

Borough of Union Beach Ordinance No. 2016-244

AN ORDINANCE AMENDING CHAPTER XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH TO ADOPT RECOMMENDATIONS OF THE 2015 MASTER PLAN REEXAMINATION REPORT AND MASTER PLAN AMENDMENTS AND THE COMMERCIAL CORRIDOR RESILIENCY PLAN AND TO INCORPORATE THE ADOPTED REDEVELOPMENT PLANS FOR THE BROOK AVENUE AREA (TH-2 AND R-8 ZONES) AND THE DPW SITE (M-1 ZONE)

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth and State of New Jersey that Section XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

WHEREAS the Union Beach Planning Board adopted the 2015 Master Plan and Reexamination Report on July 29, 2015; and,

WHEREAS the Master Plan and Reexamination Report and Master Plan Amendments contain a number of recommendations for rezoning certain areas of the Borough and changes to the development regulations; and,

WHEREAS the Union Beach Planning Board adopted the Commercial Corridors Resiliency Plan for Route 36 and Union Avenue on May 27, 2015; and,

WHEREAS in 2015 the Borough Council adopted redevelopment plans consistent with master plan recommendations for areas within the TH-2/R-8 zone districts (Brook Avenue area) and M-1 zone district (DPW site) and proposes to incorporate the two redevelopment plans into the zoning ordinance; and,

WHEREAS the Borough Council desires to implement the master plan recommendations and amend Chapter XIII (Land Use and Development Regulations)

NOW THEREFORE BE IT RESOLVED Chapter XIII (*Land Use and Development Regulations*) is hereby amended and supplemented as follows:

(New text is underlined thus, text to be deleted has strikethrough ~~thus~~)

SECTION 1. PURPOSE. The purpose of this ordinance is to adopt amendments to Chapter XIII (*Land Use and Development Regulations*) to implement the recommendations of the 2015 Master Plan Reexamination Report and Master Plan Amendments and the Commercial Corridor Resiliency Plan and to incorporate the adopted redevelopment plans for the Brook Avenue area and the DPW site.

SECTION 2. Section XIII (Land Use and Development Regulations) Section 31-3.6 .d. shall be supplemented as follows:

13-3.6 Certificates and Permits.

d. Certificate of Occupancy.

1. New Uses: No building, structure or land shall be occupied or used until such time as a certificate of occupancy is issued by the construction official.

Such certificate shall be issued upon application by the owner, prospective occupant, or purchaser only after the construction official determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of the building code and other codes and ordinances affecting construction and occupancy.

A temporary certificate of occupancy may be issued pursuant to the provisions of this chapter for any structure or use for which site plan approval has been secured, but not all conditions of approval have been complied with.

2. Existing Uses:

- a. At the time of passage of this chapter: upon written request from the owner, tenant, occupant, or purchaser under contract, the construction official, after inspection, shall issue an occupancy permit for a use legally existing at the time this chapter is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this chapter.
- b. Nonconforming Uses and Buildings: No change or extension of use and no alterations shall be made in a nonconforming structure, use or premises without an occupancy permit having first been issued by the construction official stating that such change, extension or alteration is in conformity with the provisions of this chapter, or that same has been permitted by action of the zoning board of adjustment or planning board.

3. Certificate of Occupancy: A certificate of occupancy shall be obtained for each and every change of occupant(s), of any building including but not limited to residential, commercial or industrial which shall be reoccupied after it has once become vacant.

A vacant building shall be broadly construed to mean that a vacancy occurs upon the surrender of the premises by one in possession and shall exist regardless of whether new occupants have taken possession. Vacancy shall continue to exist until such time as a certificate of occupancy has been obtained.

This requirement shall extend to a change of occupant(s) by persons who obtain possession by any means whatsoever, including but not limited to fee owners, owners under color of title, contract purchasers, under a use and occupancy agreement, lessees or sub-lessees.

The code enforcement officer/public officer, may issue such certificate of occupancy for any building including but not limited to residential, commercial and industrial where there has been a change of occupant(s) only.

The construction official/building inspector may issue said certificate of occupancy for any building, including but not limited to residential, commercial and industrial where there has been a change of use, addition or alteration to an existing building.

4. Scope of Certificate of Occupancy: The certificate of occupancy shall contain sufficient information as to the extent and kind of use or uses, such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the use does not conform to the provisions of this chapter.
5. Improvement Required: No permanent certificate of occupancy shall be issued until all required improvements have been installed in accordance with the provisions of this chapter.
6. Development Permit Required: No certificate of occupancy shall be issued for the use of any building, structure or land unless a development permit shall have first been issued for the use of such building, structure or land.
7. Disturbed areas must be stabilized prior to the issuance of the Certificate of Occupancy (CO).

SECTION 3. Section XIII (Land Use and Development Regulations) Section 31-5.8 (Accessory Building) shall be supplemented as follows:

13-5.8 Accessory Building.

Unless otherwise specified in this chapter, accessory buildings shall conform to the following regulations.

- a. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory buildings shall be located in other than a front yard, and if located in a side or rear yard area, shall be set back as indicated in section 13-10., Zoning District Regulations, for the specified distance, except that in the R-8 Residential Zone, storage sheds containing less than 100 square feet of floor area may be located not less than three feet from any side or rear lot line.
- b. Accessory buildings may occupy not more than 35 percent of the rear or side yard area in any residential zone, provided that such buildings shall not exceed 16 feet in height to the peak of the roof.
- c. No detached accessory structure, in any residential zone, shall be less than five feet from the principal building.
- d. If garage space is attached to or provided on the first floor of a single-family residence, vehicular entrances thereto shall be limited to not more than two garage doors, the maximum size of which shall not exceed nine feet in width and seven feet in height.
- e. No accessory building located in any zone shall be either a quonset or a trailer, except for temporary structures erected or placed in the B-2, M-1 or M-2 Zones for a period not exceeding two (2) months, or as extended pursuant to subsections 13-10.6d,10, 13-10.8d,3 and 13-10.9d,1, or emergency or temporary structures in the R-8 Residential Zone for an initial period not exceeding six months, or as extended up to three months, as provided in subsection 13-10.4d,9 of this chapter, Temporary Uses and Structures, while a principal building is being repaired or modified.

- f. No accessory building shall be used for residential purposes by any person or persons, including members of the family or occupants of the principal building or others employed on the premises.

The term "residential purposes" used in this subsection is to be broadly construed as including all normal residential use, excluding only accessory uses such as storage, utilities, mechanical equipment, parking, workshops, property maintenance activities, garden support facilities.

- g. Detached accessory buildings shall not have exterior staircases that provide access to any attic space; however, interior stairs or pull down stairs shall be permitted.
- h. Any lot shall not contain more than one (1) accessory structure, in addition to a detached garage.
- i. Accessory structures, such as a detached garage, storage shed, and gazebo over one hundred (100) square feet should be anchored for flood hazard purposes.

SECTION 4. Section XIII (Land Use and Development Regulations) Section 13-5.32 shall be supplemented as follows:

13-5.32 Building Finish and Screening of Elevated Structures

a. Building on Pilings, Columns or Piers. Elevated buildings shall provide screening (except where vehicular access is provided, and except where the columns or piers are suitably finished) so that the construction-grade pilings, columns, piers and cross-bracing are not visible from the street and adjoining properties, in a manner permitted by the Federal Emergency Management Agency Flood Hazard Regulations and the Borough Flood Damage Prevention Ordinance. The screening shall be permanent (except in a "V" zone where break-a-way walls are required), and may be constructed of wood panels, vinyl, dimensional lattice, masonry or other suitable material compatible with the finish and architectural style of the building.

b. Buildings Elevated by Means of Solid Foundation Perimeter Walls. Solid foundation perimeter walls shall be finished in a manner that does not detract from the appearance of the neighborhood. Unfinished concrete block and cinder block is not acceptable. Split-face and decorative block, stucco, wood, vinyl and fiber cement siding, brick (and veneers), stone (and veneers), or other suitable material compatible with the finish and architectural style of the building are acceptable foundation wall treatments.

SECTION 5. Section XIII (Land Use and Development Regulations) Section 13-8.13 shall be supplemented as follows:

13-8.13 Fences and Hedges.

- a. Fences, hedges and walls hereafter erected, altered or reconstructed in any zone in the borough shall not exceed six feet in height above ground level except as follows:
 - 1. Hedges, walls and fences, which are not open fences as defined in this chapter, subsection 13-2.3(a), 54 "Fence, open", located in a front yard, or a side yard of a corner lot fronting on a street, or within 50 feet of any river, lagoon or other body of water, shall not exceed 36 inches in height.

2. In any business or industrial zone, open wire fences not exceeding eight feet in height may be erected in the rear or side yard areas and behind the building setback line.
 3. On park, recreation or school properties, open wire fences not exceeding eight feet in height may be erected in the rear or side yards areas and behind the building setback line.
 4. Fences specifically required by other provisions of this chapter and other municipal and state regulations.
- b. All fences must be erected within the property lines, and no fence shall be erected so as to encroach upon a public right-of-way.
 - c. The following fences and fencing construction materials are specifically prohibited in all zones in the borough: barbed wire, canvas, cloth, electrically charged, expandable and collapsible fences.
 - d. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected.
 - e. Fences should be a minimum of three (3) ft. from any existing residential structure.

SECTION 6. Section XIII (Land Use and Development Regulations) Section 13-8.23 (Screening of Equipment or Machinery) shall be supplemented as follows:

13-8.23 Screening of Equipment or Machinery.

- a. When the effective operation of a building or structure, or equipment within a building or structure, necessitates placing machinery, motors, generators or similar devices for cooling, heating or generating purposes, outside or on top of any structure, they shall be screened from public view. Said screening may consist of the following:
 1. Densely planted evergreen shrubs, which shall grow to not less than five feet after one growing season, and
 2. A solid and uniform fence at least five feet in height on four sides of said equipment, or
 3. A masonry wall at least five feet in height on four sides of said equipment, or
 4. Extensions of parapet walls or mansard roof lines or structural or ornamental screens or baffles, or
 5. Any similar type of solid or uniform screening, which will prevent exposure of such equipment to public view.
- b. The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as is possible so as not to present any unsightly display of said equipment to public view.
- c. Every effort should be taken to place air conditioning (AC) equipment of new single family residences to the rear of the principal structure and under elevated structures.

SECTION 7. Section XIII (Land Use and Development Regulations) Section 13-10.2 (Zoning Map) shall be amended as follows:

13-10.2 Zoning Map.

The boundaries of all zoning districts set forth in this chapter are shown on a map entitled "Zoning Map, Borough of Union Beach, Monmouth County, New Jersey" dated May 24, 1979, and amended by Ordinance No. 393 dated 5-13-82, Ordinance No. 445 dated 9-13-84 and amended by Ordinance No. 556 dated 4-28-88 and Ordinance No. 99-799 dated 9-16-99 and Ordinance No. 2004-38, dated April 15, 2004 and further amended by Ordinance No. 2006-81, dated May 18, 2006, Ordinance No. 2008-115, dated March 20, 2008, and Ordinance No. 2016-244, dated November 21, 2016.

SECTION 8. *Section XIII (Land Use and Development Regulations) Section 13-10.5 (B-1 Neighborhood Commercial Zone) shall be supplemented as follows:*

13-10.5 B-1 Neighborhood Commercial Zone.

a. Permitted Uses.

1. The retail business establishments which are clearly of a neighborhood service character, such as, but not limited to, the following:
 - a) Stores selling groceries, meats, baked goods, and other such items.
 - b) Drug and pharmaceutical stores.
 - c) Dry goods stores.
 - d) Meat and poultry stores.
 - e) Baked goods stores.
 - f) Package liquor stores.
 - g) Flower shops.
 - h) Confectionery stores.
 - i) Hardware and household supply stores.
 - j) Stationery supplies, tobacco and periodical stores.
 - k) Haberdashery, dress goods and notions.
 - l) Hardware, plumbing supplies and electrical supplies.
 - m) Shops of artisans and craftsmen.
 - n) Gift shops.
 - o) Shoes and clothing shops.
2. Personal service establishments which may include the following:
 - a) Barber shops and beauty shops.
 - b) Tailoring and dressmaking shops.
 - c) Dry cleaning and laundry collection shops, including self-service laundries.
 - d) Shoe repair shops.
 - e) ~~Appliance repair shops.~~
 - f) ~~Radio and television repair shops.~~
 - g) Photographic studios.
3. Business, professional, medical, governmental and educational offices and services.
4. Banks and financial institutions with a minimum lot area of 25,000 square feet. Drive through facilities are not permitted.
5. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive through food establishments are not permitted. Outdoor seating is permitted.
6. Federal, state, county and municipal buildings and grounds, parks and playgrounds.

7. Essential services.
8. Single-family dwellings on lots currently used for single family residential dwellings, subject to the same regulations established for the R-8 Residential zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.
9. Single-Family Dwellings. Townhouses and multi-family dwellings for the habitation of people at age 52 years or older (children under 19 years may not be in permanent residence, defined as seven consecutive days or 30 days in a year), as well as residential communities which maintain a private age restriction mechanism, subject to the same standards as apply to single-family dwellings in the R-AC Adult Community Zone, and townhouses and multi-family dwellings in the TH-2 Townhouse Zone.
10. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
11. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
12. Apartments over ground level retail sales and services uses, subject to the following standards:
 - a) Density: One dwelling unit per 8,000 square feet of lot area.
 - b) Each second story dwelling shall contain a minimum of eight hundred sixty (860) square feet of gross floor area.
 - c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
 - d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of two (2) bedrooms.
 - e) Parking for Mixed-Use Buildings.
 - i. A minimum of three and one-half (3.5) parking spaces for every one thousand (1,000) square feet of gross commercial floor area shall be provided.
 - ii. Parking for residential uses shall comply with Residential Site Improvement Standards.
 - iii. Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs i. and ii. above.
 - f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
 - i. Parking is available within one thousand (1,000) feet of the mixed-use development:

- ii. Both the mixed-use development and the parking facility comply with parking lot design standards;
 - iii. Off-site parking spaces may not already be designated as required parking for some other use.
 - iv. Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board.
Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
 - v. Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
 - vi. The minimum required number of parking spaces may be reduced by twenty-five (25%) percent provided a mixed-use building is within two thousand five hundred (2,500') feet of a designated transit stop.
- b. Conditional Uses: Subject to the Provisions of Section 13-9 of this Chapter.

Add:

1. Churches (subsection 13-9.2).
2. Home professional offices (subsection 13-9.4).

SECTION 9. Section XIII (Land Use and Development Regulations) Section 13-10.6 (B-2 Highway Business Zone) shall be supplemented as follows:

13-10.6 B-2 Highway Business Zone.

- a. Permitted Uses. Uses within the following categories shall be permitted uses within the highway business zone unless otherwise specified in subsection 13-10.6d as a use requiring a conditional use approval.
 1. Retail and wholesale stores, shops and markets, provided that:
 - a) All goods or products fabricated or process incidental to such use shall be sold on the premises or distributed from the premises.
 - b) Such fabricating or processing that is done on the premises shall not include a processing activity which would involve a physical or chemical process that would change the nature and/or character of the product and/or raw material.
 - c) Such fabricating or processing shall be confined to the first floor and basement of the premises and no supplies, materials or goods shall be stored out-of-doors, except in conformance with the requirements of subsection 13-5.18 and subsection 13-8.6.
 2. Personal service establishments, such as, but not limited to, barbershops, and beauty shops and tailoring and dressmaking shops.
 3. Business and professional offices and banks and fiduciary institutions.
 4. Restaurants, lunchrooms, bars and other eating and drinking establishments.
 5. ~~Automobile sales agencies.~~

6. Art, dancing, music, gymnastics and other similar instructional schools.
7. Schools for vocational instruction.
8. Scientific or research laboratories devoted to research, design and/or experimentation, and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on the premises for sale, except such as are incidental to the laboratory activities or are otherwise permitted in this zone.
9. Publication of newspapers and periodicals.
10. The offices, showrooms, warehouses and garages of contractors in the building trade.
11. Federal, state, county and municipal buildings and grounds, but excluding schools.
12. Essential services.
13. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
14. Artisanal Manufacturing provided that:
 - a) Manufacture and production is performed by a manual worker or craftsman of commercial goods, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products.
 - b) Artisanal manufacturing may include a retail component.
 - c) Artisanal Manufacturing does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property, and is limited to 5,000 square feet of gross floor area.
15. Microbreweries
16. Gas Stations.
17. Apartments over ground level retail sales and services uses along Union Avenue, subject to the following standards:
 - a) Density: One dwelling unit per 8,000 square feet of lot area.
 - b) Each second story dwelling shall contain a minimum of eight hundred sixty (860) square feet of gross floor area.
 - c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
 - d) Second story dwellings shall contain at least one bedroom, as a separate room, and be limited to a maximum of two (2) bedrooms.
 - e) Parking for Mixed-Use Buildings.
 - i. A minimum of three and one-half (3.5) parking spaces for every one thousand (1,000) square feet of gross commercial floor area shall be provided.
 - ii. Parking for residential uses shall comply with Residential Site Improvement Standards.

- iii. Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs i. and ii. above.
- f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
 - i. Parking is available within one thousand (1,000') feet of the mixed-use development:
 - ii. Both the mixed-use development and the parking facility comply with parking lot design standards;
 - iii. Off-site parking spaces may not already be designated as required parking for some other use.
 - iv. Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board. Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
 - v. Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
 - vi. The minimum required number of parking spaces may be reduced by twenty-five (25%) percent provided a mixed-use building is within two thousand five hundred (2,500') feet of a designated transit stop.
- b. Required Accessory Uses- *no change*
- c. Permitted Accessory Uses- *no change*
- d. Conditional Uses-
 - Churches (subsection 13-9.2)
 - Drive-through banks
 - Motor vehicle repair garages
 - Quasi public and private club recreation areas
- e. Yard and Building Requirements – Amend.
 - 9. Maximum Lot Coverage: ~~40%~~ 50%
 - ~~12.~~ Floor area ratio of any commercial building shall not exceed ~~.8~~ 1.5

SECTION 10. Section XIII (Land Use and Development Regulations) Section 13-10.10 shall be supplemented as follows:

13-10.10 ~~O-R Office Residential Zone.~~ B-3 Downtown Gateway Zone

- a. Permitted Uses.
 - 1. ~~Single family uses in accordance with the R-8 residential zone district.~~
- ~~b. Municipal buildings, parks and playgrounds but not including workshops, warehouses, garages and storage yards.~~

- ~~e. Essential services as defined in subsection 13-2.3.~~
 - ~~d. Personal services including photographic studios, beauty shops, barber shops and shoe repair shops.~~
 - ~~e. Business services including advertising agencies, credit and collection agencies, employment agencies, management and public relation services and detective agencies.~~
 - ~~f. Professional offices including medical, dental, legal, engineering, architectural, surveying, accounting, bookkeeping and similar uses engaged in performing services, engaged in educational, scientific and research services of an office type nature.~~
 - ~~g. Home occupation uses within residential structures.~~
 - ~~h. Community residences pursuant to N.J.S.A. 40:55D-66.1 of the Municipal Land Use Law for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults pursuant to the same standards as apply to single family dwellings.~~
1. The retail business establishments which are clearly of a neighborhood service character, such as, but not limited to, the following:
 - a) Stores selling groceries, meats, baked goods, and other such items.
 - b) Drug and pharmaceutical stores.
 - c) Dry goods stores.
 - d) Meat and poultry stores.
 - e) Baked goods stores.
 - f) Package liquor stores.
 - g) Flower shops.
 - h) Confectionery stores.
 - i) Hardware and household supply stores.
 - j) Stationery supplies, tobacco and periodical stores.
 - k) Haberdashery, dress goods and notions.
 - l) Hardware, plumbing supplies and electrical supplies.
 - m) Shops of artisans and craftsmen.
 - n) Gift shops.
 - o) Shoes and clothing shops.
 2. Personal service establishments which may include the following:
 - a) Barber shops and beauty shops.
 - b) Tailoring and dressmaking shops.
 - c) Dry cleaning and laundry collection shops, including self-service laundries.
 - d) Shoe repair shops.
 - e) Photographic studios.
 3. Business, professional, medical, governmental and educational offices and services.
 4. Banks and financial institutions with a minimum lot area of 25,000 square feet. Drive through facilities are not permitted.

5. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive through food establishments are not permitted. Outdoor seating is permitted.
6. Federal, state, county and municipal buildings and grounds, parks and playgrounds.
7. Essential services.
8. Single-family dwellings on lots currently used for single family residential dwellings, subject to the same regulations established for the R-8 Residential zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.
9. Single-Family Dwellings. Townhouses and multi-family dwellings for the habitation of people at age 52 years or older (children under 19 years may not be in permanent residence, defined as seven consecutive days or 30 days in a year), as well as residential communities which maintain a private age restriction mechanism, subject to the same standards as apply to single-family dwellings in the R-AC Adult Community Zone, and townhouses and multi-family dwellings in the TH-2 Townhouse Zone.
10. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
11. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
12. Apartments over ground level retail sales and services uses for lots fronting on Union Avenue, subject to the following standards:
 - a) Density: One dwelling unit per 8,000 square feet of lot area.
 - b) Each second story dwelling shall contain a minimum of eight hundred sixty (860) square feet of gross floor area.
 - c) Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
 - d) Second story dwellings shall be limited to a maximum of two (2) bedrooms.
 - e) Parking for Mixed-Use Buildings.
 - i. A minimum of three and one-half (3.5) parking spaces for every one thousand (1,000) square feet of gross commercial floor area shall be provided.
 - ii. Parking for residential uses shall comply with Residential Site Improvement Standards.
 - iii. Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the standards set forth in paragraphs i. and ii. above.
 - f) Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:

- i. Parking is available within one thousand (1,000) feet of the mixed-use development:
- ii. Both the mixed-use development and the parking facility comply with parking lot design standards; and
- iii. Off-site parking spaces may not already be designated as required parking for some other use.
- iv. Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Unified Planning Board.
Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
- v. Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
- vi. The minimum required number of parking spaces may be reduced by twenty-five (25%) percent provided a mixed-use building is within two thousand five hundred (2,500) feet of a designated transit stop.

13. Municipal parks.

2) Required Accessory Uses.

- 1. Off-street parking subject to the provisions of subsection 13-8.20.
- 2. Off-street loading subject to the provisions of subsection 13-8.19.

3) Permitted Accessory Uses.

- 3. Fences subject to the provisions of subsection 13-8.13.
- 4. Signs subject to the provisions of subsection 13-8.26.
- 5. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- 6. Family day care homes pursuant to N.J.S.A. 40:55D-66.5b of the Municipal Land Use Law which are conducted in the private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," N.J.S.A. 30:5B-16, et seq.

4) Conditional Uses. Subject to the provisions of section 13-9 of this chapter.

- 1. Home professional offices (subsection 13-9.4).
- 2. Residential adult community single-family dwellings located on an area greater than one acre and subject to the requirements for such dwellings in the R-AC Zone.

3. Wind energy systems or facilities subject to the specifications, standards and regulations established in subsection 13-10.15 of this chapter.
- 5) Area, Yard and Building Requirements.
1. Residential uses in accordance with R-8 Zone District regulations and requirements.
 2. For all other uses as follows:
 - (a) Minimum Lot Area: ~~7,500~~ 5,000 square feet.
 - (b) Minimum Lot Width: ~~75~~ 50 feet.
 - (c) Minimum Lot Frontage:
 - (1) Interior Lot – ~~75~~ 50 feet.
 - (2) Corner Lot – ~~100~~ 75 feet on both streets.
 - (d) Minimum Lot Depth: 100 feet.
 - (e) Minimum Front Setback: ~~20~~ 10 feet.
 - (f) Minimum Rear Yard Setback:
 - (1) Principal Building - 30 feet.
 - (2) Accessory Building - 15 feet.
 - (g) Minimum Side Yard Setback:
 - (1) Principal Building - 8 feet with two combined side yards not less than 20 feet.
 - (2) Accessory Building - 10 feet.
 - (h) Maximum Building Height: ~~30~~ 35 feet subject to the provisions of subsection 13-5.12 and further provided that any building shall contain not more than ~~two~~ three usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevation of the corners of the building or from the Federal Emergency Management Agency minimum building elevation if a building is located within a designated floodplain.
 - (i) Maximum lot Coverage: 50%
 - (j) Maximum Floor Area Ratio: 1.5

3. Rooftop mechanical equipment should be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air-conditioning equipment, utility boxes and meters, should be screened by landscaping, walls or fencing.
4. Building entrances facing a street should be retained. The visual character of buildings along street frontages and entryways should be pedestrian friendly and porches should not be enclosed. At no time should fire escapes be permitted on the front facade of a building.

SECTION 11. *Section XIII (Land Use and Development Regulations) Section 13-10.13 (Corporate Campus District) shall be amended and supplemented as follows:*

13-10.13 Corporate Campus District.

- a. Permitted Uses.
 1. Single and multi-user, professional, scientific and technical services;
 2. Single and multi-user office administrative services park;
 - ~~3.~~ Light manufacturing (rear of site only); ~~and~~
 4. Warehouses (rear of site only); ~~and~~
 5. Federal, state, county and municipal buildings and grounds.

SECTION 12. *Section XIII (Land Use and Development Regulations) Section 13-10.16 shall be supplemented to create new section 13-10.16 Waterfront Commercial District as follows:*

“13-10.16 Waterfront Commercial District.

- a. Permitted Uses
 1. Retail and wholesale stores, shops and markets
 2. Personal service establishments, such as, but not limited to barbershops, and beauty shops and tailoring and dressmaking shops.
 3. Business and professional offices and banks and fiduciary institutions.
 4. Restaurants, lunchrooms, bars and other eating and drinking establishments.
 5. Art, dancing, music, gymnastics and other similar instructional schools
 6. Federal, state, county and municipal buildings and grounds, but excluding schools.
 7. Commercial recreation activities
 8. Essential services
- b. Required Accessory Uses
 1. Off-street parking subject to the provisions of subsection 13-8.20.
 2. Off-street loading subject to the provisions of subsection 13-8.19. Loading areas shall be separated and screened from circulation drives and parking areas by landscaped islands, substantial fencing, walls or buffer plantings or shall be enclosed.
- c. Permitted Accessory Uses
 1. Fences subject to the provisions of subsection 13-8.13.
 2. Signs subject to the provisions of subsection 13-8.26.
 3. Other customary accessory uses and building which are clearly incidental to the principal use and building.
- d. Conditional Uses

1. Single family, two family and multi-family dwellings provided that they are located entirely above the first floor in a building which contains a use otherwise permitted in this zone on the first floor; with the exception of the area north of Front Street.

e. Area, Yard and Building Requirements

1. Minimum lot area: 5,000 square feet.
2. Minimum lot width: 50 feet.
3. Minimum lot frontage: 50 feet.
4. Minimum lot depth: 100 feet.
5. Minimum front setback: 5 feet.
6. Minimum rear yard setback for principal and accessory buildings: 20 feet.
7. Minimum side yard setback:
 - a. Principal building - Five feet.
 - b. Accessory building - Five feet.
8. Maximum building height: 35 feet above base flood elevation
9. Maximum lot coverage: 50 percent.
10. All sides of any structure shall be architecturally finished with materials approved by the planning board. Specifically prohibited is construction which utilizes flat roofs with parapets or mansards on only a portion of the perimeter of the structure; unfinished (or painted) concrete block walls or substantial architectural finish deviations between the front, side and rear elevations.
11. Floor area ratio of any commercial building shall not exceed 0.8.”

SECTION 13. Section XIII (Land Use and Development Regulations) Section 13 shall be supplemented to create new section 13-10.17 DPW Site Overlay District as follows:

“13-10.17 Department of Public Works Site Overlay District.

The purpose of this overlay zone within the M-1 zone district is to allow for the development of age-restricted apartment dwelling units in lots 3 and 3.01 of block 103 in addition to the permitted uses in the M-1 zone in accordance with the standards set forth herein.

a. Permitted Uses

1. Age-restricted apartment dwelling units, restricted to residents 62 years of age or more, and restricted to the second floor and above.

b. Permitted Accessory Uses

1. Conservation areas, open spaces, and common property.
2. Recreation facilities for use of residents and guests.
3. A Senior Citizen Center for the Borough of Union Beach, which shall contain at least two thousand (2,000) square feet of gross floor area unless a lesser size is approved for good cause shown by the applicant, and which shall be comprised of the following facilities:
 - a. Meeting room;
 - b. Kitchen facility; and
 - c. Adequate restroom facilities.
4. Signs subject to the provisions herein.
5. Uses accessory or incidental to the principal use.

c. Area, Yard and Building Requirements

1. Minimum lot area: 5.28 acres
2. Minimum lot frontage: 692 feet

3. Minimum front setback: 50 feet
4. Minimum rear yard setback: 50 feet
5. Minimum side yard setback: 20 feet
6. Minimum Number of Dwelling Units: 60 units
7. Maximum Number of Dwelling Units: 80 units
8. Maximum Density: 15 units per acre
9. Number of Units per Building: 80
10. Maximum Lot Coverage: as permitted by CAFRA regulations
11. Maximum Building Height: 4 stories (3 stories/ 35 feet above BFE)
12. Ground floor parking will be located below any residential units
13. All residential units shall be located on the second floor and above, set at an elevation above the base flood elevation (BFE) plus a minimum of two feet (2') of freeboard.

d. Building Design Requirements

1. All buildings shall be constructed with elevator access.
2. All portions of all buildings shall be provided both heat alarms and smoke alarms and, except for any outside balconies and attics, all interior areas of all buildings shall have a "wet" fire suppression sprinkler system.
3. Only the following structures may be erected above the actual height of a building; and such structures shall not exceed more than ten feet (10') above the actual height of the building:
 - a. Penthouses or other roof structures for the housing of stairways;
 - b. Spires, cupolas, chimneys, and similar architectural structures associated with the building and its design.
 - c. The existing on-site cell phone tower.
4. All residential dwellings shall be located on the second floor and above.

e. Parking and Circulation Requirements

1. Off-street parking shall be provided at the minimum ratio of 0.75 spaces per senior apartment unit.
2. Off-street parking for the Senior Center shall be provided at the minimum ratio of 1.0 space per 250 square feet of gross floor area.
3. Parking spaces shall be nine feet by eighteen feet (9' x 18') in size.
4. All parking areas and driveways shall be set back at least ten feet (10') from all property lines.
5. Vehicular access shall be provided on all sides of the apartment building for emergency vehicles.

f. Permitted Signs

1. One (1) ground-mounted monument-type sign identifying the name of each development shall be permitted. Each such sign shall not exceed ten feet (10') in height, shall be set back at least fifteen feet (15') from all street and property lines, and shall not exceed an area of fifty (50) square feet in area. The location of such signs shall not impede sight triangles.
2. Additionally, information and directional signs, each not more than three feet (3') in height and ten (10) square feet in area, shall be permitted where appropriate and as approved by the Planning Board in order to guide traffic to its intended destination in a safe and convenient manner.

g. Lighting

1. Lighting shall be minimal for security and safety purposes, and a point-by-point lighting plan shall be submitted indicating the location of the lighting fixtures, the direction of illumination, the wattage and the foot-candle levels of illumination for each fixture, and the details of the lighting poles and the luminaries.

2. The lighting is to be provided by fixtures with a mounting height not higher than twenty-five feet (25'), measured from the ground level to the centerline of the light source.
3. The lighting fixtures are to include non-glare lights with recessed lenses focused downward and with "cut-off" shields as appropriate in order to mitigate adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways, and light pollution.
4. The light intensity provided at ground level shall be indicated in foot-candles on the submitted plans and shall average not more than two (2.0) foot-candles throughout the area to be illuminated.

h. Landscaping

1. The landscaping within the Redevelopment Area shall be conceived as a total pattern throughout the tract, integrating the various elements of the architectural design of the buildings and creating an aesthetically pleasing environment.
2. The landscaping shall include shade trees, decorative flowering trees, evergreen trees, shrubs and hedges, ground cover, perennials, and annuals, and may include other materials such as rocks sculpture, art, walls, fences, and decorative brick or paving materials.
3. The dollar amount expenditure for the landscaping shall not be less than the equivalent expenditure for the planting of at least twelve (12) shade trees of a minimum size as indicated in 4(a) below per gross acre of the tract not covered by buildings and other impervious surface, and sufficient information shall be provided to the Planning Board to confirm this requirement.
4. The minimum size of new plants at the time of planting shall be as follows:
 - a. Shade trees shall have a minimum caliper of two and one-half inches (2 ½") measured by six inches (6") from the ground level, shall have a standing height of at least ten feet (10'), and shall be balled and burlapped;
 - b. Decorative flowering trees shall have a minimum caliper of one and one-quarter inches (1 ¼") measured six inches (6") from ground level, shall have a standing height of at least six feet (6'), and shall be balled and burlapped. Decorative flowering trees shall be well branched, with the branches starting not less than three feet (3') above the crown of the root system;
 - c. Evergreen trees shall be at least six feet (6') in height at time of planting and shall be balled and burlapped; and
 - d. Shrubs and hedges shall be at least eighteen to twenty-four inches (18-24") tall at time of planting, depending upon and appropriate to the species of plant.
5. All plants shall be installed in accordance with the American Nurseryman Guide, latest edition.
6. All plant material shall be guaranteed for at least two (2) years and a written copy of the guarantee executed between the developer and the nursery of landscape architect installing the plantings shall be reviewed by the attorney and planner for the Planning Board prior to the Board granting any final approval.
7. There shall be full landscape screening between the Redevelopment Area and adjacent non-residential properties.

i Refuse and Recycling Requirements

An indoor or outdoor area for the collection and storage of refuse and recyclables shall be provided as follows:

1. The dimension of the refuse and recycling area shall be sufficient to accommodate covered bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
2. The refuse and recycling area shall be well lit and shall be safely and easily accessible by collection personnel and vehicles. Collection vehicles shall be able to access the area without

- interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the area, and the bins or containers placed therein, against theft of materials, bins, or containers.
3. The recycling area, and the bins or containers placed therein, shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered so as to keep the paper or cardboard dry.
 4. Signs clearly identifying the refuse and recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
 5. A barrier consisting of landscaping and a gated enclosure of at least six feet (6') in height shall be provided around any outdoor refuse and recycling area and shall be provided in an aesthetically pleasing manner.
 6. The separation, storage, collection, and recovery of recyclable materials shall be in accordance with Section X, Public Works, of the Revised General Ordinances of the Borough of Union Beach.

j. Storm Resiliency Guidelines

The following storm resiliency guidelines refer to additional steps that can be taken to better prepare the Redevelopment Area for extreme weather events:

1. Where appropriate, the Redevelopment Area shall employ the use of rain gardens and bioswales to absorb excess stormwater generated by impervious surfaces on site, provided that the area is capable of absorbing the stormwater within a 24 hour period of time.
2. The entire development shall have access to a standby/backup generator that will provide limited power during service outages. The generator will be powered by a connection to an existing natural gas service line, or through the installation of an LPG tank.
3. Conservation easements shall be designated for drainage and stormwater rights of way, as well as along ponds, marshes, swamps, and streams or other watercourses along which drainage rights of way are not required. The easement shall be reviewed and amended at a minimum of every 10 years by the Borough to reflect geomorphological and hydrologic changes to the site, including erosion and deposition that extend beyond annual patterns.

k. Additional Requirements

1. The Redevelopment Area and any project thereon shall be served by both public water and public sewerage facilities.
2. Any development in the Redevelopment Area may provide, at no cost to the Borough of Union Beach, a Senior Citizen Center for use by the senior citizen residents of the Borough.
3. There shall be a maintenance staff on-site every day, and all residents shall be provided with a telephone number to receive emergency services during the evening and overnight hours; the telephone number also shall be provided to the Union Beach Police Department and the Borough Administrator.
4. All provisions within Section 13-8 of the Land Use and Development Regulations, entitled Design Standards and Improvement Specifications, which are not inconsistent with the provisions specified hereinabove, shall govern the design and construction of any development within the Redevelopment Area.
5. Any development in the Redevelopment Area shall require preliminary and final major site plan approval in accordance with the procedures and requirements specified in Section 13-6 of the Borough of Union Beach "Land Use and Development Regulations."

l. Architectural Design Standards

1. Purpose The purpose of the architectural design standards is to establish a set of principles and requirements to provide for the redevelopment of the Redevelopment Area in a manner that is aesthetically pleasing and provides visual interest. The guidelines work to provide standards that allow for flexibility and creativity while encouraging high-quality development.
2. Design Standards
 - a. The buildings shall have an architectural scheme with appropriate variations in design to provide attractiveness to the development. Such scheme and variations shall be compatible within the development and in relationship to adjacent land uses.
 - b. Such variations in design shall result from:
 - i. The use of landscaping and the orientation of buildings to the natural features of the site and to other buildings;
 - ii. The orientation to the sun so that solar energy may be utilized;
 - iii. The use of different exterior materials;
 - iv. Variations in roof lines and roof designs;
 - v. Variations in architectural elements including window types, shutters, doors, porches, and exterior colors and materials.
 - c. Architectural elevations shall be submitted to the Board for review and approval.
 - d. All parking facilities shall be located no more than two hundred (200) feet from the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas specifically for parking, and there shall be no parallel or diagonal parking along interior streets.
 - e. The buildings shall have adequate access for firefighting purposes. Sufficient numbers of water hydrants shall be appropriately located, and no parking shall be permitted in any required ‘fire zones.’”

SECTION 14. *Section XIII (Land Use and Development Regulations) Section 13 shall be supplemented to create new section 13-10.18 Brook Avenue Redevelopment District as follows:*

“13-10.18 Brook Avenue Redevelopment District.

The provisions of the Brook Avenue Redevelopment District shall prevail in the area shown on the Union Beach Borough Zoning Map and as an overlay zone to the delineated area of the R-8 zone on the Zoning Map.

a. Permitted Uses

1. Multifamily dwelling units
2. Townhouse dwelling units, upon completion of the Army Corps of Engineers flood control project

b. Permitted Accessory Uses.

1. Signs subject to the provisions herein
2. Boardwalks.
3. Tennis courts, exercise rooms and recreation facilities for use of residents and guests.
4. Uses accessory or incidental to the principal use.

c. Area, Yard, and Building Requirements

1. Setback from Brook Avenue: 20 feet
2. Setback from Rear lot line: 30 feet
3. Setback from side lot line: 10 feet
4. Maximum Number of Dwelling Units: 120
5. Parking Spaces Maximum: 250

6. Maximum Density: 15 Dwelling Units/ Acre
7. Maximum Impervious Coverage: as permitted by CAFRA regulations
8. Building height: 3 stories/ 35 feet above Base Flood Elevation (BFE)
9. Bedroom % distribution and sizing:
 - a. One bedroom Units (35% max): 860 square feet
 - b. Two bedroom units (75% max): 1,000 square feet
 - c. Three bedroom units (10% max): 1,150 square feet

d. Residential Design Standards

1. Each building shall have an architectural scheme with appropriate variations in design to provide complementary attractiveness to the development. Such scheme and variations shall be compatible within the development and in relationship to adjacent land uses.
2. Such variations in design shall result from:
 - a. The use of landscaping and the orientation of buildings to the natural features of the site and to other buildings;
 - b. The orientation to the sun so that solar energy may be utilized;
 - c. The use of different exterior materials;
 - d. Variations in roof lines and roof designs;
 - e. Variations in architectural elements including window types, shutters, doors, porches, and exterior colors and materials.
3. Building layout and spacing should be designed to maximize waterfront views from public rights-of-way.
4. No unit larger than a three bedroom unit shall be permitted.
5. All residential units shall have connections for washing machines and driers.
6. Each building shall have adequate access for firefighting purposes. Sufficient numbers of water hydrants shall be appropriately located, and no parking shall be permitted in any required "fire zones."
7. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using a variety of architectural features and landscaping, which may include decorative gardens.
8. Garages and other areas located below the elevated residential floor will be designed in accordance with National Flood Insurance Program (NFIP) Guidelines for storm surge and flooding, including but not limited to: latticework, insect screening, breakaway walls and flood protection barriers where appropriate. Solid, basement-level walls are not permitted. Enclosures using breakaway walls should be limited to minimize flood insurance costs and discourage conversions to habitable areas.
9. Buildings shall, to the greatest extent practicable, incorporate storm protection measures required by the New Jersey Department of Community Affairs (DCA), such as window coverings, into the proposed design.
10. Building construction shall employ durable materials that tolerate coastal marine conditions.

e. Multifamily Design Standards

1. A storage space with separate access and containing a minimum of 80 square feet of floor area shall be provided for each dwelling unit in the basement of the building in which the unit is located or in the garage serving the unit.
2. Dwelling units located on the ground floor shall be provided with a private rear yard consisting of a minimum area of 200 square feet. Such private rear yard shall be enclosed by means of vegetative screening from all other neighboring dwelling units and private rear yards, walkways, common recreational facilities, parking lots, driveways and streets. A minimum of one low-wattage incandescent light fixture shall be provided to light such area.
3. Each dwelling unit located above the ground floor level shall be provided with a private outdoor patio or balcony area consisting of a minimum of 64 square feet. The minimum length of any individual dimension of such area shall not be less than six feet. This area shall be located or recessed inside the outer wall plane of the building on which it is located. A minimum of one low wattage incandescent light fixture shall be provided to light such area.
4. The front elevation of any multifamily residential building shall have a minimum of four offsets of no less than four (4) feet each for every 100 feet along the front façade

f. Townhouse Design Standards

1. Walls visible from a public street, adjacent off-street parking areas or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
2. Employ features such as stoops, gateways, porches, and weather protection to enhance the residential quality of unit and building entries, the visibility of such entries, a comfortable architectural rhythm along the street, and a human scale.
3. Each townhouse shall have at least one individual private yard area, open patio or court adjoining the unit and having a width of at least ten feet and an area of at least 100 square feet. Each private yard area, patio, court or deck shall be screened in order to provide a reasonable degree of privacy.

g. Community Amenities

1. A nonprofit homeowners' association in accordance with the requirements of the Department of Community Affairs shall own all areas put into common ownership for common use by all residents.
2. There shall be a maintenance staff on-site every day, and all residents shall be provided with a telephone number to receive emergency services during the evening and overnight hours; the telephone number also shall be provided to the Union Beach Police Department and the Borough Administrator.

h. Recreation

1. Passive recreation such as pathways, seating areas and natural areas, in addition to outdoor play equipment shall be provided, suitably arranged, throughout any multifamily site to service the occupants of the project.
2. When adjacent to the waterfront, public access to the waterfront shall be provided and shall facilitate wheelchair access.

i. Common Facilities

1. Architectural design and materials used in the construction of accessory buildings shall conform to or complement those used in the construction of principal buildings.

2. Concrete walkways shall be provided where normal pedestrian traffic is likely to occur, including from parking areas to residences.
3. Accessory buildings for outdoor recreation facilities and maintenance purposes shall be provided and shall be sufficient to store recreational and maintenance equipment and supplies, unless it is demonstrated that the homeowners association will contract with an outside entity for the purposes of landscaping and maintenance

j. Refuse and Recycling Requirements

1. Indoor areas designated for the collection and storage of refuse and recyclables shall be centrally located in each of the multifamily dwellings for efficient pickup by collection personnel and vehicles.
2. The dimension of the refuse and recycling area shall be sufficient to accommodate covered bins or containers which are of adequate size and number, and are consistent with anticipated usage.
3. The refuse and recycling area shall be well lit and shall be safely and easily accessible by collection personnel and vehicles, without interference from parked cars or other obstacles.
4. Signs clearly identifying the refuse and recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

k. Driveway and Parking Standards

1. Parking shall be primarily located underneath dwelling units.
2. All efforts shall be made to reduce the amount of impervious surface generated from off-street parking and internal roadways, while maintaining the integrity of the road surface.
3. Driveway
 - a. Where possible, roadways and driveways shall utilize pervious paving stones.
 - b. In areas highlighted by the developer or the Borough Engineer to be inappropriate for pervious paving materials, construction shall utilize either bituminous concrete flexible pavement structure or a Portland cement concrete rigid pavement structure, or an alternative material when submitted for approval by the Borough Engineer.
 - c. The widths of internal streets in a multifamily development designed as a whole in accordance with a comprehensive site plan shall be determined by the Planning Board and the Redeveloper in light of the circumstances in the particular situation and with a view to assuring the maximum safety and convenience of access for traffic and firefighting equipment, circulation and parking, including provisions for the loading and unloading of goods.
4. Parking
 - a. The maximum number of parking spaces permitted on site is 250.
 - b. Where possible, parking areas shall utilize tiled pervious paving stones.
 - c. Parking space shall measure nine feet by eighteen feet (9' x 18'), with the exception of accessible parking that meets the standards of the Americans With Disabilities Act (ADA).
 - d. Parking spaces shall be located, whenever possible, underneath each residential structure to limit impervious coverage and provide the maximum amount of open space and view corridors on the site.
 - e. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with the Borough of Union Beach road specifications; provided, however, that, upon recommendation of the borough engineer, the requirement of curbing may be waived or modified when found not to be needed for control of stormwater, protection of pavement and similar purposes.

- f. Development of parking may be phased as development takes place. If the developer can demonstrate that demand for parking spaces is less than expected, the developer may request the Planning Board to waive the total number of spaces, and permit an area to be set aside as a “parking bank” that can be constructed when needed.

l. Landscape and Site Design

Landscaping within the Redevelopment Plan Area shall be conceived as a total pattern throughout the tract, integrating the various elements of the architectural design of the buildings. Landscaping includes mixture of elements, signage, lighting, plants and other materials including rock sculpture, art, walls, fences, and decorative brick or paving materials.

m. Signage

1. One (1) ground-mounted monument-type sign identifying the name of the development from the street shall be permitted. This sign shall not exceed five feet (5') in height, be set back from the street right-of-way, shall not exceed an area of ten (10) square feet in area, and shall not impede sight triangles.
2. Information and directional signs, each not more than two feet (2') in height and five (5) square feet in area, shall be permitted where appropriate and as approved by the Planning Board in order to guide traffic to its intended destination in a safe and convenient manner.
3. Ground-mounted monument signs, or wall-mounted signs that identify the name or number of each building may be permitted, but shall not exceed more than three square feet (3 sq. ft.) in area.

n. Lighting Requirements

1. The use of low-energy lighting shall be utilized whenever possible to reduce maintenance and energy use.
2. Outdoor lighting along interior development roads, parking areas, dwelling entrance ways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, but in no case, shall such lighting be less than is required to provide a minimum lighting level of 0.5 horizontal foot candles throughout such areas from dawn to dusk. Where necessary, lights shall be shielded to avoid glare disturbing to occupants of the buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.
3. Lighting is to be provided by fixtures with a mounting height not higher than fifteen (15'), measured from the ground level to the centerline of the light source.
4. Floor-level recessed lighting shall be utilized along walkways and outdoor entryways to minimize light pollution and maximize privacy to neighboring dwelling units.

o. Landscape Vegetation

1. Vegetation shall provide a natural buffer from coastal flooding, while creating a visually pleasing environment.
2. Irrigation systems shall draw from cisterns that collect and reuse stormwater from rooftops. A backup system that utilizes potable water is permitted when rainwater collection is insufficient, and must utilize a “smart” irrigation controller.
3. Landscape vegetation shall include a mixture of elements, including shade trees, decorative flowering trees, evergreen trees, shrubs and hedges, ground cover, perennials, and annuals, and may include other materials such as rock sculpture, art, walls, fences, and decorative brick or paving materials.
 - a) The use of native vegetation is encouraged, specifically those that are tolerant to coastal marine environments, and those specially attuned to soil stabilization. More flexibility will be given to the size, design, and layout of these plantings to buffer

against coastal flooding and maximize stormwater absorption. Vegetation that does not conform to this subsection will be subject to the minimum size requirements outlined in Section 12, below.

- b) The use of sod or similar turf grasses shall not be permitted.
- 4. Compliance with Section 10(a) above shall be demonstrated by the developer through a landscaping plan and testimony to the planning board about how the landscaping design meets the goals and objectives of this Redevelopment Plan and Section 8 above.
- 5. For proposed vegetation not in compliance with Section 14(a) above, the minimum size of new plants at the time of planting shall be as follows:
 - a) Shade trees shall have a minimum caliper of two and one-half inches (2 ½") measured by six inches (6") from the ground level, shall have a standing height of at least ten feet (10'), and shall be balled and burlapped;
 - b) Decorative flowering trees shall have a minimum caliper of one and one-quarter inches (1 ¼") measured six inches (6") from ground level, shall have a standing height of at least six feet (6'), and shall be balled and burlapped. Decorative flowering trees shall be well branched, with the branches starting not less than three feet (3') above the crown of the root system;
 - c) Evergreen trees shall be at least six feet (6') in height at time of planting and shall be balled and burlapped; and
 - d) Shrubs and hedges shall be at least eighteen to twenty-four inches (18-24") tall at time of planting, depending upon and appropriate to the species of plant.
- 6. All plant material shall be guaranteed for at least two (2) years and a written copy of the guarantee executed between the developer and the nursery shall be reviewed by the attorney and planner for the Planning Board prior to the Board granting any final approval.
- 7. The planning board may waive screening along the property line to maximize waterfront views from the development and the surrounding neighborhood.
- 8. Fence or vegetative screens shall be installed around outdoor utility boxes and standby generator equipment.

p. Stormwater Management Requirements

- 1. Stormwater generated from residential rooftops shall be collected into rain barrels or other collection cisterns for reuse as irrigation. Rain barrels and collection cisterns will be appropriately screened with mesh to prevent the influx of debris and insects.
- 2. Where appropriate, the site shall employ the use of rain gardens and bioswales to absorb excess stormwater generated by impervious surfaces on site, provided that the area is capable of absorbing the stormwater within a 24 hour period of time.

q. Storm Resiliency

- 1. The entire development shall have access to a standby/backup generator that will provide limited power during service outages. The generator will be powered by a connection to an existing natural gas service line, or through the installation of an LPG tank.
- 2. Conservation easements shall be designated for drainage and stormwater rights of way, as well as along ponds, marshes, swamps, and streams or other watercourses along which drainage rights of way are not required. The easement shall be reviewed and amended at a minimum of every 10 years by the Borough, Borough Engineer and the Homeowners Association to reflect geomorphological and hydrologic changes to the site, including erosion and deposition that extend beyond annual patterns. The easement shall be extended to areas of the site subject to future repetitive loss by the National Flood Insurance Program (NFIP)."

SECTION 15. Section XIII (Land Use and Development Regulations) Section 13-10.4 R-8 Residential District, “a. Permitted Uses”, shall be supplemented as follows:

Insert the following

“6. All of the standards and requirements of Section 13-10.18, Brook Avenue Redevelopment District, shall be permitted, on an optional basis as overlay zoning for the following tax parcels as an integrated part of a redevelopment in the Brook Avenue Redevelopment District: Block 223 Lots 5, 6, 7, 9, and 10. The identified parcels adjoin the Brook Avenue Redevelopment District and have been specifically noted in the adopted Brook Avenue Redevelopment Plan to be allowed to utilize either the underlying R-8 zone requirements or opt for the redevelopment district standards”

SECTION 16. Section XIII (Land Use and Development Regulations) Section 13 shall be amended and supplemented to create new section 13-10.19 Conservation District as follows:

Section 13-10.19

“Conservation Zone.

The purpose of the Conservation Zone is to preserve the ecological integrity of areas that serve to buffer the U.S. mainland from storms and provide important habitats for fish and wildlife.

a. Permitted Uses.

1. Public buildings for conservation purposes and nature preserves
2. Public open space.
2. Fish and wildlife management.
3. Public service infrastructure.
4. Flood control facilities.

b. Conditional Uses.

1. Public utilities.
2. Cellular telecommunication towers and facilities.

c. Area, Yard and Bulk Regulations. Area, yard and bulk regulations shall be as follows:

1. The minimum lot area shall be five (5) acres (217,800 square feet).
2. The minimum lot width and frontage shall be 200 feet.
3. The minimum lot depth shall be 200 feet.
4. The minimum front yard shall be 100 feet.
5. The minimum rear yard shall be 50 feet.
6. The minimum side yard shall be 50 feet;
7. The maximum building height shall be 35 feet.
8. The maximum lot coverage by buildings shall be ten (10%) percent.”

SECTION 17 Section XIII (Land Use and Development Regulations) Section 13-2.3(Definitions) shall be supplemented to add a new definition as follows:

“PUBLIC SERVICE INFRASTRUCTURE – Sewer service, gas, electricity, water,

telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.”

SECTION 18. *Section XIII (Land Use and Development Regulations) Section 13 shall be amended and supplemented to create new section 13-10.20 B-1A Neighborhood Commercial-Transition Zone as follows:*

Section 13-10.20

“B-1A Neighborhood Commercial-Transition Zone.

- a) Permitted Uses.
1. The retail business establishments which are clearly of a neighborhood service character.
 2. Personal service establishments.
 3. Business, professional, medical, governmental and educational offices and services.
 4. Restaurants, bars and other eating and drinking establishments, but not including drive-in restaurants with a minimum lot area of 25,000 square feet. Drive through food establishments are not permitted. Outdoor seating is permitted.
 5. Federal, state, county and municipal buildings and grounds, parks and playgrounds.
 6. Essential services.
 7. Single-family dwellings on lots currently used for single family residential dwellings, subject to the same regulations established for the R-8 Residential zone. These lots may be enlarged to the extent necessary to bring them into greater conformity with the requirements of the R-8 Residential District, but no new single-family dwelling lots may be created in this district.
 8. Child care centers pursuant to N.J.S.A. 40:55D-66.6 and N.J.S.A. 40:55D-66.7 of the Municipal Land Use Law which are required to be licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1, et seq.
 9. Educational facilities such as music schools, tutoring or special training but not including private elementary schools.
 10. Apartments over ground level retail sales and services uses, on lots fronting on Union Avenue, subject to the following standards:
 - i. Density: One dwelling unit per 8,000 square feet of lot area.
 - ii. Each second story dwelling shall contain a minimum of eight hundred sixty (860) square feet of gross floor area.
 - iii. Site plan approval shall be required prior to the issuance of any building permit to construct a second story dwelling.
 - iv. Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of two (2) bedrooms.
 - v. Parking for Mixed-Use Buildings.
 1. A minimum of three and one-half (3.5) parking spaces for every one thousand (1,000) square feet of gross commercial floor area shall be provided.
 2. Parking for residential uses shall comply with Residential Site Improvement Standards.
 3. Shared Parking on Adjacent Parcels. When land uses on adjacent parcels create shared parking areas with pedestrian and/or vehicular circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for

development on those properties may comply with the standards set forth in paragraphs i. and ii. above.

- vi. Shared Parking on Noncontiguous Parcels. Required parking for mixed-used buildings may be supplied at a noncontiguous parcel, provided:
4. Parking is available within one thousand (1,000) feet of the mixed-use development:
 5. Both the mixed-use development and the parking facility comply with parking lot design standards;
 6. Off-site parking spaces may not already be designated as required parking for some other use.
 7. Documentation conforming the ownership and/or management arrangement for any shared parking arrangement shall be submitted prior to approval by the Planning Board.
Properties with extra parking retain expansion rights equivalent to that number of extra spaces.
 8. Provided a mixed-use building(s) complies with off-street parking lot design standards, legal on-street parking along the tract's street frontage may be counted toward the development's minimum parking requirements.
 9. The minimum required number of parking spaces may be reduced by twenty-five (25%) percent provided a mixed-use building is within two thousand five hundred (2,500') feet of a designated transit stop.

b) Required Accessory Uses.

1. Off-street parking subject to the provisions of subsection 13-8.20.
2. Off-street loading subject to the provisions of subsection 13-8.19.

c) Permitted Accessory Uses.

1. Fences subject to the provisions of subsection 13-8.13.
2. Signs subject to the provisions of subsection 13-8.26.
3. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
4. Family day care homes pursuant to N.J.S.A. 40:55D-66.5b of the Municipal Land Use Law which are conducted in the private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," N.J.S.A. 30:5B-16, et seq.

d) Conditional Uses. Subject to the provisions of section 13-9 of this chapter.

1. Home professional offices (subsection 13-9.4).

2. Residential adult community single-family dwellings located on an area greater than one acre and subject to the requirements for such dwellings in the R-AC Zone.
 3. Wind energy systems or facilities subject to the specifications, standards and regulations established in subsection 13-10.15 of this chapter.
- e) Area, Yard and Building Requirements.
1. Residential uses in accordance with R-8 Zone District regulations and requirements.
 2. For all other uses as follows:
 - (a) Minimum Lot Area: 7,500 square feet.
 - (b) Minimum Lot Width: 75 feet.
 - (c) Minimum Lot Frontage:
 - (1) Interior Lot – 75 feet.
 - (2) Corner Lot – 100 feet on both streets.
 - (d) Minimum Lot Depth: 100 feet.
 - (e) Minimum Front Setback: 20 feet.
 - (f) Minimum Rear Yard Setback:
 - (1) Principal Building - 30 feet.
 - (2) Accessory Building - 15 feet.
 - (g) Minimum Side Yard Setback:
 - (1) Principal Building - 8 feet with two combined side yards not less than 20 feet.
 - (2) Accessory Building - 10 feet.
 - (h) Maximum Building Height: 30 feet subject to the provisions of subsection 13-5.12 and further provided that any building shall contain no more than two usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevation of the corners of the building or from the Federal Emergency Management Agency minimum building elevation if a building is located within a designated floodplain.
 - (i) Maximum lot Coverage: 50%

(j) Maximum Floor Area Ratio: 1.5

3. Rooftop mechanical equipment should be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air-conditioning equipment, utility boxes and meters, should be screened by landscaping, walls or fencing.
4. Building entrances facing a street should be retained. The visual character of buildings along street frontages and entryways should be pedestrian friendly and porches should not be enclosed. At no time should fire escapes be permitted on the front facade of a building.”

Attachments

1. **Bulk chart**
2. **Zoning Map**

_____, Mayor

_____, Clerk

Introduced: October 20, 2016
Public Hearing: November 21, 2016
Adopted: November 21, 2016

I, HEREBY certify that the foregoing is a true copy of an Ordinance introduced by the Governing Body of the Borough of Union Beach, New Jersey at a meeting on the 20th day of October, 2016 and adopted after Public Hearing on November 21, 2016.

_____, Clerk