- (e) All site plans for the airport shall indicate existing facilities, proposed facilities and probable future facilities, to the extent known, in order that these factors may be considered in evaluation the airport proposal in terms of future effects upon the surrounding land and future land use patterns of Montgomery Township.
- 9. Combined preliminary and final site plan approval by the Planning Board shall provide that the zoning requirements applicable to the combined preliminary and final site plan approval shall not be changed for a period of 10 years and that the general terms and conditions on which the combined preliminary and final approval was granted shall not be changed including, but not limited to, use requirements, layout and design standards, lot size, yard dimensions, off-tract improvements and any other requirement(s) specific to the subject approval.
- 10. All other applicable requirements of this chapter and all other applicable laws of Montgomery Township shall apply.

m. Drive-Through Windows for Restaurants.

- 1. A drive-through window for a restaurant shall be permitted only if the subject restaurant is part of a shopping center or is otherwise associated with a shopping center with direct vehicular access thereto;
- 2. A drive-through window for a restaurant shall be permitted only if the subject restaurant does not have direct driveway vehicular access to a public street;
- 3. A drive-through window for a restaurant, accompanying driveway, and associated signage shall be set back a minimum distance of 500 feet from any lands zoned for residential development; and
- 4. A drive-through window for a restaurant and associated signage shall be provided landscaping to visually screen the window, signage and driveway from adjacent properties.

n. Commercially Licensed Vehicles and/or Pieces of Equipment Associated with a Home Occupation. Commercially licensed vehicles (e.g., cars, trucks, and other types of self-propelled road licensed motorized equipment) and/or other pieces of equipment (non-self-propelled, or self-propelled and not road licensed, but excluding push lawnmowers and other hand held pieces of equipment) shall be permitted when associated with a permitted Home Occupation in accordance with Subsection **16-6.7**, of this chapter and subject to the following conditions:

- 1. No more than an aggregate total of two such commercially licensed vehicles and/or pieces of equipment shall be permitted;
- 2. No commercially licensed vehicle shall exceed a rated capacity of one ton on six wheels with two axles;
- 3. No piece of equipment shall exceed a gross vehicle weight of four tons; and
- 4. All pieces of equipment and all commercially licensed vehicles shall be garaged on-site when not in use.

o. Restaurants in the REO-1 District.

- 1. The lot used for the location of a restaurant shall directly abut State Route 206, although vehicular access to the lot may be via Route 206 and/or an intersecting roadway, providing that the intersecting roadway is classified as a type of collector on the adopted Traffic Circulation Plan Element portion of the Township Master Plan.
- 2. The lot shall be used solely for a restaurant and its appurtenances, and no other additional use of the property shall be permitted.
- 3. No building other than the principal restaurant building shall be permitted; no accessory building shall be permitted and any existing accessory building(s) shall be removed as a condition of site plan approval.

4. The minimum area and yard requirements for a restaurant in the REO-1 District shall be as follows:

Minimum Lot Area	4 ac.
Principal Building Minimums	
Lot frontage	350 feet
Lot width	350 feet
Lot depth	350 feet
Side yard	75 feet*
Front yard	75 feet**
Rear yard	75 feet*
Maximums	
Floor area ratio	0.15 F.A.R.
Total lot coverage	40%

FOOTNOTES

* Or not less than 200 feet where the boundary line of the yard abuts a residential zoning district.

** Provided that an existing building used as a restaurant may be set back less than 75 feet, but in no case less than 35 feet.

5. Restaurants shall provide parking at the ratio of one parking space per every three seats, and a floor plan of the restaurant and the proposed seating shall be provided the Board for review and approval as part of the site plan application.

6. No parking shall be located within the front yard area established for an existing or proposed building or within 50 feet of any rear lot line or within 25 feet of any side lot line.

7. One major sign, either freestanding or attached to the building, shall be permitted for each 250 feet of unbroken frontage along Route 206 and any intersecting collector roadway. Each sign shall not exceed 50 square feet in area and shall be set back from all street and property lines a distance equivalent to one linear foot for each 1 1/2 square feet of sign area.

8. Each restaurant shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering, and shall provide such area(s) at the side or rear of the building.

9. No merchandise, waste, equipment or similar material or objects shall be displayed or stored outdoors.

10. There shall be at least one trash and garbage pick-up facility provided for each restaurant which shall include provisions for recycling. The location may be either within the restaurant building or outside. If outside, the facility shall include a steel-like totally enclosed container, situated on a cement floor and screened from view by a fence or wall with appropriate plantings.

11. All areas not utilized for buildings, parking, loading, access aisles, pedestrian walkways and driveways shall be suitably landscaped with a combination of deciduous trees, evergreen trees, shrubs, ground cover and lawn area.

12. Where existing vegetation is not sufficient to provide a year-round visual screen between the development on the lot and abutting residential zoning districts, and where no existing and previously approved parking areas and access drives or roadways exist, additional vegetation shall be planted to provide such a year-round visual screen.

13. No building shall exceed 35 feet and 2 1/2 stories in height.
14. All other provisions of this chapter which are not to the contrary and which may be applicable to a submitted application for development shall apply.

p. Wireless Communication Facilities.

1. Definitions. As used in this paragraph, the following terms shall have the meanings indicated:

WIRELESS COMMUNICATION

Shall mean any personal wireless service as defined in the Federal Telecommunications Act of 1996 ("FTA"); i.e., FCC-licensed commercial wireless telecommunication services, including cellular, PCS, SMR, ESMR, paging, and similar services that currently exist or that may in the future be developed. "Wireless communication" does not include any amateur radio facility that is under 70 feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include non-wireless telephone service.

WIRELESS COMMUNICATION ANTENNA

Shall mean any device which is used for the transmission and reception of wave frequencies for the purpose of any wireless communication as defined hereinabove. For the purposes of this subsection, wireless communication antennas shall not be considered to be a public utility.

WIRELESS COMMUNICATION TOWER

Shall mean a free-standing monopole structure on which one or more antennas are attached, but shall not mean existing structures such as silos, steeples, cupolas or water tanks.

2. Overall and Specific Purposes. The overall and specific purposes of these provisions are as follows:
 - (a) It is the overall purpose of these provisions to provide specific zoning conditions, standards and limitations for the location, approval and operation of wireless communication facilities within the Township that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the Montgomery Township Master Plan and Land Development Ordinance.
 - (b) It is understood by the Township that the Federal government, through the Federal Communications Commission (FCC), issues licenses for wireless communications, and that the FCC requires the license holders to provide coverage within the areas so licensed.
 - (c) However, it also is understood by the Township that the Federal Telecommunications Act of 1996 ("FTA") expressly preserves the zoning authority of the Township to regulate the placement, construction and modification of personal wireless service facilities subject to the six limitations noted at § 332 (c)(7)(B) of the FTA.
 - (d) In this regard, the FTA does not abrogate local zoning authority in favor of the commercial desire to offer optimal service to all current and potential customers, and the providers of the personal wireless services bear the burden of proving that any proposed service facility is the least intrusive means of filling a significant gap in wireless communication services in the area.
 - (e) The specific purpose of these provisions is to allow for wireless communication service facilities while, at the same time, limiting the number of antennas and supporting towers to the fewest possible, and only in those locations which do not negatively impact the prevailing rural, residential character of the Township and the quality of life enjoyed by its residents.

3. Specific Goals. The specific goals of these provisions are as follows:
 - (a) To minimize the total number of wireless communication towers within the Township;
 - (b) To limit the visual impact of wireless communication antennas, towers and related facilities upon the residences and the streetscapes throughout the Township;
 - (c) To safeguard the prevailing rural, residential character of development throughout the Township, with particular emphasis on maintaining the prevailing character of the residential neighborhoods and the historic districts and sites throughout the Township;
 - (d) To encourage the location of antennas upon, or within, existing structures including, but not limited to, existing towers, poles, steeples and silos;
 - (e) To encourage the collocation of antennas on the fewest number of existing structures within the Township;
 - (f) To encourage the wireless communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, residences and residential neighborhoods, streetscapes and viewsheds through careful design, siting, landscape screening and innovative camouflaging techniques;
 - (g) To encourage the use of available alternate technologies which do not require the use of towers, or require towers at relatively lesser heights;
 - (h) To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. § 332 (c) (7), which preserves local government authority to enforce zoning requirements that protect public safety, public and private property and community aesthetics.
4. Exemptions of Applicability. This paragraph p shall not apply to any tower or the installation of any antenna that is under 70 feet high and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor shall it apply to any parabolic satellite antennas or non-wireless telephone services.
5. Locations Where Wireless Communication Antennas May Be Sited. Wireless communication antennas may be located only at the following two prioritized locations and shall not be permitted elsewhere:
 - (a) First Priority Locations: The first priority locations for wireless communication antennas shall be on the existing towers, water tanks and silos, or within the existing church steeples in the Township of Montgomery identified in the chart and on the map in Addendum I^[1] to this paragraph; antennas so located shall be permitted uses in the zoning districts in which the identified existing structures are located, notwithstanding any other provision of this Code to the contrary, and
[1] Editor's Note: Addendum I is included as an attachment to this chapter.
 - (b) Second Priority Locations: The second priority locations for wireless communication antennas shall be on new wireless communication towers within the PPE, REO, MR/SI and LM zoning districts, and antennas so located shall be conditionally permitted uses.
6. Requirements for First Priority Locations.
 - (a) Review Requirements for First Priority Locations:
 - (1) Notwithstanding any other provision of this Code to the contrary, the location and height of antenna(s) on, or within, any of the existing structures within the Township identified in Addendum I, and any accessory shelter/cabinet(s) enclosing the related electronic equipment, shall be considered permitted uses in the subject zoning district and, therefore, shall not require conditional use approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law, nor shall any variance be required in accordance with N.J.S.A. 40:55D-70d of the Municipal Land Use Law.

(2) Moreover, the location and height of the antenna(s) on, or within, any of the existing structures within the Township identified in Addendum I^[2], and any accessory shelter/cabinet(s) enclosing the related electronic equipment, shall not require site plan approval, but shall require the review and approval of a submitted conforming application by the Montgomery Township Engineer in consultation with the Township Land Use Planner.

[2] *Editor's Note: Addendum I is included as an attachment to this chapter.*

(b) General Design Requirements for First Priority Locations:

- (1) Any existing structure to which the antennas are to be attached cannot be modified in appearance or extended in height.
- (2) The height of any proposed antenna extending above any existing structure shall not exceed 10 feet and, if feasible, all antennas shall be flush mounted antennas totaling no more than six in number.
- (3) Any proposed shelter/cabinet enclosing required electronic equipment shall not be more than 15 feet in height nor more than 375 square feet in area, and only one such shelter/cabinet shall be permitted per carrier.
- (4) Any proposed shelter/cabinet shall be finished with an earth-tone decorative finish, and the color of all antennas, ice bridges and any other equipment associated with the proposed wireless communication antennas also shall be of an earth-tone color.
- (5) Any required generator shall be located within the accessory shelter/cabinet, and there shall be no noise emitted from the antennas, shelter/cabinet and/or other accessory equipment at any residential property line.
- (6) The antennas, shelter/cabinet and/or other accessory equipment shall not have exterior lighting except that one light at the entrance to the shelter/cabinet shall be permitted, provided that the light shall not exceed 70 watts and shall be manually operated.
- (7) Between the shelter/cabinet and any adjacent property and/or street, a landscape buffer at least 20 feet in width shall be provided consisting of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs and designed, to the maximum extent reasonably possible, to screen the view of the proposed shelter/cabinet.
- (8) No electronic equipment shall interfere with any public safety communications.
- (9) All of the electronic equipment shall be automated so that the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized.

(c) Submission Requirements and Review Procedures For First Priority Locations:

- (1) The applicant first shall meet with the Township Engineer and the Township Land Use Planner to discuss the proposed location of the wireless communication antennas, the proposed location and possible landscape screening of any accessory shelter/cabinet(s) enclosing the related electronic equipment, and any other construction that may be proposed or required regarding the installation of the proposed antennas.
- (2) In accordance with the instructions given to the applicant by the Township Engineer and Township Land Use Planner at the time of the meeting, the applicant thereafter shall submit plans and documentation for review and approval by the Engineer and Planner.

- (3) The submitted plans shall be accompanied by documentation by a qualified expert that the subject existing structure has sufficient structural integrity to support the proposed antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) have been met.
- (4) Once approved by Township Engineer and the Township Land Use Planner, the plans shall be signed by the Township Engineer, and no construction permit shall be issued by the Township Construction Official until he or she is in receipt of such signed plans.
- (5) An application fee of \$200 and an escrow account of \$2,500 shall be provided by the applicant to Montgomery Township, with the escrow account to pay for the time expended by the Township Engineer and Township Land Use Planner.

7. Submission Requirements For Second Priority Locations.

- (a) Regarding the second priority locations for wireless communication antennas (i.e., on lands within the PPE, REO, MR/RSI and LM zoning districts), any such proposed tower, antennas and related equipment shall require conditional use review and approval in accordance with the applicable requirements of Subsection **16-6.1** of this chapter, as well as preliminary and final site plan reviews and approvals in accordance with the applicable requirements of Section **16-8** of this Code.
- (b) The following information shall be submitted for site plan approval, and the referenced Subsections 16-6.1p8, 16-6.1p9, 16-6.1p10 and 16-6.1p11 contain the specific conditions, standards and limitations for wireless communication antennas on wireless communication towers in the Township:
 - (1) In order to be declared complete, the initially submitted application shall include all of the applicable documentation and items of information identified on the Township's preliminary and final site plan application checklist referred to in Subsection **16-8.4** of this section;
 - (2) In order to be declared complete, the initially submitted application shall include an Overall Comprehensive Plan in accordance with Subsection 16-6.1p8 of this section;
 - (3) In order to be declared complete, the initially submitted site plan shall indicate conformance with all of the Area And Setback Conditions set forth in Subsection 16-6.1p9 of this section;
 - (4) In order to be declared complete, the initially submitted site plan shall indicate conformance with each of the Design Conditions set forth in Subsection 16-6.1p10 of this section;
 - (5) In order to be declared complete, the initially submitted application shall include the Additional Conditions indicated in Subsection 16-6.1p11 of this section; and
 - (6) During the public hearing process, the applicant shall schedule the time for a crane test with the Township's Planning/Zoning Department in order to provide the members of the Planning Board or Zoning Board of Adjustment, as the case may be, and the general public the opportunity to view a crane at the location and height of the proposed tower. Thereafter, a visual sight distance analysis shall be prepared by the applicant and presented to the Board, including photographic reproductions of the crane test, graphically simulating the appearance of the proposed tower, with at least three antenna arrays attached thereto and from at least 15 locations around and within one mile of any proposed tower where the tower will be most visible.

8. Overall Comprehensive Plan for Second Priority Locations.

- (a) In order to effectuate the purposes, objectives and goals of these provisions, any applicant for approval to erect a new supporting tower for wireless communication antennas shall

demonstrate that the proposed location of the tower and antennas has been planned to result in the fewest number of towers within and around the Township of Montgomery at the time full service is provided by the applicant.

- (b) The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service within and around the Township of Montgomery and, to the greatest extent possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Township.
- (c) The overall comprehensive plan shall indicate the following, and this information shall be provided at the time of the initial submission of the application:
 - (1) The mapped location and written description of all existing and approved supporting towers for all providers of wireless communication services within two miles of the subject site, both within and outside of the Township;
 - (2) The mapped location and written description of all existing or approved water towers or water standpipes and existing high tension power line stanchions within two miles of the subject site, both within and outside of the Township;
 - (3) Why the proposed antennas could not be located on any one or more of the structures listed and mapped in Addendum I^[3] attached to these provisions;
[3] Editor's Note: Addendum I is included as an attachment to this chapter.
 - (4) How the proposed location of the proposed antennas specifically relates to the anticipated need for additional antennas and supporting structures within and near the Township by the applicant and by other providers of wireless communication services within the Township;
 - (5) How the proposed location of the proposed antennas specifically relates to the objective of collocating the antennas of many different providers of wireless communication services on a single supporting structure; and
 - (6) How the proposed location of the proposed antennas specifically relates to the overall objective of providing adequate wireless communication services within the Township while, at the same time, limiting the number of towers to the fewest possible, including alternate technologies which do not require the use of towers or require towers of a lesser height.

9. Area and Setback Requirements for Second Priority Locations.

- (a) The proposed tower, antennas and ancillary related electronic equipment are required to be located on a land area no less than 20,000 square feet;
- (b) The minimum required land area shall either be a separate undeveloped lot or a leased portion of an existing undeveloped or developed lot;
- (c) The proposed tower, antennas and related equipment, and any approved building housing the electronic equipment and any approved camouflaging of the tower, shall be the only land uses located on the required 20,000 square foot land area, whether a separate lot or a leased portion of a lot; and
- (d) Except for any access driveway into the property, required landscaping and any underground utility lines reviewed and approved by the Planning Board or Zoning Board of Adjustment, as the case may be, as part of the site plan submission, no building, tower, other structure and/or disturbance of land shall be permitted within the following areas:
 - (1) Within 100 feet of any street line;
 - (2) Within 200 feet of any lot line other than a street line;

- (3) Within 1,000 feet of an historic district or site as duly designated by Montgomery Township, Somerset County, the State of New Jersey and/or by the Federal government;
- (4) Within 500 feet of any existing residential dwelling unit; and
- (5) Within 750 feet of any residential district boundary line.

10. Design Conditions for Second Priority Locations.

- (a) All towers shall be a monopole design.
- (b) Unless determined by the Planning Board or Zoning Board of Adjustment, as the case may be, not to be compatible with the particular characteristics of the subject site and the surrounding land areas, all towers shall be camouflaged (e.g., housed in a silo, bell tower, etc., or made to look like a tree or a non-oversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Township and the existing land uses and vegetation in the vicinity of the subject site.
- (c) The minimum height of any proposed antennas and the supporting tower necessary for the proposed antennas to satisfactorily operate to fulfill the established gap in service shall be demonstrated by the applicant to the satisfaction of the Planning Board or Zoning Board of Adjustment, as the case may be, and the antennas and tower may be approved by the Board not to exceed that height, provided and except as follows:
 - (1) Except in instances where a higher tower height is determined by the Board to be advisable for the future collocation of other carriers on the tower, the Board shall not approve a height of the tower and the antennas attached thereto greater than 125 feet from the existing ground level beneath the tower.
 - (2) In an instance where the Board determines that a higher tower height is advisable for future collocation purposes, the Board may require the applicant to construct the tower to accommodate future ten-foot extensions not to exceed an overall tower and antenna height of 135 feet.
- (d) Only signage for the purpose of providing safety warnings shall be permitted.
- (e) No more than two off-street parking spaces shall be permitted.
- (f) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide to the Planning Board or Zoning Board of Adjustment, as the case may be, all applicable FAA standards regarding lighting that may apply to a proposed tower.
- (g) Individual shelter/cabinets for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:
 - (1) Any proposed shelter/cabinet enclosing required electronic equipment shall not be more than 15 feet in height nor more than 375 square feet in area, and only one such shelter shall be permitted for each provider of wireless communication services located on the site unless additional shelter/cabinets are specifically approved by the Planning Board or Zoning Board of Adjustment, as the case may be.
 - (2) No electronic equipment shall interfere with any public safety communications;
 - (3) All of the electronic equipment shall be automated so that the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized; and

- (4) All of the shelter/cabinets for the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a single building not exceeding one and 1 1/2 story and 25 feet in height and 2,000 gross square feet in area, and which shall be designed with a single-ridge, pitched roof with a residential or barn-like appearance.
 - (i) The building may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building.
 - (ii) Any required generator shall be located within the building, and there shall be no perceptible noise emitted from the antennas, shelter/cabinets and/or other accessory equipment at any residential property line.
- (h) In order to screen the base of the tower and the building enclosing related electronic equipment from any public street, residential dwelling unit and/or residential zoning district, landscaping shall be provided in accordance with the following:
 - (1) The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the base of the tower during all four seasons of the year to the maximum extent reasonably possible, and to enhance the appearance of the building from the surrounding residential properties and any public street;
 - (2) The landscaping plan shall be prepared by a licensed landscape architect who shall demonstrate to the Planning Board or Zoning Board of Adjustment, as the case may be, that the base of the tower and the building enclosing related electronic equipment will be screened from view and that the appearance of the building will be enhanced; and
 - (3) Any newly planted evergreen trees shall be at least eight feet high at time of planting, and any newly planted deciduous trees shall be a minimum caliper of three inches at time of planting.

11. Additional Conditions for Second Priority Locations.

- (a) Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future collocated antennas and that the structural standards developed for antennas by the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) have been met; and
- (b) A letter of intent by the applicant, in a form that is reviewed and approved by the Planning Board or Zoning Board Attorney, as the case may be, indicating that the applicant will share the use of any tower with other approved wireless communication carriers at reasonable rates that are consistent with prevailing market rates.

12. Location Preferences for New Towers. The following are not conditions, standards and limitations for the location of wireless communication towers, but are preferences of the Township:

- (a) To the greatest extent possible, no tower shall be located to be visible from any street.
- (b) To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographic elevations in order to screen the tower from view from adjacent properties and from any street right-of-way.

13. Other Requirements for Second Priority Locations.

- (a) All other applicable requirements of this paragraph p not contrary to the conditions, standards and limitations specified herein shall be met, but waivers and/or variances of

such other applicable requirements may be granted by the Planning Board or Zoning Board of Adjustment, as the case may be.

- (b) Any wireless communication facility not used for its intended and approved purpose for a period of six months shall be considered "no longer operative" and shall be removed by the responsible party within 60 days thereof.
- 14. Technical Review for Second Priority Locations. In addition to its normal professional staff, given the technical and specialized nature of the testimony by the applicant's radio frequency expert(s), the Planning Board or the Zoning Board of Adjustment, as the case may be, at the applicant's expense, hire its own radio frequency expert to review and comment upon the testimony presented by the applicant. Additionally, based upon other testimony presented by the applicant, the Planning Board or the Zoning Board of Adjustment, as the case may be, may hire other experts with specialized areas of expertise if deemed necessary, also at the applicant's expense.
- 15. Application for Use Variances to the Zoning Board. Any application submitted to the Montgomery Township Zoning Board of Adjustment for a use variance to construct or install wireless communication antennas and/or a new wireless communication tower in a location not permitted by these provisions or for a variance from any of the conditions, standards and limitations established for second priority locations in this subsection shall be required to submit all of the information required herein for second priority locations, and no such application shall be deemed complete unless all of the required information is provided or unless the need to provide the required information is specifically waived by the Zoning Board of Adjustment.

q. Veterinary Clinics for Small Household Pets.

- 1. The veterinary clinic shall provide medical treatment to small household pets only; no boarding facilities shall be permitted except as ancillary to the medical use, and no outside dog or animal runs or the keeping of animals outside the veterinary clinic shall be permitted.
- 2. The subject lot shall be located in the R-2 District only and shall be a corner lot at least 2 1/2 acres in area with frontage on Route 206 and an intersecting Collector public road as shown on the Traffic Circulation Plan Element portion of the Township Master Plan.
- 3. The driveway access to the veterinary clinic shall be limited to the Collector road that intersects with Route 206, and the driveway shall be set back at least 200 feet from the Route 206/Collector road intersection; there shall be no driveway access to Route 206.
- 4. Only one principal building shall be permitted, and the principal building shall not exceed a floor/area ratio (F.A.R.) of 0.033, provided that no principal building shall exceed 3,600 gross square feet in area.
- 5. In addition to the one principal building, no more than one accessory building shall be permitted, which shall not exceed 150 square feet in area.
- 6. All buildings shall be set back a minimum of 100 feet and an average of 125 feet from the Route 206 right-of-way, shall be set back at least 90 feet from the Collector road right-of-way, and shall be set back at least 60 feet from any rear or side yard property line.
- 7. A continuous and uninterrupted landscaped buffer screening at least 50 feet in depth shall be provided along the entirety of all lot lines facing Route 206 and the intersecting Collector road, and the buffer shall consist of any existing vegetation supplemented with additional conifer trees, at least eight feet high at time of planting, as determined by the Planning Board to be necessary.
- 8. Except for the planting of any required landscaped buffer screening along the Route 206 frontage, no other land development or disturbance shall be permitted within 75 feet of the Route 206 right-of-way, and this non-development and non- disturbance area shall be dedicated in fee to the Township of Montgomery.

9. No more than one principal veterinarian and one back-up veterinarian shall be associated with the veterinary clinic, and no more than one veterinarian shall be working on the premises at any given time.
10. The design of the proposed buildings shall adhere to the following limitations, and architectural elevations and floor plans of the buildings shall be submitted to the Planning Board for its review and approval as part of the conditional use and site plan applications:
 - (a) All buildings shall have a pitched, single-ridge roof design;
 - (b) The veterinary clinic building shall resemble a typical single-family detached dwelling, with a colonial or barn-like structure;
 - (c) No more than three patient examination rooms shall be provided;
 - (d) The veterinary clinic building shall have no more than one principal entry at the front of the building to be utilized by clients and their pets, plus one additional front door which is to be used primarily for client/pet egress from the building, but which also may be used for access into the building by handicapped clients with their pets;
 - (e) A third door may be provided at the rear of the building for access to the office and any permitted basement, provided that the third door shall only be used for emergency access/egress, for access into the building by maintenance/supply firms and service workers, for use by staff personnel walking pets, and for removal of deceased pets;
 - (f) Any attic or basement area shall be unfinished and uninhabitable and shall be used only for the location of HVAC and similar mechanical equipment for the building and/or for the ancillary storage of equipment and supplies used in the operation of veterinary clinic;
 - (g) All windows in the veterinary clinic building shall be those typically found in a single-family detached dwelling; and
 - (h) The heights of the building(s) shall be as follows:
 - (1) The veterinary clinic building shall not exceed 28 feet in height if it contains 1 1/2 stories or less, and the building shall not exceed 35 feet in height if it contains more than 1 1/2 stories, provided that the building shall not contain more than 2 1/2 stories in any case; and
 - (2) The permitted accessory building shall not exceed 17 1/2 feet and one story in height.
11. Off-street parking spaces shall be provided at the ratio of one parking space per each 200 square feet of gross floor area of the veterinary clinic building, and no parking area shall be located within 40 feet from the Collector road right-of-way and within 75 feet from any rear or side property line.
12. No sign other than a nameplate not more than three square feet in area shall be permitted, and the sign either shall be attached to a postal box located on the intersecting Collector road adjacent to the driveway or shall be hung from a typical residential lamppost located adjacent to the driveway and set back at least five feet from the Collector road right-of-way.
13. In addition to typical residential-type lighting fixtures at the two doorways into the veterinary clinic office building and a lamppost, additional lighting shall be permitted in the parking lot area and along the sidewalks between the office building and the parking lot area only, which shall consist of bollard-type fixtures no more than four feet in height. Lighting shall be of minimal intensity for safety purposes and shall be operated only when the veterinary clinic is open. No flood lighting shall be permitted on the property.
14. Any fencing provided along the perimeter of the property within 25 feet of any property line shall be a wooden, split rail fence no more than four feet in height.

15. All other nonconflicting and applicable requirements of this chapter for the development of single-family detached dwellings in the R-2 District shall apply.
- r. Animal Education, Care and Adoption Facilities.
 1. Animal education, care and adoption facilities shall be located on tracts of land at least five acres in size within a portion of the PPE District which also is within the Landmarks Preservation Overlay Area as indicated on the Montgomery Township Zoning Map.
 2. The essential purpose of an animal education, care and adoption facility shall be to provide shelter and care for homeless dogs and cats and reduce unnecessary euthanasia of adoptable pets.
 3. Any historic principal building existing on a tract of land to be used for an animal education, care and adoption facility shall be maintained and rehabilitated and be used as part of the facility. There shall be no height limitation for any existing historic principal building which is being restored to its original historic condition, inclusive of any original part of the historic principal building which had been removed or damaged, provided that the height and restoration of the historic building is consistent with the original historic building and necessary for its true historic restoration, as verified by the Township Landmarks Preservation Commission.
 4. More than one principal building shall be permitted, provided that the total size of the facility, including any rehabilitated existing historic principal building, any addition thereto, and any other principal building to be constructed, shall not exceed 20,000 gross square feet in area.
 5. All activities shall be conducted indoors, except that a designated outdoor socialization area shall be permitted where the animals may be walked and exercised during the day and where prospective adopters of a pet may interact with the animals.
 6. The rehabilitation of any existing historic building on the tract and any proposed expansion of the existing historic building shall be conducted in accordance with the Guidelines for Rehabilitation contained in the Secretary of Interior's Standards for the Treatment of Historic Properties and, to the extent practicable, shall be reflective of the original architecture of the subject building.
 7. No new building or parking area shall be situated in front of an historic building.
 8. The architectural design of any proposed new building shall be in accordance with the applicable provisions of Section **16-13** of this Land Development chapter for development within the Landmarks Preservation Overlay Area, shall be compatible with the historic character of the site, and shall preserve the historic relationship between the buildings and the landscape. No new principal building or new addition to an existing building shall exceed 35 feet in height, except that uninhabited roof structures for the housing of stairways, tanks, ventilating fans, air conditioning or similar equipment required for the operation and maintenance of the building, skylights, spires, cupolas, flagpoles, chimneys or similar uninhabited structures associated with the building may be erected above the height limit, but in no case more than 25% more than the maximum height permitted.
 9. Proposed architectural elevations and floor plans of all buildings on the site shall be provided to the Township for review and approval as part of the submitted conditional use and site plan applications.
 10. In accordance with Subsection **16-13.16a** of this Land Development chapter, the submitted conditional use and site plan applications, including the proposed architectural elevations and floor plans, shall be submitted to the Montgomery Township Landmarks Preservation Commission for its review.
 - (a) The Landmarks Preservation Commission shall provide its advice and recommendations to the Planning Board in a written communication; and

(b) The advice and recommendations of the Landmarks Preservation Commission shall not be disregarded by the Planning Board except for reasons stated on the record.

11. Off-street parking, signage, lighting and landscaping shall be as specifically approved by the Planning Board in consideration of the needs of the proposed use, the physical characteristics of the subject tract of land, the need to safeguard the prevailing character of the surrounding residential neighborhood and any recommendations of the Montgomery Township Landmarks Preservation Commission.

12. All other applicable requirements of this Land Development chapter not contrary to the specific conditions and standards specified herein shall be met, but waivers and/or variances of such other applicable requirements of this chapter may be granted by the Planning Board.

s. Self Service Storage Facilities in the REO-3 District.

1. Self service storage facilities shall be located on tracts of land at least 7 1/2 acres in size, but not more than 10 acres in size, which tract shall be located only within the designated "Airport Safety Zone" within that portion of the REO-3 District south of the Princeton Airport runway.
2. Each tract of land shall have vehicular access directly to State Route 206, or indirectly to State Route 206 via a public street providing access to nonresidential uses only.
3. Each tract of land shall have at least 500 feet of vehicular access frontage along a public street and shall have at least 500 feet of depth.
4. All buildings and parking areas shall be set back at least 1,000 feet from State Route 206.
5. All buildings and parking areas shall be set back at least 60 feet from all street lines and at least 30 feet from all other property lines, except that not more than four parking spaces shall be permitted in the front portion of the property associated with the sales office, provided that such spaces are set back at least 30 feet from the street line.
6. More than one building is permitted, providing that a minimum separation distance of 25 feet shall exist between all buildings on the site, and provided further that the minimum separation distance shall increase to at least 30 feet when the separation distance includes any parking of vehicles.
7. Each self service storage facility shall have one accessory office, no larger than 1,000 square feet in area, and one accessory apartment above the sales office for an on-site manager of the facility, which apartment shall not contain more than two bedrooms.
8. The storage buildings and the sales office/manager's apartment building shall not exceed the following dimensions:
 - (a) No storage building shall exceed 15 feet and one story in height;
 - (b) No storage building shall exceed 300 feet in length, except that one building parallel and closest to the access road to the site may be up to 380 feet in length if it is located and aesthetically finished to screen the interior of the development;
 - (c) No storage building shall exceed 15,000 gross square feet in area; and
 - (d) The sales office/manager's apartment building shall not exceed 35 feet and 2 1/2 stories in height, except as provided in Subsection 16-6-2 of this chapter.
9. The maximum permitted floor area ratio (F.A.R.) shall be 0.175 and the maximum lot coverage shall be 45%.
10. Any self service storage facility shall be used for storage purposes only in accordance with the following limitations and restrictions, and the rental contracts for the storage of articles on-site shall include the following language:

- (a) There shall be no repairs or servicing of stored articles on-site;
- (b) There shall be no business activity conducted from the site other than the rental of storage space and the incidental sale of locks, storage boxes and related material by the owner/operator of the self service storage facility; and
- (c) No flammable or hazardous materials, including but not limited to, propane, gasoline, paint, or paint remover, or any item containing such material, shall be stored anywhere on the site.

11. No outside storage shall be permitted, except that the Planning Board may permit the outside storage only of recreational vehicles, camping trailers, boats, snowmobiles and/or personal watercraft on trailers, provided that the following limitations and requirements are met:

- (a) The stored recreational vehicles, camping trailers, boats, snowmobiles and/or personal watercraft on trailers are personal property being stored for noncommercial use only;
- (b) No stored recreational vehicle, camping trailer, boat, snowmobile and/or personal watercraft on trailer shall exceed 15 feet in height measured from the ground level upon which the item(s) are located; and
- (c) The outside storage area is located in an area of the site not visible to the public.

12. All buildings on the site shall be designed and constructed in accordance with the following requirements:

- (a) All buildings shall be designed and constructed with a compatible architectural design;
- (b) All buildings shall have a pitched roof design; no building shall have a flat roof;
- (c) All portions of all buildings and walls visible to the public shall be suitably finished for aesthetic purposes; and
- (d) All buildings shall be finished with earth tone colors only.

13. Access to the storage units shall only be permitted when the on-site manager is present between the hours of 7:00 a.m. and 7:00 p.m. daily, except that access during other hours shall be permitted for no more than 10% of the total number of tenants who have been provided special access codes to operate the entrance gate.

14. A minimum of four off-street visitor parking spaces, or the number of spaces equivalent to one space for every employee plus one space for every 200 storage units, whichever is greater, shall be provided proximate to the office and outside the security enclosure.

15. One trash enclosure shall be provided on-site, adequate in size for the solid waste generated by the sales office and the on-site manager's apartment, and accommodating the Somerset County recycling requirements; the trash enclosure shall be adequately screened from public view.

16. The on-site traffic circulation shall be designed to permit the safe and convenient maneuvering of large trucks, including emergency vehicles.

17. One free-standing sign and one attached sign shall be permitted in accordance with the following, and additional signage may be permitted by the Planning Board for good cause shown by the applicant:

- (a) The free-standing sign shall not exceed 10 feet in height and 75 square feet in area and shall be set back at least 20 feet from all property and street lines; and
- (b) The attached sign shall be attached flat against the front wall of the office building and shall not exceed 5% of the front facade of the office building or 30 square feet, whichever is less.

18. The entire perimeter of any self-service storage facility, excluding the access driveway(s), the permitted freestanding sign, the required visitor parking spaces and the sales office/manager's apartment building, but including any approved area for the outside storage of recreational vehicles, camping trailers, boats, snowmobiles and/or personal watercraft on trailers, shall be completely enclosed for security purposes by buildings augmented by either walls and/or fencing.
 - (a) Any fencing shall be at least seven feet high, and shall be vinyl clad cyclone fencing; and
 - (b) The fencing shall be completely bordered by sufficient and appropriate vegetation in order to completely screen the fencing throughout the year.
19. All outdoor lighting shall be shielded and focused directly downward and shall be in accordance with the following:
 - (a) Within the enclosed area, lighting shall be attached to buildings no higher than 15 feet from the finished grade below and each fixture shall not exceed 100 watts;
 - (b) Within the visitor parking area and the access driveway(s) the lighting shall be in accordance with the design standards specified in Subsection **16-5.4b** of this chapter;
 - (c) After closing, or in any case after 9:30 p.m., only limited lighting shall remain on for security purposes, and the submitted lighting plan to be reviewed and approved by the Planning Board shall specify which fixtures are to remain lighted; and
 - (d) Wherever possible, lighting within the storage buildings shall be manually operated with 15 to 30 minute timers, and the submitted lighting plan to be reviewed and approved by the Planning Board shall specify which fixtures are to be operated with such manual timers.
20. Except for the access driveway(s) to the site and the permitted freestanding sign, there shall be no development within the required front, side and rear yard setbacks, and all existing vegetation shall be maintained and augmented as necessary in order to screen all portions of the property from public view, except that the sales office/manager's apartment building, the guest parking and the sign need not be screened from public view, but, instead, lawn area and a variety of evergreen and deciduous trees and shrubbery and trees shall be provided.
21. No detention basin shall be located within the required front yard setback area.

t. Automobile Service Centers.

1. The primary purpose of this zoning ordinance provision is to permit, under certain conditions, for those car dealerships with limited land area in the HC Zoning District to develop an automobile service center in the adjacent REO-3 District. Service centers have become a typical ancillary use to dealerships to serve their customers, and the ability to provide this customer service will help the dealerships remain viable. By conditionally permitting service centers, the Township is promoting the purposes of the Municipal Land Use Law including encouraging municipal action to guide the appropriate land uses and providing sufficient space in appropriate locations for commercial uses to meet the needs of the community. This paragraph also promotes the policies of the Township Master Plan including concentrating commercial development in two commercial nodes and enacting regulations to control commercial expansion which is necessary to accommodate modern commercial activities.
2. Automobile service centers shall be permitted in the REO-3 Zoning District only, provided that they are affiliated with and operated by car dealership(s) in the HC Zoning District, and provided further that the automobile service center is no further than 1,500 feet from the affiliated car dealership(s).
3. Access must be situated to accommodate safe traffic circulation, including the provision of an easement or dedication of right-of-way to Montgomery Township for any future Master Plan

Road. The developer of the automobile service center shall construct the roadway improvements in their entirety on the subject site.

4. A building containing an automobile service center use shall be limited to that principal use only, and the maximum FAR shall be 0.160 for non-critical acreage plus 0.032 for critical acreage.
5. Accessory and ancillary uses permitted for an automobile service center shall be offices, service counters, lounges and other amenities for customers waiting for their automobiles to be serviced, service bays, car washes, storage of parts and supplies, a showroom not exceeding 2,500 square feet in size, signs, and off-street parking, including parking for automobiles awaiting repair.
6. No automobile sales shall be permitted at the automobile service center. However, the outside storage of new cars for sales at the related car dealership(s) in the HC Zoning District shall be permitted, provided that the vehicle storage area shall not be accessible to the public and is adequately screened from view.
7. No merchandise, products, equipment or similar material and objects shall be displayed or stored outside, except for outside storage areas for automobiles as permitted above and in accordance with the following:
 - (a) All such storage areas shall be paved as approved by the Board as part of the site plan submission, and all such areas shall be included as part of the calculation for Lot Coverage; and
 - (b) No such storage areas shall be located within 50 feet of any street line or property line.
8. Within 50 feet of any property line common with a residential zoning district or use, no parking area, loading area, driveway or other structure, except fencing integrated with the landscape plan and as approved by the Board, shall be permitted, and a minimum buffer screening shall be required within the setback area in accordance with the following:
 - (a) The buffer screening shall be at least 25 feet in width; and
 - (b) The buffer screening shall consist of densely planted evergreen trees at least six feet high at time of planting and spaced no more than 10 feet apart on-center. Where environmental conditions permit, earthen berms at least two feet in height shall be provided.
9. Off-street parking and loading areas shall be screened from public view and from adjacent properties to the maximum extent feasible.
10. Buildings with more than one street frontage shall be designed to have a front facade facing each frontage, and all sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
11. The mechanical equipment serving the building(s) shall be screened from public view by the design of the building and/or by landscaping features integrated with the overall design of the building(s).
12. All of the other area, yard and general requirements of the REO-3 Zoning District and all other applicable provisions of this chapter which are not to the contrary shall apply. However, relief, if requested from any of the REO-3 bulk zoning provisions, shall be considered under N.J.S.A. 40:55D-70c of the Municipal Land Use Law because they are not considered conditions of a conditional use.

[Ord. #2015-1487 S 4]

- u. Support Group Facility.
 1. Support group facilities shall be located on tracts of land at least three acres in size.

2. The principal purpose of a support group facility shall be to provide meeting space for support groups and counseling services to the general public, including residents of Montgomery Township and Somerset County.
3. Accessory permitted uses for a support group facility shall be social, recreational and dining uses, such as speakers, holiday gatherings, dances, plays and picnics, for the members of the recovery community and their guests of the facility.
4. All activities shall be conducted within the social services facility, except that a designated outdoor socialization area in the rear or side yard shall be permitted where members and guests may socialize. Temporary recreational activities within the front yard are permitted, but temporary structures such as tents, must be in the side or rear yard only. The facility shall comply with all local ordinances including noise and the close of the facility shall be by 11:00 p.m.
5. Where a social services facility is provided as a principal use in this chapter, the following area and yard requirements shall apply:
 - (a) Principal Building Minimum:

Principal Building Minimum:	
Lot area	3 ac.
Lot frontage	200 feet
Lot width	200 feet
Lot depth	300 feet
Side yard (each)	100 feet
Front yard	100 feet
Rear yard	70 feet

- (b) Accessory Building Minimum:

Accessory Building Minimum:	
Distance to side line	50 feet
Distance to rear line	50 feet
Distance to other building	50 feet

- (c) Coverage Maximums:

Coverage Maximums:	
Building coverage	10%
Lot coverage	50%

6. Signs. (See Subsection **16-4.10f** and Subsection **16-5.13** for the design requirements for signs).
7. Lighting. (See Subsection **16-5.4** of this chapter for the design requirements for lighting).
8. Off-street parking. Adequate parking shall be provided to accommodate the permitted activities and the amount and location of the off-street parking shall be subject to approval by the Planning Board. (See Subsection **16-5.8** for the design requirements for off-street parking, loading areas, and driveways).
 - (a) No parking area or driveway shall be located within five feet of the rear and side property lines. No parking area is permitted within the front yard.

9. All other applicable requirements of this Land Development chapter not contrary to the specific conditions and standards specified herein shall be met, but waivers and/or variances of such other applicable requirements of this chapter may be granted by the Planning Board because they are not considered conditions of a conditional use.

[Ord. No. 17-1556 § 3]