

**§ 250-117. Permitted uses in POD-S Zone.**

- A. The following uses are permitted in the POD-S Zone subject, except as otherwise provided in this chapter, to a maximum floor area of 830,000 square feet and a floor area ratio not to exceed 0.074: **[Amended 9-19-2006 by Ord. No. 8-06; 3-18-2008 by Ord. No. 08-4; 4-17-2014 by Ord. No. 14-1]**
- (1) General business offices and medical offices, provided that medical offices shall not exceed 28% of the maximum floor area permitted in this section (830,000 square feet). **[Amended 7-16-2015 by Ord. No. 15-12]**
  - (2) Laboratories for nonhazardous research, experimentation or testing.
  - (3) Light, nonnuisance manufacturing.
  - (4) Facilities for higher education.
  - (5) Planned commercial developments containing one or more of the uses permitted under Subsection A(1) through (4) above and/or uses under § 250-119 below.<sup>1</sup>
- B. Existing buildings which the developer does not propose to reuse shall remain vacant and shall be razed during the term of the general development plan. Removal and maintenance of the vacant buildings shall be guaranteed pursuant to an agreement between the Borough and the owner of the buildings, which agreement shall be a condition of any GDP approval. This agreement shall run with the land and bind all successor owners. Buildings subject to such an agreement shall not be deemed to be floor area for purposes of this chapter and shall not be subject to floor area ratio limits. **[Amended 3-18-2008 by Ord. No. 08-4]**
- C. Notwithstanding anything to the contrary elsewhere in this chapter: **[Added 9-19-2006 by Ord. No. 8-06]**
- (1) Commercial athletic training facilities meeting the requirements of § 250-124 below shall be a principal permitted use in the POD-S Zone; and
  - (2) A planned unit development meeting the requirements of § 250-123 below shall be a principal permitted use in the POD-N and POD-S Zones.

**§ 250-118. County road or state highway access in POD-S Zone. [Amended 9-19-2006 by Ord. No. 8-06; 3-18-2008 by Ord. No. 08-4]**

Any application for development in the POD-S Zone in excess of 0.074 FAR shall provide direct access to both Park Avenue and State Highway Route 24, except that such direct access to Route 24 is not required for hotel development pursuant to § 250-119A below; commercial athletic training facilities meeting the requirements of § 250-124 below; or planned unit development pursuant to § 250-123 below. No access to Ridgedale Avenue is permitted with the exception of controlled access for emergency, police, and fire vehicles.

**§ 250-119. Conditional uses in POD-S Zone. [Amended 9-19-2006 by Ord. No. 8-06;**

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1. Editor's Note: Former Subsection A(6), regarding ancillary surface parking lots, as amended, which immediately followed, was repealed 12-15-2016 by Ord. No. 16-17.

**3-18-2008 by Ord. No. 08-4]**

- A. A hotel or hotel and conference center is a conditional use in the POD-S Zone subject to the following standards:
- (1) No hotel building shall exceed a maximum of 60 feet or six stories in height. The following roof structures may extend up to 15 feet above the permitted height limit, provided that such structures are set back at least 25 feet from the perimeter of the roof and, in the aggregate, do not cover more than 20% of the roof area of the entire building: roof tanks and supports; elevator housings; stairwell enclosures; mechanical equipment; decorative roof projections; and chimneys and vent pipes. In addition, parapet walls may extend up to five feet above the top of roof.
  - (2) No hotel building shall be permitted closer to:
    - (a) Park Avenue than 150 feet;
    - (b) Any interior road intersecting with and providing direct access to Park Avenue than 100 feet;
    - (c) Any other property line abutting the perimeter of the POD-S Zone than 50 feet; and
    - (d) Any other property line abutting another lot in the POD-S Zone than 15 feet; provided that where a fifteen-foot setback is so provided, a minimum distance of 50 feet must be maintained between adjoining buildings.
  - (3) That part of the hotel lot that is not covered with buildings, pavement, parking areas, sidewalks, and like impervious material shall be not less than 40% of the total lot area and shall be appropriately landscaped subject to Planning Board approval.
  - (4) A hotel shall provide off-street parking at the rate of one parking space for each guest room. Should the hotel include a restaurant and/or bar facilities, parking spaces for those facilities shall be provided as required in § 250-105, in addition to those spaces required for guest rooms. Should meeting rooms, ballrooms, and conference suites be provided as an accessory use, parking shall be provided at the rate of one space for every 100 square feet of floor area within such meeting rooms, ballrooms, and conference suites, in addition to the other parking requirements for the hotel. **[Amended 4-17-2014 by Ord. No. 14-1]**
  - (5) A hotel shall only be permitted on a site containing a minimum area of nine acres. **[Amended 4-17-2014 by Ord. No. 14-1; 9-24-2015 by Ord. No. 15-15]**
  - (6) No more than three restaurants in two buildings and no more than 18,000 square feet of freestanding restaurant space are permitted. The restaurants may be located in separate buildings, but must be located on the parcel listed as Lot 1.02 in Block 14.01 as of the date this subsection is adopted. Stores, shops, and service facilities, primarily for the use and convenience of hotel guests and/or patrons of other uses within the hotel building are permitted as accessory uses, if located within the hotel building. **[Amended 4-17-2014 by Ord. No. 14-1; 7-16-2015 by Ord. No. 15-12]**
  - (7) Only one hotel shall be permitted in the POD-S Zone, which hotel shall be limited to

165 guest rooms and 200,000 square feet of total floor area within the building, exclusive of freestanding restaurant space that is described in Subsection A(6) above. **[Amended 4-17-2014 by Ord. No. 14-1; 7-16-2015 by Ord. No. 15-12]**

- (8) Any hotel shall be part of a planned commercial development or a planned unit development and shall be included within the general development plan submitted for such development by the developer. **[Amended 4-17-2014 by Ord. No. 14-1]**
  - (9) A hotel shall also comply with the parking requirements set forth in § 250-121D below. Such requirements, however, shall not be deemed to be specifications or standards pertaining solely to a conditional use, within the meaning of N.J.S.A. 40:55D-70d. **[Amended 4-17-2014 by Ord. No. 14-1]**
  - (10) No more than 20% of the total floor area of any hotel in the POD-S Zone may be occupied by a health and/or fitness center, meeting rooms, ballrooms, and/or conference suites, or any combination of these. **[Amended 4-17-2014 by Ord. No. 14-1]**
- B. A senior citizen housing community is a conditional use in the POD-S Zone: **[Amended 9-24-2020 by Ord. No. 20-15]**
- (1) Conditions. A senior citizen housing community is a conditional use in the POD-S Zone subject to the following conditions:
    - (a) The senior citizen housing community shall be located on a property containing at least nine acres.
    - (b) The senior citizen housing community shall not contain more than 240 units.
    - (c) The unit/bedroom mix shall consist of no more than 128 one- and two-bedroom independent living units. The balance of units may be provided as assisted living units with studio, one-, and two-bedrooms in compliance with N.J.S.A. 26:2H-12.16, and studio memory care units in compliance with N.J.S.A. 26:2H-12.16, as well as various support uses and services as defined herein.
  - (2) Bulk standards.
    - (a) The senior citizen housing community shall meet the bulk standards and requirements under § 250-124.1, Bulk standards for a senior citizen housing community in the POD-S Zone.
  - (3) Impact of conditional use on the POD-S Zone standards.
    - (a) A senior citizen housing community shall be considered developed upon issuance of the first certificate of occupancy. If the senior citizen housing community is developed, the maximum floor area and maximum floor area ratio requirements for all other permitted uses in the POD-S Zone shall be reduced pursuant to § 250-119C, § 250-122, § 250-123A(1)(b), and § 250-123C(1).
- C. Uses permitted in § 250-117, other than commercial athletic training facilities pursuant to § 250-124 below, and planned unit development pursuant to § 250-123 below, which occupy gross floor area in excess of 0.074 FAR or 830,000 square feet; or a conditionally permitted

senior citizen housing community component pursuant to § 250-119B, shall be deemed to be conditional uses in the POD-S Zone subject to the following regulations (which regulations, notwithstanding anything to the contrary elsewhere in this chapter, shall not apply to commercial athletic training facilities or planned unit development): **[Added 9-24-2020 by Ord. No. 20-15]**

- (1) Requirement for direct connection to Route 24 for development in the POD-S Zone exceeding 830,000 square feet of gross floor area. Permitted uses in the POD-S Zone in excess of 830,000 square feet of gross floor area as permitted under § 250-117, up to a maximum floor area ratio of 0.153, are conditioned on direct connection providing two-way access from an interchange access street in the POD-S Zone to Route 24. The gross floor area ratio maximum for the POD-S Zone may be increased to 0.180 pursuant to § 119-C(4) and (5) below.
- (2) If the conditionally permitted senior citizen housing community component, pursuant to § 250-119B, is developed, the requirement for direct connection to Route 24 is changed for development in the POD-S Zone exceeding 564,196 square feet of gross floor area and up to a maximum floor area ratio of 0.130. Permitted uses in the POD-S Zone in excess of these provisions are conditioned on direct connection providing two-way access from an interchange access street in the POD-S Zone to Route 24. Under these provisions, the gross floor area ratio maximum for the POD-S Zone may be increased above that to 0.157 pursuant to § 119-C(4) and (6) below.
- (3) Except as provided in Subsection C(4) below, the floor area ratio for uses permitted by § 250-118 shall not exceed 0.153, and shall not exceed 0.130 if the conditionally permitted senior citizen housing community component is developed.
- (4) Pursuant to N.J.S.A. 40:55D-39c, and subject to the limitations of this subsection, a developer of a planned commercial development may increase the concentration of development within the POD-S Zone if such increase is offset by a corresponding reduction of development in the POD-N Zone.
- (5) The developer shall be permitted to increase floor area ratio in the POD-S Zone to 0.180, provided that this increase is offset by elimination of the commercial development permitted in the POD-N Zone. Any increased floor area ratio is only permitted if the entire development in the POD-N Zone is eliminated, excepting utilities to service the POD-S Zone.
- (6) If the conditionally permitted senior citizen housing community component, pursuant to § 250-119.B, is developed, the allowances to increase floor area ratio in the POD-S Zone shall be limited to 0.157, provided that this increase is offset by elimination of the commercial development permitted in the POD-N Zone. Any increased floor area ratio is only permitted if the entire development in the POD-N Zone is eliminated, excepting utilities to service the POD-S Zone.

**§ 250-120. Permitted accessory uses in POD-S Zone. [Amended 4-17-2014 by Ord. No. 14-1]**

All permitted accessory uses in C Zones are permitted in the POD-S Zone, together with those accessory uses, structures, and facilities permitted for corporate suites as described in § 250-2.2.

**§ 250-121. Area, yard setback and building height and coverage requirements in POD-S Zone. [Amended 3-18-2008 by Ord. No. 08-4]**

All lot area, width, depth, height, yard, and building and improved coverage requirements for commercial development within the POD-S Zone shall be in accordance with the criteria for the C-1 Zone except as follows:

- A. Permitted building height shall be 60 feet, with a maximum of four stories, for buildings not exceeding minimum required front, side and rear yard setbacks, and 75 feet, with a maximum of five stories, where the applicable minimum front, side and rear yard setbacks required under this § 250-121 are increased three feet for each one foot of building height above 60 feet, and where a minimum distance of 75 feet is maintained between adjoining buildings. The setback requirements specified in this section for buildings exceeding 60 feet in height shall control notwithstanding anything to the contrary elsewhere in this § 250-121. The following roof structures may extend up to 15 feet above the permitted height limit, provided that such structures are setback at least 25 feet from the perimeter of the roof and, in the aggregate, do not cover more than 20% of the roof surface: roof tanks and supports; elevator housings; stairwell enclosures; mechanical equipment; decorative roof projections; and chimneys and vent pipes. In addition, parapet walls may extend up to five feet above the top of roof. **[Amended 4-27-2010 by Ord. No. 10-8]**
- B. Minimum front yard setback requirements shall be modified as follows:
- (1) Along any public or private street in the POD-S Zone that intersects with and provides direct access to Park Avenue (such a street is referred to herein as a "Park Avenue connector street"), the minimum front yard setback shall be 100 feet.
  - (2) Accessways providing access and/or egress between a Park Avenue connector street and a commercial athletic training facility, a hotel, one or more office buildings, corporate suites or other permitted commercial uses, or a parking area serving any one or more of these uses, shall not be deemed to be streets for purposes of this § 250-121. During site plan review, the Board shall review the layout of such accessways to insure compliance with the design standards set forth in § 212-24A(1). **[Amended 4-17-2014 by Ord. No. 14-1]**
- C. Where the side or rear lot line of any lot containing (or planned to contain) commercial development within the POD-S Zone abuts another lot containing (or planned to contain) such development, the minimum side and rear yard setback requirement shall be 15 feet; provided, however, that a minimum distance of 50 feet must be maintained between adjoining buildings.
- D. Parking requirements shall be modified as follows:
- (1) Parking shall be permitted in the front yard with buffering and subject to a setback of 150 feet from Park Avenue and 50 feet from all other streets. Parking serving the hotel and restaurants may be set back 90 feet from Park Avenue. **[Amended 7-16-2015 by Ord. No. 15-12]**
  - (2) Notwithstanding the requirements of § 250-100E, there shall be no minimum required setback between parking areas and property lines along lot lines which form a common

boundary between lots to be developed for commercial uses within the POD-S Zone, so long as cross easements are created to allow shared parking between or among such lots.

- E. Improved lot coverage limits established in the C-1 Zone shall not apply to individual lots developed for commercial uses within the POD-S Zone, provided that the total improved coverage for all lots containing commercial development within the POD-S Zone shall not exceed 40%.
- F. Notwithstanding the requirements of Section 250-16A, lots in the POD-S Zone may be developed without frontage on a public street, so long as such lot is provided with access to a public street by means of an improved driveway measuring 30 feet in width; the perpetual right to access and egress over the improved driveway is granted by a recorded permanent easement; such easement is reviewed and approved by the Planning Board Attorney and Borough Engineer to insure adequate provision for future maintenance of the driveway; and such driveway is adequate to accommodate fire trucks and other emergency vehicles. On any such lot, the minimum front yard requirement shall be 100 feet and the setback shall be measured from the nearest property line to the front of the building as identified on the site plan. Such lots need not comply with minimum lot width requirements, but must meet all area, yard, setback, height, and coverage requirements applicable to the POD-S Zone.
- G. Planned unit development shall be governed by this § 250-121 except as otherwise provided in § 250-123C below.
- H. Commercial athletic training facilities shall be governed by § 250-124 and not by this § 250-121.

**§ 250-122. FAR limits in POD Zones. [Amended 9-19-2006 by Ord. No. 8-06; 3-18-2008 by Ord. No. 08-4; 9-24-2020 by Ord. No. 20-15]**

Notwithstanding anything to the contrary elsewhere in this chapter, the floor area ratio limits within the POD Zones shall not apply to parking structures, including but not limited to buildings and/or structures related to park-and-ride facilities; freestanding buildings or structures for mechanical or utility equipment, including but not limited to sewage treatment facilities; hotels or hotel and conference centers; vacant building subject to an agreement for removal and maintenance pursuant to § 250-117B above; buildings and/or structures accessory to any open space use; buildings and/or structures included within any commercial athletic training facility; and/or buildings and/or structures included within a planned unit development. Within a planned commercial development, floor area ratio limits shall apply to the total floor area (other than floor area which is excluded under this section, herein called "excluded floor area") within the planned commercial development but shall not apply so as to limit the extent of floor area on individual lots. The gross floor area (other than excluded floor area) of a planned commercial development in the POD-S Zone may, pursuant to a general development plan, equal but shall not exceed as a permitted use 830,000 square feet and as a conditional use may equal 1,730,000 square feet. The total gross floor area of a planned commercial development (other than the excluded floor area) may equal but not exceed 2,030,000 square feet if permitted commercial development in the POD-N Zone is eliminated pursuant to § 250-119C(4) and (5) of this article. If the conditionally permitted senior citizen housing community component, pursuant to § 250-119B, is developed,

the gross floor area (other than excluded floor area) of a planned commercial development in the POD-S Zone may, pursuant to a general development plan, equal but shall not exceed, as a permitted use, 564,196 square feet, and as a conditional use may equal 1,464,196 square feet. The total gross floor area of a planned commercial development (other than the excluded floor area) may equal, but not exceed 1,764,196 square feet if permitted commercial development in the POD-N Zone is eliminated pursuant to § 250-119C(4) and (6) of this article.

**§ 250-123. Planned unit development in POD-N and POD-S Zones. [Added 9-19-2006 by Ord. No. 8-06]**

A. Required Components of PUD.

- (1) Any planned unit development in the POD-N and POD-S Zones shall contain the following components:
  - (a) A mandatory open space component consisting of at least 200 acres. The open space component shall be either permanently deed restricted to open space use or dedicated to the municipality for open space purposes, including athletic fields and other active recreation uses, and/or facilities for municipal utilities. Lands dedicated to the Borough shall be no closer than 50 feet to the wetlands line.
  - (b) A commercial use component containing up to but not more than 830,000 square feet of gross floor area occupied by any one or more of the uses permitted under § 250-117A(1) through (4) above; in addition to the above-permitted 830,000 square feet of gross floor area, the commercial use component may also contain i) a hotel and conference center in conformance with the requirements of § 250-119A above, and ii) corporate suites in conformance with the requirements of § 250-123C(2) below. A commercial use component shall be limited to 564,196 square feet of gross floor area occupied by any one or more of the uses permitted under § 250-117A(1) through (4) above, if a conditionally permitted senior citizen housing community component is included in the PUD. In addition to the above-permitted 564,196 square feet of gross floor area under that provision, the commercial use component may also contain i) a hotel and conference center in conformance with the requirements of § 250-119A above, and ii) corporate suites in conformance with the requirements of § 250-123C(2) below. **[Amended 3-18-2008 by Ord. No. 08-4; 4-17-2014 by Ord. No. 14-1; 9-24-2020 by Ord. No. 20-15]**
  - (c) A commercial athletic training facilities component comprising at least 20 acres.
  - (d) An age-restricted residential housing component consisting of single-family detached and/or multifamily age-restricted housing units at a density not exceeding 2.00 units per acre. Density shall be computed on the basis of all land area within the PUD, except land area included within the commercial use component or the commercial athletic training facilities component. Notwithstanding the foregoing, the residential housing component shall not contain more than 425 age-restricted housing units. **[Amended 3-18-2008 by Ord. No. 08-4; 7-16-2015 by Ord. No. 15-12]**

- (e) A supportive and special-needs housing component consisting of a mix of one-bedroom and two-bedroom supportive housing units not to exceed 98 bedrooms and one group home with a maximum of four bedrooms for special needs adults who require full-time supervision. **[Added 12-15-2016 by Ord. No. 16-17]**
- (2) Except as provided in Subsection B below with regard to utility improvements, no part of the commercial use component, commercial athletic training facilities component, age-restricted residential housing component, or supportive and special-needs housing component of any planned unit development may be located in the POD-N Zone. **[Amended 12-15-2016 by Ord. No. 16-17]**
- B. Requirements for mandatory open space component. Mandatory open space within the PUD shall be located on the north side of Route 24. Mandatory open space may contain active recreation uses as well as utility improvements and easements servicing permitted development in the PUD and/or the surrounding community.
- C. Requirements for commercial use component. **[Amended 3-18-2008 by Ord. No. 08-4; 4-17-2014 by Ord. No. 14-1]**
  - (1) In general. All development within the commercial use component shall comply with the area, yard, setback, height, and coverage requirements of § 250-121 above, except that hotel and conference center development shall instead be governed by § 250-119A, corporate suites shall instead be governed by § 250-123C(2) below, and maximum improved coverage within the commercial use component of the PUD shall not exceed 40% of the total land area occupied by the commercial use component. Except for a hotel and conference center, and corporate suites, total gross floor area within the commercial use component of the PUD shall not exceed 830,000 square feet. If a conditionally permitted senior citizen housing community, pursuant to § 250-119B, is developed the total gross floor area of the commercial component of the PUD is reduced and shall not exceed 564,196 square feet, except for a hotel and conference center, and corporate suites. **[Amended 9-24-2020 by Ord. No. 20-15]**
  - (2) Requirements for corporate suites.
    - (a) No more than 256 corporate suites units shall be permitted within the POD-S Zone. **[Amended 7-16-2015 by Ord. No. 15-12]**
    - (b) Notwithstanding the provisions of § 250-121F above, any building containing corporate suites shall be situated on a lot fronting on Park Avenue.
    - (c) Minimum lot size for corporate suites shall be eight acres.
    - (d) The minimum building setback from any Park Avenue connector street shall be 65 feet.
    - (e) The minimum building setback from Park Avenue shall be 150 feet.
    - (f) The minimum building setback from all other property lines shall be 50 feet.
    - (g) The minimum parking setback from Park Avenue shall be 150 feet, 50 feet from other streets and 10 feet from other property lines.

- (h) A parking garage provided beneath a building containing corporate suites shall not be counted as a story, provided that the garage floor is at or below the adjacent grade of Park Avenue.
  - (i) Parking shall be provided for corporate suites in conformance with the requirements of chapter § 250-105.
  - (j) Except as otherwise provided above, corporate suites shall conform to the height, lot width, yard, building coverage, and improved coverage requirements applicable to commercial development in the POD-S Zone as set forth in § 250-121 above.
  - (k) Prior to a certificate of occupancy issued for any corporate suite, there may be a direct internal vehicular connection between the corporate suite and the other facilities within the planned unit development, subject to the approval of the Planning Board. Such connection shall be in addition to access to Park Avenue.
  - (l) The corporate suites shall be designed and operated in such a manner that both the amenities provided indoors and outdoors shall be an integral part of the facility that distinguishes it from residential rental apartments and hotels.
  - (m) Indoor gross floor area devoted to the indoor accessory amenities and facilities described in the "corporate suites" definition<sup>2</sup> shall be within the range of from 6% to 8% of the gross floor area occupied by all suites/occupancy units, accessory hallways, elevators and stairways within the building, as well as supporting mechanical areas (referred to as "suites gross floor area" or "SGFA"). Outdoor area devoted to the outdoor accessory amenities and facilities described in the "corporate suites" definition shall equal at least 12% of the SGFA.
- D. Requirements for commercial athletic training facilities component. The commercial athletic training facilities component shall comply with the standards set forth in § 250-124 below.
- E. Requirements for age-restricted residential housing component. **[Amended 3-18-2008 by Ord. No. 08-4; 12-15-2016 by Ord. No. 16-17]**
- (1) All housing units within the age-restricted residential housing component shall comply with the following requirements:
    - (a) Minimum number of low- and moderate-income housing units: 18 units.
    - (b) Minimum building setback from Park Avenue right-of-way: 150 feet.
    - (c) Minimum building setback from all other streets, public or private, providing direct access to any nonresidential use within the PUD: 50 feet from right-of-way line for public streets; 50 feet from curblines for private streets.
    - (d) Minimum building setback to all perimeter boundaries of the PUD: 50 feet.
    - (e) Minimum building setback from all other property lines: 20 feet.

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2. Editor's Note: See § 250-2.2, Definitions.

- (f) Minimum parking setback from Park Avenue right-of-way: 150 feet.
- (g) Minimum parking setback to all other streets, public or private, providing direct access to any nonresidential use within the PUD: 50 feet from right-of-way line for public streets; 50 feet from curblines for private streets.
- (h) Minimum parking setback to all perimeter boundaries of the PUD: 50 feet.
- (i) Subject to the exceptions below, the minimum building setback from all streets or alleyways providing direct access to a garage at the rear of a residential building (such streets or alleyways are herein referred to as "garage accessways") shall be 8.5 feet measured from the curblines; the minimum building setback from all other streets, public or private, providing direct access only to age-restricted housing units within the PUD shall be 20 feet, measured from the right-of-way line for public streets and from the curblines for private streets. Notwithstanding the foregoing:
  - [1] For single-family detached age-restricted housing units, encroachments within minimum building setbacks shall be permitted as provided in § 250-123E(2)(e) and (f) below.
  - [2] For multifamily age-restricted housing units, open covered porches, uncovered patios and decks, balconies, and stoops may extend seven feet into the required setback from streets other than garage accessways; uncovered steps may extend up to two feet from the street sidewalk, measured from the sidewalk edge closest to the building; and planter boxes may extend up to the street sidewalk edge located closest to the building.
- (j) Minimum building setback from all parking spaces serving age-restricted residential uses within the PUD: 15 feet. This requirement shall not apply to parking on streets or in driveways.
- (k) Minimum parking setback from all streets, public or private, providing direct access only to age-restricted residential uses within the PUD: 10 feet from right-of-way line for public streets; 10 feet from curblines for private streets. This requirement shall not apply to on-street parking.
- (l) Maximum aggregate building coverage within the age-restricted residential housing component: 25%. (Such coverage shall be calculated based on the total land area within the age-restricted residential housing component of the PUD.)
- (m) Maximum aggregate improved tract coverage within the age-restricted residential housing component: 50% (such coverage shall be calculated based on the total land area within the age-restricted residential housing component of the PUD); provided, however, that total improved coverage for the entire POD-S Zone shall not exceed 40%.
- (n) Notwithstanding anything to the contrary elsewhere in this chapter, roof projections such as chimneys, spires, cupolas, towers, and flagpoles shall be permitted to extend up to 10 feet beyond the highest point of the roof, provided that

the area of all such projections does not exceed 10% of the total roof area.

- (2) Single-family detached age-restricted housing units shall comply with the following additional requirements: **[Added 4-20-2017 by Ord. No. 17-5]**
- (a) Such housing units may be located on private streets, provided that such streets meet minimum requirements of the Residential Site Improvement Standards (RSIS).
  - (b) Minimum lot area: 5,500 square feet.
  - (c) Minimum lot width: 55 feet.
  - (d) Minimum lot depth: 110 feet.
  - (e) Minimum front yard: 20 feet, provided that:
    - [1] Open, covered porches, balconies, stoops and uncovered patios and decks may extend seven feet into the required front yard;
    - [2] Notwithstanding the provisions defining setback lines in § 250-2.2 of this chapter, uncovered steps may extend up to two feet from the street sidewalk, measured from the sidewalk edge closest to the building; and
    - [3] Planter boxes may extend up the street sidewalk edge located closest to the building.
  - (f) Minimum rear yard: 20 feet, provided that open, covered porches, uncovered steps, balconies, stoops and uncovered patios and decks may extend six feet into the required twenty-foot rear yard, and where the rear yard abuts a garage accessway, the minimum setback shall be 8.5 feet measured from the garage accessway curbline.
  - (g) Minimum side yards: six feet (one), 15 feet (both). Walls attached to a dwelling unit, up to six feet in height, are permitted within a minimum side yard.
  - (h) Maximum height: 2 1/2 stories/35 feet.
  - (i) Accessory buildings and swimming pools are not permitted on any lot containing a single-family detached age-restricted housing unit.
- (3) Multifamily age-restricted housing units shall comply with the following additional requirements: **[Added 4-20-2017 by Ord. No. 17-5]**
- (a) Minimum distance between buildings: 24 feet between townhouse buildings; 30 feet between other multifamily buildings; and 30 feet between a townhouse building and another (nontownhouse) multifamily building. Porches, balconies, stoops and walls up to six feet in height attached to a building may project up to eight feet into minimum required distances between buildings, provided that no two adjoining townhouse buildings with an allowable projection between them shall be less than 16 feet apart. As used in this subsection, "townhouse" shall mean a multifamily dwelling unit with no dwelling units above or below it. Uncovered

steps shall be permitted within minimum distances between buildings.

- (b) Maximum building height: three stories/45 feet for buildings without parking underneath; three stories/55 feet for buildings with parking underneath. All multifamily age-restricted housing units within the PUD must be constructed with a gable, hip, gambrel, mansard or other similar style pitched roof.
  - (4) The Homeowner's Association (HOA) for the development shall be responsible for providing a list of homes that have been modified with additional porches, decks, or other building coverages that may impact the PUD coverage requirements. The list shall be updated annually and submitted to the Borough Engineer. **[Added 11-14-2022 by Ord. No. 22-16]**
- F. Requirements for supportive and special-needs housing component. **[Added 12-15-2016 by Ord. No. 16-17]**
- (1) Minimum lot size shall be eight acres.
  - (2) Minimum building setback from Park Avenue right-of-way shall be 50 feet.
  - (3) Minimum building setback from other streets shall be 50 feet.
  - (4) Minimum building setback from all other property lines shall be 25 feet.
  - (5) Minimum parking setback from Park Avenue right-of-way shall be 100 feet, 50 feet from other streets and 15 feet from other property lines.
  - (6) Maximum building coverage shall be 25% (Such coverage shall be calculated based on the total land area within the supportive and special needs housing component of the PUD.)
  - (7) Maximum impervious coverage shall be 45% (Such coverage shall be calculated based on the total land area within the supportive and special needs housing component of the PUD.)
  - (8) Minimum distance between buildings shall be 25 feet.
  - (9) Maximum building height: 2 1/2 stories/35 feet.
  - (10) Parking shall be provided in accordance with the requirements of N.J.A.C. 5:21 and Residential Site Improvement Standards (RSIS). However, the Planning Board shall have the discretion to grant a de minimis exception from RSIS standards based on the anticipated reduced parking demand for supportive and special needs housing.

**§ 250-124. Commercial athletic training facilities in POD-S Zone. [Added 9-19-2006 by Ord. No. 8-06]**

Commercial athletic training facilities in the POD-S Zone shall comply with the following standards.

- A. Minimum tract area: 20 acres.

- B. Minimum building setback from Park Avenue right-of-way: 1,000 feet.
- C. Minimum building setback from all other streets, public or private: 100 feet from right-of-way line for public streets; 100 feet from curblines for private streets.
- D. Minimum building setback from all other property lines (except street rights-of-way): 50 feet.
- E. Minimum parking setback from Park Avenue right-of-way: 1,000 feet.
- F. Minimum parking setback from all other streets, public or private: 50 feet from right-of-way line for public streets; 50 feet from curblines or pavement edge for private streets.
- G. Minimum number of parking spaces: 1.6 spaces per 1,000 square feet of floor area, but excluding floor area occupied by practice fields.
- H. Maximum permitted building coverage: 35%.
- I. Maximum total improved coverage: 40%.
- J. Maximum permitted building height: 60 feet, except that maximum permitted height for air-supported domes or buildings for indoor practice fields shall be 125 feet.
- K. Commercial athletic training facilities may be located on a lot without frontage on a public street so long as:
  - (1) Such lot is provided with access to a public street by means of an improved private street or driveway measuring at least 24 feet in width, with the perpetual right to access and egress over the improved private street or driveway granted by a recorded permanent easement;
  - (2) Such easement is reviewed and approved by the Planning Board Attorney and Borough Engineer to ensure adequate provision for future maintenance of the public street or driveway; and
  - (3) Such private street or driveway is adequate to accommodate fire trucks and other emergency vehicles.
- L. Outdoor lighting shall be permitted for athletic fields within commercial athletic training facilities subject to the following:
  - (1) Maximum height: 100 feet.
  - (2) All lighting fixtures shall be equipped with hoods to minimize spillage beyond the perimeter of the athletic field.

**§ 250-124.1. Bulk standards and requirements for a senior citizen housing community in the POD-S Zone. [Added 9-24-2020 by Ord. No. 20-15]**

The following bulk standards and requirements shall apply to any conditionally permitted Senior Citizen Housing Community in the POD-S Zone:

- A. Minimum lot size shall be nine acres.
- B. Minimum lot frontage shall be 100 feet.
- C. Minimum front yard setback shall be 100 feet.
- D. Minimum yard setback from all other property lines shall be 25 feet.
- E. Maximum improved lot coverage shall be 65% (such coverage shall be calculated based on the total land area within the senior citizen housing community component of the PUD).
- F. Maximum building lot coverage shall be 25% (such coverage shall be calculated based on the total land area within the senior citizen housing community component of the PUD).
- G. Maximum building height: three stories/45 feet for buildings without parking underneath; four stories/60 feet for buildings with parking underneath or below grade. Underground stories shall not be counted towards overall building height.
  - (1) The following roof structures may extend up to 15 feet above the permitted height limit, provided that such structures are setback at least 20 feet from the perimeter of the roof and, in the aggregate, do not cover more than 20% of the roof surface: roof tanks and supports; elevator housings; mechanical equipment and decorative screening thereof; decorative roof projections; and chimneys and vent pipes.
  - (2) The following roof structures may extend up to 15 feet above the permitted height limit, provided that, in the aggregate with the above under Subsection G(1) do not cover more than 20% of the roof surface: stairwell enclosures.
  - (3) Parapet walls may extend up to 10 feet above the top of roof, limited to those portions of the building that are one story.
- H. Parking shall be provided in accordance with the requirements of N.J.A.C. 5:21, Residential Site Improvement Standards (RSIS), with independent living units to meet the RSIS requirements for "garden apartments," and assisted living units and memory care units to meet the RSIS requirements for "assisted living."
  - (1) The Planning Board shall have the discretion to grant a de minimis exception from RSIS standards based on the anticipated reduced parking demand for senior citizen housing community usage.
- I. An oversized parking space shall be provided and shall be a minimum dimension of 14 feet in width by 30 feet in length for facility-owned transportation buses and other oversized vehicles.
- J. Minimum parking stall setback from all property lines shall be 20 feet.
- K. Minimum drive aisle setback from any property line shall be 12 feet.
- L. Maximum wall and fence height in the front yard shall be six feet for a wall and four feet for a fence.
- M. Maximum wall and fence height in the side and rear yards shall be 10 feet for a wall and four

feet for a fence.

- N. Signage. Notwithstanding anything to the contrary in this chapter, the following signage shall be permitted:
- (1) Up to two single-sided freestanding/ground-mounted permanent signs. **[Amended 11-14-2022 by Ord. No. 22-16]**
  - (2) Maximum area no more than 36 square feet each.
  - (3) Maximum sign height shall be eight feet.
  - (4) Wall signs and directional signs shall be subject to the requirements provided under Chapter 199, Signs, § 199-38B, C, and D of the Borough Land Use Code.
- O. Design requirements.
- (1) Building elevations shall be constructed to the same architectural design standards on all facades.
  - (2) Courtyards and passive open space areas shall be provided in no less than two locations on the site, with a minimum individual area of 4,000 square feet per courtyard, and a minimum total cumulative area of 20,000 square feet for the entire site.
  - (3) Sidewalks and walking paths shall be a minimum of four feet in width and constructed to ADA standards. Lighting shall be provided per § 250-101B of the Borough Land Use Code.
- P. Affordable housing requirement.
- (1) Ten percent of the total assisted living and memory care units shall be set aside under State Medicaid requirements per the definition of "Medicaid waiver."
  - (2) The independent living units shall be subject to the provisions of the Borough's Affordable Housing Ordinance, § 250-7.5, Affordable housing regulations.
  - (3) Pursuant to N.J.A.C. 5:93-8.10(c), "Development fees; residential," the developer may pay a fee in lieu of building low- and moderate-income units.<sup>3</sup>
  - (4) A developer's agreement stating the terms of any payment-in-lieu of construction shall be required.

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3. Editor's Note: The provisions of N.J.A.C. 5:93-8.10 expired 10-16-2016.