

ORDINANCE NO.: 2017-51

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVIII, ENTITLED "UNIFIED DEVELOPMENT ORDINANCE", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD TO IMPLEMENT THE LAKEWOOD TOWNSHIP MASTER PLAN

WHEREAS the Lakewood Township Planning Board considered the adoption of a new master plan, entitled the "2017 Lakewood Township Master Plan", at public hearings on: September 5, 2017; September 6, 2017; September 12, 2017; September 13, 2017; October 3, 2017; and, October 25, 2017.

WHEREAS the Lakewood Township Planning Board adopted the 2017 Lakewood Township Master Plan on October 25, 2017.

WHEREAS the Land Use Element of the 2017 Lakewood Township Master Plan contained specific recommendations for amendments to Chapter XVIII, entitled "Unified Development Ordinance", of the revised general ordinances of Lakewood Township.

WHEREAS this ordinance contains amendments to Chapter XVIII that are specifically outlined in the Land Use Element of the 2017 Lakewood Township Master Plan.

WHEREAS in furtherance of the 2017 Lakewood Township Master Plan's recommendation that certain specific changes in zoning that would result in an increase in density in the area of the Township located south of Central Avenue, south of Cedarbridge Avenue, west of New Hampshire, north of Route 70, to the borders of Jackson Township and Toms River Township, and not including the non-contiguous cluster ordinance, are intended to be enacted by the Township Committee only when traffic improvement fees have been established through the township and all the following road segments as specified on page 38 of the 2017 Lakewood Township Master Plan have been sufficiently widened or dualized to minimize congestion to ensure that Cross Street, US Route 9, Pine Street, James Street, Prospect Street (Ocean County Route No. 628), and Massachusetts Avenue (Ocean County Route No. 637) are improved such that they operate at a minimum of "C" in terms of the level of service they provide along the entire roadway as determined by the Township Engineer and as defined by the Institute of Transportation Engineers. Such analysis shall evaluate the total traffic buildout including potential basement apartments. These Amendments shall not become effective until such time as an Amended Zoning Ordinance Map is adopted as a supplement to the Zoning Ordinance Map enacted herewith pursuant to this Ordinance, with said map to be prepared and adopted pursuant to Section 3(2) of this Ordinance only upon the completion of roadway improvements so as to minimize traffic congestion as set forth above.

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. Existing Section 18-807 of the Lakewood Township Code, entitled "Off-Street Parking, Loading and Circulation", Subsection B, which relates to parking requirements for business uses, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

- B. Business uses shall comply with the following standards, but in no case shall less than three (3) spaces be provided:
1. Retail trade or personal service establishments, other than in a shopping center of one-hundred thousand (100,000) square feet or more: one (1) space for each two hundred (200) square feet of gross floor area.
 2. Shopping center of one hundred thousand (100,000) square feet or more: one (1) space for each two hundred twenty-five (225) square feet of gross floor area.
 3. Business and professional offices and banks, other than medical or dental: one (1) space for each three hundred (300) square feet of gross floor area.
 4. Medical or dental office: one (1) space for each one hundred fifty (150) square feet of gross floor area.
 5. Community Based Health Care Facilities: one and one-quarter (1.25) spaces for every examination room.
 6. Wholesale trade establishments: one (1) space for each three hundred (300) square feet of sales floor or display area and one (1) space for every one-thousand (1,000) square feet devoted to the warehouse.
 7. Restaurants: one (1) space per fifty (50) square feet of floor area devoted to patron use.
 8. Theaters: one (1) space for each two (2) public seats.
 9. All nonresidential uses **below the third (3) floor/ level** in the B-2 zoning district are exempt from the parking requirements of this section.

SECTION 2. Existing Section 18-901(A) of the Lakewood Township Code, entitled "Establishment of Zoning Districts and Zoning Map", is hereby amended as follows (new text is **bold and underlined**; text to be deleted is ~~**bold and stricken through**~~):

A. The following zoning districts are hereby created and all land within the Township of Lakewood shall be placed in one of these districts by designation on a zoning map, as described below.

1. Agricultural (A-1)
2. Residential (R40)
3. Residential (R20)
4. Residential (R15)
5. Residential (R12)
6. Residential (R12A)
7. Residential (R10)
8. Residential (R7.5)
9. Multi-Family Residential (R-M)
10. Multi-Family Limited Residential (R-LM)
11. Public Housing (PH-1)
12. Office Transitional (OT)
13. Neighborhood Business (B-1)
14. Central Business (B-2)
15. Highway Business (B-3)
16. Wholesale Service (B-4)
17. Highway Development (B-5)

18. Highway Development (B-5A)
19. Highway Development (HD-6)
20. Highway Development (HD-7)
21. Residential Office Park (ROP)
22. ~~Open Space (OS) Zone~~ **Open Space and Preservation (OSP)**
23. Airport Hazard Zone (AHZ)
24. Cedarbridge Redevelopment Area (DA-1)
25. Industrial (M-1)
26. ~~Industrial (M-2)~~ **Reserved**
27. ~~Industrial Park Professional Service (PS)~~ **Reserved**
28. Industrial Park Limited Professional ~~Zone~~ **Service** (LP)
29. ~~Crystal Lake Preserve~~ **Reserved**
30. Corporate Campus/Stadium Support Zone (B-6)
31. Hospital Support (**HS**)
32. Single Family Residential (R-10A)
33. Airport Business Commercial (**ABC**)
34. Oak Street Core Neighborhood Overlay Zone-1 (**OSCN 1**)
35. Oak Street Core Neighborhood **Overlay** Zone-2 (**OSCN 2**)
36. ~~Reserved~~ **Cross and Prospect Street Core (CPSC) Overlay**
37. ~~Single Family Residential (R-12B)~~ **Reserved**
38. ~~Single Family Residential (R-12C)~~ **Public Purpose (PP) Overlay**
39. Single Family Residential (R-10B)

- 40. ~~Single Family Residential (R-12D)~~ Reserved
- 41. Single Family Residential (R-20A)
- 42. ~~Single Family~~ Reserved
- 43. ~~Reserved-~~ Residential Cluster (R-15/10 C)
- 44. Residential Cluster (R-20/12 C)
- 45. Residential Cluster (R-40/20 C)
- 46. Planned Development Non-Contiguous Cluster (PDNC)

Overlay

SECTION 3. Existing Section 18-901(B) of the Lakewood Township Code, entitled “Map and Interpretation”, is hereby repealed in its entirety and replaced with new Section 18-901(B), entitled “Zoning Map and Interpretation”, as follows:

- 1. The boundaries of these zoning districts are established on a map entitled “Zoning Map of the Township of Lakewood - 2017”, dated December 7, 2017, which accompanies this chapter and is incorporated herein.
 - a. Amendments to the Zoning Map:
 - (1) Reserved for future use.
- 2. The map entitled “Amended Zoning Map of the Township of Lakewood - 2017” and dated December 7, 2017 shall be adopted and replace the Zoning Map referred to above upon the completion of roadway improvements so as to minimize traffic congestion as recommended in the 2017 Lakewood Township Master Plan, and more specifically set forth above in the introductory “WHEREAS” clauses herein.

SECTION 4. Existing Section 18-902(B) of the Lakewood Township Code, entitled “Residential (R-40)”, Subsection 2, entitled “Conditional Uses (See Article X)”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

- 2. Conditional Uses (See Article X):
 - a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

- b. Congregate or Assisted Living and Nursing Care.
- c. Adult Communities. (See Section 18-1001).
- d. **Planned Unit Development (See Section 18-1021).**

SECTION 5. DELETED

SECTION 6. DELETED

SECTION 7. Existing Section 18-902(H) of the Lakewood Township Code, entitled "Multi-Family Residential (R-M)", Subsection 1, entitled "Permitted Uses", is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

- 1. Permitted Uses:
 - a. Single Family Detached Housing.
 - b. Two Family and Duplex Housing.
 - c. Multi-Family Housing.
 - d. Townhouses (**Notwithstanding Notwithstanding** the definition of townhouse in this Chapter, for the purposes of this section, any townhouse with a basement should be considered two (2) units.)
 - e. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 4 below.)
 - f. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.
 - g. Planned Educational Campus in those areas identified on the Zoning Map for RM (except for the DA-1 (Cedar Bridge Redevelopment Area), M-1 (Industrial), **M-2 (Industrial), PS (Industrial Park Professional Service)**, LP (Industrial Park Limited Professional), AHZ (Airport Hazard Zone), **Open Space and Preservation (OSP) O-S (Open Space), CLP (Crystal Lake Preserve)**, A-1 (Agricultural-Rural), and PH-1 (Public Housing), B-6 (Stadium Support Zone) where a Planned Educational Campus will not be permitted) and in accordance with the bulk standards and requirements of Section 902H.6.

SECTION 8. Existing Section 18-902(H) of the Lakewood Township Code, entitled "Multi-Family Residential (R-M)", Subsection 2, entitled "Conditional Uses", is

hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

2. Conditional Uses (See Article X)
 - a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.
 - b. **Mixed Use Development—Cross Street Core in accordance with the standards set forth in Section 18-1022.**

SECTION 9. Existing Section 18-902(L) of the Lakewood Township Code, entitled “Single Family Residential (R-10A)”, Subsection 2, entitled “Conditional Uses”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

2. Conditional Uses: (See Article X)
 - a. Public buildings of a governmental or cultural nature but not including warehouse and workshops.
 - b. **Mixed Use Development—Oak Street Core in accordance with the standards set forth in Section 18-1023.**

SECTION 10. Existing Section 18-902(M) of the Lakewood Township Code, entitled “Oak Street Core Neighborhood Overlay Zone”, Subsection 1, entitled “Purpose”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

1. Purpose: The Oak Street Core Neighborhood Overlay Zone~~1~~ is intended to provide an optional development technique for residential and school development consistent with the surrounding area, offer a sufficient buffer to existing neighborhoods and provide a new north-south pedestrian-oriented linkage from Pine Street to Oak Street.

SECTION 11. Existing Section 18-902(M) of the Lakewood Township Code, entitled “Oak Street Core Neighborhood Overlay Zone”, Subsection 2, entitled “Location”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

2. Location: The underlying zones for the Oak Street Core Neighborhood Overlay Zone are the **M-2 Industrial R-20** and **~~R-40/20~~ R-40/20 C** Residential Zones. The Overlay Zone consists of the following blocks: 824, 824.01, 825, 828, 829, 830, and 853 and is generally located south of Pine Street and west of Albert Avenue. The area contains a number of paper streets some of which will be vacated.

SECTION 12. Existing Section 18-902(M) of the Lakewood Township Code, entitled "Oak Street Core Neighborhood Overlay Zone", Subsection 3, entitled "Unified Development", is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

3. Unified Development: To achieve the goals of the Oak Street Core Neighborhood Overlay Zone~~-1~~, it is critical that development of the permitted uses in the zone occurs in a unified or overall manner. Piecemeal development is discouraged.

SECTION 13. Existing Section 18-902(M) of the Lakewood Township Code, entitled "Oak Street Core Neighborhood Overlay Zone" is hereby amended to be retitled as "Oak Street Core Neighborhood Overlay Zone-1".

SECTION 14. Existing Section 18-902(N) of the Lakewood Township Code, entitled "Oak Street Core Neighborhood Overlay Zone-2", Subsection 2, entitled "Location", is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

2. Location. The underlying zone for the Oak Street Core Neighborhood Overlay Zone-2 is the **~~R-40/20~~ R-40/20 C** Residential Zone. The Overlay Zone consists of the following blocks: 795, 800, 802, 803, 804, 805, 806.01, 821, 822, 823, and 830 and is generally located south of Pine Street and west of Albert Avenue. The area contains a number of paper streets, some of which will be vacated.

SECTION 15. Existing Section 18-902(O) of the Lakewood Township Code, entitled "Single Family Residential (R-12B)", is hereby repealed in its entirety. Section 18-902(O) of the Lakewood Township Code shall be reserved for future use.

SECTION 16. Existing Section 18-902(P) of the Lakewood Township Code, entitled "Single Family Residential (R-12C)", is hereby repealed in its entirety. Section 18-902(P) of the Lakewood Township Code shall be reserved for future use.

SECTION 17. Existing Section 18-902(Q) of the Lakewood Township Code, entitled “Single Family Residential (R-10B)”, is hereby repealed in its entirety and reestablished herein with no amendments as new Section 18-902(Q).

SECTION 18. Existing Section 18-902(R) of the Lakewood Township Code, entitled “Single Family Residential (R-12D)”, is hereby repealed in its entirety. Section 18-902(R) of the Lakewood Township Code shall be reserved for future use.

SECTION 19. Existing Section 18-902(S) of the Lakewood Township Code, entitled “Single Family Residential (R-20A)”, is hereby repealed in its entirety and reestablished herein with no amendments as new Section 18-902(S).

SECTION 20. Existing Section 18-903(F) of the Lakewood Township Code, entitled “Highway Development Zone (B-5A)”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is ~~**bold and stricken-through**~~):

1. Permitted Uses:
 - a. All uses permitted in the B-5 zone.
 - b. Multifamily residential, which may include two (2) family and duplex housing.
2. Design Regulations:
 - a. Multifamily dwellings shall be permitted in accordance with the standards set for multifamily dwellings located in the B-2 zone as to all criteria, except density. Maximum density for multi-family dwellings shall be limited to seventeen (17) units per acre.
 - b. All other permitted uses shall comply with the standards of the B-5 zone.
 - c. Ingress and egress to new multifamily dwelling units located in the area of the B-5A (Highway Development Zone) district that is located between N.J. Highway Route 70 and Chestnut Street shall be only to and from NJ Route 70 and not permitted from Chestnut Street when the B-5A zoning is being used as a basis for development.

SECTION 21. Existing Section 18-903(J) of the Lakewood Township Code, entitled “Crystal Lake Preserve (CLP)”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is ~~**bold and stricken-through**~~):

J. ~~Crystal Lake Preserve (CLP)~~ Open Space and Preservation (OSP)

1. Permitted Uses:
 - a. Single Family Residential Dwellings
 - b. Public Open Space and Parks
2. Design Regulations:
 - a. Minimum Lot Size – 3 acres.
 - b. Lot Width – 200 feet.
 - c. Front Yard Setback – 50 feet.
 - d. Side Yard Setback – 15 feet with an aggregate of 40 feet.
 - e. Rear Yard Setback – 20 feet.
 - f. Maximum Building Coverage – 10%.
 - g. Maximum Building Height – 30 feet.
 - h. Accessory Building:
 - (1) Side yard – 10 feet.
 - (2) Rear yard – 10 feet.

SECTION 22. Existing Section 18-903(M) of the Lakewood Township Code, entitled “Industrial Zone (M-1)”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is ~~**bold and stricken-through**~~):

1. Permitted Uses:
 - a. Research and development.
 - b. Lumber yards and other similar establishments for the bulk storage of building materials, plumbing and electrical supplies or electrical or home appliances.
 - c. Warehouses and terminal facilities.

- d. Manufacturing, compounding, processing, packaging or treatment of beverages, food, candy, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, plastics, toilet articles and similar products.
- e. Metal works or machine shops, welding shops, excluding drop hammers.
- f. Airports.
- g. Laundry, cleaning and dyeing works, carpet and rug cleaning.
- h. Public utility uses such as public utility repair and maintenance yards, storage facilities, depots, stations, classification yards, road houses, and plants for the production of energy, other than those which use atomic energy.
- i. Printing, photographic reproduction or the manufacture of equipment or supplies therefore.
- j. Automobile assembly plants.
- k. Metallurgical processes and/or precious metal recycling and manufacturing.
- l. Manufacture or assembly of:
 - (1) Aluminum or aluminum alloy products or equipment.
 - (2) Vending machines.
 - (3) Wood products, furniture, or cabinets.
 - (4) Cartons, glass containers, wooden or metal containers.
 - (5) Novelties, toys and paper products of all kinds.
 - (6) Aviation equipment, accessories or aircraft control equipment.

- (7) Electronics equipment, electronics parts, components or electrical machinery and equipment, except wherein atomic or radioactive power or materials is used in the manufacturing process.
- (8) Radio, telephone, or other communication equipment or parts thereof.
- (9) Pools, playground equipment, athletic equipment, and all types of sporting goods including firearms.
- (10) Restaurant or bar equipment or supplies.
- (11) Boats, nautical equipment, diving gear, water sports equipment of all types.
- (12) Embroidery, lace, clothing or wearing apparel of all kinds including footwear.
- (13) Glassware, cement products, china or tile.
- (14) Burial supplies, markers, monuments, vaults, urns or ornamental equipment in connection therewith.
- (15) Carpets, rugs, drapes, textiles or synthetic tiles.
- (16) Cotton or wool products or other manufactured fibrous products.
- (17) Cosmetics, ointments, beauty products or creams.
- (18) Optical instruments or supplies.
- (19) Musical instruments or supplies.
- (20) Doors, windows, and sash or trim for building construction.
- (21) Elevators or elevator equipment.
- (22) Poultry feed or poultry equipment or supplies.
- (23) Lamps and electrical fixtures of all kinds.

- (24) Clocks and timepieces.
- (25) Plumbing, heating or air conditioning supplies or equipment.
- (26) Electrical power tools.
- m. **Quasi-public and private educational facilities. Public and private schools in accordance with the requirements of Section 18-906 and the additional design regulations in Section 18-903(M)8, below.**
- n. Publishing companies.
- o. Office buildings.
- p. Bottling plants.
- q. Cold storage warehouses.
- r. Hotels and motels.
- s. Enameling or electroplating.
- t. Facilities for on-site provision of health and human services, including spas, gyms, health clubs and like facilities.
- u. The finishing or assembling of articles made from previously prepared or refined materials, such as bone, cellulose, cork, feather, canvas, cloth, fiber, fur, glass, plastics, guns, textiles, leaf products, wax, and wood.
- v. Scientific or research laboratories devoted to research, design, or experimentation and processing and fabricating incidental thereto.
- w. Restaurants.
- x. United States governmental postal services, all phases.
- y. Telephone and telegraph companies including ancillary offices.

- z. Manufacture of chemicals and chemical products when such manufactured products are manufactured under control so as to assure against poisonous or unstable or hazardous chemicals or components kept or used in such manner as may tend to create a public nuisance or danger or tend to start a conflagration.

2. Additional Permitted Uses

- a. Offices and Administrative buildings situated on the site of any industrial use above set forth in connection with the operation of or the administration of the permitted use.
- b. Residential apartments or dwellings for the occupancy of guards, watchmen or other plant or factory personnel that must be in residence on the premises for the maintenance and protection or administration of the principal use. No more than one such apartment or dwelling shall be permitted. Provided, however, that such facilities shall not be utilized by or for general workers, administrative or executive personnel, or for any residential use not related to the maintenance, protection, or administration of the principal permitted use.
- c. Showroom or retail sales departments for the exhibition or retail sale of products manufactured by the principal use on the premises.
- d. Restaurant and kitchen facilities for the use of plant personnel and business invitees with no outside advertising of such facilities to the public.
- e. Advertising signs advertising the principal use subject to the restrictions otherwise set forth in the zoning ordinances of the Township for advertising signs.
- f. Garages and maintenance shops for vehicles used in connection with the operation of the principal use.
- g. Loading platforms, railroad sidings or other depots used in connection with the operation of the principal use.
- h. Radio towers or other electronic transmissions or reception devices necessary in connection with the operation of the

principal use subject to the height limitations on structures in the industrial zone.

- i. Executive offices as headquarters for principal use.
- j. Outdoor storage areas as an ancillary use to a principal permitted use provided that adequate provisions are made for screening, lighting and security, where necessary.
- k. Wireless telecommunications towers and antennas, subject to the special requirements detailed in Section 1012.

3. Conditional Uses.

In addition to the above described permitted uses there may be permitted in the industrial zone such uses of a general industrial nature or necessary accessories to any one of the above described permitted uses upon obtaining a conditional use permit from the Zoning Board of Adjustment after study and favorable referral to the Zoning Board by the Planning Board subject to the following regulations.

- a. No danger to life, limb or property is created beyond the limits of the lot.
- b. No objectionable noise, smell, smoke, dust, gas, glare or effluent is emitted which may adversely affect or impair the normal use of any property, structure or dwelling located in any residential, rural or business zone.
- c. No untreated liquid, effluent or soluble solid shall be disposed of in such manner that subsurface water supplies shall be rendered unfit for potable or recreational purposes. Such proof may include:
 - (1) Site plans and architectural drawings showing the type and location of all buildings, structures, parking and loading facilities on the lot.
 - (2) Engineering drawings and specifications which will adequately describe the operations to be carried on, the means and devices to be used to preserve health and safety.

- (3) Descriptions of the products to be manufactured or processed and the control of effluents incidental thereto.
 - (4) Sworn statements by the owner, developer, designer or other agent to the effect that no danger, hazard or nuisance will be created beyond the boundaries of the lot.
 - (5) Any change in use of manufacturing process within an approved heavy industrial operation shall require reapplication and study of the use permit.
- d. Automobile Repair Services.
 - e. Digital billboards. (Ord. No. 2016-11 § 9)
 - f. **Mixed Use Development—Cross Street Core in accordance with the standards set forth in Section 18-1022.**
4. Requirements. Any permitted industrial use shall:
- a. Dispose of its liquid wastes and effluents into an approved existing sewage treatment plant in accordance with that plant's regulations or shall treat its own liquid wastes and effluents in a treatment plant or process which is in compliance with the State Statutes and with the requirements of the State Department of Health.
 - b. Comply with the State Statutes and requirements of the State Department of Labor and Industry with regard to the health of the workers, proper precautions against fire hazards, proper handling and storage of materials and structural design.
 - c. Design and plan its buildings, facilities, operations, and processes so that noises and glares generated by the use will not violate the conditions which permit the use.
 - d. Submit in triplicate the Township's atmospheric pollution forms when applying for a building permit.
5. Prohibited Uses

- a. All uses in the industrial zone are prohibited other than those uses specified as permitted uses or as may be granted by special permit pursuant to the conditions and requirements heretofore set forth concerning permitted uses and special permits in the industrial zone.
- b. Under no circumstances shall the following uses be permitted. The slaughtering of animals, rendering of fats and oils, the commercial disposal of domestic refuse or the dumping of garbage, trash or incinerated material, the dumping of waste materials from cesspools or other sewerage disposal installations, the manufacture or storage of high explosives, refining or storage of gasoline and fuel, oil, except for local retail consumption, the manufacture or processing of fertilizer, manufacture or refining of asphalt, manufacture of or processing of cork, manufacture of rubber, manufacture of linoleum or oil cloth, manufacture of glue or gelatin, tanning and curing of hides or skin, manufacture of paint or varnish, manufacture of oil, the processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage, excavation of sand or gravel or other natural mineral deposits, any manufacturing process requiring the use of machinery or power plants operated by or with atomic energy or fissionable materials, the dumping of atomic waste materials, any industry requiring the use of radioactive materials; manufacture of ink, fireworks, manufacture of any product containing extremely poisonous or unstable or hazardous chemicals or components, such as may tend to create a public nuisance or danger or tend to start a conflagration, fish processing, manufacture of lime or cement, manufacture or processing of gypsum or plaster except that cement, lime, gypsum or plaster may be used in their finished form as a material in the manufacture of other items.
- c. No industrial use or manufacturing use in the industrial zone shall be permitted which requires the emission of smoke, dust, fumes, odors or noise in such quantities or in such manner as to interfere with or be dangerous to the health, welfare and safety of the adjoining properties or the general public situated in or using the industrial zone or the facilities situated therein.

6. Off-Street Parking

- a. For industrial buildings having less than twenty thousand (20,000) square feet floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus five (5) spaces for executives.
- b. For industrial buildings having twenty thousand (20,000) square feet floor area to fifty thousand (50,000) square feet floor area, one (1) parking space for each employee on the maximum work shift plus ten (10) for executives.
- c. For industrial buildings having over fifty thousand (50,000) square feet floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus twenty (20) for executives.
- d. Adequate land area for the off-street parking requirements must be provided by any industry in the Township. The land area of a tract on which the industry is located may be used for such parking area, except those portions thereof required for setback and those areas otherwise designated on the site plan of the industrial building as reserved for planting, screening or other specified uses inconsistent with the use as a parking area. In addition to the required parking, the industrial use must provide adequate loading and unloading areas off-street on the industrial lands of the owner to accommodate such loading and unloading of vehicles as shall be necessary for the services to and from the industry situated on the lands.
- e. No on the street parking for unloading, loading or employee parking shall be permitted in the industrial zones.
- f. A developer of an industrial plant consisting of more than one industry situated on a tract of land under one ownership shall provide the same total off-street parking for the total of the industry situated thereon as would otherwise be required were all of the industrial buildings under single management. The industrial park owner must therefore make completely adequate provisions for off-street parking of the tenants in his industrial park according to the number of employees and each leasehold area on which a plant is situated in the industrial park shall provide the necessary number of off-

street parking spaces to accommodate the total maximum work shift plus the necessary executives requirements as though the plant were under individual ownership, as well as necessary loading and unloading areas.

- g. For all uses listed in subsection 18-903M1 and 2, one (1) parking space for every four hundred (400) square feet of floor space or one (1) for each employee whichever is greater.

7. Design Regulations

- a. Minimum Lot Area 3 acres
- b. Minimum Lot Width 300 feet
- c. Front Yard Setback 50/100 feet
- d. Rear Yard Setback 30 feet
- e. Side Yard Setback 30 feet with an aggregate of 70 feet
- f. Maximum Building Coverage 40%
- g. Maximum Building Height 65 feet
- h. Accessory Building
 - (1) Rear Yard Setback 10 feet
 - (2) Side Yard Setback 10 feet

8. Additional Design Regulations for Public and Private Schools

- a. **Minimum On-site Parking Requirements: Three (3) spaces per classroom. A classroom shall be defined as any space with an area of 625 square feet or larger, not including any multi-purpose or dining room. Additional parking standards for office spaces in a school shall be calculated separately and added to the total minimum on-site parking requirement.**

- b. A circulation plan is required, which shall detail bus and traffic movements.
- c. All loading, unloading, and bus stacking shall be designed to occur on-site, and shall be in compliance with the requirements of Section 18-906.
- d. All recreation and play areas shall be fully fenced.
- e. No parking area shall be used as a recreation and play area.
- f. Buffer requirements pursuant to Chapter 18-906 (Public and Private Schools) shall be addressed. Any variance relief of the landscaping standards of the buffer requirements due to unique or extenuating circumstances shall provide as a minimum condition a six (6) or eight (8) foot high solid (100% closed) fence while maintaining the required buffer dimensions.
- g. All schools shall be in compliance with the noise requirements of Chapter 3-22: Noise.

SECTION 23. Existing Section 18-903(N) of the Lakewood Township Code, entitled "Industrial Zone (M-2)", is hereby repealed in its entirety. Section 18-903(N) of the Lakewood Township Code shall be reserved for future use.

SECTION 24. Existing Section 18-903(O) of the Lakewood Township Code, entitled "Industrial Park Professional Service Zone (PS)", is hereby repealed in its entirety. Section 18-903(O) of the Lakewood Township Code shall be reserved for future use.

SECTION 25. Existing Section 18-903(P) of the Lakewood Township Code, entitled "Industrial Park Limited Professional Service Zone (LP)", is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken through~~**):

- 1. Permitted uses
 - a. Professional offices and office buildings.
 - b. Banks and other financial lending institutions.

- c. Doctors, dentists, and other recognized medical practitioners.
 - d. Medical laboratories.
 - e. Assisted living facilities.
 - f. Nursing homes.
 - g. Corporate headquarters and executive offices.
 - h. Hotels and conference centers.
 - i. **Public and private educational facilities. Public and private schools in accordance with the requirements of Section 18-906 and the additional design regulations in Section 18-903(P)4, below.**
 - j. Recreational facilities including ice skating rinks, bowling alleys, and other indoor recreational activities.
 - k. Facilities for the provision of health and human services including spas, gyms, health clubs and like facilities.
 - l. Scientific or research laboratories devoted to the research design or experimentation and processing and fabricating incidental thereto.
 - m. Restaurants.
 - n. Retail centers, department stores and supermarkets.
2. Area, Yard, and Lot Requirements
- The area, yard and lot requirements of this zone shall be the same as the M-1 Zone.
3. Off-Street Parking
- Off-street parking requirements shall be in accordance with Section 18-807 entitled, "Off-street Parking Requirements."
- 4. Additional Design Regulations for Public and Private Schools**

- a. Minimum On-site Parking Requirements: Three (3) spaces per classroom. A classroom shall be defined as any space with an area of 625 square feet or larger, not including any multi-purpose or dining room. Additional parking standards for office spaces in a school shall be calculated separately and added to the total minimum on-site parking requirement.
- b. A circulation plan is required, which shall detail bus and traffic movements.
- c. All loading, unloading, and bus stacking shall be designed to occur on-site, and shall be in compliance with the requirements of Section 18-906.
- d. All recreation and play areas shall be fully fenced.
- e. No parking area shall be used as a recreation and play area.
- f. Buffer requirements pursuant to Chapter 18-906 (Public and Private Schools) shall be addressed. Any variance relief of the landscaping standards of the buffer requirements due to unique or extenuating circumstances shall provide as a minimum condition a six (6) or eight (8) foot high solid (100% closed) fence while maintaining the required buffer dimensions.
- g. All schools shall be in compliance with the noise requirements of Chapter 3-22: Noise.

SECTION 26. Existing Section 18-903(Q) of the Lakewood Township Code, entitled "Open Space (OS)", is hereby repealed in its entirety. The Open Space (OS) and Crystal Lake Preserve (CLP) zone districts are consolidated with this ordinance to form the new Open Space and Preservation (OSP) zone, the standards for which are outlined in Section 19 of this ordinance. Section 18-903(Q) of the Lakewood Township Code shall be reserved for future use.

SECTION 27. Existing Section 18-903(T) of the Lakewood Township Code, entitled "Airport Business Commercial Zone", is hereby repealed in its entirety and reestablished herein as new Section 18-903(T), as follows.

1. Permitted Uses:

- a. Corporate headquarters and related offices and administrative buildings;
- b. Commercial office parks;
- c. Business parks and office buildings;
- d. Professional offices for physicians or dentists, so long as such offices are not patient of a healthcare institution providing medical, surgical, psychological care in a facility that operates as a charitable or not-for-profit institution;
- e. Professional offices for attorneys, engineers, accountants, pharmacists and chemists;
- f. Medical laboratories;
- g. Pharmaceutical laboratories and research facilities;
- h. High technology industry offices, and research and development facilities;
- i. Engineering offices and laboratories;
- j. Computer service centers and related management offices;
- k. Publishing companies;
- l. Airports;
- m. Retail banking facility provided same in ancillary to a corporate office of a financial lending institution;
- n. Hotels;
- o. Conference centers;
- p. Printing, photographic reproduction, or the manufacture of equipment or supplies related to publishing and communication;
- q. Manufacture, assembly compounding, processing, packaging or treatment of:

- (1) Novelties, toys and paper products of all kinds;
- (2) Aviation equipment, accessories, or aircraft control equipment;
- (3) Electronics equipment, electronic parts, components, or electrical machinery and equipment except wherein atomic or radioactive materials are used in the manufacturing process;
- (4) Radio, telephone or other communication equipment or parts therefore;
- (5) Restaurant or bar equipment;
- (6) Embroidery, lace, clothing or wearing apparel of all kinds including footwear;
- (7) Glassware, cement products, china, tile;
- (8) Carpets, rugs, drapes, textiles, synthetic tiles;
- (9) Cotton or wood products or other manufactured fibrous products;
- (10) Cosmetics, ointments, beauty products, or creams;
- (11) Optical instruments or supplies;
- (12) Musical instruments or supplies;
- (13) Doors, windows and sash and trim for building construction;
- (14) Elevators and elevator equipment;
- (15) Lamps and electrical fixtures of all kinds;
- (16) Clocks and timepieces;
- (17) Plumbing, heating, or air-conditioning supplies or equipment;
- (18) Electrical power tools.

- r. Warehouse and retail outlets and retail stores; as well as showroom or retail sales departments for the exhibition or retail sale of products manufactured by the principal use on the premises;
 - s. Bottling plants;
 - t. Enameling and electroplating;
 - u. Facilities for the on-site provision of services such as spas and health clubs, provided same are ancillary to a primary permitted use;
 - v. The finishing or assembling of articles made from previously prepared and refined materials, such as bone, cellulose, cork, feathers, canvas, cloth, fiber, fur, glass, plastics, guns, textiles, leaf products, wax and wood;
 - w. Restaurants;
 - x. Communication companies and ancillary offices; and
 - y. Restaurant or kitchen facilities for the use of plant personnel and business invitees with no outside advertising of such facilities to the public.
2. Permitted Accessory Uses:
- a. Off-street parking and loading for the principal use.
 - b. Use customarily incidental and accessory to a principal permitted use.
3. Design Regulations:
- a. Minimum Lot Area - Three (3) acres
 - b. Minimum Lot Width - 300 feet
 - c. Front Yard Setback - 50/100 feet
 - d. Rear Yard Setback - 30 feet

- e. Side Yard Setback - 30 feet with an aggregate of 70 feet
 - f. Accessory Structures:
 - (1) Rear Yard Setback - 10 feet
 - (2) Side yard Setback - 10 feet
 - (3) Maximum Height - 35 feet
 - g. Maximum Building Coverage - 40%
 - h. Maximum Building Height - 65 feet
4. Prohibited Uses:
- a. Schools, houses of worship, and institutions of higher education. However, if an institution of higher education chooses to sponsor a medical laboratory, high technology industry office, research and development facility, or engineering offices and laboratories, such a use shall be permitted.

SECTION 28. New Section 18-903(U) of the Lakewood Township Code, entitled "Public Purpose Overlay Zone (PP)", is hereby added as follows to establish the PP (Public Purpose) Overlay Zone:

U. Public Purpose Overlay Zone (PP)

- 1. Purpose. The Public Purpose overlay zone is intended to provide for optional development of public parks and emergent facilities in the underlying zones to meet the needs of the community.
- 2. Location. The boundaries of the public purpose overlay zones are delineated on the Lakewood Township Zoning Map. The underlying zones for the Public Purpose overlay are the R-40 and R-M residential zones in the southwest area of the municipality.
- 3. Use and Bulk Regulations to supplement the requirements of the underlying zones.
 - a. R-40 sub-district.
 - (1) Permitted uses:

- (a) Public Emergency service facilities such as first aid, fire department, police substation or similar facility or service.
- (2) Bulk Regulations: None.
- b. R-M sub-district.
 - (1) The R-M sub-district overlay area is intended to serve as a consolidation of adjoining municipally-owned properties to be used as a centrally-located public open space and park to benefit surrounding development.
 - (2) Permitted uses:
 - a. Public open space and parks consisting of active and/or passive recreation facilities.
 - (3) Bulk Regulations: None.

SECTION 29. Existing Section 18-906 of the Lakewood Township Code, entitled “Public and Private Schools”, is hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken-through~~**):

A. Buffer Requirements

- 1. From a nonresidential use or district - 10 feet.
- 2. From a residential use or district - 20 feet.
- 3. A required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. Natural vegetation should be retained to the maximum degree possible. On those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and plant the required buffer area, such that this planting shall provide an adequate screen of at least six (6) feet in height so as to continually restrict the view. A minimum on-center distance between plantings shall be such that upon maturity the buffer will create a solid screen. The buffer may be supplemented with a fence of solid material where necessary.

- B. Parking is not permitted in any required buffer.
- C. One parking space shall be provided for each of the following:
1. Classrooms
 2. Tutor room
 3. Library
 4. Meeting room
 5. Office
- D. If a recreation area or areas are designated then details shall be provided for such recreational areas. All play equipment shall meet all required safety standards.
- E. ~~Bus loading and unloading areas shall be situated in a manner so that children do not cross any traffic lane or parking areas whatsoever, unless it is in area that is curbed and physically separated from traffic circulation and specifically designated solely for bus loading and unloading.~~ **Bus Loading and Unloading Zones**
1. **An on-site bus loading and unloading zone shall be required at all schools where bus transportation is provided.**
 2. **Bus loading and unloading areas shall be situated in a manner so that children do not cross any traffic lane or parking areas whatsoever, unless it is in area that is curbed and physically separated from traffic circulation and specifically designated solely for bus loading and unloading.**
- F. A public or private school shall not be located on a site in an Industrial Park or Industrial Zone where the mix of uses presents a health or safety hazard to the occupants of the school.
- G. Temporary Classrooms for Schools. The Township Zoning Officer may approve the installation of temporary portable facilities at the site of a school for a period not to exceed two (2) school years, subject to the following standards and requirements:
1. The trailer, modular unit or portable classroom facility must be limited to educational purposes, including support offices, libraries,

or other such uses typically accessory or ancillary uses to the educational use, and be of a type that is certified for this use by applicable Federal, State, County and local agencies.

2. The school obtains the necessary Uniform Construction Code permits for the facility. All installations are subject to applicable municipal, County and State specifications, inspections and fees.
3. A site plan or plot plan showing setbacks, parking and buffer requirements of this chapter is required for the temporary facility.
4. An ADA approved walkway shall be provided from existing buildings or existing paved surfaces to the temporary portable facilities.
5. The Township Zoning Officer may authorize two (2) one (1) year extensions of the original two (2) year time frame, set forth above, subject to the following requirement:

An application for construction to replace the temporary portable facilities has been filed and is deemed complete by the Planning Board or Zoning Board of Adjustment or has been approved by the Board and is currently under construction or awaiting permitting or State or County agency approvals.

H. Front Yard Setback Requirements

1. **In all residential zones, namely the R40, R20, R15, R12, R12A, R10, R7.5, R-M, R-LM, R-10A, R-12B, R-12C, R-10B, R-12D, R-20A, and R-40A zones, as well as the A-1 zone, the minimum front yard setback requirement shall be increased by 20 feet.**
2. **For all other zone districts that permit schools, except for the Central Business (B-2) zone, increase minimum front yard setback requirement by 40 percent. The increased front yard setback requirement shall not apply to the B-2 zone.**

SECTION 30. New Section 18-1021 of the Lakewood Township Code, entitled "Planned Unit Development" is hereby added, as follows:

It having been determined that there is a need for housing in the Township of Lakewood that is comprehensively designed to meet the needs of Lakewood's residents, planned unit developments are hereby authorized to be developed as a conditional use in the R-40 (Residential) zone districts, upon compliance with

the design criteria set forth in this section and approval of the general development plan, preliminary and final subdivision/site plan approvals from the planning board of the Township of Lakewood as hereinafter described:

- A. Planned unit development without any age-restriction requirements are permitted conditionally in the R-40 (Residential) zone district.
 - 1. This section shall become effective upon the adoption of the Amended Zoning Map as specified in Section 18-901(b) 2.
- B. Minimum tract size. A planned unit development may only be developed on one or more contiguous parcels of land having a total gross area of not less than one hundred (100) acres within the R-40 (Residential) zone district.
- C. Permitted principal uses. The principal uses of buildings in a planned unit development shall be limited to the following:
 - 1. Residential units of all types provided that they comply with the area and bulk zoning requirements of this subsection.
 - 2. Recreation facilities.
 - 3. Sales and administrative offices required for the construction, sale, resale and management of the planned community.
 - 4. Maintenance buildings.
 - 5. The commercial uses permitted under this subsection.
 - 6. Community centers and recreation buildings, which may include buildings for religious worship and related activities.
- D. Permitted accessory uses. The accessory uses of buildings and structures in a planned unit development shall be limited to the following:
 - 1. Master television antenna system and/or cable television antenna/reception facilities.
 - 2. Common parking areas for guest parking or dedicated for specific parking purposes such as a recreational vehicle and trailer parking.
 - 3. Buildings for storage of vehicles, equipment and supplies.
 - 4. Outbuildings and structures as part of recreation facilities.

- E. Area requirements. The following area requirements shall apply to any planned unit development:
1. Maximum building coverage: 25 percent of gross area of planned unit development tract.
 2. Maximum building density: 3.6 units per gross acre of planned unit development tract.
 3. Minimum open space: 50 percent of gross area of planned unit development tract. For purposes of this requirement "open space" shall mean those portions of the planned unit development tract not covered by buildings structures of any kind, streets or other surfaces paved with impervious materials.
- F. Bulk requirements. The following bulk requirements shall apply to the applicable unit types in a planned unit development.
1. For detached units on individual lots: All detached units to be constructed on individual lots in a planned unit development shall comply with and conform to the following requirements:
 - a. Minimum lot area: 12,000 square feet.
 - b. Minimum lot width and frontage: 90 feet.
 - c. Minimum setbacks:
 - (1) Front yard: 30 feet
 - (2) One side yard: 10 feet
 - (3) Combined side yards: 25 feet
 - (4) Rear yard: 20 feet
 - d. Accessory building:
 - (1) Side Yard Setback: 10 feet
 - (2) Rear Yard Setback: 10 feet
 - e. Minimum distance between buildings: 20 feet

2. For attached units on individual lots:
 - a. Minimum lot width: 30 feet
 - b. Minimum lot depth: 100 feet
 - c. Minimum setback from interior roadway or circulation driveway: 20 feet
3. For attached units on common property:
 - a. Minimum setback from interior roadway or circulation driveway: 20 feet
4. For garden flat units on common property:
 - a. Minimum setback from interior roadway or circulation driveway: 25 feet
 - b. Minimum setback from interior parking lot: 10 feet
5. Minimum distance between multi-unit buildings:
 - a. For multi-unit buildings oriented at 90 degrees to each other the minimum distance between same shall be equal to the building height.
 - b. For multi-unit buildings oriented end-to-end to each other, the minimum distance between same shall be equal to one-half (0.5) the building height.
 - c. For multi-unit buildings oriented with parallel axis facing each other, the minimum distance between same shall be one and one-half (1.5) times the building height.
7. Maximum units per multi-unit building: 8 units
8. Minimum parking requirements shall comply with Chapter 18-807 and the following:
 - a. Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable

provision of this chapter. To the extent that the Township's standards for the construction and design of parking facilities including the size and number of parking spaces as well as the design of internal streets and circulation driveways is inconsistent with the Residential Site Improvement Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.

9. Maximum building height: thirty-five (35) feet or two and one-half (2.5) stories except as provided in paragraph L below.
- G. Utilities. A planned unit development must be fully serviced by central water transmission and sanitary sewerage facilities owned and operated by the Lakewood Township Municipal Utilities Authority or duly franchised public utility companies.
- H. Recreation facilities. Any planned unit development shall contain and provide for the benefit, use and enjoyment of its residents, the following recreation facilities:
1. Any planned unit development shall contain a recreation area which shall contain a recreation building comprised of at least fifteen (15) square feet of floor area (inclusive of basement area) for each unit intended to be developed in the planned community. If the developer proposes to develop the planned community in phases or sections with separate recreation facilities for each phase or section each building shall contain fifteen (15) square feet of floor area (inclusive of basement area) for each unit intended to be developed in the phase or section to be served by that recreation building.
 2. Active and passive recreation in compliance with the minimum open space requirement of Section 18-1021(E)3.
 3. Parking facilities serving the recreation area with a minimum number of parking spaces equal to one space for each fifty (50) square feet of area comprising the recreation building.
- I. Optional recreation facilities. A planned unit development may provide, in addition to the recreation facilities prescribed in paragraph H. above any one or more of the following facilities for the use of the residents of the planned unit development and their guests:
1. Golf course.

2. Picnic-barbeque areas.
3. Tennis courts.
4. Jogging trail.
5. Fitness-exercise courses.
6. Gardening areas (including greenhouses).
7. Playgrounds.
8. Tot lots.
9. Basketball courts.
10. Shuffleboard courts.
11. Bocce courts.
12. Such other activities which the planning board shall find to be consistent with the lifestyle of residents of a planned unit development and which are subordinate to the residential character of a planned community.

J. Ownership of recreation facilities. Except for a planned community golf course, recreation facilities shall be owned by the homeowner's association (defined below). Provided, however, that in the event that a planned community golf course is intended to be owned by other than the homeowners' association ("private ownership") the planned community golf course must be so identified in the application for preliminary subdivision or site plan approval and must satisfy the following criteria:

1. The developer-applicant shall provide adequate assurances (through recorded deed restrictions or agreements) that the planned community golf course shall be available for use and enjoyment by all residents of the planned community upon terms and conditions no less favorable than offered to any person not a resident of the planned community and at a cost to the homeowners' association not greater than the homeowners' association would incur for its operation, upkeep, repair and maintenance if owned by the homeowners' association.

- K. Setback and distance measurements. Building setbacks and minimum distances between all buildings shall be measured to building foundation lines, excluding foundations for fireplaces, porches and other exterior protrusions of a building which do not protrude beyond six (6) feet from the building foundation line.
- L. Perimeter boundary setbacks. No buildings or structures, other than entrance gate-houses, walls or fences, shall be located within seventy-five (75) feet of any exterior boundary line of the planned community tract. The building height of any residential building adjacent to any perimeter boundary setback abutting an R-20 Residential Zone shall not exceed twenty-five (25) feet.
- M. Homeowners' association; recorded covenants. Any planned unit development shall be governed and regulated by one or more recorded declaration of covenants and restrictions ("C&Rs") which shall provide for and create one or more incorporated membership organizations under Title 15 of the New Jersey Statutes in which all unit owners in the planned unit development shall be required to be members (the "homeowners' association"). The C&Rs shall provide for (i) the ownership, maintenance, operation and upkeep of all recreation facilities, open space, streets and other common areas within the planned community by the homeowners' association, (ii) the restrictions on unit occupancy set forth in subsection A, above, (iii) the procedure for creating, imposing and collecting assessments from each unit owner to finance the foregoing, and (iv) the organization, operation and management of the homeowners' association. A complete copy of the proposed C&Rs and all documents creating and organizing the homeowners' association shall be submitted to the planning board for review and approval with the first application for final subdivision and/or site plan approval submitted for the planned unit development or the first section thereof.
- N. Streets and roads. All streets and roads in a planned unit development shall conform to the provisions of this chapter and the requirements of the Residential Site Improvement Standards except as hereinafter specifically provided.
 - 1. Provided that the developer-applicant of an planned unit development shall expressly condition the preliminary subdivision and/or site plan approval of the planned unit development upon all streets and roads within the planned community being privately owned and maintained by the homeowners' association in perpetuity, such streets and roads shall be constructed in accordance with this chapter, except as follows: (i) minor streets

(i.e. streets of not more than one thousand two hundred (1,200) feet in length which shall be through streets or terminate in a cul-de-sac) shall have an overall paved roadway width of twenty-two (22) feet; (ii) minor collector streets shall have a paved roadway width of thirty (30) feet and (iii) major collector streets shall have a paved roadway of forty (40) feet. All planned community streets shall be constructed with a six (6) inch road gravel base conforming to the New Jersey Highway Specifications Grade A or B, with a CABC-1 of one and one-half (1.5) inch thickness of bituminous concrete binder course and a one (1) inch bituminous concrete surface course. If roll curbing is utilized, the measurement of the parcel roadway width shall include roll curb. Curbs shall be constructed in accordance with this chapter except as follows: (i) minor streets shall have a curb radius of fifteen (15) feet and minor collector and major collector streets shall have a curb radius of twenty (20) feet; (ii) cul-de-sac of minor streets and minor collector shall have a minimum curb radius of forty (40) feet and no parking shall be allowed in the cul-de-sac. Sidewalks where proposed shall have a minimum width of four (4) feet. Additional sidewalks may be required by the planning board.

2. In the event a developer-applicant of a planned unit development intends to seek, or reserve unto the homeowners' association the option to seek, to have the Township accept for maintenance some or all of the streets and roads within the planned unit development at some future time, then all streets, roads, curbs and sidewalks shall strictly conform to the applicable design requirements of this chapter. Provided, however, that the Township shall be under no obligation to accept said streets and roads.
- O. Drainage. All on-site drainage shall be provided for in accordance with Lakewood Township storm drainage requirements and applicable Township ordinances pertaining to subdivision and development of lands.
 - P. Driveways, walks and parking areas. There shall be provided a safe and convenient system of driveways, walks and parking areas. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Gradients of walks shall not exceed seven (7%) percent except where required to meet handicapped access requirements.
 - Q. Commercial uses. As part of a planned unit development, a developer-applicant may designate one or more parcels of the planned community tract for development of those commercial uses hereinafter designated as

permitted commercial uses in a planned unit development, subject to the following requirements:

1. The aggregate amount of land in the planned unit development tract designated for all commercial uses shall not exceed the lesser of ten (10) acres or five (5%) percent of the total area of the planned unit development tract.
2. The aggregate finished floor area of all commercial uses in a planned unit development shall not exceed twenty (20%) percent of the aggregate land area of the planned unit development designated for commercial use.
3. No commercial building shall exceed thirty (30) feet in height. Provided, however, that any building originally constructed within a planned unit development for residential use and subsequently converted to commercial use shall not exceed thirty-five (35) feet in height.
4. Parking areas shall be provided to serve all commercial uses with per Section 18-807. Provided, however, that the planning board may approve parking areas designed to serve both commercial uses and recreation facilities in the planned unit development upon finding that the proposed parking areas are adequate to serve both uses.
5. No commercial use shall be located closer than (i) thirty-five (35) feet from the curb line of any major or minor collector street, or (ii) fifteen (15) feet from the curb line of any minor street.
6. No commercial use shall be located closer than one hundred (100) feet from any residential building and all commercial uses shall be screened from adjoining residential uses by landscaped buffer areas.
7. Permitted business/commercial uses in a planned unit development shall be the same as those permitted in the B-1 zone, except for bus passenger stations, terminals, railroad stations, taxi stands, car/van rental agencies and combined business-residential uses.

SECTION 31. New Section 18-1022 of the Lakewood Township Code, entitled "Mixed-Use Development—Cross Street Core", is hereby added, as follows:

- A. Mixed Use Developments shall be subject to the following conditions:

1. Minimum Tract Size — Three (3) contiguous acres, excluding freshwater wetlands associated NJDEP wetlands buffers, riparian buffers and flood hazard areas.
 2. Maximum Gross Residential Density: 3.6 dwelling units per gross acre for all dwelling types.
 3. Maximum Building Coverage for the Entire Tract — Maximum allowable under NJDEP/CAFRA regulations.
 4. Maximum Building Height — Thirty-five (35) feet for townhomes and fifty-five (55) feet for commercial, multifamily and mixed-use buildings.
 5. The property, parcel or tract is located wholly within the M-1 Industrial or R-M Multi-Family zone districts with the Cross and Prospect Street Core (CPSC) overlay zone as delineated.
 6. All ingress and egress to the proposed development will be on Prospect Street.
 7. Minimum Tract Setbacks:
 - a. Building setbacks: Fifty (50) feet for residential buildings, fifty (50) feet for mixed-use buildings, and twenty-five (25) feet for nonresidential buildings.
 - b. From tract boundary other than State highway: Thirty-five (35) feet for residential buildings and fifty (50) feet for nonresidential and mixed-use buildings.
 - c. Interior roadway/circulation driveway Fifteen (15) feet.
 - d. Interior parking lot paved surface to building: Fifteen (15) feet.
 8. A minimum of twenty-five (25%) of the tract shall be utilized for nonresidential uses, including nonresidential buildings, parking, infrastructure and open space.
- B. Once applicable provisions of Section 18-1022(A) (above) are met, any subdivision to show ownership, responsibility, deed restrictions, or covenants shall only be subject to lot provisions set forth herewith; and the placement of any building on such lot shall be at the discretion of the

developer of the Mixed-Use Development. Restrictions and covenant requirements shall be established by the homeowners' association.

C. If the tract meets the conditions as specified in Section 18-1022(A) (above), the following uses shall be permitted:

1. Principal Uses:

- a. Multifamily dwellings located in mixed-use or stand-alone buildings.
- b. Townhouse dwellings.
- c. Community facilities related to the cultural, social and recreational need of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.
- d. Neighborhood-level retail and commercial sales and service businesses, financial institutions and office spaces with a maximum floor area of 5,000 sq. ft. on the ground level.

2. Accessory Uses:

- a. Off-street parking and common parking areas.
- b. Maintenance and utility facilities intended to service the residents of the planned development.

D. In addition to the conditions set forth in Section 18-1022(A) (above), Mixed Use Development shall be subject to the following bulk and yard regulations, design standards, and administrative requirements which shall not be deemed as bulk standards and therefore subject to "c" variance relief:

1. Bulk Requirements. The following bulk requirements shall apply to the residential dwelling unit types in a Mixed-Use Development.

a. Townhouse structures on common property:

- (1) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

- (2) Maximum building length — Two hundred fifty (250) feet.
- (3) Minimum distance between buildings — Twelve (12) feet, unless part of a mixed-use commercial/residential building.
- (4) Minimum front yard setback— Twenty-five (25) feet from internal streets.
- (5) Minimum side yard setback (for end units) — Twelve (12) feet.
- (6) Minimum rear yard setback — Twenty (20) feet.
- (7) Minimum useable rear yard depth — Fifteen (15) feet, ten (10) feet for rear yards adjacent to perimeter buffers. Decks shall be permitted within the usable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited. For purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.
- (8) Maximum building height is thirty-five (35) feet.

2. Design Requirements.

- a. Off-street parking requirements shall be provided as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses or as provided in Section 18-807, whichever standard requires a higher number of parking spaces. Non-residential land uses shall comply with the off-street parking requirements as provided in Section 18-807(B).
- b. Facilities to serve the recreational needs of the residents of the Mixed-Use Townhouse Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five percent (5%) of the tract area of a Mixed-Use Townhouse

Development shall be provided, which may include passive and active recreation, or a combination thereof.

- c. Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities, including the size and number of parking spaces as well as the design of internal streets and circulation driveways, is inconsistent with the Residential Site Improvements Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.
- d. Residential structures and units which abut Cross and Prospect Streets shall be screened with a twenty (20) foot-wide bermed year-round landscape screen. A fence shall not be substituted for the landscaping.
- e. Sign requirements for the commercial component mixed-use developments shall comply with same provisions of Chapter 18 which regulate the B-5 district.

SECTION 32. New Section 18-1023 of the Lakewood Township Code, entitled "Mixed-Use Development—Oak Street Core", is hereby added, as follows:

- A. Mixed Use Developments shall be subject to the following conditions:
 - 1. Minimum Tract Size — Three (3) contiguous acres, excluding freshwater wetlands associated NJDEP wetlands buffers, riparian buffers and flood hazard areas.
 - 2. Maximum Gross Residential Density — 4.36 dwelling units per gross acre for all dwelling types.
 - 3. Maximum Building Coverage for the entire tract — Maximum allowable under NJDEP/CAFRA regulations.
 - 4. Maximum Building Height — Thirty-five (35) feet for townhomes and fifty-five (55) feet for commercial, multifamily and mixed-use buildings.
 - 5. The property, parcel or tract is located wholly within the R-10 A zone district and within the Mixed-Use development area in the Oak

Street Core, as outlined and delineated in the adopted 2013 Smart Growth Plan.

6. All ingress and egress to the proposed development will be on a major or minor collector street.
 7. Minimum Tract Setbacks:
 - a. Building setbacks: twenty-five (25) feet for all residential buildings and thirty (30) feet for all mixed use and non-residential buildings.
 - b. Interior roadway/circulation driveway Fifteen (15) feet.
 - c. Interior parking lot paved surface to building: Fifteen (15) feet.
 8. A minimum of twenty-five (25%) of the tract shall be utilized for nonresidential uses, including nonresidential buildings, parking, infrastructure and open space.
- B. Once applicable provisions of Section 18-1023(A) (above) are met, any subdivision to show ownership, responsibility, deed restrictions, or covenants shall only be subject to lot provisions set forth herewith; and the placement of any building on such lot shall be at the discretion of the developer of the Mixed-Use Development. Restrictions and covenant requirements shall be established by the homeowners' association.
- C. If the tract meets the conditions as specified in Section 18-1023(A) (above), the following uses shall be permitted:
1. Principal Uses:
 - a. Multifamily dwellings located in mixed-use or stand-alone buildings.
 - b. Townhouse dwellings.
 - c. Community facilities related to the cultural, social and recreational need of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.

- d. Neighborhood-level retail and commercial sales and service businesses, financial institutions and office spaces with a maximum floor area of 5,000 sq. ft. on the ground floor.

2. Accessory Uses:

- a. Off-street parking and common parking areas.
- b. Maintenance and utility facilities intended to service the residents of the planned development.

D. In addition to the conditions set forth in Section 18-1023(A), mixed-use development shall be subject to the following bulk and yard regulations, design standards, and administrative requirements which shall not be deemed as bulk standards and therefore subject to "c" variance relief:

1. Bulk Requirements. The following bulk requirements shall apply to the residential dwelling unit types in a Mixed-Use Development.

a. Townhouse structures on common property:

- (1) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.
- (2) Maximum building length — Two hundred fifty (250) feet.
- (3) Minimum distance between buildings — Twelve (12) feet, unless part of a mixed-use commercial/residential building.
- (4) Minimum front yard setback— Twenty-five (25) feet from internal streets.
- (5) Minimum side yard setback (for end units) — Twelve (12) feet.
- (6) Minimum rear yard setback — Twenty-five (25) feet.
- (7) Minimum useable rear yard depth — Fifteen (15) feet, ten (10) feet for rear yards adjacent to perimeter buffers. Decks shall be permitted within the usable yard area, but detention/retention facilities, drainage

swales, or any easements which would restrict or inhibit the use of the rear yard are prohibited. For purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.

(8) Maximum building height is thirty-five (35) feet.

2. Design Requirements.

- a. Off-street parking requirements shall be provided as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses or as provided in Section 18-807, whichever standard requires a higher number of parking spaces.
- b. Facilities to serve the recreational needs of the residents of the Mixed-Use Oak Street Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five percent (5%) of the tract area of a Mixed-Use Oak Street Core Development shall be provided, which may include passive and active recreation, or a combination thereof.
- c. Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities, including the size and number of parking spaces as well as the design of internal streets and circulation driveways, is inconsistent with the Residential Site Improvements Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.
- d. Residential structures and units which abut a major or minor collector street shall be screened with a twenty (20) foot-wide berm with year-round landscape vegetative screen. A fence shall not be substituted for the landscaping.
- e. Sign requirements for the commercial component mixed-use developments shall be limited to wall signs and shall comply

with the specific provisions relating to wall signs pursuant to Chapter 18-812 (Signs).

SECTION 33. All ordinances or parts of ordinances that are found to be inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 34. If any section, subsection, paragraph, sentence or any part hereof is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgement shall have been rendered.

SECTION 35. A copy of this Ordinance must be transmitted to the Ocean County Planning Board upon final passage.

SECTION 36. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **8th day of November 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 7, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.



Kathryn Hutchinson, RMC
Township Clerk