

**TOWNSHIP OF NORTH BRUNSWICK
ORDINANCE 25-06**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 205, "LAND USE", ARTICLE XVII,
"I-2 INDUSTRIAL DISTRICT", SECTION 205-76.1
"TRANSIT-ORIENTED MIXED-USE DEVELOPMENT OVERLAY AND TO IMPLEMENT THE
HOUSING ELEMENT AND FAIR SHARE PLAN**

BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Chapter 205 Land Use, Article XVII, "I-2 Industrial District", Section 205-76.1, "Transit-Oriented Mixed-Use Development Overlay" be and is hereby amended and supplemented as follows:

§ 205-76.1(A)(5) Purpose shall be amended as follows:

- (5) The intent of the regulations incorporated herein is to bring pedestrians and bicyclists into the site and to allow them to maneuver safely throughout the site from store to store, to the future train station ~~and bus depot~~, and to public spaces on a series of interconnected pedestrian pathways. As a result of these regulations, large retail establishments will incorporate pedestrian-scale features into the design of their buildings and the parking lots that surround them. In effect, large retail establishments shall become a part of the Main Street environment, as opposed to clashing with the Main Street environment.

§ 205-76.1(B) Application of Transit-Oriented Mixed-Use Development Overlay Regulations shall be amended as follows:

§ 205-76.1(B)(1)(c) shall be amended as follows:

- (c) The site plan or general development plan for the transit-oriented mixed-use development on the tract shall provide a location for a ~~bus depot with associated parking~~ New Jersey transit train station ~~with~~ and associated parking area.

A new section, "§ 205-76.1(B)(1)(d)[5] shall be established as follows:

- [5] Notwithstanding any of the above language to the contrary, only those modified roadway and intersection improvements identified as "constructed" or "approved" at pages 22-25 of the supplemental Traffic Impact Study for North Brunswick Transit Village, prepared by Maser Consulting, P.A., and dated October 1, 2013, shall be required in connection with the transit-oriented mixed-use development, provided that the overall trips generated by the transit-oriented mixed-use development do not significantly exceed 3,730 site generated trips in any one-hour period. These modified roadway and intersection improvements

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were approved by the North Brunswick Township Planning Board as part of the Amended Traffic Improvements for MainStreetNB (Application No. 2398) on January 14, 2014, memorialized by resolution adopted on March 11, 2014. In addition, these modified roadway and intersection improvements have all been completed and accepted by the New Jersey Department of Transportation,

§ 205-76.1(B)(1)(g) shall be amended as follows:

- (g) Twelve and two-tenths percent of the housing units in the transit-oriented mixed-use development shall be affordable housing units. If all of the 1,875 residential units in the transit-oriented mixed-use development are approved and constructed as part of the transit-oriented mixed-use development, then 229 or 12.2% of these residential units will be affordable housing units. This total of 229 affordable housing units shall satisfy any and all current and future affordable housing obligations of any kind for the entire full build out of the transit-oriented mixed-use development, provided that the transit-oriented mixed-use development does not contain more than 1,875 residential units. ~~Under no circumstances will more than 229 residential units of the 1,875 total residential units in the transit-oriented mixed-use development be affordable housing units.~~ The 229 affordable housing units are part of and included in amount of the 1,875 total residential units allowable in the transit-oriented mixed-use development. Because the transit-oriented mixed-use development will provide such affordable housing units, no development fees, fees-in-lieu of affordable housing, or any other monetary obligation for affordable housing purposes shall be due as a result of the construction of any component of the transit-oriented mixed-use development.
- [1] All of the 229 affordable housing units will be family units. They can be rental ~~units~~ or for-sale and they will be dispersed throughout the buildings in the transit-oriented mixed-use development ~~which contain rental units~~.
- [2] All of the ~~229~~ affordable housing units shall be subject to thirty-year deed restrictions in conformance with N.J.A.C. 5:80-26.5.
- [4] The timing of the construction of the affordable housing units in the transit-oriented mixed-use development will be as follows: [Amended 7-25-2016 by Ord. No. 16-12]
- [a] ~~In accordance with the Housing Element and Fair Share Plan adopted by the Planning Board on June 23, 2016, 400 residential units may be constructed prior to commencement of construction on a platform for a train station.~~ Before the Township Construction Code Official issues the certificate of occupancy for the ~~349th~~ 360th

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market rate unit in the transit- oriented mixed-use development, the Township Construction Code Official shall have issued certificates of occupancy for: 17 moderate- income units, 29 Tier 1 low-income units and five very-low-income units.

[6] Notwithstanding the provisions of this subsection (g), a reputable and experienced non-profit, 100% affordable housing developer may construct up to 50 Permanent Supportive Housing units, which may be located in a stand-alone building or buildings without any market-rate units. Such supportive housing units shall be considered affordable housing units, and they shall be in addition to the 229 affordable units set forth above, potentially increasing the total number of affordable housing units in the transit-oriented mixed-use development to up to 279 affordable units. A developer may also construct up to a maximum of 37 affordable family housing units in a standalone affordable building(s) adjacent to the supportive housing units. If any building(s) is approved and constructed under this provision with 100% affordable family housing units, then the maximum number of permitted market-rate units and overall residential units, and the income distribution and construction phasing requirements of this subsection (g), shall be adjusted accordingly. For each family affordable housing unit constructed per this subsection in a standalone building, the total market rate units allowed to be constructed within the overall project shall be reduced by 8 units. Specifically, if all 37 permitted family affordable housing units in a standalone building(s) units are constructed the total market rate units allowed in the project would fall from 1646 to 1350.

§ 205-76.1(C) Definitions shall be amended as follows:

~~BUS DEPOT — A freestanding structure, located on a bus transit route, which is designed to accommodate embarking and disembarking bus passengers.~~

~~COMMENCEMENT OF CONSTRUCTION OF A TRAIN STATION — The installation and inspection of a footing and foundation for train station platforms or a train station building as shown on the regulating plan.~~

~~COMPLETION OF CONSTRUCTION OF A TRAIN STATION — The receipt of a certificate of occupancy for the train station platforms or a train station building as shown on the regulating plan, or the commencement of revenue passenger rail service by the New Jersey Transit Corporation.~~

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INDIVIDUAL WITH SPECIAL NEEDS — An individual who has a mental illness, a physical disability, a developmental disability or AIDS/HIV. "Individual with special needs" also includes individuals who are victims of domestic violence, are youths aging out of foster care, are homeless ~~or~~, are ex-criminal offenders, or otherwise require supportive housing.

MIXED-USE BUILDING — A building of two or more stories comprised of two or more permitted uses. ~~Residential uses in mixed-use buildings may not front on Main Street on the ground floor.~~ Mixed-use buildings shall comply with the bulk and design standards for mixed-use retail commercial buildings set forth in § 205-76.1K of this chapter. A mixed-use building shall also have at least one ground floor retail or commercial store, consisting of at least 1,000 square feet, located at a corner of the building and with frontage on Main Street.

MIXED-USE RETAIL COMMERCIAL BUILDING — A building of two or more stories comprised of mixed-use retail commercial uses and/or large retail establishments on the ground floor and other permitted uses located predominantly, though not exclusively, on upper or nonground floors. ~~Residential uses may not front on Main Street on the ground floor.~~ Two-story large retail establishments shall comply with the bulk and design standards for mixed-use retail commercial buildings set forth in § 205-76.1K of this chapter. A mixed-use retail commercial building shall also have at least one retail or commercial store, consisting of at least 1,000 square feet, located at a corner of the building and with frontage on Main Street.

PERMANENT SUPPORTIVE HOUSING – A range of permanent housing options such as apartments, condominiums, townhouses, single and multi-family homes, single room occupancy housing, shared living and supportive living arrangements that provide access to on-site or off-site supportive services for individuals and families who can benefit from housing with services.

§ 205-76.1(D) Permitted Principal Uses and Prohibited Uses shall be amended as follows:

- (1) Permitted principal uses. The following uses and/or any combination thereof in a single building are permitted principal uses in a transit-oriented mixed-use development:
 - (a) General business and retail ~~uses~~ and commercial uses (the terms “retail” and “commercial” are used interchangeably herein).
 - (g) Eating and drinking establishments, with or without drive-in service.
 - (hh) ~~Bus depots~~ Permanent Supportive Housing.
- (2) (c) ~~Mini-storage~~ Reserved.

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- (l) Any business with drive-in service, with the exception of a bank ~~or pharmacy~~, pharmacy, permitted cannabis retailer, or an eating or drinking establishment drive-in.
- (q) ~~Theatres~~ Reserved.

§ 205-76.1(G)(6) “Commercial floor area and residential density "as-of-right" shall be replaced in its entirety as follows:

- (6) Dwelling units:
 - (a) Phase 1 and Final Build Phase: 1,875 dwelling units constructed in mixed-use, mixed-use retail commercial and multifamily buildings, subject to an increase to up to 1,925 dwelling units, pursuant to Section 205 76.1.B.(1)(g)[6].
 - (b) In mixed-use buildings and mixed-use retail commercial buildings, all residential units shall be predominantly, though not exclusively, constructed on levels other than the ground floor.
 - (c) 375 dwelling units constructed as part of the development shall be designed to be eligible to achieve standard LEED certification (applying to USGBC for LEED certification is not required) and identified at the time of Planning Board approval.

§ 205-76.1(H)(3) “Commercial floor area and residential density bonuses” shall be amended as follows:

- (b) In the Final Build Phase, an additional ~~100,000 square feet of mixed use retail commercial uses and other permitted uses not otherwise enumerated in Subsection G may be constructed when a commitment for the construction of a train station is provided by New Jersey Transit to locate a train station in a location identified on the regulating plan~~ 175,000 square feet of Mixed-Use Retail Commercial Uses and other permitted uses not otherwise enumerated in sub-section G may be constructed provided that each Mixed-Use Retail Commercial Building and other permitted uses not otherwise enumerated in sub-section G, constructed pursuant to this sub-section are designed to eligible to achieve LEED Certification (applying to USGBC for LEED certification is not required.) The identification of such LEED certified buildings and uses will be made at the time of Planning Board approval.

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~~(c) In the Final Build Phase, an additional 75,000 square feet of mixed-use retail commercial uses and other permitted uses not otherwise enumerated in Subsection G may be constructed, provided:~~

~~[1] Commencement of construction of a train station has begun of a passenger train station in a location identified on the regulating plan;~~

~~[2] Each mixed-use retail commercial building and other permitted uses not otherwise enumerated in Subsection G constructed pursuant to this subsection is designed to achieve LEED certification.~~

§ 205-76.1(H)(7) “Commercial floor area and residential density bonuses” shall be deleted in its entirety:

~~(7) In the Final Build Phase, additional dwelling units, for a total of 1,875 dwelling units, shall be permitted upon meeting the following:~~

~~(a) An additional 475 dwelling units for a total of 875 dwelling units, constructed pursuant to this subsection, shall be permitted once commencement of construction of a train station in a location identified on the regulating plan has been achieved. [Amended 7-25-2016 by Ord. No. 16-12]~~

~~(b) An additional 625 dwelling units for a total of 1,500 dwelling units constructed pursuant to this subsection shall be permitted once completion of construction of a train station in a location identified on the regulating plan has been achieved.~~

~~(c) An additional 375 dwelling units, up to a total of 1,875 dwelling units, shall be permitted to be constructed upon the following:~~

~~[1] Completion of construction of a train station in a location identified on the regulating plan has been achieved.~~

~~[2] Any dwelling units in excess of 1,500 dwelling units constructed pursuant to this subsection shall be designed to achieve LEED certification.~~

~~[3] Any parking lot(s) in excess of 24 parking spaces, for all additional dwelling units in excess of 1,500 dwelling units, up to a total of 1,875 dwelling units, constructed pursuant to this subsection shall~~

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~~provide at least two parking spaces with connections to power electric cars per parking lot.~~

§ 205-76.1(K) “Multistory large retail establishments and mixed-use retail commercial buildings” shall be amended as follows:

- (2) General design criteria. Multistory large retail establishments and mixed-use retail commercial buildings are designed to foster active street life.
 - (a) Their ground-floor non-residential fronts shall have large windows to encourage a connection between the commercial activity within and the public life of street and sidewalk. ~~Since upper story uses may be office or residences, those windows are~~ Residential units on any floor shall have appropriately smaller windows.
- (3)
 - (a) Facade and exterior walls.
 - [2] ~~At least 80%~~ 100% of the ground floor residential units shall have at least ~~129~~ nine-feet clear height.
 - [4] The ground non-residential floor shall have not less than 60% fenestration measured between two feet and ~~108~~ eight-feet above the fronting sidewalk.

§ 205-76.1(O) “Residential flats, loft flats, townhouses, multifamily buildings, duplex lofts, live/work units.” shall be amended as follows:

- O. Residential flats, loft flats, townhouses, multifamily buildings, duplex lofts, live/work units, Permanent Supportive Housing.

§ 205-76.1(R) “Requirement for street connections to adjacent developable parcels and/or the Finnegans Lane Extension.” shall be amended as follows:

- R. Requirement for street connections to adjacent developable parcels ~~and/or the Finnegans Lane Extension~~.
 - (1) ~~A location shall be provided on the regulating plan for a vehicle connection to the planned future Finnegans Lane Extension running parallel to the site along the Northeast Corridor line.~~ Reserved.
 - (2) A location shall be provided on the regulating plan for a vehicle connection to the adjacent parcel to the north of the transit-oriented mixed-use development. Developer shall not be required to construct any such connection, however, until the Township obtains all applicable development approvals, including but not

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limited to a freshwater wetlands permit, for such connection. Developer shall create an escrow account with the Township to cover reasonable engineering and permitting costs for the connection.

A new section, § 205-76.1(X)(1)(e) “Signage Regulations.” shall be established as follows:

(e) Signage matrix for residential development:

Signage Matrix for Residential Development		
Total maximum allowable signage for residential development is not to exceed 1 square foot per lineal foot of residential unit frontage for primary identification signage and 0.5 square foot per lineal foot of residential unit frontage for secondary identification signage. Primary identification signage is not to exceed a total of 200 square feet. Secondary identification signage is not to exceed 100 square feet. Maximum letter/logo height is three feet unless otherwise approved.		
Sign Type- Description	Formula for Determining Sign Area/Quantity	Max. Allowable Individual Sign Area
	Primary Identification Signage	
Type A- Fascia wall sign	1 square foot per lineal foot residential unit frontage	75 square feet
Type B	3 square feet per lineal foot of marquee or canopy	75 square feet
Type C	1 square foot per lineal foot of residential unit frontage	75 square feet
Type E1–awning sign primary ID	1 square foot per lineal foot of residential unit frontage	75 square feet
	Secondary Identification Signage	
Type D-Projecting Blade Sign	1 blade sign per residential unit frontage	10 square feet
Type E2–awning sign secondary ID	Up to 25% of the surface area of each awning to which graphics will be applied. Lettering on valance shall not exceed eight feet in height	20 square feet per awning
Type F–plaque and medallion sign	1 per main entry	4 square feet per residential unit
Type G–window/door sign	15% of glazing area	10 square feet per structural bay
Type H- Changeable Sign		
a. Shadow boxes		6 square feet
b. Poster display cases		60 square feet

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c. Banners	1 banner per structural building bay	50 square feet per banner
d. Flags	1 corporate flag per residential development	24 square feet
e. Display stands/ easels	1 per street frontage	8 square feet
Type J- Additional Signs		
a. Reserved		
b. Posting information board placard	Per sign (up to 24 square feet maximum per PIB)	8 square feet
c. Temporary sign	1 per street frontage per use	12 square feet
d. Construction sign	1 per residential development	40 square feet
e. Showcase display windows	1 per unfenestrated wall in excess of 16 feet in length fronting on a sidewalk or pedestrian way	96 square feet
f. Umbrella graphics	1 per umbrella	1 per table

Allowable sign types quantities:

Primary identification signage (A, B, C, E1). Residential developments with frontage on one principal street shall be permitted one of the A, B, C or E1 sign types as the primary identification sign. Residential developments in corner locations or with frontage on two principal streets or parking areas may be permitted to have a total of any three of the A, B or E1 sign types.

Secondary identification signage (D, E2, F, G, H). All residential developments may be allowed to use a total of three of the D, E2, F, G, H sign types.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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TITLE

This Ordinance shall be known and may be cited as the
Ordinance Amending and Supplementing Chapter 205 Land Use, Article XVII,
“I-2 Industrial District”, Section 205-76.1, “Transit-Oriented Mixed-Use Development Overlay

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(Approved as to legal form)