
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY AMENDING CHAPTER 35 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERKELEY ENTITLED "LAND DEVELOPMENT" CONSISTENT WITH THE 2008 MASTER PLAN LAND USE AND CIRCULATION ELEMENTS.

August 9, 2011

WHEREAS, the Township of Berkeley adopted a Comprehensive Master Plan in 1997; and

WHEREAS, the Master Plan was re-examined in 2003 which updated the Master Plan by incorporating the Open Space Preservation Study prepared in 2000, the 20/20 Vision Statement, and the Pinelands Area Master Plan Amendment; and

WHEREAS, the Township adopted the 2008 Land Use and Circulation Elements which recommend specific zoning recommendations and changes; and

WHEREAS, the Township Council desires to enact the zone changes recommended by the 2008 Master Plan Land Use and Circulation Elements,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY, to amend Chapter 35 of the Revised General Ordinances of the Township of Berkeley entitled "Land Development" as follows:

Section 1.

Recommendation: Create new Bayfront Commercial Zone.

35-106.3 Replace Resort Highway Business with Bayfront Commercial (BC) Zone.

a. *Permitted Uses.*

1. Retail sales, which are clearly of a neighborhood size, scope and nature, similar but not limited to the following:
 - (a) Convenience stores and retail establishments selling groceries, meats, produce, baked goods and such other food items.
 - (b) Stationary, tobacco and newspaper stores.
 - (c) Luncheonettes, coffee shops, restaurants, deli, cafe and confectionary stores.
 - (d) Novelty, notions and boutique stores.
 - (e) Fishing, boating and marine supply stores.
2. Child care centers pursuant the Municipal Land Use Law.
3. Bed & Breakfast operations subject to site plan approval and the following standards:

Bed & Breakfast Definition – An owner-occupied dwelling in which overnight accommodations and a morning meal are provided for transient guests for compensation, and in which the overnight accommodations are accessory to the principal use of the dwelling as a residence. The use must be registered as a Bed & Breakfast establishment with the New Jersey Department of Community Affairs.

- (a) Bed & Breakfast establishments must be accommodated solely in a single-family dwelling which has been converted for such use and licensed by the New Jersey State Department of Community Affairs as a Bed & Breakfast establishment.
- (b) The Bed & Breakfast establishment must be occupied by the owner of the facility as his or her place of residence during any time that the facility is used for the lodging of guests.
- (c) The Bed & Breakfast establishment shall have a maximum of 4 guest rooms accommodating no more than 8 guests. Guest stays shall not exceed 30 days during any 60 calendar day period.
- (d) Breakfast is the only meal to be served and shall be provided only to the registered guests of the Bed & Breakfast establishment. No food or beverages of any kind shall be served or sold to the general public.
- (e) Cooking facilities and smoking is prohibited in guest rooms.
- (f) Sufficient off-street parking shall be provided on the lot to accommodate all guests and, in any case, one space per each guest room, plus two spaces for the permanent living quarters of the owner shall be provided at minimum. Off street parking spaces shall be located in a side and/or rear yard. Parking is prohibited in the front yard. All parking areas and driveways shall be set back at least five feet from side property lines and at least 10 feet from the rear property line. The yard areas adjacent to parking spaces and driveways shall be landscaped to provide natural year-round screening from adjacent properties.

- (g) One sign is permitted, either attached or freestanding but not both, measuring no more than six square feet; provided however that the maximum height of any freestanding sign shall be three feet from the ground level. Signs shall conform to all other applicable provisions of Section 35-91.
- (h) The residential character of the lot and dwelling shall not be changed. If additions or expansions to the principal dwelling are proposed, such additions or expansions shall maintain the architectural style and facade of the principal dwelling.
- (i) The facility shall not operate as a rooming house or boarding house as defined by N.J.S.A. 55:138-3.
- (j) Every Bed & Breakfast establishment shall maintain a guest register listing the name and permanent address of all guests, dates of arrival and departure, and the license plate identification number of any motor vehicle utilized by a guest.

b. *Conditional Uses.*

- 1. Public utilities in accordance with subsection 35-127.8.
- 2. Marinas in accordance with subsection 35-127.4, except that no fuel docks or facilities for the construction or repair of boats or boat engines shall be permitted.

c. *Schedule of Regulations.*

	<i>Retail</i>	<i>B&B</i>
Minimum lot area (sq. ft.)	5,000	5,000
Minimum lot frontage (ft.)	50	50
Minimum front setback ⁷ (ft.)	25	35 ⁸
Minimum rear setback (ft.)	20	20
Minimum side setback (ft.)	5	5
Minimum both sides (ft.)	15	15
Minimum floor area (sq. ft.)	400	???
Maximum lot coverage (%)	60	35
Maximum structure height (ft.)	35	35
<i>Accessory Buildings⁹</i>		
Minimum rear setback (ft.)	5	5
Minimum side setback (ft.)	5	5

Footnotes 7, 8 and 9 are the same as currently found in Schedule 1 at Section 35-95.

Section 2:

Recommendation: Update Highway Business Zone to be more consistent with Route 9 corridor study.

35-106.2 Highway Business Zone.

a. *Permitted Uses.*

- 1. Retail and commercial merchandise and service establishments.
- 2. Banks and financial institutions.
- 3. Business, corporate and professional offices including medical offices.
- 4. Restaurants, bars and other establishments serving food and beverage including catering establishments.
- 5. Retail food stores including supermarkets.
- 6. Theatres and recreation facilities, including golf driving ranges, miniature golf, roller rinks, ice rinks, fitness centers, bowling alleys, amusement centers, and batting/basketball cages.
- 7. Libraries and museums.
- 8. Artists' and photographers' studios.
- 9. Business and instructional schools and studios, including trade schools, martial arts and the visual and performing arts.
- 10. Health clubs and spas.
- 11. General service and repair shops, including carpentry, cabinetmaking, furniture repair, plumbing, or similar shop.
- 12. Dental and medical laboratories.
- 13. Mortuaries or funeral homes.
- 14. Day-care center, preschool and day nursery school.
- 15. Veterinary hospital, provided that all animals are kept in a permanent enclosed structure and are not within 150 feet of any existing residential use or zone.
- 16. Non-profit clubs and lodge halls for civic and fraternal organizations.
- 17. Automobile rental agencies excluding truck rentals.
- 18. Public, quasi-public and private schools and governmental buildings.
- 19. Nursing homes and assisted living facilities.
- 20. Home building supply and improvement centers.

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21. Fishing, boating and marine supply stores.
 22. Boat sales and showrooms not in conjunction with a marina may be permitted, provided that the following standards and conditions are complied with:
 - (a) Outdoor storage of inventory shall not be stored closer than 25 feet to a right-of-way line or side or rear lot line and not closer than 10 feet to a building.
 - (b) If adjacent to a residential zone or existing residential use, a 25 foot wide buffer area shall be provided. Said buffer areas shall consist of evergreen plantings and/or screen fencing capable of providing appropriate screening of the operations of the lot from adjoining residential uses and districts.
 - (c) One parking space shall be provided for each 200 square feet of gross floor area.
 23. Existing self-storage operations or mini-warehouses previously approved by the Board.
 24. Churches and houses of worship, parish houses, convents and cemeteries.
 25. The office of contractors and craftsmen subject to the following standards:
 - (a) The outdoor storage or display of vehicles, equipment and material shall be permitted provided same is located within the rear yard and setback minimum of 10 feet from any side or rear property line. Vehicles, equipment and material shall be fenced and shall not be permitted in a front or side yard.
 - (b) A 25 foot wide landscaped buffer shall be provided to any and all adjoining residential zones or properties, which may abut the outdoor storage area.

b. *Conditional Uses.*

Add the following use:

1. Multi-family residential units in accordance with the following standards:
 - (a) The site must also contain an otherwise permitted nonresidential use, which shall constitute at least 40% of the total floor area on the site. The commercial use shall be located at the front of the site or facing Route 9.
 - (b) The minimum lot area shall be three acres.
 - (c) The maximum density/number of units is 8 dwelling units per acre
 - (d) There shall be a distance of at least 40 feet between a residential building and a commercial building on the same site.
 - (e) Entrances to residential buildings shall be clearly accentuated by architectural features and provide direct access to plazas or courtyards as opposed to parking areas.
 - (f) Individual units shall be accessed through common internal lobbies.
 - (g) The residential buildings shall not face any loading areas or outside storage areas servicing the commercial use and in all cases shall be appropriately screened from those areas.
 - (h) A pedestrian circulation plan shall be submitted as part of the site plan review process that demonstrates a safe and workable pedestrian system throughout the site with direct pedestrian access to Route 9.
 - (i) Parking for the residential use shall be provided as required by the NJ RSIS.
 - (j) Parking shall be no closer than 20 feet to a wall of a residential building. The 20 foot setback area shall contain a sidewalk and be suitably landscaped.
 - (k) Vehicular access to the residential portion of the site shall be by way of a clearly marked internal road that is uninterrupted by any commercial parking areas.
 - (l) The residential buildings shall comply with all other bulk and setback requirements of the HB Zone.

c. *Permitted Accessory Uses.*

Replace existing language with the following:

Accessory uses and structures are permitted that are customarily incidental and subordinate to, and located on the same lot as a principal permitted use.

d. *Prohibited Uses.* No change.

e. *Impervious Coverage. NEW SECTION*

The maximum impervious coverage in the HB zone shall be 30%.

f. *Supplementary Requirements. NEW SECTION*

In addition to the area and bulk requirements in Section 35-95 Schedule of Requirements, the following shall also be applied in the HB zone:

1. There shall be no parking or outside display or storage of materials or merchandise in a required front yard area.
2. When a written agreement is provided by adjoining property owners, no side yard is required between properties of separate ownership where two or more commercial uses abut side to side. A series of abutting structures paralleling a public right-of-way shall

provide an unobstructed passage of at least 30 feet in width at intervals of not more than 200 feet.

3. As viewed from the street, buildings shall have at least 50% of the front façade located as close to the street line as is allowed in the schedule of area requirements.
4. A required rear yard that is adjacent to a residential zone shall be no less than the rear yard requirements in the adjacent residential zone.
5. Landscaped areas shall be provided along the highway edge in accordance with Section 35-48.m.
6. Whenever feasible, mass transit opportunities shall be enhanced through the incorporation of design features that accommodate bus and shuttle service such as shelters, street furniture, and pull-off lanes within reasonable proximity to major uses and destinations.

g. *Supplementary Parking Requirements. NEW SECTION*

In addition to the requirements in Section 35-63, the following standards shall also be applied in the HB Zone:

1. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve or on an adjacent lot in common ownership.
2. Shared parking arrangements among adjacent properties not under common ownership may be permitted if the owners demonstrate to the satisfaction of the Planning Board that the supply of parking spaces will be adequate to service the aggregate demand of the uses sharing the parking based on such factors as alternating peak hours; and that the shared arrangement will allow a reduction in impervious coverage of the site below the maximum permitted in the zone and will provide a more efficient circulation pattern including a reduction in curb cuts and access points on Route 9.
3. No parking space shall be closer than 10 feet to any building to allow for pedestrian circulation to and between stores.
4. In no case shall the number of parking spaces exceed the minimum requirements by more than 5%.

Section 3:

Recommendation: Update landscaping requirements for the Route 9 highway edge to reflect recommendations in the Route 9 corridor study.

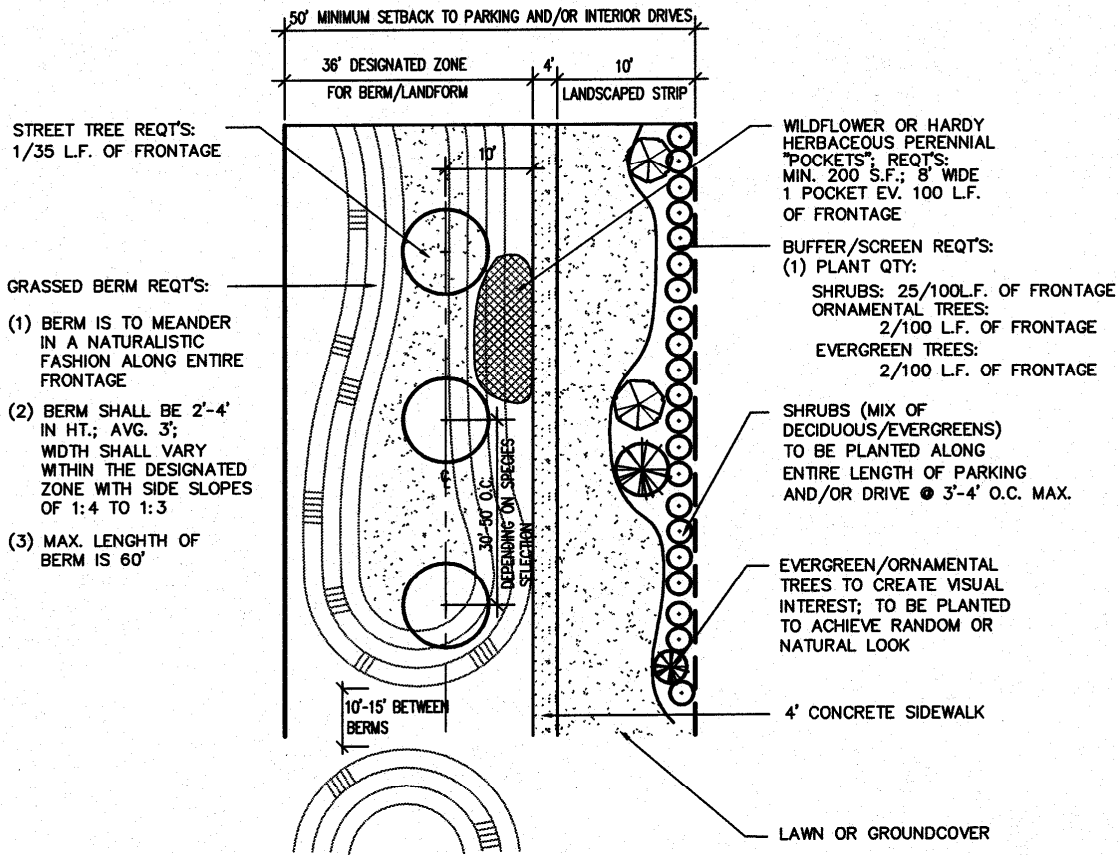
35-48 *Add new subsection m.*

m. Route 9 Corridor.

1. In addition to the applicable requirements of this section, the following standards shall apply to all properties fronting on NJ Route 9 and located in the Highway Business (HB) zoning district. They shall apply specifically to the area within 50 feet of the highway right-of-way line. All subdivision and site plan applications involving such properties shall provide a landscaping plan that demonstrates compliance with these standards. If unique site-specific circumstances such as wetlands, existing vegetation, or unusual lot configuration preclude the installation of any of the prescribed landscaping elements, the applicant shall provide an alternative plan that incorporates as many elements as is feasible. In all cases, however, the sidewalk element must be provided.
2. General Corridor Plan – Diagrams 1 and 2 depict the overall design concept to be achieved along the corridor.
3. Planting Details (General) – Plant selection should conform to the following general design principles:
 - (a) All landscape plants shall be typical full specimens conforming to the American Association of Nurserymen Standards (ANA) for quality and installation.
 - (b) Local soil conditions and water availability shall be considered in the plant selection. All plants shall be tolerant of specific site conditions. The use of indigenous species may be appropriate.
 - (c) Landscaping shall not inhibit access by emergency vehicles or inhibit visibility within required vehicular sight triangles.
 - (d) Irrigation systems are to be provided for all new plantings.
 - (e) An appropriate variety of tree species shall be provided to avoid die-out due to species-specific diseases.
4. Street Tree Details – In addition to the requirements found in 38-45.l., street trees shall be provided in accordance with the following:
 - (a) Placement of street trees shall conform to diagrams 1 and 2.
 - (b) The number of street trees shall average one for every 35 linear feet of property frontage.
 - (c) Spacing between trees shall be determined based upon species selection. In general, trees should be between 30 and 50 feet on center.

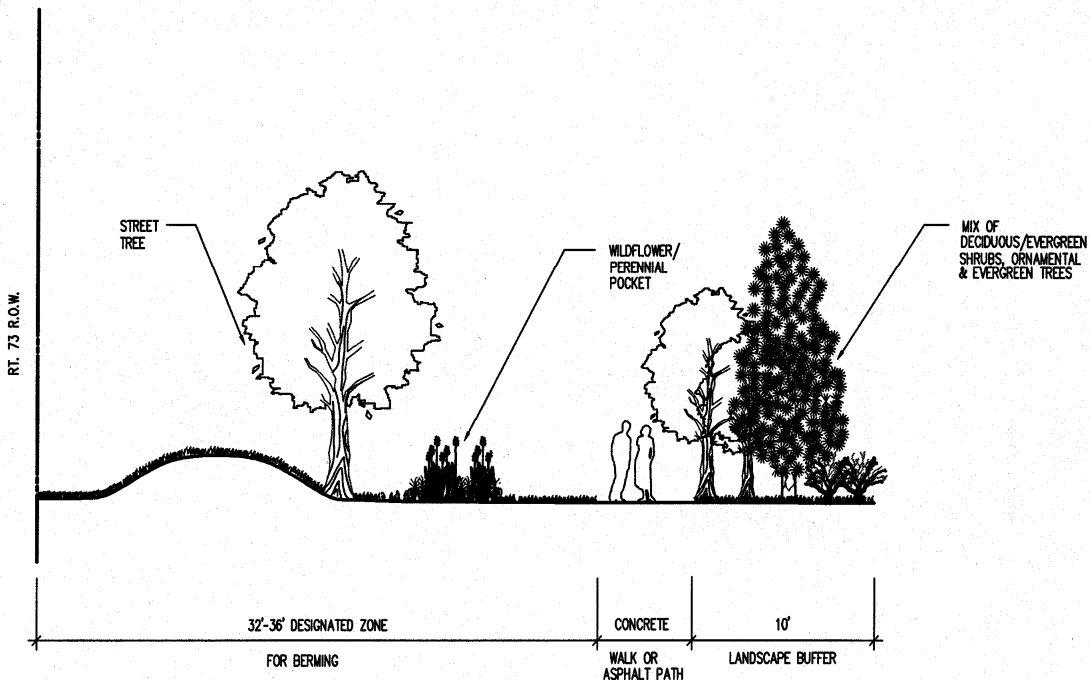
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- (d) Trees should be a minimum of three and one-half to four inches caliper, based on ANA standards.
 - (e) Trees are to be disease resistant and tolerant of road salts and air pollution.
 - (f) On properties with more than one tree species, species shall not be alternated one-by-one; instead a single species shall be grouped together to create a canopy effect.
 - (g) Branching height shall bear a relationship to the size and species of tree but shall have a minimum clearance height of seven feet above grade before branching begins.
5. Buffer Details – A landscaped buffer shall be provided in the last 10 feet of the setback area in accordance with the following:
- (a) A shrub mass of deciduous and/or evergreen species shall be planted within the required buffer area to provide for a visual and physical screen along the entire frontage. Shrubs within the buffer shall primarily include evergreen species, although deciduous plants may be used provided that their use does not result in significant visual openings during the winter season. This landscape mass shall be interspersed with the required ornamental and evergreen trees to provide for a natural, random and visually interesting plant scheme. The purpose of the buffer plantings is to define the corridor visually as a pedestrian way by providing scale and to lessen the impact of a harsh edge due to development.
 - (b) Location, placement and spacing of plant material shall conform to diagrams 1 and 2.
 - (c) Selection of plants species shall provide for a variety and mixture of landscaping. Varieties shall consider susceptibility to disease, shapes, seasonal display, textures, flowers, and foliage.
 - (d) The plant quantities constituting the buffer shall include:
 - (i) Shrubs averaging 25 per 100 linear feet of frontage.
 - (ii) Ornamental trees averaging two per 100 linear feet of frontage.
 - (iii) Evergreen trees averaging two per 100 linear feet of frontage.
 - (iv) Lawn or groundcover to complete the required 10-foot wide landscape buffer outside of the required shrub/tree planted area.
 - (e) Required plantings in the buffer area shall meet the minimum size requirements as follows:
 - (i) Shrubs: planted size is to be a minimum of 24 inches to 36 inches in height.
 - (ii) Ornamental trees: planted size is to be a minimum of five feet to six feet in height.
 - (iii) Evergreen trees: planted size is to be a minimum of five feet to six feet in height.
6. Grass Berm Details – Grass berms shall be provided in accordance with the following:
- (a) Berms shall be limited to the areas indicated in diagrams 1 and 2.
 - (b) Berms are to be both vertically and horizontally meandering to achieve a naturalistic landscape by de-emphasizing the linearity of the Route 9 corridor. Requirements for berm design are noted in diagrams 1 and 2. Berms are not to be continuous for the entire length of the frontage but shall allow for breaks as indicated in diagram 1. Berms are not to be terminated abruptly at the ends of the lot lines but are to transition to existing grade in a naturalistic fashion.
 - (c) Berm design shall not adversely affect natural drainage.
 - (d) Berms at driveway openings should conform to diagram 3.
7. Sidewalk Details – A continuous sidewalk shall be provided in accordance with the following:
- (a) The location and placement of a sidewalk shall conform to diagrams 1, 2 and 3 as applicable.
 - (b) Standard Township construction details for the sidewalk shall be utilized and shall be approved by the Township Engineer.
8. Driveway Crossing Details – The following elements and standards apply to all driveway crossings. Driveway crossing treatment is necessary to warn both pedestrians and motorists of each other's presence. Certain elements contained herein will provide visual cues to motorists that pedestrian crossing zones are nearby. The arrangement of the design elements is depicted in diagram 3. Additional elements and standards specific to the driveway crossings are set forth below.
- (a) Painted crosswalks shall be provided in accordance with the following:
 - (i) Location and placement of painted crosswalks shall conform to diagram 3.
 - (ii) Standard Township construction details for such striping shall be utilized and shall be approved by the Township Engineer. In the event that the Township has not adopted such standards, then generally accepted engineering standards, as set forth in engineering and construction manuals shall be used as approved by the Township Engineer.
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- (iii) Painted crosswalks shall be skid-resistant.
 - (b) Handicapped ramps shall be provided in accordance with the following:
 - (i) Location and placement of handicapped ramps shall conform to diagram 3.
 - (ii) All sidewalks shall taper down to meet grade at the intersection with a driveway. Ramps shall be provided in these areas to allow for full accessibility as per Americans with Disabilities Act (ADA) guidelines. Standard Township construction details for such ramps shall be utilized and approved by the Township Engineer. In the event that the Township has not adopted such standards, then generally accepted engineering standards, as set forth in engineering and construction manuals shall be used as approved by the Township Engineer.
 - (c) A raised median shall be provided if the driveway opening into the developed property exceeds two lanes and shall conform to the following:
 - (i) Median shall be placed at the centerline of all new driveways extending from the intersection with the Route 9 right-of-way to the 50 foot minimum setback line required for parking and/or interior drives into new developments.
 - (ii) Median shall be a four-foot wide brick paver island edged by a six-inch vertical granite block curb.
 - (iii) Brick shall be a four-inch by eight-inch rectangular shape and placed in a herringbone pattern. Brick color shall be a red/charcoal blend. A suitable alternative material, pattern and color may be substituted if approved by the planning board and Township Engineer, although some consistency should be maintained throughout the corridor.
 - (iv) The median shall allow for an opening at the crosswalk locations. Location and placement of crosswalks shall conform to diagram 3.
 - (d) Bollards shall be provided wherever the planning board determines that the expected volume of traffic accessing the site necessitates additional pedestrian safety features. The bollards shall be located where a sidewalk engages a driveway in accordance with diagram 3. Bollards shall conform to the following:
 - (i) Lighted bollards shall be located and placed to warn both pedestrians and motorists of each other's presence at the crosswalks. Lighted bollards will provide visual cues to motorists.
 - (ii) Lighted bollards shall be a minimum 36 inches in height with a 100-watt metal halide or high-pressure sodium lamp. Bollards should provide a minimum maintained illumination level of 0.5 footcandles in the crosswalk area.
9. Flower Pocket Details – The installation of flower pockets is optional. If they are installed they shall be provided in accordance with the following:
- (a) Location and placement of flower pockets shall conform to diagrams 1, 2 and 3.
 - (b) A minimum of 200 square feet of wildflowers and/or perennials constitutes one pocket. One pocket shall be provided per 100 linear feet of frontage with additional pockets provided at driveway crossings.
 - (c) Wildflowers, if used, are to be hardy and native regional mixtures. Mixture selection shall provide for a blend of species in approximate equal amounts. Mixtures shall include a variety of colors. The selection of mixtures should consider the existing soil conditions. The specific blend is subject to the approval of the Township Engineer or Landscape Architect. Wildflower pockets shall be mowed once a year. Mowing shall occur in the late fall while the wildflowers are dormant.
 - (d) Perennials shall be hardy and include either a mix of colors or single stands of one color. Perennials shall be approved by the Township Engineer or Landscape Architect.



CORRIDOR PLAN

Diagram 2



SECTION WITHIN CORRIDOR

10. General service and repair shops, including carpentry, cabinetmaking, furniture repair, plumbing, or similar shop.
11. Dental and medical laboratories.
12. Mortuaries or funeral homes.
13. Day-care center, preschool and day nursery school.
14. Veterinary hospital, provided that all animals are kept in a permanent enclosed structure
15. Non-profit clubs and lodge halls for civic and fraternal organizations.
16. Public, quasi-public and private schools and governmental buildings.
17. Nursing homes and assisted living facilities.
18. Fishing, boating and marine supply stores.
19. Churches and houses of worship.

(2) Permitted residential uses in the Highway Business Zoned portion of TC-2 Overlay:

1. Townhomes.
2. Multifamily Residential Buildings.
3. Multifamily Units Above Ground-level Retail (Mixed-Use)

(3) Permitted residential uses in RMF Zoned portion of TC-2 Overlay:

1. Single Family Residential Buildings
2. Two-Family Residential Buildings.
3. Townhomes (Attached Single Family)
4. Multifamily Residential Buildings.

b. Permitted Accessory Uses.

Accessory uses and structures are permitted that are customarily incidental and subordinate to, and located on the same lot as a principal permitted use.

c. Planned Commercial Development Sub-District.

That portion of the TC-2 Zone situated east of Route 9 is designated as a Planned Commercial Development Sub-District (PCD). The PCD shall be developed according to a plan as a single entity containing multiple structures with appurtenant common areas to accommodate primarily commercial uses with incidental residential uses.

d. Development Regulations West of Route 9.

1. Non-residential development shall conform to the following schedule of regulations.

**Table 1. Schedule of Height and Bulk
West of Route 9**

	HB	Proposed TC-2 Overlay – West of Route 9
Minimum lot area (sq. ft.)	15,000	1 acre; 3 acres multi bldgs;
Minimum lot frontage (ft.) <i>Property must front on Route 9</i>	150	200; 400 multi bldg.
Minimum front setback (ft.)	50	40; 50 from Route 9
Minimum rear setback (ft.)	40	30; not less than adjacent residential requirement
Minimum side setback (ft.)	15	20
Minimum both sides (ft.)	40	40
Minimum accessory building setbacks	10	10
Minimum floor area (sq. ft.)	700	7,500; 35,000 multi bldgs
Maximum lot coverage by buildings (%)	50	---
Maximum impervious coverage (%)	30%	70% Subject to the purchase of Development Credits for any development beyond 30% impervious surface coverage of the project site
Maximum Floor Area Ratio	---	.3 < 3 acres; .25 ≥ 3 acres
Maximum Residential Density	---	12 du/net acre* – Townhouse & Mixed Use 20 du/net acre* – Multifamily Total residential yield may be increased by two residential units for every deed-restricted affordable unit provided
Maximum structure height (ft.)	35	35

*Net acre shall mean gross acreage minus streets, driveways and land devoted exclusively to non residential uses on the same site

2. Residential Development shall conform to the following standards.

- (a) No multifamily residential structure shall contain neither fewer than four nor more than twelve 12 dwelling units, except that any building containing deed-restricted affordable units may contain up to 24 dwelling units.
- (b) A minimum of 10% of all dwelling units in any single project must be set aside and deed restricted as affordable units for occupancy by low or moderate income households.
- (c) Driveways for ingress and egress shall connect with other than minor streets wherever possible and shall have a pavement width of at least 40 feet except where they are within a parking area, in which case they shall be not less than 25 feet in width. There shall be not less than two exit-entrance roads to each garden apartment project. All driveways and street construction shall be in accordance with Article X. All projects for which a Major Site Plan approval is required must demonstrate that cross-access easements to connect interior roads and parking to adjacent previously developed sites are not feasible when proposing a new driveway cut directly on Route 9.
- (d) The minimum yard requirements of the Schedule apply to the entire tract, and no buildings shall be located within such yard areas. The minimum distance between buildings shall be 25 feet, except that no wall containing an entrance to a dwelling unit shall be closer than 50 feet to another wall of another structure or accessory building, measured perpendicular to the wall containing the entrance.
- (e) Parking areas may be located in any yard other than the required front yard, but not closer than 25 feet to any property line, and shall comply with all other requirements of the parking regulations applicable to all zones as provided in this chapter.
- (f) Courtyards bounded on three or more sides by the wings of the same building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot of height of the tallest building.
- (g) Every building shall have a minimum setback of 10 feet from all interior roads, driveways and parking areas.
- (h) Every development shall be provided with garbage and refuse storage and collection areas suitable for containerized collection, screened from view by a solid fence or block wall on three sides and located away from the fronts of buildings. Collection shall be the responsibility of the owner.
- (i) In addition to any storage area within individual dwelling units, 200 cubic feet of storage area for each dwelling unit shall be provided in a convenient, centrally located area in the building, where personal belongings and effects may be stored under lock and separate from the belongings and effects of other occupants.
- (j) Walls of a structure or parallel walls of adjacent structures shall not continue in the same plane for a length of more than 75 feet without an offset of at least four feet.
- (k) Each development shall provide a recreation area or areas at a standard of 1,000 square feet for each 12 dwelling units. Outdoor recreation equipment shall be installed in each recreation area in sufficient amount and variety to service the occupants of the development.
- (l) Laundry facilities may be located within structures for the use and convenience of residents of the project. Such facilities shall be appropriately controlled to preclude their use by nonresidents of the project.
- (m) Every dwelling unit shall have a minimum gross area in accordance with the following:
 - (1) One bedroom unit, 700 square feet.
 - (2) Two bedroom unit, 800 square feet.
 - (3) Three bedroom unit, 1,000 square feet
- (n) Entrances to residential buildings shall be clearly accentuated by architectural features and provide direct access to plazas or courtyards as opposed to parking areas.
- (o) Individual units shall be accessed through common internal lobbies or vestibules.
- (p) A pedestrian circulation plan shall be submitted as part of the site plan review process that demonstrates a safe and workable pedestrian system throughout the site with direct pedestrian access to Route 9.
- (q) Parking shall be no closer than 20 feet to a wall of a residential building. The 20 foot setback area shall contain a sidewalk and be suitably landscaped.

e. *Supplementary Standards West of Route 9.*

In addition to the area and bulk requirements in subsection d, the following requirements shall also be applied:

- 1. There shall be no parking or outside display or storage of materials or merchandise in a required front yard area.
- 2. When a written agreement is provided by adjoining property owners, no side yard is required between properties of separate ownership where two or more commercial uses abut side to side. A series of abutting structures paralleling a public right-of-way shall

provide an unobstructed passage of at least 30 feet in width at intervals of not more than 200 feet.

3. More than one principal structure is permitted on lots of three acres or more with a minimum frontage on Route 9 of 400 feet; and where access to Route 9 is controlled by a signalized intersection. The minimum distance between freestanding principal buildings on the same site is 40 feet.
4. As viewed from the street, buildings shall have at least 50% of the front façade located as close to the street line as is allowed in the schedule of area requirements.
5. A required rear yard that is adjacent to a residential zone shall be no less than the rear yard requirements in the adjacent residential zone.
6. Landscaped areas and sidewalks shall be provided along the highway edge in accordance with Section 38-45.m.
7. Whenever feasible, mass transit opportunities shall be enhanced through the incorporation of design features that accommodate bus and shuttle service such as shelters, street furniture, and pull-off lanes within reasonable proximity to major uses and destinations.

f. *Supplementary Parking Requirements.*

In addition to the requirements in Section 35-63, the following standards shall also be applied in the TC-2 Overlay Zone.

1. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve or on an adjacent lot in common ownership.
2. Shared parking arrangements among adjacent properties not under common ownership may be permitted if the owners demonstrate to the satisfaction of the Planning Board that the supply of parking spaces will be adequate to service the aggregate demand of the uses sharing the parking based on such factors as alternating peak hours; and that the shared arrangement will allow a reduction in impervious coverage of the site below the maximum permitted in the zone and will provide a more efficient circulation pattern including a reduction in curb cuts and access points on Route 9.
3. No parking space shall be closer than 10 feet to any building to allow for pedestrian circulation to and between stores.
4. In no case shall the number of parking spaces exceed the minimum requirements by more than 5%.

a. *PCD Standards*

The entire portion of the TC-2 Overlay Zone situated on the eastern side of Route 9 is designated a Planned Commercial Development.

1. Design Standards for PCD

The following design standards will be applied to all development in the PCD sub-district. Any elements not covered by these standards will be subject to other appropriate provisions of the Berkeley Land Development Ordinance.

A. General

- i. *Number of Principal Structures* – More than one principal structure is permitted in the PCD area as part of a comprehensive development plan.
- ii. *Parcel Size* – It is the intention of this plan to redevelop the area as a single parcel. In the event of a subdivision, however, no single redevelopment parcel will be less than 3 acres.
- iii. An exception to the minimum parcel size may be permitted to satisfy certain financing, ownership or management requirements provided that the PCD continues to function as one comprehensive unit including cross-access and maintenance agreements.
- iv. *Setbacks* – All principal and accessory structures in the PCD will conform to the setbacks listed in Table 2. No parking or loading facilities are permitted in these setback areas. All setback areas are to be suitably landscaped consistent with the project’s overall landscaping and open space plan. That portion of any required setback that is located along Route 9 shall be subject to the requirements of Section 38-45. m.

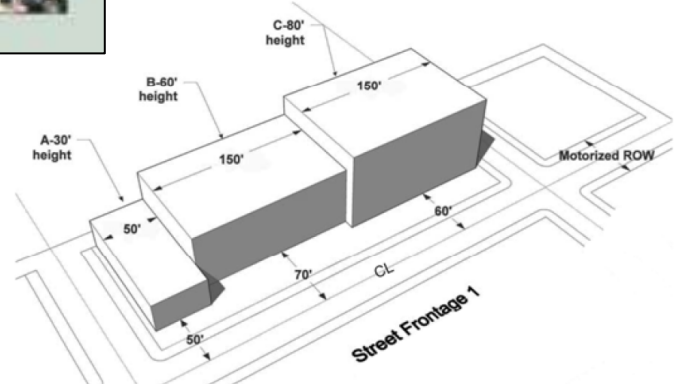
**Table 2
REQUIRED SETBACKS FOR ALL BUILDINGS
PLANNED COMMERCIAL DEVELOPMENT (PCD)
EAST OF ROUTE 9**

Minimum setback from:	
Adjoining residential property lines outside of the PCD	300 feet (commercial buildings) 100 feet (residential & mixed use buildings)
Adjoining commercial property lines outside of the PCD	20 feet
Route 9	50 feet

- v. Where there are no specific yard requirements, all structures will be arranged to provide adequate light and air, a safe and efficient pedestrian and vehicular circulation system, the maximum amount of open space, appropriate access for the maintenance of all structures, and a visually pleasing environment. The final layout of all structures in the PCD will be subject to the approval of the Township Planning Board during the site plan review process.
- vi. *Building Height* – The maximum height of all buildings in the PCD is 3 stories and 35 feet. The planning board may allow certain minimal exceptions for architectural ornamentation and rooftop mechanical equipment during the site plan review process if it can be demonstrated that the exception will contribute to the architectural theme of the development or is necessary for the safe and efficient operation of the building; and will not create a visual detriment to surrounding properties. All rooftop mechanical equipment must be screened from view.
- vii. The maximum building height is 35 feet with the exception of ornamentation such as skylights, clock towers, spires, cupolas and flagpoles, which may exceed the height of the building by up to 20%. Mechanical equipment required to operate and maintain the building, e.g. HVAC equipment, may also exceed the 35-foot maximum but must be screened from view to the greatest extent practicable.
- viii. The proportion and distribution of building heights may be varied by the Planning Board upon presentation of more detailed architectural plans for the various sections of the PCD that evidences a preferable design alternative such as articulating corners as illustrated below. An overall ratio of 1 foot of building height per 3 feet of street width on both sides of a street (or 1.5 feet of distance between building and street centerline on one side of a street) shall be maintained for 15% of all new building frontage (see Figure 2 below).



Figure 1: The ratio of building height to street width is the average taken along a block front. In the illustration below the average ratio is greater than 1:1.5 for one side of the block.



- ix. *Land Coverage* – Total impervious coverage should be kept to a minimum but in no case shall it exceed 30% of the total tract except that the impervious surface coverage may be increased beyond 30% with the purchase of Development Credits through the Berkeley Township Transfer of Development Rights Program per Article XX of the Land

Development Ordinance. The amount of additional impervious surface coverage permitted beyond 30% for each additional section of development shall be the minimum required for the buildings and associated parking for that section based upon the total number of Development Credits used in that section. The developer must show compliance with all applicable wetland, stream encroachment and storm water requirements and the requisite purchase of Development Credits or recorded easements documenting the transfer of Development Credits to the project site.

- x. *Maximum Residential Units* – The maximum density per net acre of lot area minus street and driveway area shall be 12 units per acre. No multifamily residential or mixed-use structure shall contain neither fewer than four nor more than twelve 12 dwelling units, except that any building containing deed-restricted affordable units may contain up to 24 dwelling units.
- xi. *Commercial Floor Area* – Total commercial space in the PCD shall not exceed the lesser of 200,000 square feet or 80% of the gross floor area, excluding any structured parking. No single store shall exceed 80,000 square feet of gross floor area.

B. Residential

- i. Residential buildings will be designed to provide architectural interest and residential character and avoid a monolithic box-like appearance. Pitched roofs are required and architectural embellishments such as dormers are encouraged. Windows should be provided in all building facades to avoid monotonous blank walls. The front of each building will be oriented toward a street or courtyard. Accessory buildings will be designed to complement the principal structures.
- ii. Town home blocks may vary from a minimum of three to a maximum of eight units. Front wall setbacks should vary to provide visual interest.
- iii. Active and passive recreational areas and other public and/or semi public open space, such as courtyards, plazas, and pedestrian walkways shall be designed and located to promote their use and enjoyment by residents of the development.
- iv. All townhouse units will be arranged to face a public street. Roofs should be either gable or hip; dormers are encouraged. Flat roofs are not permitted.

**Table 3
TOWNHOUSE BULK STANDARDS**

Minimum lot depth	100 feet
Minimum lot width	20 feet; 30 feet on corner lots
Minimum lot area	2,000 square feet
Minimum front yard	15 to 17 feet
Minimum rear yard	45 feet
Minimum side yard	0 interior; 5 feet on corners
Maximum building height	3 stories or 35 feet
Maximum impervious surfaces	60%

- v. Each townhouse will have a covered front porch defining the entry, which may be located within the required front yard. The entry porch should be at least four feet deep and about five feet wide. The porch roof must complement the roof style of the main structure.
- vi. Each townhouse will have a detached single car garage at the rear of the property. Garages will be accessed from a rear alley and be set back four feet from the alley. Under no circumstances are driveways, curb cuts or parking spaces permitted in the front yard. Garages are to be designed to complement the scale and style of the residential unit including elements such as siding, roof, windows and color.
- vii. The townhouse development will include a rear alley that will provide access to the garages and additional parking as well as for deliveries and garbage pickup. The alley and parking areas are to be restricted to townhouse residents and guests. The alley and parking areas are to be designed to discourage through traffic, accommodate safe pedestrian circulation and to minimize paved areas. All portions of the area not absolutely required for the alley or parking shall be landscaped.
- viii. The residential parking area must be separated from the adjoining commercial properties by a landscaped buffer area at least 10 feet wide.
- ix. Front yard fences and fences at corners will be no higher than three feet and be of an open type design such as vertical rails or pickets. Front porch railings and front yard fences should be of complementary materials and design details and painted to be compatible with the house. Fences separating properties will be no higher than five

feet and may be solid in design. Fences along the alley cart way shall be no taller than three feet high if solid or five feet if open to maintain a pleasant pedestrian environment along the alley. Chain link fences are prohibited in all cases. Hedges are to be maintained at the same height as fences.

C. Commercial

- i. Stand-alone retail buildings shall be designed so that front facades have architectural breaks resembling individual storefronts. Building heights will range from 1 to 2 stories. Street level facades must contain storefront windows covering at least 50% of the surface area.
- ii. All buildings are required to have entrances accessed directly from a sidewalk or plaza. Upper floors are to be provided with separate exterior entrances unless a large common lobby or atrium is provided. Sidewalks should extend from the building façade to the curb (with appropriate accommodations for street trees) for the purpose of facilitating pedestrian movement and creating opportunities for outdoor eating and shopping areas, and street furniture.
- iii. First floor facades in commercial buildings shall have large, clear storefront glass areas (50 to 70%) to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single pane or multiple smaller panes separated by mullions. All facades shall provide an appropriately sized glass area coupled with interesting architectural details to avoid long blank walls, which are discouraged.
- iv. In a multi-tenant building, each shop will have its own shop front. The shop fronts may either have identical designs to reinforce the building design or varied designs to express the different businesses. A shop front shall be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.
- v. Buildings may have awnings or canopies, where appropriate, to complement the architectural style of a building. The design of awnings and canopies will be architecturally compatible with the style, materials, colors and details of such buildings and should not conceal significant architectural features, such as cornices, columns, pilasters or other trim details. Internally illuminated or backlit awnings and canopies are prohibited.
- vi. All ground-level awnings and canopies shall comply with the following standards:
 - (a) The maximum height from ground level to uppermost portion of an awning or canopy will not exceed the height of the sill or bottom of any second story window or 15 feet whichever is less. In the case of single-story buildings, the maximum height will not exceed 12 feet or the top of the wall whichever is less.
 - (b) The minimum height from ground level to lowermost portion of awning or canopy will be eight feet.
 - (c) The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, will not exceed six feet from the building face. Awnings may project over a public sidewalk but will not be closer than two feet of the vertical plane of the curb edge or the edge of any other public right-of-way.
 - (d) The maximum total vertical dimension of an awning will not exceed the total horizontal projection dimension.
 - (e) An awning's surfacing material will be constructed of canvas, cloth or vinyl.
 - (f) No awning will contain more than two colors plus white. The color of any sign messages or other graphic features will be included in the number of colors. The colors must be compatible with the architectural color scheme of the entire building.
 - (g) On buildings with multiple storefronts, compatible awning and canopy frame styles will be used as a means of unifying the structure.
 - (h) A business at street level may include identification signage on a canopy or awning subject to the following restrictions:
 - h.1 The sign will only be located on the front portion of the awning commonly known as the "valance." If a valance is not provided, the sign graphics will be restricted to the lowest 14 inches of the awning parallel to the building wall face.
 - h.2 An awning sign will be professionally sewn or painted.
 - h.3 The maximum height of letters, individual numbers or other characters or images on the awning will not exceed 12 inches.
 - h.4 No single awning will contain sign messages for more than two business establishments.

D. Public Plazas and Green Space

- i. Any portion of the PCD that is not absolutely required for buildings or parking shall be devoted to public plazas and green space. These areas shall be designed to provide:
 - (a) amenities to the residents of the PCD (which may include low intensity open air recreation activities),
 - (b) a lively human-scale street environment for shoppers,
 - (c) protection for environmentally sensitive features,
 - (d) mitigation of “heat island” effects (shading of 50% paved areas or use of highly reflective materials per LEED-NC rating system),
 - (e) a workable pedestrian and bicycle circulation system,
 - (f) appropriate visual and noise buffers, and
 - (g) a soft transition between the PCD and neighboring residential uses.
- ii. To ensure that the overall plan for the PCD promotes and encourages a suitable environment devoted to civic spaces and open space, not less than 25% of the entire PCD shall be either restored open space or usable small public parks or plazas situated in accordance with an approved Concept Plan. To that end, landscaped areas such as parking islands, roadway medians, and planting strips shall not be counted towards the open space requirement. However, stormwater management features, such as retention ponds, stormwater detention areas, rain gardens (bio-retention basins) and the equivalent that are designed to create or supplement landscaped buffers, open space areas or wildlife habitat and are reasonably accessible to the public may be counted toward the minimum open space requirements. Rain gardens of 2,500 square feet or greater that are incorporated into parking lots as a component of stormwater management and which are designed into the pedestrian circulation system with a sitting area adjacent to the rain garden/bio-retention basin and accessible from the walkway may be included in the open space counted towards the 25% requirement.



Figure 2: Concept Design for Rain Garden eligible for inclusion in required open space

E. Additional Sustainable Design Requirements

- i. Appropriate design features will be incorporated to accommodate potential bus or shuttle service at appropriate locations within each Planned Development. Features may include such elements as shelters, street furniture, information kiosks and pull-off lanes located within reasonable proximity to major uses, not to exceed 1,250 feet walking distance. For purposes of establishing a consistent design vocabulary for Town Center 2 and the PCD, as well as the Town Center and Corridor Nodes, all new bus shelters and kiosks should be equivalent in design and appearance as is shown below:



Figure 3: Bus Shelter (Duo-gardTM)



Figure 4: Kiosk (Maglin MLK103 w accessory roof)

- ii. Public rights-of-way will be designed to meet all local, state and federal standards. Final determination as to the acceptance of streets within the Planned Development by the Township as public streets shall be made by the Township Council. All pedestrian

crossings will utilize materials and colors to readily distinguish vehicular from pedestrian travel ways. All streets, public or private, fronted by buildings with primary access points should be planted with street trees at an average spacing of 30 to 40 feet consistent with the project's overall landscaping and open space plan. Light foliaged trees (Ginko, Honey Locust, Ash, etc) are encouraged in front of commercial uses to increase visibility of signage.

- iii. All rooftop mechanical equipment and other appurtenances visible from 6 feet above grade within 100 feet of the building shall be concealed by or integrated within the roof form and screened from the view of all adjoining properties and building floors or nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment
- iv. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, architectural grills, landscaping, or other approved measures.
- v. Solid security gates or solid roll-down metal windows shall not be permitted. Link or grill-type security devices shall be permitted only if installed from the inside, within the window or door frame. Security grills shall be recessed or concealed during normal business hours.
- vi. Front yard fences shall be permitted at a height not to exceed three feet and shall be less than 60% solid.
- vii. The developer will prepare a landscaping and open space plan for review by the Planning Board. The plan will be prepared by a licensed landscape architect and specifically address and demonstrate how each of the above objectives is achieved. These performance standards take the place of any landscaping or buffer requirements currently in the Berkeley ordinances.

F. Parking, Loading and Bicycle Storage Facilities

- i. Parking for residential uses will be provided in conformance with the New Jersey Residential Site Improvement Standards.
- ii. Whenever possible, surface parking should be located to the side or rear of the building. Parking areas are prohibited between the street right-of-way and the front façade of a building, provided that a regional retail use (department store, supermarket, wholesale club, warehouse retail) may have parking located adjacent to the main public entrance and exit provided that such parking is designed so as not to discourage pedestrian access to the use from other areas of the PCD.
- iii. Where individual garages are provided for townhouse units they will be accessed from the rear of the unit. Front-loaded garages are prohibited to prevent cars from being the dominant feature of the development and from interrupting the pedestrian-way. Where common garages are provided for either townhouses or multifamily buildings, they will be located and designed to be minimally visible from the street. Guest parking for townhouse and multifamily buildings may be provided on-street and in parking areas for nonresidential uses that are not active in the evenings or on weekends.
- iv. Surface lots shall be extensively landscaped or designed with a combination of interior and perimeter landscape treatments that mitigate against the adverse visual impact, heat island effect and the generation of stormwater runoff. Tree islands are recommended at the ends of each aisle and interspersed within aisles to provide visual relief from long expanses of parking and to guide circulation. All commercial parking areas shall be broken up into sections separated by landscaped islands wide enough to incorporate a pedestrian walkway flanked by five foot minimum planting strips to support medium sized shade trees or ornamental trees. The pedestrian walkways shall be designed into the overall pedestrian and bicycle circulation system within the Town Center.
- v. To connect parking lots to destination points, internal pedestrian pathways will be included to protect pedestrians from vehicles and to connect the parking lot to adjoining streets and commercial and residential properties. Pathways will contain consistent design and landscaping elements, which relate to the overall design of the project. The materials and colors used for the pedestrian paths will distinguish vehicular travel ways from pathways designed for pedestrian use.
- vi. Loading and service areas will be designed, located and arranged to be of appropriate size for the intended use; so as not to interfere with vehicular or pedestrian circulation; and to be screened from public view.
- vii. Service and loading areas must be located to the side or rear of buildings unless a more appropriate location is approved by the Planning Board. Loading docks shall not be

located along primary street frontages. Screening and landscaping shall be provided to minimize direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences, and landscaping. Screening shall be a minimum of six feet high and shall be visually impervious. Recesses in the building, or depressed access ramps, may be used.

- viii. Shared refuse storage facilities shall be utilized where available and practical. The storage of refuse shall be provided inside building(s) or within an outdoor area in the rear of the property, screened around the perimeter by a roofed wood enclosure; or by brick walls with a minimum height of seven feet with a gate or door. Such a wall shall be capped on the top.
- ix. No delivery, loading, trash removal or compaction, or other such operations shall be permitted in areas of the site located within 500 feet of an off-tract residential use between the hours of 9:00 p.m. and 6:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level compliant with Township noise ordinances, as measured at the lot line of any adjoining property.
- x. Provide at least one secured, enclosed bicycle storage space for 30% of planned residential occupancy of multifamily residential units (excluding townhouses with garages), but not less than one space per multifamily residential unit.
- xi. Bike racks shall be provided at a rate of 1 multi-loop bike rack per every 20 parking spaces for nonresidential uses within the PCD, but not less than the greater of one bicycle space per business or four bicycle spaces per project site for retail or four bicycle spaces per building for non-retail, nonresidential uses.
- xii. Provide at least one secured enclosed bicycle storage space per worker for 10% of the worker planned occupancy for nonresidential uses with a changing room and shower for 100 or more workers of planned occupancy and an additional changing room and shower for each additional 150 workers of planned occupancy thereafter.

G. Pedestrian crossings

- i. Safe provisions for pedestrian access to and through a parking lot shall be required, including striping, enhanced pavement markings, traffic calming features and sufficient lighting in accordance with Township standards.
- ii. All pedestrian crossings will utilize materials and colors to readily distinguish vehicular from pedestrian travel ways. In keeping with the Master Plan policies for the Route 9 corridor, the highway edge will focus on landscaping and quality architecture as opposed to parking lots and blank walls. Appropriate landscaped areas should be provided along the highway edge that include provisions for walkways, bike paths, plantings, and shade trees in accordance with Section 38-45.m.

Section 6:

CORRIDOR NODE OVERLAY - District Regulations

35-106.7 Add new Corridor Node (CN) Overlay Zone Regulations.

- a. *Permitted Uses.*
 - (1) Permitted uses in Highway Business Zoned portion of CN Overlay:
 - 1. All uses permitted in TC-2 (35-106.1-a)
 - 2. Townhomes.
 - 3. Multifamily Residential Buildings.
 - 4. Multifamily Units Above Ground-level Retail (Mixed-Use)
 - 5. Planned Unit Development in CN-C, inclusive of single family detached residential and all uses permitted in 1-4 above, on tracts of 10 acres or greater
- b. *Permitted Accessory Uses.*
Accessory uses and structures are permitted that are customarily incidental and subordinate to, and located on the same lot as a principal permitted use.
- c. *Development Standards.*
 - (1) Non-residential development shall conform to the following schedule of regulations.

Table 1. Schedule of Height and Bulk

	Proposed CN Overlay –
Minimum lot area (sq. ft.)	1 acre; 3 acres multi bldgs;

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Minimum lot frontage (ft.) <i>Property must front on Route 9</i>	200; 400 multi bldg.
Minimum front setback (ft.)	40; 50 from Route 9
Minimum rear setback (ft.)	30; not less than adjacent residential requirement
Minimum side setback (ft.)	20
Minimum both sides (ft.)	40
Minimum accessory building setbacks	10
Minimum floor area (sq. ft.)	7,500; 35,000 multi bldgs
Maximum lot coverage by buildings (%)	---
Maximum impervious coverage (%)	30% Subject to the purchase of Development Credits for any development beyond 30% impervious surface coverage of the project site
Maximum Floor Area Ratio	.3 < 3 acres; .25 ≥ 3 acres
Maximum Residential Density	8 du/net acre* – Townhouse & Mixed Use (CN-A & B) 12 du/net acre* – Townhouse & Mixed Use in CN-C with purchase of TDR Credits 20 du/net acre* - Multifamily (CN-A & B) 25 du/net acre* - Multifamily in CN-C with purchase of TDR Credits <i>Total residential yield may be increased by two residential units for every deed-restricted affordable unit provided</i>
Maximum structure height (ft.)	35

*Net acre shall mean gross acreage minus streets, driveways and land devoted exclusively to non residential uses on the same site

(2) Residential Development shall conform to the following standards.

- (a) No multifamily residential structure shall contain neither fewer than four nor more than twelve 12 dwelling units, except that any building containing deed-restricted affordable units may contain up to 24 dwelling units.
- (b) A minimum of 10% of all dwelling units in any single project must be set aside and deed restricted as affordable units for occupancy by low or moderate income households.
- (c) Driveways for ingress and egress shall connect with other than minor streets wherever possible and shall have a pavement width of at least 40 feet except where they are within a parking area, in which case they shall be not less than 25 feet in width. There shall be not less than two exit-entrance roads to each garden apartment project. All driveways and street construction shall be in accordance with Article X. All projects for which a Major Site Plan approval is required must demonstrate that cross-access easements to connect interior roads and parking to adjacent previously developed sites are not feasible when proposing a new driveway cut directly on Route 9.
- (d) The minimum yard requirements of the Schedule apply to the entire tract, and no buildings shall be located within such yard areas. The minimum distance between buildings shall be 25 feet, except that no wall containing an entrance to a dwelling unit shall be closer than 50 feet to another wall of another structure or accessory building, measured perpendicular to the wall containing the entrance.
- (e) Parking areas may be located in any yard other than the required front yard, but not closer than 25 feet to any property line, and shall comply with all other requirements of the parking regulations applicable to all zones as provided in this chapter.
- (f) Courtyards bounded on three or more sides by the wings of the same building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot of height of the tallest building.
- (g) Every building shall have a minimum setback of 10 feet from all interior roads, driveways and parking areas.
- (h) Every development shall be provided with garbage and refuse storage and collection areas suitable for containerized collection, screened from view by a solid fence or block wall on three sides and located away from the fronts of buildings. Collection shall be the responsibility of the owner.
- (i) In addition to any storage area within individual dwelling units, 200 cubic feet of storage area for each dwelling unit shall be provided in a convenient, centrally located area in the building, where personal belongings and effects may be stored under lock and separate from the belongings and effects of other occupants.
- (j) Walls of a structure or parallel walls of adjacent structures shall not continue in the same plane for a length of more than 75 feet without an offset of at least four feet.
- (k) Each development shall provide a recreation area or areas at a standard of 1,000 square feet for each 12 dwelling units. Outdoor recreation equipment shall be installed in each recreation area in sufficient amount and variety to service the occupants of the development.
- (l) Laundry facilities may be located within structures for the use and convenience of residents of the project. Such facilities shall be appropriately controlled to preclude their use by nonresidents of the project.

-
- (m) Every dwelling unit shall have a minimum gross area in accordance with the following:
 - (1) One bedroom unit, 700 square feet.
 - (2) Two bedroom unit, 800 square feet.
 - (3) Three bedroom unit, 1,000 square feet
 - (r) Entrances to residential buildings shall be clearly accentuated by architectural features and provide direct access to plazas or courtyards as opposed to parking areas.
 - (s) Individual units shall be accessed through common internal lobbies or vestibules.
 - (t) A pedestrian circulation plan shall be submitted as part of the site plan review process that demonstrates a safe and workable pedestrian system throughout the site with direct pedestrian access to Route 9.
 - (u) Parking shall be no closer than 20 feet to a wall of a residential building. The 20 foot setback area shall contain a sidewalk and be suitably landscaped.

d. *Supplementary Standards – Nonresidential Uses.*

In addition to the area and bulk requirements in subsection c above, the following requirements shall also be applied:

1. There shall be no parking or outside display or storage of materials or merchandise in a required front yard area.
2. When a written agreement is provided by adjoining property owners, no side yard is required between properties of separate ownership where two or more commercial uses abut side to side. A series of abutting structures paralleling a public right-of-way shall provide an unobstructed passage of at least 30 feet in width at intervals of not more than 200 feet.
3. More than one principal structure is permitted on lots of three acres or more with a minimum frontage on Route 9 of 400 feet; and where access to Route 9 is controlled by a signalized intersection. The minimum distance between freestanding principal buildings on the same site is 40 feet.
4. As viewed from the street, buildings shall have at least 50% of the front façade located as close to the street line as is allowed in the schedule of area requirements.
5. A required rear yard that is adjacent to a residential zone shall be no less than the rear yard requirements in the adjacent residential zone.
6. Landscaped areas and sidewalks shall be provided along the highway edge in accordance with Section 38-45.m.
7. Whenever feasible, mass transit opportunities shall be enhanced through the incorporation of design features that accommodate bus and shuttle service such as shelters, street furniture, and pull-off lanes within reasonable proximity to major uses and destinations.

e. *Supplementary Parking Requirements.*

In addition to the requirements in Section 35-63, the following standards shall also be applied in the CN Overlay Zones:

1. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve or on an adjacent lot in common ownership.
2. Shared parking arrangements among adjacent properties not under common ownership may be permitted if the owners demonstrate to the satisfaction of the Planning Board that the supply of parking spaces will be adequate to service the aggregate demand of the uses sharing the parking based on such factors as alternating peak hours; and that the shared arrangement will allow a reduction in impervious coverage of the site below the maximum permitted in the zone and will provide a more efficient circulation pattern including a reduction in curb cuts and access points on Route 9.
3. No parking space shall be closer than 10 feet to any building to allow for pedestrian circulation to and between stores.
4. In no case shall the number of parking spaces exceed the minimum requirements by more than 5%.

f. *Planned Unit Development (PUD) Standards*

Planned Unit Developments in CN-C shall be developed in accordance with the following standards:

1. Design Standards for PUD

The following design standards will be applied to all development in a PUD within CN-C. Any elements not covered by these standards will be subject to other appropriate provisions of the Berkeley Land Development Ordinance.

A. General

- i. *Number of Principal Structures* – More than one principal structure is permitted in the PUD as part of a comprehensive development plan.
- ii. *Minimum Tract Size* – 10 acres.
- iii. *Subdivisions* - Individual lots may be subdivided within a PUD tract to satisfy certain financing, ownership or management requirements provided that the PUD continues to function as one comprehensive unit including cross-access and maintenance agreements.
- iv. *Setbacks* – All principal and accessory structures in the PUD will conform to the setbacks listed in Table 2. No parking or loading facilities are permitted in these setback areas. All setback areas are to be suitably landscaped consistent with the project’s overall landscaping and open space plan. That portion of any required setback that is located along Route 9 shall be subject to the requirements of Section 38-45. m.

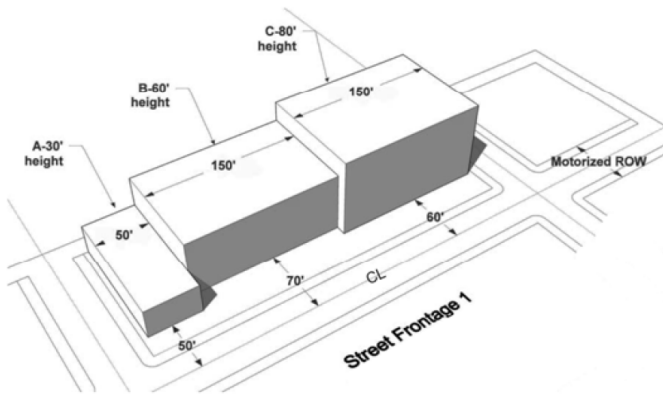
Table 2
REQUIRED SETBACKS FOR ALL BUILDINGS
PLANNED UNIT DEVELOPMENT (PUD) IN CN-C

<i>Minimum setback from:</i>	
Adjoining residential property lines outside of the PUD	300 feet (commercial buildings) 100 feet (residential & mixed use buildings)
Adjoining commercial property lines outside of the PUD	20 feet
Route 9	50 feet

- v. Where there are no specific yard requirements, all structures will be arranged to provide adequate light and air, a safe and efficient pedestrian and vehicular circulation system, the maximum amount of open space, appropriate access for the maintenance of all structures, and a visually pleasing environment. The final layout of all structures in the PUD will be subject to the approval of the Township Planning Board during the site plan review process.
- vi. *Building Height* – The maximum height of all buildings in the PUD is 3 stories and 35 feet. The planning board may allow certain minimal exceptions for architectural ornamentation and rooftop mechanical equipment during the site plan review process if it can be demonstrated that the exception will contribute to the architectural theme of the development or is necessary for the safe and efficient operation of the building; and will not create a visual detriment to surrounding properties. All rooftop mechanical equipment must be screened from view.
- vii. The maximum building height is 35 feet with the exception of ornamentation such as skylights, clock towers, spires, cupolas and flagpoles, which may exceed the height of the building by up to 20%. Mechanical equipment required to operate and maintain the building, e.g. HVAC equipment, may also exceed the 35-foot maximum but must be screened from view to the greatest extent practicable.
- viii. The proportion and distribution of building heights may be varied by the Planning Board upon presentation of more detailed architectural plans for the various sections of the PUD that evidences a preferable design alternative such as articulating corners as illustrated below. An overall ratio of 1 foot of building height per 3 feet of street width on both sides of a street (or 1.5 feet of distance between building and street centerline on one side of a street) shall be maintained for 15% of all new building frontage (see Figure 2 below).



Figure 1: The ratio of building height to street width is the average taken along a block front. In the illustration below the average ratio is greater than 1:1.5 for one side of the block.



ix. *Land Coverage* – Total impervious coverage within a PUD should be kept to a minimum but in no case shall it exceed 30% of the total tract. The impervious surface coverage may be increased beyond 30% in one or more Sections of the PUD, identified in the comprehensive development plan, with the purchase of Development

Credits through the Berkeley Township Transfer of Development Rights Program per Article XX of the Land Development Ordinance. The amount of additional impervious surface coverage permitted beyond 30% for such Sections of the PUD shall be the minimum required for the buildings and associated parking for that Section based upon the total number of Development Credits used in that Section. The developer must show compliance with all applicable wetland, stream encroachment and storm water requirements and the requisite purchase of Development Credits or recorded easements documenting the transfer of Development Credits to the project site.

- x. *Maximum Residential Units* – The maximum density per net acre of lot area minus street and driveway area shall comply with Table 1 herein. No multifamily residential or mixed-use structure shall contain neither fewer than four nor more than twelve 12 dwelling units, except that any building containing deed-restricted affordable units may contain up to 24 dwelling units.
- xi. *Commercial Floor Area* – Total commercial space in the PUD shall not exceed the lesser of 200,000 square feet or 80% of the gross floor area, excluding any structured parking. No single store shall exceed 80,000 square feet of gross floor area.

B. Residential

- i. Residential buildings will be designed to provide architectural interest and residential character and avoid a monolithic box-like appearance. Pitched roofs are required and architectural embellishments such as dormers are encouraged. Windows should be provided in all building facades to avoid monotonous blank walls. The front of each building will be oriented toward a street or courtyard. Accessory buildings will be designed to complement the principal structures.
- ii. Town home blocks may vary from a minimum of three to a maximum of eight units. Front wall setbacks should vary to provide visual interest.
- iii. Active and passive recreational areas and other public and/or semi public open space, such as courtyards, plazas, and pedestrian walkways shall be designed and located to promote their use and enjoyment by residents of the development.
- iv. All townhouse units will be arranged to face a public street. Roofs should be either gable or hip; dormers are encouraged. Flat roofs are not permitted.

**Table 3
TOWNHOUSE BULK STANDARDS**

Minimum lot depth	100 feet
Minimum lot width	20 feet; 30 feet on corner lots
Minimum lot area	2,000 square feet
Minimum front yard	15 to 17 feet
Minimum rear yard	45 feet
Minimum side yard	0 interior; 5 feet on corners
Maximum building height	3 stories or 35 feet
Maximum townhouse lot coverage by impervious surfaces	60%

- v. Each townhouse will have a covered front porch defining the entry, which may be located within the required front yard. The entry porch should be at least four feet

deep and about five feet wide. The porch roof must complement the roof style of the main structure.

- vi. Each townhouse will have a detached single car garage at the rear of the property. Garages will be accessed from a rear alley and be set back four feet from the alley. Under no circumstances are driveways, curb cuts or parking spaces permitted in the front yard. Garages are to be designed to complement the scale and style of the residential unit including elements such as siding, roof, windows and color.
- vii. The townhouse development will include a rear alley that will provide access to the garages and additional parking as well as for deliveries and garbage pickup. The alley and parking areas are to be restricted to townhouse residents and guests. The alley and parking areas are to be designed to discourage through traffic, accommodate safe pedestrian circulation and to minimize paved areas. All portions of the area not absolutely required for the alley or parking shall be landscaped.
- viii. The residential parking area must be separated from the adjoining commercial properties by a landscaped buffer area at least 10 feet wide.
- ix. Front yard fences and fences at corners will be no higher than three feet and be of an open type design such as vertical rails or pickets. Front porch railings and front yard fences should be of complementary materials and design details and painted to be compatible with the house. Fences separating properties will be no higher than five feet and may be solid in design. Fences along the alley cart way shall be no taller than three feet high if solid or five feet if open to maintain a pleasant pedestrian environment along the alley. Chain link fences are prohibited in all cases. Hedges are to be maintained at the same height as fences.

C. Commercial

- i. Stand-alone retail buildings shall be designed so that front facades have architectural breaks resembling individual storefronts. Building heights will range from 1 to 2 stories. Street level facades must contain storefront windows covering at least 50% of the surface area.
- ii. All buildings are required to have entrances accessed directly from a sidewalk or plaza. Upper floors are to be provided with separate exterior entrances unless a large common lobby or atrium is provided. Sidewalks should extend from the building façade to the curb (with appropriate accommodations for street trees) for the purpose of facilitating pedestrian movement and creating opportunities for outdoor eating and shopping areas, and street furniture.
- iii. First floor facades in commercial buildings shall have large, clear storefront glass areas (50 to 70%) to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single pane or multiple smaller panes separated by mullions. All facades shall provide an appropriately sized glass area coupled with interesting architectural details to avoid long blank walls, which are discouraged.
- iv. In a multi-tenant building, each shop will have its own shop front. The shop fronts may either have identical designs to reinforce the building design or varied designs to express the different businesses. A shop front shall be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.
- v. Buildings may have awnings or canopies, where appropriate, to complement the architectural style of a building. The design of awnings and canopies will be architecturally compatible with the style, materials, colors and details of such buildings and should not conceal significant architectural features, such as cornices, columns, pilasters or other trim details. Internally illuminated or backlit awnings and canopies are prohibited.
- vi. All ground-level awnings and canopies shall comply with the following standards:
 - (a) The maximum height from ground level to uppermost portion of an awning or canopy will not exceed the height of the sill or bottom of any second story window or 15 feet whichever is less. In the case of single-story buildings, the maximum height will not exceed 12 feet or the top of the wall whichever is less.
 - (b) The minimum height from ground level to lowermost portion of awning or canopy will be eight feet.
 - (c) The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, will not exceed six feet from the building face. Awnings may project over a public sidewalk but will not be closer than two feet of the vertical plane of the curb edge or the edge of any other public right-of-way.

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- (d) The maximum total vertical dimension of an awning will not exceed the total horizontal projection dimension.
 - (e) An awning's surfacing material will be constructed of canvas, cloth or vinyl.
 - (f) No awning will contain more than two colors plus white. The color of any sign messages or other graphic features will be included in the number of colors. The colors must be compatible with the architectural color scheme of the entire building.
 - (g) On buildings with multiple storefronts, compatible awning and canopy frame styles will be used as a means of unifying the structure.
 - (h) A business at street level may include identification signage on a canopy or awning subject to the following restrictions:
 - h.1 The sign will only be located on the front portion of the awning commonly known as the "valance." If a valance is not provided, the sign graphics will be restricted to the lowest 14 inches of the awning parallel to the building wall face.
 - h.2 An awning sign will be professionally sewn or painted.
 - h.3 The maximum height of letters, individual numbers or other characters or images on the awning will not exceed 12 inches.
 - h.4 No single awning will contain sign messages for more than two business establishments.

D. Public Plazas and Green Space

- i. Any portion of the PUD that is not absolutely required for buildings or parking shall be devoted to public plazas and green space and 90% of the building frontages with public entrances shall front on streets (not parking lots) or plaza/green spaces with such plazas/green spaces being at least 50 feet in width perpendicular to the building entrances (per LEED-ND NPD prereq 1). These areas shall be designed to provide:
 - (h) amenities to the residents of the PUD (which may include low intensity open air recreation activities),
 - (i) a lively human-scale street environment for shoppers,
 - (j) protection for environmentally sensitive features,
 - (k) mitigation of "heat island" effects (shading of 50% paved areas or use of highly reflective materials per LEED-NC rating system),
 - (l) a workable pedestrian and bicycle circulation system,
 - (m) appropriate visual and noise buffers, and
 - (n) a soft transition between the PUD and neighboring residential uses.
- ii. To ensure that the overall plan for the PUD promotes and encourages a suitable environment devoted to civic spaces and open space, not less than 25% of the entire PUD shall be either restored open space or usable small public parks or plazas situated in accordance with an approved Concept Plan. To that end, landscaped areas such as parking islands, roadway medians, and planting strips shall not be counted towards the open space requirement. However, stormwater management features, such as retention ponds, stormwater detention areas, rain gardens (bio-retention basins) and the equivalent that are designed to create or supplement landscaped buffers, open space areas or wildlife habitat and are reasonably accessible to the public may be counted toward the minimum open space requirements. Rain gardens of 2,500 square feet or greater that are incorporated into parking lots as a component of stormwater management and which are designed into the pedestrian circulation system with a sitting area adjacent to the rain garden/bio-retention basin and accessible from the walkway may be included in the open space counted towards the 25% requirement.



Figure 3: Concept Design for Rain Garden eligible for inclusion in required open space

E. Additional Sustainable Design Requirements

- i. Appropriate design features will be incorporated to accommodate potential bus or shuttle service at appropriate locations within each Planned Development. Features may include such elements as shelters, street furniture, information kiosks and pull-off lanes located within reasonable proximity to major uses, not to exceed 1,250 feet walking distance. For purposes of establishing a consistent design vocabulary for Town Center 2 and the PCD, as well as the Town Center and Corridor Nodes, all new bus shelters and kiosks should be equivalent in design and appearance as is shown below:



Figure 4: Bus Shelter (Duo-gardTM)



Figure 5: Kiosk (Maglin MLK103 w accessory roof)

- ii. Public rights-of-way will be designed to meet all local, state and federal standards. Final determination as to the acceptance of streets within the Planned Development by the Township as public streets shall be made by the Township Council. All pedestrian crossings will utilize materials and colors to readily distinguish vehicular from pedestrian travel ways. All streets, public or private, fronted by buildings with primary access points should be planted with street trees at an average spacing of 30 to 40 feet consistent with the project's overall landscaping and open space plan. Light foliated trees (Ginko, Honey Locust, Ash, etc) are encouraged in front of commercial uses to increase visibility of signage.
- iii. All rooftop mechanical equipment and other appurtenances visible from 6 feet above grade within 100 feet of the building shall be concealed by or integrated within the roof form and screened from the view of all adjoining properties and building floors or nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment
- iv. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, architectural grills, landscaping, or other approved measures.
- v. Solid security gates or solid roll-down metal windows shall not be permitted. Link or grill-type security devices shall be permitted only if installed from the inside, within the window or door frame. Security grills shall be recessed or concealed during normal business hours.
- vi. Front yard fences shall be permitted at a height not to exceed three feet and shall be less than 60% solid.
- vii. The developer will prepare a landscaping and open space plan for review by the Planning Board. The plan will be prepared by a licensed landscape architect and specifically address and demonstrate how each of the above objectives is achieved. These performance standards take the place of any landscaping or buffer requirements currently in the Berkeley ordinances.

F. Parking, Loading and Bicycle Storage Facilities

- i. Parking for residential uses will be provided in conformance with the New Jersey Residential Site Improvement Standards.
- ii. Whenever possible, surface parking should be located to the side or rear of the building. Parking areas are prohibited between the street right-of-way and the front façade of a building, provided that a regional retail use (department store, supermarket, wholesale club, warehouse retail) may have parking located adjacent to the main public entrance and exit provided that such parking is designed so as not to discourage pedestrian access to the use from other areas of the PUD.
- iii. Where individual garages are provided for townhouse units they will be accessed from the rear of the unit. Front-loaded garages are prohibited to prevent cars from being the dominant feature of the development and from interrupting the pedestrian-way. Where common garages are provided for either townhouses or multifamily buildings, they will be located and designed to be minimally visible from the street. Guest parking for townhouse and multifamily buildings may be provided on-street and in parking areas for nonresidential uses that are not active in the evenings or on weekends.
- iv. Surface lots shall be extensively landscaped or designed with a combination of interior and perimeter landscape treatments that mitigate against the adverse visual impact, heat island effect and the generation of stormwater runoff. Tree islands are recommended at the ends of each aisle and interspersed within aisles to provide visual relief from long expanses of parking and to guide circulation. All commercial parking areas shall be broken up into sections separated by landscaped islands wide enough to incorporate a pedestrian walkway flanked by five foot minimum planting strips to support medium sized shade trees or ornamental trees. The pedestrian walkways shall be designed into the overall pedestrian and bicycle circulation system within the Town Center.
- v. To connect parking lots to destination points, internal pedestrian pathways will be included to protect pedestrians from vehicles and to connect the parking lot to adjoining streets and commercial and residential properties. Pathways will contain consistent design and landscaping elements, which relate to the overall design of the project. The materials and colors used for the pedestrian paths will distinguish vehicular travel ways from pathways designed for pedestrian use.
- vi. Loading and service areas will be designed, located and arranged to be of appropriate size for the intended use; so as not to interfere with vehicular or pedestrian circulation; and to be screened from public view.
- vii. Service and loading areas must be located to the side or rear of buildings unless a more appropriate location is approved by the Planning Board. Loading docks shall not be located along primary street frontages. Screening and landscaping shall be provided to minimize direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences, and landscaping. Screening shall be a minimum of six feet high and shall be visually impervious. Recesses in the building, or depressed access ramps, may be used.
- viii. Shared refuse storage facilities shall be utilized where available and practical. The storage of refuse shall be provided inside building(s) or within an outdoor area in the rear of the property, screened around the perimeter by a roofed wood enclosure; or by brick walls with a minimum height of seven feet with a gate or door. Such a wall shall be capped on the top.
- ix. No delivery, loading, trash removal or compaction, or other such operations shall be permitted in areas of the site located within 500 feet of an off-tract residential use between the hours of 9:00 p.m. and 6:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level compliant with Township noise ordinances, as measured at the lot line of any adjoining property.
- x. Provide at least one secured, enclosed bicycle storage space for 30% of planned residential occupancy of multifamily residential units (excluding townhouses with garages), but not less than one space per multifamily residential unit.
- xi. Bike racks shall be provided at a rate of 1 multi-loop bike rack per every 20 parking spaces for nonresidential uses within the PCD, but not less than the greater of one bicycle space per business or four bicycle spaces per project site for retail or four bicycle spaces per building for non-retail, nonresidential uses.
- xii. Provide at least one secured enclosed bicycle storage space per worker for 10% of the worker planned occupancy for nonresidential uses with a changing room and shower for

100 or more workers of planned occupancy and an additional changing room and shower for each additional 150 workers of planned occupancy thereafter.

G. Pedestrian crossings

- i. Safe provisions for pedestrian access to and through a parking lot shall be required, including striping, enhanced pavement markings, traffic calming features and sufficient lighting in accordance with Township standards.
- ii. All pedestrian crossings will utilize materials and colors to readily distinguish vehicular from pedestrian travel ways. In keeping with the Master Plan policies for the Route 9 corridor, the highway edge will focus on landscaping and quality architecture as opposed to parking lots and blank walls. Appropriate landscaped areas should be provided along the highway edge that include provisions for walkways, bike paths, plantings, and shade trees in accordance with Section 38-45.m

Section 7. Section 35-87 entitled Zoning Map shall be amended to read as follows: The boundaries of all zoning districts set forth in this Chapter are shown on map entitled, "Zoning Map, Township of Berkeley, Ocean County, New Jersey, amended July 2011, which map is hereby made part of this chapter and incorporated in full by reference thereto. The Zoning Map is on file in the Office of the Township Clerk.

Section 8. Section 35-3 entitled "Definitions" is hereby amended to include the following:

Restaurant shall mean a restaurant with indoor formal and/or casual dining areas(s), which may include outdoor dining areas, and with or without banquet facilities or a cocktail lounge as an accessory to the principal restaurant use. Entertainment may also be provided as an accessory use for the enjoyment of dining patrons or during banquets, except that in no event shall such entertainment be offered exclusive of full restaurant services nor shall the dining areas be modified to remove dining tables or seating for entertainment purposes. Any facilities for outdoor use shall be designed to contain sound levels in compliance with NJDEP decibel standards.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 10. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 11. Pursuant to the provisions of law, this Ordinance shall take effect twenty (20) days after its passage by the Township Council and approval by the Mayor, where such approval is required by law.

Section 12. A certified copy of the within Ordinance be forwarded by the Township Clerk to the following:

1. Mayor and Council Members