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Township of Scotch Plains, NJ / Municipal Code

Chapter 23

Zoning

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**§ 23-1 GENERAL PURPOSE AND ADMINISTRATION. [10-29-2018 by Ord. No. 2018-29[1]]**

[1] Editor's Note: This ordinance repealed former Ch. 23, Zoning, adopted by Ord. No. 77-10, as amended.

**§ 23-1.1 Purpose and Intent; Word Use.**

**a. The purpose of this chapter is to encourage the most appropriate use of land** throughout the Township and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses; all in accordance with a Comprehensive Plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health, morals, safety and general welfare; to provide adequate light and air; to prevent the overcrowding of land or buildings to avoid undue concentration of population and, to that end, to regulate the height, design, appearance, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts, and other open spaces; the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; and the height, size and location of these uses within the limits of the Township; to encourage senior citizens community housing construction consistent with provisions permitting other residential uses of a similar density in the same zoning district in accordance with the land use element of the Master Plan as adopted by the Planning Board and implemented by the Township Council. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to more efficient use of land.

**b. For the purpose of this chapter, all words used in the present tense include the future tense.**

All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and directory. The word "used" includes "designed, intended, or arranged to be used."

## **§ 23-1.2 Interpretation.**

**a. In its interpretation and application, the provisions of this chapter shall be held to be** the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of laws or ordinances or any rules or regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where the requirements of this chapter with respect to the use of buildings or premises, the height of buildings, yards, courts, or other open spaces are at variance with those required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the more restrictive shall control.

**b. Wherever the requirements of this chapter are at variance with the requirements or any other** lawfully adopted rules, regulations or ordinances, the most restrictive of those imposing the higher standards shall govern.

### **§ 23-1.3 Enforcement, Certificates and Permits.**

**a. Certificate of occupancy. Certificates of occupancy shall be issued by the construction** official in the manner prescribed in the Building Code. On the serving of notice by the construction official to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to the penalties hereinafter prescribed. A new certificate of occupancy shall be required for any further use of such land or building. The fees for certificates of occupancy shall be as specified in the Uniform Construction Code of the Township.

**b. Records.** It shall be the duty of the construction official to keep a record of all applications for building permits, a record of all permits issued, and a record of all certificates of occupancy, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the officials of the Township. The construction official shall prepare a monthly report for the Township Council, summarizing for the period since his last report all building permits issued and certificates countersigned by him. A copy of each such report shall be filed with the Tax Assessor at the same time it is filed with the Township Council.

**c. The administration and enforcement of this chapter is hereby conferred upon the Zoning Officer** or, if there is no duly appointed Zoning Officer, the construction official of the Township; he and his duly appointed assistants shall have such powers as are established by this chapter or as may be reasonably implied. He or they shall be appointed by the municipal manager of the Township and shall receive such compensation as the Township Council may determine. In no case shall a permit be granted for the construction, reconstruction or alteration of a building, nor a certificate of occupancy issued for any building other than by a written order of the approving authority.

**§ 23-1.4 Severability.** In case any section or provision of this chapter, except as far as the section or portion so declared invalid, shall be inseparable from the remainder or any portion thereof.

**§ 23-1.5 Violations and Penalties.** For each and every violation of any provision of this chapter, the owner, contractor, or other persons interested as general agent, architect, building contractor, owner-tenant, or any other persons who commit, take part, or assist in any violation of this chapter or who maintain any building or premises in which any violation of this chapter shall exist, and who shall have refused to abate the violation within five days after written notice shall have been served upon him either by mail or by personal service, shall for each and every violation be imprisoned in the Union County Jail for a period not exceeding 30 days or be fined not exceeding \$500 or both, at the discretion of the municipal judge before whom a conviction may be had. Each and every day that such violation continues after such five-day notice shall be considered a separate and specific violation of this chapter.

**§ 23-1.6 Amendments.** The Township Council may, from time to time, in the manner provided by law, amend, supplement, or change the regulations in districts herein established. Prior to any such amendments, the Council shall refer any such proposed amendment to the approving authority pursuant to N.J.S.A. 40:55D-26. A protest against any proposed amendment or revision of this chapter may be filed with the Township Clerk, signed by the owners of 20% or more either of the area of the lots or land included in such proposed change, or of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revisions shall not become effective following the filing of such protest except by the favorable vote of 2/3 of all members of the Township Council.

**§ 23-1.7 Construction Prior to Approval.** Any building permit heretofore issued pursuant to any ordinance which provided for the erection of a building or structure in conformity to the ordinance or ordinances to which this is an amendment and supplement shall continue in full force and effect, provided that the holder has established a vested right by undertaking such construction prior to the date of adoption of this chapter.

**§ 23-1.8 Definitions. As used in this chapter, the following terms shall have the meanings**

indicated: **ABANDONMENT** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. **ACCESS ROADWAY** A fully improved private street providing access to driveways from an improved public street or private roadway.

**ACCESSORY STRUCTURE** A structure detached from a principal building Located on the same lot and customarily incidental and subordinate to the principal building or use.

**ACCESSORY SUITE** A portion of a single-family dwelling with separate housekeeping facilities in accordance with the conditions set forth in Subsection 23-2.3p of this chapter and approved by the Zoning Officer subsequent to the submission of the notice of intent to establish accessory suite. **ACCESSORY USE** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ACRE** An area or land which includes a total of 43,560 square feet.

**ADMINISTRATIVE OFFICER** The Zoning Officer of the Township of Scotch Plains. **ADULT**

**COMMUNITY PROJECT (ACP)** As described herein shall mean a private residential community comprised of single-family detached dwellings and accessory uses intended for, and limited and restricted to, use and occupancy of:



**a. Any person of the age of 55 years or over;**

**b. A husband or wife, regardless of age, residing with his or her spouse, provided the spouse of such person is of the age of 55 years or over;**

**c. The child or children residing with a permissible occupant, provided the child or children is or are of the age of 19 years or over; or**

**d. The individual or individuals, regardless of age, residing with and providing physical or economic support to a permissible occupant.**

**e. Occupancy of any dwelling shall be restricted to persons of the age of 55 years or over;** provided, however, that a husband or wife, regardless of age, residing with his or her spouse may occupy such dwelling so long as such spouse is of the age of 55 years or over. Further, no dwelling may be occupied by any child under the age of 19 years. In the event that an owner of a lot dies, testate or intestate, leaving as heirs one or more persons who do not qualify as to age, these restrictions shall in no way be deemed to restrict the ownership of said lot by the heirs; provided, however, that said heir or heirs, their successors or assigns shall not reside in the dwelling until he or she meets the age requirements, together with such other requirements that may be contained herein.

**f. The foregoing occupancy restrictions shall not be construed to prohibit the occupant of any** unit in an ACP from entertaining guests, of any age, in their units, including temporary residency not to exceed three months with no financial or other pecuniary consideration to be paid therefor. **AISLE** A travelway used to give immediate access to adjoining parking spaces from another aisle, driveway, passageway or private garage. **ALTERATIONS** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement whether by extension of a side or by increasing in height or by moves of the building from one location or position to another. **APPLICANT** A developer submitting an application for development. **APPLICATION FOR DEVELOPMENT** The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36. **APPROVING AUTHORITY** The Planning Board or Board of Adjustment of the Township of Scotch Plains by ordinance when acting pursuant to the authority of the Municipal Land Use Law[1] and the Land Use and Development Ordinances of the Township of Scotch Plains.[2] **ARTERIAL ROAD** A street that connects and distributes traffic to and from minor streets with access control, channelized intersection and restricted parking. **ATTIC, FINISHED** Attics may be finished not to exceed 1/3 of the of the habitual space of the story below; this language shall be consistent with the UCC (Uniform Construction Code).[3] **AUCTION MARKET** Premises on which are held at periodic times auction sales of merchandise or any other personal property. **BASEMENT** A story partly underground and having 1/2 or more of its clear ceiling height above the average level of the adjoining ground. **BOARD OF ADJUSTMENT** The Board established pursuant to N.J.S.A. 40:55D-69 et seq. **BUFFER AREA** An area unoccupied by any structures, parking spaces, driveways, containers used for garbage, heating, ventilating or air-conditioning equipment and the like, or any other objects other than trees, plants or other growing materials. The buffer area shall be totally within the lot lines of the subject property and in no case shall the right-of-way, street or other public area be used for the buffer area. The provision of fencing and/or shrubbery or other landscaping in the buffer area or as screening in lieu of the required ten-foot or twenty-foot buffer area provided for in this chapter shall be to the satisfaction of the approving authority and shall be adequate to provide a barrier to reduce light and noise transmission to the adjacent property and shall be properly maintained in conformance with the ordinances of the Township. **BUILDING** A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof. **BUILDING AREA** The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level. **BUILDING COVERAGE** The square footage by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the facades, and including the area under the roof of any structure. **BUILDING HEIGHT** The vertical dimension measured from



**a. An indoor structurally enclosed area of the cannabis retailer for adult use or permit holder that** is separate from the area in which retail sales of cannabis items for adult use or the dispensing of medical cannabis occurs; or

**b. An exterior structure on the same premises as the cannabis retailer or permit holder, either** separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical either obtained from the retailer or permit holder, or brought by a person to the consumption area may be consumed. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS CULTIVATOR** Any licensed person or entity that grows, cultivates or produces cannabis in this state and sells and may transport this cannabis to other cannabis cultivators or useable cannabis to cannabis manufacturers, cannabis wholesalers or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 cannabis cultivator's license. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS DELIVERY SERVICE** Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 cannabis delivery license. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS DISTRIBUTOR** Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 cannabis distributor's license. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS MANUFACTURER** Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to the other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 cannabis manufacturer's license. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS RETAILER** Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to the consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 cannabis retail license. [Added 5-18-2021 by Ord. No. 2021-9] **CANNABIS WHOLESALE** Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall



**a. De minimis changes shall be allowed to be reviewed and approved by the Traffic Safety Officer, Engineer, Assistant Engineer or Zoning Officer as it relates to development. Any changes that shall be deemed de minimis shall not create any negative effect that shall diminish health, safety, welfare or traffic safety as it relates to the development.**

**b. "De minimis" shall mean inconsequential, insignificant, meager, moderate, modest, negligible,** of minor importance, of no account, paltry, petty, obscure, scanty, slight, trifling, trivial, unworthy of serious consideration. **DENSITY** The permitted number of dwelling units per gross area of land to be developed. **DENSITY ZONING, RESIDENTIAL** Optional reduction in otherwise specified lot sizes and setbacks in a one-family residential development, in exchange for the dedication of common open space either to the Township where the Township so determines, or to a neighborhood association formed on a compulsory basis of the purchasers of homes in the development, such that there is not more than the number of homes which could be developed under the zoning otherwise specified. This number shall be determined by comparing subdivision plans to be prepared by the developer with and without such reduction in lot size. Minimum tract size for the application of density zoning shall be 10 acres, and shall be permitted only where determined by the approving authority to be appropriate for the reservation of common open space and to be compatible with the planning and design of adjoining and nearby presently or potentially developed areas. The common open space shall be appropriately improved for recreation use, or installation of detention ponds for flood and drainage control, or shall have appropriate protective measures or initial maintenance provided where conservation is proposed, before such open space is dedicated by the developer, as provided in the Subdivision Ordinance (Chapter 22 of this Code). **DEVELOPER** The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. **DEVELOPMENT** The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alterations, relocation or enlargement of any building or other structure, or of any mining excavation or landfill and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq. Development shall also include any modification to an existing, approved site plan, including but not limited to parking lot modifications and/or expansion, installation or modification of lighting improvements, placement of trash receptacles, except that routine maintenance of any improvement on a site shall not be considered a development. **DEVELOPMENT REGULATION** A zoning ordinance, subdivision ordinance, site plan ordinance, Official Map, ordinance or other Township regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to N.J.S.A. 40:55D-1 et seq. **DIVISION** The Division of State and Regional Planning in the Department of Community Affairs. **DRAINAGE** The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding. **DRIVEWAY** A travelway providing access from a public street or access roadway to an aisle, passageway of a parking lot or private garage. **DWELLING UNIT** One or more rooms which are so designed as to provide living





**a. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and**

**b. In the case of civil proceeding in any court or in an administrative proceeding before a** municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken pursuant to N.J.S.A. 40:55D-1 et seq. or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this act.

**JUNKYARD** Any area or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles or equipment of any kind.

**LAND** Includes improvements and fixtures on, above or below the surface.

**LOT** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

**LOT COVERAGE** The square footage by which all buildings and other surfaces cover a lot as measured in a horizontal plane to the limits of the area or areas. All surfaced parking areas, and all required parking areas which are permitted to remain unsurfaced, shall be included in the computation of total lot coverage. Lot coverage shall also include the area covered by all sheds and the like, swimming pools (both aboveground and in-ground), patios, and tennis courts; as well as unpaved stone, gravel, or semipervious, nonvegetative surfaces. Except in cases where the lot coverage exceeds the requirement as outlined in Subsection 23-3.2 by not more than 5%, an owner may choose to have system installed to control that excess designed by a licensed NJ engineer, reviewed and approved by the Township Engineer.

**LOT WIDTH** The horizontal distance between the side lot lines of a lot measured to its depth, along a straight line parallel to the front lot line at the minimum building setback. In no case shall a lot be less than those indicated and calculated on Schedule 23-3.4A.[5]

**LOT, CORNER** A parcel of land at the junction of and fronting on two or more intersecting streets.

**MAINTENANCE GUARANTEE** Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required pursuant to N.J.S.A. 40:55D-1 et seq.

**MAJOR SUBDIVISION** Any subdivision not classified as a minor subdivision.

**MANUFACTURING** The production or assembly of articles or finished products from previously refined raw materials by giving them new forms or qualities.

**MASTER PLAN** A composite of one or more written or graphic proposals for the development of the Township as set forth in and adopted pursuant to N.J.S.A. 40:55D-28.

**MAYOR** The chief executive of the Township. The term shall not mean the municipal manager but shall mean the Mayor of the Township of Scotch Plains.

**MICROBUSINESS**

**a. A license holder's cannabis business that has a smaller footprint than a standard cannabis business, with respect to its business operations, capacity, and quantity of product pursuant to N.J.S.A. 24:6I-36.f. A microbusiness shall meet the following requirements regarding owners, passive investors, principals, and employees: [Added 10-18-2022 by Ord. No. 2022-27]**

**1. One hundred percent of the ownership interest in the microbusiness license applicant or license holder shall be held by current New Jersey resident(s) who has resided in the state for at least the past two consecutive years, at the time of application.**

**2. At least 51% of the total number of persons included in the microbusiness license applicant or license holder, including all owners, principals, and employees, shall be residents of either the municipality in which the microbusiness is or will be located, or of a municipality directly bordering such municipality, at the time of the application.**

**3. The microbusiness license applicant or license holder shall employ no more than 10 employees at one time.**

**b. A microbusiness facility shall occupy an area of no more than 2,500 square feet; the microbusiness facility shall include all areas within the premises that are part of the microbusiness physical plant.**

**c. A microbusiness cannabis cultivator shall have a total cannabis grow area that does not exceed 2,500 square feet, measured on a horizontal plane, and 24 feet measured vertically above that plane and possess a total of no more than 1,000 cannabis plants each month.**

**d. A microbusiness cannabis manufacturer shall acquire no more than 1,000 pounds of usable cannabis each month.**

**e. A microbusiness cannabis retailer shall acquire for retail sale no more than 1,000 pounds of usable cannabis, or equivalent amount in any form of cannabis product or any combination thereof, each month.**

**f. A microbusiness holding an annual license shall not sell or transfer its license. A**

microbusiness holding an annual license may submit an application to convert from a microbusiness to a standard cannabis business and expand beyond the requirements of this definition. MINOR SUBDIVISION A subdivision of land that does not involve the creation of more than three lots, planned development, any new street or extension of any off-tract improvement. MOTOR VEHICLE SERVICE ESTABLISHMENT A building or use which is designed or intended to be used for the servicing, repair, maintenance, or cleaning of motor vehicles or other automotive equipment, excluding any use which is defined as a "private garage" by this chapter. In addition, business, properties, structures in conjunction with the process of:

**a. Sales and dispensing of motor vehicle fuels, sales of products associated with motor vehicles,**

repair of motor vehicles as well as retail convenience stores as outlined in Subsection 23-5.2e.

**MULTIFAMILY BUILDING** A building containing three or more dwellings units, including units that are located one over another. **MUNICIPAL AGENCY** The municipal approving authority, or the governing body of the municipality, when acting pursuant to N.J.S.A. 40:55D-1 et seq., and any agency which is created by or responsible to the Township when such agency is acting pursuant to N.J.S.A. 40:55D-1 et seq. **MUNICIPALITY** The Township of Scotch Plains. **NOISE** Any undesired audible sound. **NONCONFORMING BUILDING OR STRUCTURE** A building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. **NONCONFORMING LOT** A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. Such lot shall be able to be developed in all cases as long as the development meets the minimum requirements as it relates to the requirements listed in Subsection 23-3.4A, Schedule of Yard, Lot and Building Regulations.[6] **NONCONFORMING USE** A use or activity which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. **OCCUPANCY** The specific purpose for which land or a building is used, designed or maintained. **OFF-SITE** Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way. **OFF-TRACT** Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way. **OFFICIAL COUNTY MAP** The map, with changes and additions thereto, with changes and additions thereto adopted and established from time to time, by resolution of the Board of Chosen Freeholders[7] of Union County pursuant to N.J.S.A. 40:27-5. **OFFICIAL MAP** A map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 et seq.[8] **ON-SITE** Located on the lot in question. **ON-TRACT** Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way. **OPEN SPACE** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. **PARKING SPACE AND APPURTENANCES** An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area nine feet wide and 18 feet long, 162 square feet exclusive of aisles, driveways and passageways appurtenant thereto and giving access thereto. **PARTY**











**§ 23-2 GENERAL PROVISIONS. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-2.1 Applicability of Regulations.** No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone by this chapter and meeting the requirements set forth in the appended schedule, nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations designated in the schedule and this chapter for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be violation of this chapter and the certificate of occupancy shall become void.

**§ 23-2.2 Preservation of Natural Features.**

**a. No structure shall be built within 50 feet of a stream bed which carries water on an average of six months of the year, or on land which is subject to periodic overflow of a stream.**

**b. No person, firm or corporation shall strip, excavate, or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building or such premises and excavating or grading incidental thereto, or except as may be permitted by the Township Earth Removal Ordinance.**

**c. Existing natural features such as trees, brooks, drainage channels, and views shall be retained.** Whenever such features interfere with the proposed use of the property, the Township Engineer may authorize their removal or relocation, provided that there will be, in his opinion, no substantial adverse effect upon other property values in the area, and an alternate is not feasible.

### **§ 23-2.3 Regulations Applicable to All Zones.**

**a. No lot shall have erected upon it more than one principal residential building and no yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building except in the case of multifamily townhouse and garden apartment developments.**

**b. Every principal building, except townhouse, condominiums and garden apartment structures,** shall be built upon a lot with frontage upon a public street improved to meet the Township's requirements, or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Land Subdivision Ordinance of the Township of Scotch Plains,[1] unless relief has been granted by the Board of Adjustment, pursuant to N.J.S.A. 40:55D-36. In the case of townhouse and garden apartment complexes, every building shall be built such that all access is to an improved public street or improved private roadway connecting with an improved public street. [1] Editor's Note: See Ch. 22, Land Subdivision Ordinance.

**c. Where a building lot has frontage on a street which the Master Plan or the Official Map of the Township**[2] indicates is proposed for right-of-way widening, the required front yard shall be measured from such proposed right-of-way line. [2] Editor's Note: Said map is included as an attachment to this chapter.

**d. No front yard shall be used for open storage of boats, trailers, vehicles or equipment except for passenger automobile parking on driveways.** All open storage areas in other yard shall be suitably screened from view from a public street.

**e. Business establishments or uses shall not display goods for sale purposes nor shall** coin-operated vending machines of any type be installed in any location which would infringe upon the required yard areas specified in this chapter.

**f. All yards, open space, off-street parking, and required landscaping shall be contained within** the zone in which the use is permitted.

**g. No commercial or construction vehicle(s) in excess of 10,000 pounds gross vehicle weight** shall be parked overnight or on Sunday in any residential zone. In the R-1 and R-2 Zones, one commercial or construction vehicle of 10,000 pounds gross vehicle weight or less may be parked overnight or on Sunday, provided that it is parked in a fully enclosed garage such that it is not visible from the street or neighboring properties. No vehicle for commercial or other advertising purposes shall be parked in any zone in the Township at any time.

**h. A secondary building or structure attached to a primary building shall comply in all respects** with the yard, height and other requirements of this chapter applicable to the primary building. Detached secondary buildings shall not be placed in any front yard as defined in Subsection 23-1.8. No secondary building shall be placed in any other location that violates the front yard of any adjacent property, either developed or undeveloped as it relates/applies to Subsections 23-3.4A and 23-3.4B, and with the provisions of Subsection 23-3.4D.[3] This subsection shall apply to all lots and all configurations, but not limited to culs-de-sac, corner lots, through streets, and any other configuration that may apply. [3] Editor's Note: The provisions of Subsection 23-3.4D may be found in Subsections 23-3.5, 23-3.6, 23-3.7, and 23-3.18 of this chapter.

**i. For the purpose of regulating the locations of buildings on lots extending through between two** parallel streets, all portions of a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which the lot is located.

**j. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter either with respect to any existing structures or use and any proposed structures or use.**

**k. The provisions of this chapter shall not apply to customary local utility distribution or collection lines for water, gas, telephone or electric service. All facilities such as pumping stations, repeater stations and electric substations which require a structure above grade in excess of 100 square feet or 10 feet in height shall be subject to the provisions of this chapter with respect to conditional uses as indicated in each of the respective zones.**

**l. Off-street parking facilities shall adhere to the following:**

**1. Off-street parking space shall be further specified in this chapter and shall be** furnished with necessary aisles, driveways, and passageways. All such space shall be deemed to be required space on the lot on which it is situated, and shall not be encroached upon or reduced in any manner. All parking areas consisting of aisles, parking spaces and passageways shall be constructed, clearly marked for car spaces and adequately drained as approved by the Township Engineer. All driveways (except when provided in connection with one-family and two-family residences) shall be surfaced with an all-weather pavement, equal to at least a two-inch bituminous wearing course over a minimum four-inch bituminous stabilized base course and a four-inch-thick layer of Type 5 Class A subbase material (3/4 inch quarry-processed stone) clearly marked for traffic operation. Parking areas and driveways for single- or two-family residential properties shall be constructed of six inches of 3/4 inch quarry-processed stone subbase and two inches of bituminous concrete surface course (FABC) as a minimum. Parking areas and driveways for other uses, except industrial, shall be constructed of four inches of 3/4 inch quarry-processed stone subbase, four inches of bituminous stabilized base course (BSBC) and 1 1/2 inches of bituminous concrete surface course (FABC) as a minimum. Parking areas and driveways for industrial uses shall be as approved by the municipal engineer.



**2. None of the off-street parking facilities as required in this chapter shall be required for any** existing building or use, unless said building shall be enlarged or the use changed, in which case the provisions of this chapter shall apply both to the existing and enlarged portion of the building or new use.

**3. No off-street parking space shall be located within a required front yard in any zone. In the** case of townhouse and garden apartment complexes, no parking spaces shall be provided within 20 feet (30 feet for the B-1A Zone) from the edge of pavement of any access roadway. For the purpose of this requirement, residential driveways shall not be considered parking spaces.

**4. Construction plans for all one- and two-family dwellings, townhouses and condominiums shall** include an enclosed private garage of not less than 12 feet by 20 feet. This section shall not apply to garden apartments, nor second- and third-floor apartments over commercial or professional buildings. All driveways associated with dwelling units shall be capable of parking at least two additional vehicles.

**5. All parking areas and appurtenant aisles, driveways and passageways serving other than** one-family and two-family residential uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation and at other times when required for the safety and security of the premises. The lighting shall not adversely affect others outside the site. Site lighting for uses other than detached single-family residential homes shall comply with the standards set forth in Chapter 21, Site Plan Review.

**6. No parking shall be permitted during nonbusiness hours on a motor vehicle service** establishment, unless the vehicle has become inoperable in the process of mechanical repairs being performed on the premises.

**7. Should the approving authority decide that there is sufficient parking by means of the ability of** parking space in an adjoining or other municipal parking lots, the applicant if approved shall be responsible to pay to the municipality on an annual basis \$150 per space per year. This initial rate shall be fixed for the first three years. After the first three years, the rate shall be increased by \$100 per space for each five years thereafter. This rate shall be calculated and separate bill shall be provided by the Tax Collector of the Township of Scotch Plains. Billing shall be made with the same billing as currently exists on a quarterly basis for tax collection purposes. This calculation and payment to the Township of Scotch Plains does not entitle the payee to reserved spaces in any municipal lot.

**8. Prior to establishing a change of use of an existing commercial, industrial or multifamily** residential structure(s), the owner or operator of such proposed use shall apply for and receive a permit from the Zoning Enforcement Officer. Prior to determination that such use is permitted, the owner or operator shall first pay the fees prescribed in Chapter 19, Subsection 19-3.4.

**9. In any business or industrial zone, any part of a building or structure designed for the purpose** of parking vehicles shall be constructed so as to screen vehicles from view by means of a wall designed as an integral part of the structure at least three feet in height, except that nothing herein shall be construed so as to prevent a suitable means of ingress and egress to such area. In addition, the approving authority may require landscaping improvements in order to suitably screen such parking facilities.

**m. All new subdivisions that are created which have less than 24 newly created lots shall be** accessed by a new road, with cul-de-sac termination. Newly formed culs-de-sac shall not have a total average daily traffic count exceeding 250 trips a day, based upon the RSIS Standard, Table 4.3 and Table 4.1, the Average Daily Motor Vehicle Traffic Trip Generation per dwelling unit, which is based upon the peak rate of 10.1, which calculates to a rate of 250, based upon the RSIS Standard.

**n. The limitations of sign area as set forth by this chapter for the business and industrial zones** shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises, provided that such signs do not exceed four square feet in area on any one side.

**o. Fences may be erected, installed, altered or reconstructed to a height of nominally four feet** above ground level when located in a front yard area, or to a height of nominally six feet above ground level if located elsewhere on the lot, except that in no case shall any fence be higher than nominally four feet above ground level when located beyond a projection of any front building line of any adjacent improved lots or the setback line of any adjacent unimproved lots. Fences may be installed with an air space at the bottom to prevent decay and deterioration, which fence shall not exceed four feet three inches and six feet three inches. Fences shall be installed with the finished side towards any neighboring property. In case of any question as to which side is the finished side, the Zoning Officer shall determine which side is the finished side based on manufacturer's literature and industry standards. [Amended 8-18-2020 by Ord. No. 2020-15]

**1. Exception: Deer fences shall be permitted to provide protection of property of the residents of** the Township of Scotch Plains. Deer fences shall be allowed to extend to a height of eight feet and fence supporting posts shall be allowed to extend an additional six inches, for a total height of eight feet six inches above grade. (See Subsection 23-1.8, Definition No. 28.5.[4]) [4] Editor's Note: See Subsection 23-1.8, definition of "deer fences."

**2. This subsection shall not apply to fences erected for tennis courts nor fences associated with** the protection of any utility company property where the utility may be subject to danger or harm from outside sources. "Utilities" shall be defined under this section as electric, telephone, including cell sites, water, sewer, gas, video, radio transmission, and the like.

**p. Family accessory suite. The establishment of an accessory suite with separate housekeeping facilities (including kitchen facilities) within an existing single-family dwelling for not more than two blood relatives over the age of 55 of the owner of the aforementioned household shall not be considered a violation of the single-family residence zone restrictions, provided that each and every one of the following conditions are met:**

**1. The existing residence is situated in any of the following zones: R-1, R-2, R-2A, R-2B, R-2C, R-3, R-3A.**

**2. Family accessory suite shall not comprise more than 750 square feet of floor area of the dwelling.**

**3. No enlargement of the established residence shall be permitted, except that entrance and exit facilities may be altered to permit separate access to the accessory suite, provided that there shall at all times remain the opportunity for a continuous and unrestricted flow between the accessory suite and the remainder of the residence.**

**4. The accessory suite shall not at any time be used for profit or financial gain.**

**5. The accessory suite, as well as the remainder of the residence, shall meet all housing code requirements as prescribed elsewhere in this chapter.**

**6. The lot upon which the residence is situated shall meet all area and dimension requirements of the chapter for the zone in which it is located unless the lot is a preexisting, nonconforming lot or a nonconforming lot by prior approval.**

**7. The existing residence shall comply with all yard requirements for the zone in which it is situated unless the existing residence is situated on a preexisting, nonconforming lot or a variance from any of the required side, rear, and front yards has been obtained.**

**8. A bathroom containing only a toilet, sink, and tub or stall shower shall be permitted in the accessory suite.**

**9. The applicant shall be required to submit to the Zoning Officer prior to commencement or establishment of the proposed accessory suite the notice of intent to establish accessory suite.**

**10. The premises shall continue to be regarded as a single-family dwelling for all purposes, including taxation.**

**11. The permit for the accessory suite shall commence after the application is approved by the Zoning Officer and shall terminate upon the sale or transfer of the title to the property.**

**12. A violation of any of the above conditions shall constitute a violation of this chapter, entitling the Township to all available legal or equitable remedies, in addition to the revocation of any permit issued by the Township.**

**q. Prohibited uses. Any use not specifically permitted in the zoning district established by this chapter is hereby specifically prohibited from that district, and further provided that the following uses and activities shall be specifically prohibited in any zone in the Township:**

**1. Class 1 - licensed cannabis cultivator; Class 2 - licensed cannabis manufacturer; Class 3 - licensed cannabis wholesaler; Class 4 - licensed cannabis distributor; Class 5 - licensed cannabis retailer; Class 6 - licensed cannabis delivery service; licensed cannabis microbusiness.** [Added 5-18-2021 by Ord. No. 2021-9; amended 10-18-2022 by Ord. No. 2022-27]

**2. Trailer coach parks.**

**3. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags or other scrap material.**

**4. Airports, heliports, helistops or other facilities required for landing or departure of airborne vehicles.**

**5. Dumps or sanitary landfills, incinerators, pyrolysis or high-temperature combustion plants or composting plants or other methods for the disposal of garbage, trash, refuse, junk or other waste materials.**

**6. Coin-operated vending machines where they are not in an enclosed building.**

**7. The parking, storing, or keeping of dismantled, inoperative or discarded motor vehicles or any parts thereof, unless within an enclosed building.**

**8. Any use which has an objectionable industrial waste which is discharged into a municipal sewer system or stream.**

**9. Adult bookstores, businesses showing x-rated movies or live acts, massage parlors and other businesses dealing primarily with indecent or obscene materials, acts or paraphernalia.**

**r. Aboveground fuel storage. [Added 2-25-2020 by Ord. No. 2020-2]**

**1. Schools, churches, charter membership, charitable, religious, and eleemosynary** organizations; or any use associated with a public utility company, or any utility use as defined as electric, telephone (including cell site), water, sewer, gas, video, radio transmission and the like, shall be specifically permitted to use any and all fuels for the operation of any fueled generation systems, either above or below the ground. This shall include, but not be limited to, gasoline, diesel, natural gas and propane, as long as all of the necessary permits are obtained and the installation is performed in accordance with the applicable section or sections of the Uniform Construction Code.

**2. Fuel oil storage tanks. (a) Fuel oil storage tanks shall be permitted to be installed above the** ground in all residential zones for the purpose of storing home heating fuel only. The minimum tank size shall be 60 gallons, and the maximum shall be 660 gallons. (b) The proposed tanks shall be located not less than 20 feet from each side lot line of the property. Aboveground storage tanks shall only be located in the rear yards. Aboveground storage tanks shall be located a minimum of five feet from the primary dwelling unit in conformance with NFPA 31, and shall be placed on a minimum of a four-inch concrete slab, with a minimum of four inches of crushed stone placed on grade, and a layer of six-millimeter polypropylene. In addition to the slab, there shall be a minimum of an eight-inch curb placed on top of the slab on all four sides. (c) The tank shall be protected by a weatherproof cover aesthetically compatible to the dwelling unit to which it is adjacent. It shall be removable and consist of a minimum of three sides and a roof. The slab shall be large enough to contain the proposed tank and shall not exceed 10 feet in distance away from the primary structure.

**s. Special use permits.**

**1. It is recognized that it may be in accordance with the purposes of the Land Use and Development Ordinances of the Township of Scotch Plains[5] and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) to permit activities for a limited period of time, under very specific conditions, which activities may be prohibited by other provisions of the aforesaid ordinance, if such uses are of such a nature and are so located that at the time of petition they would:** (a) Not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the district in which the activity is proposed; (b) Contribute materially to the good and welfare of the Township or its residents; (c) Be temporary/seasonal in nature and not substantially undermine the Township Master Plan and/or Land Use and Development Ordinances; and (d) Be located in a B-2 Business Zone or B-3 Highway Business Zone; and (e) Not substantially intrude into areas under Planning Board or Board of Adjustment control. [5] Editor's Note: See Chs. 19, Land Use Procedures; and 22, Land Subdivision Ordinance.



**2. In the event the Township Council finds the above to exist, the Township Council of the** Township of Scotch Plains may, in its sole discretion, grant a special use permit for such activity, and no other application or action shall be required of the petitioner in receipt of such special use permit. The Township Council may refer such special use permit request to any agency, department or board prior to its decision for comment, but the Township Council shall not be bound by the same. The Township Council shall limit the time period for which the special use permit shall be valid, which time period shall not exceed 90 days in the case of a special use permit issued for the erection, mounting or other display of a sign, and one year in all other cases for which a special use permit is issued, unless otherwise extended by the Township Council. The Township Council may impose such other conditions upon the special use permit as it deems appropriate.

**3. If required by the Township Council, the applicant for a special use permit shall give notice of** the application to the owners of all real property, as shown on the current tax duplicate, within 200 feet in all directions of the property which is the subject of the application by lot and block and street address and shall contain a description of what use the applicant is requesting and also at what meeting the application will be heard (address, date, and time of meeting) and that the recipient of the notice shall have the right to be heard relative to the application. Notice shall be given by personally serving a copy thereof on the property owner as shown on said tax duplicate or his agent in charge of the property; or mailing a copy thereof by certified mail to the property owner at the address as shown on said tax duplicate.

**4. The applicant for a special use permit shall pay to the Township an application fee of \$35 to** cover the Township's administrative expenses in processing the application. (a) Applicants filing for an SUP shall make their application a minimum of 45 days in advance of the date of the event. (b) The application fee is due at the time the application is filed and is nonrefundable. An applicant seeking a special use permit, which special use permit is substantially identical in all respects to a special use permit previously granted to the applicant by the Township Council pursuant to this section, shall file an application for same. The requirements set forth in Subsection 23-2.3s for an initial application for a special use permit shall apply to a renewal application, except that any requirement for notice shall be sent by certified mail, or personal service, 10 days prior to the hearing date with the applicant being required to file with the Township a certification of service.

**5. Sidewalk cafe permits. Notwithstanding anything to the contrary in the above provisions,** application for a special use permit for a sidewalk cafe shall be made to the Zoning Officer, and such special use permit may be issued by the Zoning Officer, subject to the requirements of this subsection. The application shall be made in the form and manner determined by the Zoning Officer and shall include such information as may be required by the Zoning Officer to evaluate the application, including but not limited to the name and address of the applicant; the name and address of the owner of the property if other than the applicant, and authorization of the owner for such application; a drawing prepared by or on behalf of the applicant, depicting the proposed location of tables, chairs, and other temporary structures or equipment forming the sidewalk cafe, including proposed trash receptacles, if any; the seating capacity of the proposed sidewalk cafe; and such other information as may be reasonably required by the Zoning Officer. Appeals from a decision of the Zoning Officer may be made to the Township Council. In addition to any specific conditions imposed by the Zoning Officer, sidewalk cafes shall be subject to the following requirements: (a) Sidewalk cafes shall be in the B-2 or B-3 Zone. (b) Pedestrian traffic shall not be impeded by the sidewalk cafe. (c) Acceptance of the permit by the applicant shall operate as consent for the health, fire, police and Building Officials of the Township to inspect the sidewalk cafe for continued compliance with the terms and conditions of the permit and any federal, state, county or local ordinance affecting the same. (d) Each holder of a sidewalk cafe permit shall be responsible for keeping the area of the sidewalk cafe and adjacent sidewalk clean, and free and clear of any debris or litter occasioned by the cafe.

**t. A zoning permit, as defined in Subsection 23-1.8 of this chapter, is hereby required by the Township of Scotch Plains for miscellaneous items, as listed herein, not normally associated with, or in conjunction with, a building permit. The purpose of a zoning permit is to ensure that the installation of said items is in conjunction with, and in conformance with, the plans that have been submitted, reviewed, and approved by the administrative officer who has the authority to issue the zoning permit for those installations. The fee for this zoning permit shall be \$50. The fee associated with the installation of any of the items listed shall be waived if the item listed is approved by the Board of Adjustment.**

**1. Zoning permits shall be required in conjunction with the items as listed below: (a) Fences. (b) Sheds. (c) Patios, tennis courts, any unpaved stone, gravel, or semipervious surfaces as defined under lot coverage. (d) Propane filling and exchange stations. (e) Chickens/hens. A zoning permit shall be required for the raising, keeping and maintaining chickens and shall be subject to the requirements set forth in Chapter 5, § 5-10, of the Code of the Township of Scotch Plains.**

**2. Additionally, zoning permits shall be required for any nonresidential use, building or structure, located in any zone. A complete and detailed outline and proposal shall be submitted to the administrative officer, on forms prescribed by the administrative officer, prior to occupying any space in any zone. Only after review and approval by the administrative officer shall occupancy be permitted. In a case where other permits are required (building, plumbing, electric, fire or elevator), a zoning permit must be obtained as a condition prior to the application for such permits from the Building Department. The fee for the zoning permit shall be \$50.**

**3. Failure to apply for and receive a zoning permit from the administrative officer prior to occupancy shall result in a penalty in the amount of \$500 against the tenant, operator or owner of such establishment. Any instance of failure to pay such fines or penalties shall be referred to the Municipal Court of the Township of Scotch Plains.**

**§ 23-2.4 Request for Rezoning.**

**a. Any rezoning request made by a property owner or by the beneficial owner of any property within the Township (other than for a rezoning initiated by the Township or any of its constituent boards, bodies or agencies or by any instrumentality of the county or of the State of New Jersey) shall be made in writing to the Township Clerk and be accompanied by the following fees:**

**1. Application fee: \$250; and**

**2. Escrow fee for the Township to retain an independent planning consultant to review such request for rezoning: \$3,500.**

**b. The fees set forth above shall be drawn as separate checks made payable to "Township of Scotch Plains." The applicant shall be required to replenish any planning escrow if the escrow posted is insufficient to cover the planner's fees and costs. Any unexpended escrow shall be refunded to the applicant.**

**c. If the Township Council authorizes the Township Attorney to draft a rezoning ordinance, the applicant shall post an additional \$500 to cover the costs of drafting such ordinance. The applicant shall be required to replenish said attorney escrow if the escrow posted is insufficient to cover the Township Attorney's fees and costs. Any unexpended escrow shall be refunded to the applicant.**

**d. The applicant shall reimburse the Township for its actual out-of-pocket costs if notice is required under N.J.S.A. 40:55D-62.1 in connection with such request for rezoning.**

**§ 23-3 ZONE REGULATIONS. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-3.1 Establishment of Zones. [Amended 7-16-2019 by Ord. No. 2019-14; 7-16-2019 by Ord. No. 2019-15]** For the purpose of this chapter, the Township is hereby divided into the following zones: R-1 Residence Zone Density Zoning R-2 Residence Zone R-2A Residence Zone R-2B Residence Zone R-2C Residence Zone R-3 Residence Zone R-3A Residence Zone B-1 Office and Multifamily Residence Zone B-1A Business-Research and Multifamily Residence Zone B-2 Business Zone B-3 Highway Business Zone M-1 Industrial Zone M-2 Industrial Zone P Public Zones - Existing C Conservation Zone ML-1 Multifamily Zone ML-2 Multifamily Zone ML-3 Multifamily Zone ML-4 Multifamily Zone R-3B Residence Zone

**§ 23-3.2 Zoning Map.** The boundaries of all zone districts shall be shown on a map attached to and made a part of this chapter entitled "Township of Scotch Plains, Union County, New Jersey, Zoning Map," dated January 1, 1985. The map and all explanations and references thereon are hereby incorporated into and declared to be a part of this chapter.[1]

**a. Zone exchanges.**

- 1. Vacant land end of King Street from Old Raritan Road in Edison Block 16402 Lot 1 from R-1 to R-2 Zone.**
- 2. Vacant land end of paper Webb Street Block 16302 Lots 7, 8 and 9 from R-2 to R-1 Zone.**
- 3. The property known as "Lot 11" in Block 11603 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned from the R-1 Zone to the new R-2B Zone.**[2] [2] Editor's Note: See Subsection 23-3.4c for specific use regulations.
- 4. The property known as "Lot 2" in Block 11301 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned from the R-1 Zone to the new R-2B Zone.**[3] [3] Editor's Note: See Subsection 23-3.4c for specific use regulations.
- 5. The property known as "Lot 18.01" in Block 13501 and Lot 19.01 in Block 13501 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned from the R-1 Zone to the R-2 Zone.**
- 6. A portion of the property known as "Lot 33" in Block 4602 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned from the R-2 Zone to the R-3A Zone, as more particularly described on Schedule A attached hereto.**[4] [4] Editor's Note: Said Schedule A may be found on file in the office of the Township Clerk, attached to and made a part of Ordinance No. 89-28.

**7. The property known as "Lots 12, 16, 17, 18, 19, 20 and 21" in Block 6102 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned to the new SC-2 Zone.**

**8. The property known as "Lots, 9, 10 and 11" in Block 4802 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned to the new ML-1 Zone.**

**9. The property known as "Lot 3" in Block 4901 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned to the new ML-2 Zone.**

**10. The property known as "Lots 4, 5, 6" Block 6101, "Lots 13, 14 and 15" Block 6102, "Lots 1, 7, 8, 9 and 10" Block 6103, "Lots 1, 6, 7 and 8" Block 6104, "Lot 3," Block 6105 (as designated on the Tax Map of the Township of Scotch Plains) is hereby rezoned to the new MFR-1 Zone.**

**11. The property known as Lot 14 in Block 12801 is hereby rezoned from the P-Public Zone to the new SC-1 (Senior Citizen Zone) Zone.**

**12. The following lands are hereby removed from the B-1 Office and Multifamily Residence Zone: Block Lots 101 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 17, 18 and portions of Shepard Street and Gables Street as shown on the attached sketch.[5] [5] Editor's Note: The attached sketch referred to herein may be found on file in the office of the Township Clerk attached to Ordinance No. 93-23.**



**13. The following lands are hereby placed in the B-2 Business Zone: Block Lots 101 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 17, 18 and portions of Shepard Street and Gables Street as shown on the attached sketch.**[6] [6] Editor's Note: The attached sketch referred to herein may be found on file in the office of the Township Clerk attached to Ordinance No. 93-23.

**14. The property known as "Lots 4, 5, 9 and 10, Block 15801" (as designated on the Tax Map of the Township of Scotch Plains) is hereby removed from the R-1 Zone and rezoned to the new R-2D Zone.**[7] [7] Editor's Note: See Subsection 23-3.6D for specific use regulations.

**15. The following lands are hereby removed from the M-1 Industrial (Industry) Zone. Block Lots 4303 9, 10, 11, 12**

**16. The following lands are hereby placed in the B-1 Office and Multifamily Residence Zone: Block Lots 4303 9, 10, 11, 12**

**17. The property known as "Block 405, Lot 1" shall be rezoned from the R-3A Zone to the C-Conservation Zone.**

**18. The properties listed below shall be rezoned from the SC-2 and MFR-1 Zones to the R-3B Zone. Block Lots 6102 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 6103 1, 7, 8, 9, 10 6104 1, 6, 7, 8 6105 3, 4 6201 4, 5, 6**

**19. The property known as "Block 7802, Lots 1 and 12," shall be rezoned from the P (Public) Zone to the C (Conservation) Zone.**

**20. The property known as "Lot 12" in Block 4303 shall be rezoned from the B-1 Zone to the P (Public) Zone.**

**21. The property known as "Block 4001, Lot 13 (portion)," shall be rezoned from the B-2 Zone to the R-3A Zone. (Portion of Block 4001, Lot 13 which is 50 feet in width with an approximate lot size of 6,517.2 square feet.)**

- 22. The property known as "Lot 1.01" in Block 3401 shall be rezoned from the P (Public) to the C (Conservation) Zone.**
- 23. A portion across the rear of Lot 24 in Block 6102 containing 1,500 square feet +/- shall be rezoned to R3-B.**
- 24. A portion across the rear of Lot 25 in Block 6102 containing 325 square feet +/- shall be rezoned to R3-B.**
- 25. A portion across the rear of Lot 4 in Block 6201 averaging 31 feet in width, and a portion in the southwesterly corner of Lot 5 in Block 6201 approximately 10 feet by 13 feet in size, and a portion running along the most southwesterly property line of Lot 6 in Block 6201 averaging 10 feet in width, for a total containing 7,086 square feet +/-, shall be rezoned from R3-B to M-1.**
- 26. The property known as "Lot 27" in Block 7704 shall be rezoned from the P (Public) to the C (Conservation) Zone.**
- 27. The property known as "Lot 2" in Block 14702 shall be rezoned from the P (Public) to the C (Conservation) Zone.**
- 28. Lot 58.02, known as "1821 Front Street," which is approximately 10,120 square feet, shall be rezoned to B-2.**
- 29. The property known as "Lot 1.03" in Block 1105 shall be rezoned from the P to the B-2 Zone.**

- 30. The property known as "Lot 1, Block 14702," shall be rezoned from the R-1 Zone to the C or (Conservation) Zone.**
- 31. The property known as "Lot 1.03" in Block 1105 shall be rezoned from the P (Public) to the B-2 (Retail Business) Zone.**
- 32. The 10.0-foot by 101.83-foot parcel of land forming a portion of new Lot 5.0102 in Block 7201 as depicted by hatch mark on Exhibit A[8] attached hereto is hereby rezoned from R-2 to R-3. [8] Editor's Note: Said Exhibit A may be found on file in the office of the Township Clerk.**
- 33. The 2,787-square-foot portion of proposed Lot 12.09 in Block 15701 as depicted by hatch mark on Exhibit A attached hereto is hereby rezoned from the R-1 Zone District to the R-2A Zone District.**
- 34. The property known as "Lot 2" in Block 12001, 1311 Terrill Road, is rezoned from the R-1 Zone to the P (Public) Zone.**
- 35. The lands known as "Block 12001, Lots 4, 5, 6, 7 and 24," are hereby designated as the Parker Gardens Redevelopment Zone District in accordance with the provisions of the redevelopment plan. [Added 12-11-2018 by Ord. No. 2018-40]**
- 36. The lands known as "Block 6201, Lots 13, 16.02," and a portion of the vacated Van Orden Place right-of way are hereby designated as the Jerusalem Road Redevelopment Zone District in accordance with the provisions of the redevelopment plan. [Added 3-5-2019 by Ord. No. 2019-1]**

**37. The lands known as "Block 4802, Lots 9, 10, 11 and 12," are hereby designated as the** Bowcraft Amusement Park Redevelopment Zone District in accordance with the provisions of the redevelopment plan. [Added 3-19-2019 by Ord. No. 2019-3]

**38. The lands known as "Block 4401, Lot 13.02"; "Block 6101, Lots 1, 2, 3, and 4"; "Block 6102, Lots 4, 5, 6, 22, 23, 24, and 25"; "Block 6201, Lots 8.01, 8.02, 15, and 16.01"; and "Block 6305, Lots 5 and 6," are hereby designated as the Jerusalem Road Overlay Zone District in** accordance with the provisions of the Housing Element and Fair Share Plan. [Added 5-21-2019 by Ord. No. 2019-9]

**39. The lands known as "Block 6503, Lots 9.01, 10, and 11"; "Block 6801, Lots 20, 21, 22, 23, 24, 25, 27.01, 28, 29, and 31.01"; "Block 6901, Lots 23, 24, 25, 26, 27, 28, 29"; and "Block 7201, Lots 9, 10, 11, 12, and 14," are hereby designated as the Waldheim Avenue and Beryllium Road Overlay Zone District in accordance with the provisions of the Housing Element and Fair Share Plan.** [Added 5-21-2019 by Ord. No. 2019-10]

**40. The lands known as "Block 13501, Lot 21.01," are hereby designated as the ML-3** Multifamily Zone District in accordance with the provisions of the Addendum to the Master Plan Reexamination Report and Housing Element and Fair Share Plan. [Added 7-16-2019 by Ord. No. 2019-15]

**41. The lands known as "Block 8301, Lot 7," are hereby designated as the ML-4 Multifamily** Zone District in accordance with the provisions of the Addendum to the Master Plan Reexamination Report dated August 27, 2018, and Housing Element and Fair Share Plan dated September 27, 2018. [Added 7-16-2019 by Ord. No. 2019-14]

**42. The properties known as "Block 8301, Lots 5 and 6," shall be rezoned from the R-3 or Residence Zone to C or Conservation Zone. [Added 7-16-2019 by Ord. No. 2019-16]**

**43. The lands known as "Block 803, Lot 1," are hereby designated as the "Lidl Redevelopment Plan" in accordance with the provisions of the redevelopment plan. [Added 11-12-2019 by Ord. No. 2019-23; amended 2-15-2022 by Ord. No. 2022-9]**

#### **44. Downtown Affordable Housing Overlay Zone - Tier 1. [Added 8-18-2020 by Ord. No. 2020-9]**

The properties in Tier I are known as: Block 803, Lot 1 (250 Park Ave); Block 1001, Lots 44 (302 Park Ave), 45 (310 Park Ave), 47 (322 Park Ave), 48 (328 Park Ave), 49.01 (336 Park Ave), 51 (350 Park Ave), 52 (356 Park Ave), 53 (360 Park Ave), 54.0101 (366 Park Ave), 56 (1829 Front Street), 57 (1825 Front Street), 58.01 (1819 Front Street), 59 (1815 Front Street), 60 (1805 Front Street), 61 (1803 Front Street), and 62 (1801 Front Street); Block 1001.08, Lots 1 (320 Park Ave) and 2 (320 Park Ave); Block 1104, Lots 1.01 (1819 E. 2nd Street), 15 (1824 Front Street), 16 (430 Senger Place), And 17.01 (436 Senger Place); Block 1105, Lots 1.02 (430 Park Ave), 1.03 (440 Park Avenue), 2 (450 Park Ave), 3 (454-460 Park Ave), 4 (1831 E Second Street), and 5 (1827 East Second Street); Block 1201, Lots 30.01 (1810 East Second Street), **31.01 (1818 East Second Street), 31.02 (1830 East Second Street), 32 (1832 East Second Street)**, 33 (1838 East Second Street), and 34 (514 Park Ave); Block 1401, Lots 1 (1928 Westfield Ave), 2 (1926 Westfield Ave), 3 (1924 Westfield Ave), 4 (1922 Westfield Ave), 5 (1910 Westfield Ave), 6 (501-503 Park Ave), 7 (501 Park Ave), 8 (509 Park Ave), 9 (511 Park Ave) Block 1501, Lots 1 (451 Park Ave), 2 (441 Park Ave), 3.01 (437 Park Ave), 3.02 (435 Park Ave), 4 (431 Park Ave), 5.01 (429 Park Ave), 5.02 (425 Park Ave), 6 (419 Park Ave), 7 (413 Park Ave), 8 (403A to 409B Park Ave), 9 (401 Park Ave), 10 (1919 Westfield Ave), 11 (1916 Bartle Ave), 12 (1920 Bartle Ave), 13 (1924 Bartle Ave), 14 (1928 Bartle Ave), 15 (1930 Bartle Ave), 16 (412 Forest Road), 17 (416 Forest Road), 18 (420 Forest Road), 19 (426 Forest Road), 20 (1937 Westfield Ave), 21 (1923 Westfield Ave), 22 (1915 Westfield Ave), and 23 (1911 Westfield Ave); Block 1601, Lots 1 (393 Park Ave), 2 (389 Park Ave), 3 (387 Park Ave), 4 (381 Park Ave), 5 (377 Park Ave), 6 (373 Park Ave), 7 (365 Park Ave), 8 (361 Park Ave), 9 (347 Park Ave), 9.01 (361 Park Ave), 9.02 (350 Forest Road), 13 (1927 Bartle Ave), and 14 (1917 Bartle Ave); Block 1802, Lots 12 (223 Park Ave), 13 (219 Park Ave), and 14 (211 Park Ave); Block 1803, Lots 1 (237 Park Ave), 21 (245 Park Ave), and 22 (253 Park Ave); are hereby designated as the "Downtown Affordable Housing Overlay Zone Tier 1 District" in accordance with the provisions of the Housing Element and Fair Share Plan.

**45. Downtown Affordable Housing Overlay Zone - Tier 2. [Added 8-18-2020 by Ord. No. 2020-10]** The properties in Tier II are known as: Block 401, Lots 1 (1578 East Second Street), 2 (1582 East Second Street), 3 (1586 East Second Street), 4.01 (1590 East Second Street) and **4.02 (1594 East Second Street) Block 402, Lots 1 (1602 East Second Street), 2 (1608 East Second Street), 3.01 (1612 East Second Street)** and 21 (511 Beverly Ave) Block 403, Lots 1.01 (1626 East Second Street), 3 (1632 East Second Street), 4 (1636 East Second Street) Block 404, Lots 1 (1700 East Second Street), 2.01 (1718-1720 East Second Street), 2.02 (1716 East Second Street) Block 501, Lots 15.01 (1595 East Second Street), 17 (1589 East Second Street), 18 (1583 East Second Street), 19 (1577 East Second Street) Block 502, Lots 14 (1635 East Second Street), 15 (1629-1631 East Second Street), 16 (1625 East Second Street), 17 (1623 East Second Street), 18 (1619 East Second Street), 19 (1613 East Second Street), 21 (467 Grant Ave) Block 503 Lots 15 (1723 East Second Street), 16 (1711 East Second Street), 17 (1707 East Second Street), 18 (1703 East Second Street) and 19 (1701 East Second Street) Block 1101, Lots 1 (1747 East Second Street), 2 (1741 East Second Street), 3 (1735 East Second Street) and 4 (1729 East Second Street) Block 1102, Lots 1 (1765-1767 East Second Street), 2 (1761 East Second Street), 3 (1757 East Second Street), 4 (1755 East Second Street) Block 1103, Lots 1 (1793 East Second Street), 2 (1791 East Second Street), 3 (1783 East Second Street), 4.01 (1781 East Second Street) and 6 (1773 East Second Street) Block 1104, Lots 2 (1811 East Second Street) and 3.01 (1801 East Second Street) Block 1201, Lots 12 (1730 East Second Street), 13 (1732 East Second Street), 14 (1734 East Second Street), 15 (1742 East Second Street), 16 (1750 East Second Street), 17 (1754 East second Street), 18 (1762 East Second Street), 19 (1764 East Second Street), 20 (1766 East Second Street), 21 (1770-1772 East Second Street), 22 (1774-1778 East Second Street), 23 (1782 East Second Street), 24 (1786 East Second Street), 25 (1788 East Second Street), 26 (1794 East Second Street), 27 (1800 East Second Street), 28 (1802 East Second Street) and 29 (1806 East Second Street) are hereby designated as the "Downtown Affordable Housing Overlay Zone - Tier 2 District" in accordance with the provisions of the Housing Element and Fair Share Plan.



**46. Downtown Affordable Housing Overlay Zone - Tier 3. [Added 8-18-2020 by Ord. No. 2020-11]** The properties in Tier III are known as: Block 101, Lots 1.01 (375 Terrill Road), 2 (1509 Front Street), 4 (363 Terrill Road), 5 (1508 Gables Street), 6 (1514 Gables Street), 10(1513 Gables Street), 11 (349 Terrill Road), 12 (347 Terrill Road), 13 (345 Terrill Road), 17 (325 Terrill Road Rear) and 18 (325 Terrill Road) Block 201, Lots 22 (401 Terrill Road), 23.01 (1508 Front Street) and 23.02 (425 Terrill Road) Block 203, Lots 3.01 (445 Terrill Road) and **3.02 (451 Terrill Road) Block 204, Lot 5 (475 Terrill Road) Block 301, Lots 2 (1520 East Second Street), 3 (514 Martin Place), 4 (505 Terrill Road), 5 (511 Terrill Road), 7 (519 Terrill Road), 8 (521 Terrill Road), 9 (525 Terrill Road), 10 (529 Terrill Road), 11 (531 Terrill Road), 12 (535 Terrill Road), 13 (Rear 520 Martin Place) and 14 (520 Martin Place)** are hereby designated as the "Downtown Affordable Housing Overlay Zone - Tier 3 District" in accordance with the provisions of the Housing Element and Fair Share Plan.

**47. Block 204, Lot 5. [Added 3-15-2022 by Ord. No. 2022-8]**

**48. Block 1201, Lots 21, 22 and 23. [Added 7-19-2022 by Ord. No. 2022-17]**

**49. Block 1601, Lot 9.02 and a portion of Lot 9. [Added 12-13-2022 by Ord. No. 2022-33] [1]**

Editor's Note: Said map is included as an attachment to this chapter.

### **§ 23-3.3 Zone Boundaries.**

**a. Zone boundary lines are intended to follow the center line of streets, railroad**

rights-of-way, streams, and recorded property lines, except where indicated otherwise by dimension or other notation on the Zoning Map of the Township.[1] [1] Editor's Note: Said map is included as an attachment to this chapter.

**b. Where zone boundaries are not fixed by dimension or other notation and where they** approximately follow property lines or other natural features and do not scale more than 25 feet distant therefrom, such property line or natural feature shall be deemed to be the location of the zone boundary.

**c. In unsubdivided land, where the zone boundary divides a property and the location of such boundary is not fixed by dimension or other notation on the Zoning Map[2], then the location of such boundary shall be obtained through the use of the graphic scale, and the administrative officer shall so use the scale. [2] Editor's Note: Said map is included as an attachment to this chapter.**

#### **§ 23-3.4 Scheduled Regulations.**

**a. The Schedule of Lot, Yard and Building Regulations, included as Subsections 23-3.4A and 23-3.4B,** sets forth the regulations of this chapter with respect to minimum lot size, yard dimensions, maximum lot coverage, maximum height and number of stories for each of the various zones. Unless modified elsewhere in this chapter, such standards shall be the minimum or maximum permitted, as the case may be, in each of the several zones. Editor's Note: Schedules 23-3.4A and 23-3.4B, schedules of lot, yard and building regulations, may be found as an attachment to this chapter.

**b. The Schedule of Sign Regulations, included as Subsection 23-3.4C,** sets forth the regulations of this chapter with respect to permitted signs, sign sizes and other regulations controlling the erection of signs in all zones established by this chapter, except for conditional uses which are set forth in those sections governing such uses. The maximum square footage shown in Column II shall be the maximum amount of square footage when all signs on the premises are combined and calculated together. All signs not specifically permitted are prohibited. Editor's Note: Schedule 23-3.4C, the Schedule of Sign Regulations, may be found as an attachment to this chapter.

**c. Special regulations.**

**1. With regard to property known as "Lot 11" in Block 11603 to the extent that** development on said premises is regulated by a developer's agreement executed by the Township of Scotch Plains to implement its Fair Share Housing Plan, and where there may be a conflict between the developer's agreement and this section, the developer's agreement shall control; specifically, average lot size shall be 13,500 square feet, and the required rear yard setback shall be 40 feet, and the required front yard setback shall be 30 feet.

**2. With regard to property known as "Lot 2" in Block 11301 to the extent that development on** said premises is regulated by a developer's agreement executed by the Township of Scotch Plains to implement its Fair Share Housing Plan, and where there may be a conflict between the developer's agreement and this section, the developer's agreement shall control; specifically, average lot size shall be 13,500 square feet, including all public and private roads, easements, and/or rights-of-way which are dedicated as part of a subdivision (6.01510 acres/18 lots), lot width 60 feet at building setback on a lot fronting a cul-de-sac and 68 feet at building setback on all other lots, front yard 35 feet, side street corner lot 20 feet, side yard nine feet, total side yards 20 feet and maximum lot coverage 30%. Requirements for rear yard, lot coverage, building height and number of stories shall be the same as the requirements for the R-2 Zone.

**d. Stormwater management uses and the like are permitted when such facilities are installed** and maintained by a homeowners' association which has been created by master deed.

## **§ 23-3.5 R-1 Residence Zone.**

### **a. Permitted primary uses.**

#### **1. One-family dwellings.**

**2. Customary and conventional limited farming operations, including the raising of flowers and vegetables and horticultural materials but not including the use of commercial greenhouses nor the raising of any animals except customary household pets. (a) Beekeeping shall be encouraged in accordance with applicable standards and requirements for beekeeping.**

**3. Municipal parks and playgrounds, buildings and uses which are deemed appropriate and necessary by the Township Council of the Township.**

**4. Golf clubs.**

**5. One-family dwelling, using density zoning. Applicable to tracts being subdivided of 10 acres or more, subject to Planning Board approval.**

**b. Permitted secondary buildings and uses.**

**1. Private garages not in excess of 1,200 square feet of building area, including detached and attached garages.**

**2. Customary residential storage buildings not in excess of 200 square feet of building area.**

**3. Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs.**

**4. Other customary residential secondary structures, such as private swimming pools, private tennis courts, fireplaces, trellises, post lights, secondary structures customarily associated with a swimming pool on the premises, not exceeding 200 square feet and providing that no residential living quarters are contained therein, and the like.**

**5. Customary farm buildings for the storage of products or equipment located on the same property as the primary use.**

**6. Off-street parking spaces shall be provided to all dwelling units in the R-1 Residence Zone** subject to the following criteria: each unit shall be provided with not fewer than three off-street spaces, one of which parking spaces, if applicable (see Subsection 23-2.314), shall be within a garage and the remaining parking spaces to be located in the driveway leading thereto.

**6.1. Residential professional offices and other uses, such as artists, music teachers both vocal and instrumental, etc.,** shall provide at least one off-street parking space for each 100 square feet of floor space devoted to such office use, but in no case fewer than three such spaces. Said parking space to be to the rear of the building line. Residential professional offices shall be limited to those of the practice of medicine, dentistry, law, architecture and engineering. The conduct of such profession shall permit the employment of not more than one employee and shall be limited to 1/4 of the gross floor area of the building. The balance of the area shall be occupied by the professional practitioner as his principal residence.

**7. Signs, in accordance with Subsection 23-3.4b.**

**8. The following secondary buildings and uses are permitted in conjunction with a** permitted golf club, provided that the operation of such facilities is clearly incidental and subordinate to the operation of the golf club. (a) Clubhouse facilities, including dining and refreshment facilities. (b) Caretaker dwellings, including not less than 600 square feet of floor space. (c) Buildings for the storage of maintenance equipment and supplies. (d) Supplemental recreational facilities, such as swimming pools, tennis courts and other similar facilities.

**9. The keeping of horses or ponies shall be permitted in the R-1 Residence Zone only, subject** to the following standards, and further subject to the requirement that a certificate of occupancy be obtained from the Zoning Officer, certifying that the following standards have been met: (a) Not more than two horses and/or ponies are allowed per acre. (b) Not less than 20,000 square feet shall be provided for the first horse or pony. (c) Horses shall be safely corralled. Corral shall not be less than 20 feet from the side lot line, stable shall not be less than 30 feet from the side lot line, and stable or corral shall not be less than 50 feet from any neighboring dwelling. (d) Stable (as defined in Subsection 23-1.8, Definitions).

**10. Chickens/hens not to exceed six chickens and coops not to exceed 100 feet shall be permitted subject to the requirements of § 5-10 and Subsection 23-2.3t1(e) of the Code of the Township of Scotch Plains.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Public utility uses.**

**2. Public and private schools.**

**3. Churches and similar places of worship.**

**4. Buildings operated by chartered membership organizations for the benefit of the public and not for profit.**

**d. Other provisions and requirements.**

**1. Residential uses shall provide not less than two off-street parking spaces for each dwelling unit, one of which shall be a garage and the second may be a driveway leading thereto.**

**2. Outdoor storage of produce, fertilizer or equipment in connection with an agricultural use shall not be located within 60 feet of a street line or within 200 feet of any adjoining residence.**

**3. Farm operations shall have a minimum lot area of five acres, exclusive of the lot area required for one-family residence, if both uses are included.**



**4. No building erected in conjunction with a permitted golf course shall be located closer than 200 feet to a street or property line of the lot on which the use is located.**

**§ 23-3.6 R-2 Residence Zone.**

**a. Permitted primary uses.**

**1. Any primary use enumerated in Subsection 23-3.5a.**

**b. Permitted secondary uses.**

**1. Any secondary use enumerated in Subsection 23-3.5b except the keeping of horses.**

**2. Residential professional offices.**

**3. Signs, in accordance with Subsection 23-3.4C.[1] [1] Editor's Note: The Schedule of Sign Regulations is on file in the office of the Township Clerk.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-3.5c.**

**d. Other provisions and requirements.**

**1. Same as specified in Subsection 23-3.5d.**

**2. Residential professional offices shall provide at least one off-street parking space for** each 100 square feet of floor space devoted to such office use, but in no case fewer than three such spaces, said parking space to be to the rear of the building line. Residential professional offices shall be limited to those of the practice of medicine, dentistry, law, architecture and engineering. The conduct of such profession shall permit the employment of not more than one employee and shall be limited to 1/4 of the gross floor area of the building. The balance of the area shall be occupied by the professional practitioner as his principal residence.

**§ 23-3.6A R-2A Residence Zone. Berwyck Chase and Sterling Chase.**

**a. Permitted primary uses.**

**1. One-family detached dwellings, including zero-lot line units, with attached garages. A**

"zero-lot line unit" is defined as a one-family detached dwelling located on a separate lot with setbacks on the front, rear and one side.

**2. A homeowner's association created by master deed may install and maintain recreational** facilities such as pools, tennis courts and accessory structures and uses and stormwater management uses.

**b. Permitted secondary uses and buildings.**

**1. Customary residential storage buildings not in excess of 200 square feet of building area.**

**2. Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs.**

**3. Other customary residential secondary structures and buildings, such as private swimming pools, private tennis courts, fireplaces, trellises, post lights, recreational apparatus, secondary structures and buildings customarily associated with a swimming pool on the premises (not exceeding 200 square feet and providing that no residential living quarters are contained therein), and the like (unless prohibited by the master deed or bylaws of a homeowners' association).**

**c. Other provisions and requirements.**

**1. Residential uses shall provide not fewer than two off-street parking spaces for each dwelling unit, one of which shall be a garage and the second of which may be a driveway leading thereto.**

**2. Any common open space shall be dedicated to the Township or maintained by the developer or by an association for the ownership and maintenance of the open space, as required in N.J.S.A. 40:55D-43. The Township Council is not obligated to accept any offer of dedication of common open space.**

**3. Development in the R-2A Zone shall also be regulated by a developer's agreement signed by the Township to implement its Fair Share Housing Plan, and where there may be a conflict between the developer's agreement and this subsection, the developer's agreement shall control. If any other section of this chapter or Code of the Township of Scotch Plains conflict with this Subsection 23-3.6A or the developer's agreement, this Subsection 23-3.6A and the developer's agreement shall control.**

**4. Portions of lots may be within the wetlands or 100-year floodplains of streams, provided that** no building or land disturbance shall occur within those areas, unless permitted by the appropriate agencies.

**d. Schedule of lot, yard, building and site requirements.**

**1. In this zone district, all roads shall be private and shall have a right-of-way width of at** least 30 feet, a paved width of 28 feet, pavement thickness of eight inches thick composition, two inches mix No. 5, six inches mix No. 1 and granite block curbing. No sidewalks shall be required. Turnaround radius of dead-end streets shall not be required to exceed 40 feet.

**2. The street line shall be considered as the rear of the curb.**

**3. Minimum lot and yard dimensions: (a) Minimum lot size: 7,500 square feet. (b)** Minimum lot width: 65 feet. (c) Front yard: 25 feet (front-entry garage); 20 feet (side-entry garage). (d) Side yards: 12 feet (zero-lot line lots — one side only); six feet (non-zero lot line lots — two side yards). (e) Rear yard: 15 feet. (f) Maximum height: 35 feet. (g) Maximum stories: 2 1/2. (h) Maximum lot coverage: 35%. (i) Maximum density: three units per acre. (j) Signs: same as permitted in R-1 Zone District.

**§ 23-3.6B R-2B Residence Zone. Shirewood.**

**a. Permitted primary uses.**

**1. One-family dwellings (see Subsection 23-3.4A, Schedule of Lot, Yard, and Building Regulations[1]).** [1] Editor's Note: The Schedule of Lot, Yard, and Building Regulations is on file in the office of the Township Clerk.

**2. A homeowners' association created by master deed may install and maintain accessory buildings and structures and uses and stormwater management uses.**

**b. Permitted secondary uses.**

**1. Private garages not in excess of 1,200 square feet of building area, including detached and attached garages.**

**2. Customary residential storage buildings not in excess of 200 square feet of building area.**

**3. Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs.**

**4. Other customary residential secondary structures and buildings, such as private swimming pools, private tennis courts, fireplaces, trellises, post lights, recreational apparatus, secondary buildings and structures customarily associated with a swimming pool on the premises (not exceeding 200 square feet and providing that no residential living quarters are contained therein), and the like (unless prohibited by the master deed or bylaws of a homeowners' association).**

**§ 23-3.6C R-2C Residence Zone. Pitching Way.**

**a. Permitted primary uses.**

**1. One-family dwellings (see Subsection 23-3.4A, Schedule of Lot, Yard and Building Regulations[1]).** [1] Editor's Note: The Schedule of Lot, Yard, and Building Regulations is on file in the office of the Township Clerk.

**2. A homeowners' association created by master deed may install and maintain accessory structures and uses and stormwater management uses.**

**b. Permitted secondary uses.**

**1. Private garages not in excess of 1,200 square feet of building area, including detached and attached garages.**

**2. Customary residential storage buildings not in excess of 200 square feet of building area.**

**3. Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs.**

**4. Other customary residential secondary structures, such as private swimming pools, private tennis courts, fireplaces, trellises, post lights, recreational apparatus, secondary structures and buildings customarily associated with a swimming pool on the premises (not exceeding 200 square feet and providing that no residential living quarters are contained therein), and the like (unless prohibited by the master deed or bylaws of a homeowners' association).**

**§ 23-3.6D R-2D Mixed Residence Zone. Woodland Estates.**

**a. The purpose and intent of the R-2D Mixed Residence Zone is to comply with the opinion of the Council of Affordable Housing (Docket No. COAH 92-407) dated November 10, 1993, entitled "In re: Scotch Plains Township/Woodland Estates," requiring the rezoning of Block 15801, Lots 4, 5, 9 and 10, and to further comply with the Mount Laurel doctrine which requires municipalities to foster affordable housing.**

**b. The following regulations are applicable in the R-2D Mixed Residence Zone:**

**1. Permitted primary uses. (a) One-family detached dwellings, including zero-lot line units** with attached garages. A "zero-lot line unit" is defined as a one-family detached dwelling located at a separate lot with setbacks on the front, rear and one side. (b) Two-family dwellings (duplex and flat). (c) A homeowners' association created by master deed may install and maintain recreational facilities such as pools, tennis courts, and accessory structures and uses and stormwater management uses. Such installation of improvements shall require an application for site plan approval.

**2. Permitted secondary uses. (a) Customary residential storage buildings not in excess of 200** square feet of building area. (b) Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs. (c) Other customary residential secondary structures, such as decks, swimming pools, patios, fireplaces, trellises, post lights and the like, unless prohibited by the master deed or bylaws of a homeowners' association.



**3. Other provisions and requirements. (a) One-family detached dwellings and two-family dwelling** shall provide not fewer than two off-street parking spaces for each dwelling unit, one of which shall be a garage and the second of which may be a driveway leading thereto. (b) Any common open space shall be maintained by the developer or by an association for the ownership of the open space, as required in N.J.S.A. 40:55D-43. The Township Council is not obligated to accept any offer of dedication of common open space. (c) Development in the R-2D Zone shall also be regulated by a developer's agreement signed by the Township to implement its Fair Share Housing Plan, and where there may be a conflict between the developer's agreement and this subsection, the developer's agreement shall control. (d) Portions of lots may be within steep slopes, wetlands or 100-year flood plans of streams, provided that no building or land disturbance shall occur within those areas, unless permitted by the appropriate agencies.

**4. Schedule of lot, yard, building and site requirements. See Schedule. (a) In this zone district,** all roads shall be public or private and shall have a right-of-way width of at least 32 feet, with a minimum of one foot on each side and ten-foot utility and shade tree easements, and a paved width of at least 30 feet. Cul-de-sac lengths in this district shall not exceed 1,300 feet. (b) Minimum lot and yard dimensions: (1) Minimum lot size: (i) Single-family: 7,500 square feet. (ii) Two-family: 9,000 square feet. (2) Minimum lot width: 65 feet. (3) Front yard: 25 feet (front-entry garage); 20 feet (all other primary structures). (4) Side yards: 12 feet (zero lot line lots — one side only); 10 feet (non-zero line lots — two side yards). (5) Rear yard: 30 feet. (6) Maximum height: 35 feet. (7) Maximum stories (one- and two-family): 2 1/2. (8) Maximum lot coverage: 30%. (9) Maximum density: 28 units. (i) One-family detached: six units per acre. (ii) Two-family attached (duplex and flat): four units per acre. (10) Signs: same as permitted in R-1 Zone.

**§ 23-3.7 R-3 Residence Zone.**

**a. Permitted primary uses.**

**1. Any primary use enumerated in Subsection 23-3.6a.**

**b. Permitted secondary buildings and uses.**

**1. Any secondary buildings and uses enumerated in Subsection 23-3.6b.**

**2. Off-street parking facilities in conjunction with a permitted office use.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-3.6c.**

**d. Other provisions and requirements.**

**1. Same as enumerated in Subsection 23-3.6d.**

**§ 23-3.8 R-3A Residence Zone.**

**a. Permitted primary uses.**

**b. Permitted secondary building and uses.**

**1. Any secondary building or use enumerated in Subsection 23-3.7b.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-3.7c.**

**d. Other provisions and requirements.**

**1. Same as specified in Subsection 23-3.7d.**

**§ 23-3.8A R-3B Residence Zone. Broadway. The R-3B Residence Zone is hereby** established to carry out the purposes and plan known as the "Broadway Redevelopment Plan," as amended and heretofore adopted by the Township Council. The R-3B Zone is intended to provide for the comprehensive planning and development of detached single-family dwellings, together with appropriate site improvements and recreational facilities, based upon the recommendations and standards contained in the aforesaid redevelopment plan.

**a. Permitted primary uses.**

**1. Detached one-family dwellings.**

**2. Municipal parks and playgrounds, buildings and uses which are deemed appropriate and necessary by the Township Council.**

**3. Private recreation facilities, including swimming pools, a community building or clubhouse,** and open space, provided that all such uses shall be owned and maintained by a homeowners' association, and further provided that no commercial activity shall be permitted. The total building area associated with any recreation use shall be limited to 4,000 square feet. It is the intent of this subsection to provide for comprehensively planned recreation facilities and open space to be approved by the Planning Board as part of the redevelopment of the Broadway Redevelopment Area. No swimming pool shall be permitted on an individual residential lot within the R-3B Zone. The private recreation facility shall be open for use by nonmember residents or groups from Scotch Plains on a reasonable basis for public-related purposes or groups of any age by mutual arrangement between the association and Township or the particular group.

**4. Stormwater management facilities and utility structures related to residential development** within the R-3B Zone.

**b. Permitted secondary uses.**

**1. Customary residential storage buildings not to exceed 200 square feet in building area,** provided that no such storage building shall be located in the front yard of any lot and further provided that no such storage building shall be located closer to a side or rear lot line than two feet.

**2. Shelters for domestic pets not to exceed 50 square feet in building area, exclusive of runs,** provided that no such shelter or runs shall be located within the front yard of any lot and further provided that no such shelter or runs shall be located closer to a side or rear lot line than two feet.

**3. Trellises, post lights, patios and decks, provided that decks and patios shall comply with** applicable setback requirements. Fences shall comply with applicable ordinance requirements.

**4. Signs shall be permitted as follows: (a) For single-family dwellings, see Subsection 23-3.4C, Schedule of Sign Regulations.**[1] [1] Editor's Note: The Schedule of Sign Regulations may be found in § 23-7 of this chapter. (b) For real estate signs, see Subsection 23-3.4b1 through 5 and Subsection 23-3.4C, Schedule of Sign Regulations. (c) Development signs shall be permitted in connection with a development in the R-3B Zone in accordance with the following: (1) One sign indicating the name of the development shall be permitted on common land owned and maintained by the homeowners' association, provided that it shall not exceed an overall height of four feet above grade, including any mounting or support structure. The sign size shall be limited to a total of 12 square feet in area. No internally illuminated sign shall be permitted. If illuminated, lighting shall be from an indirect source that shall not cause glare onto adjoining properties or pose a hazard to motorists. (2) One nonilluminated sign shall be permitted on the facade of a community building or clubhouse in association with a recreation facility, provided that such sign shall not exceed a total of 24 square feet in area, nor shall it protrude above or extend beyond any portion of the facade of the building. (3) Signs permitted under this Subsection b4(c) shall be approved by the Planning Board.

**c. Conditional uses. None.**

**d. Other provisions and requirements.**

**1. Adult community. With the exception of dwellings proposed with frontage and driveway** access from the westerly end of Waverly Place, all residential dwellings located within the R-3B Zone shall be subject to a deed restriction that limits the marketing, sale, and occupancy of such residential dwellings to the terms of an adult community as defined herein. It is the intention that this be an age-restricted zone and shall comply with all terms and provisions of the federal Fair Housing Act,[2] and any other applicable federal and state statutes. [2] Editor's Note: See 42 **U.S.C. § 3601 et seq.**

**2. Adult communities; purposes. It having been determined that there is a need for** alternative housing in the Township of Scotch Plains for the adult population who no longer maintain a residence for their children and which is comprehensively designed to meet the needs of adults. Adult communities are hereby authorized to be developed in those residential zones in which adult communities are recognized as a permitted use, upon compliance with the design criteria set forth in this subsection and approval of the general development plan, preliminary and final subdivision/site plan approvals, including developer's agreements, from the Planning Board of the Township of Scotch Plains as hereinafter described.

**3. Definitions. As used in this subsection, the following terms shall have the meanings indicated:**

**ADULT COMMUNITY PROJECT (ACP)** As described herein shall mean a private residential community comprised of single-family detached dwellings and accessory uses intended for, and limited and restricted to, use and occupancy of: (a) Any person of the age of 55 years or over; (b) A husband or wife, regardless of age, residing with his or her spouse, provided the spouse of such person is of the age of 55 years or over; (c) The child or children residing with a permissible occupant, provided the child or children is or are of the age of 19 years or over; or (d) The individual or individuals, regardless of age, residing with and providing physical or economic support to a permissible occupant. (e) Occupancy of any dwelling shall be restricted to persons of the age of 55 years or over; provided, however, that a husband or wife, regardless of age, residing with his or her spouse may occupy such dwelling so long as such spouse is of the age of 55 years or over. Further, no dwelling may be occupied by any child under the age of 19 years. In the event that an owner of a lot dies, testate or intestate, leaving as heirs one or more persons who do not qualify as to age, these restrictions shall in no way be deemed to restrict the ownership of said lot by the heirs; provided, however, that said heir or heirs, their successors or assigns shall not reside in the dwelling until he or she meets the age requirements, together with such other requirements that may be contained herein. (f) The foregoing occupancy restrictions shall not be construed to prohibit the occupant of any unit in an ACP from entertaining guests, of any age, in their units, including temporary residency not to exceed three months with no financial or other pecuniary consideration to be paid therefor.

**DETACHED UNIT** As used herein shall mean a unit which is not physically connected to any other unit.

**UNIT** As used herein shall mean a single-family residence.



**4. Site improvements. All streets, stormwater management, and other site improvements,** including off-street parking, shall be provided in accordance with New Jersey Residential Site Improvement Standards. Each dwelling on a lot less than 5,000 square feet in area shall include a private garage of not less than 12 feet by 20 feet. Each dwelling on a lot equal to or greater than 5,000 square feet in area shall include a private two-car garage of not less than 24 feet by 20 feet.

**5. Recreation area off-street parking. Off-street parking shall be provided in association with** recreational facilities or community buildings. All off-street parking areas shall be adequately landscaped and shall be located at least 10 feet from any street right-of-way line and five feet from any other property line.

**6. Landscaping. To the extent practical, existing trees on the site shall be preserved and** protected during construction. Substantial landscape plantings shall be provided along perimeter tract lines to screen adjoining uses wherever a proposed lot or proposed recreational facilities adjoin any existing use. The Planning Board may approve fencing in conjunction with any such screening requirement. Any site plan or subdivision plan shall be accompanied by a landscape plan specifying details for tree-protection measures, proposed landscape plantings, and street trees to be provided in accordance with ordinance requirements, and/or contract of sale or developer's agreement.

**7. Homeowners' association. A homeowners' association shall be established for the purpose of** owning and maintaining all of the common elements of any development in the R-3B Zone, including but not limited to open space, stormwater management facilities, off-street parking areas, and recreation improvements. No final subdivision or site plan for development in the R-3B Zone shall be approved unless the documents necessary to establish a homeowners' association to carry out the purposes of this section have been approved by the Planning Board attorney and the Township Attorney.

**§ 23-3.9 B-1 Office and Multifamily Residence Zone.**

**a. Permitted primary uses.**

**1. Business and professional offices and uses.**

**2. Municipal parks, playgrounds, buildings and uses deemed appropriate and necessary** by the Township Council.

**3. Townhouse developments at a density of not over 12 units per acre, including recreation and** parking facilities for the exclusive use of residents and their guests.

**4. Garden apartments of a density of not over 12 units per acre, including recreation and parking** facilities for the exclusive use of residents and their guests.

**b. Permitted secondary uses.**

**1. Any secondary use enumerated in Subsection 23-3.5b, except the keeping of horses.**

**2. Off-street parking facilities in conjunction with a permitted office use.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-5.2a, b, c, d, and f.**

**d. Other provisions and requirements.**

**1. Off-street parking space shall be provided as follows: (a) Townhouses and garden** apartments shall provide not fewer than two off-street parking spaces for each dwelling unit. (1) For townhouses and garden apartments, all off-street parking shall be located behind the required front building setback line, and no parking space shall be provided within 20 feet of the edge of pavement of any access roadway. (2) No parking spaces shall be located closer than five feet to a townhouse or garden apartment buildings except where parking spaces are located in the building. (b) Business and professional office uses shall provide not less than one space for each 200 square feet of gross floor area unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, Tier 1, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A[1] in which case the required parking shall be one space for each 400 square feet of gross floor area. [Amended 12-13-2022 by Ord. No. 2022-37] [1] Editor's Note: Exhibit A is on file in the Township offices.

**2. For townhouses, not more than six dwelling units shall be located in a single structure.**

**3. For garden apartments, not more than 16 dwelling units shall be located in a single building, and there shall be a setback in the building facade of at least four feet for not over each eight units.**

**4. Minimum tract size for townhouses and garden apartments shall be one acre.**

**5. Maximum building coverage for townhouses and garden apartments shall be 40%.**

**6. Maximum height for townhouses and garden apartments shall be 40 feet and three stories, notwithstanding the definition of "garden apartment" in § 23-1.8.**

**7. Minimum gross floor area for townhouse and garden apartment units shall be 600 square feet.**

**8. No apartment unit shall be located in a basement or cellar.**

**9. Separate exterior front entrances shall be provided to each townhouse and garden apartment unit. Individual rear entrances shall also be provided for every townhouse unit, but may be combined in garden apartments to serve more than a single unit, provided that such rear entryway is not from a common foyer or hallway with a front entryway.**

**10. A resident superintendent shall be provided in any garden apartment development with more than 25 dwelling units.**

**11. For townhouse and garden apartment buildings, the minimum distance between buildings** front to front or front to rear shall be 30 feet. The minimum distance end to end shall be 10 feet. The minimum distance front to side shall be 15 feet, and the front facade of a building shall not overlap the side wall of an adjoining building by more than eight feet. The nearest point of any individual townhouse or garden apartment buildings shall be a minimum of 20 feet from edge of pavement of any access roadway. Interior courts shall be at least 30 feet wide and shall be no longer than twice their width.

**12. For townhouses and garden apartments, at least 10% of the site area shall consist of** landscaped open space exclusive of building area, parking area, and access drives. For garden apartments, at least 5% of the site area (which may be included in the foregoing 10%) shall be common open space developed for active or passive recreation use of the residents of the project, including sitting areas, play areas, and the like; for townhouses, at least 10% of the site area shall be so developed, but may include individual patios.

**13. Wherever any use except a one-family dwelling in this zone is on a lot which abuts a** residence zone, a ten-foot-wide buffer area shall be provided adjacent to the zone boundary in a manner approved by the Planning Board. Such buffer area shall be suitably planted and maintained with landscape materials of such species and sizes so as to form an effective visual screen.

**14. To comply with the statewide electric vehicle supply/service equipment (EVSE) and Make-Ready parking spaces law as per P.L. 2021, c. 171, subject to the determination by the Township approving authority that there is sufficient available capacity by means of the ability of a parking space in an adjoining or other municipal parking lots, the applicant, if approved, shall be responsible to pay a one-time payment as determined by a cost estimate provided by the Township Engineer per deficient EVSE or Make-Ready parking space. The intent of this payment is to provide for EVSE and Make-Ready parking spaces to be supplied in any municipal parking lot only after it has been determined by the Township Council or Land Use Board, whichever may be applicable, that the applicant has insufficient area to install the required number of EVSE or Make-Ready parking spaces on the subject property. If the applicant provides the required number of EVSE or Make-Ready parking spaces per state regulation on the subject property, then no payment is required under this section. This rate shall be calculated, and a separate bill shall be provided by the Tax Collector of the Township of Scotch Plains. This calculation and payment to the Township of Scotch Plains does not entitle the payee to reserved spaces in any municipal lot. [Added 12-13-2022 by Ord. No. 2022-37]**

**§ 23-3.10 B-1A Office and Research and Multifamily Residence Zone.**

**a. Permitted primary uses.**

**1. Townhouse developments at a density of not over 12 units per acre, including recreation and parking facilities for the exclusive use of residents and their guests.**

**2. Garden apartments of a density of not over 12 units per acre, including recreation and parking facilities for the exclusive use of residents and their guests.**

**3. Office buildings for executive, engineering, and administrative purposes.**

**4. Scientific or research laboratories devoted to research, design and/or experimentation** and processing and fabricating incidental thereto, provided no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory, research, design or experimentation conducted on the premises.

**5. Municipal parks, playgrounds, buildings and uses deemed appropriate and necessary by the Township Council.**

**6. The depositing of leaves or other vegetation and composting of same by the Township, its agents, or any person, firm, or corporation acting for or on behalf of the Township pursuant to a written agreement with the Township.**

**b. Permitted secondary uses.**

**1. Off-street parking facilities in conjunction with permitted office and research uses.**

**2. Private garages necessary to store any commercial vehicles on the premises.**

**3. Signs, in accordance with Subsection 23-3.4b.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-3.5c.**

**d. Other provisions and requirements.**

**1. Off-street parking space shall be provided as follows: (a) Townhouses and garden apartments** shall be provided with not fewer than two off-street parking spaces for each dwelling unit, and such spaces shall be located in close proximity to the unit for which they are intended. (1) All off-street parking shall be located behind the required front building setback line. (2) No parking spaces shall be located closer than five feet to a townhouse or garden apartment structure, except where parking spaces are located in the building. (3) No parking space shall be provided within 30 feet of the edge of pavement of any access roadway. (b) For office buildings, one off-street parking space shall be provided for each 200 square feet of gross floor area. (c) For laboratories and research uses, at least one off-street parking space shall be provided for each employee and visitor on the maximum work shift provided at no time shall the use result in parking on a public street for any reason. The burden of proof for establishing and always providing an adequate amount of required off-street parking area shall be upon the original applicant for the building permit and certificate of occupancy and subsequent owner, occupier or user of the premises.

**2. For townhouse developments, not more than six dwelling units shall be located in a single structure.**



**3. For garden apartment projects, not more than 16 dwelling units shall be located in a single structure, and there shall be a setback in the building facade of at least four feet for not over each eight units.**

**4. No apartment unit shall be located in a basement or cellar.**

**5. Separate exterior front entrances shall be provided to each townhouse and garden apartment unit.** Individual rear entrances shall also be provided for every townhouse unit, but may be combined in garden apartments to serve more than a single unit, provided that such rear entryway is not from a common foyer or hallway with a front entryway.

**6. A resident superintendent shall be provided in any garden apartment development with more than 25 dwelling units.**

**7. For townhouse and garden apartment buildings, the minimum distance between buildings** from front to front or end to end shall be 20 feet. The minimum distance front to side shall be 20 feet, and the front facade of a building shall not overlap the side wall of an adjoining building by more than eight feet. The nearest point of any individual townhouse or garden apartment building shall be a minimum of 30 feet from edge of pavement of any access roadway. Interior courts shall be at least 30 feet wide, and shall be no longer than twice their width. Accessory garages shall be a minimum of 30 feet from the townhouse and apartment building unless located within such buildings.

**8. For townhouse developments and garden apartments, at least 30% of the site area shall** consist of landscaped open space exclusive of building area, parking areas, and access drives. At least 10% of the site area (which may be included in the foregoing 30%) must be common open space developed for active or passive recreation of residents of the townhouse or garden apartment complex, including play areas, sitting areas, swimming pools, patios and the like.

**9. Wherever a use permitted in the zone is on a lot which abuts a residence zone, or wherever a nonresidential use in this zone is on a lot which abuts an existing or potential residential use in this zone, a twenty-foot-wide landscaped buffer area shall be provided adjacent to the residence zone or residential use lot line in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscape materials of such species and sizes so as to form an effective visual screen.**

**10. Maximum height for townhouses and garden apartments shall be 40 feet and three stories, notwithstanding the definition of "garden apartment" in Subsection 23-1.8.**

**§ 23-3.11 B-2 Business Zone.**

**a. Permitted primary uses.**

**1. Retail business establishments limited to the following: (a) Hardware, paint, glass and wallpaper stores. (b) Department stores and variety stores. (c) Dry goods store. (d) Retail bakeries, grocery stores and dairy stores and other similar food establishments. (e) Apparel and accessories stores. (f) Furniture, home furnishings and equipment stores. (g) Radio, television, and music stores. (h) Restaurants. (i) Drugstores. (j) Antique stores. (k) Liquor stores. (l) Book and stationery stores. (m) Jewelry stores. (n) Florist stores. (o) Cigar stores and newsdealers. (p) Camera, photographic supply and art supply stores. (q) Gift, novelty and souvenir stores. (r) Sporting goods, bicycle and hobby stores. (s) Optical goods stores. (t) Luggage and leather goods stores. (u) Take-out food establishments and drive-throughs.**



**2. Personal service establishments limited to the following: (a) Banks and fiduciary institutions** and drive-throughs. (b) Credit agencies. (c) Security and commodity brokers. (d) Real estate and insurance offices. (e) Holding and investment company offices. (f) Laundry and dry-cleaning stores and processing stores. (g) Photographic studios. (h) Barbershops and beauty shops. (i) Shoe repair shops. (j) Garment pressing alteration and repair and tailor shops. (k) Miscellaneous repair services other than automotive. (1) Sales and dispensing of motor vehicle fuels, sales of products associated with motor vehicles, repair of motor vehicles as well as retail convenience stores as outlined in Subsection 23-5.2e. (l) Motion-picture theaters, except outdoor. (m) Martial arts studios, gymnastics schools, fitness centers, dance studios and schools, performing arts centers, art schools, and the like. (n) Medical and health services, including veterinarian services; this does not include boarding or any provision for overnight stays. (o) Legal services. (p) Engineering and architectural services. (q) Accounting and bookkeeping services. (r) Business offices.

**3. Municipal parks, playgrounds, buildings and uses deemed appropriate and necessary by the Township Council.**

**b. Permitted secondary uses.**

**1. Off-street parking facilities for the use of customers and employees.**

**2. Garage space for the storage of commercial vehicles used in conjunction with a** permitted business; provided, however, that any commercial vehicles stored and garaged on the premises shall be clearly incidental and subordinate to the business conducted thereon. By way of example, but not of limitation, a trucking or hauling business may not store its commercial vehicles on a lot with its business office in this zone.

**3. Signs, in accordance with Subsection 23-3.4b.**

**4. Apartments shall be permitted on both the second and third floors of existing and new commercial structures, with all means of ingress and egress being separate and distinct from the principal use(s) on the first floor of said structures. There shall be no mixed uses (apartments and offices) on either the second or third floors of said structures. [Amended 7-20-2021 by Ord. No. 2021-16]**

**5. Propane filling and exchange stations, used in conjunction with permitted uses as listed in Subsection 23-3.11a1(a), (b), (d), (f), (k), and (r), and 2(k) and c2. All propane filling and exchange stations shall comply with standards listed in N.J.A.C. 5:18 and the NFPA, and must apply for and obtain an annual zoning permit as provided in Subsection 23-2.3t.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional use as specified in Subsection 23-3.5c.**

**2. Motor vehicle service establishments.**

**d. Other provisions and requirements.**

**1. Truck loading and unloading facilities shall be provided on the property in other than the front yard area in sufficient amount to permit the transfer of goods in other than a public street.**

**2. Wherever a use in this zone is on a lot which abuts a residence zone or P Public Zone ,a** ten-foot-wide landscaped buffer area shall be provided adjacent to the residence zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaping materials of such species and sizes so as to preclude any detrimental effect upon the adjacent residence zone. [Amended 7-20-2021 by Ord. No. 2021-16]

**3. Off-street parking space for the use of customers and employees shall be provided as follows**

(this required parking may be considered to be met by an adjoining public parking facility subject to the determination by the approving authority that there is sufficient available capacity):

[Amended 12-13-2022 by Ord. No. 2022-37] (a) Retail business uses: one space for each 200 square feet of gross floor area unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A, in which case the required parking shall be one space for each 400 square feet of gross floor area. (b) Personal and business service establishments: one space for each 200 square feet of gross floor area unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A, in which case the required parking shall be one space for each 400 square feet of gross floor area. (c) Professional and business offices: one space for each 200 square feet of gross floor area unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A, in which case the required parking shall be one space for each 400 square feet of gross floor area. (d) Restaurants: one space for each three seats, plus one space for each two employees unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A, in which case the required parking shall be one space for each 400 square feet of gross floor area. (e) Theaters and other similar places of public assembly: one space for each three persons of permitted occupancy unless the property is located within Tier 1, Phase 1, Tier 1, Phase 2, or Tier 2, Phase 4 as depicted on the Township's Downtown Redevelopment Area Map dated October 14, 2022, attached as Exhibit A, in which case the required parking shall be one space for each 400 square feet of gross floor area. (f) Apartments over commercial establishments: off-street parking facilities shall be provided at the rate of 1 1/2 spaces for each apartment unit. All off-street parking spaces shall be located behind the front building line. Parking facilities required for the commercial use shall not be deemed to satisfy this requirement.



**4. First-floor facades of newly constructed buildings shall provide at least 75% transparency.**

Rear facades of newly constructed buildings shall provide at least 50% transparency. First-floor ceiling elevation shall have a minimum of 15 feet of clear ceiling height.

**5. In any building containing primary and secondary uses, the parking for the primary and secondary uses located on the ground level that is located under the building's upper levels shall be a permitted primary use provided that:** [Added 7-20-2021 by Ord. No. 2021-16] (a) The parking is located to the rear or side of the primary use on the ground level. (b) The parking is enclosed with a wall that is at least 40 inches in height and the exterior of the wall is constructed with the same building materials and architectural design as the main portion of the front building elevation. (c) The primary use on the ground level shall meet the requirements under Subsection 23-3.11d6.

**6. In any building containing primary and secondary uses, the gross floor area of the primary use on the ground level shall be at least 1/3 of the total gross floor area of the secondary uses in the building.** [Added 7-20-2021 by Ord. No. 2021-16]

**7. To comply with the statewide electric vehicle supply/service equipment (EVSE) and Make-Ready parking spaces law as per P.L. 2021, c. 171, subject to the determination by the Township approving authority that there is sufficient available capacity by means of the ability of a parking space in an adjoining or other municipal parking lots, the applicant, if approved, shall be responsible to pay a one-time payment as determined by a cost estimate provided by the Township Engineer per deficient EVSE or Make-Ready parking space. The intent of this payment is to provide for EVSE and Make-Ready parking spaces to be supplied in any municipal parking lot only after it has been determined by the Township Council or land use board, whichever may be applicable, that the applicant has insufficient area to install the required number of EVSE or Make-Ready parking spaces on the subject property. If the applicant provides the required number of EVSE or Make-Ready parking spaces per state regulation on the subject property, then no payment is required under this section. This rate shall be calculated, and a separate bill shall be provided by the Tax Collector of the Township of Scotch Plains. This calculation and payment to the Township of Scotch Plains does not entitle the payee to reserved spaces in any municipal lot. [Added 12-13-2022 by Ord. No. 2022-37]**

**§ 23-3.12 B-3 Highway Business Zone.**

**a. Permitted primary uses.**

**1. Any primary use enumerated in Subsection 23-3.11 (B-2 Business Zone).**

**2. Class I - licensed cannabis cultivator. [Added 5-18-2021 by Ord. No. 2021-9]**

**3. Class 2 - licensed cannabis manufacturer. [Added 5-18-2021 by Ord. No. 2021-9]**

**4. Class 3 - licensed cannabis wholesaler. [Added 5-18-2021 by Ord. No. 2021-9]**

**5. Class 4 - licensed cannabis distributor. [Added 5-18-2021 by Ord. No. 2021-9]**

**6. Class 5 - licensed cannabis retailer (with or without a state and locally endorsed cannabis consumption area). [Added 5-18-2021 by Ord. No. 2021-9]**

**7. Class 6 - licensed cannabis delivery service. [Added 5-18-2021 by Ord. No. 2021-9]**

**8. Licensed cannabis microbusiness. [Added 10-18-2022 by Ord. No. 2022-27]**

**b. Permitted secondary uses.**

**1. Any secondary use enumerated in Subsection 23-3.11 (B-2 Business Zone).**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Any conditional uses as specified in Subsection 23-3.5c.**

**2. Motor vehicle service establishments.**

**d. Other provisions and requirements.**

**1. Off-street parking space for the use of customers and employees shall be provided as specified in Subsection 23-3.11d3.**

**2. Wherever a use in this zone is on a lot which abuts a residence zone, a ten-foot-wide landscaped buffer area shall be provided to the residence zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscape material of such species and size so as to form an effective visual screen.**

**3. Each use located in this zone shall provide truck loading and unloading space on the same lot and in other than the required front yards so as to permit the transfer of goods in other than a public street.**

**§ 23-3.13 (Reserved)**

**§ 23-3.14 M-1 Industrial Zone.**

**a. Permitted primary uses.**

**1. Office buildings for executive, engineering, and administrative purposes.**

**2. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto, provided no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to the laboratory research, design or experimentation conducted on the premises.**

**3. Any light manufacturing, processing, packaging or assembly use, research laboratory, or** other similar industrial uses which can demonstrate the capability to maintain the following performance standards at all times in their operation. (a) Any noise produced on the premises shall not be in excess of the standards listed below when measured at any property line of the lot on which the use is located. Frequency Band Hz Sound Pressure Level Decibels re 0.0002 dyne/cm<sup>2</sup>

20	75	69	75	150	54	150	300	47	300	600	41	600	1,200	37	1,200	2,400	34	2,400	4,800
31	4,800	10,000	28																

(b) If the noise is not smooth and continuous but is of an impulsive or periodic character, the decibel levels indicated above shall be reduced by 5%. (c) Any smoke emitted from any source on the premises shall not be of a density greater than that density described as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines. (d) No fly ash, dust fumes, vapors, gases or other forms of air pollution which can cause any damage to health, to animals or vegetation, or damage or soil to other forms of property shall be permitted. (e) There shall be no emissions of odors in such quantities as to be offensive at lot boundary lines. (f) No activity shall be maintained on the premises which will produce heat or glare beyond any property line. (g) No machinery or operation shall be permitted which shall cause perceptible vibration discernible to the human sense of feeling at the property lines of the lot on which the site is located. (h) No activity shall be maintained on the premises which may result in or cause hazard of fire, explosion, radiation, disease or other physical hazard to persons, plant growth, buildings or other property.

**4. Contractors' storage buildings and storage yards and other such outdoor storage of** equipment and vehicles, provided that no such area is within the existing or required front yard area, whichever is smaller, and is screened by fencing or landscaping from public view from a public street or from an adjacent residential zone, or as the approving authority requires. Any building constructed or used on the premises shall meet all applicable bulk requirements of this chapter.

**5. Municipal parks, playgrounds, buildings and uses deemed appropriate and necessary by the Township Council.**<sup>[1]</sup> [1] Editor's Note: Former Subsection a.6, regarding cannabis businesses, added 5-18-2021 by Ord. No. 2021-9, which immediately followed this subsection, was repealed 6-21-2022 by Ord. No. 2022-14.

**b. Permitted secondary uses.**

**1. Signs, in accordance with Subsection 23-3.4b.**

**2. Private garage and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.**

**3. Off-street parking space for the use of employees and visitors.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Public utility uses.**

**2. Motor vehicle service establishments.**

**d. Other provisions and requirements.**

**1. One off-street parking space shall be provided for each visitor and each employee on** the maximum work shift, provided that at no time shall the use result in parking on a public street for any reason. The onus and burden of proof for establishing and always providing adequate amount of required off-street parking area shall be upon the original applicant for the building permit, or any subsequent owner of the premises.

**2. Parking areas may be located in any of the required yard areas other than the front yard,** provided they are not less than 20 feet from the boundary of a residential zone or street line.

**3. Each use located in this zone shall provide truck loading and unloading space on the same lot** and in other than the required front yard so as to permit the transfer of goods in other than a public street.

**4. Each use established in this zone shall set aside 10% of the tract for seeding and** landscaping, and use this area for no other purpose.

**5. Wherever a use in this zone is on a lot which abuts a residence zone, a ten-foot-wide buffer** area shall be provided adjacent to the residence zone boundary. Such buffer area shall be suitably planted and maintained with landscape materials of such species and sizes, in a manner approved by the approving authority, as will preclude any detrimental effect upon the adjacent residence zone.



**6. All industrial activities or processes shall take place within an enclosed building. Incidental** storage of materials and equipment out of doors shall be shielded from any adjacent public streets or residential areas by fencing, landscaping or other appropriate measures and shall not be within the existing or required yard areas facing the street or streets; except that crushing of waste material may be conducted on site with portable crushing equipment. Crushing shall not be considered a primary use of the property and shall be considered as a secondary use to a permitted use in the M-1 Zone; by way of example, a contractors storage yard; between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday only. No weekend activity shall be permitted. Crushing of material needs to be kept wet down during the operation. Proper permits must be received from the DEP and annual record submissions must be provided to the Township of Scotch Plains for the purpose of gaining recycling credits. [Amended 7-19-2022 by Ord. No. 2022-16]

**7. The following uses or activities are specifically prohibited in this zone: (a) Auction markets. (b)** Automobile wrecking yards, junkyards, or disassembly yards, or the sorting or baling of scrap metal, paper, rags or other scrap material. (c) Gas (illuminating or heating) storage, except for consumption on premises. (d) Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, trash, refuse, junk, dead animals or offal, except by the municipality or its agents. (e) Outdoor sales of new or used motor vehicles or trailer coaches. (f) Petroleum or its derivatives except when stored in underground tanks and not in excess of 40,000 gallons of fuel oil or 20,000 gallons of gasoline or kerosene. (g) Residential dwelling units.

**§ 23-3.15 M-2 Industrial Zone.**

**a. Permitted primary uses.**

**1. Any use permitted in Subsection 23-3.14a1, 2, or 3.[1] [1] Editor's Note: Former Subsection a.2, regarding cannabis businesses, added 5-18-2021 by Ord. No. 2021-9, which immediately followed this subsection, was repealed 6-21-2022 by Ord. No. 2022-14.**

**b. Permitted secondary uses.**

**1. Any secondary uses enumerated in Subsection 23-3.13b.**

**c. Conditional uses (subject to the conditions of § 23-5).**

**1. Public utility uses.**

**d. Other provisions and requirements.**

**1. One off-street parking space shall be provided for each visitor and each employee on** the maximum work shift, provided that at no time shall the use result in parking on a public street for any reason. The onus and burden of proof for establishing and always providing an adequate amount of required off-street parking area shall be upon the original applicant for the building permit or any subsequent owner, occupier or user of the premises.

**2. Parking areas may be located in any of the required yard areas, provided they are not less** than 50 feet from the boundary of any residential zone or a street line, and employee parking shall be behind the setback line.

**3. Each use located in this zone shall provide truck loading and unloading space on the same lot** and in other than the required front yard so as to permit the transfer of goods in other than a public street.

**4. Each use established in this zone shall set aside 20% of the tract for seeding and** landscaping, and use this area for no other purpose.

**5. Wherever a use in this zone is on a lot which abuts a residence zone, a twenty-foot-wide** buffer area shall be provided adjacent to the residence zone boundary. Such buffer area shall be suitably planted and maintained with landscape materials of such species and sizes, in a manner approved by the approving authority, as will preclude any detrimental effect upon the adjacent residence zone or adjacent residential property.

**6. All industrial activities or processes shall take place within an enclosed building. Incidental** storage of materials out of doors shall be shielded from any adjacent public streets or residential areas by fencing, landscaping or other appropriate measure.

**7. The uses enumerated as prohibited uses in Subsection 23-3.14d7 are hereby prohibited in this zone.**

**§ 23-3.16 SC-1 Senior Citizen Zone.**

**a. Permitted primary uses:**

**1. Senior citizen multifamily developments at a density not to exceed 16 dwelling units per acre, including recreation and parking facilities for the exclusive use of residents, their guests and employees.**

**2. Minimum gross floor area shall be 540 square feet per unit.**

**3. No dwelling unit shall be located in a basement or cellar.**

**4. The proposed use shall be located on an arterial, primary or secondary street as established by the Township Master Plan.**

**b. Other provisions and requirements:**

**1. Parking: A minimum 0.50 parking space shall be provided for each dwelling unit. Any site plan submitted for approval shall include an area or areas for any potential additional parking spaces so that the additional parking could be provided if required by the approving authority or if same becomes necessary when the proposed development is occupied.**

**2. All parking areas may be located in any of the required yard areas, provided they are at least 40 feet from a property line or a street line, and shall otherwise comply with all general requirements of this chapter concerning parking areas. Employee parking areas shall be behind the setback lines.**

**3. Landscape plantings shall be provided in sufficient quantity and locations to preclude the transmission of headlight glare or other lighting to adjacent properties and to screen the view of the parking area from a public street.**

**4. At least 10% of the site shall consist of landscaped open space exclusive of building area, parking areas, and access drives and shall be common open space developed for active or passive recreation use of the residents of the project, including sitting areas and the like.**

**5. A ten-foot-wide buffer area shall be provided adjacent to driveway entrance in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaped materials of such species and sizes so as to form an effective visual screen.**

**6. Truck loading and unloading facilities shall be provided on the property in other than the front yard in sufficient amount to permit the transfer of goods.**

**7. Two freestanding signs may be permitted, which may be illuminated by nonflashing light. Such signs shall not be located within 10 feet of a street or property line nor in any such manner which would create a hazard. Such sign shall not exceed 24 square feet on either of two sides.**

**8. Signs. All signs denied a construction permit due to a violation of this chapter shall require the** approval of the approving authority, it shall consider whether the proposed sign: (a) Is reasonably necessary to locate the senior citizen complex located on or about to be located on the property in question. (b) Is aesthetically compatible with the surrounding neighborhood. (c) Is or may tend to be harmful to the peaceful and quiet enjoyment of the surrounding property owners. (d) Is depreciating or may tend to depreciate the value of surrounding properties.

**9. Limited retail sales for occupants, guests and employees shall be permitted. Total floor area** shall not exceed 1,000 square feet.

**c. Schedule of lot, yard and building regulations.**

**1. Minimum lot and yard dimensions: (a) Primary use: senior citizen multifamily** dwellings. (b) Area: minimum seven acres. (c) Width: 300 feet. (d) Area: minimum seven acres (corner lot). (e) Width: 300 feet (corner lot). (f) Front yard: 40 feet. (g) Minimum side street corner lot: 50 feet. (h) Side yard: 50 feet. (i) Total both side yards: 100 feet. (j) Rear yard: 50 feet. (k) Maximum lot coverage: 30%. (l) Maximum number of stories: four.

#### **§ 23-3.17 P-Public Zone.**

**a. The areas of public facilities, which are of a permanent nature, including all** administrative, educational, service and recreational lands in the Township of Scotch Plains.

**b. In the event a property located in the P Zone either owned directly or under the jurisdictional** authority of the municipality or the SPFBoE becomes vacant and is no longer used for its intended use, the restrictions on the property shall be the same as the criteria of the R-1 Zone as outlined in Subsection 23-3.5. Schedule of lot block and building regulations It is the intent of this subsection for the Township to use any property in question for the highest and best use. The Planning Board shall make a recommendation to the Mayor and Council should a zone change be required for the highest and best use on the property for all of the residents within the Township of Scotch Plains.

**§ 23-3.17A C-Conservation Zone.** The C-Conservation Zone is established to provide for the designation and recognition of certain parcels of land that, by reason of their natural condition or environmental features, are best left in their natural state as permanent open space for the enjoyment and benefit of all citizens. All lots so designated shall either be owned or under the control of the Township of Scotch Plains, or an authorized agency thereof, and shall be left in their natural condition and shall remain undeveloped. Nothing herein shall prevent the Township or an authorized agency thereof, nor shall it prevent the Township or an authorized agency thereof, from periodically inspecting any lot so designated, nor performing any necessary maintenance related to public safety, including, but not limited to, the clearing of any drainageway, easements or the removal of debris or any part of said property for the use of public purpose, in order to create or correct health or safety hazards and/or create and/or construct for the public good, safety, and welfare.

**§ 23-3.18 ML-1 Multifamily Zone, ML-2 Multifamily Zone.**

**a. Permitted uses:**

**1. Principal uses:** (a) Multifamily (garden apartment) dwellings. (b) Attached single-family (townhouse) dwellings.

**2. Accessory uses and structures:** (a) Garages and off-street parking facilities. (b) Storage and maintenance buildings. (c) Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises and the like. (d) Signs.



**3. Additional principal and secondary uses for ML-2 Zone (Donato) (Lot 3, Block 4901, only): (a)**

Buildings for business offices and professional offices, as specifically defined in Subsection 23-1.8, and including standards in accordance with the standards for said business office and professional office uses only as set forth in the B-4 Office Zone, and that it is the specific intent that all other uses permitted in the aforementioned B-4 Office Zone are not permitted uses on this parcel. (b) Off-street parking facilities in conjunction with a permitted office use, subject to the following: (1) For office building: one space for each 200 feet of gross floor area. (2) Each use located in this zone shall set aside 10% of the tract for seeding and landscaping and use this area for no other purpose. (3) Subsection 23-2.3, Regulations Applicable to All Zones, shall apply to this use.

**b. Density and bulk requirements:**

**1. Density. Density shall be in accordance with the following schedule to produce the**  
number of low/moderate units set forth: Site Acres Density Low/Moderate Units Donato  
Site (Block 4901, Lot 3)

**7.71\* 16 units per acre 16 Bowcraft Site (Block 4802, Lots 9, 10, 11) 13\* 16 units per acre 42 \***

The size of each parcel is an estimated size, not to be relied upon. The three sites are inclusionary sites and, pursuant to the rules and regulations of the Council on Affordable Housing, shall provide sufficient set-aside so as to yield the number of low and moderate housing units indicated above.

**2. Bulk requirements. (a) There shall be the following minimum distances between buildings:**

Description Minimum Distance (feet) Windowless wall to windowless wall 20 Window wall to windowless wall 20 Front to front: Building height of up to 30 feet 50 Building height of up to 30 feet or more 75 Rear to rear 50 End to end 30 Any building face to local street curb face or edge of pavement 40 Any building face collector street curb face or edge of pavement 40 Any building face to arterial street curb face or edge of pavement 50 Any building face except garage face to common parking area 12 Garage face to common parking area 5 The Planning Board shall permit the above distances to be reduced by not more than 1/3 if there is an angle of 20° or more between buildings and if extensive landscaping or buffers are placed between buildings.

(b) Coverage: The maximum coverage by buildings shall not exceed 25%. The maximum coverage by all impervious surfaces, including buildings, shall not exceed 50%. (c) Buffer areas:

No building, driveway or parking area shall be located within 20 feet of any property boundary line abutting a single-family residential use or a single-family residential zone. (d) Building

height: No building shall contain more than three stories, nor shall any building exceed 35 feet in height, except that buildings erected on slopes may have an additional story on the down slope and an overall building height not to exceed 42 feet. (See Subsection 23-1.8.[1]) [1] Editor's

Note: See the definition of "building height" in Subsection 23-1.8. (e) Minimum floor area for

individual dwelling units: (1) One bedroom: 550 square feet. (2) Two bedrooms: 660 square feet.

(3) Three bedrooms: 850 square feet.

**c. Parking requirements:**

**1. Parking shall be provided for all residential uses as follows: (a) Dwelling units with one bedroom or fewer: 1.5 spaces. (b) All other dwelling units: 2.0 spaces.**

**2. Parking spaces in common parking areas shall be located within 150 feet of the dwelling unit served.**

**3. All required parking shall be provided off-street, except that nothing herein shall be construed to prohibit required parking spaces from being placed perpendicular to a one- or two-way local street, or at an angle on a one-way local street, provided that both the pavement width of the street and the length of each parking space meet the requirements set forth in this subsection.**

**4. No arterial or collector street shall provide direct access to an individual required parking space.**

**5. Secondary buildings, structures and uses shall be permitted in the front yard.**

**d. Street specifications; stormwater detention; utilities/solid waste removal.**

**1. Pavement width and specifications. (a) Streets. (1) Public: same as required for R-1, R-2, R-3 and R-3A Zones, specifically enumerated in Subsection 22-6.2a and b. (2) Private: same as required in Subsection 21-6.1b and Subsection 23-2.3e.**

**2. Landscaping. (a) Buffer: same as required in Subsection 23-3.9d13. (b) Street trees: shade trees in parking lots as required in Subsection 21-6.1b7 and 8.**

**3. Right-of-way width (if public): 50 feet.**

**4. Stormwater detention: as enumerated in Chapter 16 of the Township Code.**

**5. Utilities/solid waste removal. Same as contained in the following subsections:**

Subsection No. Subject 22-6.3 Storm drains, sanitary sewage and utilities 22-6.5

Streetlighting 22-6.10 Electric and telephone utilities 21-5.1a21 Site lighting 21-5.1a34

Garbage and recycling

**§ 23-3.18A ML-3 Multifamily Zone. [Added 7-16-2019 by Ord. No. 2019-15]**

**a. Intent and purpose.** The intent and purpose of the ML-3 Multifamily Zone District is to provide a realistic opportunity to develop an inclusionary affordable housing project to meet present and prospective housing needs, with particular attention to very-low-, low-, and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the settlement agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "settlement agreement"), and the court order approving same, which was entered by the court on April 20, 2018, after a properly noticed fairness hearing, and the Township's conditional declaratory judgment of compliance and repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the Court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan dated September 27, 2018, to comply with the Township's constitutional obligation with respect to affordable housing under Mount Laurel doctrine.

**1. The standards found herein are based on the terms agreed to in the settlement agreement.**

Per the aforementioned agreement, the Amberg Site shall be generally in accordance with and Exhibits I and J of the settlement agreement.

**b. Permitted principal uses.**

**1. Multifamily residential housing consisting of up to 125 family rental dwelling units, in a** minimum of three and up to five buildings, including a minimum 15% or a maximum of 19 units set aside for very-low-, low-, and moderate-income family rental units. No market-rate three-bedroom units or greater are permitted.

**c. Permitted accessory uses.**

**1. Parking garages, surface parking, private driveways;**

- 2. Common outdoor public or private spaces, plazas and terraces;**
- 3. Active and passive recreation facilities;**
- 4. Maintenance facilities;**
- 5. Gardens, hardscape patio areas, landscape features, and courtyards;**
- 6. Streetscape improvements;**
- 7. Pedestrian walking paths;**
- 8. Green building techniques and green roofs;**
- 9. Mechanical equipment and trash enclosures;**
- 10. Emergency access driveways;**
- 11. Stormwater management systems; and**
- 12. Signs.**



**d. Bulk requirements. Description Requirement Maximum density (tract) 125 total**

dwelling units Minimum lot area 245,025 feet<sup>2</sup>. Minimum lot width 470 feet Minimum street frontage 490 feet Maximum building coverage (%)<sup>1</sup> 30% Maximum impervious lot coverage (%)<sup>2</sup> 60% Principal building setbacks and requirements<sup>3</sup> Minimum front yard setback (Lamberts Mill Road) 50 feet Minimum one side yard setback (fronting on Spruce Mill Road) 50 feet Minimum one side yard setback (adjacent to B 13601, L 1) 30 feet Minimum rear yard setback 50 feet Maximum building height (stories) (principal) 3 1/2 stories<sup>4</sup> Maximum building height (feet) (principal) 50 feet Minimum distance between buildings 45 feet Minimum distance: building front to building corner 60 feet Minimum distance: building front to building side 60 feet Minimum distance: building side to building side 50 feet Parking area requirements Minimum number of off-street parking spaces RSIS<sup>5</sup> Driveway circulation dimensions RSIS NOTES: 1 Gazebos shall be exempt from building coverage calculations as it relates to this subsection. 2 Gazebos shall be exempt from impervious coverage calculations as it relates to this subsection. 3 Architectural features and appurtenances such as window bays, fire features, porch entrances, balconies, covered entranceways, door surrounds, decks, porticos, patios, stairs, or pediments which project no greater than five feet into any building setback are permitted. 4 The height of the building shall be measured from the proposed average grade to the peak of the roof. The building height shall not exceed 3 1/2 stories or 50 feet to the peak of the roof on a pitched roof, 32 feet at the predominant roof eave, and 40 feet to the midpoint of the pitched roof. Basements, lofts, and attics, if permitted by the Planning Board, shall not be utilized as a bedroom space. Purely decorative roof appurtenances, such as decorative lanterns, chimneys, cupolas, parapets, among others, shall not increase the building height by greater than 10%. 5 Residential Site Improvement Standards, N.J.A.C. 5:21-4.14, Parking: number of spaces.



**e. Site plan and building requirements.**

**1. Parking and circulation. (a) All residential projects shall conform to RSIS standards. (b)**

All required off-street parking and loading spaces shall be provided on-site. (c) Parking spaces shall be a paved area clearly marked as an area at least nine feet wide by 18 feet long, exclusive of aisles, driveways and passageways appurtenant thereto and giving access thereto. (d) Accessible parking spaces shall be provided in every parking lot. Such spaces shall meet FHA design standards and shall be located close to barrier-free walkways and entranceways. (e) Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two feet is provided in order to accommodate such overhang. (f) In order to count towards the off-street parking requirements, the minimum length of surface parking spaces located in front of garages shall be 18 feet. (g) The project shall contain two points of ingress/egress into the site. One ingress/egress shall be located off of Spruce Mill Lane, and the second off of Lamberts Mill Road.

**2. Infrastructure.** Any required utility or infrastructure improvements to accommodate the development shall be the sole responsibility of the developer.

**3. Streetscape.** New sidewalks, curbing, crosswalks, street trees and similar design items shall be constructed along the Lamberts Mill Road and Spruce Mill Lane roadway frontages to the satisfaction of the Planning Board Engineer.

**4. Open space and landscape buffer.** (a) The development shall include a centrally located open space area consisting of a minimum of 22,000 square feet that shall be available to all of the residents of the community. Amenities that serve the residents such as a clubhouse, terrace, or patio area constructed of high-quality materials may be incorporated into this 22,000-square-foot area. The type of amenity, size, location, and materials used shall be subject to Planning Board approval. (b) A landscape buffer shall be provided along the property line which borders Block 13601, Lot 1, and the property's frontage along Lamberts Mill Road. This landscaped buffer area shall consist of a mixture of deciduous and evergreen plantings. This landscaped buffer area shall be a minimum of 10 feet in depth. To the extent practical, existing trees on the site shall be preserved and protected during construction. The Planning Board may approve fencing in conjunction with any such screening requirement.

**5. Any site plan or subdivision plan shall be accompanied by a landscape plan prepared by a** licensed landscape architect, specifying details for tree-protection measures, proposed landscape plantings, and street trees to be provided in accordance with ordinance requirements, and/or contract of sale or developer's agreement.

**6. Architectural design guidelines. (a) Similar building materials and architectural design shall be** used on all four building elevations of all buildings. (b) The use of a mixture of stone, brick, and HardiePlank® siding is encouraged. The use of vinyl siding on any building elevation is prohibited. (c) The building height shall not exceed 3 1/2 stories or 50 feet to the peak of the roof on a pitched roof, 32 feet at the predominant roof eave, and 40 feet to the midpoint of the pitched roof. (d) All mechanical equipment shall be screened from view. Rooftop equipment shall be screened in a manner consistent with the architecture and building materials of the building. Ground-level mechanical equipment shall be screened by means of solid fencing and supplemented and/or with evergreen plantings as determined by the Planning Board. (e) Accessory structures, such as gazebos, shall not exceed 15 feet in height. Any accessory building shall meet the required principal building setbacks.

**7. Variances. The Planning Board may grant a design waiver or variance for any specific bulk,** parking, or design requirement that is a de minimus exception to the bulk requirements of this subsection, provided the applicant demonstrates that such waiver or variance is necessary for the feasibility of the project, will not substantially impair the purpose of the subsection, and is substantially consistent with the terms of the Township's settlement agreement.

**f. Affordable housing requirements. Any project containing residential units shall meet the** requirements of the Township's Affordable Housing Ordinances,[1] applicable COAH regulations, Uniform Housing Affordability Controls ("UHAC"), the court-approved Housing Element and Fair Share Plan, and any applicable order of the court and other applicable law.

**1. Fifteen percent or 19 units shall be set aside as units affordable to very-low-, low-, and moderate-income households.**

**2. Income distribution: The income distribution for the affordable units in each project shall be as follows:** no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.

**3. Bedroom mix: At least 20% of the affordable units in each project shall be three-bedroom units;** no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low- or moderate-income affordable units** for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and administrative agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance[2] and Uniform Housing Affordability Controls ("UHAC").** [2] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this subsection and the Township's Affordable Housing Ordinance for the entirety of the deed-restriction period. The developer/owner and its administrative agent shall provide annual reports as required by the Township and the Township's Administrative Agent to enable the Township to comply with the affordable housing monitoring requirements of the court. [1] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.**

**§ 23-3.18B ML-4 Multifamily Zone. [Added 7-16-2019 by Ord. No. 2019-14]**

**a. Intent and purpose. The intent and purpose of the ML-4 Multifamily Zone District is to** provide a realistic opportunity to develop an inclusionary affordable housing project to meet present and prospective housing needs, with particular attention to very-low-, low-, and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the settlement agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "settlement agreement"), and the court order approving same, which was entered by the court on April 20, 2018, after a properly noticed fairness hearing, and the Township's conditional declaratory judgment of compliance and repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan dated September 27, 2018, to comply with the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine.

**1. The standards found herein are based on the terms agreed to in the settlement agreement.**

Per the aforementioned agreement, the North Avenue Tract shall be generally in accordance with Exhibits K and L of the settlement agreement. This pertains to how Block 8301, Lot 7, will be developed and that Block 8301, Lot 5, shall be rezoned to be in the Conservation Zone District and dedicated to the Township of Scotch Plains and preserved as open space as part of the Township's Recreation and Open Space Inventory ("ROSI").

**b. Permitted principal uses.**

**1. Multifamily residential housing consisting of up to 12 total residential dwelling units,** consisting of a maximum of five for-sale townhouses and seven family rental apartment units, including a minimum of 15% or a maximum of two units set aside, which shall be one two-bedroom moderate-income and one three-bedroom low-income family rental units. No market-rate three-bedroom units or greater are permitted.

**c. Permitted accessory uses.**

**1. Parking garages, surface parking, private driveways;**

**2. Common outdoor public or private spaces, plazas and terraces;**

**3. Gardens, hardscape patio areas, landscape features, and courtyards;**

**4. Streetscape improvements;**

**5. Pedestrian walking paths;**



**6. Green building techniques and green roofs;**

**7. Mechanical equipment and trash enclosures;**

**8. Emergency access driveways;**

**9. Stormwater management systems; and**

**10. Signs.**

**d. Bulk requirements.**

**1. Maximum density (tract): 12 total dwelling units.**

**2. Minimum lot area (tract): 40,000 feet.**

**3. Minimum lot width (tract): 200 feet.**

**4. Minimum street frontage (tract): 200 feet.**

**5. Maximum building coverage (%) (tract): 30%.**

**6. Maximum impervious lot coverage (%) (tract): 60%.**

**7. Principal building setbacks and requirements. (a) Minimum front yard setback (tract):**

30 feet. (b) Minimum one side yard setback (tract): eight feet. (c) Minimum total both side yard setbacks (tract): 45 feet. (d) Minimum rear yard setback (tract): 15 feet. (e) Maximum building height, apartment building (stories): 2.5 stories. (f) Maximum building height, apartment building (feet): 35 feet. (g) Minimum distance between buildings: 45 feet. (h) Minimum distance, building face to parking area: 15 feet. (i) Minimum distance, building face to ROW: 30 feet.

**8. Single-family attached requirements (for sale). (a) Minimum lot area: 2,200 feet. (b) Minimum**

lot width: 24 feet. (c) Minimum front yard setback: 20 feet. (d) Minimum side yard setback (interior): zero feet. (e) Minimum side yard setback (exterior): 10 feet. (f) Maximum building height, townhouses: 2.5 stories. (g) Maximum building height, townhouses: 35 feet.

**9. Accessory building requirements. (a) Minimum front yard setback: not permitted. (b) Minimum one side yard setback: eight feet. (c) Minimum total both side yard setbacks: 16 feet. (d) Minimum rear yard setback: eight feet. (e) Maximum building height (stories): 1.5 stories. (f) Maximum building height (feet): 18 feet.**

**10. Parking area requirements. (a) Minimum number of off-street parking spaces: RSIS. (b) Driveway circulation dimensions: RSIS.**

**e. Site plan and building requirements.**

**1. Parking and circulation. (a) All residential projects shall conform to RSIS standards. (b)**

All required off-street parking and loading spaces shall be provided on-site. (c) Parking spaces shall be a paved area clearly marked as an area at least nine feet wide by 18 feet long, exclusive of aisles, driveways and passageways appurtenant thereto and giving access thereto. (d) Accessible parking spaces shall be provided in every parking lot. Such spaces shall meet ADA design standards and shall be located close to barrier-free walkways and entranceways. (e) Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two feet are provided in order to accommodate such overhang. (f) In order to count towards the off-street parking requirements, the minimum length of a townhouse unit driveway shall be 18 feet. (g) Lots which are the result of the subdivision of Block 8301, Lot 7, to permit individual lots for townhouse units may front on a private road. All private roads shall conform to RSIS standards.

**2. Infrastructure. Any required utility or infrastructure improvements to accommodate the development shall be the sole responsibility of the developer.**

**3. Streetscape.** New sidewalks, curbing, crosswalks, and street trees shall be provided along the North Avenue roadway frontage at the direction of the Planning Board Engineer.

**4. Landscape buffer.** A landscape buffer shall be provided along the property line which borders Block 8301, Lot 8. This buffer area shall consist of a mixture of deciduous and evergreen plantings. This landscaped buffer area shall be a minimum of five feet in depth. To the extent practical, existing trees on the site shall be preserved and protected during construction. The Planning Board may approve fencing in conjunction with any such screening requirement. Any site plan or subdivision plan shall be accompanied by a landscape plan prepared by a licensed landscape architect, specifying details for tree-protection measures, proposed landscape plantings, and street trees to be provided in accordance with ordinance requirements, and/or contract of sale or developer's agreement.

**5. Steep slopes.** Portions of lots may be within steep slopes, wetlands, or 100-year floodplains of streams, provided that any building or land disturbance within these areas is permitted by the appropriate regulatory agencies. The developer is responsible for acquiring the appropriate permits and approvals.

**6. Accessory structures.** Accessory structures shall only be permitted in the rear portion of the property.

**7. The subject property is partially located within a flood hazard area regulated by the NJ** Department of Environmental Protection (NJ DEP). The proposed development of Block 8301, Lot 7, may require the regrading and/or land disturbance on Block 8301, Lot 5, in order to satisfy the cut and fill volume requirements of the DEP Flood Hazard Area Control Act Rules (N.J.A.C. 7:13). Prior to any application to the DEP for a regulatory permit under the Flood Hazard Area Control Act[1] for the residential development project, the Planning Board Engineer shall review and approve any regrading and/or disturbance to Block 8301, Lot 5, as part of the site plan application for the residential project on Block 8301, Lot 7. Any regrading and/or land disturbance on Block 8301, Lot 5, shall be minimized to the maximum extent practicable. No ponding of water shall be allowed to occur on Block 8301, Lot 5. [1] Editor's Note: See N.J.S.A. 58:16a-50 et seq.

**8. Tree removal. Any tree removal resulting from the regrading and/or land disturbance** described under Subsection 23-3.18Be7 shall be reforested in accordance with a reforestation plan prepared by a licensed landscape architect and to be approved by the Planning Board Engineer and Planner as part of and in conjunction with the site plan application.

**9. Architectural design guidelines. (a) Similar building materials and architectural design shall be** used on all four building elevations of all buildings, including the accessory buildings (garages). (b) The use of a mixture of stone, brick, and HardiePlank® siding is encouraged. The use of vinyl siding on any building elevation is prohibited. (c) Adjacent townhouse units shall have a facade setback of at least two feet from the face of the building line to building line. This provision shall only apply to townhouses. There shall be no facade setback requirement for adjacent apartment units. (d) All mechanical equipment shall be screened from view. Rooftop equipment shall be screened in a manner consistent with the architecture and building materials of the building. Ground-level mechanical equipment shall be screened by means of solid fencing and supplemented with evergreen plantings. (e) In the ML-4 Multifamily Zone, a "half story" shall be defined as the portion of a building under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls shall be permitted to have dormers and other roof features which extend above two feet as long as the aggregate eave line around the entire building perimeter is maintained at two feet above the floor or less for at least 40% of the perimeter. A basement shall also be included as a half story.

**f. Affordable housing requirements. Any project containing residential units shall meet the** requirements of the Township's Affordable Housing Ordinances,[2] applicable COAH regulations, Uniform Housing Affordability Controls ("UHAC"), the court-approved Housing Element and Fair Share Plan, and any applicable order of the court and other applicable law.

**1. Fifteen percent or two units shall be set aside as units affordable to very-low-, low-, and** moderate-income households.

**2. Income distribution and bedroom mix:** The income distribution and bedroom mix of the two affordable units in this project shall be one two-bedroom moderate-income unit and one three-bedroom low-income unit.

**3. The developer shall have an obligation to deed restrict the affordable units as very-low-, low- or moderate-income affordable units** for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and administrative agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.

**4. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**[3] [3] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.



**5. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed-restriction period. The developer/owner and its administrative agent shall provide annual reports as required by the Township and the Township's Administrative Agent to enable the Township to comply with the affordable housing monitoring requirements of the court. [2] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.**

**§ 23-3.19 (Reserved) [1] [1] Editor's Note: Former § 23-3.19, Affordable Housing Unit Regulations, was repealed by 12-11-2018 by Ord. No. 2018-33. See now § 19-7, Affordable Housing.**

**§ 23-4 PERMITTED MODIFICATIONS. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-4.1 Height Modifications.**

**a. The height limitations of this chapter shall not apply to silos, church spires, belfries, cupolas, flagpoles and domes not used for human occupancy.**

**b. Chimneys, ventilators, skylights, water tanks, television and radio antennas and similar** features, and necessary mechanical appurtenances usually carried on and above the roof level may exceed the height limitations of this chapter by not more than 15 feet, provided not more than 30% of the roof area is occupied by such equipment; if such equipment is construed as a secondary structure, apart from the primary structure, the height restrictions of this chapter shall apply.

**1. All roof structures and/or HVAC-related equipment, except chimneys and antennas (but not** microwave satellite dishes) shall be screened from view by means of a parapet designed as an integral part of the main building, or by another means reviewed and approved by the approving authority as part of site plan review and approval.

**c. The provisions of this chapter shall not apply to prevent the erection above the building height** limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet. Public and quasi-public buildings, schools, churches, and other similar permitted uses shall increase the front, rear and side yards by one foot for each foot by which such buildings exceed the height limit herein established for such zone in which they are located, and further provided that in no case shall any building have a height greater than 50 feet.

#### **§ 23-4.2 Permitted Area Modifications.**

**a. Front yards. In such cases in residential zones where the frontage on the same side of** the street within 500 feet is 50% or more developed, then the required front yard area for a new structure shall be modified to the average for such existing development, or as otherwise recommended by the Zoning Officer. Otherwise, the requirements of Subsections 23-3.4A and 23-3.4B[1] shall apply. [1] Editor's Note: The provisions of Subsections 23-3.4A and 23-3.4B are the Schedules of Lot, Yard, and Building Regulations, which are on file in the office of the Township Clerk.

**b. Side yards.** In the case of lots upon which an existing structure is located or which comply with the provisions for modification of Subsection 23-4.1 combined total side yard requirements, as specified in Column 9 of Subsections 23-3.4A and 23-3.4B, shall be reduced by six inches for each foot by which a lot is less than the minimum requirements specified in Column 4 or 6 of Subsection 23-3.4A and in Column 5 of Subsection 23-3.4B for the zone in which located. In any case, the side yard area for either side yard shall not be reduced to less than 50% of the requirement of Column 8 of Subsections 23-3.4A and 23-3.4B.

**c. Porches, stoops, fireboxes, chimneys, ramps.** Porches, stoops, fireboxes, chimneys, HVAC equipment and the like shall be exempt from the front, side, and rear requirements as outlined in Subsection 23-3.4A, Schedule of Lot, Yard, and Building Regulations.

**1. Steps shall be exempt from all of the lot, yard, and building regulations as they may be necessary to carry out the passage of ingress and egress.**

**2. Porches shall be a three-sided, open-air, roofed structure without the use of windows, screens, or curtains; and shall be constructed in accordance with the latest edition of the Building Code.**

**3. Porches shall be permitted to extend 96 inches from the face of the existing front setback as outlined in Subsection 23-3.4A, paragraphs A, B, C, G, and H, as long as the setback conforms to the above-referenced subsection or as the average setback applies. This subsection applies to residential structures only.**

**4. Ramps and mechanical appliances for the physically impaired, aged, and handicapped shall** be exempt from all of the lot, yard, and building regulations as they may be necessary to carry out the passage of ingress and egress. Sites, facilities, buildings and elements may be made accessible to and usable by people with such physical disabilities as the inability to walk, difficulty walking, reliance on walking aids, blindness and visual impairment, deafness and hearing impairment, in coordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes of physical size. The intent of these sections is to allow a person with a physical disability to independently get to, enter, and use a site, facility, building, or element as it may be necessary to carry out the passage of ingress and egress.

#### **§ 23-4.3 Temporary Operating Permits.**

**a. It is recognized that, in accordance with the purposes of the Land Development Ordinance[1] of the Township of Scotch Plains and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.)** may be necessary and appropriate to permit activities for a limited period of time, under very specific conditions, which activities may be prohibited by other provisions of the aforesaid ordinance, if such uses are of such a nature and are so located that, at the time of application, they would:

**1. Not exert a substantially detrimental effect upon the uses of land and activities normally** permitted in the zone district in which the activity is proposed;

**2. Contribute materially to the good and welfare of the Township or its residents; and**

**3. Be temporary in nature and not substantially undermine the Township's Master Plan** and/or Land Development Ordinance. [1] Editor's Note: See Ch. 22, Land Subdivision Ordinance.

**b. The provisions of this temporary operating permit subsection shall apply only to temporary** operating uses not customary or incidental to single-family dwellings within single-family residential zone districts in the Township. The Zoning Board of Adjustment of the Township of Scotch Plains shall (herein "Board") have the power to grant temporary operating permits (herein "TOP") except for the following limited uses, if not located within a single family residential zone district (provided the criteria set forth in Subsection 23-4.3a above have been met to the satisfaction of the Board):

**1. Christmas tree and Christmas wreath sales; and**

**2. Signs in conjunction with the sale of Christmas trees and/or Christmas wreaths only.**

**c. The Board, if it finds the criteria set forth in Subsection 23-4.3a above to have been** satisfied, may grant a temporary operating permit for such activity, and no other application or action shall be required of the applicant in receipt of such temporary operating permit. The Board may refer such temporary operating permit request to any agency, department or board prior to its decision for comment, but the Board shall not be bound by the same. The Board shall limit the time period for which the initial temporary operating permit shall be valid, to a maximum period of 12 consecutive months from approval by the Board, and shall impose any conditions upon the temporary operating permit which it deems appropriate.

**d. The Township's Construction Code Official/Zoning Officer or Board Secretary shall have the** authority to require the applicant for a temporary operating permit to give notice of the application to the owners of all real property, as shown on the current tax duplicate, within 200 feet in all directions of the property which is the subject of such application. The notice shall contain a designation of the property which is the subject of the application by lot and block and street address and shall contain a description of what use the applicant is requesting and also at what meeting the application will be heard (address, date and time of meeting) and that the recipient of the notice shall have the right to be heard relative to the application. Notice shall be given in accordance with the notice procedures set forth in N.J.S.A. 40:55D-12.

**e. The applicant for a temporary operating permit shall pay to the Township, at the time the** application is filed, a \$100 fee to cover administrative expenses, the same being nonrefundable. In addition to the said fee, either the Construction Code Official/Zoning Officer or the Board Secretary shall have the authority to require an escrow account of up to \$500 to be established for the purpose of covering the costs of professional services, including engineering, planning, legal and other expenses connected with the review of the application. The escrow will be held and administered in accordance with the provisions of Subsection 19-3.4 of the Scotch Plains Land Development Ordinance[2] and the Municipal Land Use Law.[3] If neither the Construction Code Official nor the Board Secretary shall require the applicant to post an escrow account fee, the Board, nonetheless, reserves the right to require the applicant for a temporary operating permit to post such escrow account fee. [2] Editor's Note: See Subsection 19-3.4 of Ch. 19, Land Use Procedures. [3] Editor's Note: See N.J.S.A. 40:55D-1 et seq.

**f. In the event that an applicant for a temporary operating permit requests such permit for an activity for which a permit has been granted for the year subsequent to the year first granted, the Board shall have the right to review such permit for up to (but not in excess of) three years. The Board may grant successive renewal permits for up to three years thereafter. The Board may grant the renewal permit in its sound discretion only if no valid complaints were received, in writing, since the issuance of either the original or subsequently renewed and approved temporary operating permit, and there are no significant changes from either the original or subsequently renewed and approved temporary operating permit. All conditions imposed by either the original or subsequently renewed and approved temporary operating permit shall continue in effect in the renewal permit, and the Board may impose new conditions if it deems such new conditions necessary, or if such new conditions are deemed necessary by other Township officials.**

**g. Notwithstanding the foregoing, wherever, in the judgment of the Building Inspector, or other designated officer, a catastrophe such as fire, flood, tornado, or other similar disaster occurs which causes a residential structure to become unfit for human habitation, the Building Inspector shall have the power and right to issue a temporary operating permit so that a house trailer may be placed on the land for a period not to exceed 12 months from the date of its issuance. Any extension beyond said twelve-month period shall require Board approval in accordance with the procedures outlined above.**

**§ 23-5 CONDITIONAL USES. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-5.1 Guiding Principles. Recognizing that certain uses, activities, buildings and structures are necessary to serve the needs and convenience of the Township and, at the same time, recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as conditional uses. In addition to other powers conferred by this chapter and applicable statutes, the approving authority shall have original jurisdiction for the granting of a conditional use under the terms and conditions established by this chapter, under the following stipulations and guiding principles:**

**a. The use for which application is being made is specifically authorized as a conditional use in § 23-3.**

**b. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:**

**1. Character of the neighborhood.**

**2. Conservation of property values.**

**3. Health and safety of residents, and workers on adjacent properties and in the surrounding neighborhood.**

**4. Potential congestion of vehicle traffic or creation of undue hazard.**

**5. Stated principles and objectives of this chapter and the Master Plan of the Township.**



**c. In addition, such conditional uses shall adhere to the minimum standards specified for the particular use in Subsection 23-5.2 and to such additional conditions and safeguards as in the opinion of the approving authority will implement the intent and objectives of the section and chapter.**

#### **§ 23-5.2 Permitted Conditional Uses.**

**a. Public utility uses, such as water filtration plants, sewerage disposal plants, pumping stations, high voltage transmission lines and towers, electric substations, telephone exchanges and repeater stations, but no service or storage yards, subject to the following:**

**1. Proof is furnished that the proposed installation in the specific location is necessary for the efficiency of the public utility system and that the satisfactory and convenient provisions of service to the neighborhood or area in which the facility is to be located.**

**2. The design of any building or structure required for such use conforms to the general character of the area in which it is located.**

**3. Adequate fencing and landscaping will be provided, maintained and replaced as required.**

**4. The lot on which located is sufficient in size to adequately accommodate the proposed facility together with any parking space required to serve the facility without any of the structural portions of the use or parking facilities being closer than 25 feet to adjacent properties.**

**b. Churches and similar places of worship and rectories or parish houses or convents of religious groups on the same tract, subject to the following:**

**1. In addition to the material required for the application as specified in Subsection 23-5.3, the application shall be accompanied by the existing or proposed charter and bylaws of the organization and such other material to guarantee to the satisfaction of the approving authority the following:** (a) The organization is, or will be, a bona fide nonprofit religious group organized purely for the benefit of its membership, and such other activities normally carried on by religious groups. (b) The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on as a business or commercial activity, except that the premises may be made available on a rental basis for meetings of other groups, private social functions and the like; seasonal outdoor events such as fairs and the like shall be exempt from the above section.

**2. The area of the lot on which the proposed use is to be located shall have a minimum area of three acres and a minimum width of 150 feet.**

**3. The coverage of the lot by structures and buildings will not exceed 20%.**

**4. No building will be located within 60 feet of a street line nor within 50 feet of a side or rear property line.**

**5. Off-street parking space shall be provided at a rate of one space for each six seats in the church building and one for each four seats in any other form of meeting room space.** (a) Such parking space shall not be located within the front yard area nor within 30 feet of a property line and shall otherwise comply with all general requirements of this chapter concerning parking areas. In addition, landscape plantings shall be provided in sufficient quantity and locations to preclude the transmission of headlight glare or other lighting to adjacent properties and to preclude view of the parking area from a public street.

**6. One sign may be permitted, which may be illuminated by non-flashing light. Such signs shall not be located within 10 feet of a street or property line nor in any manner which would create a hazard. Such sign shall not exceed 20 square feet on either of two sides.**

**c. Public schools and private schools and institutions of higher learning operated by charitable, religious or eleemosynary organizations, which are not conducted as a business, subject to the following:**

**1. The site area is five acres, plus one additional acre for every 100 pupils or portion thereof of maximum capacity.**

**2. The lot coverage does not exceed 15%.**

**3. No building is located within 100 feet of a street or property line.**

**4. Sufficient off-street parking space shall be provided to ensure that the use will not cause parking in a public street during the course of normal educational programs.**

**5. Martial arts studios, gymnastic schools, fitness centers, dance studios, performing arts centers, art schools and the like shall be deemed not to be included in this section as a conditional use.**

**6. Special needs schools, as defined in this chapter, shall be deemed not to be included in this subsection as a conditional use, but rather as a conditional use in another subsection (Subsection 23-5.2d below) subject to separate and distinct standards.**

**d. Special needs schools, as defined in this chapter, and located within the B-1 District only,**  
subject to the following:

**1. The site area is one acre, plus one additional acre for every 100 pupils or portion thereof of maximum student enrollment.**

**2. The building coverage does not exceed 30%.**

**3. The building setbacks to conform to the requirements of the B-1 Zone.**

**4. Sufficient off-street parking space shall be provided to ensure that the use will not cause parking in a public street during the course of normal educational programs.**

**5. Martial arts studios, gymnastic schools, fitness centers, dance studios, performing arts centers, art schools and the like shall be deemed not to be included in this section as a conditional use.**

**6. Public schools and private, parochial, and charitable educational institutions and the like that are not approved by the State of New Jersey Department of Education exclusively for children with disabilities shall be deemed not to be included in this section as a conditional use.**

**7. Wherever this use abuts a residence zone, a fifteen-foot-wide buffer area, as defined in this chapter, shall be provided adjacent to the residence zone boundary or adjacent to any residential property or use. Such buffer area shall be suitably planted and maintained with landscape materials of such species and sizes, in a manner approved by the approving authority, as will preclude any detrimental effect upon the adjacent residence zone or adjacent residential property or use.**

**8. The special needs school is the principal use on the subject property.**

**e. "Motor vehicle service establishments" shall mean the following:**

**1. Business, properties and structures in conjunction with the process of: (a) Sales and**

dispensing of motor vehicle fuels, sales of products associated with motor vehicles repair of motor vehicles subject to the following: (1) A minimum lot area of 15,000 square feet shall be provided, together with a minimum lot width of 100 feet. In addition, if the land use board finds that the nature of the particular use proposed, either by virtue of scale, intensity of use, hazard, or other such considerations, is such that a larger site is in the public interest, then it shall impose such additional requirements. (2) Such lot shall be located within the following limitations: (i) Not closer than 1,000 feet to a public or private school, hospital, church, library, or other similar place of public assembly. (ii) No closer than 100 feet from the intersection of any two streets designated as arterial, primary or secondary on the Township Master Plan. (3) Yard requirements, which are applicable to all pumps, mechanical equipment and other appliances in addition to the main structure are as follows: (i) Front, side and rear yard areas: 25 feet. (ii) Maximum lot coverage: 20%. (iii) Maximum building height: one story. (4) All fuel tanks or other such containers for the storage of flammable materials, either liquid or solid, shall be installed underground at sufficient depth to ensure against hazard of fire or explosion. (5) Parking facilities shall be maintained as follows: (i) Two square feet of space for each square foot of floor area in the primary building. (ii) Where such parking areas abut a residential zone, or adjacent residential property, they shall be screened by a buffer area not less than 10 feet in width composed of densely planted evergreen shrubbery, solid fencing or a combination of both which, in the opinion of the Land Use Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of five feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. (iii) Driveways to parking area shall be limited to two for each 100 feet of frontage. Such driveways shall not be less than 12 feet nor more than 25 feet in width. (iv) No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the parking requirements of this section. (6) Signs erected in conjunction with the use shall be limited as follows: (i) One freestanding identification sign which does not exceed 40 square feet on any one side nor 20 feet in height. Such sign may be illuminated, but illumination shall be from within and be nonflashing. Light-emitting diode (LED) signs shall be permitted. Such signs may be located in the front yard area but shall not be closer than 10 feet to a street line. (ii) Two signs may be mounted on the front facade of the building, provided that the total area of such signs does not exceed 20% of the area of the front facade, including window and door area. (iii) Temporary signs advertising sales, premiums and other such temporary activities may be mounted on the window or door surfaces of the structures provided that the total of such signs at any one time does









**f. Buildings operated by chartered membership organizations for the benefit of the public and not for profit** may be permitted in R-1, R-2, R-3, R-3A, B-1, B-1A, B-2, and B-3 Zones, subject to the following:

**1. In addition to the material required for the application as specified in Subsection 23-5.3, the** application shall be accompanied by the existing or proposed certificate of incorporation and bylaws of the existing organization. Such material shall guarantee, to the satisfaction of the Planning Board, the following: (a) The organization is, or will be, a bona fide nonprofit group organized solely for the benefit and enjoyment of its members, who shall be primarily residents of Scotch Plains and the surrounding communities. (b) The use will not involve the sale or consumption of liquor or alcoholic beverages in any form unless the approving authority specifically finds that such sales or consumption will not be detrimental to the character of the area and the safety and welfare of the public. (c) The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on as a business or commercial activity, except that: (1) The sale of products or materials will be allowed where its purpose is to finance the activities of the organization; or (2) That the premises may be made available on a rental basis for meetings of other groups, private social functions and the like. (i) The maximum membership and guest limit of the organization is fixed at a level which is commensurate with the scale of facilities to be provided. Overnight accommodations shall be permitted in connection with social events and in case of emergencies. (d) The hours of use are fixed in a manner in which the property rights of nearby property owners will not be adversely affected.

**2. The proposed use is located on an arterial, primary or secondary street as established by the Township Master Plan.**

**3. The area and width of the lot on which the use is proposed shall have the following minimum sizes:** (a) R-1 and R-2 Zones: five acres and 400 feet wide. (b) R-3, R-3A, B-1, B-1A, B-2 and B-3 Zones: three acres and 100 feet wide.

**4. The coverage of the lot by structures will not exceed 20%.**

**5. No building will be located within the following distances of any property or street line:**  
(a) R-1 and R-2 Zones: 60 feet. (b) R-3, R-3A, B-1, B-1A, B-2 and B-3 Zones: 50 feet.

**6. Off-street parking space shall be provided at a rate of one parking space for each four memberships over the age of 17.** Such parking space shall not be located within 30 feet of a property or street line and shall otherwise comply with all general requirements of this chapter concerning parking areas. In addition, at least four-feet-high landscape plantings shall be provided in sufficient quantity and locations and maintained and replaced as required to preclude the transmission of headlight glare or other lighting to adjacent property.

**g. (Reserved)**

**h. (Reserved)**

**§ 23-5.3 Application Procedure.**

**a. Any person seeking a permit for any conditional use shall first make application to the approving authority under the procedures specified in Chapter 19 of this Code. The submission shall also comply with the requirements of Chapter 21 of this Code.**

**b. An application for approval of a conditional use shall be accompanied by all applicable fees as enumerated and outlined in Chapter 19, Subsection 19-3.4 prior to a determination that the application is complete.**

**c. Action by the approving authority shall be in accordance with said ordinances and with the provisions of N.J.S.A. 40:55D-1 et seq.**

**§ 23-6 NONCONFORMING USES. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-6.1 Continuance. Except as otherwise provided in this chapter, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued although such use of building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however:**

**a. That no nonconforming lot shall be further reduced in size.**

**b. That no nonconforming building shall be enlarged, extended or increased unless such** enlargements would tend to reduce the degree of nonconformance except that single-family residences in residential zones may be enlarged, providing that such enlargement shall not encroach beyond the existing building lines of any existing principal structure New conforming single-family dwellings shall be permitted as long as all of the requirements of Subsection 23-3.4A Schedule of Yard, Lot and Building Regulations,[1] are met for the zone in which they are located. [1] Editor's Note: The Schedule of Yard, Lot and Building Regulations is on file in the office of the Township Clerk.

**c. That no nonconforming use may be expanded.**

**§ 23-6.2 Existing Structures. Any nonconforming use or structure existing at the time of** the passage of this chapter may be continued upon the lot or in the structure so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Building Inspector.

**§ 23-6.3 Reversion. No nonconforming use shall, if once changed into a conforming use, be** changed back again to a nonconforming use.

**§ 23-6.4 Alterations. A nonconforming building may be remodeled but not enlarged or extended,** unless said building is changed to a building conforming or more nearly conforming to the requirements of this chapter, except that single family residences in residential zones may be enlarged, providing that the enlargement conforms in every respect to this zoning chapter. New conforming single-family dwellings shall be permitted as long as all of the requirements of Subsection 23-3.4A, Schedule of Yard, Lot and Building Regulations,[1] are met for the zone in which they are located. [1] Editor's Note: The Schedule of Yard, Lot and Building Regulations is on file in the office of the Township Clerk.

**§ 23-6.5 Zone Changes.**

**a. Wherever the boundaries of a zone shall be changed so as to transfer an area from one** zone to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

**b. Notwithstanding anything herein to the contrary, all those portions of Chapter 23, commonly** known as the "Zoning Ordinance of the Township of Scotch Plains," and all supplements, additions and amendments thereto not specifically amended, deleted or modified by the within chapter shall remain in full force and effect.

**§ 23-7 SIGNS. [10-29-2018 by Ord. No. 2018-29]**

**§ 23-7.1 Purpose and Applicability.** It is the intent of this section to control the size, placement, and location of signs located throughout the Township of Scotch Plains, to promote the aesthetic and visual appearance of the community, to further the small-town character of the Township, to enhance economic viability by providing businesses with effective and efficient opportunities for identification, and to improve and protect pedestrian and motorist safety. This section amends the Township of Scotch Plains Subsection 23-3.4C, Schedule of Sign Regulations, revised, ordinance supplemented 10/01 within the Township of Scotch Plains Land Use and Development Ordinances current to March 25, 2003. If there is any discrepancy between either the Subsection 23-3.4C and/or other sign regulations within the Township of Scotch Plains Land Use and Development Ordinances current to March 25, 2003, this § 23-7, Signs, shall be deemed to be the ruling authority.



**§ 23-7.2 Sign Definitions. As used in this section, the following terms shall have the meanings indicated:** BILLBOARD A freestanding sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered or a commodity sold at a location other than where the sign is located. DOUBLE-FACED SIGN A sign with a message visible on both sides of a support structure. FACADE The total wall surface, including door and window area, of a building's face. In computing sign area, only one face, the face fronting on the roadway, can be used as the principal face. FACADE SIGN A fixed sign attached to a wall of the principal building. FREESTANDING SIGN A self-supporting sign on one or two poles, standards or any other base anchored to the ground and in a fixed location not attached to any building, wall or fence and with the bottom of the sign placed to allow sufficient traffic safety visibility. GROUND SIGN A fixed self-supporting sign on one or two supports mounted on the ground with the bottom of the sign at ground level. LED SIGN "LED" stands for "light-emitting diodes," which are semiconductors that emit a single wavelength of light when charged with an electric current. [Added 12-11-2018 by Ord. No. 2018-38] SIGN Any device, structure or object, either constructed, applied or painted, for visual communications that is used for the purpose of bringing the subject thereof to the attention of others. See Subsection 23-1.103. SIGN AREA The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by the projected, enclosed, four-sided (straight sides) geometric shape, which most closely outlines the said sign. See Subsection 23-1.8. SIGN IDENTIFICATION Any sign which shall be used to advertise and identify the business or activity conducted on the premises where the sign is located. See Subsection 23-1.8. TEMPORARY SIGN Any sign, banner, pendent, valance, sandwich ("A") sign, advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material intended to be displayed for a nonpermanent period. See the General Municipal Ordinance, Fine Section, in conjunction with Subsection 23-1.5 for the schedule of fines for noncompliance.

### **§ 23-7.3 General Regulations.**

#### **a. The following provisions apply generally to all signage:**

**1. Signs shall not be erected or maintained except in conformity with the provisions of this section.**

**2. No permanent or temporary sign shall be constructed or displayed unless a sign erection permit has been obtained from the construction official except for those signs exempt as per the Uniform Construction Code.**

**3. In all zone districts, no commercial sign shall be permitted which is not accessory to the business conducted on the property.**

**4. This section does not prohibit any signage based solely on the content of the signage message.** Noncommercial speech, such as political speech or religious speech, is allowed in all residential and commercial zones at a maximum sign area of 16 square feet on a side.

**5. Any political sign that is protected under the free speech provisions of the United States and New Jersey Constitutions shall be permitted in any zoning district, provided that it is not located within a public right-of-way.** Any sign sponsored by a political party and connected to an election event shall be a maximum of six square feet and removed within two weeks after the date of the political event.

**6. No sign shall be placed in such a position that it will cause confusion or danger to street traffic** by obscuring the view or by simulating official, directional or warning signs maintained by any governmental body, railroad or public utility concerned with the protection of the public health or safety. This shall include, but not be limited to, any sign visible from the public right-of-way which uses an arrow device or simulates a stop sign or stoplight.

**7. All signs shall be placed in a location which will allow sufficient reaction time for drivers on the adjacent roads to safely enter and exit the site.**

**8. No sign of any type shall be attached to trees, fence posts, stumps, utility poles, bridges, rocks or like features not considered to be advertising structures on public property.**

**9. All billboard signs are prohibited. Much of the Township of Scotch Plains is residential in nature, and in those areas, billboards would detract from the small-town residential neighborhoods.** In the commercial areas, billboards would detract from the economic link of the signage necessary for the Township businesses and along the highway, in addition, would create unnecessary distractions and burden traffic safety.

- 10. Rotating signs, live-action signs, signs with an electronic display, flashing or intermittent illuminated signs are prohibited.**
- 11. Noncommercial banners, containing a message or not, are prohibited, unless specifically authorized by the governing body for a special public event.**
- 12. Official signs erected or required by the federal government, the State of New Jersey or any of its agencies, and any county or municipality of the state shall be exempt from the regulations in this section to the extent that governmental requirement conflicts with the requirements of this section.**
- 13. Official flags of the United States, the State of New Jersey, Union County and the Township of Scotch Plains shall be permitted in all of the zone districts.**
- 14. No sign shall be erected within or over the right-of-way of any street or highway unless specifically authorized by NJDOT and/or this chapter or other ordinances of the Township or Union County.**
- 15. The setback of a sign shall be measured to the nearest part of the sign, including any base, frame, or decorative elements.**
- 16. Any sign that is or shall become dangerous or unsafe in any manner whatsoever, or any sign erected hereafter contrary to the provisions of this section shall be repaired, made safe, and otherwise restored to its original condition in conformity with this section or shall be taken down and removed by the owner, lease, agent or occupant of the building, property or land upon which it is placed or to which it is attached.**

**17. Signs for houses of worship, public schools and private nonprofit schools and institutions of higher learning** shall permit an illuminated ground sign, or an illuminated facade sign. The permitted illumination shall be shielded and nonflashing. Any ground sign shall be located at least 10 feet from any street right-of-way or property line, shall not exceed five feet in height. One side of the ground sign shall count toward total signage. The total maximum of signage on site (not including parking and/or directional signs) shall not exceed 32 square feet on either side. See Subsection 23-5.2b6.

**18. Signs for lawfully permitted nonprofit chartered membership organizations, farms, public buildings, playgrounds, golf clubs and the offices of charitable organizations** shall be facade signs of a maximum of 200 square feet of sign area or 10% of the building facade and 5% of a secondary facade, whichever is less. Facade signs shall consist of individual noninternally illuminated letters, mounted directly on the building facade. The signage letters can be illuminated only by indirect shielded, nonflashing light. Ground signs are also permitted of a maximum size of 32 square feet on either side.

**19. The following regulations pertain to permitted LED signs: [Added 12-11-2018 by Ord. No. 2018-38]** (a) LED signs shall only be permitted in conjunction with Section 23-5.2, Permitted Conditional Uses, Subsections b, c, and f, in all P, Public, and Residential Zones for those specified uses, including for scoreboards associated with athletic facilities, which scoreboards can permit audio capabilities; and for motor vehicle fuel dispensing as outlined in Subsection 23-5.2e, exclusively for pricing. (b) LED signs shall be specifically prohibited in all other zones. (c) Each LED sign shall be located at least 10 feet from the property line. (d) Each LED sign shall be on a lot with at least 100 feet of street frontage. (e) Each LED sign shall have the provision for self-reducing light illumination. (f) Each LED sign shall only be operable between hours of 6:00 a.m. and 10:00 p.m., except in the case of emergency declared by the Scotch Plains Police Department or the Director of Emergency Management. It is recommended that such LED signs be able to be powered remotely in a case of an emergency. In such a case of the aforementioned declared emergency, the LED signs may be permitted to operate for a longer period. (g) Each LED sign shall contain a maximum letter/numeral size, which shall be no larger than 12 inches in height. (h) LED signs shall have no animation nor scrolling messages. (i) Each LED sign shall only provide three messages per minute. (j) All LED signs shall have the ability to operate in an emergency situation, such as alerts, amber, silver, etc., in order to provide for the general safety of the community and residents of the Township of Scotch Plains. (k) All LED signs shall be approved with the Scotch Plains Police Department for safety and to avoid any traffic impediments.

**§ 23-7.4 Residential Signs. The following provisions apply generally to residential signage.**

**a. A residential nameplate sign is permitted in all zones for residential uses. The** nameplate sign shall have a maximum sign area of one square foot, must include the house number and cannot be illuminated. Note: the house number sign area is excluded from the maximum sign area and must be at least four inches in height and readable at a distance of 50 feet.

**b. Residential professional office signs (home occupation) are allowed within the R-2, R-3, R-3A** Zones at a maximum of two square feet, with a setback of 10 feet from the front property line. One sign is permitted per lot, and it must be nonilluminated.

**§ 23-7.5 Commercial Signs.**

**a. Total maximum sign area:**

**1. Within the B-1, B1-A, and B-2 Zoning Districts, a total maximum sign area of 10% of the** front facade of the principal building is permitted.

**2. Within the B-3 Zoning District, a total maximum sign area of 20% of the front facade of the principal building is permitted, with attached retail as an exception.**

**3. Within the M-1 and M-2 Zoning Districts, a total maximum sign area of 5% of the front facade of the principal building but not greater than 40 square feet for every 100 linear feet of front facade frontage is permitted.**

**b. The components of a freestanding ground and facade sign shall consist of materials and colors in conformance with and/or compatible with the primary structure and the design standards implemented by the Architectural Review Committee of the Planning Board.**

**c. An illuminated signs shall be either indirectly lighted or of the diffused lighting type, unless illuminated by an interior source or shielded exterior light. No sign may use electronic displays, neon, mirrors, or flashing or intermittent illumination. All illuminated signs must be shielded to prevent glare or blinding effects upon motor vehicle traffic or light spillage upon a neighboring property.**

**d. The use of temporary signs, the commercial use of flags or the use of pendants and banners is prohibited other than a period of 14 days from the date of an opening. The total of such signs at one time shall not exceed 16 square feet. See Subsections 23-7.2, 23-7.3a2 and 23-7.5d.**

**e. Both sides of any freestanding sign shall be considered part of the of total signage area.**

**f. Signs not exceeding two square feet in area, on either side, may be used for driveway entrances, exits or for warning and directional purposes, provided the signs do not contain any advertising for the use of the premises and may only be internally lit.**

## **§ 23-7.6 Freestanding Signs.**



**a. Freestanding signs are permitted within all nonresidential zones and in conjunction with the gas stations in the B-1 B-2, B-3, and M-1 Zones. See Subsection 23-7.11, Conditional Uses.**

**b. Freestanding signs are part of the maximum total signage area on lots with the approved minimum lot width.**

**c. A maximum of one freestanding sign is permitted for each property.**

**d. Total freestanding sign area within the B-3 Zone shall not exceed 32 square feet per side, and both sides shall be considered part of the maximum total signage of 20% of the building facade. Within the B-3 Zone, the height of any freestanding sign shall be a maximum of 15 feet, with the bottom of the sign five feet above grade.**

**e. Total freestanding sign area within the B-1 and B-2 Zones shall not exceed 16 square feet per side and both sides shall be considered part of the maximum total sign area percentage of the front principal building facade. The height in the above zones shall be a maximum of six feet, with the bottom of the sign a minimum of two feet above grade. The traffic safety section of the Police Department must approve the sign location.**

**f. Total freestanding sign area within the B-1A, M-1 and M-2 Zone shall not exceed 24 square feet per side, and both sides shall be considered part of the maximum total sign area percentage of the front principal building facade. The height in the above zones shall be a maximum of six feet with the bottom of the sign a minimum of two feet above grade. The traffic safety section of the Police Department must approve the sign location.**

**g. Gas station signs within the B-2, B-3, and M-1 Zones shall be a maximum of 20 feet high. See Subsection 23-7.12.**

**h. All freestanding signs, if illuminated, shall be illuminated by a nonflashing light.**

**i. All signage locations adjacent to the state highway must be approved by the NJDOT as to the appropriate right-of-way setback. Neither the sign support nor any sign projection can overhang the recommended NJDOT right-of-way line, and the freestanding sign support must be located at a ten-foot minimum setback from the right-of-way.**

**j. Business name lettering on freestanding signs along the state highway shall be a minimum of eight inches high but not more than one foot high.**

**k. "Malls," defined as attached, multiple, side-by-side unit retail of more than two retail establishments, are permitted one freestanding sign not to exceed 50 square feet on each side with both sides computed into the maximum total signage area of the mall. The maximum total signage area of a mall is 25% of the building facade.**

#### **§ 23-7.7 For Sale or Lease Signs.**

**a. "For sale or lease signs" are commercial for sale signs and are permitted in the B-1, B-1A, B-2, B-3, M-1 and M-2 Zones.**

**b. The maximum for sale or lease sign area is 20 square feet.**

**c. For sale or lease signs may not be located closer than the front yard setback of the zone district or 15 feet, whichever is less.**

**d. For sale or lease signs may not be illuminated.**

**e. One for sale or lease sign is permitted per lot.**

**f. For further information on residential for sale signs, see Real Estate Signs, Subsection 23-3.4b1.**

#### **§ 23-7.8 Facade Signs.**

**a. Facade signs are permitted within the B-1, B-1A, B-2, B-3, M-1, M-2, P, SC-1, SC-2 Zones.**

**b. Facade signs are part of the maximum total signage area.**

**1. Within the B-1, B-1A, B-2, SC-1 and SC-2 Zones, the maximum total signage area of 10% of the front principal building facade is permitted.**

**2. Within the B-3 Zone, a maximum total signage area of 20% of the front principal building facade is permitted.**

**3. Within the M-1 and M-2 Zones, a maximum total sign area of 5% of the front principal building facade is permitted.**

**c. A first-floor business may use only the first-floor facade area when calculating total signage.**

**d. A business within a mall must use the front facade of that business only.**

**e. If a secondary facade frontage exists, such as on a corner lot or a back entrance from a parking lot, a secondary facade sign is permitted of a maximum of 5% of the secondary business facade.**

**f. Facade signs may be illumined, but only by a nonflashing light. See Subsection 23-7.3, General Regulations.**

**g. No facade sign shall extend further than 12 inches from the face of the building upon which it is attached.**

**h. Facade signs shall include the business street number.**

**i. For awnings with writing, pictures, logos, the area that includes the writing, pictures and logos shall be considered sign area and as such is part of the total signage.**

#### **§ 23-7.9 Ground Signs.**

**a. Ground signs are permitted within the B-1 B-2 and the B-3 Zones. In the SC-1, SC-2 and in the ML-1 and ML-2 Zones, ground signs are permitted to identify major permitted housing projects. Ground signs are allowed in conjunction with the following approved conditional uses: houses of worship, public schools, private nonprofit schools and institutions of higher learning, nonprofit chartered membership organizations, farms, public buildings, playgrounds, golf clubs and offices of charitable organizations. See Subsections 23-7.3a17 and 23-7.3a18.**

**b. Within the B-2 Zone, a maximum total signage area of 10% of the front principal building facade is permitted.**

**c. Within the B-3 Zone, a maximum total signage area of 20% of the front principal building facade is permitted.**

**d. Two project identification ground signs are allowed within the SC-1, SC-2, ML-1 and the ML-2 Zones with a maximum signage area of 24 square feet per side, a maximum height of six feet and a setback of 10 feet. See Subsection 23-3.16b8. See Subsection 23-3.8Ab4 for signs permitted within the R-3B Zone.**

**e. Ground signs are allowed only where the principal building is set back at least 10 feet from the property line within the B-2 and B-3 Zones.**

**f. A ground sign can be a double-sided sign with a maximum sign area for one side of 18 square feet and a maximum height of six feet above the ground within the B-3 Zone.**

**g. A first-floor business shall use only the first-floor facade area when calculating total signage.**

**h. Ground signs may be illuminated, but only by a nonflashing light.**

**i. No ground sign shall be placed in such a position that it will cause confusion or danger to street traffic by obscuring the view. The traffic safety section of the Police Department must approve the sign location.**

#### **§ 23-7.10 Residential and Commercial Development Signs.**

**a. Residential and commercial development signs are permitted up to a maximum of 32 square feet within the R-1, R-2, R-2A, R-2B, R-2C, R-3, R-3A, B-1, B-1A, B-2, B-3, M-1 and M-2 Zones.**

**b. Residential and commercial development signs may not be located closer than 10 feet to the property line.**

**c. Residential and commercial development signs may not be illuminated.**

**d. All residential and commercial development signs must be removed when the last certificate of occupancy of the development is issued.**

**§ 23-7.11 Public Zone Signs. Public zone signs are permitted in the P Zone.**

**§ 23-7.12 Motor Vehicle Service Establishment Signs (Gas Stations).**

**a. The total freestanding sign area within the B-2, B-3 and M-1 Zones shall not exceed 40 square feet per side, and both sides shall not be considered part of maximum total signage area of 20% of the building facade.**

**b. Two facade signs may be mounted on the front facade of the building, provided that the total area of such signs does not exceed 20% of the area of the front facade, including window and door area.**

**c. Two temporary advertising signs are permitted mounted to doors and windows, provided that the total area of such signs does not exceed 20% of the area of the front facade, including window and door area.**

**d. All signage on gas pump canopies shall be included in the maximum total signage area of 20% of the building facade.**

**e. See Subsection 23-5.2e for further information on motor vehicle establishments.**

**§ 23-8 AFFORDABLE HOUSING DEVELOPMENT FEES. [10-29-2018 by Ord. No. 2018-29; amended 12-11-2018 by Ord. No. 2018-35]**

**§ 23-8.1 Purpose.**

**a. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.**

**b. Pursuant to P.L. 2008, c.46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a court-approved spending plan may retain fees collected from nonresidential development.**

**c. This section establishes standards for the collection, maintenance, and expenditure of** development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.[1] [1] Editor's Note: The provisions of N.J.A.C. 5:98-8 expired 10-16-2016.

## **§ 23-8.2 Basic Requirements.**

**a. This section shall not be effective until approved by the court pursuant to N.J.A.C.** 5:93-8.1(b).[1] [1] Editor's Note: The provisions of N.J.A.C. 5:98-8 expired 10-16-2016.

**b. The Township of Scotch Plains shall not spend development fees until the court has approved** a plan for spending such fees in conformance with N.J.A.C. 5:93-8.9.



**§ 23-8.3 Definitions. The following terms, as used in this section, shall have the following meanings:**

**AFFORDABLE HOUSING DEVELOPMENT** A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

**COURT or COURT-APPROVED ENTITY** The entity that has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state pursuant to the Supreme Court decision issued in Mount Laurel IV on March 10, 2015.

**DEVELOPER** The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT FEE** Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.[1]

**EQUALIZED ASSESSED VALUE** The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (N.J.S.A. 54:1-35a through 54:1-35c).

**GREEN BUILDING STRATEGIES** Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services. [1] Editor's Note: The provisions of N.J.A.C. 5:98-8 expired 10-16-2016.

## **§ 23-8.4 Residential Development Fees.**

### **a. Imposed fees.**

**1. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.**

**2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.**

**3. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.**

### **b. Eligible exactions, ineligible exactions and exemptions for residential development.**

**1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.**

**2. Developments that have received preliminary or final site plan approval prior to the adoption** of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

**3. Development fees shall be imposed and collected when an existing structure undergoes a** change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

**4. Developers of residential structures demolished and replaced as a result of a fire, flood or** natural disaster shall be exempt from paying a development fee.

## **§ 23-8.5 Nonresidential Development Fees.**

### **a. Imposed fees.**

**1. Within all zoning districts, nonresidential developers, except for developers of the** types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

**2. Nonresidential developers, except for developers of the types of development specifically** exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

**3. Development fees shall be imposed and collected when an existing structure is demolished and replaced.** The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this subsection results in a negative number, the nonresidential development fee shall be zero.

**b. Eligible exactions, ineligible exactions and exemptions for nonresidential development.**

**1. The nonresidential portion of a mixed-use inclusionary or market-rate development** shall be subject to the 2.5% development fee, unless otherwise exempted below.

**2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from** alterations, change in use within existing footprint, reconstruction, renovations and repairs.

**3. Nonresidential developments shall be exempt from the payment of nonresidential** development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

**4. A developer of a nonresidential development exempted from the nonresidential development** fee pursuant to P.L.2008, c.46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

**5. If a property which was exempted from the collection of a nonresidential development fee** thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Scotch Plains as a lien against the real property of the owner.

#### **§ 23-8.6 Collection Procedures.**

**a. Upon the granting of a preliminary, final or other applicable approval for a** development, the applicable approving authority shall direct its staff to notify the Zoning Officer official responsible for coordinating with the State Construction Office for the issuance of a building permit.

**b. For nonresidential developments only, the developer shall also be provided with a copy of** Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

**c. The construction official responsible for the issuance of a building permit shall notify the local** Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

**d. Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed,** shall provide an estimate of the equalized assessed value of the development.

**e. The construction official responsible for the issuance of a final certificate of occupancy notifies** the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

**f. Within 10 business days of a request for the scheduling of a final inspection, the municipal** Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

**g. Should the Township of Scotch Plains fail to determine or notify the developer of the amount** of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (N.J.S.A. 40:55D-8.6).

**h. Fifty percent of the development fee shall be collected at the time of issuance of the building** permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

**i. Appeal of development fees.**

**1. A developer may challenge residential development fees imposed by filing a challenge** with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Scotch Plains. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**2. A developer may challenge nonresidential development fees imposed by filing a challenge** with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Scotch Plains. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### **§ 23-8.7 Affordable Housing Trust Fund.**

**a. A development fee ordinance creating a dedicated revenue source for affordable** housing was adopted by the Township on December 23, 2008, by way of Ordinance No. 30-2008; and subsequently amended on July 6, 2010, by Ordinance No. 10-2010. Said Development Fee Ordinance established the Township's Affordable Housing Trust Fund. All development fees and interest generated by the fees are deposited in a separate interest-bearing Affordable Housing Trust Fund at Investor's Bank, located at 437 Park Ave, in Scotch Plains Township, for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16[1] as described in the sections that follow and is to be maintained by the Chief Financial Officer. [1] Editor's Note: The provisions of N.J.A.C. 5:98-8 expired 10-16-2016.

**b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and** shall at all times be identifiable by source and amount:

**1. Payments in lieu of on-site construction of affordable units;**

**2. Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;**

**3. Rental income from municipally operated units;**

**4. Repayments from affordable housing program loans;**

**5. Recapture funds;**

**6. Proceeds from the sale of affordable units; and**

**7. Any other funds collected in connection with the Township of Scotch Plains's affordable housing program.**

**c. The Township of Scotch Plains shall provide the court with written authorization, in the form of a three-party escrow agreement between the municipality, Investor's Bank, and a court-approved entity to permit the court to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.19 and 8.20.**

**d. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the court.**

**§ 23-8.8 Use of Funds.**



**a. The expenditure of all funds shall conform to a spending plan approved by the court.**

Funds deposited in the housing trust fund may be used for any activity approved by the court to address the Township of Scotch Plains's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost-saving, and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16[1] and specified in the approved spending plan.

[1] Editor's Note: The provisions of N.J.A.C. 5:98-8 expired 10-16-2016.

**b. Funds shall not be expended to reimburse the Township of Scotch Plains for past housing activities.**

**c. At least 30% of all development fees collected and interest earned shall be used to provide** affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

**1. Affordability assistance programs may include down payment assistance, security deposit** assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

**2. Affordability assistance to households earning 30% or less of median income may include** buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

**3. Payments in lieu of constructing affordable units on site and funds from the sale of units with** extinguished controls shall be exempt from the affordability assistance requirement.

**d. The Township of Scotch Plains may contract with a private or public entity to administer any** part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.

**e. No more than 20% of all revenues collected from development fees, may be expended on** administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**§ 23-8.9 Monitoring. The Township of Scotch Plains shall complete and return to the court all** monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Scotch Plains's housing program, as well as to the expenditure of revenues and implementation of the plan certified by the court. All monitoring reports shall be completed on forms designed by the court.

**§ 23-8.10 Ongoing Collection of Fees.** The ability for the Township of Scotch Plains to impose, collect and expend development fees shall expire with its substantive certification unless the Township of Scotch Plains has filed an adopted Housing Element and Fair Share Plan with the court, has petitioned for substantive certification, and has received the court's approval of its development fee ordinance. If the Township of Scotch Plains fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320). The Township of Scotch Plains shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Scotch Plains retroactively impose a development fee on such a development.

**§ 23-9 REDEVELOPMENT PLANS. [Added 12-11-2018 by Ord. No. 2018-40]**

**§ 23-9.1 Parker Greenhouse Redevelopment Plan (Block 12001, Lots 4, 5, 6, 7 and 24).**

[Amended 3-5-2019 by Ord. No. 2019-1]

**§ 23-9.1.1 Parker Greenhouse Redevelopment Plan (Block 12001, Lots 4, 5, 6, 7 and 24).** Block 12001, Lots 4, 5, 6, 7 and 24, have been designated as the "Parker Greenhouse Redevelopment Area Zone District" pursuant to a Redevelopment Plan entitled "Parker Gardens Redevelopment Plan (Block 12001, Lots 4, 5, 6, 7 and 24)," a complete copy of which is on file in the office of the Township Clerk.

**§ 23-9.1.2 Land Use Plan.**

**a. Block 12001, Lots 4, 5, 6, 7 and 24, shall be redeveloped with an inclusionary multifamily** residential development which will consist of five buildings containing 181 garden apartment units; and seven buildings containing 47 townhouses, for a combined total of 228 units, inclusive of 34 affordable units (the "Project" or the "Redevelopment Project").

**1. Pursuant to § 7.a.iii. of the Fair Share Housing Center (FSHC) Settlement Agreement: "As a** material condition of this Agreement, SP Reserve agrees to dedicate and donate to the municipality a portion of the Parker Property, to be utilized by the municipality for recreational and/or open space purposes. The portion of the property to be dedicated consists of Block 12001, Lot 24, comprising approximately .350 acres, and a portion of Block 12001, Lots 4, 5, 6, and 7, comprising approximately 2.55 ± acres, as shown on the two parcels "To Be Dedicated To Scotch Plains Twp." on the attached Exhibit D, the Concept Plan. Prior to the dedication and donation, SP Reserve shall environmentally remediate the land to standards appropriate to allow for the use as a park. The timing of the dedication shall be set forth in the Redevelopment Agreement to be entered between the parties."

**2. Therefore, Block 12001, Lot 24, shall be dedicated to the Township and preserved as open** space, and a portion of Block 12001, Lot 4, comprising approximately 2.55 ± acres, shall be dedicated to the Township and used as athletic fields, as detailed in Exhibit 1 of the redevelopment plan.[1] It is the recommendation of the redevelopment plan that the two aforementioned areas be rezoned to C-Conservation and P-Public, respectively, and added to the Township's ROSI (Registered Open Space Inventory). [1] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.

**3. In order to facilitate the dedication of the 2.55± acre parcel to the Township along with the creation of the necessary access easement, Lots 4, 5, 6 and 7 shall first be consolidated. After the consolidation, the 2.55± acre parcel (the "recreation portion") to be dedicated to the Township shall be subdivided off the newly consolidated parcel along the subdivision line depicted in Exhibit 1 of the redevelopment plan.**

**4. The redeveloper shall execute and file with the Union County Recorder of Deeds a dedication of the recreation portion and an access easement along the access driveway (the "access driveway") in favor of the Township, upon completion of the rough grading of the recreation portion and the parking area, and paving of the access driveway up to the property line of the recreation portion, to the satisfaction of the Township Engineer, but in no event less than the issuance of the first certificate of occupancy.**

**5. The redeveloper shall provide a lot consolidation plan and minor subdivision plan as part of the preliminary site plan application to the Planning Board. The access easement shall be depicted on the site plan drawings. All of the bulk standards in the redevelopment plan are in reference to the new lot boundaries which will be created by the consolidation of Lots 4, 5, 6, and 7, and the subsequent subdivision to create the 2.55± acre parcel. Lot numbers can only be assigned by the Tax Assessor, and therefore the redevelopment plan will refer to the new consolidated lot, less the 2.55± acre parcel to be dedicated to the Township, as "Proposed Lot A," and the 2.55± acre parcel as "Proposed Lot B."**

**b. Permitted uses in the Parker Gardens Redevelopment Area – Proposed Lot A (Portion of Lot 4 and Lots 5, 6 and 7).**

**1. Permitted principal uses. Inclusionary multifamily residential development consisting of 228 units, inclusive of an on-site inclusionary affordable housing family rental component of 15% or a maximum of 34 units in accordance with the FSHC Settlement Agreement dated January 15, 2018 (the "project"). The project shall be comprised of 181 garden apartments located in five buildings, and 47 townhouses located in seven buildings.**

**2. Permitted accessory uses. (a) Common outdoor public and private spaces, decks and terraces; (b) Active and passive recreation facilities; (c) Surface parking to support the inclusionary project; (d) Maintenance facilities and on-site supervisor quarters; (e) Gardens, hardscape patio areas, landscape features; (f) Green building techniques and green roofs; (g) Solar canopy array or roof-mounted systems; (h) Stormwater management/flood storage systems; and (i) Signage.**

**3. Conditional uses. (a) Public utility uses.**

**c. Permitted uses in the Parker Gardens Redevelopment Area – Proposed Lot B (2.55± acre portion of Lot 4 to be dedicated to the Township of Scotch Plains).**

**1. Permitted principal uses. (a) Publicly owned recreation area.**

**2. Permitted accessory uses. (a) Surface parking to support the recreation area; (b)** Gardens, hardscape patio areas, landscape features; (c) Stormwater management/flood storage systems; and (d) Signage.

**3. Conditional uses. (a) Public utility uses.**

**d. Permitted uses in Block 12001, Lot 24.**

**1. Permitted principal uses. (a) Open space.**

**2. Permitted accessory uses. (a) Signage.**

### **3. Conditional uses. (a) Public utility uses.**

**e. The following bulk standards are based upon the new lot boundaries which will be created by the consolidation of Lots 4, 5, 6 and 7, and the removal of the 2.55± acre parcel to be dedicated to the Township, via subdivision, into Proposed Lot A.**



**1. Bulk requirements for the Parker Gardens Redevelopment Area Proposed Lot A (Portion of**

Lot 4 and Lots 5, 6 and 7). (a) Density of development. The project shall have a maximum density of 228 units, inclusive of 34 affordable family rental units, with no three-bedroom or greater market-rate units. Description Requirement Building A 5 two-bedroom townhouses Building B 6 two-bedroom townhouses Building C 8 two-bedroom townhouses Building D 7 two-bedroom townhouses Building E 7 two-bedroom townhouses Building F 7 two-bedroom townhouses Building G 7 two-bedroom townhouses Building H 32 apartments Building I 29 apartments Building J 32 apartments Building K 44 apartments Building L 44 apartments (b) Lot requirements. Description Requirement Minimum lot area 10 acres Minimum lot width 560 feet Minimum lot depth 625 feet Minimum number of buildings 12 Maximum building coverage 35% Maximum impervious lot coverage 70% Minimum central open space and passive recreation area Approximately 30,000 square feet (c) Building height. Description Requirement Maximum building height: clubhouse (feet) 1 30 feet Maximum building height: clubhouse (Stories) 2 stories Maximum building height: townhouse buildings (A, B, C, D, E, F and G) (feet) 45 and 35 feet 2 Maximum building height: townhouse buildings (A, B, C, D, E, F and G) (stories) 3 and 2 1/2 stories 2 Maximum building height: apartment buildings (H, I and J) (feet) 1 41 feet Maximum building height: apartment buildings (H, I and J) (stories) 3 stories Maximum building height: apartment buildings (K and L) (feet) 3 53 feet Maximum building height: (K and I) (stories) 4 stories NOTES: 1 The height of the building shall be measured from the proposed grade at parking structure/garage to midpoint of roof. 2 The townhouse building shall be a maximum permitted height of three stories and 45 feet as measured from the rear (garage side) of the townhouses and as measured to the peak of the roof. The townhouse buildings shall have the appearance of 2 1/2 stories and a maximum building height of 35 feet as measured from Terrill Road or the interior of the project that is not a garage side or side elevation of the townhouse. The subsequent rows of townhouse buildings which do not front on Terrill Road may be a maximum of three stories and 45 feet as measured to the peak of the roof. 3 The height of the building shall be measured from proposed grade at parking structure/garage to the top of the roof. (d) Townhouse requirements. Description Requirement (feet) Minimum townhouse unit width 18 Minimum townhouse unit length 38 (e) Apartment building dimensions. [NOTE: It is understood that the concept plans attached to the redevelopment plan are conceptual in nature and that the dimensions of the buildings may change as the plans are further developed and refined. The final dimensions of the building are subject to Planning Board approval.] Description Dimension (feet) Building H 213 x 78 Building I 179 x 78 Building J 213 x 78 Building K 213 x 78 Building L 213 x 78 (f) Principal building setbacks and requirements. Description Setback Distance (feet) Minimum front yard setback 50 feet Minimum rear yard setback 115 feet Minimum eastern side yard setback 15 feet Minimum western side yard setback 50 feet Minimum distance between predominant garage faces of buildings 45 feet Minimum distance between sides of buildings 25 feet Minimum distance between predominant garage faces of









**§ 23-9.1.3 Development Requirements.**

**a. Parking and traffic circulation standards.**

**1. Parking and traffic circulation standards, Proposed Lot A (a) The redeveloper shall** provide a traffic study to the satisfaction of the Planning Board Engineer. (b) All required off-street parking and loading spaces shall be provided on-site, except required visitor parking. RSIS townhouse requirements may be addressed through shared parking located on the parking lot affiliated with the 2.55-acre dedicated property identified as the "recreation portion" subject to scheduling, maintenance and related items, to be addressed as part of the site plan application before the Planning Board. The Planning Board will cooperate with the redeveloper in this process. (c) All ground-level parking under the apartment buildings shall be fully enclosed garages within the building with openings that are constructed with brick, stone or HardiePlank® siding or similar approved material. (d) Parking areas shall include a minimum of two electric car charging stations. (e) Surface parking shall be permitted to support the inclusionary residential development but shall not be the sole source of on-site parking. The layout and circulation of the surface parking shall be substantially consistent with the plans in Exhibit 1,[1] subject to Planning Board approval. [1] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk. (f) The required number of parking spaces and stall dimensions, nine feet by 18 feet, shall conform to residential site improvement standards. (g) A traffic circulation plan shall be provided, depicting turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways. (h) All parking spaces, loading spaces, fire lanes and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the traffic circulation plan. (i) All driveways and parking spaces located on the residential property shall be maintained by the owner of the residential project. (j) The project shall have two ingress/egress driveways which shall have a minimum of 24 feet wide. The location of the driveways off of Terrill Road and their dimensions shall be substantially consistent with Exhibit 1. (k) The northernmost driveway, located next to adjacent Lot 3, shall include an access easement to the 2.55± acre municipal parcel, substantially consistent with Exhibit 1. (l) Driveways shall not be located closer than 15 feet to a side property line. (m) Parking areas shall not be located closer than 60 feet to the rear property line.

**2. Parking and traffic circulation standards, Proposed Lot B. (a) All off-street parking for** Proposed Lot B shall be located on-site. (b) Proposed Lot B shall be accessed via an access easement located on Proposed Lot A, substantially consistent with Exhibit 1. (c) All parking spaces, loading spaces, fire lanes and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).



**b. Project design standards and conditions.**

**1. Project design standards and conditions, Proposed Lot A. (a) The use of green**

building technologies is strongly encouraged to be incorporated into all aspects of the project design. Green building (also known as "green construction" or "sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle, from siting to design, construction, operation, maintenance, renovation and demolition.

(b) Upon the demolition of any existing building or structure, in whole or in part, the site shall be properly graded and stabilized unless new construction is to commence on the new site within 60 days. (c) Three-bedroom or greater market-rate units are prohibited. (d)

Location and area of amenities. The inclusionary multifamily residential development shall contain a minimum of approximately 2,925 feet clubhouse, which includes a large community room that is adequate to host small social gatherings, rental office, marketing office and model apartment. There shall be an approximately 4,600 feet pool and deck area located behind the clubhouse. Additionally, the redeveloper shall provide the infrastructure for residents to participate in passive recreation on the site. This entails the creation of a network of walking paths which should be at least six feet wide. This network should include paths within the interior of the development. The paths should be constructed with benches and bump outs where practicable, subject to Planning Board approval. (e) The project shall include stormwater/flood management systems which include, but are not limited to, flood storage, stormwater detention basins, basin overflow areas, culverts, etc., and shall be designed and constructed to the appropriate standards.

(f) Adequate facilities shall be provided for the handling of garbage and other refuse by providing and maintaining an enclosed and maintained area either within or separate from the buildings within which all garbage and refuse containers shall be stored, subject to Planning Board approval. (g) A comprehensive landscape plan shall be prepared by a licensed landscape architect. All areas of the site not covered by buildings, pavement, walkways and other permissible impervious surfaces shall contain landscape plantings.

The use of perennial and native species is encouraged. (h) All mechanical equipment, generators, HVAC equipment and similar equipment shall be specified to meet the applicable residential sound standards, and if they are not specified, the equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey. (i) All nonresidential mechanical equipment shall be screened from view, both from the street and existing or planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment. (j) The redeveloper shall construct and obtain certificates of occupancy for



**2. Project design standards and conditions, Proposed Lot B. (a) The redeveloper shall** environmentally remediate the land to standards appropriate to allow for the use as a park prior to the dedication of land to the Township. (b) The redeveloper shall execute and file with the Union County Recorder of Deeds a dedication of the recreation portion and an access easement along the access driveway in favor of the Township, upon completion of the rough grading of the recreation portion and parking area, and paving of the access driveway up to the property line of the recreation portion, to the satisfaction of the Township Engineer. The redeveloper shall offer the recreation portion and access driveway to the Township by not later than the issuance of the 77th certificate of occupancy for the project. Failure by the Township to accept the recreation portion and access driveway shall not prevent the issuance of the remaining certificates of occupancy for the remainder of the residential units comprising the project. The redeveloper shall provide a lot consolidation plan and minor subdivision plan as part of the preliminary site plan application to the Planning Board. The access easement shall be depicted on the site plan drawings.

**3. Project design standards and conditions, Lot 24. (a) The redeveloper shall execute and file** with the Union County Recorder of Deeds a dedication of the open space portion no later than the issuance of the first certificate of occupancy for the townhouse units.

**c. Building and architectural design standards and programming, Proposed Lot A.**

**1. The seven townhouse buildings and five garden apartment buildings shall be** constructed with the same building materials and to the same degree of architectural elements and design. It is encouraged that they look as similar as possible.

**2. Architectural townhouse building elevation: Exhibit 6 ("Exhibit 6") of the redevelopment plan** represents a typical architectural building elevation for the townhouse buildings fronting on Terrill Road in the Parker Gardens Redevelopment Project. The building elevation shall be typical for all four sides of the townhouse buildings to be constructed on Proposed Lot A. The building elevation shall be consistent with the concept renderings included in Exhibit 6. All building elevations are required to be built to the same building construction standards and aesthetics, using the same building materials.

**3. Architectural apartment building elevation: Exhibit 6 to the redevelopment plan represents a** typical architectural building elevation for the apartment buildings K and L in the Parker Gardens Redevelopment Project. Buildings K and L shall be the only four-story buildings in the project; however, the other apartment buildings, buildings H through J, shall be three stories, but shall have the same design characteristics. This building elevation shall be typical for all four sides of the apartment buildings. The building elevations shall be consistent with the concept renderings included in Exhibit 6. All building elevations are required to be built to the same building construction standards and aesthetics, using the same building materials. The architectural design of the buildings shall include a mix of brick, stone or HardiePlank® siding or similar approved material.

**4. Bedroom distribution of apartment buildings: (a) Market-rate units: Pursuant to the settlement** agreement, the market-rate units of the residential project shall consist of the following: (1) One-bedrooms: 33 units. (2) Two-bedrooms: 114 units. (b) Affordable units: (1) The bedroom distribution for the 34 affordable units shall be as follows: (i) One-bedrooms: six units. (ii) Two-bedrooms: 21 units. (iii) Three-bedrooms: seven units. (2) The affordable units shall be located in buildings K and L. (c) Bedroom distribution of townhouses: All 47 townhouses in the residential project shall be two bedrooms.

**d. Open space, landscaping and amenities, Proposed Lot A.**

**1. There shall be a centrally located open space and passive/active recreation area. This** area shall be a minimum of approximately 30,000 feet. This area shall be located in the center of the project between buildings H, I, J, L and the pool area.

**2. The Redevelopment Project shall include walking paths for passive recreation. It is** encouraged that the walking path network be continuous to avoid a "dead-end" effect. The walking path should be six feet wide in order to accommodate two-way traffic, particularly strollers, wheelchairs and bicycles. These paths shall have benches, bump outs, or areas to rest off of the path to the extent practicable.

**3. All recreational facilities, whether active or passive in nature, shall be constructed to blend in** with the natural environment and should be unobtrusive to the extent possible.

**4. Landscaping shall be provided throughout the Redevelopment Project to create definition or separation of different areas of the development, shade, visual interest, seasonal color, and visual buffering.**

**5. The inclusionary multifamily residential development shall contain a minimum of approximately 2,925 feet clubhouse, which includes a large community room that is adequate to host small social gatherings, rental office, marketing office, model units.**

**6. The clubhouse may include maintenance facilities.**

**7. The project shall include an approximately 4,600 feet pool and deck area amenity for residents which shall be located behind the clubhouse.**

**8. The project shall include plantings between the side and rear setback lines and the property lines. All screen plantings shall be evergreen and species with proven resistance to the urban environment. Screen plantings shall be a minimum of three feet in height. Material shall be planted, balled and burlapped, or in containers, and be of specimen quality as established by the American Association of Nurserymen.**

**9. All plants, trees, and shrubs shall be installed in accordance with a planting and maintenance schedule which shall be indicated on required planting plans prepared by a licensed landscape architect.**

**e. Redevelopment area phasing plan. The phasing of the land dedications to the Township and the residential project as outlined in the redevelopment plan shall be further addressed in the redevelopment agreement.**

**f. Utilities.**

**1. All new electric, telephone, television, cable, gas, and other utility service lines servicing the** buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utilities companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

**2. All utility connection permits and road opening permits shall be obtained from the respective** utility authority prior to the start of the construction. All municipal roadways damaged by the redevelopment of the site shall be restored and/or repaved as directed by the Scotch Plains Township Engineer.

**g. Traffic study and related improvements. The redeveloper shall provide a traffic study for the** proposed residential development at the time of the site plan hearing before the Planning Board that shall address the traffic impact of the proposed development on the Township's traffic circulation and roadways, as well as access to the site in accordance with the Township, residential site improvement standards, and New Jersey Department of Transportation regulations.

**h. Provisions related to affordable housing. Pending the approval by the Superior Court of New** Jersey, Union County and the Special Master, the following terms regarding the affordable housing set-aside component of the residential project on Proposed Lot A shall be adhered to:

**1. The redeveloper shall have the obligation to deed restrict 15% of the residential units in the** inclusionary development as very-low-, low- and moderate-income affordable units, which will be 34 affordable units. All such affordable units shall comply with UHAC regulations, applicable COAH affordable housing regulations, the pending approval of the Township's current affordable housing obligations set forth in the settlement agreement by and between the Township and Fair Share Housing Center, any applicable orders of the Court, and other applicable laws.



**2. Deed restriction period.** Pursuant to UHAC, the developer shall have an obligation to deed restrict the affordable units in the inclusionary development as very-low-, low- or moderate-income affordable units for a period of at least 30 years from the date of the initial occupancy of each affordable unit (the "deed restriction period") until the Township of Scotch Plains takes action to release the controls on affordability, so that the Township may count each affordable unit against its obligation to provide family rental affordable housing. The parties agree that the affordability controls shall not expire until such time at least 30 years from the date of initial occupancy, that the Township takes action to release the controls on affordability, and thereafter the affordability controls shall continue in effect until the date on which the individual affordable rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See **N.J.A.C. 5:80-26.11(b)**. If, at any time after the release of the affordability controls by the Township, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. The term "family rental" in this redevelopment plan means rental units that are not age-restricted.

**3. Deed restriction.** The developer shall execute and record a deed restriction for the affordable units before the first certificate of occupancy is issued for the inclusionary development. The deed restriction will be recorded in the Union County Clerk's office.

**4. Income distribution requirements.** Thirteen percent of the total number of the affordable rental units must be very-low-income units, 37 of the total number of affordable rental units must be low-income units, and the remaining 50% may be moderate-income units. The income distribution shall be subject to approval by the Superior Court of Union County and the Special Master.

**5. Bedroom mix.** Pursuant to N.J.A.C. 5:80-26.3(b), the number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units; at least 30% of all low- and moderate-income units are two-bedroom units; and at least 20% of all low- and moderate-income units are three-bedroom units. The bedroom distribution of the affordable rental units in the inclusionary development shall be as follows: (a) One bedroom: six units; (b) Two bedrooms: 21 units; (c) Three bedrooms: seven units.

**6. Other affordable unit housing requirements.** The developer shall also comply with all of the other requirements of UHAC and the Township's Affordable Housing Ordinance,[3] including, but not limited to, affirmative marketing requirements, candidate qualification screening requirements; integrating the affordable units among the market-rate units in buildings K and L; and unit phasing requirements. The developer shall reasonably disperse the affordable units within the proposed residential buildings K and L on the property, and shall provide the exact location of each affordable unit at the time of site plan application, which shall be subject to review and approval by the Township's Planner and Special Master. [3] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**7. Administrative agent. The developer shall contract with a qualified and experienced third-party** administrative agent, which may be the Township's administrative agent (the "administrative agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with the settlement agreement for the deed restriction period. The developer and its administrative agent shall work with the Township and the Township's administrative agent, should the developer's administrative agent and the Township's administrative agent not be one and the same, regarding any affordable housing monitoring requirements approved by COAH or the Court. The developer shall provide, within 30 days after written notice, detailed information reasonable requested by the Township or the Township's administrative agent, should the developer's and the Township's administrative agent not be one and the same, concerning the developer's compliance with UHAC, the Township's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws.

**8. The developer shall construct and obtain certificates of occupancy for those buildings** containing the affordable units, specifically buildings K and L, as shown on the concept plan in Exhibit 1.[4] [4] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.

**i. Redevelopment actions.**

**1. Demolition. The redevelopment plan will involve the demolition of the existing,** remaining improvements on the project site. As part of the demolition, all remains from the foundations of prior structures need to be removed. It is the responsibility of the redeveloper to remove all debris, including crushed concrete and garbage from the site, regardless of whether the debris was on the site prior to the start date of the project. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan application.

**2. New construction. The redevelopment plan will involve the new construction of seven** townhouse buildings containing a total of 47 townhouse units and five garden apartment buildings containing a total of 181 garden apartments.

**3. Properties to be acquired. This redevelopment plan will not involve the taking of any privately** owned property.

**4. Relocation. No residents will need to be relocated to complete this redevelopment plan.**

**j. Relationship to Land Use and Zoning Ordinances.**

**1. This redevelopment plan shall supersede all provisions of the Zoning and** Development Regulations of the Township of Scotch Plains regulating development in the area addressed by this redevelopment plan. Final adoption of this redevelopment plan by the Township Council shall be considered an amendment of the Scotch Plains Zoning Map.[5] [5] Editor's Note: Said map is included as an attachment to this chapter.

**2. The Zoning District Map in the zoning ordinances of the Township shall be amended to** include the boundaries described in this redevelopment plan and the provisions therein. All of the provisions of this redevelopment plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the redevelopment area. In the event of any inconsistencies between the provisions of this redevelopment plan and any prior ordinance of the Township of Scotch Plains, the provisions hereof shall be determined to govern.

**§ 23-9.2 Jerusalem Road Redevelopment Plan (Block 6201, Lots 13, 16.02 and Portion of** Vacated Van Orden Place Right-of-Way). [Added 3-5-2019 by Ord. No. 2019-1]

**§ 23-9.2.1 Jerusalem Road Redevelopment Plan (Block 6201, Lots 13, 16.02 and Portion of Vacated Van Orden Place Right-of Way).** Block 6201, Lots 13, 16.02, and a portion of the vacated Van Orden right-of-way have been designated as the Jerusalem Road Redevelopment Area Zone District pursuant to a redevelopment plan entitled "Jerusalem Road Redevelopment Plan (Block 6201, Lots 13, 16.02 and a Portion of the Vacated Van Orden Place Right-of-Way)," a complete copy of which is on file in the office of the Township Clerk.

**§ 23-9.2.2 Land Use Plan.**

**a. Block 6201, Lots 13 and 16.02, shall be redeveloped with an inclusionary multifamily** residential development, which will consist of townhouses, stacked townhouses, and apartments, for a combined total of 47 units, inclusive of nine affordable units (the "project").

**1. It is the intention of the redevelopment plan that the residential units be for sale. However, in** the event that the market changes, the redeveloper must retain the option to rent the market units. As to the affordable units, the redeveloper will initially offer the affordable units as for-sale units. In the event that an affordable unit is not sold after good-faith efforts by the redeveloper in accordance with all affordable housing regulations and marketing requirements, then the redeveloper may offer to rent affordable units directly or sell affordable units to an entity which owns and manages such affordable units for the purpose of renting same to affordable renters. The redeveloper's right to rent the affordable units, after good-faith effort to sell same, shall be subject to the approval of the Township, which approval shall not be unreasonably withheld. If the redeveloper cannot sell either the market or affordable units after 10 months, the units (market and/or affordable) may become rentals. However, in any case, the affordable set aside shall remain 20%.

**b. Permitted uses in the Jerusalem Road redevelopment area.**

**1. Permitted principal uses. Inclusionary multifamily residential development consisting of 47** units, inclusive of an on-site inclusionary affordable housing family for-sale component of 20%, rounded to nine affordable units in accordance with a memorandum of understanding dated April 3, 2018. The development shall be comprised of 18 apartment units located in a three-story building (two levels of apartments over parking), two stacked townhouses (four units), and 25 townhouse units. [NOTE: Without increasing the overall density, the redeveloper may increase the number of apartments and possibly eliminate a townhouse or two or design a stacked townhouse to provide two affordable units within a townhouse building footprint. No stacked townhouses containing only market-rate units shall be permitted.]

**2. Permitted accessory uses. (a) Common outdoor public or private spaces, patios, decks and** terraces; (b) Active and passive recreation areas; (c) Surface and structured parking to support the inclusionary project; (d) Gardens, hardscape patio areas, landscape features; (e) Green building techniques and green roofs; (f) Solar canopy array or roof-mounted systems; (g) Stormwater management/flood-storage systems; (h) Signage; and (i) Public utility uses.

**3. Building, area and yard requirements. (a) The project shall have a maximum density of 47** units, inclusive of nine affordable for-sale family units, with no three-bedroom or greater market-rate units. The layout of the project shall be substantially in conformance with the concept plan contained as part of the redevelopment plan, subject to review by the Planning Board. (b) Minimum lot area: 2.5 acres. (c) Minimum lot width: 85 feet. (d) Minimum street frontage: 225 feet. (e) Maximum building coverage: 28%. (f) Maximum impervious lot coverage: 64%. (g) Building height: [NOTE: Height shall be measured to the top of the roof ridge]. (1) Building height (stories), all residential building types: three stories. (2) Apartment building height (feet): 44 1/2 feet. (3) Townhouse and stacked townhouse building height: 36 feet. (h) Townhouse requirements. (1) Minimum townhouse unit width: 20 feet. (2) Minimum townhouse unit length: 35 feet. (i) Stacked townhouse requirements. (1) Minimum townhouse unit width: 26 feet. (2) Minimum townhouse unit length: 40 feet. (j) Principal and accessory building setbacks and requirements. (1) Minimum front yard setback: 24 feet. (2) Minimum one side yard setback: **7.5 feet. (3) Minimum total both side yard setbacks: 20 feet. (4) Minimum rear yard setback: 16** feet. (5) Minimum building distance from road: 17.5 feet. (6) Minimum distance between predominant face of buildings: 60 feet. (7) Minimum distance between front and rear corner of buildings: 50 feet. (8) Minimum distance between side and rear corner of buildings: 40 feet. (k) Parking requirements. (1) Minimum number of off-street car parking spaces: RSIS. (2) Driveway circulation: RSIS. (3) Minimum length of townhouse unit driveway: 18 feet.





### **§ 23-9.2.3 Development Requirements.**

#### **a. Parking and traffic circulation standards.**

**1. The redeveloper shall provide a traffic study to the satisfaction of the Planning Board Engineer.**

**2. All required off-street parking and loading spaces shall be provided on-site.**

**3. The ground-level parking under the apartment buildings shall include a minimum of two electric car charging stations.**

**4. Surface parking shall be permitted to support the inclusionary residential development but shall not be the sole source of on-site parking. The layout and circulation of the surface parking shall be substantially consistent with the plans in Exhibit 1 of the redevelopment plan,[1] subject to Planning Board approval. [1] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.**

- 5. The project shall meet the residential site improvement standards (RSIS) for off-street parking requirements and driveway circulation.**
- 6. Each townhouse residential unit shall have at least a one-car garage with a minimum driveway length of 18 feet.**
- 7. A traffic circulation plan shall be provided, depicting the turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways.**
- 8. Emergency vehicle access will be subject to review and approval by the Township Fire Official.**
- 9. All parking spaces, loading spaces, fire lanes and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the traffic circulation plan.**
- 10. Streetscape improvements, including but not limited to roadway widening, sidewalks, street trees, curbing and stormwater management collection systems, shall be installed along the redevelopment area's entire frontage along Jerusalem Road, including the out parcel (Lot 15), to the satisfaction of the Planning Board Engineer.**
- 11. All driveways and parking spaces located on the property shall be maintained by the owner of the residential project or by a homeowners' association.**
- 12. The project shall have one egress/ingress driveway located off of Jerusalem Road, and its dimensions shall be substantially consistent with Exhibit 1 attached to the redevelopment plan.**

**13. Direct driveway access from any residential building to Jerusalem Road is prohibited.**

**14. The project's traffic circulation and road design shall be substantially consistent with the plans attached to the redevelopment plan as Exhibit 1.**

**15. The redeveloper shall coordinate the construction of the road improvements with the owner of Lot 15, Block 6201, to maintain continued access during the construction of the project as well as upon completion of the project. Access easements between the redeveloper and the owner of Lot 15, Block 6201, shall be addressed at the time of site plan approval before the Planning Board.**

**b. Project design standards and conditions.**

**1. It is strongly encouraged that green building technologies are incorporated into all aspects of the project design. Green building (also known as "green construction" or "sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle: from siting to design, construction, operation, maintenance, renovation and demolition.**

**2. Upon demolition of any existing building or structure, in whole or in part, the site shall be properly graded and stabilized unless new construction is to commence on the same site within 60 days.**

**3. An existing municipal storm sewer pipe bisects the property. The redeveloper shall relocate and reconstruct this storm sewer pipe at their own cost and expense, subject to Township review and approval. The redeveloper shall be responsible for all engineering, design, permitting, application fees, and construction costs to relocate the storm sewer pipe subject to review and approval by the Township and/or Planning Board Engineer.**

**4. Three-bedroom or greater market-rate units are prohibited.**

**5. Stacked townhouses containing only market-rate units are prohibited.**

**6. The project shall include stormwater/flood management systems which include, but** are not limited to, flood storage, stormwater detention basins, basin overflow areas, culverts, etc., which shall be designed and constructed to the appropriate standards as required by the Township of Scotch Plains Ordinances and applicable NJDEP Stormwater Rules.

**7. Adequate facilities shall be provided for the handling of garbage and other refuse by providing** and maintaining an enclosed and screened area either within or separate from the buildings within which all garbage and refuse containers shall be stored, subject to Planning Board approval.

**8. A comprehensive landscape plan shall be prepared by a licensed landscape architect. All** areas of the site not covered by buildings, pavement, walkways and other permissible impervious surfaces shall contain lawn and/or landscape plantings. The use of perennial and native species is encouraged.

**9. The project layout shall be substantially consistent with the layout and dimensioning plan** included in Exhibit 1 attached to the redevelopment plan.[2] However, without increasing the overall density, the redeveloper may increase the number of apartments, consistent with the range of 18 to 20 apartment units indicated in the memorandum of understanding dated April 3, 2018, and possibly eliminate a townhouse or two or design a stacked townhouse to provide two affordable units within a townhouse building footprint. [2] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.

**10. All mechanical equipment, generators, HVAC equipment and similar equipment shall be specified to meet the applicable residential sound standards, and if they are not specified, the equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.**

**11. All mechanical equipment shall be screened from view, both from the street and existing or planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building. The screening shall not impair the functioning of the equipment.**

**12. Signs associated with the residential project shall be addressed during preliminary and final site plan approval. Dimensions, colors and other sign characteristics shall be subject to Planning Board approval.**

**13. The redeveloper shall provide a clear and unencumbered title to Block 601, Lots 13 and 16.02, inclusive of 14.01, which is listed as an additional lot to Lot 16.02, and that portion of the vacated Van Orden Place right-of-way as part of the preliminary site plan application.**

**c. Building and architectural design standards and programming.**

**1. Similar building materials and architectural design shall be used on all four building elevations of all buildings.**

**2. All building types shall utilize building design, materials and colors which complement each other in order to create a cohesive project.**

**3. Vinyl siding shall not be used on any building elevation. The use of a mixture of stone, brick, HardiePlank® (or approved equal) siding is encouraged.**

**4. The parking on the first level of any podium building shall be enclosed with either the same building materials as the main portion of the building or by a combination of decorative half wall and decorative wall.**

**5. No more than two stories of horizontal siding shall be permitted along any building elevation** for any building type. The first floor of the facade shall be brick, stone or other similar building materials.

**6. The final architectural design and building materials for all building types are subject to** Planning Board review and approval.

**d. Redevelopment area phasing plan. It is envisioned that the project will be constructed in three** phases. Phase I would involve the demolition of the existing buildings and structures. Phase II would involve the reconstruction of the storm sewer system as described in Subsection 23-9.2.3b3. Phase III would involve the construction of the residential buildings and all associated amenities, as well as any additional on-site, off-site and off-tract improvements as required pursuant to the April 3, 2018, memorandum of understanding, the redevelopment agreement and the redevelopment plan.

**e. Utilities.**

**1. All new electric, telephone, cable, gas and other utility service lines servicing the** buildings shall be installed underground, to the extent such underground service is commercially reasonable, available, and permitted by the applicable utilities companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

**2. All utility connection permits and road opening permits shall be obtained from the respective utility authority prior to the start of construction. All municipal roadways damaged by the redevelopment of the site shall be restored and/or repaved as directed by the Township Engineer.**

**3. An existing municipal storm sewer pipe bisects the property. The redeveloper shall relocate and reconstruct this storm sewer pipe at their own cost, subject to Township review and approval. The redeveloper shall be responsible for all engineering, design, permitting, application fees and construction costs to relocate the storm sewer pipe, subject to review and approval by the Township or Planning Board engineer.**

**§ 23-9.2.4 Traffic Study and Related Improvements. The redeveloper shall provide a traffic study** for the proposed residential development at the time of the site plan hearing before the Planning Board that shall address the traffic impact of the proposed development on the Township's traffic circulation and roadways, as well as access to the site in accordance with the Township, residential site improvement standards (RSIS) and New Jersey Department of Transportation (the "NJDOT") regulations.

**§ 23-9.2.5 Provisions Related to Affordable Housing.**

**a. Subject to approval by the Superior Court of New Jersey of Union County and the Special Master, the following terms regarding the affordable housing set-aside component of the residential project shall be adhered to:**

**1. The redeveloper shall have the obligation to deed restrict 20% of the residential units in the inclusionary development as very-low-, low- and moderate-income affordable units, which will be nine affordable units. All such affordable units shall comply with UHAC regulations, COAH affordable housing regulations, any applicable orders of the Court and other applicable laws.**

**2. Deed restriction period.** Pursuant to UHAC, the redeveloper shall have an obligation to deed restrict the affordable units in the inclusionary development as very-low-, low- or moderate-income affordable units for a period of at least 30 years from the date of the initial occupancy of each affordable unit (the "deed restriction period") until the Township of Scotch Plains takes action to release the controls on affordability, so that the Township may count each affordable unit against its obligation to provide family for-sale affordable housing. The affordability controls shall not expire until such time, at least 30 years from the date of initial occupancy, that the Township takes action to release the controls on affordability. In the event that the affordable units are rental units, the affordability controls shall not expire until such time, at least 30 years from the date of initial occupancy, that the Township takes action to release the controls on affordability, and thereafter the affordability controls shall continue in effect until the date on which the individual affordable rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the release of the affordability controls by the Township, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. The term "family for-sale" in the redevelopment plan means for-sale units that are not age-restricted.

**3. Deed restriction.** The redeveloper shall execute and record a deed restriction for the affordable units before the first certificate of occupancy is issued for the inclusionary development. The deed restriction will be recorded in the Union County Clerk's Office.

**4. Income distribution requirements.** Thirteen percent of the total number of the affordable for-sale units must be very-low-income units, 37% of the total number of affordable for-sale units must be low-income units, and the remaining 50% may be moderate-income for-sale units. The income distribution shall be subject to approval by the Superior Court of Union County and the Special Master.



**5. Bedroom mix.** Pursuant to N.J.A.C. 5:80-26.3(b), the number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units; at least 30% of all low- and moderate-income units are two-bedroom units; and at least 20% of all low- and moderate-income units are three-bedroom units. The bedroom distribution of the affordable for-sale units in the inclusionary development shall be as follows: (a) One bedroom: one unit. (b) Two bedrooms: six units. (c) Three bedrooms: two units.

**6. Other affordable housing unit requirements.** The redeveloper will also comply with all of the other requirements of UHAC and the Township's Affordable Housing Ordinance,[1] including, but not limited to, affirmative marketing requirements, candidate qualification screening requirements, integrating the affordable units amongst the market-rate units, and unit phasing requirements. The redeveloper shall disperse the affordable units within the proposed residential buildings on the property, and shall provide the exact location of each affordable unit at the time of site plan application, which shall be subject to review and approval by the Township's planner and the Special Master. [1] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**7. Administrative agent. The redeveloper shall contract with a qualified and experienced third party administrative agent (the "administrative agent")** which may be the Township's administrative agent, for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units as set forth herein for the deed restriction period. The redeveloper and its administrative agent shall work with the Township and the Township's administrative agent, should the redeveloper's and the Township's administrative agent not be one and the same, regarding any affordable housing monitoring requirements approved by COAH or the courts. The redeveloper shall provide, within 30 days after written notice, detailed information reasonably requested by the Township or the Township's administrative agent, should the redeveloper's and the Township's administrative agent not be one and the same, concerning the redeveloper's compliance with UHAC, the Township's Affordable Housing Ordinance, all applicable court orders, and other applicable laws.

**8. The redeveloper shall construct and obtain certificates of occupancy for those buildings** containing the affordable units in accordance with UHAC.

#### **§ 23-9.2.6 Redevelopment Actions.**

**a. Demolition. The redevelopment plan will involve the demolition of the existing,** remaining improvements on the project site. As a part of the demolition, all remains from the foundations or prior structures must be removed. It is the responsibility of the redeveloper to remove all debris, including crushed concrete and garbage, from the site, regardless of whether the debris was on the site prior to the start date of the project. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan approval.

**b. New construction.** The redevelopment plan will involve the new construction of one apartment building, two stacked townhouses (four units) and 25 townhouses. [NOTE: Without increasing the overall density, the redeveloper may increase the number of apartments, consistent with the range of 18 to 20 apartment units indicated in the April 3, 2018, memorandum of understanding agreement, and possibly eliminate a townhouse or two or design a stacked townhouse to provide two affordable units within a townhouse building footprint.]

**c. Properties to be acquired.** The redevelopment plan will not involve the taking of any privately owned property.

**d. Relocation.** No residents will need to be relocated to complete the redevelopment plan.

#### **§ 23-9.2.7 Relationship to Land Use and Zoning Ordinances.**

**a. This redevelopment plan shall supersede all provisions of the zoning and development regulations of the Township of Scotch Plains, regulating development in the area addressed by this redevelopment plan. Final adoption of this redevelopment plan by the Township Council shall be considered an amendment of the Scotch Plains Zoning Map.**[1] [1] Editor's Note: Said map is included as an attachment to this chapter.

**b. The Zoning District Map in the zoning ordinances of the Township shall be amended to include the boundaries described in this redevelopment plan and the provisions therein. All of the provisions of this redevelopment plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the redevelopment area. In the event of any inconsistencies between the provisions of this redevelopment plan and any prior ordinance of the Township of Scotch Plains, the provisions hereof shall be determined to govern.**

**§ 23-9.3 Bowcraft Amusement Park Redevelopment Plan (Block 6201, Lots 9, 10, 11 & 12).**

[Added 3-19-2019 by Ord. No. 2019-3]

**§ 23-9.3.1 Bowcraft Amusement Park Redevelopment Plan (Block 4802, Lots 9, 10, 11 & 12).**

Block 4802, Lots 9, 10, 11 and 12, have been designated as the "Bowcraft Amusement Park Redevelopment Area Zone District" pursuant to a redevelopment plan entitled "Bowcraft Amusement Park Redevelopment Plan (Block 4802, Lots 9, 10, 11 & 12)," a complete copy of which is on file in the office of the Township Clerk.

**§ 23-9.3.2 Land Use Plan. Block 4802, Lots 9, 10, 11 and 12, shall be redeveloped with an** inclusionary multifamily residential development, which will consist of 190 apartment units to be located in six buildings, and 10 townhouses, for a combined total of 200 units, of which 35 will be affordable (the "Bowcraft Redevelopment Project").

**§ 23-9.3.3 Permitted Uses in Bowcraft Amusement Park Redevelopment Plan.**

**a. Permitted principal uses.**

**1. Inclusionary multifamily residential development consisting of 200 units, inclusive of** an on-site inclusionary affordable housing family rental component of 17.5% or a maximum of 35 units in accordance with the Fair Share Housing Center Settlement Agreement dated January 15, 2018. The development shall be comprised of 190 apartment units which are to be located in six buildings, and 10 townhouses. Planning Board Resolution No. 16-02 entitled "Resolution in the Matter of the Application of ATA Developers, Inc. for the Preliminary and Final Site Plan Approval, with Variances for Minimum Number of Low/Moderate Income Units, Minimum Building Distance Front to Front, Maximum Common Parking Area Distance to Dwelling, Parking Space Distance from Access Road, Off-Street Parking Spaces to be Provided On Townhouse Driveways, Fences, and Building Height, for the Property Located at 2545 Route 22, Block 4802, Lots 9, 10, 11, and 12" approved the site plan for the Bowcraft Amusement Park Redevelopment Area. Hence, other than for the requirement that the redeveloper secure an amendment to Resolution 16-02 in order to reduce the number of affordable housing units from 20% of the total unit count to 17.5% of the total unit count, the redeveloper shall have no obligation whatsoever to return to the Planning Board for amended site plan approval.

**b. Permitted accessory uses.**

**1. Common outdoor public or private spaces, decks and terraces;**

**2. Active and passive recreation facilities;**

**3. Surface parking to support the inclusionary project;**

**4. Maintenance facilities;**

**5. Gardens, hardscape patio areas, landscape features;**

- 6. Green building techniques and green roofs;**
- 7. Solar canopy array or roof-mounted systems;**
- 8. Stormwater management/flood storage systems;**
- 9. Signage; and**
- 10. Public utility uses.**

**§ 23-9.3.4 Building, Area and Yard Requirements.**

- a. The project shall have a maximum density of 200 units, inclusive of 35 affordable rental family units.**
- b. Minimum lot area: 12.5 acres.**
- c. Minimum number of residential buildings: eight.**
- d. Maximum building coverage: 20%.**
- e. Maximum impervious lot coverage (%): 50%.**

**f. Minimum depth of buffer area: 20 feet.**

**g. Maximum building height (stories): three. [NOTE: No building shall contain more than three stories, nor shall any building exceed 52 feet in height, except that buildings erected on slopes may have an additional story on the down slope, and an overall building height not to exceed 62 feet.]**

**h. Maximum building height (feet): 52. [NOTE: No building shall contain more than three stories, nor shall any building exceed 52 feet in height, except that buildings erected on slopes may have an additional story on the down slope, and an overall building height not to exceed 62 feet.]**

**i. Minimum distance between buildings:**

**1. Windowless wall to windowless wall: 30 feet.**

**2. Window wall to windowless wall: 20 feet.**

**3. Front to front: (a) Building height up to 30 feet: 50 feet. (b) Building height up to 30 feet or more: 75 feet.**

**4. Rear to rear: 50 feet. (a) End to end: 30 feet. (b) Building face to local street curbface or EOP:** 47 feet. (c) Building face to collector curbface or EOP: 40 feet. (d) Building face to arterial street or EOP: 113 feet. (e) Building face except garage face to parking: 12 feet. (f) Garage face to common parking area: 42 feet.

**j. Townhouse requirements:**

**1. Minimum townhouse unit width: 22 feet.**

**2. Minimum townhouse unit length: 50 feet.**

**k. Apartment building dimensions:**

**1. Building Type A: 235 feet by 78 feet.**

**2. Building Type B: 233 feet by 75 feet.**



**l. Minimum apartment floor area:**

- 1. One-bedroom: 950 square feet.**
- 2. Two-bedroom: 1,180 square feet.**
- 3. Three-bedroom: 1,350 square feet.**

**m. Principal building setbacks and requirements.**

- 1. Minimum front yard setback: 115 feet.**
- 2. Minimum rear yard setback: 21 feet.**
- 3. Minimum side yard setback: 20 feet.**

**n. Parking requirements:**

- 1. Minimum number of off-street car parking spaces: (a) Clubhouse employees: two spaces. (b) Three-bedroom townhomes: 2.4 spaces/unit. (c) One-bedroom apartments: 1.8 spaces/unit. (d) Two-bedroom apartment: 2.0 spaces/unit. (e) Three-bedroom apartment: 2.1 spaces/unit.**

**2. Maximum distance from dwelling served to parking space: 150 feet.**

**o. Common open space requirements:**

**1. Minimum clubhouse area: 5,680 square feet.**

**2. Minimum pool area: 6,780 square feet.**

**3. Minimum walkway area: 17,703 square feet.**

**4. Minimum green space: 279,000 square feet.**

**§ 23-9.3.5 Development Requirements.**

**a. Parking and traffic circulation standards.**

**1. The developer shall provide a traffic study to the satisfaction of the Planning Board Engineer.**

**2. All required off-street parking and loading spaces shall be provided on-site.**

**3. All ground level parking under the building type "A" shall be fully enclosed within the building with walls that are constructed with the same building materials as the main building elevations, substantially consistent with the plans attached to the redevelopment plan as Exhibit 2.**[1] All parking spaces located in the parking structure shall be fully enclosed on all sides of the building with decorative screening elements such as grating, louvers, or similar approved materials to meet air quality requirements, with the exception of driveway openings, substantially consistent with the plans attached to the redevelopment plan as Exhibit 2. Screening materials and building materials shall be subject to Planning Board approval. [1] Editor's Note: Exhibit 2 is on file in the office of the Township Clerk.

**4. Parking areas shall include a minimum of two electric car charging stations.**

**5. Surface parking shall be permitted to support the inclusionary residential development** but shall not be the sole source of on-site parking. The layout and circulation of the surface parking shall be substantially consistent with the plans attached to the redevelopment plan as Exhibit 1.[2] [2] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.

**6. The required number of parking spaces and stall dimensions (nine feet by 18 feet) shall conform to residential site improvement standards.**

**7. A traffic circulation plan shall be provided depicting the turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways.**

**8. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the traffic circulation plan.**

**9. All driveways and parking spaces located on the residential property shall be maintained by the owner of the residential project.**

**10. The access to the project shall be one ingress/egress driveway which will be comprised of one "right in" and one "right out" from Route 22, which will transition into a twenty-four-foot internal access road. There shall be a mountable concrete curb island which divides the "right in" and "right out" access. The location of the driveway off of Route 22, its dimensions, and the location and dimensions of the mountable concrete curb island shall be substantially consistent with Exhibit 1 attached to the redevelopment plan.**

**11. The residential development shall be served by an emergency access grass paver road located off of Juniper Lane. The property owner shall be responsible for the maintenance of these paths for emergency use, including snow removal. The sufficiency of the emergency access shall be subject to the approval of the Township Fire Official.**

**b. Project design standards and conditions.**

**1. The use of green building technologies is strongly encouraged to be incorporated into** all aspects of the project design. Green building (also known as "green construction" or "green sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and demolition.

**2. Upon the demolition of any existing building or structure, in whole or in part, the site shall be** properly graded and stabilized unless new construction is to commence on the same site within 60 days.

**3. Location and area of amenities. The inclusionary multifamily residential development shall** contain a minimum of a 5,680 feet clubhouse which will include a gym, a leasing center inclusive of a sample model unit, and a resident lounge. There shall be an approximately 6,780 feet pool and deck area located next to the clubhouse. Additionally, the redeveloper shall provide the infrastructure for residents to participate in passive recreation on the site. This entails the creation of a network of walkways which should total a minimum of 17,700 feet.

**4. The project shall include stormwater/flood management systems which include, but are not** limited to, flood storage, stormwater detention basins, basin overflow areas, culverts, etc., and shall be designed and constructed to the appropriate standards.

**5. Adequate facilities shall be provided for the handling of garbage and other refuse by providing** and maintaining an enclosed and screened area either within or separate from the buildings within which all garbage and refuse containers shall be stored, subject to Planning Board approval.

**6. A comprehensive landscape plan shall be prepared by a licensed landscape architect. All** areas of the site not covered by buildings, pavement, walkways, and other permissible impervious surfaces shall contain landscape plantings. The use of perennial and native species is encouraged.

**7. All mechanical equipment, generators, HVAC equipment and similar equipment shall be** specified to meet the applicable residential sound standards as defined by the State of New Jersey.

**8. All mechanical equipment shall be screened from view, both from the street and existing or** planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment.

**9. Signs associated with the residential project shall be addressed during preliminary and final** site plan approval. Dimensions, colors and other sign characteristics shall be subject to Planning Board approval.

**c. Building and architectural design standards and programming.**

**1. Design standards. The following design standards shall be adopted for the Bowcraft Redevelopment Project:** (a) The intention of this redevelopment plan is that the facades of all buildings be constructed and designed with brick as the predominant building material. The building materials used to accent the brick shall be precast stone or concrete and brick panels, horizontal siding (HardiePlank® or similar approved material), and other similar high-quality materials such as Hardie® cement board and Azek® as approved by the Planning Board. EIFS (Exterior insulating finishing systems), artificial stone, and brick-face veneer, ("Permastone™" and "brickface") and other similar facade materials may not be used within the redevelopment area. Similarly, jumbo brick and concrete block of any type and vinyl siding are not permitted as facade materials within the redevelopment area. (b) Where any building material other than brick is used, the width of the nonbrick material shall not extend greater than the width of two window bays. (not to exceed 40 feet) in any single plane as approved by the Planning Board, substantially consistent with Exhibits 2, 3 and 4 attached to the redevelopment plan. (c) The building shall be designed to be attractive and inviting when viewed from all vehicular and pedestrian pathways within the redevelopment area and from vantage points outside of the redevelopment area. (d) Decorative ornamental light fixtures shall be located along the ground level of the residential building at a pedestrian scale on either side of all ground-level windows and doors. (e) There shall be alternating setbacks along all apartment building elevations in order to create recessed areas to break up the mass of the building substantially consistent with Exhibits 2 and 3 of the redevelopment plan.

**2. Bedroom distribution. (a) Market-rate units: the bedroom distribution for the market-rate units** shall comply with the following: (1) One-bedroom apartment: four units. (2) Two-bedroom apartments: 137 units. (3) Three-bedroom apartments: 14 units. (4) Three-bedroom townhome: 10 units. (b) Affordable units: the bedroom distribution for the affordable units shall comply with the following: (1) One-bedroom apartment: seven units. (2) Two-bedroom apartments: 21 units. (3) Three-bedroom apartments: seven units. (c) The affordable units shall be distributed throughout the apartment buildings.



**3. Architectural building elevations. (a) Exhibits 2 through 5 to the redevelopment plan represent** the architectural building elevations for apartment building Type "A," apartment building Type "B", the townhouse buildings and the clubhouse, respectively. The architectural building elevations shall be substantially consistent with the exhibits for all four sides. These architectural elevations have been incorporated into the plan to help visualize the architectural standards and design for the redevelopment area. (b) The architecture of the buildings is recommended to be more suburban in style and large contiguous structures are recommended to be broken up visually through a variety of means, including, but not limited to, varying roof heights, variations in colors, materials, proportions, moldings and demarcations used. Exhibits 2 and 3 to the redevelopment plan were created in response to feedback from the Township's Planning Board, requesting a pitched roof instead of a flat roof. All architectural elevations, including, but not limited to, materials, rooflines and colors, are subject to the review and approval of the Planning Board.

**4. Site layout concept. Exhibit 1 to the redevelopment plan[3] represents the site layout plan for** the Bowcraft Redevelopment Project. The concept plan, prepared by PS&S, revised December 28, 2018, generally illustrates the building configuration, open space, amenities, unit count, bedroom distribution, and overall general layout of the development. [3] Editor's Note: Exhibit 1 is on file in the office of the Township Clerk.

**d. Open space, landscaping and amenities.**

**1. At the time of site plan approval, the developer shall provide a detailed outline of the** uses for the indoor and outdoor amenity areas, in addition to including these areas on submitted site plans. The size, use and location of indoor and outdoor amenity spaces shall be substantially consistent with Exhibit 1 to the redevelopment plan.

**2. The residential development project to be located in the redevelopment area shall include, but**

is not limited to, the following open space and amenities as accessory uses: (a) Clubhouse: the clubhouse shall contain a minimum of 5,680 feet and shall include a gym, a leasing center, including a sample model unit, and a resident lounge. (b) Pool and deck area: there shall be an approximately 6,780 feet pool and deck area located next to the clubhouse. (c) Walking paths: the redeveloper shall provide the infrastructure for residents to participate in passive recreation on the site. This entails the creation of a network of walkways which should total a minimum of 17,700 feet. (d) Tot lot: the redeveloper shall provide child recreational facilities in the form of a tot lot. The size, location and sufficiency of the tot lot shall be subject to the review and approval of the Planning Board Planner. (e) Green space: the redeveloper shall provide approximately 279,000 feet of green space in order for residents to participate in active and passive recreation on the site. (f) Landscaping: Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants and the use of building and paving materials in an imaginative manner. Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items. The development shall have professionally designed and executed landscaping plans designed in a comprehensive manner addressing all plantings, walkways, lighting, hardscape areas, paths, fencing and similar items. The landscape plan shall be prepared by a licensed landscape architect in the State of New Jersey.

**3. All open areas not utilized for parking areas, driveways, streets or roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable growing ground cover, trees and shrubs. Continuous evergreen screening shall be required along the tract boundary lines which separate the project from neighboring residential uses, such screening to be no less than six feet high when planted. In addition, the project shall include supplemental screening by a board-on-board solid fence up to six feet in height. The use of chain-link fencing is prohibited. Shade trees are recommended to be provided along walks, driveways, parking areas, streets and roads. Screening or buffers, consisting of berms, fencing and/or landscaping, may be required around recreation, parking, utility and refuse disposal areas and around other similar areas at the discretion of the Planning Board and its professionals. All landscaping shall be maintained in good condition and shall be replaced where necessary.**

**e. Redevelopment area phasing plan. It is envisioned that the project will be constructed in two phases. Phase I would involve the demolition of all remaining structures and all impervious surfaces that are not designated to remain as part of the site plan drawings. All debris piles of all types, including but not limited to vegetative, stone, concrete and asphalt piles, shall also be removed under Phase 1. Phase II would involve the construction of the residential redevelopment, which may be further broken down into subphases by the development, provided that each subphase fully conforms with all aspects of this redevelopment plan, including all affordable units which shall be constructed in accordance with all applicable rules and regulations for the number of residential units in each phase. Whether or not the developer chooses to construct the residential buildings, all on-site, off-site and off-tract improvements shall be constructed prior to the issuance of any certificate of occupancy for any residential unit in any phase.**

**f. Utilities.**

**1. All new electric, telephone, television, cable, gas, and other utility service lines** servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available, and permitted by the applicable utility companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

**2. All utility connection permits and road opening permits shall be obtained from the respective** utility authority prior to the start of construction. All municipal roadways damaged by the redevelopment of the site shall be restored and/or repaved as directed by the Township of the Scotch Plains Engineer.

**§ 23-9.3.6 Provisions Related to Route 22, Access and Circulation.**

**a. Pedestrian access, circulation and student pickup.**

**1. Sidewalks along Route 22: the redeveloper shall provide a sidewalk that is a minimum** of five feet wide along the project's entire frontage on Route 22.

**2. Walking paths: the redeveloper shall provide the infrastructure for residents to participate in** passive recreation on the site. This entails the creation of a network of walkways which should total a minimum of 17,700 feet.

**3. Student pickup: The redeveloper shall coordinate student pickups and returns with the Board** of Education.

**b. Traffic study and related improvements.** The redeveloper shall provide a traffic study for the proposed residential development at the time of the site plan hearing before the Planning Board that shall address the traffic impact of the proposed development on the Township's circulation and roadways, as well as access to the site in accordance with the Township, residential site improvement standards ("RSIS"), and New Jersey Department of Transportation ("NJDOT") regulations.

**§ 23-9.3.7 Provisions Related to Affordable Housing.** Pending the approval by the Superior Court of New Jersey, Union County and the Special Master, the following terms regarding the affordable housing set-aside component of the residential project on Proposed Lot A shall be adhered to:

**a. The developer shall have the obligation to deed restrict 17.5% of the residential units in the** inclusionary development as very-low-, low- and moderate-income affordable units, which shall be 35 affordable units. All such affordable units shall comply with UHAC regulations, COAH affordable housing regulations, the pending approval of the Township's current affordable housing obligation set forth in the settlement agreement by and between the Township and Fair Share Housing Center, any applicable orders of the Court, and other applicable laws.

**b. Deed restriction period.** Pursuant to UHAC, the developer shall have an obligation to deed restrict the affordable units in the inclusionary development as very-low-, low- or moderate-income affordable units for a period of at least 30 years from the date of the initial occupancy of each affordable unit (the "deed restriction period") until the Township of Scotch Plains takes action to release the controls on affordability, so that the Township may count each affordable unit against its obligation to provide family rental affordable housing. The parties agree that the affordability controls shall not expire until such time, at least 30 years from the date of initial occupancy, that the Township takes action to release the controls on affordability, and thereafter the affordability controls shall continue in effect until the date on which the individual affordable unit rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See **N.J.A.C. 5:80-26.11(b)**. If, at any time after the release of the affordability controls by the Township, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. The term "family rental" in this redevelopment plan means rental units that are not age-restricted.

**c. Deed restriction:** The developer shall execute and record a deed restriction for the affordable units before the first certificate of occupancy is issued for the inclusionary development. The deed restriction will be recorded in the Union County Clerk's office.

**d. Income distribution requirements.** Thirteen percent of the total number of the affordable rental units must be very-low-income units, 37% of the total number of affordable rental units must be low-income units, and the remaining 50% may be moderate-income rental units. The income distribution shall be subject to approval by the Superior Court of New Jersey and the Special Master.

**e. Bedroom mix.** Pursuant to **N.J.A.C. 5:80-26.3(b)**, the number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units, at least 30% of all low- and moderate-income units are two-bedroom units, and at least 20% of all low- and moderate-income units are three-bedroom units. The bedroom distribution of the affordable rental units in the inclusionary development shall be as follows:

**1. One-bedrooms: seven units.**

**2. Two-bedrooms: 21 units.**

**3. Three-bedrooms: seven units.**

**f. Other affordable housing unit requirements:** The developer will also comply with all of the other requirements of UHAC and the Township's Affordable Housing Ordinance,[1] including, but not limited to, affirmative marketing requirements, candidate qualification screening requirements, integrating the affordable units amongst the market-rate units, and unit phasing requirements. The developer shall disperse the affordable units within the proposed residential buildings on the property, and shall provide the exact location of each affordable unit at the time of site plan application, which shall be subject to review and approval by the Township's Planner and the Special Master. [1] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**g. Administrative agent:** The developer shall contract with a qualified and experienced third-party administrative agent, which may be the Township's administrative agent (the "administrative agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with the redevelopment plan for the deed restriction period. The developer and its administrative agent shall work with the Township and the Township's administrative agent, should the developer's and the Township's administrative agent not be one and the same, regarding any affordable housing monitoring requirements approved by COAH or the Court. The developer shall provide, within 30 days after written notice, detailed information reasonable requested by the Township or the Township's administrative agent, should the developer's and the Township's administrative agent not be one and the same, concerning the developer's compliance with UHAC, the Township's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws.

**h. The redeveloper shall construct and obtain certificates of occupancy for those buildings** containing the affordable units in accordance with UHAC.

#### **§ 23-9.3.8 Redevelopment Actions.**

**a. Demolition.** The redevelopment plan will involve the demolition of the existing, remaining improvements on the project site. As a part of the demolition, all remains from the foundations of prior structures need to be removed. It is the responsibility of the redeveloper to remove all debris, including crushed concrete and garbage, from the site, regardless of whether the debris was on the site prior to the start date of the project. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan approval.

**b. New construction.** The redevelopment plan will involve the new construction of six apartment buildings which shall contain a total of 190 apartment units and two townhouse buildings which shall contain a total of 10 townhouse units.



**c. Properties to be acquired.** This redevelopment plan will not involve the taking of any privately owned property.

**d. Relocation.** No residents will need to be relocated to complete this redevelopment plan.

#### **§ 23-9.3.9 Relationship to Land Use and Zoning Ordinance.**

**a. This redevelopment plan shall supersede all provisions of the zoning and development** regulations of the Township of Scotch Plains regulating development in the area addressed by this redevelopment plan. Final adoption of this redevelopment plan by the Township Council shall be considered an amendment of the Scotch Plains Zoning Map.[1] [1] Editor's Note: Said map is included as an attachment to this chapter.

**b. The Zoning District Map in the zoning ordinances of the Township shall be amended to** include the boundaries described in this redevelopment plan and the provisions therein. All of the provisions of this redevelopment plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the redevelopment area. In the event of any inconsistencies between the provisions of this redevelopment plan and any prior ordinance of the Township of Scotch Plains, the provisions hereof shall be determined to govern.

**§ 23-9.4 Lidl Redevelopment Plan (Block 803, Lot 1).** [Added 11-12-2019 by Ord. No. 2019-23; amended 2-15-2022 by Ord. No. 2022-9] [The Lidl Redevelopment Plan is included as an attachment to this chapter.]

**§ 23-9.5 475 Terrill Road Redevelopment Plan. [Added 3-15-2022 by Ord. No. 2022-8] [The Redevelopment Plan for 475 Terrill Road is included as an attachment to this chapter.]**

**§ 23-9.6 East Second Street Redevelopment Plan (Block 1201, Lots 21, 22 and 23). [Added 7-19-2022 by Ord. No. 2022-17] [The Redevelopment Plan for 1770-1772, 1774-1778 and 1778 East Second Street is included as an attachment to this chapter.]**

**§ 23-9.7 Redevelopment Plan for 347 Park Avenue and 350 Forest Road. [Added 12-13-2022 by Ord. No. 2022-33] [The Redevelopment Plan for 347 Park Avenue and 350 Forest Road is included as an attachment to this chapter.]**

**§ 23-10 OVERLAY ZONE DISTRICTS. [Added 5-21-2019 by Ord. No. 2019-9]**

**§ 23-10.1 Jerusalem Road Overlay Zone District.**

**a. Intent and purpose.** The intent and purpose of the Jerusalem Road Overlay Zone District is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to very-low-, low-, and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the settlement agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "settlement agreement"), and the court order approving same, which was entered by the court on April 20, 2018, after a properly noticed fairness hearing, and the Township's conditional declaratory judgment of compliance and repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the Court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan to comply with the Township's constitutional obligation with respect to affordable housing under Mount Laurel doctrine.

**b. Principal uses.**

**1. Multifamily apartments dwellings. Market-rate three-bedroom units are prohibited.**

**2. Attached single-family (townhouse) dwellings. Market-rate three-bedroom units are prohibited.**

**c. Accessory uses and structures.**

**1. Parking and parking facilities as regulated herein;**

**2. Signs as regulated in § 23-7 of this chapter;**

**3. Common outdoor public or private spaces, decks, and terraces;**

**4. Active and passive recreation facilities;**

**5. Maintenance facilities;**

**6. Gardens, hardscape patio areas, landscape features;**

**7. Green building techniques and green roofs;**

**8. Solar canopy array or roof-mounted systems; and**

**9. Stormwater management/flood storage systems.**

**d. Bulk requirements.**

**1. Maximum density: 12 DU/acre.**

**2. Minimum lot area: 21,000 feet.**

**3. Minimum lot depth: 100 feet.**

**4. Minimum street frontage: 200 feet.**

**5. Maximum building coverage: 40%.**

**6. Maximum impervious lot coverage: 70%.**

**7. Principal and accessory building setbacks and requirements. (a) Minimum front yard setback: 25 feet. (b) Minimum one side yard setback: 10 feet. (c) Minimum total both side yard setbacks: 25 feet. (d) Minimum rear yard setback: 25 feet. (e) Minimum distance between buildings side elevation to side elevation: 40 feet. (f) Minimum distance between buildings side elevation to rear elevation: 50 feet. (g) Minimum distance between buildings rear elevation to rear elevation: 60 feet. (h) Principal building height (stories): three stories. (i) Principal building height (feet), townhouse: 36 feet. (j) Principal building height (feet), multifamily apartment: 42 feet. (k) Accessory building height (stories): 1 1/2 stories. (l) Accessory building height (feet): 15 feet. (m) Minimum townhouse unit width: 25 feet. (n) Minimum townhouse unit length: 40 feet.**

**8. Parking area requirements. (a) Minimum number of off-street car parking spaces: RSIS. (b) Driveway circulation dimensions: RSIS. (c) Minimum parking area/aisle rear yard setback: 10 feet.**

**e. Site plan and building requirements.**

**1. Parking and circulation. (a) Granite block curbing shall be utilized along all internal roads and along the lot's frontage along any public right-of-way. All other design standards for residential projects shall conform to RSIS. (b) All required off-street parking and loading spaces shall be provided on-site. (c) In order to count towards the off-street parking requirements, the minimum length of townhouse unit driveways shall be 18 feet. (d) Multifamily projects which generate 15 or more residential units are required to submit a traffic and parking study at the time of the site plan application before the Planning Board that shall address the traffic and parking impact of the proposed development on the Township's circulation and roadways.**

**2. Sidewalks.** Sidewalks shall be provided along the frontage of all public rights-of-way which the property fronts.

**3. Landscape buffer.** A landscape buffer shall be provided along the site's perimeter, with the exception of the lot frontage. Areas between property lines and parking areas shall be buffered with a mixture of deciduous and evergreen plantings. This landscaped buffer area shall be a minimum of 10 feet in depth. To the extent practical, existing trees on the site shall be preserved and protected during construction. The Planning Board may approve fencing in conjunction with any such screening requirement. Any site plan or subdivision plan shall be accompanied by a landscape plan specifying details for tree-protection measures, proposed landscape plantings, and street trees to be provided in accordance with ordinance requirements, and/or contract of sale or developer's agreement.

**4. Open space.** Multifamily apartment projects containing 10 or greater total residential units shall allocate a minimum of 15% of the gross lot area to be used as a common hardscaped outdoor area such as courtyards, patios, terraces, or similar. The required hardscape common area shall not count towards the project's impervious coverage bulk requirements of this zone.

**5. Architectural design guidelines. (a) The primary materials for buildings shall be brick, stone, HardiePlank® or similar cement board siding, subject to Planning Board approval. The use of vinyl siding is prohibited. (b) All buildings and building elevations shall be constructed with the same building materials and to the same building construction standards and aesthetics. (c) No more than six townhouse units shall be attached in a series. (d) No more than two contiguous townhouse units shall be located on the same setback line. (e) Barrier-free design regulations as specified in the New Jersey Uniform Construction Code[1] and as required by the Americans with Disabilities Act[2] shall be incorporated into all buildings, structures, and site improvements. [1] Editor's Note: See N.J.A.C. 5:23 et seq. [2] Editor's Note: See 42 U.S.C. § 12101 et seq. (f) Buildings shall have a clear base, middle, and top by providing string courses and/or horizontally differentiating surface treatments. (g) Residential first-floor units shall be located a minimum of two feet above the sidewalk, with windowsills a minimum of five feet above the sidewalk. (h) All mechanical equipment shall be screened from view. Rooftop equipment shall be screened in a manner consistent with the architecture and building materials of the building. Ground-level mechanical equipment shall be screened by means of solid fencing and supplemented with evergreen plantings. (i) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate for the architectural style of the building. Overhanging eaves, sloped roofs with a minimum pitch of 8/12, and multiple roof elements are highly encouraged. In the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and to minimize the apparent mass of the building.**



**f. Affordable housing requirements. Any project containing residential units shall meet the** requirements of the Township's Affordable Housing Ordinances,[3] applicable COAH regulations, the settlement agreement entered into between the Township of Scotch Plains and Fair Share Housing Center ("FSHC") on January 15, 2018, the court order approving the settlement agreement, the Court-approved Housing Element and Fair Share Plan, any applicable order of the Court and other applicable law.

**1. For projects which consist of five or more new residential units, no fewer than 20% for-sale** units or 15% of for rental units constructed shall be set aside as units affordable to very-low-, low-, and moderate-income households.

**2. Income distribution: The income distribution for the affordable units in each project shall be as** follows: no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.

**3. Bedroom mix: At least 20% of the affordable units in each project shall be three-bedroom** units; no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low- or moderate-income affordable units for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and administrative agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.**

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**[4] [4] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township administrative agent or shall report to the Township administrative agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed restriction period. The developer/owner and its administrative agent shall provide annual reports as required by the Township and the Township's administrative agent to enable the Township to comply with the affordable housing monitoring requirements of the Court.** [3] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**§ 23-10.2 Waldheim Avenue and Beryllium Road Overlay Zone District. [Added 5-21-2019 by Ord. No. 2019-10]**

**a. Intent and purpose.** The intent and purpose of the Waldheim and Beryllium Road Overlay Zone District is to develop affordable housing to meet present and prospective housing needs, with particular attention to very-low-, low-, and moderate-income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the settlement agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "Settlement Agreement"), and the court order approving same, which was entered by the court on April 20, 2018, after a properly noticed fairness hearing, and the Township's conditional declaratory judgment of compliance and repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the Court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan to comply with the Township's constitutional obligation with respect to affordable housing under Mount Laurel doctrine.

**b. Principal uses:**

**1. Multifamily apartments dwellings. Market-rate three-bedroom units are prohibited.**

**2. Attached single-family (townhouse) dwellings. Market-rate three-bedroom units are prohibited.**

**c. Accessory uses and structures:**

**1. Parking and parking facilities as regulated herein;**

**2. Signs as regulated in § 23-7 of this chapter;**

**3. Common outdoor public or private spaces, decks, and terraces;**

**4. Active and passive recreation facilities;**

**5. Maintenance facilities;**

**6. Gardens, hardscape patio areas, landscape features;**

**7. Green building techniques and green roofs;**

**8. Solar canopy array or roof-mounted systems; and**

**9. Stormwater management/flood storage systems.**

**d. Bulk requirements.**

**1. Maximum density: nine DU/acre.**

**2. Minimum lot size: 32,670 feet.**

**3. Minimum lot depth: 100 feet.**

**4. Minimum street frontage: 200 feet.**

**5. Maximum building coverage: 40%.**

**6. Maximum impervious lot coverage: 70%.**

**7. Principal and accessory building setbacks and requirements. (a) Minimum front yard setback: 25 feet. (b) Minimum one side yard setback: 10 feet. (c) Minimum total both side yard setbacks: 25 feet. (d) Minimum rear yard setback: 25 feet. (e) Minimum distance between buildings side elevation to side elevation: 40 feet. (f) Minimum distance between buildings side elevation to rear elevation: 50 feet. (g) Minimum distance between buildings rear elevation to rear elevation: 60 feet. (h) Principal building height (stories): three stories. (i) Principal building height (feet), townhouse: 36 feet. (j) Principal building height (feet), multifamily apartment: 42 feet. (k) Accessory building height (stories): 1 1/2 stories. (l) Accessory building height (feet): 15 feet. (m) Minimum townhouse unit width: 25 feet. (n) Minimum townhouse unit length: 40 feet.**

**8. Parking area requirements. (a) Minimum number of off-street car parking spaces: RSIS. (b) Driveway circulation dimensions: RSIS. (c) Minimum parking area/aisle rear yard setback: 10 feet.**

**e. Site plan and building requirements.**

**1. Parking and circulation. (a) Granite block curbing shall be utilized along all internal roads and along the lot's frontage along any public right-of-way. All other design standards for residential projects shall conform to RSIS. (b) All required off-street parking and loading spaces shall be provided on-site. (c) In order to count towards the off-street parking requirements, the minimum length of townhouse unit driveways shall be 18 feet. (d) Multifamily projects which generate 15 or more residential units are required to submit a traffic and parking study at the time of the site plan application before the Planning Board that shall address the traffic and parking impact of the proposed development on the Township's circulation and roadways.**

**2. Sidewalks. Sidewalks shall be provided along the frontage of all public rights-of-way which the property fronts.**

**3. Landscape buffer. A landscape buffer shall be provided along the site's perimeter, with the exception of the lot frontage. Areas between property lines and parking areas shall be buffered with a mixture of deciduous and evergreen plantings. This landscaped buffer area shall be a minimum of 10 feet in depth. To the extent practical, existing trees on the site shall be preserved and protected during construction. The Planning Board may approve fencing in conjunction with any such screening requirement. Any site plan or subdivision plan shall be accompanied by a landscape plan specifying details for tree-protection measures, proposed landscape plantings, and street trees to be provided in accordance with ordinance requirements, and/or contract of sale or developer's agreement.**

**4. Open space. Multifamily apartment projects containing 10 or greater total residential units** shall allocate a minimum of 15% of the gross lot area to be used as a common hardscaped outdoor area such as courtyards, patios, terraces, or similar. The required hardscape common area shall not count towards the project's impervious coverage bulk requirements of this zone.

**5. Architectural design guidelines. (a) The primary materials for buildings shall be brick, stone, HardiePlank® or similar cement board siding, subject to Planning Board approval. The use of vinyl siding is prohibited. (b) All buildings and building elevations shall be constructed with the same building materials and to the same building construction standards and aesthetics. (c) No more than six townhouse units shall be attached in a series. (d) No more than two contiguous townhouse units shall be located on the same setback line. (e) Barrier-free design regulations as specified in the New Jersey Uniform Construction Code[1] and as required by the Americans with Disabilities Act[2] shall be incorporated into all buildings, structures, and site improvements. [1] Editor's Note: See N.J.A.C. 5:23 et seq. [2] Editor's Note: See 42 U.S.C. § 12101 et seq. (f) Buildings shall have a clear base, middle, and top by providing string courses and/or horizontally differentiating surface treatments. (g) Residential first-floor units shall be located a minimum of two feet above the sidewalk, with windowsills a minimum of five feet above the sidewalk. (h) All mechanical equipment shall be screened from view. Rooftop equipment shall be screened in a manner consistent with the architecture and building materials of the building. Ground-level mechanical equipment shall be screened by means of solid fencing and supplemented with evergreen plantings. (i) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate for the architectural style of the building. Overhanging eaves, sloped roofs with a minimum pitch of 8/12, and multiple roof elements are highly encouraged. In the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and to minimize the apparent mass of the building.**



**f. Affordable housing requirements.** Any project containing residential units shall meet the requirements of the Township's Affordable Housing Ordinances,[3] applicable COAH regulations and the Court-approved Housing Element and Fair Share Plan, any applicable order of the Court and other applicable law.

**1. For projects which consist of five or more new residential units, no fewer than 20% for-sale units or 15% of for rental units constructed shall be set aside as units affordable to very-low-, low-, and moderate-income households.**

**2. Income distribution: The income distribution for the affordable units in each project shall be as follows:** no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.

**3. Bedroom mix: At least 20% of the affordable units in each project shall be three-bedroom units;** no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low- or moderate-income affordable units for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and administrative agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.**

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**[4] [4] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township administrative agent or shall report to the Township administrative agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed restriction period. The developer/owner and its administrative agent shall provide annual reports as required by the Township and the Township's administrative agent to enable the Township to comply with the affordable housing monitoring requirements of the Court. [3] Editor's Note: See § 19-7, Affordable Housing, of Ch. 19, Land Use Procedures.**

**§ 23-10.3 Downtown Affordable Housing Overlay Zone - Tier 1. [Added 8-18-2020 by Ord. No. 2020-9]**

**a. Intent and purpose:**

**1. The intent and purpose of the Tier 1 Affordable Housing Overlay Zone District is to** provide for the continued redevelopment of the downtown and address the Township's unmet affordable housing obligation, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the Settlement Agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "Settlement Agreement"), and the Court Order approving same, which was entered by the Court on April 20, 2018, after a properly noticed Fairness Hearing, and the Township's Conditional Declaratory Judgment of Compliance and Repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan to comply with the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine.

**2. Downtown revitalization. The Township of Scotch Plains has made a long-standing** commitment to creating a vibrant downtown community by balancing jobs, housing, recreation, and commercial opportunities that make it a destination for residents and nonresidents alike. Scotch Plains has demonstrated this commitment through a legislative history focused on the downtown area in a series of Master Plan documents dating back to 1976, and through the preparation of numerous planning studies dating back to 1984. Recently, the Township has renewed its focus on downtown revitalization to comply with its affordable housing settlement and bring downtown into 21st Century development. This overlay ordinance shall contribute to the revitalization of the downtown through: (a) Incentivizing redevelopment through increased density to help develop a critical mass of residents and shoppers needed for a successful and sustainable downtown; (b) Focusing on mixed-use development that will promote economic development leading to additional tax ratables, new jobs, and growth opportunities to the benefit of the Scotch Plains community; (c) Increasing the walkability of the downtown by incentivizing multi-modal transportation options, including bicycle, pedestrian, and public transit, therefore reducing the need for cars and associated parking spaces.

**b. Applicability. The Downtown Affordable Housing Overlay Zone - Tier 1 shall be applied to the** following properties and as mapped on Exhibit A. Any discrepancies between the properties listed under § 23-3.2a.44 or § 23-10.3.b. and Exhibit A, Exhibit A shall take precedence. The Official Zoning Map of the Township of Scotch Plains is hereby amended in accordance with the foregoing and is incorporated by reference.

Block	Lot	Address	Zone	Block	Lot	Address	Zone
803	1	250 PARK AVE	B-2	1001	44	302 PARK AVE	B-2
1001	45	310 PARK AVE	B-2	1001	47	322 PARK AVE	B-2
1001	48	328 PARK AVE	B-2	1001			

**49.01 336 PARK AVE B-2 1001 51 350 PARK AVENUE B-2 1001 52 356 PARK AVE B-2 1001**  
**53 360 PARK AVE B-2 1001**

**54.0101 366 PARK AVE B-2 1001 56 1829 FRONT ST B-2 1001 57 1825 FRONT ST B-2 1001**

**58.01 1819 FRONT ST B-1 1001 59 1815 FRONT ST B-1 1001 60 1805 FRONT ST B-1 1001**  
**61 1803 FRONT ST B-1 1001 62 1801 FRONT ST B-1**

**1001.08 1 320 PARK AVE B-2**

**1001.08 2 320 PARK AVE B-2 1104**

**1.01 1819 E. 2ND ST. B-2 1104 15 1824 FRONT ST B-1 1104 16 430 SENGER PLACE R-3a  
1104**

**17.01 436 SENGER PLACE R-3a 1105**

**1.02 430 PARK AVE P 1105**

**1.03 440 PARK AVENUE B-2 1105 2 450 PARK AVE B-2 1105 3 454-460 PARK AVE B-2  
1105 4 1831 E SECOND ST B-2 1105 5 1827 EAST SECOND ST B-2 1201**

**30.01 1810 EAST SECOND ST B-2 1201**

**31.01 1818 EAST SECOND ST B-2 1201**



**31.02 1830 EAST SECOND ST. B-2 1201 32 1832 EAST SECOND ST B-2 1201 33 1838 EAST**  
SECOND ST B-2 1201 34 514 PARK AVE B-2 1401 1 1928 WESTFIELD AVE B-2 1401 2 1926  
WESTFIELD AVE B-2 1401 3 1924 WESTFIELD AVE B-2 1401 4 1922 WESTFIELD AVE B-2  
1401 5 1910 WESTFIELD AVE B-2 1401 6 501-503 PARK AVE. B-2 1401 7 501 PARK  
AVENUE B-2 1401 8 509 PARK AVE B-2 1401 9 511 PARK AVE B-2 1501 1 451 PARK AVE  
B-2 1501 2 441 PARK AVE B-2 1501

**3.01 437 PARK AVE B-2 1501**

**3.02 435 PARK AVE B-2 1501 4 431 PARK AVE B-2 1501**

**5.01 429 PARK AVE B-2 1501**

**5.02 425 PARK AVE B-2 1501 6 419 PARK AVE B-2 1501 7 413 PARK AVE B-2 1501 8 403A**  
TO 409B PARK AVE B-2 1501 9 401 PARK AVE B-2 1501 10 1919 WESTFIELD AVE P 1501  
11 1916 BARTLE AVE B-2 1501 12 1920 BARTLE AVE B-2 1501 13 1924 BARTLE AVE B-2  
1501 14 1928 BARTLE AVE B-2 1501 15 1930 BARTLE AVE B-2 1501 16 412 FOREST  
ROAD B-2 1501 17 416 FOREST ROAD B-2 1501 18 420 FOREST ROAD B-2 1501 19 426  
FOREST ROAD B-2 1501 20 1937 WESTFIELD AVE B-2 1501 21 1923 WESTFIELD AVE B-2  
1501 22 1915 WESTFIELD AVE B-2 1501 23 1911 WESTFIELD AVE B-2 1601 1 393 PARK  
AVE B-2 1601 2 389 PARK AVE B-2 1601 3 387 PARK AVE B-2 1601 4 381 PARK AVE B-2  
1601 5 377 PARK AVE B-2 1601 6 373 PARK AVE B-2 1601 7 365 PARK AVE B-2 1601 8  
361 PARK AVE B-2 1601 9 347 PARK AVE B-2 1601





**9.01 361 PARK AVENUE B-2 1601**

**9.02 350 FOREST RD B-2 1601 13 1927 BARTLE AVE P 1601 14 1917 BARTLE AVE P 1802**  
12 223 PARK AVE B-2 1802 13 219 PARK AVE B-2 1802 14 211 PARK AVE B-2 1803 1 237  
PARK AVE B-2 1803 21 245 PARK AVE B-2 1803 22 253 PARK AVE B-2

**c. Definitions. As used in this § 23-10.3, the following terms shall have the meanings indicated:**

**COMMON OPEN SPACE** Land that is part of a development that is designed and intended for the common use and enjoyment of the residents of the development, their visitors and the public and that may include such complementary structures and improvements as are necessary and appropriate for the development. Examples of such complementary structures and improvements include passive recreational facilities and/or open spaces, including walkways, courtyards, terraces, plazas, alleys, gazebos, fountains, sitting areas, gardens, pocket parks and other similar uses and structures clearly incidental and supportive of the residents and visitors of the development. **CORE DOWNTOWN AREA** All properties located in the B-2 and P Public Lands Zone Districts which are located in the Tier 1, Phase 1 or Phase 2 and are located south of the southern right-of-way of Grand Street and bisecting Block 1001 as if the southern right-of-way line of Grand Street was extended in a westerly direction and within 250 feet east or west of the Park Avenue right-of-way extending to the northern right-of-way of East 2nd Street and Westfield Avenue and as illustrated on Exhibit B.[1] **GREEN DESIGN STANDARDS** The protection of the natural environment is a key element to Scotch Plains' overall redevelopment efforts. It is strongly encouraged that the use of green building technologies be incorporated into all aspects of the project design. Green building (also known as "green construction" or "sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from initial planning to siting to design, construction, operation, maintenance, renovation, and demolition. [1] Editor's Note: Exhibit B is on file in the Township offices.

**d. Permitted primary uses:**



**1. Mixed-use structures combining retail business establishments or personal service establishments on the ground floor or upper floors and containing a nonresidential use that is enumerated and permitted pursuant to § 23-3.11 (B-2 Zone) of the Township of Scotch Plains Ordinances for all properties located in the B-2 Business Zone District and all properties in the P Public Zone District with inclusionary apartments on the upper floors. Residential dwelling units are prohibited on the first floor.**

**2. Mixed-use structures combining business and professional office uses on the ground floor or upper floors containing a nonresidential use that is enumerated and permitted pursuant to § 23-3.9 (B-1 Business Zone District) of the Township of Scotch Plains Ordinances for all properties located in the B-1 Zone District with inclusionary apartments on the upper floors. Residential dwelling units are prohibited on the first floor.**

**3. Multifamily apartments. Residential units are prohibited on the first floor.**

**4. Townhouses.**

**5. The underlying zoning for all properties in Tier I, Phase 1 and Phase 2 in accordance with Chapter 23, Zoning, shall remain in place.**

**e. Permitted secondary uses:**

**1. Secondary uses enumerated in § 23-3.11 (B-2 Zone) shall be permitted on all properties located in the B-2 Zone and P Public Zone.**

**2. Secondary uses enumerated in § 23-3.10 (B-1 Zone) shall be permitted on all properties located in the B-1 Zone District.**

**3. Uses associated with multifamily residential apartment uses and mixed-use developments as follows:** (a) Common open space as defined under § 23-10.3.c. (b) Structured multi-level parking garages, provided that any structured parking is enclosed with the same building materials and finishes used for the main portion of the mixed-use or multifamily residential building. (c) Amenities ancillary to multifamily residential and mixed-use developments, such as lobbies, fitness centers, storage areas for the residents of the multifamily buildings, and common area meeting rooms for the residents of the building.

**f. Height, Area, and Bulk Requirements for Mixed-Use and Multifamily Apartment Buildings. Item**

B-2 Zone District B-1 and R3-A Zone District P Public Zone District (a) Maximum density 20 DU/acre 20 DU/acre 20 DU/acre (b) Minimum lot area — — — (c) Minimum lot width — — — Minimum lot frontage — — — (d) Minimum lot depth — — — (e) Maximum building coverage 80% 80% 80% (f) Maximum impervious lot coverage 90% 90% 90% (g) Maximum building height - Core Downtown Area 1 4 stories and 50 feet, provided that the 4th story shall be stepped back 10 feet from the front building wall N/A 4 stories and 50 feet, provided that the 4th story is stepped back 10 feet from the front building wall (h) Maximum building height - all properties not located in the Core Downtown Area 3 stories and 45 feet 3 stories and 40 feet 3 stories and 45 feet (i) Common open space as defined under § 23-10.3.c 10% of the gross lot area as applicable and as further specified under § 23-10.3.c 10% of gross lot area as applicable and as further specified under § 23-10.3.c 10% of gross lot area as applicable and as further specified under § 23-10.3.c (j) Minimum front yard setback for buildings 3 stories or less 10 feet 15 feet 10 feet (k) Minimum front yard setback for buildings greater than 3 stories 15 feet N/A 15 feet (l) Minimum side yard setback - one side (for buildings 3 stories or less) 0 feet 10 feet 0 feet (m) Minimum side yard setback - both sides (for buildings 3 stories or less) 15 feet 20 feet 15 feet (n) Minimum side yard setback - one side (for buildings greater than 3 stories) 10 feet N/A 10 feet (o) Minimum side yard setback - both sides (for buildings greater than 3 stories) 25 feet N/A 25 feet (p) Minimum side yard setback - corner lot 10 feet 10 feet 10 feet (q) Rear yard setback 30 feet 30 feet 30 feet Notes: 1 The distance from the existing surface grade elevation to the flood hazard area design flood elevation as defined by N.J.A.C. 7:13 NJDEP Flood Hazard Area Control Act Rules shall not count towards the maximum building height requirements.





**g. Multifamily and Mixed-Use Residential Design Requirements.**

**1. Residential (apartment) uses or offices may occupy the second or third floor (or the fourth floor where permitted) of a building. Separate and discrete entrances for each use shall be provided to the street level. There shall be no mixed uses (apartments and offices or commercial uses) on any floor.**

**2. Three-bedroom or greater market-rate apartment dwelling units are prohibited.**

**3. The minimum gross square footage of the commercial floor area on the ground or first floor of any mixed-use building shall be no less than 20% of the gross floor area of the largest floor of the building on any level. The commercial space and its primary entrance shall be oriented to and located along the street frontage of the property.**

**4. Wherever a multifamily apartment building or mixed-use building is on a lot which abuts a residence zone, a ten-foot-wide landscaped buffer area shall be provided adjacent to the residential use or zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaping materials of such species and sizes so as to preclude any detrimental effect upon the adjacent residence zone.**

**5. In order to maintain a vibrant downtown for all residents of the Township of Scotch Plains,** only mixed-use developments as defined in this ordinance shall be permitted to be constructed within the Core Downtown Area as defined under § 23-10.3.3(b) (Exhibit B[2]) or on any property that contains frontage along Park Avenue, East 2nd Street or Westfield Avenue as shown on Exhibit A.[3] [2] Editor's Note: Exhibit B is on file in the Township offices. [3] Editor's Note: Exhibit A is on file in the Township offices.

#### **h. Townhouse design requirements.**

**1. A minimum of four townhouses and a maximum of six townhouses shall be located in the same building.**

**2. No more than two contiguous townhouse dwelling units shall be located on the same setback line.**

**3. Variations in front setbacks between contiguous townhouse dwelling units shall not be less than one foot.**

**4. All townhouse units shall have an individual backyard. Each townhouse unit backyard is required to be separated from the adjacent unit's yard by a solid fence or wall. Fences shall not exceed six feet in height.**

**5. All townhouse units shall front on and have their main entrance located extending from the public right-of-way.**

**6. Off-street parking shall be located in the rear of the townhouse unit. Parking in the front yard and garages located in the front of townhouse units are prohibited.**

**7. A private driveway shall be provided along the rear of a row of townhomes in order to permit vehicles to access the rear of the townhouse units. A six-foot-high solid fence shall be provided along the rear property line/driveway to screen the cars from neighboring properties. If the driveway is designed to be wide enough to accommodate parking spaces along one side while still providing safe circulation, those parking spaces are permitted to count towards the minimum parking spaces required for the project.**

**8. Parking and access driveway requirements for the townhouse units shall comply with the Residential Site Improvement Standards (RSIS) and shall be set back a minimum of five feet from all property lines.**

**9. Every townhouse unit shall have a garage. Individual townhouse unit garages shall be permitted in the rear of townhouse units either attached to the principal structure or as an accessory structure.**

**10. The affordable units, which are part of any townhouse project, may be constructed within multifamily building(s) or stacked townhouses that are designed to give the appearance of a townhouse unit from the street.**



**11. The minimum distance between townhouse buildings front to front, or front to rear shall be 50 feet. The minimum distance end to end or front to side shall be 20 feet. The nearest point of any townhouse building shall be a minimum of 15 feet from edge of pavement of any access roadway or parking space.**

**12. The minimum gross ground floor area for a townhouse unit shall be 900 square feet.**

**13. Permitted accessory uses, buildings and structures shall include the following: (a)**

Covered and uncovered patios and decks associated with individual townhouse units. (b) Individual and common mailboxes. (c) Signage. (d) Private garages shall not exceed 16 feet in height. (e) HVAC units, utility cabinets/controllers, emergency generators. (f) All accessory uses and structures shall comply with the principal permitted uses building setback requirements. (g) All accessory uses and structures shall comply, with the principal permitted uses and building setback requirements with the exception of (b), (c) and (e) above.

**i. Open space and amenity requirements.**

**1. Common open space area as defined under § 23-10.3.c that is a minimum of 10% of the** gross lot area shall be provided for all mixed-use or residential projects that are three stories or greater. The following projects are exempt from these common open space requirements: (a) Any project that does not have a residential use is exempt from the common open space and amenity requirements. (b) Common open space as defined under § 23-10.3.c shall not be required for any development that is located on a property that is less than 0.40 acre (15,246 square feet). (c) Common open space as defined under **§ 23-10.3.c shall not be required for any development containing four or fewer residential dwelling units.**

**2. Common open space areas shall be provided on the property and shall be predominantly** located in the front yard; however, they may extend into any yard or setback area. The common open space shall be safely and properly connected to the public sidewalk and shall be barrier-free.

**3. Common open space areas shall be improved and maintained by the property owner or** association in perpetuity with provisions to be included in a developer's agreement or board resolution.

**4. In all mixed-use developments, the common open space shall be designed as an extension of** the commercial use and the streetscape.

**5. Amenity space.** A multifamily or mixed-use development containing 10 or more total residential units shall dedicate a minimum of 15% of the gross floor area of the largest floor on any level for residential amenities, including but not limited to club rooms, multi-purpose rooms, and lobbies with seating areas. The amenities may be located on any building level, provided that the amenities are accessible to all residents of the project. Such amenities shall be in addition to required commercial space for mixed-use developments.

**j. Parking regulations.**

**1. Off-street parking spaces shall be permitted in a floor constructed below grade or on** the ground floor of a building, provided that such parking spaces are enclosed in a garage and not visible from the street or neighboring properties. Additional structured parking shall be permitted on the second story, provided that the structured parking is located in the rear of the building with residential units or commercial spaces fronting on the street.

**2. A level constructed below grade for parking and only incidentally for other permitted building** facilities shall not be considered a story for height purposes when the average height of the below grade level as measured around the perimeter of the exterior of the lower level is not extending above the finished grade by more than four feet.

**3. Structured parking garages shall be constructed with the same type of building materials and** finishes as the main portion of the building.

**4. Tandem parking is prohibited.**

**5. All required parking spaces shall be provided on-site, unless the developer can** provide a written lease agreement for off-site parking that is within 1,000 feet of the subject property, subject to the requirements below: (a) A contract with a minimum thirty-year period is in place with the subject property; and (b) The contract reflects that, in consideration of maintaining contractually obligated parking, future changes to the property on which parking is provided will be subject to review by the Board; and (c) The contract is recorded with the county prior to the issuance of a development permit.

**6. Minimum required off-street parking spaces: (a) The minimum number of off-street parking** spaces shall comply with the Residential Site Improvement Standards (RSIS) for all residential uses and the applicable Township ordinances for all nonresidential uses.

**k. Complete streets and streetscape. On January 16, 2018, the Township of Scotch Plains** adopted a Complete Streets Policy through Resolution 2018-34. This resolution states that Complete Streets practices and principles shall be a standard part of everyday operations. In order to be consistent with the intent and purpose of this policy and to accommodate the increased pedestrian traffic caused by the increase in density, all new construction projects shall comply with the Complete Streets requirements. At the time of preliminary site plan application, the applicant and/or applicant's professionals shall address how these measures are being addressed, or why their project site cannot reasonably address the Complete Streets requirements to the satisfaction of the Board Engineer and Planner.

**I. Incentive zoning.** In order to further incentivize the redevelopment and revitalization of its downtown, the Township on its own will permit an increased residential density of up to 30 dwelling units per acre (30 units/acre), subject to the project satisfying all of the following conditions without the right to request bulk (c variance) relief from any of the following requirements from the Planning Board. No project shall be granted a residential density bonus unless all seven standards are fully satisfied as part of the development:

**1. An additional 5% of the gross lot area shall be dedicated and constructed as open space for** all projects with a gross lot area of 1.0 acre or greater. This additional 5% of open space is to be provided in addition to the common open space that is required in § 23-10.3.i. This additional 5% of open space can be a separately designed open space area from the common open space required under § 23-10.3. All open space areas may be located within building setbacks. The design and location of all open space areas shall be approved by the Planning Board.

**2. The minimum square footage of the market-rate units shall be 600 square feet for a studio** apartment, 700 square feet for a one-bedroom market-rate unit and 850 square feet for a two-bedroom market-rate unit. All developments shall have a mixture of market-rate bedroom units in addition to satisfying the affordable housing bedroom distribution requirements, and no development shall have more than 10% of the total market-rate units be studio apartments.

**3. The project shall satisfy the off-street parking requirements as specified under § 23-10.3.j.**

**4. All building elevations are constructed with the same architectural style and** incorporate upscale building materials on all building elevations. The use of vinyl siding and EIFS shall be prohibited.

**5. A twenty-percent inclusionary affordable housing set-aside shall be required, regardless of** whether the project is rental or for-sale.

**6. The developer shall incorporate Green Design Standards as defined in this ordinance into the project, subject to review and approval by the Planning Board.**

**7. All dwelling units shall be constructed to the standards as outlined in the National Fire Protection Association (NFPA) 13 fire protection codes.**

**m. Affordable housing requirements. All projects which consist of five or more new residential units shall comply with the requirements of the Township Affordable Housing Ordinance No. 2018-33, and any additional or supplemental state or federal regulations.**

**1. For projects which consist of five or more new residential units, no fewer than 20% of for-sale units or 15% of for-rental units constructed shall be set aside as units affordable to very-low, low- and moderate-income households.**

**2. Income distribution. The income distribution for the affordable units in each project shall be as follows: no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.**

**3. Bedroom mix. At least 20% of the affordable units in each project shall be three-bedroom units; no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.**

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low-, or moderate-income affordable units for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.**

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed-restriction period. The developer/owner and its Administrative Agent shall enable the Township to comply with the affordable housing monitoring requirements of the court.**

**§ 23-10.4 Downtown Affordable Housing Overlay Zone - Tier 2. [Added 8-18-2020 by Ord. No. 2020-10]**

**a. Intent and purpose.**

**1. The intent and purpose of the Tier 2 Affordable Housing Overlay Zone District is to**

provide for the continued redevelopment of the downtown and address the Township's unmet affordable housing obligation, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the Settlement Agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "Settlement Agreement"), and the Court Order approving same, which was entered by the Court on April 20, 2018, after a properly noticed Fairness Hearing, and the Township's Conditional Declaratory Judgment of Compliance and Repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan to comply with the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine.

**2. Downtown revitalization. The Township of Scotch Plains has made a long- standing**

commitment to creating a vibrant downtown community by balancing jobs, housing, recreation, and commercial opportunities that make it a destination for residents and nonresidents alike. Scotch Plains has demonstrated this commitment through a legislative history focused on the downtown area in a series of Master Plan documents dating back to 1976, and through the preparation of numerous planning studies dating back to 1984. Recently, the Township has renewed its focus on downtown revitalization to comply with its affordable housing settlement and bring downtown into 21st Century development. This overlay ordinance shall contribute to the revitalization of the downtown through: (a) Incentivizing redevelopment through increased density to help develop a critical mass of residents and shoppers needed for a successful and sustainable downtown; (b) Focusing on mixed-use development that will promote economic development leading to additional tax ratables, new jobs, and growth opportunities to the benefit of the Scotch Plains community; (c) Increasing the walkability of the downtown by incentivizing multi-modal transportation options, including bicycle, pedestrian, and public transit, therefore reducing the need for cars and associated parking spaces.



**b. Applicability. The Downtown Affordable Housing Overlay Zone - Tier 2 shall be applied to the** following properties and as mapped on Exhibit A.[1] Any discrepancies between the properties listed under § 23-3.2a.45 or § 23-10.4.b and Exhibit A, Exhibit A shall take precedence. The Official Zoning Map of the Township of Scotch Plains is hereby amended in accordance with the foregoing and is incorporated by reference. Block Lot Address Zone Block Lot Address Zone  
401 1 1578 EAST SECOND ST B-2 401 2 1582 EAST SECOND ST B-2 401 3 1586 E  
SECOND ST B-2 401

**4.01 1590 E SECOND ST B-2 401**

**4.02 1594 E SECOND ST B-2 402 1 1602 EAST SECOND ST B-2 402 2 1608 EAST SECOND  
ST B-2 402**

**3.01 1612 E. 2ND ST. B-2 402 21 511 BEVERLY AVE B-2 403**

**1.01 1626 E. 2ND ST. B-2 403 3 1632 EAST SECOND ST B-2 403 4 1636 EAST SECOND ST  
B-2 404 1 1700 EAST SECOND ST B-2 404**

**2.01 1718-1720 EAST SECOND ST B-2 404**

**2.02 1716 EAST SECOND ST B-2 501**

**15.01 1595 EAST SECOND ST B-2 501 17 1589 EAST SECOND ST B-2 501 18 1583 EAST SECOND ST B-2 501 19 1577 EAST SECOND ST B-2 502 14 1635 EAST SECOND ST B-2 502 15 1629-1631 EAST SECOND ST B-2 502 16 1625 EAST SECOND ST B-2 502 17 1623 EAST SECOND ST B-2 502 18 1619 EAST SECOND ST B-2 502 19 1613 EAST SECOND ST B-2 502 21 467 GRANT AVE. B-2 503 15 1723 EAST SECOND ST B-2 503 16 1711 EAST SECOND ST B-2 503 17 1707 EAST SECOND ST B-2 503 18 1703 EAST SECOND ST B-2 503 19 1701 E SECOND ST B-2 1101 1 1747 EAST SECOND ST B-2 1101 2 1741 EAST SECOND ST B-2 1101 3 1735 E SECOND ST B-2 1101 4 1729 EAST SECOND ST B-2 1102 1 1765-1767 EAST SECOND ST B-2 1102 2 1761 EAST SECOND ST B-2 1102 3 1757 EAST SECOND ST B-2 1102 4 1755 EAST SECOND ST B-2 1103 1 1793 EAST SECOND ST B-2 1103 2 1791 EAST SECOND ST B-2 1103 3 1783 EAST SECOND ST B-2 1103**





**4.01 1781 EAST SECOND STREET B-2 1103 6 1773 EAST SECOND STREET B-2 1104 2**  
1811 EAST SECOND ST B-2 1104

**3.01 1801 EAST SECOND ST B-2 1201 12 1730 EAST SECOND ST B-2 1201 13 1732 EAST**  
SECOND ST B-2 1201 14 1734 EAST SECOND STREET B-2 1201 15 1742 EAST SECOND  
STREET B-2 1201 16 1750 E SECOND STREET B-2 1201 17 1754 EAST SECOND ST B-2  
1201 18 1762 EAST SECOND ST B-2 1201 19 1764 EAST SECOND ST B-2 1201 20 1766  
EAST SECOND ST B-2 1201 21 1770-1772 EAST SECOND ST B-2 1201 22 1774-1778 EAST  
SECOND ST B-2 1201 23 1782 EAST SECOND ST B-2 1201 24 1786 EAST SECOND  
STREET B-2 1201 25 1788 EAST SECOND ST B-2 1201 26 1794 EAST SECOND ST B-2  
1201 27 1800 EAST SECOND ST B-2 1201 28 1802 EAST SECOND ST B-2 1201 29 1806  
EAST SECOND ST B-2 [1] Editor's Note: Exhibit A is on file in the Township offices.







**c. Definitions. As used in this § 23-10.4, the following terms shall have the meanings indicated:**

**COMMON OPEN SPACE** Land that is part of a development that is designed and intended for the common use and enjoyment of the residents of the development, their visitors and the public and that may include such complementary structures and improvements as are necessary and appropriate for the development. Examples of such complementary structures and improvements include passive recreational facilities and/or open spaces, including walkways, courtyards, terraces, plazas, alleys, gazebos, fountains, sitting areas, gardens, pocket parks and other similar uses and structures clearly incidental and supportive of the residents, their visitors and the public. **CORE DOWNTOWN AREA** All properties located in the B-2 and P Public Lands Zone Districts which are located in the Tier 1, Phase 1 or Phase 2 and are located south of the southern right-of-way of Grand Street and bisecting Block 1001 as if the southern right-of-way line of Grand Street was extended in a westerly direction and within 250 feet east or west of the Park Avenue right-of-way extending to the northern right-of-way of East 2nd Street and Westfield Avenue and as illustrated on Exhibit B.[2] **GREEN DESIGN STANDARDS** The protection of the natural environment is a key element to Scotch Plains' overall redevelopment efforts. It is strongly encouraged that the use of green building technologies be incorporated into all aspects of the project design. Green building (also known as "green construction" or "sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from initial planning to siting to design, construction, operation, maintenance, renovation, and demolition. [2] Editor's Note: Exhibit B is on file in the Township offices.

**d. Permitted primary uses:**

**1. Mixed-use structures combining retail business establishments or personal service establishments on the ground floor or upper floors and containing a nonresidential use that is enumerated and permitted pursuant to § 23-3.11 (B-2 Zone) of the Township of Scotch Plains Ordinances for all properties located in the B-2 Business Zone District with inclusionary apartments on the upper floors. Residential dwelling units are prohibited on the first floor.**

**2. Multifamily apartments. Residential units are prohibited on the first floor.**

**3. Townhouses.**

**4. The underlying zoning for all properties in Tier II, Phase 4 and Phase 5 in accordance with Chapter 23, Zoning, shall remain in place.**

**e. Permitted secondary uses:**

**1. Secondary uses enumerated in § 23-3.11 (B-2 Zone) shall be permitted on all properties located in the B-2 Zone and P Public Zone.**

**2. Uses associated with multifamily residential apartment uses and mixed-use developments as follows:** (a) Common open space as defined under § 23-10.4.c. (b) Structured multi-level parking garages, provided that any structured parking is enclosed with the same building materials and finishes used for the main portion of the mixed-use or multifamily residential building. (c) Amenities ancillary to multifamily residential and mixed-use developments, such as lobbies, fitness centers, storage areas for the residents of the multifamily buildings, and common area meeting rooms for the residents of the building.

**f. Height, area, and bulk requirements for mixed-use and multifamily apartment buildings. Item**

B-2 Zone District (a) Maximum density 15 DU/acre (b) Minimum lot area — (c) Minimum lot width — Minimum lot frontage — (d) Minimum lot depth — (e) Maximum building coverage 80% (f) Maximum impervious lot coverage 90% (g) Maximum buildings height - Core Downtown Area 4 stories and 50 feet, provided that the 4th story shall be stepped back 10 feet from the front building wall (h) Maximum building height - all properties not located in the Core Downtown Area 3 stories and 45 feet (i) Common open space as defined under § 23-10.3.c 10% of the gross lot area as applicable and as further specified under § 23-10.3.c (j) Minimum front yard setback (for buildings 3 stories or less) 10 feet (k) Minimum front yard setback (for buildings greater than 3 stories) 15 feet (l) Minimum side yard setback - one side (for buildings 3 stories or less) 0 feet (m) Minimum side yard setback - both sides (for buildings 3 stories or less) 15 feet (n) Minimum side yard setback - one side (for buildings greater than 3 stories) 10 feet (o) Minimum side yard setback - both sides (for buildings greater than 3 stories) 25 feet (p) Minimum side yard setback - Corner Lot 10 feet (q) Rear yard setback 30 feet Notes: 1 The distance from the existing surface grade elevation to the flood hazard area design flood elevation as defined by N.J.A.C. 7:13 NJDEP Flood Hazard Area Control Act Rules shall not count towards the maximum building height requirements.



**g. Multifamily and mixed-use residential design requirements.**

**1. Residential (apartment) uses or offices may occupy the second or third floor (or the fourth floor where permitted) of a building.** Separate and discrete entrances for each use shall be provided to the street level. There shall be no mixed uses (apartments and offices or commercial uses) on any floor.

**2. Three-bedroom or greater market-rate apartment dwelling units are prohibited.**

**3. The minimum gross square footage of the commercial floor area on the ground or first floor of any mixed-use building shall be no less than 20% of the gross floor area of the largest floor of the building on any level.** The commercial space and its primary entrance shall be oriented to and located along the street frontage of the property.

**4. Wherever a multifamily apartment building or mixed-use building is on a lot which abuts a residence zone,** a ten-foot-wide landscaped buffer area shall be provided adjacent to the residential use or zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaping materials of such species and sizes so as to preclude any detrimental effect upon the adjacent residence zone.

**5. In order to maintain a vibrant downtown for all residents of the Township of Scotch Plains,** only mixed-use developments as defined in this section shall be permitted to be constructed within the Core Downtown Area as defined under § 23-10.4.c (Exhibit B) or on any property that contains frontage along Park Avenue, East 2nd Street or Westfield Avenue as shown on Exhibit A.

**h. Townhouse design requirements.**

**1. A minimum of four townhouses and a maximum of six townhouses shall be located in** the same building.

**2. No more than two contiguous townhouse dwelling units shall be located on the same setback** line.

**3. Variations in front setbacks between contiguous townhouse dwelling units shall not be less** than one foot.

**4. All townhouse units shall have an individual backyard. Each townhouse unit backyard is** required to be separated from the adjacent unit's yard by a solid fence or wall. Fences shall not exceed six feet in height.

**5. All townhouse units shall front on and have their main entrance located extending from the** public right-of-way.

**6. Off-street parking shall be located in the rear of the townhouse unit. Parking in the front yard** and garages located in the front of townhouse units are prohibited.

**7. A private driveway shall be provided along the rear of a row of townhomes in order to permit vehicles to access the rear of the townhouse units. A six-foot-high solid fence shall be provided along the rear property line/driveway to screen the cars from neighboring properties. If the driveway is designed to be wide enough to accommodate parking spaces along one side while still providing safe circulation, those parking spaces are permitted to count towards the minimum parking spaces required for the project.**

**8. Parking and access driveway requirements for the townhouse units shall comply with the Residential Site Improvement Standards (RSIS) and shall be set back a minimum of five feet from all property lines.**

**9. Every townhouse unit shall have a garage. Individual townhouse unit garages shall be permitted in the rear of townhouse units, either attached to the principal structure or as an accessory structure.**

**10. The affordable units, which are part of any townhouse project, may be constructed within multifamily building(s) or stacked townhouses that are designed to give the appearance of a townhouse unit from the street.**

**11. The minimum distance between townhouse buildings front to front, or front to rear shall be 50 feet. The minimum distance end to end or front to side shall be 20 feet. The nearest point of any townhouse building shall be a minimum of 15 feet from edge of pavement of any access roadway or parking space.**

**12. The minimum gross ground floor area for a townhouse unit shall be 900 square feet.**



**13. Permitted accessory uses, buildings and structures shall include the following: (a)**

Covered and uncovered patios and decks associated with individual townhouse units. (b) Individual and common mailboxes. (c) Signage. (d) Private garages shall not exceed 16 feet in height. (e) HVAC units, utility cabinets/controllers, emergency generators. (f) All accessory uses and structures shall comply with the principal permitted uses building setback requirements. (g) All accessory uses and structures shall comply with the principal permitted uses and building setback requirements, with the exception of (b), (c) and (e) above.

**i. Open space and amenity requirements.**

**1. Common open space area, as defined under § 23-10.4.c that is a minimum of 10% of** the gross lot area shall be provided for all mixed-use or residential projects that are three stories or greater. The following projects are exempt from these common open space requirements: (a) Any project that does not have a residential use is exempt from the common open space and amenity requirements. (b) Common open space as defined under § 23-10.4.c shall not be required for any development that is located on a property that is less than 0.40 acre (15,246 square feet). (c) Common open space as defined under **§ 23-10.4.c shall not be required for any development containing four or fewer residential dwelling units.**

**2. Common open space areas shall be provided on the property and shall be predominantly** located in the front yard; however they may extend into any yard or setback area. The common open space shall be safely and properly connected to the public sidewalk and shall be barrier-free.

**3. Common open space areas shall be improved and maintained by the property owner or** association in perpetuity with provisions to be included in a developer's agreement or board resolution.

**4. In all mixed-use developments, the common open space shall be designed as an extension of** the commercial use and the streetscape.

**5. Amenity space.** A multifamily or mixed-use development containing 10 or more total residential units shall dedicate a minimum of 15% of the gross floor area of the largest floor on any level for residential amenities, including but not limited to club rooms, multipurpose rooms, and lobbies with seating areas. The amenities may be located on any building level, provided that the amenities are accessible to all residents of the project. Such amenities shall be in addition to required commercial space for mixed-use developments.

**j. Parking regulations.**

**1. Off-street parking spaces shall be permitted in a floor constructed below grade or on** the ground floor of a building, provided that such parking spaces are enclosed in a garage and not visible from the street or neighboring properties. Additional structured parking shall be permitted on the second story, provided that the structured parking is located in the rear of the building, with residential units or commercial spaces fronting on the street.

**2. A level constructed below grade for parking and only incidentally for other permitted building** facilities shall not be considered a story for height purposes when the average height of the below grade level as measured around the perimeter of the exterior of the lower level is not extending above the finished grade by more than four feet.

**3. Structured parking garages shall be constructed with the same type of building materials and** finishes as the main portion of the building.

**4. Tandem parking is prohibited.**

**5. All required parking spaces shall be provided on-site, unless the developer can** provide a written lease agreement for off-site parking that is within 1,000 feet of the subject property, subject to the requirements below: (a) A contract with a minimum thirty-year period is in place with the subject property; and (b) The contract reflects that, in consideration of maintaining contractually obligated parking, future changes to the property on which parking is provided will be subject to review by the Board; and (c) The contract is recorded with the county prior to the issuance of a development permit.

**6. Minimum required off-street parking spaces. The minimum number of off-street parking** spaces shall comply with the Residential Site Improvement Standards (RSIS) for all residential uses and the applicable Township ordinances for all nonresidential uses.

**k. Complete Streets and streetscape. On January 16, 2018, the Township of Scotch Plains** adopted a Complete Streets Policy through Resolution 2018-34. This resolution states that Complete Streets practices and principles shall be a standard part of everyday operations. In order to be consistent with the intent and purpose of this policy and to accommodate the increased pedestrian traffic caused by the increase in density, all new construction projects shall comply with the Complete Streets requirements. At the time of preliminary site plan application, the applicant and/or applicant's professionals shall address how these measures are being addressed, or why their project site cannot reasonably address the Complete Streets requirements to the satisfaction of the Board Engineer and Planner.

**I. Incentive zoning.** In order to further incentivize the redevelopment and revitalization of its downtown, the Township on its own will permit an increased residential density of up to 22.5 dwelling units per acre (22.5 units/acre), subject to the project satisfying all of the following conditions without the right to request bulk (c variance) relief from any of the following requirements from the Planning Board. No project shall be granted a residential density bonus unless all seven standards are fully satisfied as part of the development:

**1. An additional 5% of the gross lot area shall be dedicated and constructed as open space for** all projects with a gross lot area of 1.0 acre or greater. This additional 5% of open space is to be provided in addition to the common open space that is required in § 23-10.4.i. This additional 5% of open space can be a separately designed open space area from the common open space required under § 23-10.3. All open space areas may be located within building setbacks. The design and location of all open space areas shall be approved by the Planning Board.

**2. The minimum square footage of the market-rate units shall be 600 square feet for a studio** apartment, 700 square feet for a one-bedroom market-rate unit and 850 square feet for a two-bedroom market-rate unit. All developments shall have a mixture of market-rate bedroom units in addition to satisfying the affordable housing bedroom distribution requirements, and no development shall have more than 10% of the total market-rate units be studio apartments.

**3. The project shall satisfy the off-street parking requirements as specified under § 23-10.4.j.**

**4. All building elevations are constructed with the same architectural style and** incorporate upscale building materials on all building elevations. The use of vinyl siding and EIFS shall be prohibited.

**5. A 20% inclusionary affordable housing setaside shall be required, regardless of whether the** project is rental or for-sale.

**6. The developer shall incorporate Green Design Standards as defined in this ordinance into the project, subject to review and approval by the Planning Board.**

**7. All dwelling units shall be constructed to the standards as outlined in the National Fire Protection Association (NFPA) 13 fire protection codes.**

**m. Affordable housing requirements. All projects which consist of five or more new residential units shall comply with the requirements of the Township Affordable Housing Ordinance No. 2018-33, and any additional or supplemental state or federal regulations.**

**1. For projects which consist of five or more new residential units, no fewer than 20% of for-sale units or 15% of for-rental units constructed shall be set aside as units affordable to very-low-, low-, and moderate-income households.**

**2. Income distribution. The income distribution for the affordable units in each project shall be as follows: no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.**

**3. Bedroom mix. At least 20% of the affordable units in each project shall be three-bedroom units; no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.**

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low-, or moderate-income affordable units for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.**

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed-restriction period. The developer/owner and its administrative agent shall enable the Township to comply with the affordable housing monitoring requirements of the court.**

**§ 23-10.5 Downtown Affordable Housing Overlay Zone - Tier 3. [Added 8-18-2020 by Ord. No. 2020-11]**

**a. Intent and purpose.**

**1. The intent and purpose of the Tier 3 Affordable Housing Overlay Zone District is to**

provide for the continued redevelopment of the downtown and address the Township's unmet affordable housing obligation, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH"), the settlement agreement entered into between the Township of Scotch Plains, Fair Share Housing Center ("FSHC"), Lamberts Mill, Amberg, ATA Developers, and SP Reserve on January 15, 2018 (hereinafter "settlement agreement"), and the court order approving same, which was entered by the court on April 20, 2018, after a properly noticed fairness hearing, and the Township's conditional declaratory judgment of compliance and repose entered by the Superior Court of New Jersey on January 9, 2019, and filed by the court on January 11, 2019, which approved the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan to comply with the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine.

**2. Downtown revitalization. The Township of Scotch Plains has made a long-standing**

commitment to creating a vibrant downtown community by balancing jobs, housing, recreation, and commercial opportunities that make it a destination for residents and nonresidents alike. Scotch Plains has demonstrated this commitment through a legislative history focused on the downtown area in a series of Master Plan documents dating back to 1976, and through the preparation of numerous planning studies dating back to 1984. Recently, the Township has renewed its focus on downtown revitalization to comply with its affordable housing settlement and bring downtown into 21st Century development. This overlay ordinance shall contribute to the revitalization of the downtown through: (a) Incentivizing redevelopment through increased density to help develop a critical mass of residents and shoppers needed for a successful and sustainable downtown; (b) Focusing on mixed-use development that will promote economic development leading to additional tax ratables, new jobs, and growth opportunities to the benefit of the Scotch Plains community; (c) Increasing the walkability of the downtown by incentivizing multi-modal transportation options, including bicycle, pedestrian, and public transit, therefore reducing the need for cars and associated parking spaces.



**b. Applicability. The Downtown Affordable Housing Overlay Zone - Tier 3 shall be applied to the** following properties and as mapped on Exhibit A.[1] Any discrepancies between the properties listed under § 23-3.2a.46 or § 23-10.5.b and Exhibit A, Exhibit A shall take precedence. The Official Zoning Map of the Township of Scotch Plains is hereby amended in accordance with the foregoing and is incorporated by reference. Block Lot Address Zone 101

**1.01 375 TERRILL ROAD B-2 101 2 1509 FRONT ST B-2 101 4 363 TERRILL RD B-2 101 5**  
1508 GABLES ST B-2 101 6 1514 GABLES ST B-2 101 10 1513 GABLES ST B-2 101 11 349  
TERRILL ROAD B-2 101 12 347 TERRILL ROAD B-2 101 13 345 TERRILL ROAD B-2 101 17  
325 TERRILL ROAD REAR B-2 101 18 325 TERRILL ROAD B-2 201 22 401 TERRILL ROAD  
B-2 201

**23.01 1508 FRONT STREET B-2 201**

**23.02 425 TERRILL ROAD B-2 203**

**3.01 445 TERRILL ROAD B-2 203**

**3.02 451 TERRILL ROAD B-2 204 5 475 TERRILL ROAD B-2 301 2 1520 EAST SECOND ST**  
B-2 301 3 514 MARTIN PLACE B-2 301 4 505 TERRILL ROAD B-2 301 5 511 TERRILL  
ROAD B-2 301 7 519 TERRILL ROAD B-2 301 8 521 TERRILL ROAD B-2 301 9 525  
TERRILL ROAD B-2 301 10 529 TERRILL ROAD B-2 301 11 531 TERRILL ROAD B-2 301 12  
535 TERRILL ROAD B-2 301 13 REAR OF 520 MARTIN PLACE B-2 301 14 520 MARTIN  
PLACE B-2 [1] Editor's Note: Exhibit A is on file in the Township offices.



**c. Definitions. As used in this § 23-10.5, the following terms shall have the meanings indicated:**

**COMMON OPEN SPACE** Land that is part of a development that is designed and intended for the common use and enjoyment of the residents of the development, their visitors and the public and that may include such complementary structures and improvements as are necessary and appropriate for the development. Examples of such complementary structures and improvements include passive recreational facilities and/or open spaces, including walkways, courtyards, terraces, plazas, alleys, gazebos, fountains, sitting areas, gardens, pocket parks and other similar uses and structures clearly incidental and supportive of the residents, their visitors and the public.

**CORE DOWNTOWN AREA** All properties located in the B-2 and P Public Lands Zone Districts which are located in the Tier 1, Phase 1 or Phase 2 and are located south of the southern right-of-way of Grand Street and bisecting Block 1001 as if the southern right-of-way line of Grand Street was extended in a westerly direction and within 250 feet east or west of the Park Avenue right-of-way extending to the northern right-of-way of East 2nd Street and Westfield Avenue and as illustrated on Exhibit B.[2]

**GREEN DESIGN STANDARDS** The protection of the natural environment is a key element to Scotch Plains' overall redevelopment efforts. It is strongly encouraged that the use of green building technologies be incorporated into all aspects of the project design. Green Building (also known as "green construction" or "sustainable building") is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from initial planning to siting to design, construction, operation, maintenance, renovation, and demolition.

[2] Editor's Note: Exhibit B is on file in the Township offices.

**d. Permitted primary uses:**

**1. Mixed-use structures combining retail business establishments or personal service establishments on the ground floor or upper floors and containing a nonresidential use that is enumerated and permitted pursuant to § 23-3.11 (B-2 Zone) of the Township of Scotch Plains Ordinances for all properties located in the B-2 Business Zone District, with inclusionary apartments on the upper floors. Residential dwelling units are prohibited on the first floor.**

**2. Multifamily apartments. Residential units are prohibited on the first floor.**

**3. Townhouses.**

**4. The underlying zoning for all properties in Tier III, Phase 6 and Phase 7 in accordance with Chapter 23, Zoning, shall remain in place.**

**e. Permitted secondary uses:**

**1. Secondary uses enumerated in § 23-3.11 (B-2 Zone) shall be permitted on all properties located in the B-2 Zone and P Public Zone.**

**2. Uses associated with multifamily residential apartment uses and mixed-use developments as follows: (a) Common open space as defined under § 23-10.5.c. (b) Structured multi-level parking garages, provided that any structured parking is enclosed with the same building materials and finishes used for the main portion of the mixed-use or multifamily residential building. (c) Amenities ancillary to multifamily residential and mixed-use developments, such as lobbies, fitness centers, storage areas for the residents of the multifamily buildings, and common area meeting rooms for the residents of the building.**

**f. Height, area, and bulk requirements for mixed-use and multifamily apartment buildings. Item**

B-2 Zone District (a) Maximum density 12 DU/acre (b) Minimum lot area — (c) Minimum lot width — Minimum lot frontage — (d) Minimum lot depth — (e) Maximum building coverage 80% (f) Maximum impervious lot coverage 90% (g) Maximum buildings height - Core Downtown Area 4 stories and 50 feet, provided that the 4th story shall be stepped back 10 feet from the front building wall (h) Maximum building height - all properties not located in the Core Downtown Area 3 stories and 45 feet (i) Common open space as defined under § 23-10.5.c 10% of the gross lot area as applicable and as further specified under § 23-10.5.c (j) Minimum front yard setback (for buildings 3 stories or less) 10 feet (k) Minimum front yard setback (for buildings greater than 3 stories) 15 feet (l) Minimum side yard setback - one side (for buildings 3 stories or less) 0 feet (m) Minimum side yard setback - both sides (for buildings 3 stories or less) 15 feet (n) Minimum side yard setback - one side (for buildings greater than 3 stories) 10 feet (o) Minimum side yard setback - both sides (for buildings greater than 3 stories) 25 feet (p) Minimum side yard setback - corner lot 10 feet (q) Rear yard setback 30 feet Notes: 1 The distance from the existing surface grade elevation to the flood hazard area design flood elevation as defined by N.J.A.C. 7:13 NJDEP Flood Hazard Area Control Act Rules shall not count towards the maximum building height requirements.





**g. Multifamily and mixed-use residential design requirements.**

**1. Residential (apartment) uses or offices may occupy the second or third floor (or the fourth floor where permitted) of a building.** Separate and discrete entrances for each use shall be provided to the street level. There shall be no mixed uses (apartments and offices or commercial uses) on any floor.

**2. Three-bedroom or greater market-rate apartment dwelling units are prohibited.**

**3. The minimum gross square footage of the commercial floor area on the ground or first floor of any mixed-use building shall be no less than 20% of the gross floor area of the largest floor of the building on any level.** The commercial space and its primary entrance shall be oriented to and located along the street frontage of the property.

**4. Wherever a multifamily apartment building or mixed-use building is on a lot which abuts a residence zone,** a ten-foot-wide landscaped buffer area shall be provided adjacent to the residential use or zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaping materials of such species and sizes so as to preclude any detrimental effect upon the adjacent residence zone.

**5. In order to maintain a vibrant downtown for all residents of the Township of Scotch Plains,** only mixed-use developments as defined in this ordinance shall be permitted to be constructed within the Core Downtown Area as defined under § 23-10.5.c (Exhibit B[3]) or on any property that contains frontage along Park Avenue, East 2nd Street or Westfield Avenue as shown on Exhibit A.[4] [3] Editor's Note: Exhibit B is on file in the Township offices. [4] Editor's Note: Exhibit A is on file in the Township offices.

**h. Townhouse design requirements.**

**1. A minimum of four townhouses and a maximum of six townhouses shall be located in the same building.**

**2. No more than two contiguous townhouse dwelling units shall be located on the same setback line.**

**3. Variations in front setbacks between contiguous townhouse dwelling units shall not be less than one foot.**

**4. All townhouse units shall have an individual backyard. Each townhouse unit backyard is required to be separated from the adjacent unit's yard by a solid fence or wall. Fences shall not exceed six feet in height.**

**5. All townhouse units shall front on and have their main entrance located extending from the public right-of-way.**

- 6. Off-street parking shall be located in the rear of the townhouse unit. Parking in the front yard and garages located in the front of townhouse units are prohibited.**
- 7. A private driveway shall be provided along the rear of a row of townhomes in order to permit vehicles to access the rear of the townhouse units. A six-foot-high solid fence shall be provided along the rear property line/driveway to screen the cars from neighboring properties. If the driveway is designed to be wide enough to accommodate parking spaces along one side while still providing safe circulation, those parking spaces are permitted to count towards the minimum parking spaces required for the project.**
- 8. Parking and access driveway requirements for the townhouse units shall comply with the Residential Site Improvement Standards (RSIS) and shall be set back a minimum of five feet from all property lines.**
- 9. Every townhouse unit shall have a garage. Individual townhouse unit garages shall be permitted in the rear of townhouse units, either attached to the principal structure or as an accessory structure.**
- 10. The affordable units, which are part of any townhouse project, may be constructed within multifamily building(s) or stacked townhouses that are designed to give the appearance of a townhouse unit from the street.**
- 11. The minimum distance between townhouse buildings front to front or front to rear shall be 50 feet. The minimum distance end to end or front to side shall be 20 feet. The nearest point of any townhouse building shall be a minimum of 15 feet from edge of pavement of any access roadway or parking space.**
- 12. The minimum gross ground floor area for a townhouse unit shall be 900 square feet.**

**13. Permitted accessory uses, buildings and structures shall include the following: (a)**

Covered and uncovered patios and decks associated with individual townhouse units. (b) Individual and common mailboxes. (c) Signage. (d) Private garages shall not exceed 16 feet in height. (e) HVAC units, utility cabinets/controllers, emergency generators. (f) All accessory uses and structures shall comply with the principal permitted uses building setback requirements. (g) All accessory uses and structures shall comply with the principal permitted uses and building setback requirements, with the exception of (b), (c) and (e) above.

**i. Open space and amenity requirements.**

**1. Common open space area as defined under § 23-10.5.c that is a minimum of 10% of the** gross lot area shall be provided for all mixed-use or residential projects that are three stories or greater. The following projects are exempt from these common open space requirements: (a) Any project that does not have a residential use is exempt from the common open space and amenity requirements. (b) Common open space as defined under § 23-10.5.c shall not be required for any development that is located on a property that is less than 0.40 acre (15,246 square feet). (c) Common open space as defined under **§ 23-10.5.c shall not be required for any development containing four or fewer residential dwelling units.**

**2. Common open space areas shall be provided on the property and shall be predominantly** located in the front yard; however, it may extend into any yard or setback area. The common open space shall be safely and properly connected to the public sidewalk and shall be barrier-free.

**3. Common open space areas shall be improved and maintained by the property owner or** association in perpetuity with provisions to be included in a developer's agreement or board resolution.

**4. In all mixed-use developments, the common open space shall be designed as an extension of** the commercial use and the streetscape.

**5. Amenity space.** A multifamily or mixed-use development containing 10 or more total residential units shall dedicate a minimum of 15% of the gross floor area of the largest floor on any level for residential amenities, including but not limited to club rooms, multipurpose rooms, and lobbies with seating areas. The amenities may be located on any building level, provided that the amenities are accessible to all residents of the project. Such amenities shall be in addition to required commercial space for mixed-use developments.

**j. Parking regulations.**

**1. Off-street parking spaces shall be permitted in a floor constructed below grade or on the ground floor of a building,** provided that such parking spaces are enclosed in a garage and not visible from the street or neighboring properties. Additional structured parking shall be permitted on the second story, provided that the structured parking is located in the rear of the building with residential units or commercial spaces fronting on the street.

**2. A level constructed below grade for parking and only incidentally for other permitted building facilities** shall not be considered a story for height purposes when the average height of the below grade level as measured around the perimeter of the exterior of the lower level is not extending above the finished grade by more than four feet.

**3. Structured parking garages shall be constructed with the same type of building materials and finishes as the main portion of the building.**

**4. Tandem parking is prohibited.**

**5. All required parking spaces shall be provided on-site, unless the developer can** provide a written lease agreement for off-site parking that is within 1,000 feet of the subject property, subject to the requirements below: (a) A contract with a minimum thirty-year period is in place with the subject property; and (b) The contract reflects that, in consideration of maintaining contractually obligated parking, future changes to the property on which parking is provided will be subject to review by the Board; and (c) The contract is recorded with the county prior to the issuance of a development permit.

**6. Minimum required off-street parking spaces. The minimum number of off-street parking** spaces shall comply with the Residential Site Improvement Standards (RSIS) for all residential uses and the applicable Township Ordinances for all nonresidential uses.

**k. Complete streets and streetscape. On January 16, 2018, the Township of Scotch Plains** adopted a Complete Streets Policy through Resolution 2018-34. This resolution states that Complete Streets practices and principles shall be a standard part of everyday operations. In order to be consistent with the intent and purpose of this policy and to accommodate the increased pedestrian traffic caused by the increase in density, all new construction projects shall comply with the Complete Streets requirements. At the time of preliminary site plan application, the applicant and/or applicant's professionals shall address how these measures are being addressed, or why their project site cannot reasonably address the Complete Streets requirements to the satisfaction of the Board Engineer and Planner.

**I. Incentive zoning.** In order to further incentivize the redevelopment and revitalization of its downtown, the Township on its own will permit an increased residential density of up to 18 dwelling units per acre (18 units/acre), subject to the project satisfying all of the following conditions without the right to request bulk (c variance) relief from any of the following requirements from the Planning Board. No project shall be granted a residential density bonus unless all seven standards are fully satisfied as part of the development:

**1. An additional 5% of the gross lot area shall be dedicated and constructed as open space for** all projects with a gross lot area of 1.0 acre or greater. This additional 5% of open space is to be provided in addition to the common open space that is required in § 23-10.5.i. This additional 5% of open space can be a separately designed open space area from the common open space required under § 23-10.5. All open space areas may be located within building setbacks. The design and location of all open space areas shall be approved by the Planning Board.

**2. The minimum square footage of the market-rate units shall be 600 square feet for a studio** apartment, 700 square feet for a one-bedroom market-rate unit and 850 square feet for a two-bedroom market-rate unit. All developments shall have a mixture of market-rate bedroom units in addition to satisfying the affordable housing bedroom distribution requirements, and no development shall have more than 10% of the total market-rate units be studio apartments.

**3. The project shall satisfy the off-street parking requirements as specified under § 23-10.5.j.**

**4. All building elevations are constructed with the same architectural style and** incorporate upscale building materials on all building elevations. The use of vinyl siding and EIFS shall be prohibited.

**5. A twenty-percent inclusionary affordable housing setaside shall be required, regardless of** whether the project is rental or for-sale.



**6. The developer shall incorporate Green Design Standards as defined in this ordinance into the project, subject to review and approval by the Planning Board.**

**7. All dwelling units shall be constructed to the standards as outlined in the National Fire Protection Association (NFPA) 13 fire protection codes.**

**m. Affordable housing requirements. All projects which consist of five or more new residential units shall comply with the requirements of the Township Affordable Housing Ordinance No. 2018-33, and any additional or supplemental state or federal regulations.**

**1. For projects which consist of five or more new residential units, no fewer than 20% of for-sale units or 15% of for-rental units constructed shall be set aside as units affordable to very-low-, low-, and moderate-income households.**

**2. Income distribution. The income distribution for the affordable units in each project shall be as follows: no more than 50% may be moderate-income units, at least 37% shall be low-income units and at least 13% shall be very-low-income units.**

**3. Bedroom mix. At least 20% of the affordable units in each project shall be three-bedroom units; no more than 20% of the affordable units in each project shall be efficiency and one-bedroom units; at least 30% of the affordable units in each project shall be two-bedroom units; the balance may be two- or three-bedroom units; at the discretion of the developer.**

**4. The developer shall have an obligation to deed restrict the affordable units as very-low-, low-, or moderate-income affordable units for a period of at least 30 years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the affordable units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.**

**5. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable unit requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance.**

**6. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the deed-restriction period. The developer/owner and its administrative agent shall enable the Township to comply with the affordable housing monitoring requirements of the court.**