

TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY

ORDINANCE No. 10-2017

AN ORDINANCE AMENDING CHAPTER 215 ENTITLED "SUBDIVISION AND SITE PLAN REVIEW" OF THE CODE OF THE TOWNSHIP OF BYRAM TO AMEND ARTICLE IV "PLAT DETAILS TO AMEND SECTION 215-19 "CONCEPT SUBMISSION FOR MAJOR SUBDIVISION" AND TO AMEND ARTICLE V ENTITLED "IMPROVEMENTS" TO AMEND SECTION 215-28 "SIDEWALKS" AND TO AMEND AND REPLACE SECTIONS 215-29 "SHADE TREES AND GENERAL LANDSCAPING" AND 215-34 "LIGHTING" AND CREATE NEW SECTIONS 215-30 "COMMERCIAL AND MULTI-FAMILY STRUCTURES" AND 215-30.1 "LOADING AND SERVICE AREAS FOR COMMERCIAL AND MULTI-FAMILY DEVELOPMENT" AND 215-30.2 "OFF-STREET PARKING AREA REQUIREMENTS FOR COMMERCIAL AND MULTI-FAMILY DEVELOPMENT" AND TO AMEND AND REPLACE SECTION 215-34 "STREETLIGHTING" WITH NEW SECTION 215-34 "LIGHTING" AND TO AMEND ARTICLE VII "ENVIRONMENTAL PROTECTION" TO AMEND SECTION 215-45 "ENVIRONMENTAL IMPACT STATEMENTS" AND TO AMEND ARTICLE X "SITE PLAN REVIEW" TO AMEND SECTION 215-51 "PLANNING BOARD REVIEW STANDARDS" AND TO AMEND SECTION 215-54 "PRELIMINARY SITE PLAN DETAILS" AND

AMENDING CHAPTER 240 ENTITLED "ZONING" OF THE CODE OF THE TOWNSHIP OF BYRAM TO AMEND ARTICLE I "GENERAL PROVISIONS" TO AMEND SECTION 240-2 "PURPOSE" AND TO AMEND ARTICLE III ENTITLED "DEFINITIONS" TO AMEND SECTION 240-7 "TERMS DEFINED" AND TO AMEND ARTICLE IV ENTITLED "GENERAL REGULATIONS" TO AMEND AND REPLACE SECTION 240-11.1 ENTITLED "APPLICATIONS FOR DEVELOPMENT" WITH NEW SECTION 240-11.1 ENTITLED "HIGHLANDS AREA LAND USE ORDINANCE" AND TO AMEND SECTION 240-16 "ACCESSORY BUILDINGS AND STRUCTURES" AND TO AMEND SECTION 240-25 "PROXIMITY OF STRUCTURES AND CONSTRUCTION ACTIVITY TO WATERWAYS" AND TO AMEND ARTICLE V "NON-CONFORMING BUILDINGS AND USES" TO AMEND SECTIONS 240-30 "CONTINUANCE OF NONCONFORMING USES" AND TO AMEND SECTION 240-32 "CESSATION OF OPERATION" AND TO AMEND SECTION 240-34 "ALTERATIONS AND RESTORATION" AND TO AMEND ARTICLE VI ENTITLED "PARKING AND LOADING" TO REPEAL SECTION 240-40 "OFF-STREET PARKING AREA REQUIREMENTS" AND AMEND ARTICLE IX ENTITLED "DISTRICT REGULATIONS" TO AMEND SECTION 240-50.1 "REQUIREMENTS FOR ALL RESIDENTIAL ZONES" AND TO AMEND AND REPLACE SECTION 240-56 ENTITLED "VB VILLAGE BUSINESS DISTRICT" AND TO AMEND AND REPLACE SECTION 240-57 ENTITLED "NC NEIGHBORHOOD COMMERCIAL DISTRICT" AND TO AMEND AND REPLACE SECTION 240-59 ENTITLED "VC VILLAGE CENTER MIXED USE DISTRICT" WITH NEW SECTION 240-59 ENTITLED "VC VILLAGE CENTER ZONE FORM-BASED CODE" AND TO AMEND AND REPLACE SECTION 240-60 "INDUSTRIAL

PROFESSIONAL RECREATION” AND TO AMEND ARTICLE X ENTITLED
“CONDITIONAL USES” TO AMEND AND REPLACE SECTION 240-62
“CONDITIONAL USES” WITH NEW SECTION 240-62 “CONDITIONAL USES IN
THE VILLAGE BUSINESS, NEIGHBORHOOD COMMERCIAL AND INDUSTRIAL
PROFESSIONAL RECREATION ZONES” AND TO CREATE NEW SECTION 240-63
“CONDITIONAL USES IN THE VILLAGE BUSINESS & NEIGHBORHOOD
COMMERCIAL ZONES” AND TO CREATE NEW SECTION 240-64
“CONDITIONAL USES IN THE NEIGHBORHOOD COMMERCIAL &
INDUSTRIAL PROFESSIONAL RECREATIONAL ZONES” AND TO CREATE
NEW SECTION 240-65 “CONDITIONAL USES IN THE VILLAGE BUSINESS &
INDUSTRIAL PROFESSIONAL RECREATIONAL ZONES” AND TO CREATE
NEW SECTION 240-66 “CONDITIONAL USES IN THE NEIGHBORHOOD
COMMERCIAL ZONE ONLY” AND TO CREATE NEW SECTION 240-67
“CONDITIONAL USES IN THE VILLAGE BUSINESS ZONE ONLY” AND TO
CREATE NEW SECTION 240-68 “CONDITIONAL USES IN THE INDUSTRIAL
PROFESSIONAL RECREATIONAL ZONE ONLY” AND TO AMEND ARTICLE XI
ENTITLED “ADMINISTRATION AND ENFORCEMENT” TO AMEND SECTION
240-69 “OFFICE OF ZONING OFFICER CREATED”

Statement of Purpose:

The purpose of this ordinance is to amend various chapters of the code of the Township of Byram including, but not limited to Chapter 215 and Chapter 240 in order to effectuate a number of planning objectives and legal requirements. These ordinance amendments also effectuate the goals, policies and objectives of the Township’s Sustainable Economic Development Master Plan Element and represent implementation of the plan’s implementation plan and matrix. These ordinance amendments also effectuate the goals, policies and objectives of the Township’s Housing Master Plan Element and Fair Share Plan and assists the Township in implementing its Mt. Laurel affordable housing requirements consistent with the Township’s Superior Court Judgment of Compliance. These ordinance amendments also address a number of outstanding minor ordinance amendments to better administer various chapters of the code of the Township of Byram including, but not limited to, Chapter 215 and Chapter 240.

The ordinance revises development ordinances, as applicable to the development and use of land in the Highlands Preservation and Planning Areas, to conform to the goals, requirements, and provisions of the Highlands RMP. In doing so it establishes a form based code for a planned development in the Village Center Zone District and adopts the Highlands Land Use Ordinance. The ordinance revises development ordinances to simplify and generalize the permitted uses in the VB, NC and IPR zones, revises the permitted, conditional and prohibited uses within, and provides updated definitions of each in order to implement the recommendations of the Sustainable Economic Development Master Plan. The ordinance amendments promote “Smart Growth” and “Smart Planning” consistent with the Byram Township Master Plan, as amended, the Sussex County Strategic Growth Plan, the State Plan and the Highlands Regional Master Plan.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, as follows:

Section 1. Section 215-19 is amended to add a new B (23) with the following:

- B. 23. A diagram showing the extent, character and intended function of all stormwater management mechanisms and elements including non-structural elements.

Section 2. Section 215-28 is amended to add a new D with the following:

- D. Alternative pervious pavements are permitted provided that the function, safety and durability of the pavement is acceptable to the Township Engineer.

Section 3. Section 215-29 is amended to delete the existing section and replace it in its entirety with the following:

§215-29 Landscaping and outdoor design

A. Tree removal:

- 1. Existing mature trees shall be preserved wherever possible. Existing mature trees and vegetation shall not be removed in an area greater than 70% of the total project area. Preservation of specimen trees within the developable area of the property counts at a rate of 2:1 when calculating the total shade tree requirement.
- 2. When it is necessary to remove existing mature trees and vegetation, removal shall be in conjunction with the phasing of the total project, with trees and vegetation removed only in those parts of the project area slated for immediate construction. Other areas shall remain in the natural state.

B. Landscape design:

- 1. Landscaping is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping may include trees, shrubs, ground cover, berms, flowers, sculpture, art and similar materials and shall be designed to provide aesthetic, buffer, climatological, environmental, ornamental, and other related functions. All landscaping plans must be prepared by a New Jersey-registered landscape architect or other individual deemed suitably qualified by the Planning Board.
- 2. Landscape design should facilitate water conservation through the use of drought-tolerant plants, capture, management and recharge of stormwater and integration of potable water re-use strategies. The thoughtful integration of non-structural stormwater management elements within landscape design is encouraged.
- 3. Landscaping for commercial uses should define entrances to buildings and parking lots, define the edges of various land uses, provide transition (buffering) between neighboring properties and provide screening for loading and equipment areas.

4. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure and should be accented at entrances to provide focus.
5. Trees should be located throughout the parking lot and not simply at the ends of parking aisles.
6. Landscaping should be protected from vehicular and pedestrian encroachment by raised planted surfaces, depressed walks, or the use of curbs.
7. The use of vines and climbing plants on buildings, trellises and perimeter garden walls is strongly encouraged.
8. Plants in boxed, clay or wood containers should be used to enhance sidewalk shops, plazas, and courtyards.
9. Landscaping shall not obstruct visibility at drive-aisle intersections.

C. Shade trees along streets:

1. Shade trees shall be planted along all streets. Shade trees shall be planted on all sites at a minimum rate of 10 trees per acre, inclusive of trees required along any street line. Said trees shall be selected from the following groups, with at least 20% of the trees to be from Group A and at least 30% each to be selected from Group B and Group C:

Group A	Group B	Group C
White flowering dogwood	American beauty crabapple	Princeton sentry ginko
Red flowering dogwood	Snow crabapple	Emerald queen maple
Crimson cloud hawthorn	Shademaster honeylocust	Sugar maple
Washington hawthorn	Katsura tree	Red maple
	Crimson king maple	Northern red oak
		Sweetgum

2. The Planning Board may permit or require the substitution of evergreen trees for shade trees from Groups B and C only. Evergreens must be at least eight feet high at planting.
3. Shade trees shall meet all of the following requirements:
 - a. Measure three to 3 1/2 inches in diameter six inches above the ground.
 - b. Group A trees shall be planted at thirty-foot intervals; Group B trees shall be planted at forty-foot intervals; and Group C trees shall be planted at fifty-foot intervals.
 - c. Have a straight trunk and be properly staked.
 - d. Be balled and burlapped, well-branched and with a good root system. Backfill shall consist of fifty-percent humus for each tree, and each tree shall be thoroughly watered and properly pruned at the time of planting.
4. Trees to be planted in any street right-of-way shall be subject to the approval of the Township Engineer.
5. Where the placement of required trees within a street right-of-way is impossible or impractical due to the presence of sidewalks, critical areas or other physical or environmental features, the Planning Board may require a ten-foot-wide street tree easement to be located adjacent to the right-of-way.

6. The Planning Board may require that existing trees on a site be replanted for reuse on the subject property or elsewhere in the Township on public property only.
- D. The planting of shrubbery, bushes, flowers and similar plantings shall be designed to serve decorative and ornamental functions as well as screening and buffering. Junipers, yews and similar evergreen plants shall largely be used for screening and buffering, while white hollies, rhododendron, azaleas, and similar plants shall be used at highly visible locations such as front yards, building entrances and adjacent to ground signs. The use of flowerbeds and planters is strongly encouraged in all nonresidential zones.
 - E. Parking areas. Areas containing 10 or more parking stalls shall contain the following landscaping features:
 1. Five percent of the interior portion of the parking areas shall be landscaped, excluding all perimeter landscaping and required buffer areas. No more than 15 parking stalls shall exist in a continuous row without a landscaped break.
 2. One shade tree shall be provided for every 10 parking stalls to create a canopy effect.
 3. A landscaped island at least five feet in width shall separate the ends of parking rows from access aisles.
 4. Evergreen plantings shall be required to screen parking areas from public rights-of-way and all residential property.
 5. Functional Stormwater Elements. Where feasible, integration of non-structural stormwater management elements, such as bio-swales and recharge mechanisms, within parking lot planting beds is encouraged.
 - F. Loading areas. All loading areas shall be landscaped in a manner that sufficiently screens the view of the loading area and vehicles from any public right-of-way and residential property. Landscaping in this instance may include berms, fencing, walls or a combination thereof.
 - G. Replacement. A two-year guarantee is required so that all new plantings and existing trees and other vegetation are maintained after construction and replaced where necessary.
 - H. Post development inspection. All landscaping shall be subject to a post development inspection by the Township Engineer and/or a representative of the Planning Board.
 - I. The Planning Board shall have the right to impose additional landscaping requirements after due consideration of the size and type of proposed development, the extent of existing vegetation to be removed during construction, and the nature of surrounding land uses.
 - J. Landscape coverage:

1. Coverage of the landscaped area, excluding lawns, shall be 50% at the time of installation and 90% at five years. Lawns shall be fully established within two growing seasons.
 2. Parking lot landscaping shall consist of a minimum of 5% of the total parking area, excluding the perimeter landscaping and buffer areas required below, plus a ratio of one tree per 10 parking stalls to create a canopy effect upon maturity.
 3. Landscaped buffers between parking areas, parking pads and internal streets shall have a minimum width of five feet with no car overhang and 10 feet with a car overhang.
 4. Landscaped buffers between parking and on abutting property line shall have a minimum width of 10 feet.
 5. Front or exterior yard landscaping may not be substituted for the landscaping required for interior parking stalls.
 6. A landscaped and/or screened buffer area is required between commercial uses, parking areas and buildings in parking areas adjacent to residential dwellings. The minimum height and width shall be five feet of continuous evergreen hedge screen in two years (or a wall or fence with a minimum height of five feet).
 7. Landscaped buffers shall consist of evergreen ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs. Where feasible, integration of non-structural stormwater management elements within buffers is encouraged.
 8. Landscaping in a parking or loading area shall have a width of at least five feet and be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 9. Required landscaping shall be continuously maintained.
- K. Replacement and maintenance. The owner, its successors and/or assigns, shall maintain vegetation planted in accordance with an approved site plan. Plants or trees that die or are damaged shall be replaced and maintained.
- L. Walls and fences:
1. Walls shall not be utilized within commercial areas unless required for screening, security or separation of incompatible land uses.
 2. Walls should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Brick, stone, and stucco shall be used whenever possible. Landscaping should be used in combination with all walls.
- M. Street Furniture. The use of street furniture (benches, tables, trash receptacles, etc.) is encouraged, provided that materials are consistent with the overall concept of the building design and locale in which the building is located.
- N. Flagpoles: Flagpoles shall not exceed 25 feet in height.
- O. Paving materials. Design and choice of paving materials used in pedestrian areas shall consider the following factors: cost, maintenance, use, and climate,

characteristics of users, appearance, availability, glare, heat, drainage, noise, and compatibility with surroundings, decorative quality and aesthetic appeal. Acceptable materials shall include but are not limited to concrete, brick cement pavers, asphalt and stone. Pervious pavements, subject to engineering review, are encouraged.

Section 4. Section 215-30 shall be added as a new section with the following:

§215-30 Commercial and Multi-Family Structures

- A. General design guidelines for Commercial and Multi-Family structures:
1. All commercial and multi-family structures shall be designed to reflect traditional building design in general accordance with styles identified and/or pictured in the Smart Growth Plan and the guidelines established for use by the Architectural Review Committee.
 2. Brick, stone, and painted wood clapboard or shingle siding is encouraged, as are pitched roofs with slopes between 8:12 and 12:12. The overall design should have varying styles, shapes, and materials as described in the Smart Growth Plan and the guidelines established for use by the Architectural Review Committee. Alternative materials may be appropriate if they do not detract from the overall visual conformity of the traditional styles.
 3. No facade design or layout shall be the same as the adjacent structure. No less than three major alterations to a facade are required to define the facade as different from that of the adjacent structure. Changes in exterior building materials may be counted as one alteration.
- B. Commercial and multi-family structures massing and scale: Scale is the relationship between the size of a structure and the size of adjoining permanent structures. Large-scale building elements will appear imposing if they are situated in a visual environment that is smaller in scale.
1. Dominant structures should be broken up by creating horizontal emphasis, such as through the use of trim, awnings, eaves, windows, or other architectural ornamentation, use of combinations of complementary colors, and varied landscape materials.
 2. Long, horizontal facades should be broken down into segments having vertical orientation, and tall vertically oriented facades shall be broken down into horizontal components through use of appropriate design features.
 3. Expansive blank walls are prohibited.
 4. Buildings should be designed so the facade is the prominent architectural feature and the roof is visually less dominant in the total design.
 5. Gable and hip roofs are encouraged. Other roof types may be recommended by the Architectural Review Committee if it concludes that they are generally consistent with traditional architectural styles and if materials suitable to such styles are used.

6. A human scale should be achieved at ground level and along street frontages and entryways through the use of scale elements such as windows, doors, columns, plazas, awnings and canopies.
7. The height of structures should relate to adjacent open spaces to allow maximum natural light and ventilation, to protect from prevailing winds, to enhance public views, and to minimize obstruction of the view from adjoining structures.

C. Commercial and multi-family exterior building design:

1. Commercial and multi-family buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
2. Architectural features.
 - a. Architectural features may include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.
 - b. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features will significantly reduce the visual impact of the building mass as viewed from the street.
3. Building materials.
 - a. The predominant building materials shall be materials characteristic of traditional developments in northwestern New Jersey, such as brick, wood, native stone, traditional clapboard, and stylized shingles. Alternative materials may be appropriate if they do not detract from the overall visual conformity of the traditional styles.
 - b. Alternative siding, metal panels or roofs, mirrored glass surfaces, or faux facade materials may be recommended by the Architectural Review Committee and special care would be needed to not detract from the overall visual conformity of the traditional styles.
 - c. Buildings may not be painted in bold colors, patterns, checks or stripes.
 - d. The use of earth-tone colors (browns, beige, grays, soft greens, and the like) and/or other colors generally associated with traditional building design is encouraged on all buildings. Accent or complementary colors that harmonize with the main facade color(s) shall be permitted for trim, awning and other building details.
 - e. Exterior colors shall be subtle, neutral or earth-tone colors and of low reflectance. The use of high-intensity colors, such as black, neon, metallic or fluorescent, for the facade and/or roof is prohibited except as approved for building trim.

D. Commercial and multi-family facade treatment:

1. Multi-tenant buildings shall provide offset storefronts, doorways, windows, awnings and/or other design features for all ground-floor tenants. The minimum offset shall be four feet. Offsets that incorporate small courtyards are strongly encouraged. At a minimum, the upper floor of said buildings shall be coordinated with the ground floor through the use of common materials and colors. Storefronts should include display windows with a minimum sill height of two feet from grade.
2. Commercial and mixed-use building facades shall have architectural features on all sides.
3. New or renovated facades should incorporate rhythms that carry through a block, such as storefront patterns, window spacing, entrances, canopies or awnings, and the like.
4. Where fire escapes are required, they may not be on the principal facade of a building and should blend with the exterior design as balconies and stairs where possible.
5. Facade renovations should be consistent with the architectural styles detailed and encouraged in the Smart Growth Plan and this Section.
6. Surface detailing should be integrated within the structure rather than applied for decorative purposes.
7. Exterior-mounted mechanical and electrical equipment shall be architecturally screened.
8. The use of creative lighting schemes to highlight building facades and related areas is encouraged as long as it would not interfere with residential uses. Nonresidential lighting above the first floor shall be shut off by 10:00 p.m. or 1/2 hour after closing, whichever is earlier.
9. Clearly defined, highly visible customer entrances are encouraged, such as through the use of canopies, porticos, arches, wing walls, integral planters and similar features.
10. Awnings. Awnings are encouraged on retail buildings.
 - a. All awnings shall be constructed and installed so that the frame and fabric of the awning is integrated into the overall building design.
 - b. No awning shall extend more than five feet from the building facade or be less than eight feet above the ground.
 - c. Awnings shall not project into any roadway, driveway, parking or loading area nor be placed so as to conceal or disfigure an architectural feature or detail.
 - d. Awning material shall be limited to cloth, canvas, metal and similar materials; stretched plastic or vinyl are prohibited.
 - e. Awning colors should complement the building exterior and shall comply with exterior building design standards such that awning colors shall be subtle, neutral or earth-tone colors and of low reflectance. The use of high-intensity colors, such as neon, metallic or fluorescent, for awning material is prohibited.

E. Commercial and multi-family roofs:

1. Roofs should be designed to reduce the apparent exterior mass, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, as are overhanging eaves, sloped roofs and multiple roof elements.
2. Gable, hip or combination roof types are permitted. Flat roofs are prohibited unless incorporated with combination roofs and may not exceed 20% of the total roof area. Roof pitches of 8:12 and 12:12 are recommended.
3. The roofline at the top of the structure should incorporate offsets and jogs to reduce the monotony of an uninterrupted roof plane.
4. All rooftop equipment shall be screened from public view by materials of the same nature as the main structure. Mechanical equipment shall be located below the highest vertical element of the building.

Section 5. Section 240-39 shall be repealed. Section 215-30.1 shall be added as a new section with the following:

§215-30.1 Loading and service areas for Commercial and Multi-Family development

A. Loading and service areas:

1. Loading areas, recycling facilities, solid waste facilities and other service areas shall be placed to the rear of buildings a minimum of five feet from adjoining properties. Developments containing more than one commercial/residential use shall design loading areas, recycling facilities, solid waste facilities and other service areas for multiple users to limit the total number.
2. One loading space shall be at least 12 feet in width, 50 feet in length and have a sixteen-foot clearance above grade.
3. A loading area and its driveway shall be screened to minimize direct view and the effect of spillover lighting, noise and exhaust fumes on adjacent properties.

Section 6. Section 240-40 shall be repealed. Section 215-30.2 shall be added as a new section with the following:

§215-30.2 Off-street parking area requirements for Commercial and Multi-Family development

A. General design guidelines for off-street parking areas:

1. Driveways and parking spaces shall be set back at least five feet from all building units to provide room for a landscaped area.
2. Parking lot layout, landscaping, buffering and screening shall be used to minimize direct views of parked vehicles from streets and sidewalks and to avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties. Parking lots exposed to view shall be surrounded by a year-round, visually impervious screen, hedge or wall a minimum of 3 feet high. The height of the screen shall gradually decrease in height where driveways, walkways and sidewalks approach to provide adequate sight triangles.

3. The interior of all parking lots shall be landscaped to provide shade and visual relief. At a minimum, one deciduous tree shall be planted inside a landscape island for every 10 parking stalls. Landscaping should be utilized to soften the edges of parking lots and to provide a sense of lot borders or boundaries.
 4. Parking lot layout should take into consideration pedestrian movement, and pedestrian crossings shall be installed where deemed necessary by the Planning Board.
 5. Stormwater design must be approved by the Board engineer and is subject to all applicable standards.
- B. Each off-street parking area hereinafter created within the Township, except in a residential zone, shall be subject to the approval of the Planning Board to ensure its adequacy, relation to traffic safety and protection of the adjacent properties and to further ascertain that all requirements of this section are complied with.
1. No driveway shall at any point exceed 15% grade.
 2. Within 25 feet of the building to be served, no driveway shall exceed 4% grade.
 3. Within 20 feet of the right-of-way, no driveway shall exceed 2% grade.
- C. All off-street parking areas shall be surfaced with an asphalt bituminous or cement binder pavement which shall be graded and drained to dispose of all surface water as approved by the Planning Board Engineer. Alternative pervious pavements are permitted provided that the function, safety and durability of the pavement is acceptable to the Township Engineer. Where the grade of a driveway does not exceed 5%, this shall not be construed to require asphalt, bituminous or cement-bonded pavement for off-street paved parking spaces or access for residential structures in residential zones. Where the Planning Board Engineer feels it is appropriate, curbing may be required to facilitate collection of drainage.
1. The site plan shall provide a safe and efficient circulation system for and the movement of vehicles into, out of and within the site.
 2. Acceleration-deceleration lanes, if any, shall conform to the requirements of the Planning Board Engineer.
 3. Street construction shall conform to the provisions set forth in § 215-23 of Chapter 215, Subdivision and Site Plan Review.
 4. Access driveways.
 - a. Driveway location. All entrance and exit driveways shall be located to provide maximum safety with minimum disruption of traffic on the street. Where practicable, no part of any driveway entrance or exit to a public street shall be closer than 50 feet to an intersection. Where the frontage of the lot is too narrow to permit the specified distance, the driveway shall be located as far from the intersection as possible.
 - b. The number of driveways provided from a site on any one street shall not exceed one for a site frontage of less than 200 feet. It shall not exceed two for a site frontage on such street of over 200 feet. Where more than one driveway is permitted, the Planning Board shall require that each driveway be designated as either an exit or an entrance where such designation will facilitate vehicle and pedestrian movement within the site without hindering traffic movement on the street.

- c. Driveway and interior road dimensions. The dimensions of entrance and exit driveways and interior roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site but not wider than necessary to accommodate the expected traffic at a speed of 15 miles per hour. The required minimum and maximum dimensions are tabulated below. Where a driveway is to serve a facility having fewer than 50 parking spaces, a depressed curb driveway may be approved. If a driveway is to serve more than 50 parking spaces, curb returns of not less than 15 feet in radius shall be used. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Driveway pavement shall extend to the paved portion of the street with which it connects.

Required Dimensions for Driveways and Interior Roads					
		One-Way Operation		Two-Way Operation	
		Minimum	Maximum	Minimum	Maximum
		(feet)	(feet)	(feet)	(feet)
Multiple dwellings					
	2 to 10 families	12	13	12	26
	Over 10 families	12	18	20	30
Commercial and industrial		12	24	24	30
Gasoline station		15	20	24	30

- d. Where a subdivision of land is proposed, all such resulting lots shall provide access via a driveway meeting the requirements of this chapter and all other ordinances regulating driveway construction, design and maintenance. The access driveway shall be located on the lot in question.
5. Off-street parking and loading areas.
- a. The site plan shall provide for sufficient parking and loading spaces to meet the requirements of this chapter.
- b. An off-street parking area shall be marked off into individual car parking stalls, and each shall have a usable area of not less than 180 square feet, exclusive of access drives or aisles, and shall measure not less than nine feet in width and 18 feet in length.
- 1) Aisles shall have a minimum width of 24 feet unless angle parking is permitted, in which case minimum aisle widths shall be as indicated below:

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

- 2) Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than 90°.

- c. Entrances and exits and driveways to a parking lot truck-loading area shall be paved and shall include turning areas and shall be so designated to assure mobility, ample clearance and the safety of vehicles and pedestrians.
 - d. A parking area shall be illuminated if used after sunset, and such illumination shall provide for a minimum of 1/2 foot-candle per square foot and a maximum of four foot-candles per square foot throughout the area and shall be shielded from motorists using the streets and screened from adjoining residential properties.
 - e. Off-street parking and loading areas shall be designed to prevent the maneuvering of vehicles into or out of a parking or loading space within any portion of a driveway that is within the right-of-way line of any street. Off-street parking and loading areas shall be designated so as to avoid the necessity of vehicles backing onto any street from the site.
6. Customer service areas. Any use such as a bank or gasoline station that provides or expects to provide temporary stopping space or maneuvering space for vehicles of patrons seeking service from their cars shall show such space on the site plan. A gasoline station shall provide at least two stopping spaces per pump. A bank shall provide at least five stopping spaces per drive-in teller station. All such stopping spaces shall be located so as not to block any entrance or exit driveway, unless such driveway is designated for the exclusive use of cars patronizing a drive-in bank window. Stopping spaces shall be at least 20 feet long and eight feet wide and shall be located entirely within the confines of the lot.
7. Sidewalks.
- a. Sidewalks shall connect the main entrance of each building with the street or with the interior road giving access to the building. Interior roads giving access to buildings shall have a sidewalk on at least one side of such road. Sidewalks shall be provided along both sides of a new street to be constructed and along the entire frontage of properties with frontage only on one side of the street.
 - b. Pedestrian walks and sitting areas shall be surfaced so that they will be easily maintained and properly illuminated if in use after sunset.
 - c. A private pedestrian walk shall have a minimum paved width of four feet, and, if dedicated to the Township as a public walkway, the pedestrian walk shall have an easement with a minimum width of 10 feet.
 - d. Sidewalks shall be not less than 10 feet in width in a business zone and four feet in all other zones unless otherwise approved by the Planning Board.
 - e. Sidewalks are to be constructed of Class B air-entrained concrete and shall have a minimum thickness of four inches, except for driveway aprons, and the portion of the sidewalk transversing a driveway shall have a minimum thickness of six inches. Alternative pervious pavements are permitted provided that the function, safety and durability of the pavement is acceptable to the Township Engineer.
8. Parking lot and driveway pavement. Parking lots and driveways shall be constructed of six-inch-thick soil aggregate, Type 5, Class A quarry-process stone and two-inch-thick bituminous concrete, Mix No. I-5 surface course, except that, for those areas of heavy vehicular traffic volumes or loading, pavement thickness

and design shall meet the requirements of the Board Engineer. Alternative pervious pavements are permitted provided that the function, safety and durability of the pavement is acceptable to the Township Engineer.

9. Curbs. Curbs shall be not less than six inches thick at the top, eight inches thick at the bottom and 18 inches deep. Curbs shall be constructed of Class B air-entrained concrete and shall project six inches above the finished road surface at the curbline. Curbs may be modified from this standard or eliminated, provided that the elimination/modification of curbing is related to the functioning of the non-structural stormwater management mechanisms/elements, subject to the approval of the Township Engineer.
- D. The off-street parking area or off-street loading or unloading space shall be effectively screened on any side which adjoins or faces premises situated in any residence zone district by a fence or wall not less than four nor more than six feet in height, maintained in good condition; provided, however, that a screening of hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board. No part of any parking area shall be closer than 10 feet to any school, hospital or other institutional building situated on any contiguous lot unless screened by an unpierced masonry wall not less than four nor more than six feet in height. This shall not be construed to require screening for off-street parking spaces for residential use.
- E. All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work of any kind shall be conducted in such parking lots. No signs, other than entrance, exit and condition-of-use signs, shall be maintained.
- F. Off-street parking facilities as an accessory to any use permitted in a residential zone shall be provided on the same lot with the permitted principal building.
- G. Parking areas for nonresidential uses are permitted in the residential zones which are contiguous to the B-1 and B-2 Zones, provided that all the requirements otherwise applicable to the zone are complied with, and further provided that:
 1. The parking area does not extend more than 100 feet into the residential zone.
 2. The parking area shall extend continuously from the nonresidential zone.
- H. The amount of off-street parking area to be improved may be reduced by the Planning Board if it can be clearly demonstrated by the applicant that such additional parking area is not necessary; however, the entire amount of required parking area must at all times be available in the event that the conditions of use are changed.

Section 7. Section 215-34 Streetlighting shall be repealed. Section 215-34 shall be added as a new section with the following:

§215-34 Lighting

A. General design guidelines for lighting:

1. Street lighting and parking area lighting shall meet the minimum standards set forth below and shall be designed to conform with the village center historical design vision set forth in the Smart Growth Plan.

2. All lighting shall be designed in a manner that conforms to the style and architectural design of adjacent structures and uses. Wherever possible, the lighting shall be similar and conforming.
3. All outdoor lighting shall be shown on the site plan in sufficient detail to allow a determination of its effect at the property line and on nearby streets, driveways, residences and overhead sky glow.
4. Lighting shall be shielded and directed down onto the site so as not to shine or glare onto adjacent property or streets. Lighting shall not shine directly or reflect into windows, or shine onto streets and driveways so as to interfere with driver vision.
5. Lights that have a yellow, red, green or blue beam and/or that rotate, pulsate or operate intermittently are prohibited.
6. The intensity, shielding, direction, reflection and similar characteristics of lighting shall be subject to site plan approval.

B. Lighting requirements:

1. The maximum height of lights shall be 15 feet measured from the surrounding grade.
2. Pedestrian and parking areas shall have a minimum of 0.5 foot-candles and a maximum of 5.0 foot-candles per the standards listed below for low, medium and high density activities:

a. Parking Lots:

	Footcandles	Footcandles
Activity Level	Minimum*	Maximum**
Low	0.5	1.0
Medium	1.0	2.0
High	2.0	5.0

* Measured throughout the parking lot

** Measured at the center line of the access aisle serving the parking lot

b. Sidewalks:

	Footcandles	Footcandles
Activity Level	Minimum*	Maximum**
Low	0.5	1.0
Medium	0.6	1.2
High	0.9	1.8

c. Activity Level:

Low Activity – Commercial businesses; professional office buildings; industrial employee parking; and educational facility parking.

Medium Activity – Fast food facilities; shopping centers; cultural, civic or recreational events and facilities; and residential complex parking.

High Activity – Major athletic events, major cultural or civic events and major regional shopping centers.

3. Drive-through areas and other similar areas where money is exchanged may have a limited footprint where lighting levels may exceed the maximum allowable

values but shall not exceed 10 foot-candles unless regulatory requirements specify otherwise.

4. Lighting at the property boundary shall not exceed 0 foot-candles, except those areas adjacent to a public street where public street lights provide illumination.
5. Metal-halide (or comparable light quality) and LED lamps are suggested for their efficiency and light quality. Mercury vapor and high-pressure sodium lighting shall not be allowed.

Section 8. Section 215-45.B is amended to add a new 10. e. and 11. with the following:

- B. 10. e. Description of any non-structural stormwater management mechanisms/elements being considered, including the areas/volumes of such facilities involved in treatment, storage and recharge. any
- B. 11. Description and quantification of proposed water use, re-use and recharge.

Section 9. Section 215-51.B.5 is amended with the following:

§ 215-51. Planning Board review; standards.

- B. 5. Landscaping shall be provided as part of the overall site plan design and shall be integrated into the building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner to also serve as green infrastructure, such that it incorporates non-structural stormwater management elements to channel, treat, retain and recharge stormwater.

Section 10. Section 215-54.F is amended with the following:

§ 215-54. Preliminary site plan details.

- F. 21. The location of existing and proposed stormwater systems, including non-structural mechanisms and elements (i.e. bio-swales, recharge areas, etc.) and the method of refuse disposal and storage.
- F. 29. The amount and nature of water re-use and the elements devoted thereto.

Section 11. Section 240-2 is amended to add a new P. with the following:

§ 240-2. Purpose.

- P. Promote the conservation and protection of water resources through re-use, recharge and the integration of green infrastructure within the development of buildings and sites.

Section 12. Section 240-7 is amended to add new definitions with the following:

APARTMENTS – One or more rooms with cooking, sleeping and private sanitary facilities comprising an independent self-contained dwelling unit in a building containing three or more dwelling units.

ARCHITECTURAL REVIEW COMMITTEE - An advisory panel to the Byram Township Planning Board, appointed annually by the Township Council. The Committee shall consist of five to eight members, to include two sitting members of the Planning Board, two members of the general public, and a Township employee.

ASPHALT MANUFACTURING PLANT – A manufacturing facility for the creation of asphalt paving materials (asphaltic concrete) by combining liquid asphalt and various aggregates, including the storage and dispensing of the asphalt paving materials.

ASSISTED LIVING FACILITIES AND NURSING HOMES - A facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, health care, and (c) assistance with moderate activities of daily living. For purposes of this section, an assisted living facility and nursing home shall be deemed a medical care facility.

AUTOMOBILE CAR WASH – A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushes, rinse water or heat for drying and where no junked or unregistered vehicles are kept or stored.

AUTOMOBILE DEALERSHIP – An establishment offering the sale of automobiles, light trucks, vans, and accessories, parts, supplies and equipment to the general public and where no junked vehicles are kept or stored.

AUTOMOBILE FUELING STATION — An establishment for the retail sale of gasoline, oil or other products necessary for the maintenance and operation of motor vehicles and where no junked or unregistered vehicles are kept or stored.

AUTOMOBILE RENTAL - An establishment where the primary use is the rental of automobiles.

AUTOMOBILE REPAIR SHOP – An establishment for services necessary for the maintenance and operation of motor vehicles and minor repairs thereof and where no junked or unregistered vehicles are kept or stored. For purposes of this section, automobile repair shops include specialty repair and service businesses for vehicular repair or maintenance such as, but not limited to, body shops, shops for transmissions, brakes, tune-ups, tire sales, wheel alignments, and mufflers.

BANQUET HALL – An establishment in which all of or portions of are rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged.

BARS AND TAVERNS – An establishment for the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, and similar facilities serving alcoholic liquor.

BED-AND-BREAKFASTS - A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or by the week accommodation for a fee. Only breakfast or brunch may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units

BREW PUBS – An establishment known as a restricted license brewery which brews small batches of beer for sale at adjoining restaurants.

BYRAM HIGHLANDS CENTER - The entirety of the Byram Township Planning Area (Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b)) consists of a “Highlands Center,” as designated by the Highlands Council pursuant to Resolution 2010-6, adopted September 23, 2010. The Byram Township Highlands Consistency Report accompanying the designation establishes the parameters for development and redevelopment within the designated Byram Highlands Center, inclusive of ultimate disturbance areas.

CATERING FACILITY - An establishment providing meals and/or refreshments for off-site consumption for a fee, without on-site banquet facilities.

COMMERCIAL INCINERATOR – An establishment where waste materials are destroyed in a furnace by controlled burning at high temperatures.

COMMUNITY PARK/POCKET PARK -- A small parcel of land set aside, dedicated, designated or reserved for public use or enjoyment, which may include such complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities being no more than 1/2 of the overall space.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED -- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971, c. 136; N.J.S.A. 26:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such

procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE -- Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:40-1 to 30:14-14) providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical and psychological welfare.

CONCRETE MANUFACTURING PLANT - A manufacturing facility for the creation of concrete building and paving materials (concrete) by combining cement, water and various aggregates, including the storage and dispensing of the concrete building and paving materials.

DRIVE-UP SERVICE/FACILITY - An establishment that by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive goods or services while remaining in their motor vehicle.

DRY CLEANING AND LAUNDRY ESTABLISHMENT - An establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers

DRY CLEANING AND LAUNDRY PICK-UP STATION - An establishment where customers drop-off and pick up garments or articles that are sent to another location for cleaning or laundering. A dry cleaning and laundry pick-up station does not include on-site dry cleaning or laundry facilities.

DWELLING UNIT - One or more rooms designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and private sanitary facilities provided within the dwelling unit for the exclusive use of one or more persons living together and maintaining a common household

EDUCATIONAL INSTITUTIONS – An establishment where students or enrollees are assembled for the purpose of instruction and teaching or on-site training of one or more skills or areas of interest.

EXTERNAL ATTACHED GARAGE – A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public that is adjacent and attached to the principal structure that does not have any portion of the second floor above it and is not to be considered as living space.

FINANCIAL INSTITUTIONS – An establishment such as banks, savings and loans associations, mortgage companies, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, and insurance agents.

FUNERAL HOME – An establishment for the storage and preparation of human remains prior to their burial or cremation and the display of the deceased and the conducting of ceremonies connected therewith before burial or cremation.

GREENHOUSE AND NURSERY - An establishment for the retail sale of shrubs, trees, plants and related products to the consumer, including seeds, nursery products, potting soil, hardware, garden equipment and including outdoor storage and display of plants.

HEALTH AND FITNESS CENTERS - An indoor facility provided for individual or group exercise and recreational activities including aerobics, workout equipment, calisthenics, weight training, running, swimming and court games, and providing shower facilities and changing areas and may include spas, gymnasiums, and incidental uses such as childcare facilities, food service, and pro shops oriented to customers during their use of the facility.

HOTEL - A facility, which is not a Bed-and-Breakfast or an Inn, designed and used exclusively to accommodate transient guests and may provide additional services such as restaurants, meeting rooms and/or recreational facilities. Each room shall contain at least one (1) bedroom, one (1) bathroom, and one (1) closet. None of the rooms or suites of rooms shall have a full kitchen, and none shall have a gas/electric range or oven, but they may provide a sink, microwave oven, and/or mini-refrigerator.

INDOOR COMMERCIAL RECREATION FACILITY – An establishment where sports, leisure time activities and recreational activities are conducted indoors. Such facilities may include, but are not limited to indoor miniature golf courses, trampoline facilities, bowling alleys, indoor shooting ranges, indoor go-kart tracks or indoor skateboard facilities.

INNS - A facility, which is not a Bed-and-Breakfast or a Hotel, which offers transient lodging accommodations to the general public but does not provide meeting or function rooms. An Inn may include one restaurant that is open to the public. Inns may have recreational facilities such as a pool and/or a fitness room; however, such facilities shall only be available for use by guests and shall not be open to the public.

INTERNAL ATTACHED GARAGE – A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public that is integral to the principal structure and occupies a portion of the first floor not to be considered as living space.

JUNKYARD/SALVAGE YARD — Any area of land, with or without buildings, devoted to the storage, keeping or abandonment of junk or debris, or discarded material, whether

or not it is in connection with the dismantling, processing, salvage, sale or other use or disposition of any material whatsoever.

LANDFILL – A system of trash and garbage disposal in which the waste is buried between layers of earth

LAWN AND GARDEN CENTER – An establishment with retail sales of nursery stock and accessory supplies, fresh produce, landscaping supplies, lawn furniture, playground equipment, topsoil, mulching materials, garden tractors, utility vehicles, lawn mowers and similar powered lawn and garden equipment and other similar supplies and equipment used for lawn and garden purposes and retail repair and service for garden and lawn equipment.

LIGHT INDUSTRY - Facilities engaged in the fabrication, maintenance, alteration, repairing, finishing, or assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process that would change the nature or character of the product or raw material or which would cause or result in toxic or objectionable or corrosive fumes, vapors, odors, effluent, gas, smoke, dust, glare, flashes or excessive noise or vibration. Any and all manufacturing, fabrication, maintenance, alteration, repairing, finishing, or assembling shall be carried on within and confined to an enclosed structure or structures.

LOT COVERAGE - That part of one lot or more than one lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to principal buildings, accessory buildings, driveways, parking lots, pedestrian walkways, signs and other man-made improvements on the ground surface which are more impervious than the natural surface, but excluding the water surface of any swimming pool. For purposes of this Chapter, neither water surface area of any swimming pool nor the area of balconies or roof overhangs shall be counted as lot coverage.

MANUFACTURING - Facilities engaged in the mechanical or chemical transformation of materials or the processing of raw products into new products or any other processing activity which would involve a physical or chemical process that would change the nature or character of the product or raw material. Manufacturing includes the production of articles or finished products from raw or prepared materials by giving those materials new forms or qualities. Manufacturing also includes the blending of materials such as oils, plastics, resins or liquors. Any and all manufacturing processes shall be carried on within and confined to an enclosed structure or structures.

MICRO-BREWERY - An establishment known as limited license brewery which produces small batches of beer for sale to retailers and distributors in and out of the state.

MINING & QUARRYING OPERATIONS - Any extraction, removal, mining, separation, crushing or disturbance of earth or earth material from its original position. Earth materials include, but are not limited to, gravel, clay, soil, topsoil, loam, sand, rock, stone, ore, minerals, mineral substances and organic materials other than vegetation.

NEIGHBORHOOD SHOPPING CENTER – A building that contains more than one permitted retail and/or service establishment that draws its clientele from the neighborhood. A neighborhood shopping center is composed of one (1) building designed to be occupied by two (2) or more retail businesses with shared parking.

MULTI-FAMILY DWELLING / 2-to-4 FAMILY DWELLING - A building on a single lot containing 2-to-4 dwelling units, each of which is totally separated from the others by an unpierced wall extending from ground to roof, and/or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to multiple dwelling units.

NEIGHBORHOOD COMMONS - Lands within or related to a development, not individually owned or dedicated to public use, that are designed and intended for the common use and enjoyment of the residence and their guests, and may include such complimentary structures and improvements as are necessary and appropriate.

OUTDOOR ADVERTISING OR BILLBOARD – A sign advertising a business, place, activity, goods, services, or products on a different property from where said sign is located.

OUTDOOR COMMERCIAL RECREATION FACILITY – An establishment where sports, leisure time activities and recreational activities are conducted outdoors. Such facilities may include, but are not limited to golf driving ranges, miniature golf courses, cycling outfitters, hunting and fishing outfitters, canoe and kayak outfitters, go-kart tracks or skateboard facilities. The outdoor storage of commercial recreation items such as canoes, kayaks, bicycles, and other equipment shall be accessory to the principal use.

OUTDOOR DINING - The provision of food and drink as an addition or extension of a permitted principal use on a patio, deck or similar area outside the principal building, that may include seats, tables, umbrellas, and plant materials.

SIDEWALK CAFÉS - The provision of food and drink as an addition or extension of a permitted principal use on a sidewalk outside the principal building, that may include seats, tables, umbrellas, and plant materials.

OUTDOOR DISPLAYS AND SIDEWALK SALES - The display and sale of goods, products, and services associated with a principal use, outside the confines of the building associated with said use.

OUTDOOR ENTERTAINMENT – The provision of any entertainment out of doors, with or without amplification, for the enjoyment of guests.

OUTDOOR RETAIL SALES – The outdoor sale and storage of goods that require outdoor storage and/or display, such as lumber, building supplies, boats, trailers, outdoor furniture, nursery stock, and garden supplies,

PHARMACY - An establishment engaged in the retail sale of prescription drugs, Non-prescription medicines, cosmetics, and related merchandise.

PRINTING AND PUBLISHING - An establishment involved in book publishing, die cutting, printing of catalogue sheets or newspapers, engraving, four-color printing, lithography and other similar processes or the copying of newsletters, flyers and resumes, using photocopying machines, as well as blueprinting, facsimile sending and receiving.

PROFESSIONAL & MEDICAL OFFICE – An establishment for administrative, executive, or management functions or for the conduct or transaction of a business, profession, service industry, occupation or government, provided no goods are offered for sale on the premises except the incidental sale of medical or optical goods in a medical or dental office. An office does not include or involve the manufacture, fabrication, production, processing, assembly, cleaning, testing, or storage for sale of materials, goods or products.

RECORDS PROCESSING & STORAGE - An establishment for the creation, receipt, maintenance, use and disposal of records. Records are content that documents a business transaction. Documentation may exist in contracts, memos, paper files, electronic files, reports, emails, videos, instant message logs or database records. Paper records may be stored in physical boxes and digital records may be stored on storage media.

REGIONAL SHOPPING CENTER - A site that contains a wide variety of retail and service establishments, that has at least one or more anchor stores, and that draws its clientele from the region. A regional shopping center is composed of one (1) or more buildings designed as a unit to be occupied by two (2) or more retail businesses or departments in a single facility, conducted as an integrated and cohesively planned development with on-site parking and vehicular and pedestrian circulation areas.

RESEARCH FACILITIES - A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.

RESOURCE RECYCLING FACILITY - A facility which accepts, collects, moves, transfers, stores and/or separates ferrous and non-ferrous metals, glass, aluminum, wood, concrete, asphalt, paper, cardboard, plastic and other recyclable materials

RESTAURANTS - An establishment where food and drink are prepared and/or served and consumed at tables or where the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building, for carry-out or with facilities for drive-through order and/or drive-through pickup for consumption off the premises

RETAIL SALES – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and without necessarily rendering services incidental to the sale of such goods.

RETAIL SERVICE – Establishments engaged in providing services for individuals, businesses, government and other organizations and includes finance; insurance, real estate and personal services; business services and miscellaneous repair services; motion pictures, amusement and recreation services; health services and educational services; social services, museums, art galleries, botanical gardens and zoological gardens.

RETAIL WAREHOUSE — A building where the use combines retail and warehouse functions by stocking the inventory of goods in large quantities using stack-storage techniques in areas accessible to patrons for the purpose of selling the goods at retail or wholesale prices.

SELF-STORAGE FACILITY - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. For the purposes of this section mini-warehouses shall be considered self-storage facilities.

SEXUALLY ORIENTED BUSINESS — (1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other image-producing devices which show images to one (1) person per machine at any one (1) time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or (2) A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area."

SPECIFIED ANATOMICAL AREA — (1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (2) Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY — (1) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or (2) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

SPECIMEN TREE - Any tree that has a caliper of greater than 18 inches, measured 4 1/2 feet above the surrounding ground or that has been determined by a certified arborist to be of high value because of its type, size, age, or other professional criteria.

STREET FURNITURE - Aboveground objects constructed to improve the appearance and/or function of a street or park in accordance with its planned use, including but not limited to outdoor seating, benches, bus shelters, sculptures, landscape planters, trash receptacles, fountains, telephone booths, kiosks, and any other objects that have potential for enlivening and giving variety to streets, sidewalks, plazas, and any other outdoor space open to the public.

TENT SALES AND SPECIAL EVENTS - Temporary or interim activities conducted on retail properties for the purpose of promoting seasonal sales and special events, which may be conducted under a weather-protected canopy or open air. Special events shall include carwashes, fun runs, information fairs and other non-profit and charity events as well as commercial events.

TOWNHOUSE - Attached single-family dwelling units, each having its own front and rear entrance and separated from adjoining units by one or more common fire-resistant walls, which are established as and controlled by a condominium association under the guidelines of New Jersey condominium law, controlling and maintaining all structures, landscaping and other common areas as approved by the Planning Board and defined in by-laws and master deeds.

VETERINARY OFFICE - An establishment where domestic animals and household pets are admitted for examination for medical treatment and are cared for during the time of such treatment. Boarding of animals in connection with medical treatment shall be permitted in conjunction with the primary use of the facility as a veterinary office. Overnight boarding of animals shall be permitted on a short-term basis, and must be incidental to the veterinary activities. All boarding shall take place within the confines of the building containing the veterinary office.

VILLAGE CENTER – That area of Byram Township subject to the District Regulating Map of Section 240-59 Village Center Form Based Code. The Village Center is composed of two lots: Block 365, Lots 2 and 5. The term Village Center is used in many Township documents and often refers to the general area at the corner of Route 206 and Lackawanna Drive. It has also been used to describe both the Byram Highlands Center and the VC Village Center Zone together.

VILLAGE CENTER ZONE (referred to as VC Zone) – The area zoned for mixed-use commercial and residential development and subject to Section 240-59 Village Center Form Based Code. The Village Center Zone consists of Block 365, Lots 1.01, 1.02, 1.03, 2, 3, 5 and 5.02. It is located at the southeastern corner of Route 206 and Lackawanna Drive and is bounded on the south by Lubbers Run and on the east by the Family Theme Park Zone. The VC Village Center Zone is part of the Byram Highlands Center and is the only part of the Byram Highlands Center zoned for single-family, townhouse, condominium or other non-apartment residential development.

VILLAGE GREEN - A large parcel of land (minimum five acres) set aside, dedicated, designated or reserved for public use or enjoyment, which may include such

complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities being a small portion of the overall space.

WAREHOUSING — Facilities for the storage of goods, such as furniture, household goods, or other commercial goods of any nature, including cold storage or facilities for the handling of freight or transshipment facilities.

WASTE TRANSFER STATION – A facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

WELLNESS CENTER / SPA – An establishment that offers health services for the body and mind. Services may include skin care services, body services such as fitness and personal training; and provide alternative or integrative medicine and nutrition consulting.

Section 13. Section 240-11.1 is amended to delete the existing section and replace it in its entirety with the following:

§ 240-11.1 Highlands Area Land Use Ordinance

All applications for the use and development of land are subject to the Highlands Area Land Use Ordinance, adopted as a supplement to the Byram Township Land Use Ordinance. The Highlands Area comprises the Preservation and Planning Areas, inclusive of Byram Highlands Center, for which the applicable provisions of the Township Master Plan, ordinances and other pertinent regulations have been deemed by the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) to be in conformance with the Highlands Regional Master Plan. The provisions of the Highlands Area Land Use Ordinance apply in conjunction with and as a supplement to the Zoning Ordinance, development regulations, and all other rules, codes and regulatory provisions governing the use and development of land in the Township. In the event of conflicting provisions, the provisions of Highlands Area Land Use Ordinance shall supersede. Where provisions differ only by degree, the more restrictive of the applicable requirements shall supersede.

Section 14. Section 240-16 is amended with the following:

§ 240-16 Accessory buildings and structures.

- A. 4. No accessory building or structure, except those used in connection with agricultural activities, shall exceed 15 feet in height or be more than one story in height. In no circumstance shall the accessory building or structure be greater in height than the principal building.
- A. 7. Setback of any accessory building or structure from existing lakes, ponds, streams or wetlands shall be as specified for each zone. Where no setback is specified, it shall be a minimum of 75 feet, measured from the one-hundred-year flood line.

- B. 3. No accessory building or structure in a residential district shall have an area greater than 400 square feet, with the exception of swimming pools, and those used in connection with agricultural activities.

Section 15. Section 240-25.A is amended with the following:

§ 240-25. Proximity of structures and construction activity to waterways.

- A. No building or structure (except docks, piers, boathouses or similar structures related to watercourses, and non-structural stormwater management mechanisms/elements, such as bio-swales) shall be constructed, placed, erected or extended within the setback from existing lakes, ponds, streams or wetlands, as required for each zone, (75 feet if no requirement is stated) until such time as a soil erosion and sediment control plan shall have been approved by the Planning Board.

Section 16. Section 240-30 is amended with the following:

240-30 Continuance of nonconforming uses. Any lawful nonconforming use which existed on November 2, 1966, may be continued. No existing structure designed, arranged, intended or devoted to a nonconforming use may be structurally altered, extended, or enlarged unless the structure is changed to a conforming structure; provided, however, that:

- A. Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use;
- B. Minor alterations and improvements which do not constitute or require structural changes or enlargement, may be made to a building wherein a nonconforming use exists; and
- C. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.

Section 17. Section 240-32 is amended with the following:

240-32 Cessation of operation. Where there is a cessation of operation with the intention of abandonment of any nonconforming use, the same shall constitute an abandonment of such nonconforming use. Any subsequent exercise of such abandoned nonconforming use shall be deemed a violation of the terms of this chapter.

Section 18. Section 240-34 is amended with the following:

240-34 Alterations and restoration.

- A. Alterations. Structural alterations, internal rearrangements and renovations may be made to a building or structure which is nonconforming because it fails to comply

with height, area, yard, off-street parking or other like requirements of this chapter, other than use, as long as the structural alteration or increase, internal rearrangement or renovation does not extend, enlarge, or intensify the nonconformance of said building or structure.

B. Restoration.

1. A building or structure that is nonconforming because of its use and is completely destroyed may only be rebuilt for a conforming use.
2. A building or structure that is nonconforming because it fails to comply with any height, area, yard, off-street parking or other like requirement of this chapter other than use, and is completely destroyed may only be rebuilt as a conforming structure. Where conformance is not possible, an application for a variance shall be made for reconstruction.
3. A building or structure that is nonconforming, whether by use or otherwise, and is partially destroyed, may be rebuilt within the same footprint with the same dimensions, or smaller, as the preexisting nonconforming structure. Enlargements shall neither intensify an existing non-conformance, nor create a new non-conformance.
4. Complete destruction shall be deemed to have occurred when, in the opinion of the Construction Official, a building or structure is demolished except for a de minimis amount, whereby the replacement building or structure would need to meet the criteria for new construction pursuant to the Uniform Construction Code (N.J.A.C. § 5:23-6).

Section 19. Section 240-50.1 is amended with the following:

§ 240-50.1. Requirements for all residential zones.

- A. 10. Where feasible and appropriate, non-structural mechanisms and elements are preferred in the management of stormwater.

Section 20. Section 240-56 VB-Village Business District shall be repealed. Section 240-56 VB-Village Business District shall be added as a new section with the following:

§240-56. VB – VILLAGE BUSINESS DISTRICT

A. Purpose and intent. The purpose and intent of the VB Village Business District is to complement and be architecturally influenced by the primary focal point of new development in the Village Center (VC) Mixed-Use District. The purpose of the VB Village Business District is to:

1. Maintain existing commercial uses and encourage additional economic development in the Township's commercial areas. The uses in this district are intended to be complimentary to existing businesses, provide additional retail and service businesses, and be compatible with the surrounding residential uses in order to promote implementation of the objectives and goals of the Township's Sustainable Economic Development Plan.

2. Plan for new commercial development and promote the redesign or redevelopment of existing commercial uses to establish a more village-like downtown that better accommodates pedestrians and bicyclists and promotes certain architectural and landscape elements. The intent is to transform the high-speed, auto-oriented thoroughfare typical of highway-strip development into a neo-traditional "Main Street" to attract residents and visitors.
3. Encourage suitable new development and to revitalize existing commercial development in proximity to the Village Center District through specific commercial uses and a limited number of apartment-style residential units above the first floor. This zone is not intended for single-family, townhouse or condominium residential development
4. Provide both vehicular- and pedestrian-oriented commercial services to existing residential neighborhoods and the regional market area as defined in the Township's Sustainable Economic Development Plan.
5. Where feasible and appropriate, integration of green infrastructure (non-structural mechanisms and elements) is the preferred approach in the management of stormwater.
6. Make all new development, as well as any change, alteration, renovation and/or rehabilitation of existing structures and uses, subject to the standards and objectives in Chapter 215, Subdivision and Site Plan Review, Article V, §215-22 thru 34.

B. Permitted uses.

1. Banks & financial institutions including drive-through
2. Banquet halls & catering facilities
3. Bars & taverns
4. Bed-and-breakfasts, inns & hotels
5. Brewpubs & microbreweries
6. Community residence for the developmentally disabled
7. Community shelter for victims of domestic violence
8. Dry cleaning & laundry pick-up stations
9. Funeral homes
10. Government, fraternal, civic, charitable, and emergency services/organizations
11. Health & fitness centers
12. Indoor commercial recreation facilities
13. Neighborhood shopping centers
14. Pharmacies including drive-through
15. Professional & medical offices
16. Restaurants including drive-through
17. Retail sales
18. Retail services
19. Veterinary offices

C. Conditional uses.

1. Apartments as second principal uses on the second floor
2. Assisted living facilities & nursing homes

3. Automobile car wash
4. Dry cleaning and laundry establishments (with Non-PERC/PCE solvents)
5. Lawn and garden center
6. Outdoor dining
7. Sidewalk cafés
8. Outdoor displays & sidewalk sales
9. Regional shopping centers
10. Tent sales & special events

D. Prohibited uses.

1. Any use not specifically permitted in the zone
2. Automobile dealership
3. Automobile fueling stations
4. Automobile repair shop
5. Junkyard or salvage yard
6. Landscaping & home improvement contractors
7. Light industry
8. Manufacturing
9. Outdoor advertising or billboard
10. Retail warehouse
11. Self-storage facility
12. Sexually oriented business
13. Warehousing

E. Zoning bulk requirements.

1. Tract size: a minimum of 20,000 square feet, measured within 100 feet of the front property line.
2. Building footprint: a maximum of 40% of the property
3. Front Yard: Not less than 45 feet and not more than 55 feet. *There shall be no more than one (1) row of off-street parking within the front yard.* The front yard shall contain 4 feet of landscaping buffer between the parking area and sidewalk.
4. Side yards: Not less than 10 feet, with one side yard to be no less than 30 feet to accommodate an alley to provide access to the rear parking area, unless there is a shared alley with the adjacent property for access to rear parking. The side yards shall contain 4 feet of landscaping buffer. The side yards shall contain a 6-foot wide sidewalk that provides access from the rear parking area to the front of the building, unless there is a shared sidewalk with adjacent property for access to rear parking.
5. Building separation. The minimum separation distance between buildings shall be 10 feet.
6. Rear yard: Not less than 20 feet from rear property line to a principle or accessory structure and not less than 4 feet from the edge of paved parking area. The rear yard shall contain 4 feet of landscaping buffer or fencing at the discretion of the Planning Board.
7. Maximum Building Height. 3 stories or 40 feet, whichever is less.
8. Minimum Building Height. 2 stories or 20 feet, whichever is less.

9. **Maximum Lot Coverage.** 75% of the property, including all buildings and impervious cover.
10. **Total Limit of Disturbance** shall be restricted to those areas identified as Development/Redevelopment Areas on the Byram Highlands Center Map, as attached and adopted as part of the Zone Map of the Township of Byram. (Also found on Exhibit 1 of the Highlands Area Land Use Ordinance)
11. **Off-street parking.**
 - a. Provisions shall be made for off-street parking as provided in Article VI of this chapter
 - b. Off-street parking is not permitted in the side yards. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot width of less than 200 feet, the buffer shall be 10% of the lot width, but in no case shall the buffer be less than 10 feet.
 - c. Off-street parking is permitted in the front yard. There shall be no more than one (1) row of off-street parking within the front yard. The front yard shall contain four feet of landscaping buffer between the parking area and any sidewalk.
 - d. Off-street parking is permitted in the rear yard. Parking areas shall be no closer than ten feet to any building or the rear property line. Parking is allowed up to the side property line when adjacent properties share an alley for access to rear parking. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot depth of less than 200 feet, the buffer shall be 10% of the lot depth, but in no case shall the buffer be less than 10 feet.
 - e. A minimum of one loading space is required.
12. **Rear Entrance** shall be provided for public access to the principle building from rear parking area.
13. **Landscape Buffer.** Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot width or lot depth of less than 200 feet, the buffer shall be 10% of the lot width or lot depth, but in no case shall the buffer be less than 10 feet.
14. **Minimum setback from Lubbers Run.** 200 feet or as required by the New Jersey Department of Environmental Protection, whichever is greater.
15. **Trash collection.** There shall be an area or areas in the rear yard which is concealed from sight by a permanent structure for the orderly deposit and pickup of trash and recyclable materials.
16. **Affordable Housing.** Affordable Housing obligations shall be regulated by Article XIV of this chapter, as well as all those set forth in this section and Chapters 45 and 215.

F. Subdivision requirements.

1. Any site plan submitted for subdivision approval for two or more lots must include provisions for shared driveway access to rear parking areas, limiting the number of driveway curb cuts providing access to the state highway.

G. Design standards – Provided here for reference

1. Landscaping. Landscaping shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-29 Landscaping and outdoor design
2. Buildings and Improvements shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-22 thru 34

Section 21. Section 240-57 NC-Neighborhood Commercial District shall be repealed. Section 240-57 VB- Neighborhood Commercial District shall be added as a new section with the following:

240-57. NC – NEIGHBORHOOD COMMERCIAL DISTRICT

A. Purpose and intent. The purpose and intent of the NC Neighborhood Commercial District is to:

1. Maintain existing commercial uses and encourage additional economic development in the Township's commercial areas. The uses in this district are intended to be complimentary to existing businesses, provide additional retail and service businesses, and be compatible with the surrounding residential uses in order to promote implementation of the objectives and goals of the Township's Sustainable Economic Development Plan.
2. Provide both vehicular- and pedestrian-oriented commercial services to existing residential neighborhoods. The NC District is not intended for uses that, due to size or method of operation, increase truck traffic in the neighboring community.
3. Where feasible and appropriate, integration of green infrastructure (non-structural mechanisms and elements) is the preferred approach in the management of stormwater.
4. Make all new development, as well as any change, alteration, renovation and/or rehabilitation of existing structures and uses, subject to the standards and objectives in Chapter 215, Subdivision and Site Plan Review, Article V, §215-22 thru 34.

B. Permitted uses.

1. Banks & financial institutions including drive-through
2. Banquet halls & catering facility
3. Bars & taverns
4. Bed-and-breakfasts, inns & hotels
5. Brewpubs & microbreweries
6. Community residence for the developmentally disabled
7. Community shelter for victims of domestic violence
8. Dry cleaning & laundry pick-up stations
9. Government, fraternal, civic, charitable, and emergency services/organizations
10. Health & fitness centers
11. Neighborhood shopping centers
12. Outdoor commercial recreation facilities
13. Pharmacies including drive-through

14. Professional & medical offices
15. Restaurants including drive-through
16. Retail sales
17. Retail service
18. Veterinary offices

C. Conditional uses.

1. Apartments as second principal uses on the second floor
2. Assisted living facilities & nursing homes
3. Automobile repair shop
4. Dry cleaning and laundry establishments (with Non-PERC/PCE solvents)
5. Landscaping & home improvement contractors
6. Lawn and garden center
7. Outdoor retail sales
8. Outdoor dining
9. Sidewalk cafés
10. Outdoor displays & sidewalk sales
11. Outdoor entertainment
12. Self-storage facility
13. Tent sales & special events

D. Prohibited uses.

1. Any use not specifically permitted in the zone
2. Automobile car wash
3. Automobile dealership
4. Automobile fueling stations
5. Junkyard or salvage yard
6. Light industry
7. Manufacturing
8. Outdoor advertising or billboard
9. Retail warehouse
10. Sexually oriented business
11. Warehousing

E. Zoning bulk requirements.

1. Tract size: a minimum of 20,000 square feet, measured within 200 feet of the front property line.
2. Building footprint: a maximum of 40% of the property
3. Front Yard: not less than 65 feet and not more than 80 feet. There shall be no more than two rows of off-street parking within the front yard. The front yard shall contain four feet of landscaping buffer between the parking area and any sidewalk.
4. Side yards: not less than 10 feet when abutting a right-of-way or residential use. No minimum setback required when abutting a similarly zoned lot except for the purpose of accessing the rear yard or for on-site circulation.

5. Rear yard: not less than 20 feet from rear property line to a principal or accessory structure and not less than ten feet from the edge of paved parking area.
6. Building separation. The minimum separation distance between buildings shall be 10 feet.
7. Building height: a maximum of three stories or 40 feet, whichever is less; and
8. Building height: a minimum of two stories or 20 feet, whichever is less.
9. Lot coverage: a maximum of 70% of the property.
10. Off-street parking.
 - f. Provisions shall be made for off-street parking as provided in Article VI of this chapter
 - g. Off-street parking is not permitted in the side yards. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot width of less than 200 feet, the buffer shall be 10% of the lot width, but in no case shall the buffer be less than 10 feet.
 - h. Off-street parking is permitted in the front yard. There shall be no more than two rows of off-street parking within the front yard. The front yard shall contain four feet of landscaping buffer between the parking area and any sidewalk.
 - i. Off-street parking is permitted in the rear yard. Parking areas shall be no closer than ten feet to any building or the rear property line. Parking is allowed up to the side property line when adjacent properties share an alley for access to rear parking. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot depth of less than 200 feet, the buffer shall be 10% of the lot depth, but in no case shall the buffer be less than 10 feet.
 - j. A minimum of one loading space is required.
11. Landscape Buffer. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot width or lot depth of less than 200 feet, the buffer shall be 10% of the lot width or lot depth, but in no case shall the buffer be less than 10 feet.
12. Trash collection. There shall be an area or areas in the rear yard which is concealed from sight by a permanent structure for the orderly deposit and pickup of trash and recyclable materials.
13. Affordable Housing. Affordable Housing obligations shall be regulated by Article XIV of this chapter, as well as all those set forth in this section and Chapters 45 and 215.

F. Accessory Use Standards

1. Outdoor storage for outdoor commercial recreation facilities shall be limited to defined areas of the site that do not exceed fifty percent (50%) of the lot area and shall be demarcated within those defined areas on the site. The demarcation may consist of landscaping and/or fencing to create an attractive border.

G. Subdivision requirements.

2. Any site plan submitted for subdivision approval for two or more lots must include provisions for shared driveway access to rear parking areas, limiting the number of driveway curb cuts providing access to the state highway.

H. Design standards – Provided here for reference

1. Landscaping. Landscaping shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-29 Landscaping and outdoor design.
2. Buildings and Improvements shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-22 thru 34.

Section 22. Section 240-59 VC- Village Center Mixed-Use District shall be repealed. Section 240-59 VC- VC Village Center Zone Form-Based Code shall be added as a new section with the following:

§ 240-59 VC Village Center Zone Form-Based Code

The Byram VC - Village Center Zone shall be considered a Form Based Code Planned Development, in accordance with the Municipal Land Use Law requirements. The planned development will be consistent with the standards and intent set forth in this code. The Planning Board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c. of this act;
- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location, and purpose of the common open space are adequate;
- c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- e. In the case of a proposed development, which contemplates construction over a period of years, that in the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

The Byram VC - Village Center Zone shall be developed in accordance with the standards contained in this section and the standards the standards and objectives Article XIV (Affordable Housing) of the Byram Township Land Development Ordinance, as well as Chapters 45 and 215. Where standards are in conflict, the provisions or standards of this section shall control.

The primary intent of this section of the Land Development Ordinance is to establish the VC Zone and create a regulatory framework to implement the Form-Based Code. This section applies to area described below, and as designated by the Highlands Council as the Byram Village Center.

A. Village Center Zone – Location And Description

- 1. For the purposes of this code, the Village Center is composed of two lots - Block 365, Lot 2 (HRS Drilling Company, Incorporated) and Block 365, Lot 5 (Western World, Incorporated). The Village Center encompasses lands immediately adjacent to Lackawanna Drive and Route 206. It is approximately 56 acres in size and is located along Route 206. The Village Center is bound by Route 206 to the west, Lackawanna Drive to the north, the Wild West City Theme Park to the east, and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south.**
- 2. Four other properties are also included within the VC Zone boundary: Block 365, Lot 1.03, containing the DOT's detention basin and Lackawanna Drive realignment area; Block 365, Lot 1.01, 56 Route 206, containing the Byram Car Wash (Automobile Car Wash); Block 365, Lot 1.02, 58 Route 206, containing the Mavis Tire Sales (Automobile Repair Shop); and Block 365, Lot 3, containing a historic cemetery and included in the preserved land in the southern portion of the VC Zone. These properties are subject to the VC Zone, however, the existing uses Block 365, Lot 1.01, 56 Route 206, containing the Byram Car Wash (Automobile Car Wash); Block 365, Lot 1.02, 58 Route 206, containing the Mavis Tire Sales (Automobile Repair Shop) shall be regulated by the VB Zone Standards.**
- 3. The Village Center Zone is outlined in Map 1: Byram Village Center Zone, as attached and adopted as part of the Zone Map of the Township of Byram.**

B. Intent, Vision And Principles

- 1. Intent. The Village Center is intended to be the primary focal point of new development in Byram for two main purposes:**
 - a. Implement the objectives and goals of the Township's Smart Growth Plan**
 - b. Satisfy the Township's affordable housing obligation and 2016 Judgment of Compliance**
- 2. Smart Growth: The area is intended to take advantage of its central location and proximity to community amenities and infrastructure. The primary purpose is to provide for carefully planned development through mixed-uses and specific commercial and residential developments, oriented around new civic buildings and public spaces. The area is intended to provide pedestrian-oriented commercial services to future and existing residential neighborhoods and to create a new "center" as a community focus for the Township. The commercial and residential areas within the Village Center must be well integrated to create a neo-traditional, pedestrian-oriented, village-like development. The intent of the Plan is to encourage new development while still providing for open space, common greens, and civic centers.**
- 3. Affordable Housing: The Village Center is designated as the Township's smart growth approach to aid in satisfying its Second and Third Round Mt. Laurel Superior Court Judgment of Compliance. The Village Center allows for**

additional commercial development if affordable rental apartments are included in mixed-use buildings, creating a mix of residential over commercial in the village. The Township specifically withheld the remaining (40,000 gpd) sewer gallonage allotted to it to provide the density necessary to provide for affordable housing through the Third Round. The number of rental units mandated by this Plan will utilize the existing infrastructure and provide housing in the limited extent of the Highlands Planning Area, rather than attempting to increase density in the Preservation Area. The mandatory set aside of affordable units in the Village Center is to be internally subsidized by the market rate housing and the market commercial development.

4. Vision. The Village Center Form-Based Code envisions the highest density of development adjacent to Route 206 or Lackawanna Drive. Such development would consist of mixed-use retail with office and residential spaces on upper floors. The interior of the Village Center is intended to feature a central green with civic buildings having a high degree of pedestrian uses. Surrounding the green and in relation to protected open space should be a mix of housing types creating identifiable neighborhoods.

Village Center Form Based Code concept is designed to permit a planned development with a mixture of land uses that collectively will generate less vehicular traffic and encourage pedestrian activity to the maximum extent possible. The area will consist of a dynamic mixture of shops, offices, entertainment, housing, recreation and community facilities. Accordingly, this design envisions the best aspects of small village downtowns, while providing connections to greenways and trails. A village green is the central focal point of the center. The green is surrounded by a mix of housing types, civic uses, retail shops and has multiple connections to nearby retail uses along Route 206 and trail ways. Entertainment and mixed uses are arranged to enhance community life. Small locally owned stores benefit from foot traffic generated between them and nearby parking. Housing located in the center, creates a 24-hour presence and is convenient for seniors and others who place a high value on convenience and proximity to activity.

A mixture of land uses is a critical component in creating a vibrant center. While the existence of attractive buildings aids in establishing the market for the center, a mix of land uses results in diversity necessary for a successful center. Typically, the most successful centers encourage uses ranging from retail sales and service, office on upper floors, public buildings, public spaces, entertainment and residences. Almost without exception, all successful centers have residents living within and around the center, which encourages “after hour” vitality. In creating a center, one of the primary goals is to encourage this diverse mixture of people, stores, services, and attractions.

5. Principles. The Village Center’s design and implementation through this Form-Based Code is based on a philosophy of smart and sustainable development, as reflected in the following set of principles:
 - a. Smart Growth Principles

- 1) Create an attractive diverse community of mixed-use development, open space, civic buildings and residential uses to create a vibrant center.
 - 2) Provide well-designed public places and open spaces to accommodate and promote active community use, which includes larger organized community events and activities.
 - 3) Build upon the planned neo-traditional retail development along Route 206 and redevelop portions of existing development in keeping with new zoning and design standards.
 - 4) Protect the area from strip or big-box development.
 - 5) Coordinate investment for roads, water and sewerage facilities, schools, transportation, and other public facilities to support new growth in areas designated for growth.
 - 6) Enhance the visual character and beauty of the Township through preservation of important visual corridors, landscaping, and perpetuation of the architectural themes consistent with Waterloo Village and this plan.
 - 7) Promote economic development by encouraging retail, trade, service and tourism uses, particularly in relation to historic and recreational sites and cultural events.
 - 8) Support the State Development and Redevelopment Plan, which calls for limited development in the Township and surrounding region, and the Highlands Water Protection and Planning Act, which calls for limited development in the Highlands region.
- b. Land Use Principles
- 1) Develop the area at a density that creates a sense of place, encourages pedestrian activity and uses infrastructure efficiently.
 - 2) Encourage housing on upper floors above retail stores in order to provide the necessary residential critical mass to make the project feasible.
 - 3) Create a pedestrian-friendly center easily accessible from neighboring residential areas.
 - 4) Offer enhanced social, environmental, economic and aesthetic development design.
- c. Environmental Principles
- 1) Support environmental stewardship through reduced land consumption, improved water and air quality, protection of natural resources and attractive landscapes, and permanent preservation of substantial open space.
 - 2) Integrate on-site natural features into future development.
 - 3) To preserve substantial open space and protect environmentally sensitive lands, natural resources and attractive landscapes.
 - 4) Provide open space amenities for all residents in the center and surrounding areas.
- d. Infrastructure Principles
- 1) Create pedestrian walkways, bikeways, and other pathways to enhance both the ability and desirability of walking and bicycling.
 - 2) Design interior roadways to meet the needs of motor vehicles, pedestrians and bicyclists.

- 3) Provide sufficient parking spaces to support demand while providing opportunities to reduce automobile trips through development design and opportunities for shared parking.
 - 4) Encourage lateral connections between parking lots.
 - 5) Provide, maintain and expand utilities, community facilities and services necessary for the area.
 - 6) Where feasible and appropriate, integration of green infrastructure (non-structural mechanisms and elements) is the preferred approach in the management of stormwater.
- e. Affordable Housing Principles
- 1) Provide the affordable housing for Township citizens including seniors, young professionals, young families and working adults in a traditional neighborhood within the Township.
 - 2) Aid in meeting the Township Second and Third Round COAH obligation in the only remaining area of the Township with adequate utility infrastructure and sewer allocation within the Highlands Planning Area.
- f. Design Principles
- 1) Foster small-town charm as a key design element for future development.
 - 2) Create building design that ensures privacy, safety and contributes to the long-term desirability of the community.
 - 3) Require mixed-use buildings and new or redeveloped commercial construction to be located in close proximity to the street to create an inviting pedestrian-friendly environment.
 - 4) Utilize landscaping and theme signage to accentuate the natural and built environment, connectivity and community identity.
- C. Form-Based Code: Components Of The Code
1. Form-Based Code: According to the Form Based Code Institute (2008), a Form Based Code is defined as “a means of regulating development to achieve a specific urban form. The Code addresses the relationship between building facades and the public realm, the form, and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards are keyed to a regulating plan that designated the appropriate form and scale of development.” Form-Based Codes are regulatory and are intended to serve as a tool to designate the locations where different building uses apply, while enforcing appropriate bulk standards and design guidelines, per the Township’s ordinance.
 2. Components of the Code: The Code consists of eight main components:
 - a. District Regulating Map (Map 2)
 - b. Zone Standards
 - c. District Standards
 - d. Density Regulating Map (Map 3)
 - e. Height Regulating Map (Map 4)
 - f. Architectural Standards
 - g. Development Standards
 - h. Building Use Plan / Illustrative Site Layout (Map 5)
 Each of these components are defined and described below:

- a. District Regulating Map (Map 2, as attached and adopted as part of the Zone Map of the Township of Byram) - The Regulating Plan serves as the zoning map in the VC. The District boundaries established by Map 2: District Regulating Map shall supersede the boundaries of any existing zoning within the Village Center Zone. The Regulating Plan specifically regulates locations of the various residential, commercial uses, and green spaces permitted within the VC Zone. The Regulating Plan also depicts the street network, open space, and overall land use plan of the VC. The Regulating Plan ensures compliance with the zone and district standards and design standards presented in this Code. Any deviation from the land uses designated in the Regulatory Plan requires a use variance.

The Code and the District Regulating Map establish the following districts:

- 1) One-Family Residential
- 2) Two- and Four-Family Residential
- 3) Townhouse Residential
- 4) Village Core
- 5) Village Mixed-Use
- 6) Civic Use
- 7) Park

The following districts are also delineated on the District Regulating Map and will follow specific standards as established by the development standards and the appropriate authority:

- 1) Preserved Open Space (Byram Township / Highlands Commission)
 - 2) Roads (New Jersey Department of Community Affairs Residential Site Improvement Standards, N.J.A.C. 5:21-1.1; Byram Township LU Ordinance / AASHTO Standards)
 - 3) DOT Detention Basin (NJ State Department of Transportation)
 - 4) DOT Realignment Area (NJ State Department of Transportation)
- b. Zone Standards. The Zone Standards subsection establishes the primary goals and the general development regulations including the uses, coverage and deviations permitted on the Village Center Zone as a whole.
 - c. District Standards. The District Standards subsection establishes the uses, lot sizes, setbacks, building heights, and the other applicable standards in each VC District. Any deviation from the principal permitted uses requires a “d” variance.
 - d. Density Regulating Map (Map 3, as attached and adopted as part of the Zone Map of the Township of Byram) - The Density Regulating Map illustrates the maximum amount of development permitted in each VC District – either in number of residential units, in square feet of non-residential development or both. The density standards shall apply to all proposed buildings within all VC districts to comply with the Highlands Council and the available infrastructure for the VC Zone. Any deviation from the Density Regulating Map requires a variance in accordance with the Municipal Land Use Law. Increase in the total amount of development is not permitted.
 - e. Height Regulating Map (Map 4, as attached and adopted as part of the Zone Map of the Township of Byram) - The Height Regulating Map illustrates the maximum

building height in stories and feet permitted in each VC District. The height standards shall apply to all proposed buildings within all VC districts. Any deviation from the Height Regulating Map requires a variance in accordance with the Municipal Land Use Law.

- f. **Architectural Standards.** The Architectural Standards regulate the architectural elements of a building and set the parameters for configurations, styles, construction techniques, and desired materials. The standards also regulate the design of various elements of the buildings within the Districts including facades, roofs, fences, walls, and awnings. Any deviations shall be considered design standard waivers in accordance with the Byram Land Use Ordinance and the Municipal Land Use Law.
- g. **Development Standards.** The Development Standards regulate the site planning and improvement within the VC Zone. These include parameters for parking, loading and service areas; streets and streetscaping; landscaping; lighting; and, utilities and infrastructure. Any deviations shall be considered design standard waivers in accordance with the Byram Land Use Ordinance and the Municipal Land Use Law.
- h. **Illustrative Site Layout/Building Use Plan (Map 5).** The Illustrative Site Layout/Building Use Plan serves as the preferred relationship of buildings, commercial areas, and parking, based on the Regulatory Plan and the remainder of the bulk requirements and design standards. The Illustrative Plan specifically depicts the parcel layout, pedestrian network, open space amenities, and overall preferred building locations for the VC. However, it is recognized that the core principles of the Illustrative Plan contained herein can be applied in many different and creative ways. Therefore, although the proposed design elements depicted in the Illustrative Plan are binding in principle as elements of the final outcome, flexibility is allowed in the manner that these improvements are ultimately designed by the property owner/applicant and built.

It is proposed that a maximum deviation of 20% of the parcel layout, pedestrian network, open space amenities, and overall preferred building locations of the VC, depicted in the Illustrative Plan is permitted. Deviation from this requirement would require a design waiver from the Illustrative Plan. All development applications must file for Major Subdivision and Preliminary and Final Site Plan before the Township’s Planning Board.

D. VC Zone Standards

1. Tract Standards

Provision	Requirement
Minimum Tract	Block 365, Lot 2 and Block 365, Lot 5, approximately 56 acres in size.
Total Tract Impervious Coverage	Maximum 50% of total tract area.

Commercial Space (buildings)	Maximum of 90,550 square feet of non-residential area, including retail, office and other commercial space.
Preserved Open Space	Minimum 45% of tract area, including environmentally sensitive areas, stream corridors and critical habitats
Municipal Use Area	<ol style="list-style-type: none"> 1. Minimum of 2 acres located on the village green, which shall include a public park. 2. A 12,000 square foot building for municipal purposes, such as use by the Township administration for offices, community meeting space, to serve the public interest of the residents of Byram Township. 3. Mature or specimen trees shall be preserved, and trails and park amenities and furniture shall be included. This open space requirement shall not include lawn or landscaped areas on private residential or commercial lots.
Perimeter Setback	Minimum 15 feet to Village Center Boundary
Setback from Lubbers Run	Minimum of 300 feet or the setback required by NJDEP, whichever is greater.
Streets and Drives	<ol style="list-style-type: none"> 1. All areas identified as Roads on Map 2: District Regulating Map will comply with the New Jersey Residential Site Improvement Standards (RSIS). 2. These areas will be designated as public right-of-way and shall be transferred to the Township for public use. 3. Additional standards for design, streetscaping and lighting are regulated through Part H. Development Standards of this code.
Signage	In accordance with Chapter 240: Zoning, Article VIII Signs of the Township Combined Land Use Ordinance
Parking	Residential - In accordance with District Standards of this code and RSIS. Non-Residential -- In accordance with the District Standards, and with the Township Combined Land Use Ordinance.
Use Area Boundaries	Minor deviation shall be considered within 5% of the land area and subject to site design waiver approval. Major deviation shall be considered from 5% to 20% of the land area and subject to "c" variance approval. In no case shall any deviation be greater than 20% of the land area.

2. Planning and Phasing. The VC shall be developed under an overall Preliminary and Final Major Subdivision and Preliminary and Final Site Plan submission/approval process. The VC shall also be subject to a Developers Agreement with the Township.
3. Phasing of the development and construction. Affordable Housing Units shall follow the phasing of Article XIV (Affordable Housing) §240-86 Zoning for Inclusionary Development

4. Preserved Open Space. Approximately 25 acres in the southern portion of the VC Zone are reserved as Preserved Open Space, to comply with the Byram's Highlands Commission Plan Conformance Consistency Review Report (dated March 2010), as shown on Map 2: District Regulating Map.

According to the Report, this Preserved Open Space "...provides protection of approximately 25 acres ...representing high integrity forest, Prime Ground Water Recharge Area and Critical Habitat in the Planning Area..." and "ensures that protected lands constitute contiguous forest resource lands, eliminating what would otherwise have been fragmented areas of open space, likely requiring significant areas of forest disturbance".

5. DOT Detention Basin and Realignment Area. Approximately 3.9 acres in the north-west portion of the VC Zone contain a detention basin and the realignment of Lackawanna Drive going west from Route 206, as shown on Map 2: District Regulating Map. These areas have been designed and developed by the New Jersey Department of Transportation.

E. District Standards

1. One-Family Residential District

- a. District Purpose: One-Family Residential development is located in the interior of the Village Center and provides detached residential dwellings. The district provides for 30 units on approximately 6.56 acres (an average density of 4.6 dwellings units per acre), as shown on the Map 3: Density Regulating Map.
- b. Permitted, Accessory and Conditional Uses:

	Permitted	Accessory	Conditional
One-Family Dwelling (Principal)	Yes		
Garage - Attached		Yes	
Garage - Detached		Yes	
Parking		Yes	
Pool		Yes	
Shed/Gazebo		Yes	
Deck/Patio		Yes	
Public Uses	Yes		
Public Utilities			Yes

c. Lot Area, Building Coverage, Massing and Setbacks:

Standard	Minimum	Maximum
Lot area	8,500 square feet	10,000 square feet
Lot depth	100 feet	None
Lot width	50 feet	65 feet
Street frontage	50 feet	65 feet
Lot disturbance	None	50%
Principal building coverage	None	15%, up to 2,000 square feet
Building height	1 story/ 15 feet	2.5 stories/ 32 feet
Garage (attached or detached)	1-car garage	2-car garage
Front yard setback [1]	12 feet	20 feet
Rear yard setback (principal building)	30 feet	None
Side yard setback	5 feet one side, 12 feet combined	10 feet one side, 30 feet combined
Attached garage (rear-loaded, rear setback)	20 feet from alley	None
Detached garage (rear-loaded, rear setback)	20 feet from alley	None
Acc. Buildings Setback (shed) [2]	5 feet from all property lines	None
Acc. Structure Setback (pool, deck, etc.) [2]	10 feet from all property lines	None

[1] Front porches are encouraged and may encroach into the Front Yard Setback for up to a maximum of 8 feet.

[2] Located behind front yard setback on any street line.

d. Location/Access of Parking and Accessory Uses:

- 1) Garage (attached or detached): 100% of all garages must be solely accessed from a side or rear alley.
- 2) Parking: As per RSIS standards and § 215
- 3) Alleyways: Rear alleys provide access to parking and trash collection.

2. Two- to Four-Family Residential District

- a. District Purpose: Two- to Four-Family Residential development is located in the interior of the Village Center and provides medium-density multi-story, multi-family residential dwellings. They act as a transition between the mixed-use core and one-family areas. The district provides for 8 units on approximately 1.6 acres (an average density of 5 units per acre), as shown on the Map 3: Density Regulating Map.
- b. Permitted, Accessory and Conditional Uses:

	Permitted	Accessory	Conditional
Multi-family Dwelling	Yes		
Condominiums	Yes		
Garage – Attached		Yes	
Garage – Detached		No	
Parking		Yes	
Deck/Patio		Yes	
Public Uses	Yes		
Public Utilities			Yes

c. Lot Area, Building Coverage, Massing and Setbacks:

Standard	Minimum	Maximum
Lot area	7,200 square feet	15,000 square feet
Lot depth	120 feet	200 feet
Lot width	60 feet	100 feet
Bedrooms	1 per unit	2 per unit
Units per structure	2 units	4 units
Building height	2 stories/ 24 feet	2.5 stories/32 feet
Front yard setback [1]	12 feet	20 feet
Rear yard setback	30 feet	None
Side yard setback	12 feet one side; 30 feet combined	15 feet one side; 40 feet combined

[1] Front porches are encouraged, and may encroach into the Front Yard Setback for up to a maximum of 8 feet.

d. Parking Requirements:

- 1) Minimums: Two parking spaces per unit are required for the Two-to-Four-Family Dwellings.
- 2) Location: All parking must be on-site and no parking calculation can include on-street parking.
- 3) Parking Type: The on-site parking needs can be met through a combination of surface parking, internal attached garages, and external attached garages.
- 4) Access: 100% of all garages must be solely accessed from a side or rear alley.
- 5) Internal Garages: Internal attached garages may include up to four spaces or parking bays.
- 6) External Garages: External attached garages may not exceed two parking spaces or parking bays.
- 7) Setbacks: The on-site parking requirements are subject to these additional requirements.
 - a) Attached garages shall be located in the rear, shall have a minimum rear setback of 20 feet from rear alleyway, and shall have a side yard setback of 10 ft.

- b) Surface parking shall be located in the rear, shall have a minimum setback of 10 feet from rear alleyway, and shall have a side yard setback of 5 ft.

3. Townhouse Residential District

a. District Purpose: Townhouse Residential development is located in the interior of the Village Center and provides medium-density attached residential dwellings. They act as a transition between the mixed-use core and one-family areas. The district provides for 24 units on approximately 3.38 acres (an average density of 7 units per acre), as shown on the Map 3: Density Regulating Map.

b. Permitted, Accessory and Conditional Uses:

	Permitted	Accessory	Conditional
Townhouse Dwelling (Principal)	Yes		
Garage – Attached		Yes	
Garage – Detached		No	
Parking		Yes	
Deck/Patio		Yes	
Public Uses	Yes		
Public Utilities			Yes

c. Lot Area Building Coverage, Massing and Setbacks:

Standard	Minimum	Maximum
Lot area	15,000 square feet	30,000 square feet
Lot depth	120 feet	300 feet
Lot width	120 feet	300 feet
Principal building coverage	20 %	35 %
Bedrooms	1 per unit	4 per unit
Units per structure	4	6
Building height	2 stories/ 24 feet	2.5 stories/32 feet
Garage, Number [1]	1-car garage	2-car garage
Front yard setback [2]	10 feet /each unit; offset 4 feet	20 feet
Rear yard setback principal building	20 feet	None
Side yard setback	10 feet one side, 15 feet combined	15 feet one side, 30 feet combined
Garage, Setback	20 ft from alley	None

[1] Only internal garages are permitted.

[2] Front porches are encouraged and may encroach into the Front Yard Setback for up to a maximum of 6 feet.

d. Location/Access of Parking and Accessory Uses:

- 1) Garage (attached only): 100% of all garages must be solely accessed from a rear alley.
- 2) Parking: As per RSIS standards
- 3) Visitor Parking: To be provided in accessible locations.
- 4) Alleyways: Rear alleys provide access to parking and trash collection.

4. Village Core Mixed-Use Districts

- a. The Core of the Village Center contains the highest density of development adjacent to Route 206 and/or Lackawanna Drive. Such development would consist of mixed-use retail with office and residential spaces on upper floors. The districts together provide for a maximum of 90,550 sft of commercial/retail space and 68 apartment units on the upper floors on approximately 7 acres.
- b. Principles:
 - 1) Create a strong street edge of mixed-use buildings with retail on ground floor with residential and commercial uses permitted by right in the upper floors.
 - 2) Create opportunities for a mix of retail, office, eating/dining and entertainment uses.
 - 3) Create opportunities for pedestrian-friendly spaces such as outdoor dining, plazas and a walkable “Main Street” environment.
- c. Permitted, Accessory and Conditional Uses:

	Village Core & Village Mixed-Use		
	Permitted	Accessory	Conditional
Apartments above the first floor			Yes
Art Galleries	Yes		
Banks & financial institutions	Yes		
Bars & taverns	Yes		
Inns & hotels	Yes		
Brewpubs & microbreweries	Yes		
Dry cleaning & laundry pick-up stations	Yes		
Government, fraternal, civic, charitable, and emergency services/organizations	Yes		
Health and Fitness Centers	Yes		
Live/Work Uses [1]	Yes		
Sidewalk cafés			Yes
Outdoor displays & sidewalk sales			Yes
Pharmacies	Yes		
Professional & medical offices	Yes		
Restaurants	Yes		
Retail sales	Yes		

	Village Core & Village Mixed-Use		
	Permitted	Accessory	Conditional
Retail services	Yes		
Small Movie Theaters [2]	Yes		
Tent sales & special events			Yes
Wellness Centers/Spa	Yes		
Plaza/Open Space	Yes		
Public/Quasi-Public Uses [3]	Yes		
Public Utilities			Yes
Parking		Yes	
Signage		Yes	

[1] Live/Work Uses: Offices, studio, display/sales areas and living areas for Licensed Professionals, Service Providers and Artisans

[2] Small Movie Theaters: one or two screens, with maximum 500 seating capacity

[3] Public/quasi-public use: such as museum, civic space, community center, library, etc. Public plazas, either stand-alone or in combination with these Public/Quasi-Public Uses, are encouraged.

d. Lot Area, Building Coverage, Massing and Setbacks:

	Village Core		Village Mixed-Use	
	Minimum	Maximum	Minimum	Maximum
Lot Depth	100 feet	None	100 feet	None
Lot Width	60 feet	None	60 feet	None
Building Depth	40 feet	60 feet	40 feet	60 feet
Building Width	50 feet	100 feet	75 feet	100 feet
Building Height [1]	2 stories/ 25 feet	3 stories/ 35 feet	2 stories/ 25 feet	3 stories/35 feet
Building Footprint	2,000 square feet	8,000 square feet	3,000 square feet	6,000 square feet
Front yard setback	0 feet	12 feet	6 feet	18 feet
Rear yard setback [2]	40 feet	None	40 feet	None
Side yard setback	8 feet	None	15 feet	None

[1] The ground floor level shall have a minimum height of 14 ft height with floor surface no more than 2 ft higher than the sidewalk.

[2] Minimum 10 ft. of buffer and landscaping

e. Parking Requirements:

- 1) Location and Access: Surface parking areas shall be located behind buildings and accessed by a rear alleyway. Centralized rear parking areas shall be considered to increase efficiency and minimize curb cuts.
- 2) On-Street Parking: On-street parallel parking shall be provided and encouraged throughout the mixed-use core.
- 3) Parking Requirements: Parking shall be provided according to these minimum requirements, in addition to the requirements set forth

in §240-38. Where standards are in conflict, the provisions or standards of this section shall control.

- a) Offices uses shall require 1 space per 400 sf of gross floor area.
- b) Retail uses shall require 1 space per first 400 sf plus 1 space per each additional 350 sf.
- c) All residential apartment parking shall be provided as per RSIS standards. Residential parking must be provided on-site and shall not rely on on-street parking to meet requirements.
- d) Inn/hotel uses shall have 1 space per room plus 1 space per 4 restaurant seats.
- e) Restaurant/bar/tavern uses shall have 1 space per 3 seats or 3 persons, according to the occupancy maximum permitted by the fire code official.
- f) Parking requirements for other uses (not listed) shall be determined by the planning board.

5. Civic Use District

- a. The primary use of land within this district shall be for civic buildings, parks, plazas, greenways or other types of public spaces including surface or structured facilities for the provision of public parking.
 - 1) A minimum of one (1) civic building with a building foot print area of approximately 12,000 square ft.
 - 2) Architecturally unique buildings that shall have a dominant presence on the Village Green.
 - 3) The municipal use lot and the municipal building shall be located and designed to maximize the visibility of the civic building, creating a visual terminus from the central green.
 - 4) The municipal building shall be designed in accordance with all other design guidelines for all structures in the Village Center, unless the design concept enhances the Village Center in such a manner as to be more beneficial than strict adherence to the design guidelines.
 - 5) The municipal use lot and building shall be transferred to the Township for public use.

6. Park District

- a. The interior of the Village Center is intended to feature a central green with civic buildings having a high degree of pedestrian uses. The Village Green is proposed to be large and prominent and provide space for community events, such as outdoor concerts, fireworks displays, etc.
 - 1) A public library, community center, post office and a municipal building may be located either directly on or along the perimeter of the Village Green.
 - 2) The green area should have sidewalks and benches both on its perimeter and throughout.
- b. Civic Use District & Park District -Permitted, Accessory and Conditional Uses:

	Permitted	Accessory	Conditional
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	Permitted	Accessory	Conditional
Civic Buildings [1]	Yes		
Parks & playgrounds	Yes		
Farmers' Markets & seasonal events	Yes		
Outdoor Entertainment (amphitheater, concerts)	Yes		
Parking		Yes	
Public Uses	Yes		
Signage		Yes	
Public Utilities			Yes

[1] Community and municipal buildings such as public library, community center, post office and a municipal building.

7. Additional District Regulations

a. **Prohibited Uses:** Any use not listed above is prohibited. This shall include, but is not limited to, the following:

- 1) Any use not specifically permitted in the zone
- 2) Automobile car wash
- 3) Automobile dealership
- 4) Automobile fueling stations
- 5) Automobile repair shop
- 6) Banquet halls & catering facilities
- 7) Drive-up facilities and uses.
- 8) Junkyard or salvage yard
- 9) Light industry
- 10) Manufacturing
- 11) On-site dry-cleaning facilities.
- 12) Outdoor advertising or billboard
- 13) Retail warehouse
- 14) Sexually oriented business
- 15) Warehousing

8. **Conditional Uses:** The following conditional uses are subject to the standards and provisions set forth in Article X of this chapter. Where standards conflict, the objectives and standards set forth in Article X shall govern, except where federal or state regulations supersede:

- a. Public utility facilities are conditionally permitted when necessary for development build-out within the Village Center Zone, or if required by a federal, state or county agency.
- b. Apartments are conditionally permitted if on the second or third floor. No apartment shall be built on a first floor or in a one-story building, unless the number of apartments on-site would require an elevator, then a first-floor apartment would be permitted for ADA compliance only.
- c. Sidewalk cafés - The provision of food and drink as an addition or extension of a permitted principal use on a sidewalk outside the principal

building is subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:

- 1) Operations. The operator of the sidewalk café and the hours of operation shall be the same as the principal business. No food shall be prepared outside the building.
 - 2) Contents. Sidewalk cafés may include seats, tables, umbrellas, and plant materials. Sidewalk cafés may not include refuse receptacles within the confines of the eating area. All materials shall be durable and moveable; lightweight plastic tables and seats shall not be permitted.
 - 3) Location. Sidewalk cafés may be delineated by non-permanent barriers such as planters or decorative railings. Sidewalk cafés shall be located upon sidewalk areas, adjacent to the building façade, must provide for and maintain at least five (5) feet of unobstructed sidewalk for the circulation of patrons and pedestrians. Sidewalk cafés may not be located along the curbside, the curbside must be kept free of all obstructions to provide visibility for pedestrians and motorists.
 - 4) Music. Live or recorded music shall be permitted within the sidewalk cafés provided that all such music shall comply with decibel level limits per municipal and state sound regulations.
 - 5) Lighting. All sidewalk cafés shall be illuminated in accordance with municipal regulations. Flashing, blinking, glowing, or animated lighting shall not be permitted.
 - 6) Umbrellas. Opened umbrellas shall not impede visibility of other business's storefronts, doorways, or windows, or impede pedestrian circulation.
 - 7) Maintenance. All sidewalk cafés shall be maintained in a clean and neat fashion, free of debris and litter. Sidewalks shall be washed by the business operator on a regular basis. All furniture shall be maintained in neat order when not in use for extended periods, such as the colder winter months.
 - 8) Parking. Sidewalk cafés shall be included in any calculation of on-site seating capacity. This shall include on-site parking requirements, necessary sewer allocation, and/or on-site septic requirements. Indoor and outdoor seating combined shall not exceed the total approved seating capacity of the facility.
- d. Outdoor displays & sidewalk sales - The display and sale of goods, products, and services associated with a permitted principal use, outside the confines of the building associated with said use is subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:
- 1) Operations. The operator of the outdoor display area and the hours of operation shall be the same as the principal business.
 - 2) Contents. Outdoor display areas may consist of any item that may be sold inside the business. Products may be stacked or displayed on racks, shelves, or tables. All materials, racks, shelves, or tables shall be

readily moveable and shall be brought inside at the end of business each night. Lightweight materials that cannot remain stationary as a result of winds or breezes shall not be permitted. No signs are permitted except for merchandise price indicators.

- 3) Location. Outdoor display areas may be delineated by non-permanent barriers such as planters or decorative railings. Outdoor display areas shall only be located on sidewalk areas, adjacent to the building façade, and must provide for at least five (5) feet of unobstructed access for sidewalk circulation for patrons and pedestrians. Outdoor display areas may not be located along the curbside, the curbside must be kept free of all obstructions to provide visibility for pedestrians and motorists.
 - 4) Area. The area devoted to outdoor display shall not exceed ten percent (10%) of the ground floor area of the principal building. In the case of shopping centers the area devoted to outdoor display for any tenant shall not exceed 10% of the tenant's lease area.
 - 5) Height. The height of outdoor display items shall not exceed seven (7) feet.
 - 6) Setbacks. Areas devoted to outdoor display shall comply with all building setbacks and yard requirements for the zone in which they are located.
 - 7) Surfacing. Areas devoted to outdoor display shall be paved with concrete and free of dust.
 - 8) Maintenance. All outdoor display areas shall be maintained in a clean, neat, and orderly fashion.
 - 9) Parking. The area devoted to outdoor display shall not be included in the parking requirements for the principal use.
- e. Tent sales & special events - Temporary or interim activities conducted on permitted commercial properties for the purpose of promoting seasonal sales and special events including carwashes, information fairs and other non-profit and charity events as well as commercial events are subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:
- 1) Operations. No tent sale or special event shall operate between the hours of 8:00 PM and 8:00 AM and shall not occur from November 1 through March 31. No tent sale or special event shall operate for more than three (3) consecutive days. All tent sales or special events are subject to an additional special event permit process.
 - 2) Contents. Tent sale or special event areas may include seats, tables, merchandise and materials related to the promotional event. Any tent or canopy shall have at least fifty percent (50%) of its sides open. All materials shall be secured to ensure nothing is windblown beyond the tent area.
 - 3) Location. Tent sale or special event areas shall be located within a parking lot or lawn areas and their locations subject to site plan approval. All tent sales or special events shall occur within those areas

identified on an approved site plan. The tent sale or special event area shall be delineated by non-permanent barriers such as planters, decorative railings, cones or temporary fencing. No tent sale or special event area shall exceed 2,000 square feet in area, or 30% of the site's parking lot, whichever is less.

- 4) Maintenance. All tent sale or special event areas shall be maintained in a clean and neat fashion, free of debris and litter. Any structures related to the tent sale must be removed within twenty-four (24) hours of the end of the event.
 - 5) Parking. The area devoted to tent sales and/or special events shall not diminish the parking requirements for the principal use. The area devoted to tent sales and/or special events must be surplus parking or lawn areas.
9. Supplemental Standards: All development applications for the VC Village Center District are subject to the standards, principles, and procedures set forth in Article XIV of this chapter as well as Chapters 45 and 215. Where standards are in conflict, those set forth in Article XIV of this chapter shall govern.

F. Affordable Housing

1. Byram Township adopted a revised 2016 Fair Share Plan and Housing Plan Element on November 3, 2016. This section regulates the provision of very low, low, and moderate-income units (affordable units) within the VC Zone. The Township's Second Round affordable housing obligation of 33 units shall be met by 26 new construction units. The maximum number of residential units shall be 130.

The minimum residential construction in the VC Zone shall comply with the Township's Fair Share Plan and Housing Plan Element. All affordable housing shall be subject to the provisions of Chapter 240, Article XIV of the Byram Township Code titled Affordable Housing.

2. Affordable Housing Parameters: All residential housing types are encouraged, with the following minimum/maximum percentages:
 - a. The number of market residential units shall not exceed 104.
 - b. In all, not less than 26 housing units shall be income-restricted in accordance with the Township's fair share obligation as follows:
 - 1) 2-Bedroom For-Sale Units (Age Restricted) - 6
 - 2) 1-Bedroom Rental Units - 5
 - 3) 2-Bedroom Rental Units - 9
 - 4) 3-Bedroom Rental Units - 6
 - c. Senior housing shall constitute a maximum of 25% of the total.
 - d. One-family detached shall constitute a minimum of 25% and a maximum of 40% of the total.
3. Mandatory Set-aside Requirements:
 - a. All residential inclusionary developments in the VC Village Center District shall be required to set aside a mandatory 20% of the dwelling units for the construction of affordable housing.

- b. 50% of the affordable units constructed be affordable by very low- and low-income households and that the remaining 50% be affordable by moderate-income households.
 - c. Set-aside in Apartments (residential above retail) as a second principal use:
 - 1) 15% of the residential units be deed restricted as affordable housing if the project is a rental project.
 - 2) 20% of the residential units be deed restricted as affordable housing if the project is a for-sale project.
 - d. All affordable units shall be income-restricted, in accordance with the Township's Second and Third Round fair share obligation.
 - e. All affordable units would be subject to any applicable Council on Affordable Housing rules and be compliant with the Uniform Construction Code.
4. Location of Affordable Housing:
- a. Housing types shall be distributed on the site per the Village Center District Regulating Map
 - b. The housing units are to be a mix of One Family, Apartments (residential above retail), Townhouse, and 2-4 Family Units.
 - c. Apartments are only to be on a second or third floor, no apartment shall be built on a first floor or in a one-story building.

G. Architectural Design Standards

- 1. The Architectural Design Standards regulate the architectural elements of a building and set the parameters for configurations, styles, construction techniques, and desired materials. The standards also regulate the design of various elements of the buildings within the Districts including facades, roofs, fences, walls, and awnings.

The Architectural Design Guidelines serve as the preferred types of designs intended for development within the VC. Deviation from these guidelines must be reviewed with the proposed development application presented to the Planning Board.

Any deviation from the following design standards creates a waiver or exception pursuant to N.J.S.A. 40:55D-51 and not a variance pursuant to N.J.S.A. 40:55D-70.

Appendix A of this Form Based Code includes Visual Design Guidelines which were created by the Architectural Review Committee to assist development in the Village Center to better understand the vision and intent of the Form Based Code.

- 2. General Design Standards for All Structures
 - a. All structures shall be designed to reflect traditional building design in general accordance with housing styles identified and/or pictured in the Smart Growth Plan and the Visual Design Guide created by the Architectural Review Committee. (Appendix A). The purpose of this

Visual Design Guide is to assist any and all developers in the Village Center to better understand the vision and intent of the design requirements.

- b. Brick, stone, and painted wood clapboard or shingle siding is encouraged, as are pitched roofs with slopes between 8:12 and 12:12. The overall design should have varying styles, shapes, and materials as described in the Smart Growth Plan and the guidelines established for use by the Architectural Review Committee. Alternative materials may be appropriate if they do not detract from the overall visual conformity of the traditional styles.
 - c. At least half of all one-family homes shall be oriented with gable ends facing the street and all shall have a covered front-entry porch, raised a minimum of 18 inches above ground level.
3. **Building Massing and Scale.** Scale is the relationship between the size of a structure and the size of adjoining permanent structures. Large-scale building elements will appear out-of-place if they are situated in a visual environment that is smaller in scale, such as the Village Center.
- a. Dominant structures should be broken up by creating horizontal emphasis, such as through the use of trim, awnings, eaves, windows, or other architectural ornamentation, use of combinations of complementary colors, and varied landscape materials.
 - b. Long, horizontal facades should be broken down into segments having vertical orientation; and tall vertically oriented facades shall be broken down into horizontal components through use of appropriate design features.
 - c. Expansive blank walls are prohibited.
 - d. Buildings should be designed so the facade is the prominent architectural feature and the roof is visually less dominant in the total design.
 - e. Gable and hip roofs are encouraged. Other roof types may be permitted by the Planning Board at the recommendation of the Architectural Review Committee if it concludes that they are generally consistent with traditional architectural styles and if materials suitable to such styles are used.
 - f. A human scale should be achieved at ground level and along street frontages and entryways through the use of scale elements such as windows, doors, columns, plazas, awnings and canopies.
 - g. The height of structures should relate to adjacent open spaces to allow maximum natural light and ventilation, to protect from prevailing winds, to enhance public views, and to minimize obstruction of the view from adjoining structures.
4. **Exterior Building Design**
- a. **Exterior Walls:**
 - 1. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.

2. Walls that can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length.
 3. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
- b. Architectural features:
1. Architectural features may include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.
 2. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features will significantly reduce the visual impact of the building mass as viewed from the street.
- c. Building materials:
1. The predominant building materials shall be materials characteristic of traditional developments in northwestern New Jersey, such as brick, wood, native stone, traditional clapboard, and stylized shingles.
 2. Alternative siding, metal panels or roofs, mirrored glass surfaces, or faux facade materials may be recommended by the Architectural Review Committee; and special care would be needed to not detract from the overall visual conformity of the traditional styles.
 3. Buildings may not be painted in bold colors, patterns, checks or stripes.
 4. The use of earth-tone colors (browns, beige, grays, soft greens, and the like) and/or other colors generally associated with traditional building design is encouraged on all buildings. Accent or complementary colors that harmonize with the main facade color(s) shall be permitted for trim, awning and other building details.
 5. Exterior colors shall be subtle, neutral or earth tone colors and of low reflectance. The use of high-intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof is prohibited except as approved for building trim.
5. Facade Treatment
- a. Multi-tenant buildings shall provide offset storefronts, doorways, windows, awnings and/or other design features for all ground-floor tenants. The minimum offset shall be four feet. Offsets that incorporate small courtyards are strongly encouraged. At a minimum, the upper floor of said buildings shall be coordinated with the ground floor through the use of common materials and colors. Storefronts should include display windows with a minimum sill height of two feet from grade.
 - b. Commercial and mixed-use building facades shall have decorative architectural features on all sides
 - c. Two-to-four-family dwellings shall be designed to emulate traditional large one-family residences and shall not have "mirrored" or duplicate front facades.

- d. New or renovated facades should incorporate rhythms that carry through a block, such as storefront patterns, window spacing, entrances, canopies or awnings, and the like.
- e. Where fire escapes are required, they may not be on the principal facade of a building and should blend with the exterior design as balconies and stairs where possible.
- f. Facade renovations should be consistent with the architectural styles detailed and encouraged in the Smart Growth Plan and the guidelines established by the Architectural Review Committee.
- g. Surface detailing should be integrated within the structure rather than applied for decorative purposes.
- h. No facade design or layout shall be the same as the adjacent structure. No less than three major alterations to a facade are required to define the facade as different from that of the adjacent structure. Changes in exterior building materials may be counted as one alteration.
- i. Exterior-mounted mechanical and electrical equipment shall be architecturally screened.
- j. The use of creative lighting schemes to highlight building facades and related areas is encouraged as long as it would not interfere with residential uses. Nonresidential lighting above the first floor shall be shut off by 10:00 p.m. or one-half hour after closing, whichever is earlier.

6. Roofs

- a. Roofs should be designed to reduce the apparent exterior mass, add visual interest and be appropriate to the architectural style of the building, while avoiding excessive complexity of line or massing. Variations within one architectural style are highly encouraged.
- b. Visible rooflines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, as are overhanging eaves, sloped roofs and multiple roof elements.
- c. Gable, hip or combination roof types are permitted. Flat roofs are prohibited unless incorporated with combination roofs and may not exceed 20% of the total roof area. Roof pitches of 8:12 and 12:12 are recommended.
- d. The roofline at the top of the structure should incorporate offsets and jogs to reduce the monotony of an uninterrupted roof plane.
- e. All rooftop equipment shall be screened from public view by materials of the same nature as the main structure. Mechanical equipment shall be located below the highest vertical element of the building.

7.

Entrances

- a. At least one principal building entrance must be oriented toward the primary street frontage property line.
- b. Clearly defined, highly visible customer entrances are encouraged, such as through the use of canopies, porticos, arches, wing walls, integral planters and similar features.

8. Awnings and Projections

- a. Awnings are encouraged on retail buildings. All awnings shall be constructed and installed so that the frame and fabric of the awning is integrated into the overall building design.
- b. No awning shall extend more than five feet from the building facade or be less than eight feet above the ground.
- c. Awnings shall not project into any roadway, driveway, parking or loading area nor be placed so as to conceal or disfigure an architectural feature or detail.
- d. Awning material shall be limited to cloth, canvas, metal and similar materials; stretched plastic or vinyl are prohibited.
- e. Awning colors should complement the building exterior and shall comply with 215-30(C)(3)(e) such that awning colors shall be subtle, neutral or earth tone colors and of low reflectance. The use of high-intensity colors such as neon, metallic or fluorescent for awning material is prohibited.

9. Walls and Fences

- a. Walls shall not be utilized within commercial areas unless required for screening, security or separation of incompatible land uses.
- b. Walls should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated.
- c. Brick, stone, and stucco shall be used whenever possible. Landscaping should be used in combination with all walls.

10. Building Signs

- a. Signage shall be in accordance with Chapter 240: Zoning, Article VIII Signs of the Township Combined Land Use Ordinance
- b. Master Signage Plan:
 - 1) A master signage plan shall be submitted with any plan for new development, change of use or renovation of existing use or structure in the village center. The following information shall be submitted for each existing and proposed sign:
 - Size (i.e., length, height, area, thickness, number of faces).
 - Letter style and size.
 - Illumination.
 - Colors (i.e., letter, background, trim), including color samples.
 - Construction materials, structural integrity and installation details.
 - Window size (if applicable).
 - Location (i.e., height above grade, distance from roofline, building width, location from property lines, streets, sidewalks, and structures).
 - Enumeration of relevant requirements and compliance with same.
 - 2) The master signage plan shall graphically depict the signs and may be prepared by the applicant or a sign professional. The master signage plan shall include a sketch or photograph showing the dimensions of each facade, window and canopy of the building to which a sign is to be attached in sufficient detail to clearly indicate the location, dimension and area of all existing and proposed permanent signs. Samples of construction materials should be submitted.

- 3) In the case of a freestanding ground sign, a plot plan of the lot shall be required as part of the master signage plan to show the location of buildings, parking lots, driveways, landscaped areas, and other existing and proposed signs.
- 4) The applicant shall provide additional information deemed necessary to determine whether the master signage plan complies with the sign regulations.
- 5) When the Planning Board as part of a development application has approved installation or modification of a sign, the Construction Official shall issue a sign permit only if the proposed sign is consistent with the approval.

H. Development Standards

1. The Development Standards regulate the site planning and improvement within the VC Zone. These include parameters for:
 - a. Parking, Loading and Service Areas
 - b. Streets and Streetscaping
 - 1) Streets and Roadways
 - 2) Alleys
 - 3) Pedestrian Connections and Sidewalks
 - 4) Street Trees and Streetscaping
 - 5) Street Lighting and Furniture
 - c. Landscaping
 - d. Lighting
 - e. Utilities and Infrastructure

Any deviations shall be considered design standard waivers in accordance with the Byram Land Use Ordinance and the Municipal Land Use Law.

2. Parking, Loading and Service Areas
 - a. Parking Areas
 - 1) Parking for commercial structures is prohibited in front yard setback areas. Driveways and parking spaces shall be set back at least five feet from all building units to provide room for a landscaped area.
 - 2) Parking lot layout, landscaping, buffering and screening shall be used to minimize direct views of parked vehicles from streets and sidewalks and to avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties.
 - 3) Parking lots exposed to view shall be surrounded by a year-round, visually impervious screen, hedge or wall a minimum of 4.5 feet high. The height of the screen shall gradually decrease in height where driveways, walkways and sidewalks approach to provide adequate sight triangles.
 - 4) The interior of all parking lots shall be landscaped to provide shade and visual relief. At a minimum, one deciduous tree shall be planted inside a landscape island for every 10 parking stalls.
 - 5) Landscaping should be utilized to soften the edges of parking lots and to provide a sense of lot borders or boundaries.

- 6) Parking lot layout should take into consideration pedestrian movement, and pedestrian crossings shall be installed where deemed necessary by the Planning Board.
 - 7) Stormwater design must be approved by the Board engineer and is subject to all applicable standards.
- b. Loading and Service Areas
- 1) Loading areas, recycling facilities, solid waste facilities and other service areas shall be placed to the rear of buildings a minimum five feet from adjoining properties.
 - 2) Developments containing more than one commercial/residential use shall design loading areas, recycling facilities, solid waste facilities and other services areas for multiple users to limit the total number.
 - 3) A loading area and its driveway shall be screened to minimize direct view and the effect of spillover lighting, noise and exhaust fumes on adjacent properties. Options for screening must be approved by the Planning Board and shall include, but are not limited to, walls, fences, and landscaping.
 - 4) Screening must be at least five-feet-tall and visually impervious. In developments of multiple uses, all fences, walls, et cetera, shall be of similar materials.
- c. Landscaping/Screening:
- 1) Parking lot landscaping shall consist of a minimum of 5% of the total parking area, excluding the perimeter landscaping and buffer areas required in § 215-29, plus a ratio of one tree per 10 parking stalls to create a canopy effect upon maturity.
 - 2) Landscaping in a parking or loading area shall have a width of at least five feet and be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 - 3) Landscaped buffers between parking areas, parking pods and internal streets shall have a minimum width of five feet with no car overhang and 10 feet with a car overhang.
 - 4) Parking areas containing 10 or more parking stalls shall contain the following landscaping features:
 - Five percent of the interior portion of the parking areas shall be landscaped, excluding all perimeter landscaping and required buffer areas. No more than 15 parking stalls shall exist in a continuous row without a landscaped break.
 - In addition to the general shade tree requirements, one shade tree shall be provided for every 10 parking stalls to create a canopy effect.
 - A landscaped island at least five feet in width shall separate the ends of parking rows from access aisles.
 - Evergreen plantings shall be required to screen parking areas from public rights-of-way and all residential property.
 - 5) Landscaped buffers between parking and on abutting property lines shall have a minimum width of 10 feet.

- 6) Front or exterior yard landscaping may not be substituted for the landscaping required for interior parking stalls.
 - 7) All loading areas shall be landscaped in a manner that sufficiently screens the view of the loading area and vehicles from any public right-of-way and residential property. Landscaping in this instance may include berms, fencing, walls or a combination thereof.
3. Streets and Streetscaping
- a. Streets and Roadways:
 - 1) Development within the Village Center shall create or encourage land use and street design that is compatible with and encourages pedestrian traffic.
 - 2) Building placement, in conjunction with display windows on all sides, further enhances the pedestrian orientation of the area.
 - 3) Design and construction shall enhance and increase the following:
 - Configuration using collector/major arterial streets to avoid traffic congestion on primary streets upon which buildings front;
 - Visual prominence of natural features and topography of the landscape;
 - Street layout facilitation of solar orientation of buildings;
 - Use of curvilinear or grid patterns;
 - Improve the view of, and the view from, buildings and other prominent vistas within the Village Center;
 - Promote pedestrian design that makes it more convenient and pleasant for the community to walk short distances than to drive within the Village Center; and
 - Promote the creation of vista terminations within the Village Center.
 - 4) Proposed streets shall be considered in relation to existing and planned streets, existing topographic and geologic conditions, public convenience and safety, and safe vehicular travel.
 - 5) Long straight roadway sections shall be avoided. Straight roadway sections in the Village Center shall have a vista termination (i.e., a lot, park or open space, building--church with spire, government building--, monument/statue site, fountain) located at an intersection or at the end of the street(s) or pedestrian ways. A vista termination shall be prominently visible from one or more streets or ways approaching said site.
 - 6) Proposed street design shall also provide for appropriate continuation of existing streets of similar design speed and the extension of streets onto adjoining land.
 - b. Alleys:
 - 1) Residential development within the village center will have on-site parking accessed solely from side (corner lots) or rear alleys. The predominance of residential dwellings will have rear frontage on alleys.

- 2) Alleys within the village center will be constructed in compliance with RSIS standards for alleys (one-way or two-way).
 - 3) Alleyways are designed to accommodate secondary means of access to lots, no off-site parking shall be allowed in the alleyways and should be designed to discourage through traffic.
 - 4) Alleys should accommodate garbage and recycling storage and collection.
 - 5) Alleys become the property of a homeowner's association and all maintenance and repairs of the alleys are the responsibilities of a homeowner's association, at no time do alleys become Township streets.
- c. Pedestrian Connections and Sidewalks:
- 1) Pedestrian ways or footpaths shall be required for convenient circulation and access to schools, playgrounds, shopping, transportation, parks, conservation areas and other facilities. The minimum requirement for pedestrian ways within the commercial core shall be a ten-foot-wide easement immediately abutting the right-of-way, including an eight-foot-wide sidewalk. Throughout the remainder of the Village Center, pedestrian ways shall consist of an easement at least ten-feet-wide, including sidewalks at least six-feet-wide.
 - 2) Pedestrian ways are required to include sidewalks, trees and grass strips abutting the right-of-way, street furniture (benches and trash receptacles), and decorative street lighting. Trees within the sidewalk shall have tree grates and tree guards.
 - 3) Walkways from sidewalk to building entrance(s): A continuous pedestrian walkway shall be provided from the primary frontage sidewalk to building entrance(s). This internal walkway shall incorporate a mixture of landscaping, benches, drop-off-bays and bicycle facilities for at least 50% of the length of the walkway. Walkways shall be connected to adjacent sites.
 - 4) Walkways from parking areas to building entrances: Internal pedestrian walkways shall be developed to provide access to building(s) entrance(s) from parking lot(s). Walkways shall be designed to separate people from moving vehicles. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the building code and American Disabilities Act (ADA).
 - 5) Walkways shall be distinguished from parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if appropriate to the overall design of the site and building and recommended by the Architectural Review Committee.
- d. Street Trees:

- 1) Shade trees shall be planted along all streets. Shade trees shall be planted on all sites at a minimum rate of 10 trees per acre, inclusive of trees required along any street line.
- 2) Shade trees shall be located to frame the streets and roadways to create a canopy effect when matured.
- 3) Shade trees shall be selected from the following groups, with at least 20% of the trees to be from Group A, and at least 30% each to be selected from Group B and Group C:

<u>Group A</u>	<u>Group B</u>	<u>Group C</u>
White flowering dogwood	American beauty Crabapple	Princeton sentry ginko
Red flowering dogwood	Snow crabapple	Emerald queen maple
Crimson cloud hawthorn	Shademaster honeylocust	Sugar maple
Washington Hawthorn	Katsura tree	Red maple
	Crimson king maple	Northern Red Oak
		Sweetgum

- 4) The Planning Board may permit or require the substitution of evergreen trees for shade trees from Groups B and C only. Evergreens must be at least eight feet high at planting.
 - 5) Shade trees shall meet all of the following requirements:
 - Measure 3 to 3.5 inches in diameter six inches above the ground.
 - Group A trees shall be planted at thirty-foot intervals; Group B trees shall be planted at forty-foot intervals; and Group C trees shall be planted at fifty-foot intervals.
 - Have a straight trunk and be properly staked.
 - Be balled and burlapped, well branched and with a good root system. Backfill shall consist of 50% humus for each tree, and each tree shall be thoroughly watered and properly pruned at the time of planting.
 - 6) Trees to be planted in any street right-of-way shall be subject to the approval of the Township Engineer.
 - 7) Where the placement of required trees within a street right-of-way is impossible or impractical due to the presence of sidewalks, critical areas or other physical or environmental features, the Planning Board may require a ten-foot-wide street tree easement to be located adjacent to the right of-way.
 - 8) The Planning Board may require that existing trees on a site be replanted for reuse on the subject property or elsewhere in the Township on public property only.
- e. Street Lighting
- 1) Street lighting design shall be traditional in style, consistent throughout the Village Center and is subject to review and comment by the Architectural Review Committee.

- 2) Street lighting shall meet the minimum standards set forth below and shall be designed to conform with the Village Center historical design vision set forth in the Smart Growth Plan and is subject to review and comment by the Architectural Review Committee.
 - 3) All lighting throughout the Village Center shall be designed in a manner that conforms to the style and architectural design of adjacent structures and uses.
 - 4) Wherever possible, the lighting shall be similar and conforming.
- f. Street Furniture and Flagpoles:
- 1) The use of street furniture (benches, tables, trash receptacles, et cetera) is encouraged, provided that materials are consistent with the overall concept of the building design and locale in which the building is located.
 - 2) Street furniture, such as benches, decorative street lighting and trash receptacles, shall also be provided to create an enhanced pedestrian environment.
 - 3) Flagpoles shall not exceed 25 feet in height.
4. Landscaping
- a. Landscape Design:
- 1) Landscaping is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping may include trees, shrubs, ground cover, berms, flowers, sculpture, art and similar materials and shall be designed to provide aesthetic, buffer, climatological, environmental, ornamental, and other related functions. All landscaping plans must be prepared by a New Jersey-registered landscape architect or other individual deemed suitably qualified by the Planning Board.
 - 2) Landscaping plans should avoid the use of exotic species and shall not include invasive species, as described in Table III (Recommended Native Plant List) and IV (Exotic/Invasive Plant List) in the Lubbers Run Greenway Project, prepared for the Township Environmental Commission in 1997.
 - 3) Landscaped buffers shall consist of evergreen ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
 - 4) Community amenities such as patio/seating areas, water features, artwork, sculpture, clock towers, pedestrian plazas with park benches and other features, located adjacent to the primary entrances of buildings are highly encouraged and may be calculated as part of the landscaping requirement.
 - 5) Landscaping for commercial uses shall define entrances to buildings and parking lots, define the edges of various land uses, provide transition (buffering) between neighboring properties and provide screening for loading and equipment areas.
 - 6) Plants in boxed, clay or wood containers should be used to enhance sidewalk shops, plazas, and courtyards.

- 7) Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure and should be accented at entrances to provide focus.
 - 8) Trees shall be located throughout the parking lot and not simply at the ends of parking aisles.
 - 9) Landscaping shall be protected from vehicular and pedestrian encroachment by raised-planted surfaces, depressed walks, or the use of curbs.
 - 10) The use of vines and climbing plants on buildings, trellises and perimeter garden walls is strongly encouraged.
 - 11) Landscaping shall not obstruct visibility at drive-aisle intersections.
- b. Landscape coverage:
- 1) Coverage of the landscaped area, excluding lawns, shall be 50% at the time of installation and 90% at five years. Lawns shall be fully established within two growing seasons.
 - 2) Landscaped buffers between parking and on abutting property lines shall have a minimum width of 10 feet.
 - 3) Front or exterior yard landscaping may not be substituted for the landscaping required for interior parking stalls.
 - 4) A landscaped and/or screened buffer area is required between commercial uses, parking areas and buildings in parking areas adjacent to residential dwellings. The minimum height and width shall be five feet of continuous evergreen hedge screen in two years (or a wall or fence with a minimum height of five feet).
- c. Screening and ornamental planting:
- 1) The planting of shrubbery, bushes, flowers and similar plantings shall be designed to serve decorative and ornamental functions as well as screening and buffering.
 - 2) Junipers, yews and similar evergreen plants shall largely be used for screening and buffering.
 - 3) White hollies, rhododendron, azaleas, and similar plants shall be used at highly visible locations such as front yards, building entrances and adjacent to ground signs.
 - 4) The use of flowerbeds and planters is strongly encouraged in all nonresidential zones.
- d. Tree removal:
- 1) Existing mature trees shall be preserved wherever possible. Existing mature trees and vegetation shall not be removed in an area greater than 70% of the total project area. Preservation of specimen trees within the developable area of the property counts at a rate of 2:1 when calculating the total shade tree requirement.
 - 2) When it is necessary to remove existing mature trees and vegetation, removal shall be in conjunction with the phasing of the total project, with trees and vegetation removed only in those parts of the project area slated for grading. Other areas shall remain in the natural state.
- e. Replacement:

- 1) A two-year guarantee is required so that all new plantings and existing trees and other vegetation are maintained after construction and replaced where necessary.
 - 2) The owner, its successors and/or assigns, shall maintain vegetation planted in accordance with an approved site plan. Plants or trees that die or are damaged shall be replaced and maintained.
- f. Post-development inspection:
- 1) All landscaping shall be subject to a post-development inspection by the Township Engineer, Township Planner and/or a representative of the Planning Board.
 - 2) Required landscaping shall be continuously maintained.
- g. The Planning Board shall have the right to impose additional landscaping requirements after due consideration of the size and type of proposed development, the extent of existing vegetation to be removed during construction, and the nature of surrounding land uses.
5. Lighting:
- a. Lighting shall be shielded and directed down onto the site so as not to shine or glare onto adjacent property or streets.
 - b. All outdoor lighting shall be shown on the site plan in sufficient detail to allow a determination of its effect at the property line and on nearby streets, driveways, residences and overhead sky glow. At a minimum, the lighting design submitted for review shall include iso-footcandle drawings indicating 0.1 and 1.0 footcandle traces for all site lighting.
 - c. Lighting shall not shine directly or reflect into windows, or shine onto streets and driveways so as to interfere with driver vision.
 - d. Lights that have a yellow, red, green or blue beam and/or that rotate, pulsate or operate intermittently are prohibited.
 - e. The intensity, shielding, direction, reflection and similar characteristics of lighting shall be subject to site plan approval. The objective is to minimize undesirable off-site effects.
 - f. The maximum height of lights shall be 15 feet measured from the surrounding grade.
6. Utilities and Infrastructure
- a. All utilities (both main and service lines) servicing new developments, or where there is a change, renovation or expansion of an existing use, shall be constructed underground within easements or dedicated public rights-of-way, and installed in accordance with the prevailing standards and practices of the utility or other company providing such services.
 - b. Lots that abut existing easements or public rights-of-way where overhead utility distribution supply lines and service connections have heretofore been installed may be supplied with service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.
 - c. In the case of existing overhead utilities, should a road widening, extension of service, or other such condition occur as a result of the

subdivision, and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

- d. Year-round screening of aboveground utility apparatus is required except for utility poles.
- e. Watercourses:
 - 1) An emergency/maintenance access easement shall be provided for streams or watercourses. Said easement shall conform substantially with the line of the watercourse and be at least 20 feet in width centered on its midpoint.
 - 2) Streets or pedestrian ways that are parallel to the streams or watercourses and/or appropriate accesses may be required in connection therewith.
 - 3) The placement of streams or watercourses into open or covered culverts shall be kept to a minimum.
- f. Utility easements:
 - 1) Easements shall at least twenty-feet-wide and shall generally follow lot lines or be centered on the rear or side lot lines.
 - 2) Within the commercial component of the Village Center, utility easements shall have a minimum width of five feet in order to reduce right-of-way widths, and the Planning Board may permit utilities to be placed in the two-foot grassed area between the paved way and the property line and the tree easement immediately abutting the right-of-way.
 - 3) Utilities may also be permitted to be located within the right-of-way under parking areas and pedestrian ways abutting the right-of-way.

Section 23. Section 240-60 IPR – Industrial Professional Recreational District shall be repealed. Section 240-60 IPR – Industrial Professional Recreational District shall be added as a new section with the following:

240-60. IPR – INDUSTRIAL PROFESSIONAL RECREATIONAL DISTRICT

- A. Purpose and intent. The purpose and intent of the Industrial Professional Recreational District (IPR) is to:
 - 1. Allow for the continued operation of the existing, legally non-conforming quarry.
 - 2. The uses in this district are intended to encourage the development of clean industrial, professional office parks, learning enterprises or commercial recreation/entertainment uses, provide additional retail and service businesses, and be compatible with the surrounding uses in order to promote implementation of the objectives and goals of the Township's Sustainable Economic Development Plan.
 - 3. Establish a daytime population to support the retail uses in the Village Center and Village Business Districts.
 - 4. Include very large setback requirements, including three-hundred-foot setbacks along Route 206 and for quarry uses. These setbacks are to consist of preserved

natural forested buffers to screen the uses in this zone from view and provide a natural corridor along Route 206 extending from the Village Business District on the southern portion of Route 206 to the Neighborhood Commercial Zone on the northern portion of Route 206 near Cranberry Lake. For the motorist, this will create the impression of two distinct retail areas, each with its own sense of place, rather than a generic highway-strip corridor typical of sprawl development.

B. Permitted uses.

1. Brewpubs & microbreweries
2. Dry cleaning & laundry pick-up stations
3. Educational institutions
4. Government, fraternal, civic, charitable, and emergency services/organizations
5. Greenhouse & nursery
6. Health & fitness centers
7. Indoor commercial recreation facilities
8. Light industry
9. Outdoor commercial recreation facilities
10. Printing and publishing
11. Professional & medical offices
12. Records processing & storage
13. Research facilities
14. Retail sales
15. Retail service
16. Retail warehouse
17. Veterinary offices

C. Conditional uses.

1. Automobile car wash
2. Automobile rental
3. Automobile repair shop
4. Dry cleaning and laundry establishments (with Non-PERC/PCE solvents)
5. Landscaping & home improvement contractors
6. Lawn and garden center
7. Outdoor retail sales
8. Self-storage facility

D. Prohibited uses.

1. Any use not specifically permitted in the zone
2. Asphalt manufacturing plant
3. Automobile dealership
4. Automobile fueling stations
5. Commercial incinerator
6. Concrete manufacturing plant
7. Junkyard or salvage yard
8. Landfill
9. Manufacturing

10. Mining & quarrying operations
11. Resource recycling facility
12. Warehousing (excluding Records processing & storage)
13. Waste transfer stations

E. Zoning bulk requirements.

1. Lot size: a minimum of two (2) acres.
2. Lot Width: a minimum of 200 feet at the setback line.
3. Building footprint: a maximum of 50% of the property
4. Front yard: a minimum front yard of 50 feet. Extractive uses must maintain a setback from any road frontage of 300 feet.
5. Side yard: not less than fifty (50) feet. Parking may be permitted in the side yard, provided that no parking area is closer than twenty (20) feet to any property line or building and fifty (50) feet from any residential zone line.
6. Rear yard: not less than thirty (30) feet. Parking may be permitted in the rear yard, provided that no parking area is closer than twenty (20) feet to any property line or building and fifty (50) feet from any residential zone line.
7. Building separation: The minimum separation distance between buildings shall be ten (10) feet. No building shall be constructed within 100 feet of a residential property line or residential district boundary line.
8. Building height: a maximum of three stories or 40 feet, whichever is less.
9. Lot coverage: a maximum of 80% of the property.
10. Total Limit of Disturbance shall be restricted to those areas identified as Development/Redevelopment Areas on the Byram Highlands Center Map, as attached and adopted as part of the Zone Map of the Township of Byram. (Also found on Exhibit 1 of the Highlands Area Land Use Ordinance)
11. Off-street parking.
 - k. Provisions shall be made for off-street parking as provided in Article VI of this chapter
 - l. Off-street parking is permitted in the front yard. The front yard shall contain four feet of landscaping buffer between the parking area and any sidewalk.
 - m. Off-street parking is permitted in the side and rear yards provided that no parking area is closer than twenty (20) feet to any property line or building and fifty (50) feet from any residential zone line.
 - n. A minimum of one loading space is required.
12. Landscape Buffer. Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, for lots with a lot width or lot depth of less than 200 feet, the buffer shall be 10% of the lot width or lot depth, but in no case shall the buffer be less than 10 feet.
13. Trash collection. There shall be an area or areas in the rear yard which is concealed from sight by a permanent structure for the orderly deposit and pickup of trash and recyclable materials.
14. Affordable Housing. Affordable Housing obligations shall be regulated by Article XIV of this chapter, as well as all those set forth in this section and Chapters 45 and 215.

F. Accessory Use Standards

1. Outdoor storage for outdoor commercial recreation facilities shall be limited to defined areas of the site that do not exceed fifty percent (50%) of the lot area and shall be demarcated within those defined areas on the site. The demarcation may consist of landscaping and/or fencing to create an attractive border.

G. Design standards – Provided here for reference

1. Landscaping. Landscaping shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-29 Landscaping and outdoor design.
2. Buildings and Improvements shall be regulated by Chapter 215, Subdivision and Site Plan Review, Article V, §215-22 thru 34.

H. Performance standards. The applicant shall submit a site plan to the planning board showing the compliance with the applicable approval procedures of all authorized governmental agencies and with all of the following regulations:

1. Fire and explosion hazards. All activities shall be carried on only in structures that conform to the standards of the National Board of Fire Underwriters or the Building Code or Fire Ordinance, whichever is more restrictive. All operations shall be carried on and all combustible raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of the Board of Fire Underwriters.
2. Radioactivity. Any permitted use which emits radioactivity at any point is only permitted if it complies with all applicable federal and state safety laws and regulations.
3. Smoke. Visible gray smoke of a shade not darker than No. 2 on the Ringelmann Smoke Chart may be emitted for a maximum of four minutes in any 30 minutes. Otherwise, there shall be no emission from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines (Powers Micro-Ringelmann Chart, McGraw-Hill Publishing Co., 1954, may be used). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
4. Fly ash, dust, fumes, vapors and gases. There shall be no emission which can cause any damage to the health of humans, animals or vegetation, or to property, or which can cause any excessive soiling.
5. Liquid or solid wastes:
 - a. All methods of sewage and industrial waste treatment shall be approved by the New Jersey State Department of Environmental Protection and/or the Byram Township Board of Health, as applicable.
 - b. The discharge and disposal of solid and liquid wastes into an underground drainage field shall be in accordance with plans and specifications approved by the New Jersey Department of Environmental Protection.
6. Vibration. Air-induced vibration shall be limited to the sound-pressure levels permitted under Subsection G.7 below. No ground-transmitted vibration shall be

generated which is discernible to the human sense beyond the immediate site on which such use is conducted.

7. Noise. There shall be no noise emanating from the operation which will be audible beyond the boundaries of the immediate site in excess of the standards promulgated by the New Jersey Department of Environmental Protection.
8. Nonpoint source pollution. There shall be mechanisms to capture and control NPS runoff from uses: that may utilize chemicals, fertilizers and pesticides; that may perform vehicle or equipment washing; and other uses that may be similar.
9. Odors. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line of the lot occupied by such use.
10. Glare. There shall be no direct or sky-reflected glare exceeding 0.5 footcandle, measured at the property line of the lot occupied by such use. Any lighting used at the entrances or exits of service drives leading to parking lots, in addition to meeting the foregoing, shall not cause any glare or other impediment to traffic safety.
11. Screening. There shall be established a belt of landscaping or fence or wall, as the Planning Board may require, along the line of any lot that is contiguous to any residential district or public right-of-way, which will be adequate to screen the operations of such lot from normal observation. A natural forested buffer will remain whenever possible and be supplemented by evergreen plantings to provide a winter screen. Along Route 206 there shall be a three-hundred foot forested buffer which shall provide a natural corridor extending from the VB Zone in the southern portion of Route 206 to the NC Zone in the northern portion of Route 206 near Cranberry Lake. For the motorist, this natural area will create the impression of two distinct retail areas, each with its own sense of place, rather than a generic highway-strip corridor typical of sprawl development.
12. Loading. Loading and unloading shall not be done in the front yard.
13. Any project involving structures of 30,000 feet or more in gross area shall comply with the provisions of § 215-51B(9).

Section 24. Section 240-62 Conditional Uses shall be repealed. Section 240-62 Conditional Uses in the Village Business, Neighborhood Commercial and Industrial Professional Recreation Zones shall be added as a new section with the following:

240-62 - Conditional uses in the Village Business, Neighborhood Commercial and Industrial Professional Recreation Zones

- A. Dry cleaning and laundry establishments (with Non-PERC/PCE solvents)
 1. Dry Cleaners shall be conditionally permitted if the cleaning solution is not based on tetrachloroethylene (perchloroethylene), also known as PERC or PCE.
 2. Conditionally permitted dry cleaners may use cleaning solutions based on Silicone, CO₂, Hydrocarbons or other similar processes.
 3. Building footprint shall not exceed 4,000 square feet

B. Lawn and garden centers

1. Tract size: a minimum of 1 acre
2. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
3. Lot coverage: a maximum of 70% of the property.
4. Outdoor storage: shall be limited to a single area of the site that does not exceed fifty percent (50%) of the lot area and shall be partially screened within the defined area on the site. The screening may consist of landscaping and/or fencing to create an attractive border
5. Small engine repair facilities shall also be permitted as function of lawn and garden centers. Repair work, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.
6. Design and build, as well as routine maintenance landscaping services shall be permitted as function of lawn and garden centers.
7. All equipment used in the operation of lawn and garden centers shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

Section 25. Section 240-63 Conditional uses in the Village Business & Neighborhood Commercial Zones shall be added as a new section with the following:

240-63 - Conditional uses in the Village Business & Neighborhood Commercial Zones

A. Apartments as second principal uses on the second floor

1. Minimum Lot size of (1) one acre.
2. Maximum Lot yield of (6) six units per acre.
3. Apartments are only to be on a second or third floor. No apartment shall be built on a first floor or in a one-story building, unless the number of apartments on-site would require an elevator, then a first-floor apartment would be permitted for ADA compliance only.
4. The development of Apartments above permitted commercial uses as a second principal use requires that 15% of the residential units be deed restricted as affordable housing if the project is a rental project and that 20% of the residential units be deed restricted as affordable housing if the project is a for-sale project. All affordable units would be subject to any applicable Council on Affordable Housing rules and be compliant with the Uniform Construction Code.

B. Assisted living facilities and nursing homes

1. Minimum Lot size of (3) three acres.
2. The minimum size of the development shall be accommodations for at least sixty (60) residents, with a maximum size of development to be not more than one hundred fifty (150) residents in any combination of dwelling units, bedrooms, or beds.

3. The development of an Assisted Living Facility as a principal use requires that 20% of the units be deed restricted for low & moderate income residents and that the development comply with N.J.S.A 5:93-5.16 for Assisted Living residences.
4. The minimum age shall be fifty-five (55) for every occupant, unless the occupant is disabled or has special needs requiring similar care.
5. Assisted living facilities shall provide apartment-style housing and congregate dining and assure that supportive personal and health services are available to residents twenty-four (24) hours per day. Apartment-style housing shall mean a furnished bed-room, a private bathroom, a kitchenette and a lockable door on the unit entrance.
6. Nursing homes shall provide housing and dining services and assure that supportive personal and health services are available to residents twenty-four (24) hours per day.
7. Facilities may include a combination of assisted living units and nursing home bedrooms/beds.
8. The applicant shall include with the proposal a listing of all certificates and/or licenses required to be issued by the State of New Jersey, such as, but not limited to, the Department of Community Affairs and the Department of Health, together with the status of each. In the event any State certificates, licenses, or other State approvals have not been received, Township approval shall be conditioned on the receipt of such State approvals.

C. Outdoor dining - The provision of food and drink as an addition or extension of a permitted principal use on a patio, deck or similar area outside the principal building is subject to site plan approval in accordance with this Chapter and subject to the following standards:

1. The service of foods and beverages may be permitted outdoors as accessory to the permitted principal uses of restaurants, bars & taverns, brewpubs & microbreweries, banquet halls & catering facilities, bed-and-breakfasts, inns & hotels on the site provided that all of the following requirements are complied with.
2. Outdoor seating shall be included in any calculation of on-site seating capacity. This shall include on-site parking requirements, necessary sewer allocation, and/or on-site septic requirements. Indoor and outdoor seating combined shall not exceed the total approved seating capacity of the facility.
3. Outdoor reception areas where foods and beverages are served and that do not include seating may not exceed 50% of the total square footage of the facility.
4. Any outdoor service area must be in a defined area on the site and provide a minimum seventy-five (75) foot buffer area along any residential zoning district and twenty-five (25) feet elsewhere. Additional screening, including fencing, may be required by the approving authority.

5. All exterior lighting fixtures in any outdoor service area shall be shaded to avoid casting direct light upon any adjoining property.
- D. Sidewalk cafés - The provision of food and drink as an addition or extension of a permitted principal use on a sidewalk outside the principal building is subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:
1. Operations. The operator of the sidewalk café and the hours of operation shall be the same as the principal business. No food shall be prepared outside the building.
 2. Contents. Sidewalk cafés may include seats, tables, umbrellas, and plant materials. Sidewalk cafés may not include refuse receptacles within the confines of the eating area. All materials shall be durable and moveable; lightweight plastic tables and seats shall not be permitted.
 3. Location. Sidewalk cafés may be delineated by non-permanent barriers such as planters or decorative railings. Sidewalk cafés shall be located upon sidewalk areas, adjacent to the building façade, must provide for and maintain at least five (5) feet of unobstructed sidewalk for the circulation of patrons and pedestrians. Sidewalk cafés may not be located along the curbside, the curbside must be kept free of all obstructions to provide visibility for pedestrians and motorists.
 4. Music. Live or recorded music shall be permitted within the sidewalk cafés provided that all such music shall comply with decibel level limits per municipal and state sound regulations.
 5. Lighting. All sidewalk cafés shall be illuminated in accordance with municipal regulations. Flashing, blinking, glowing, or animated lighting shall not be permitted.
 6. Umbrellas. Opened umbrellas shall not impede visibility of other business's storefronts, doorways, or windows, or impede pedestrian circulation.
 7. Maintenance. All sidewalk cafés shall be maintained in a clean and neat fashion, free of debris and litter. Sidewalks shall be washed by the business operator on a regular basis. All furniture shall be maintained in neat order when not in use for extended periods, such as the colder winter months.
 8. Parking. Sidewalk cafés shall be included in any calculation of on-site seating capacity. This shall include on-site parking requirements, necessary sewer allocation, and/or on-site septic requirements. Indoor and outdoor seating combined shall not exceed the total approved seating capacity of the facility.
- E. Outdoor displays & sidewalk sales - The display and sale of goods, products, and services associated with a permitted principal use, outside the confines of the building associated with said use is subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:

1. **Operations.** The operator of the outdoor display area and the hours of operation shall be the same as the principal business.
2. **Contents.** Outdoor display areas may consist of any item that may be sold inside the business. Products may be stacked or displayed on racks, shelves, or tables. All materials, racks, shelves, or tables shall be readily moveable and shall be brought inside at the end of business each night. Lightweight materials that cannot remain stationary as a result of winds or breezes shall not be permitted. No signs are permitted except for merchandise price indicators.
3. **Location.** Outdoor display areas may be delineated by non-permanent barriers such as planters or decorative railings. Outdoor display areas shall only be located on sidewalk areas, adjacent to the building façade, and must provide for at least five (5) feet of unobstructed access for sidewalk circulation for patrons and pedestrians. Outdoor display areas may not be located along the curbside, the curbside must be kept free of all obstructions to provide visibility for pedestrians and motorists.
4. **Area.** The area devoted to outdoor display shall not exceed ten percent (10%) of the ground floor area of the principal building. In the case of shopping centers the area devoted to outdoor display for any tenant shall not exceed 10% of the tenant's lease area.
5. **Height.** The height of outdoor display items shall not exceed seven (7) feet.
6. **Setbacks.** Areas devoted to outdoor display shall comply with all building setbacks and yard requirements for the zone in which they are located.
7. **Surfacing.** Areas devoted to outdoor display shall be paved with concrete and free of dust.
8. **Maintenance.** All outdoor display areas shall be maintained in a clean, neat, and orderly fashion.
9. **Parking.** The area devoted to outdoor display shall not be included in the parking requirements for the principal use.

F. **Tent sales & special events** - Temporary or interim activities conducted on commercial properties for the purpose of promoting seasonal sales and special events including carwashes, information fairs and other non-profit and charity events as well as commercial events are subject to site plan approval in accordance with this Chapter and subject to the following conditional use standards:

1. **Operations.** No tent sale or special event shall operate between the hours of 8:00 PM and 8:00 AM and shall not occur from November 1 through March 31. No tent sale or special event shall operate for more than three (3) consecutive days. All tent sales or special events are subject to an additional special event permit process.
2. **Contents.** Tent sale or special event areas may include seats, tables, merchandise and materials related to the promotional event. Any tent or canopy shall have at least fifty percent (50%) of its sides open. All

materials shall be secured to ensure nothing is windblown beyond the tent area.

3. Location. Tent sale or special event areas shall be located within a parking lot or lawn areas and their locations subject to site plan approval. All tent sales or special events shall occur within those areas identified on an approved site plan. The tent sale or special event area shall be delineated by non-permanent barriers such as planters, decorative railings, cones or temporary fencing. No tent sale or special event area shall exceed 2,000 square feet in area, or 30% of the site's parking lot, whichever is less.
4. Maintenance. All tent sale or special event areas shall be maintained in a clean and neat fashion, free of debris and litter. Any structures related to the tent sale must be removed within twenty-four (24) hours of the end of the event.
5. Parking. The area devoted to tent sales and/or special events shall not diminish the parking requirements for the principal use. The area devoted to tent sales and/or special events must be surplus parking or lawn areas.

Section 26. Section 240-64 Conditional uses in the Neighborhood Commercial & Industrial Professional Recreational Zones shall be added as a new section with the following:

240-64 - Conditional uses in the Neighborhood Commercial & Industrial Professional Recreational Zones

- A. Automobile repair shop
 1. Tract size: a minimum of 1 acre
 2. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
 3. Lot coverage: a maximum of 70% of the property.
 4. No part of any automobile repair shop operation shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use ten (10) feet from the property line.
 5. Any outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste shall be within the rear or side yard of the site and enclosed within a six-foot high board on board or similar fence ten (10) feet from the property line.
 6. Repair work, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.
 7. The use and parking of tow trucks shall be limited to three (3) per automobile repair shop.
 8. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automobile repair shop shall be limited to no more than six (6).

9. Floor drains shall not be connected to any sanitary sewer system, and they may be connected to the storm sewer system only if an oil separator has been installed prior to the location of the connector.
10. All storage tanks shall be installed per Department of Environmental Protection regulations.

B. Landscaping and home improvement contractors

1. Tract size: a minimum of 1 acre
2. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
3. Lot coverage: a maximum of 70% of the property.
4. Outdoor storage: such as construction equipment, trucks, chippers, mulch piles and stockpiles of clean materials shall be permitted, provided the equipment and materials are limited to a single area of the site that does not exceed fifty percent (50%) of the lot area, shall not exceed twenty (20) feet in height and shall be completely screened by a ten (10) foot landscape buffer. The screening shall consist landscaping and/or fencing to create a complete screen.
5. Small engine repair work and equipment maintenance, other than incidental minor repair, shall take place within the building, and all repair or service apparatus shall be located within the building.
6. Design and build, as well as routine maintenance landscaping services shall be permitted as function of landscaping contractors.
7. All equipment used shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
8. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.

C. Outdoor retail sales – the outdoor sale and storage of goods that require outdoor storage and/or display, such as lumber, building supplies, boats, trailers, outdoor furniture, nursery stock, and garden supplies, is subject to site plan approval in accordance with this Chapter and subject to the following standards:

1. Tract size: a minimum of 1 acre
2. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
3. Lot coverage: a maximum of 70% of the property.
4. Outdoor retail sales - outdoor storage and display of lumber, building supplies, boats, trailers, outdoor furniture, nursery stock, and garden supplies shall be permitted provided the material is limited to a single area of the site that does not exceed fifty percent (50%) of the lot area and shall be partially screened within the defined area on the site. The screening may consist of landscaping and/or fencing to create an attractive border.
5. All outdoor sales and storage shall be set back fifty (50) feet from any property line.

D. Self-storage facility

1. Tract size: a minimum of 2 acres
2. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
3. Building separation. The minimum separation distance between buildings shall be 10 feet.
4. Lot coverage: a maximum of 60% of the property.
5. The front façade shall be solid with no means of access to storage areas (all entrances to the storage areas shall be from the interior of the site).
6. All material being stored shall be stored inside the building(s). The outdoor storage of vehicles such as boats, motor vehicles, recreational vehicles, and trailers is permitted provided the outdoor storage of vehicles is limited to a single area of the rear yard that does not exceed thirty percent (30%) of the lot area and shall be partially screened within the defined area. The stacking of vehicles in racks of any kind is prohibited.
7. There shall be a minimum seventy-five (75) foot buffer area along any residential zoning district and twenty-five (25) feet elsewhere.

Section 27. Section 240-65 Conditional uses in the Village Business & Industrial Professional Recreational Zones shall be added as a new section with the following:

240-65 - Conditional uses in the Village Business & Industrial Professional Recreational Zones

A. Automobile car wash

1. Tract size: a minimum of 1 acre
2. Building footprint: a maximum of 40% of the property
3. Front yard: not less than 40 feet.
4. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
5. Lot coverage: a maximum of 70% of the property.
6. Such use shall provide an adequate off-street automobile stacking area which shall not be less than ten (10) spaces per wash bay. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public rights-of-way. In addition, there shall be an unobstructed by-pass lane and one (1) parking space per employee on the maximum shift shall be required.
7. Areas reserved for the self-vacuuming of floor mats and other services shall be separated from and not interfere with traffic circulation in the lanes accessing the automobile car wash.
8. A wash water recycling system is required.

Section 28. Section 240-66 Conditional uses in the Neighborhood Commercial Zone Only shall be added as a new section with the following:

240-66 - Conditional uses in the Neighborhood Commercial Zone Only

A. Outdoor Entertainment – Outdoor Entertainment is subject to site plan approval in accordance with this Chapter and subject to the following standards:

1. The provision of musical entertainment may be permitted outdoors as accessory to the permitted principal use on the site provided that all of the noise generated on the site shall comply with state and local regulations.

Section 29. Section 240-67 Conditional uses in the Village Business Zone Only shall be added as a new section with the following:

240-67 - Conditional uses in the Village Business Zone Only

A. Regional shopping center

1. Tract size: a minimum of 10 acres
2. Building footprint: a maximum of 50% of the property
3. Front yard: not less than 40 feet.
4. Side yards: not less than 30 feet when abutting a right-of-way or residential use.
5. Lot coverage: a maximum of 75% of the property.
6. Regional shopping centers must provide for and maintain at least five (5) feet of unobstructed sidewalk for the circulation of patrons and pedestrians in all sidewalk areas. The storage of shopping carts in sidewalk areas shall not interfere with the minimum five (5) feet of unobstructed sidewalk for the circulation of patrons and pedestrians.

Section 30. Section 240-68 Conditional uses in the Industrial Professional Recreational Zone Only shall be added as a new section with the following:

240-68 - Conditional uses in the Industrial Professional Recreational Zone Only

A. Automobile rental

1. Automobile rentals shall be conditionally permitted if the total number of vehicles available for rental is no more than twenty (20).
2. Building footprint shall not exceed 4,000 square feet

Section 31. Section 240-69 Office of Zoning Officer is amended with the following:

240-69 - Office of Zoning Officer created. The office of the Zoning Officer of the Township is hereby created. Appointments to the office of the Zoning Officer shall be made by the Township Manager.

Section 32. Repealer. All Ordinances of the Township of Byram which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 33. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance

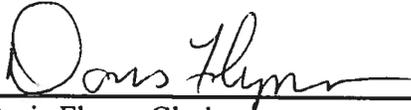
Section 34. Effect. This Ordinance shall take effect twenty (20) days after adoption and publication as provided by law.

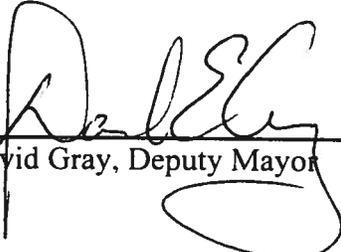
Introduced: June 5, 2017

Adopted: June 20, 2017

ATTEST:

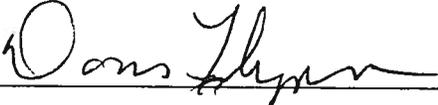
TOWNSHIP OF BYRAM


Doris Flynn, Clerk


David Gray, Deputy Mayor

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 10-2017 was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 5th day of June, 2017. The said ordinance was further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 20th day of June at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.


DORIS FLYNN, TOWNSHIP CLERK