

ORDINANCE NO. 2020-18

AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102
“DEVELOPMENT REGULATIONS” OF THE CODE OF COLTS NECK TOWNSHIP

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township’s policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, proper planning dictates that signs should: 1.) be designed, constructed and installed to safeguard life, health and property; 2.) allow and promote positive conditions for communication; 3.) reflect and support a desired ambience and promote an attractive environment; 4.) allow for adequate and effective signage whose dimensional characteristics further the interest of public safety and the needs for motorist and 5.) ensure the constitutionally guaranteed right of free expression is protected; and

WHEREAS, the Township Committee of Colts Neck Township finds that sign regulations need to strike a balance between the need to protect public safety and a well maintained community with the need to provide adequate identification, communication and advertising.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline, deletions to text indicated by ~~strikeout~~).

SECTION I That Chapter 102-84H “Signs” be amended and supplemented in the following parts only:

§ 102-84 A-1 and A-2 Agricultural District; A-3 Village Residential District

H Signs.

- (1) [Existing Text to Remain]
- (2) [Existing Text to Remain]
- (3) A temporary real estate sign advertising the sale or lease of a property or structure is permitted with the following restrictions:
 - (a) There shall be no more than one sign per property, except that corner lots shall be entitled to two signs per each such lot. Such signs shall not exceed four square feet on each side and shall not be more than four feet in height and shall be removed at the expense of the advertiser immediately upon termination or completion of the matter being advertised.
 - (b) Signs shall located not closer than ten feet from the nearest curbed or paved area; such signs shall not be lighted.
 - (c) Signs must be located on the property advertised.
 - (d) Directional signs advertising for open houses may be permitted on the day before the open house and must be removed the same day after the termination of the open house. Such signs shall not exceed four square feet on each side and shall not be more than four feet in height. The number and location of such signs are to be determined by the Zoning Officer or Code Enforcement Officer in the exercise of his or her reasonable judgement. In any event, no more than five signs shall be permitted for any one open house event.

SECTION II That Chapter 102-92D “Signs and traffic control” be amended and supplemented in the following parts only:

§ 102-92. Farm stands.

D. Signs and traffic control.

- (1) A maximum of ~~32~~ 64 square feet ~~per side~~ of nonilluminated, cumulative sign area is permitted ~~as one through up to a maximum of ten double-sided signs, or two~~ Both sides of double sided signs shall be calculated in the total sign area single-sided signs, and ~~s~~Sign(s) shall have a minimum front setback of 10 feet, a minimum side setback of 25 feet and a maximum height of 10 feet. The front setback may be reduced if required to give reasonable public sight distance, if public safety is not unduly impaired, as determined by the Director of Public Safety. Other sign requirements of § 102-106 apply.
- (2) Traffic directional signs at the entrance/exit may be provided in addition to the sign in Subsection **D(1)** above.

SECTION III That Chapter 102-106 "Signs" be amended and supplemented in the following parts only:

§ 102-106. Signs

- A. All signs, except temporary real estate signs, require ~~Planning Board~~ Approving Authority approval ~~from the~~ Approving Authority unless specifically exempted by other provisions of this chapter. Modification or relocation of existing signs requires approval of the Zoning Officer and/or Code Enforcement Officer. The Planning Board shall submit all applications for sign approval to the Architectural Review Committee pursuant to Chapter 2, Architectural Review Committee, and more specifically §§ 2-4, 2-5, and 2-6.
- B. Outdoor signs. Except for seasonal decorations, as covered herein, billboards, balloons or air- or gas-filled object or sign pictures of products or services or other structures for advertising or display purposes shall not be erected or utilized in any zone except as specifically allowed in this chapter. No sign of any type shall be permitted to obstruct driving vision, traffic signals or traffic direction and identification signs. Signs shall be directly related to the business being conducted on the premises.
 - (1) Animated flashing and illusionary façade or freestanding signs and balloons or gas- or air-filled objects or signs using mechanical, electrical and/or other means or devices to display flashing, movement or the illusion of movement are prohibited.
 - (2) Height. No freestanding or attached sign shall exceed the maximum height provided in the Zoning district. In any event, no sign shall exceed any lesser height if specified elsewhere in this chapter and shall not be higher at any point than mounted on the roof of the building if it is attached to a building.
 - (3) Illuminated freestanding and facade signs, where permitted, may be externally illuminated between 6:00 a.m. and 10:00 p.m. and so arranged as to reflect the light and glare away from adjoining premises in any residential zoning district and away from adjoining streets not to interfere with any motorist's visibility or general vehicular traffic. ~~Illuminated signs shall comply with the National Electric Code. Neon lighted signs are prohibited.~~ All signs may be externally illuminated with said lights a maximum distance of six feet from the sign.
 - (4) [Existing Text to Remain]
 - (5) Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back at least 10 feet horizontally from the street curblineline or edge of pavement. There shall be no more than one sign per property, except that corner lots shall be entitled to two signs per such lot. Such signs shall not exceed four square feet on each side and shall not be more than five ~~four~~ feet high and shall be removed at the expense of the advertiser immediately upon termination or completion of the matter of business being advertised. All such signs do not need a sign permit or site plan approval.
 - (6) [Existing Text to Remain]
 - (7) [Existing Text to Remain]
 - (8) ~~(Reserved) Temporary farm stand and pick-your-own agriculture signs.~~
 - (a) ~~Two nonilluminated temporary signs with a maximum total area of 64 square feet of sign area, one double-sided four-foot by eight-foot sign or two single-sided four-foot by eight-foot signs are permitted at each road frontage for the site upon~~

~~which the crop is being sold. Said sign shall not exceed 10 feet in height and shall not be illuminated. In addition, traffic control exit and entrance signs, not to exceed eight square feet in sign area, may be used. Lettering on these signs shall be limited to traffic control information and the name of the farm stand. No trucks, wagons, trailers or similar vehicles with lettering or pictures of products on their sides shall be parked on the sales field location or on other fields in such a location as to serve as a sign along a street or highway. Such signs shall be located no closer to a street or road than the property line.~~

- (b) ~~Such signs require a temporary outdoor sign permit approved and issued by the Zoning Officer. The application for such a permit shall include a sketch showing the size of the sign(s) and their location relative to the property lines of the field involved and to bordering streets and highways. The permit shall be for a maximum specific interval consistent with the sales period for the crop involved as follows: 30 days for strawberries; 90 days for corn; 45 days for pumpkins; or as otherwise specified by the granting agent.~~

- (9) [Existing Text to Remain]
(10) [Existing Text to Remain]
(11) [Existing Text to Remain]
(12) [Existing Text to Remain]

C. Outdoor seasonal decorations. Display of seasonal decorations are exempt from sign requirements and do not require ~~Planning Board~~ Approving Authority approval but shall meet the following requirements:

- (1) Seasonal decorations, exempt from sign ordinance requirements, are permitted for and ~~limited to the following major holidays which customarily involve seasonal theme decorations:~~
(a) ~~— Easter~~
(b) ~~— Halloween.~~
(c) ~~— Thanksgiving.~~
(d) ~~— Christmas.~~
(e) ~~— Mother's Day.~~
(f) ~~— Chanukah.~~
(g) ~~— Passover.~~
- (2) ~~Decorations using mechanical, electrical, wind and/or any other means or devices to display flashing, movement or the illusion of movement are prohibited. Twinkle Christmas tree lights are exempt from this requirement.~~
- (3) ~~Location. There shall be one display per lot or temporary, seasonal farm stand located on the same lot as the business or farm stand. Setbacks shall be the same as for a principal structure.~~
- (4) ~~2~~ Height. The maximum height of all signs seasonal decorations shall be 35 feet. This shall include helium balloons and other airborne types of displays.
- (5) ~~3~~ Seasonal decorations ~~display period shall not exceed 31 days.~~
(a) ~~— For Halloween and Christmas: 31 days.~~
(b) ~~— For all other holidays: 15 days.~~
- (6) ~~Permit. A seasonal decoration display permit shall be approved by and obtained from the Zoning Officer. The application shall include the following information, and a fee shall be paid:~~
(a) ~~Dimensioned drawings of the display showing size and mounting height.~~
(b) ~~A plat plan showing the location of the display relative to lot lines and nearby structures and the calendar interval when the display will be utilized.~~

D. Indoor signs. One nonblinking or flashing internally illuminated or neon type sign containing a maximum area of 3 square feet is allowed in a window of a commercial establishment. All other illuminated signs or flashing lights within a structure or building are allowed only if they are not plainly visible outside the structure to the general public when 100 feet or more from any part of the structure. Neon signs are prohibited unless they are not plainly visible from outside the structure or building.

E. [Existing Text to Remain]

F. [Existing Text to Remain]

SECTION IV That Chapter 102-109H "Signs" be amended and supplemented in the following parts only:

H. 102-109 Business districts.

Signs (see also §§ 102-122 and 102-123).

- (1) [Existing Text to Remain]
- (2) Shopping centers and office buildings. Shopping centers and office building complexes shall provide a coordinated and comprehensive sign plan. All freestanding, facade and entrance signs may shall be externally illuminated and shall resemble a composition of wood material. All signs shall be coordinated into an integrated theme containing a commonality of colors, lettering and appearance.
 - (a) [Existing Text to Remain]
 - (b) Attached signs. Each store or office in a shopping center or office complex may have one externally lighted or unlighted sign displaying the name of one business attached flat against the front of the building at the main entrance to the business. Said sign shall not exceed an area equivalent to 5% of the front of the building or 60 square feet, whichever is smaller. The sign shall not exceed a vertical dimension greater than six feet and shall be mounted ~~so the highest part of the sign does not exceed the height of the~~ on the front façade and not on the building roofline.
 - (c) [Existing Text to Remain]
 - (d) [Existing Text to Remain]
 - (e) [Existing Text to Remain]
 - (f) ~~Sale signage. Upon approval and issuance of a temporary outdoor sign permit by the Zoning Officer, stores in a shopping center may, singly or collectively, display temporary special sale day signs outdoors for no longer than one week preceding the first sale day and continuing during the period of the sale but, in any event, no more than two weeks total for each sale. Each business shall be limited to a maximum of four occurrences per calendar year and each occurrence shall be limited to the installation of special sale day signage for a maximum of two weeks. Special sale day signs shall be limited to two one-sided signs (or one sign with two sides) with a maximum total area of 32 square feet for each side, and said signage shall be allowed in addition to other permitted signs, provided that the applicant shall provide a sketch, to scale, of the special sale day sign and its location no farther than 10 feet from the store entrance, but in any event not in a sight triangle or other location interfering with proper driver sight distance, and shall pay a fee as required in this chapter. Special sale day signage shall not include banners, flags, balloons, streamers, spotlights or other types of advertising or devices to attract attention.~~
 - (g) Grand opening signs. ~~In addition to other signage permitted above, the opening of a new business shall be entitled to special grand opening flags and signs by the issuance of a temporary outdoor sign permit by the Zoning Officer. No grand opening sign shall remain displayed for more than 14 days, beginning on the initial grand opening day. These temporary signs shall be attached to the ground, shall have no portion of the sign more than six feet above grade, shall be no more than 40 square feet in area, shall be in a landscaped area, shall be outside of any sight triangle, shall be no closer than 20 feet to the street right-of-way and, if lighted, shall have exterior lights shielded so that the light source cannot be seen by either drivers on adjacent roads or driveways or by residential neighbors. No more than three flags are permitted as part of the special grand opening signage, with at least one flag being the United States Flag. Said flags shall be mounted on poles as follows: a pole 25 feet high with flags not exceeding dimensions of four feet by six feet; or a pole 20 feet high with flags not exceeding dimensions of three feet by five feet.~~
- (3) [Existing Text to Remain]
- (4) Other uses shall be permitted one externally illuminated freestanding sign which shall not exceed eight feet in height and shall be set back from the future street right-of-way a minimum of 10 feet and shall not exceed ~~15~~ 25 square feet in area for each of two sides and one externally illuminated sign which shall be attached flat against the building and

shall not exceed 60 square feet in area or the equivalent of 5% of the area of the front of the building, whichever is smaller, and shall ~~not exceed the height of the~~ be mounted on the front building façade and not on the roofline.

- (5) A temporary real estate sign advertising the sale or lease of a property or structure is permitted with the following restrictions: there shall be no more than one sign per property; signs shall not be lighted; and signs must be located on the property advertised. Such signs shall not exceed four square feet on each side, shall not be more than four feet in height and shall be removed at the expense of the advertiser immediately upon termination or completion of the matter being advertised.
- (6) [Existing Text to Remain]
- (7) [Existing Text to Remain]
- (8) [Existing Text to Remain]

SECTION V That Chapter 102-123 "Signs" be amended and supplemented in the following parts only:

§ 102-123 Signs

- A. All signs, except temporary real estate signs, require ~~Planning Board~~ approval by the Approving Authority, unless specifically stated otherwise herein. Modification or relocation of existing signs require reapproval.
- B. Outdoor signs. Except for seasonal decorations, as covered in Subsection C herein, billboards, balloons or air- or gas-filled object or sign pictures of products or services or other structures for advertising or display purposes shall not be erected or utilized in any zone except as specifically allowed in this chapter. No sign of any type shall be permitted to obstruct driving vision, traffic signals or traffic direction and identification signs. Signs shall be directly related to the business being conducted on the premises.
 - (1) Animated flashing and illusionary façade or freestanding signs and balloons or gas- or air-filled objects or sign pictures of product or services. Signs using mechanical, electrical and/or other means or devices to display flashing, movement or the illusion of movement are prohibited. Balloons or air- or gas-filled object or sign pictures of products or services or similar objects or other physical objects used for advertising or display purposes, with or without lettering, shall meet all sign requirements herein and shall not be utilized at a height above ground level exceeding the sign height requirements herein.
 - (2) Height. No freestanding or attached sign shall exceed the maximum height provided in the Zoning district. In any event, no sign shall exceed any lesser height if specified elsewhere in this chapter and shall not be ~~higher at any point than~~ mounted the roof of the building if it is attached to a building.
 - (3) Illuminated façade and freestanding signs, where permitted, may be externally illuminated and so arranged as to reflect the light and glare away from adjoining premises in any residential zoning district and away from adjoining streets. ~~Illuminated signs shall comply with the National Electric Code. Neon lighted signs are prohibited.~~ All signs may be externally illuminated, with said lights a maximum distance of six feet from the sign and of such design as to minimize sky glare. The base of the lights shall be screened by landscaping or other method approved by the approving authority.
 - (4) [Existing Text to Remain]
 - (5) Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back at least 10 feet horizontally from the street curblin or edge of pavement. There shall be no more than one sign per property, except that corner lots shall be entitled to two signs per each such lot. Such signs shall not exceed ~~nine~~ four square feet on each side and shall not be more than ~~five~~ four feet high and shall be removed at the expense of the advertiser within 15 days after the termination or completion of the matter of business being advertised. All such signs do not need a sign permit or site plan approval.
 - (6) [Existing Text to Remain]
 - (7) [Existing Text to Remain]
 - (8) ~~(Reserved) Temporary farm stand and pick your own agriculture signs.~~
 - (a) ~~Two nonilluminated temporary signs with a maximum total area of 64 square feet of sign area, one double-sided four-foot by eight-foot sign or two single-sided four-foot by eight-foot signs are permitted at each road frontage for the site upon which the crop is being sold. Said sign shall not exceed 10 feet in height and shall~~

not be illuminated. In addition, traffic control exit and entrance signs, not to exceed eight square feet in sign area, may be used. Lettering on these signs shall be limited to traffic control information and the name of the farm stand. No trucks, wagons, trailers or similar vehicles with lettering or pictures of products on their sides shall be parked on the sales field location or on other fields in such a location as to serve as a sign along a street or highway. Such signs shall be located no closer to a street or road than the property line.

- (b) Such signs require a temporary outdoor sign permit approved and issued by the Township Administrator. The application for such a permit shall include a sketch showing the size of the sign(s) and their location relative to the property lines of the field involved and to bordering streets and highways. The permit shall be for a maximum specific interval consistent with the sales period for the crop involved as follows: 30 days for strawberries; 90 days for corn; 45 days for pumpkins; or as otherwise specified by the granting agent.

(9) [Existing Text to Remain]

C. Outdoor seasonal decorations. The display of seasonal decorations is exempt from sign requirements but shall meet the following requirements:

- (1) Seasonal decorations, exempt from sign ordinance requirements, are permitted for and limited to the following major holidays which customarily involve large scale commercial seasonal theme decorations:
- (a) Easter.
 - (b) Halloween.
 - (c) Thanksgiving.
 - (d) Christmas.
 - (e) Mother's Day.
 - (f) Chanukah.
 - (g) Passover.
- (2) Decorations using mechanical, electrical, wind and/or any other means or devices to display flashing, movement or the illusion of movement are prohibited. Twinkle Christmas tree lights are exempt from this requirement.
- (3) Location. One display is permitted per lot or one display per business establishment or temporary, seasonal farm stand located on the same lot as the business or farm stand. Setbacks shall be the same as for a principal structure.
- (2) (4) Height. Maximum height shall be 35 feet, however, This includes gas-filled balloons are exempt from this and other types of airborne displays.
- (3) (5) Seasonal decorations display period shall not exceed 31 days.
- (a) For Halloween and Christmas: 31 days.
 - (b) All other holidays: 15 days.
- (6) Permit. A seasonal decoration display permit shall be approved by and obtained from the Zoning Officer. The application shall include the following information and a fee shall be paid:
- (a) Dimensioned drawings of the display, showing size and mounting height.
 - (b) A plat plan, showing the location of the display relative to lot lines and nearby structures and the calendar interval when the display will be utilized.

D. Indoor signs. One internally illuminated or neon type sign (non-blinking, non-flashing or non-scrolling) containing a maximum of 3 s.f. is allowed in a window of a commercial establishment. All other illuminated signs or flashing lights within a structure or building are allowed only if they are not plainly visible outside the structure to the general public when 100 feet or more from any part of the structure. Temporary, Neon illuminated sale window signs within a building, plainly visible outside the structure to the general public 100 feet or more from any part of the structure shall not be displayed on a continuous basis for more than 15 days. shall not exceed 30% of the total window area. The same or similar sign shall not be displayed again within 90 days of its last permitted interval. Such signs shall meet all permitted sign area requirements for signs on buildings. All other illuminated signs or flashing lights within a structure or building shall be allowed only if they are not plainly visible outside the structure to the general public when 100 feet or more from any part of the structure.

- E. Sale signage. Upon approval and issuance of a temporary outdoor sign permit by the Zoning Officer, commercial establishments may singly or collectively, display temporary special sale signs outdoors for no longer than one week preceding the first sale day and continuing during the period of the sale but, in any event, no more than two weeks total for each sale. Each business shall be limited to a maximum of four occurrences per calendar year and each occurrence shall be limited to the installation of special sale signage for a maximum of two weeks. Multiple special sale signs are permitted with a maximum culminative sign area of 32 square feet, both sides of double sided signs count in this calculation and said signage shall be allowed in addition to other permitted signs, provided that the applicant shall provide a sketch to scale, of the special sale sign and its location no closer than one foot from the street right-of-way, but in any event not in a sight triangle or other location interfering with proper driver sight distance, and shall pay a fee as required in this chapter. Special sale signage shall not include banners, flags, balloons, streamers, spotlights or other types of advertising or devices to attract attention.
- F. Grand opening signs. In addition to other signage permitted above, the opening of a new business shall be entitled to special grand opening signs by the issuance of a temporary outdoor sign permit by the Zoning Officer. No grand opening sign shall remain displayed for more than 45 days, beginning on the initial grand opening day. These temporary signs shall be attached to the ground, shall have no portion of the sign more than six feet above grade, multiple signs are permitted but shall not exceed a cumulative of 40 square feet in sign area. Both sides of double sided signs count in this calculation. The signs shall be in a mowed or shielded landscaped area, shall be outside of any sight triangle, shall be no closer than one foot to the street right-of-way and, if lighted, shall have exterior lights shielded so that the light source cannot be seen by either drivers on adjacent roads or driveways or by residential neighbors.

SECTION VI Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION VII Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION VIII Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION IX This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 30th day of September, 2020. A public hearing will be held on October 14, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 30, 2020					October 14, 2020						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Viola												
Bartolomeo												
Fitzpatrick												
Orgo												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE NO. 2020-19

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 102 "DEVELOPMENT REGULATIONS"
OF THE CODE OF COLTS NECK TOWNSHIP TO ESTABLISH THE
MIXED-USE 1 OVERLAY (MU-1) ZONING DISTRICT IN COLTS NECK TOWNSHIP**

WHEREAS, Colts Neck Township entered into a Settlement Agreement with Fair Share Housing Center on March 18, 2020 (hereinafter the "Settlement Agreement") that determines the municipality's affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Township's preliminary compliance plan included in the Settlement Agreement set forth development of Block 46, Lots 13, 14, 15 (portion thereof), 15.01 16, 17.13 and 17.14 and Block 48, Lots, 1, 2, 3, 4, 5, 6, 19, 39, 40, 41 with overlay inclusionary zoning for the purpose of addressing the durational adjustment; and

WHEREAS, the overlay zoning district herein supports the development of Block 46, Lots 13, 14, 15 (portion thereof) 15.01 16, 17.13 and 17.14 and Block 48, Lots, 1, 2, 3, 4, 5, 6, 19, 39, 40, 41 consistent with the preliminary compliance plan included in the Settlement Agreement; and

WHEREAS, the Mixed-Use 1 Overlay District (MU-1) will follow the property lines of Block 46, Lots 13, 14, 15 (portion thereof) 15.01 16, 17.13 and 17.14 and Block 48, Lots, 1, 2, 3, 4, 5, 6, 19, 39, 40, 41;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth and State of New Jersey that Chapter 102 "Development Regulations is hereby amended and supplemented as follows: (Additions to text are shown by underline and deletion to text are shown by ~~strikeout~~)

Section 1. § 102-31. Zoning districts

The location of the zoning districts is established and set forth on the map entitled "Zoning Map," dated February 17, 1988, and last revised September 2004, which is hereby made a part of this chapter.

The zoning map shall be revised to depict Block 46, Lots 13, 14, 15 (portion thereof) 15.01, 16, 17.13, 17.14 and Block 48, Lots, 1, 2, 3, 4, 5, 6, 19, 39, 40, 41 as part of the Mixed-use 1 Overlay District (MU-1 District). See attached Exhibit No. 1.

Section 2. § 102-41. Zoning districts

The location of the zoning districts is established and set forth on the map entitled "Zoning Map," dated February 17, 1988, and last revised September 2004, which is hereby made a part of this chapter.

The zoning map shall be revised to depict Block 46, Lots 13, 14, 15 (portion thereof) 15.01, 16, 17.13, 17.14 and Block 48, Lots, 1, 2, 3, 4, 5, 6, 19, 39, 40, 41 as part of the Mixed-use 1 Overlay District (MU-1 District). See attached Exhibit No 1.

Section 3. § 102-98 Multifamily Provisions

The following shall only be applicable to development in the A-4 Mixed Housing District. Any development in which garden apartments, townhouses, atrium houses, quadplexes or other forms of Multifamily housing are proposed shall comply with the following requirements:

[remainder, existing text to remain]

Section 4. A new overlay zoning district called Mixed-use 1 District (MU-1) is established as follows.

§ 102-109.1 Mixed-use 1 Overlay District (MU-1)

A. Purpose.

- (1) **The purpose of the Mixed-use 1 Overlay District (hereinafter MU-1) is to provide for the construction of mixed-used development that will support Township businesses and provide new shops and services, and private and public outdoor amenity spaces. Furthermore, this mixed-use development is required to include an affordable housing component that is intended to satisfy a portion of the Township's affordable housing obligation pursuant to the New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing, and the 2020 Settlement Agreement between the Township and Fair Share Housing Center.**

B. The principal permitted uses allowed in the MU-1 Overlay District include the following:

- (1) **Mixed use development consisting of nonresidential and residential uses. Buildings may include residential and nonresidential uses or may be single use buildings.**
 - (a) **As specified in Exhibit B to the 2020 Settlement Agreement between the Township and Fair Share Housing Center, the mixed use development requirement shall not apply to Block 48, Lots 5, 39, and 40; these lots may be developed with residential uses only.**
 - (b) **Permitted nonresidential uses are all principal permitted uses in the B-1, Business district, Section 102-109.B. of the Township Code.**
 - (c) **Permitted residential uses are townhouse dwelling units and multi-family dwelling units.**

C. The accessory permitted uses allowed in the MU-1 Overlay District include the following:

- (1) **Accessory uses and structures customarily incidental to permitted uses.**
- (2) **Accessory uses permitted and as regulated in the B-1, Business District, Section 102-109.C. of the Township Code.**
- (3) **Passive recreation facilities associated with the residential portion of the development, such as but not limited to, lawns, gathering areas, clubhouses, private residential swimming pools subject to 102-108 and recreation courts subject to §§ 102-101.**
- (4) **Interior amenities associated with the residential portion of the development such as but not limited to fitness areas, game rooms, and workstations.**
- (5) **Office and maintenance space associated with on-site management.**

- (6) Garages, both attached and detached.
- (7) Home offices, subject to Section 102-84.C.(19), with the exception that they shall be permitted in any residential use.

D. The conditional uses allowed in the MU-1 District include the following:

- (1) None

E. Affordable Housing

- (1) The required affordable housing set-aside for any type of residential development is 20%.
- (2) Affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).
- (3) The affordable units shall be distributed throughout the residential buildings such that no building consists of more than 30% affordable units.

F. Area and bulk standards

- (1) Minimum tract area: 40,000 s.f.
- (2) Minimum lot width: 200 feet
- (3) Minimum lot frontage: 200 feet
- (4) Principal Building setbacks:
 - (a) Minimum front yard from Route 34 or Route 537: 40 feet
 - (b) Maximum front yard from Route 34 or Route 537: 60 feet
 - (c) Minimum Highway Access Management Road setback: 20 feet
 - (d) Minimum side yard: 20 feet
 - (e) Minimum rear yard: 25 feet
- (5) Accessory Building setbacks:
 - (a) Front yard: 100 feet or behind the building line of the building nearest the public or private street, whichever is less.
 - (b) Minimum side yard: 20 feet
 - (c) Minimum rear yard: 25 feet
 - (d) To another building: 20 feet
- (6) Maximum residential density: 8 dwelling units per acre
- (7) Maximum building coverage: 50%
- (8) Maximum lot coverage: 80%
- (9) Maximum floor area ratio (FAR) for nonresidential uses: 0.15

- (10) Maximum building height: 3 ½ stories / 45 feet
 - (a) Buildings or portions of buildings within 75 feet of a public street shall not exceed 2.5 stories / 35 feet
- (11) Minimum setback to driveway, drive aisle or off-street parking: 10 feet
 - (a) Excludes attached private garages and parking within residential driveways servicing townhouse units.

G. Building Design Requirements

- (1) Nonresidential or mixed use buildings located along Route 34, Route 537 or the Highway Access Management Road shall be oriented toward Route 34 or Route 537 with all or a significant portion located parallel to the street. This shall not apply to any building located behind another building. Orientation shall include the provision of one or more primary building entrances.
- (2) The first floor of any building(s), or portion of a building(s), oriented toward Route 34 or Route 537 shall consist of nonresidential uses.
- (3) First floor residential uses shall not face Route 34 or Route 537. This shall not apply to building entrances and common areas for residential uses whose width does not exceed 30 -feet.
- (4) Multiple principal buildings shall be permitted on a lot.
- (5) Minimum distance between buildings:
 - (a) Front to any facade: 60 feet
 - (b) Rear to any facade: 50 feet
 - (c) Side to any facade: 30 feet
 - (d) Maximum units per building:
 - [1] Townhouses: 20 units
 - [2] Multi-family: 36 units
- (6) Maximum building length: 200 feet.
- (7) A Colonial Williamsburg architectural style is strongly encouraged. The architectural details and style shall provide varied building elevations, design, and structural appearance within the context of a single unifying theme.
- (8) The front facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
- (9) All townhouse dwellings shall provide at least one (1) off-street parking space within an enclosed garage located in the rear yard with access from a lane/alley. Front loaded garages and side-loaded garages requiring access in the front of the townhouse buildings they are intended to serve are prohibited.
- (10) Townhouse dwelling lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet one-way and sixteen (16) feet two-way.
- (11) First-floor facades containing nonresidential uses which are visible from Route 34, Route 537 or the Highway Access Management Road shall be expressed as

building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns, insets, projections or other vertical elements may be used to visually break up the plane of the first floor façade.

- (12) Where facing Route 34, Route 537 or the Highway Management Access Road nonresidential uses shall have a minimum of 60% of the ground floor facade between three and 10 feet above grade and 30% of upper floor facades shall be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
- (13) First-floor windows of nonresidential uses facing Route 34, Route 537 or the Highway Access Management Road shall be clear; tinted windows in this location are prohibited.
- (14) Building facades shall be finished in stone veneer, stucco, brick, fiber cement panel and/or cast stone. Fiber cement panels shall have the appearance of siding or shingles. Metal shall be used only for minor accentuation of other elements of the facade. Where facing a public street, exterior insulation and finishing system (EIFS) shall not be used on any portion of the building facade or column.
- (15) The maximum size of any individual commercial business (excluding office and medical use) should be limited to 5,000 square feet.
- (16) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
- (17) Awnings are encouraged. Where provided, awnings shall be uniform in color and material
- (18) When separate nonresidential tenants are housed on the ground floor of any building, separate entrances onto the sidewalk for each space should be provided, except when two stores share a vestibule.
- (19) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
- (20) Consistent building materials shall be used on all sides of a building that is visible from Route 34, Route 537 or the Highway Access Management Road .
- (21) Roof design:
 - (a) Flat roofs are prohibited.
 - (b) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - (c) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (d) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

- (22) All refuse containers shall be enclosed within and screened by a masonry enclosure with an exterior treatment that is complementary to the color and materials of the principal building(s).

H. Site Design Requirements

- (1) Development shall comply with the Township's Highway Access Plan.
- (a) Developments shall record Parallel Access Road Easement Agreement with a continuing offer to dedicate.
- (b) Developments shall record a shared parking and cross access easements with adjoining properties for the Highway Access Management Road and nonresidential portions of the development. (Exhibit No. 2)
- (c) Developments shall record a minimum ten foot streetscape easement along both sides of the Highway Access Management Road for the planting of landscaping and outdoor amenity space (benches, gazebos, outdoor eating, outdoor gatherings, public art, fountains, or similar). Amenities within the streetscape easement may contribute toward the outdoor amenity requirement contained in Section 102-109.1H6(i).
- (2) Residential portions of mixed use development shall be connected to the nonresidential portion of the development via pedestrian and bicycle facilities.
- (3) Development shall meet the standards in Article XI Design Requirements, unless otherwise noted.
- (4) Developments shall meet the standards in Section 102-109.E, F, G., and I. However, architectural design standards addressing nonresidential uses in Section 102-109.E shall only apply to nonresidential buildings or portions thereof.
- (5) Lighting fixtures shall have a maximum height of 25 feet and shall be focused downward. Lighting fixtures shall not have a "shoe box" design but instead shall have a decorative design that is complementary to a Colonial Williamsburg architectural style.
- (6) Buffers and plantings shall be consistent with the requirements for nonresidential uses at Section 102-115. For the purpose of this section's applicability, mixed-use development, including permitted residential buildings, shall be categorized as nonresidential uses.
- (a) Not more than one single-loaded row of vehicle parking shall be located between a building and a public street.
- (b) Residential uses shall provide off-street parking consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21.
- (c) Maximum distance between off-street parking space and the unit served: 200 feet.
- (d) Bicycle parking shall be provided at a rate of not less than 5% of the required parking spaces.
- (e) Sidewalks shall be provided along the Highway Access Management Road. Sidewalks shall also be provided along all building facades that include a building entrance. Sidewalks are encouraged to be a minimum of eight feet wide where located adjacent to retail or restaurant uses. Sidewalks shall be designed and constructed pursuant to Township Code as well as the NJ Residential Site Improvement Standards (R.S.I.S. N.J.A.C. 5:21).

- (f) All sidewalks and crosswalks shall be composed of brick pavers or decorative stamped concrete.
- (g) Street trees shall be planted along all sidewalks at an interval of not more than 40 feet on center. Plantings shall be consistent with Section 102-71.A.
- (h) Each building shall have one or more designated pick-up/drop-off locations within 50 feet of the primary building entrance for the purpose of package delivery and ride sharing services.
- (i) Nonresidential development, including that which is part of a mixed use development, shall provide an area equivalent to not less than five percent (5%) of the nonresidential building floor area as outdoor amenity space available for use by site residents and the general public. Such outdoor amenity space may include benches, gazebos, outdoor eating or other gathering space, public art, fountains, or similar.
- (j) Residential development, including that which is part of a mixed use development, shall provide an area equivalent to not less than 10 percent (10%) of the residential building floor area as indoor and/or outdoor amenity space available for use by site residents. Such amenity space may include pools, clubhouses, benches, gazebos, outdoor eating or other gathering space, public art, fountains, or similar.
- (k) Signs shall be consistent with the standards for shopping centers and office in the B districts, Section 102-109.H.(2)., with the exception that the maximum height of a freestanding sign shall be eight (8) feet.

Section 5. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Colts Neck declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 6. Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

Section 7. Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

Section 8. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

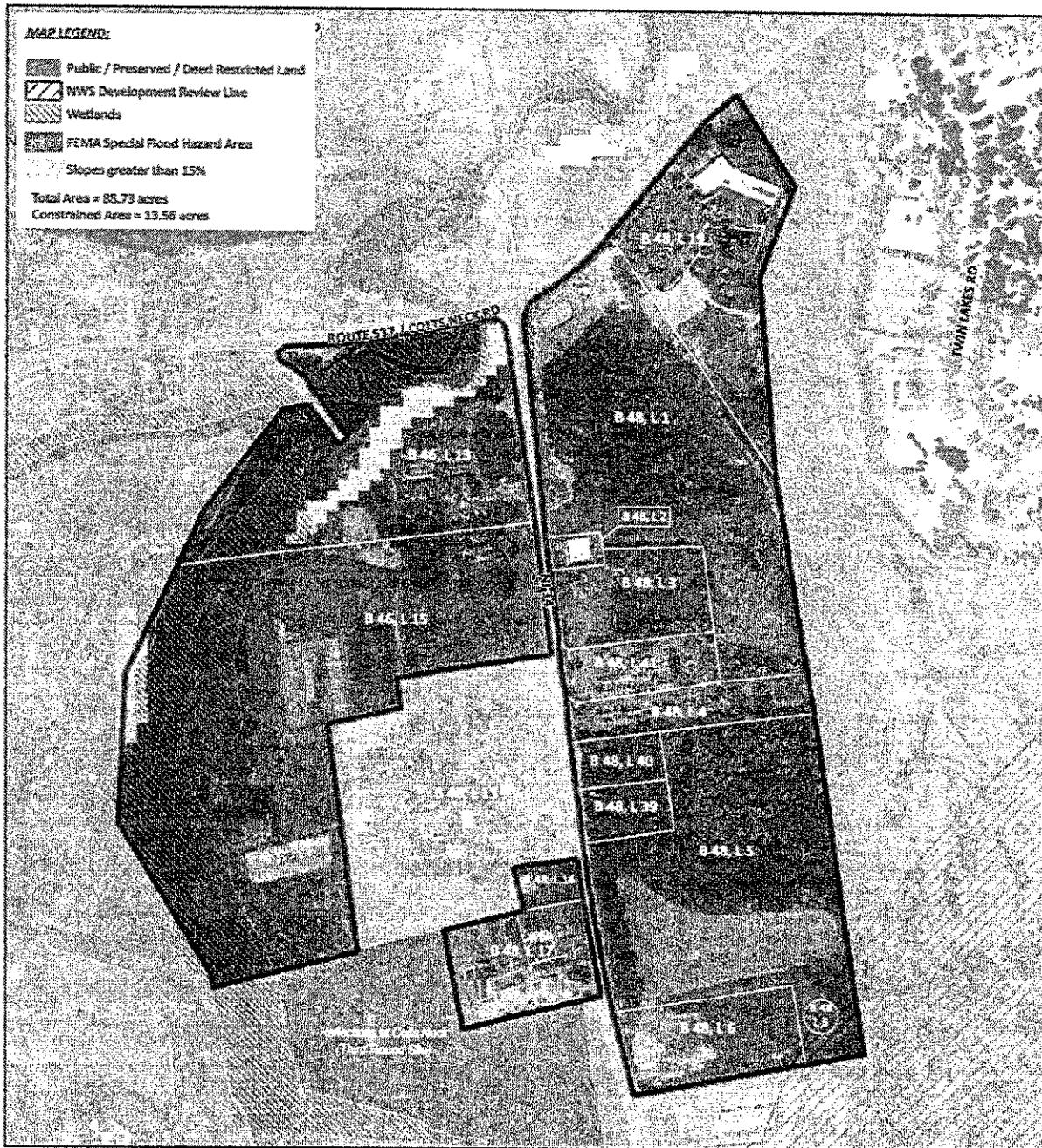
I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the ____th day of _____, 2020. A public hearing will be held on _____, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 30, 2020					October 14, 2020						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Viola												
Bartolomeo												
Fitzpatrick												
Orgo												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

EXHIBIT No. 1



HOUSING ELEMENT AND FAIR SHARE PLAN
Area 1 Enlargement w/ Environmental Constraints
Colts Neck Township, Monmouth County, NJ

Date: June 2020



0 200 400 ft

Map Scale: 1 inch equals 400 feet

Map Prepared By:
Elizabeth K. McManus, P.P., AICP, LEED AP
Principal, Kyle McManus Associates
PO Box 238, Hopewell, NJ 08525
609.257.6707
bmcmanus@kylcmcmanus.com

Data Sources:
Monmouth County Parcel and MOOV August 2019, NJGIS
Road Network, NJDEP Wetlands, FEMA Flood Hazard Mapping,
NJDEP W5643.2 DEPL, Erie Stival Station Boundary and Road
extracted from Affordable Housing Sites Map May 2016, NJDEP
Open Space, NSAC Preserved Farmland



POLICY
PLANNING
DESIGN

Exhibit No. 2

Prepared by: _____

Parallel Access Road Easement Agreement

THIS AGREEMENT made and entered into this day of , 20 by and between , with offices at (“Grantor”), and the **TOWNSHIP OF COLTS NECK**, with offices at 124 Cedar Avenue, Colts Neck, NJ 07722 (“Grantee”).

WHEREAS

A. Grantor is the owner of record of property known as Lot , Block , which property is situated in the Township of Colts Neck, County of Monmouth and State of New Jersey (“Grantor’s Lands”);

B. The Colts Neck Township Planning Board, as a condition of granting preliminary and final major site plan approval in the matter of application number to Grantor for Lot 16, Block 46, has required that a Parallel Access Road Easement be imposed on Grantor’s lands in accordance with the Route 34 Colts Neck Highway Access Management Plan as set forth in the Circulation Plan Element of the Colts Neck Township Master Plan; and

C. Grantor recognizes the value and importance of entering into a Parallel Access Road Easement Agreement to permit the free flow of traffic through said property; and

D. Grantor desires to create an easement agreement to insure access over Grantor’s lands on the terms and conditions herein set forth.

NOW, THEREFORE, for and in consideration of the premises, the mutual agreements herein contained, and other good and valuable consideration, the Parties covenant and agree for themselves, their successors and assigns as follows:

1. The recitals set forth above hereby are incorporated herein by reference as though fully set forth at length.

2. Grantor hereby grants to Grantee and other owners, their invitees, licensees, tenants, agents, mortgagees, successors and assigns a perpetual, permanent, open, unobstructed non-exclusive, non-revocable easement and right-of-way, in, on and over the Access Road as hereinafter defined for the sole purposes of continuous and unobstructed ingress, egress, vehicular circulation and access to and from Grantee’s lands and the lands of others.

3. The express purpose of this Agreement is to provide permanent, non-exclusive, uninterrupted, open a non-obstructed access for vehicles and pedestrians over and across all of the driveway on Grantor’s lands as existing at the time of granting of this Easement and/or as modified from time to time. It is the intent that the rights and responsibilities granted herein shall be subject to the grant of a reciprocal Parallel Access Road Easement Agreement across contiguous Block ____ , Lot ____ at such time as presently vacant property is developed.

4. The Easement lands may be modified by Grantor and/or its successors and/or assigns from time to time in the event that the Access Road is revised or modified, provided the Township of Colts Neck approves said change.

5. The Access Road shall be maintained in Good Repair by Grantor, until dedication to the Township of Colts Neck, reasonably clean, free and clear of potholes, depressions and encroachments of every nature, including fallen trees or limbs which could inhibit passage, or which could interfere with the right of way over said Access Road.

6. a. “Good Repair” means the maintenance, repair, upkeep, routing, cleaning and clearing, including snow removal and ice removal, salting and sanding, as required, as rebuilding of the Access Road so as to reasonably allow for its continued use to

provide unimpeded and safe access to serve the common benefit of Grantor's lands, Grantee's lands and other lands ("Repair Work").

b. "Party" or "Parties" means each of the persons or entities executing this instrument, or the owners of the affected lands.

c. "Access Road" means the roadway located on Grantor's lands, which roadway is more particularly described on Exhibit "A" attached hereto and made a part hereof.

7. All costs and expenses incurred by Grantor in performing its obligations hereunder shall be borne solely by Grantor.

8. In the event that the Grantor's lands are sold, assigned and/or transferred then in that event the Grantor, its heirs, successors or assigns shall be responsible for all repair obligations set forth in this Agreement.

9. This Agreement and each covenant, restriction and undertaking contained herein shall be permanent and continue in full force and effect until termination.

10. This Agreement may be terminated, modified or amended by Grantor, with approval of the Township of Colts Neck only upon a written instrument executed by the Parties, acknowledged and recorded in the Office of the Clerk of Monmouth County with the same formalities as pertain to this Agreement, and following notice to the Township of Colts Neck.

11. If any of the terms, conditions, covenants and/or restrictions of this Agreement shall become illegal, null and void for any reason whatsoever, or shall be so held by any court of competent jurisdiction, the remaining portions of this Agreement shall remain in full force and effect.

12. All notices, statements, demands, approvals or other communications to be given pursuant to this Agreement shall be in writing, addressed to the Parties at their respective addresses as provided above or at the subject property, and shall be delivered by a Party or its attorney or representative, by personal delivery, by certified mail, return receipt requested, postage prepaid, or by expedited, overnight delivery service, and shall be deemed delivered on the date of personal delivery or on the first business day after deposit if other than by personal delivery.

13. Each of the covenants, restrictions, conditions and provisions contained in this Agreement is for the direct, mutual and reciprocal benefit of the Parties and constitutes a covenant running with the land and shall be binding upon every person having any fee, leasehold or other interest in any portion of the lands subject to this Agreement, and shall inure to the benefit of the Parties and their respective successors and assigns as to their respective parcels of land subject to this Agreement.

14. Grantor covenants that it is lawfully seized of Grantor's land and has full right and power to execute, grant and record the easement as set forth herein.

15. Grantor agrees to dedicate the area of easement to the grantee in fee simple upon request and acceptance by the Colts Neck Township Committee. Acceptance of such dedication herein will occur only upon adoption of a Resolution by the Municipal Governing body. No responsibility or control is assumed by the Municipality until said acceptance.

The Grantor, its successors and assigns, shall be solely responsible for the maintenance of any and all detention basins, water quality basins, and structures located therein, and appurtenant thereto within the easement area, such area and structures therein shall be maintained in proper condition and shall be free and clear of any debris, blockage or obstruction of any kind or nature.

In the event of the failure of the Grantor, its successors and assigns, to maintain such area and structures therein, Grantee shall have the right to enter said easement area for the purpose of performing such maintenance and repair work as is, in its sole discretion, deemed necessary by the Grantee for the proper functioning of said detention basin, water quality basin or structures therein.

The Grantor, its successors and assigns, shall be responsible for the payment of all costs and expenses incurred by the Grantee in performing such maintenance and repair work, as well as any attorney's fees and costs of suit incurred by the Grantee in enforcing this provision.

The Grantor, its successors and assigns, do hereby and hold harmless the Grantee from any liability of any kind or nature which may arise out of the Grantee's enforcement of its rights pursuant to this easement, through the performance of maintenance or repair work by the Grantee, its agents, servants, employees or contractors.

IN WITNESS WHEREOF, Grantor has caused this agreement to be signed by duly authorized persons the day and year first above written.

Witnessed by:

ORDINANCE NO. 2020-20

AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "DEVELOPMENT REGULATIONS" TO ESTABLISH NEW SECTION 102-85.3 ENTITLED "A7, RESIDENTIAL DISTRICT"

WHEREAS, the Colts Neck Township Committee desires to establish a new Section 102-85.3 entitled A-7, Residential District to provide for the construction of 25 detached single family dwellings to assist in satisfying the Township's fair share housing obligation by generating supplemental capital which would be utilized to offset the costs associated with the extension of infrastructure into Area 1 as contained in the Colts Neck Housing Element and Fair Share Plan through affordable housing trust fund payments; and

WHEREAS, the A-7 Residential District is proposed for Block 53, Lots 4, 5, and 7; and

WHEREAS, the Colts Neck Township Committee desires to establish the A-7, Residential District pursuant to the March 16, 2020 letter from the Fair Share Housing Center memorializing the terms of the settlement agreement reached with the Fair Share Housing Center;

WHEREAS, the establishment of the A-7, Residential District fulfills one of the requirements Declaratory Judgment and Order to Show Cause in the Matter of the Application of the Township of Colts Neck Docketed at MON-L-2234-15.

NOW, THEREFORE, BE IT ORDAINED, by the Colts Neck Township Committee, County of Monmouth, State of New Jersey that Chapter 102 of the code of Colts Neck Township entitled "Development Regulations" Article VIII "Zoning Requirements" be supplement to add new Section 102-85.3 entitled "A-7, Residential District" as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION I: That Section 102-31 Zoning districts and Zoning Map is hereby amended and supplemented to zone Block 53, Lots 4, 5, and 7 as A-7, Residential district.

SECTION II: That Section 102-41 Zoning Map is hereby amended and supplemented to zone Block 53, Lots 4, 5, and 7 as A-7, Residential district.

SECTION III: That Section 102-85.3 A-7, Residential district is hereby established as follows:

§102-85.3 A-7, Residential District

- A. Purpose. The purpose of the A-7, Residential District is to encourage the orderly development of 25 detached single family residential dwellings serviced by on-site individual sanitary sewerage systems and potable wells to help generate supplemental capital to offset the costs associated with the extension of infrastructure into Area 1 as contained in the Colts Neck Housing Element and Fair Share Plan. The A-7 Zone also satisfies one component of the March 16, 2020 letter from the Fair Share Housing Center memorializing the terms of the Township's Round III affordable housing obligation settlement agreement with Fair Share Housing Center and fulfills one of the requirements of the Declaratory Judgment Action and Order to Show Cause in the Matter of the Application of Colts Neck Township docket at MON-L-2234-15
- B. Principal permitted uses on land and in building. The following shall be permitted as principal uses:
 - (1) Agricultural uses and farms.
 - (2) Detached single-family residential dwelling.
 - (3) Township recreational uses, including fishing and other outdoor sports, swimming pools, playgrounds, parks and ball fields.
 - (4) Building or land used exclusively by federal, state, county or Township government for public purposes.
- C. Accessory uses. The following shall be permitted as accessory uses (subject to §§102-48 and 102-87)

- (1) Private residential swimming pools and recreation courts; subject to §§ 102-11 and 102-108.
- (2) Barns, toolsheds, greenhouses, detached garages, pool cabanas, outdoor barbeque structures, as well as customary accessory buildings to a single-family dwelling and farms.
- (3) Of-street parking and private garages.
- (4) Travel trailers, camper trailers, boats and boat trailers and solar energy panels mounted at ground level, to be located or parked in rear and side yards only and which shall be screened from view from public streets and neighboring properties by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.
- (5) Accessory buildings shall be in accordance with the following schedule in the A-7 Zone, except that farm buildings shall be exempted from this maximum building, floor area, volume, height and story requirement.

Schedule of Maximum Limitations: Accessory Structures

Lot Area	Zero to 50,000 s.f.	50,000 s.f. to 150,000 s.f.	Greater Than 150,000 s.f.
First Floor	700 s.f.	900 s.f.	1,200 s.f.
Total Floor Area	N/A	1,200 s.f.	1,800 s.f.
Total Building Volume	8,000 cubic feet	13,000 cubic feet	20,000 cubic feet
Height	18 feet	25 feet	25 feet
Stories	1.5	2.5	2.5

Notes:

1. Total floor area and total building volume includes all basement areas but excludes cellars.
 2. Total floor area includes all areas in a half story where the floor-to-ceiling height exceeds 4.5 feet.
- (6) Fences and walls; subject to §§ 102-57 and 102-73.
 - (7) Temporary construction trailers; subject to § 102-80.
 - (8) Recreation Courts, private residential.
 - (9) Wind energy systems, subject to §102-82.1
 - (10) Antennas, subject to §102-49.
 - (11) The keeping of farm animals on a lot which is the subject of a farmland assessment shall be permitted as an accessory use with a principal farm use.
 - (12) Home office, meaning a room within a single-family dwelling where office activity is carried on for gain by a resident in a dwelling unit, shall be a permitted accessory use in a single-family dwelling provided:
 - (a) The business use is limited solely to office use;
 - (b) The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit and no other persons;
 - (c) No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;
 - (d) The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;
 - (e) Interior storage of materials shall only consist of office supplies;
 - (f) There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including but not limited to parking, storage, signs or lights;
 - (g) The use operates no equipment or process that creates noise, vibration, glare, fumes, odors or electronic interference, including with telephone, radio or television reception, detectable by neighboring residents;
 - (h) The use does not require any increased or enhanced water supply;
 - (i) The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
 - (j) The capacity and quantity of effluent is typical of normal residential use

and creates no potential or actual detriment to the individual subsurface disposal system or its components:

- (k) Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express and other delivery services providing regular service to residential uses in the zone district; and
 - (l) All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.
- D. Building height. No building shall exceed 35 feet in height or 2 ½ stories, except for barns, which shall not exceed 55 feet. See §102-61.
- E. Area and yard requirements.
- (1) Detached single-family dwellings shall meet the minimum requirements as shown on the schedule of limitations. See §102-87.
 - (2) Except as noted elsewhere herein, agricultural uses and farms shall meet the following minimum requirements: lot area, five acres; lot frontage and width, 300 feet; lot depth, 300 feet; each side yard, 100 feet; front yard setback, 75 feet; rear yard setback, 75 feet. Total building coverage shall not exceed 10%.
 - (3) For swimming pool and private residential recreation courts, see §§ 102-101 and 102-108.
- F. Minimum off-street parking.
- (1) There shall be three spaces per dwelling unit.
 - (2) Public buildings and government buildings shall provide one space for every 600 square feet of gross floor area.
 - (3) No commercial motor vehicle, truck tractor, omnibus or school bus as defined in N.J.S.A. 39:1-1 and the various amendments thereto nor registered constructor vehicles or solid waste vehicles as defined in N.J.S.A. 39:3-20 and the various amendments thereto, over ½ tone registered weight or a trailer bearing commercial license plates, shall be parked out of doors any time, except those vehicles actually engaged in deliveries, construction or similar activity that is in progress at the site in question, in which case the vehicle may be parked on a temporary basis. School buses may be parked on school grounds as allowed by these development regulations or in the duly established municipal parking lot. This section shall not apply to registered farm vehicles as defined in N.J.S.A. 39:3-24, 39:3-25 and 39:3-26 and the various amendments thereto.
- G. Signs.
- (1) Street number designations, postal boxes, on-site directional and parking signs and signs posting property as “private property”, “no hunting” or similar purposes are permitted, but shall not exceed two square feet in area per sign.
 - (2) A temporary real estate sign advertising the sale or lease of a property or structure is permitted with the following restrictions:
 - (a) There shall be no more than one sign per property, except that corner lots shall be entitled to two signs per each such lot.
 - (b) Signs shall be located not closer than 10 feet from the nearest curbed or paved area; such signs shall not be lighted.
 - (c) Signs must be located on the property advertised.
 - (d) Directional signs advertising for open houses may be permitted on the day before the open house and must be removed the same day after the termination of the open house. The number, size and location of such signs are to be determined by the Zoning Officer or Code Enforcement Officer in the exercise of his or her reasonable judgement. In any event, no more than five signs shall be permitted for any one open house event.
 - (3) All signs shall be in accordance with the requirements specified in § 102-106, Signs.
 - (4) For seasonal decorations, see § 102-106C.
- H. Recyclable material storage. A condition of approval of all subdivisions shall be that all

dwelling units constructed on said subdivision shall provide a storage area of at least 12 s.f. within each dwelling unit to accommodate a four-week accumulation of mandated recyclable materials (including but not limited to newspaper, glass bottles, aluminum cans, tin and bimetal cans). The storage area may be located in the laundry room, garage, basement or kitchen. This requirement shall be stated on the subdivision plat.

I. Miscellaneous requirements and exemptions.

1. Residential density shall not exceed 25 detached single family residential dwellings per development.
2. No lot shall have direct access to Hockhockson Road and a 50 foot landscape easement shall be provided along Hockhockson Road.
3. Each lot shall contain 30,000 square feet free of wetlands and associated buffer areas; floodplains; conservation, open space, drainage and right-of-way easements, landscaping easements, drainage easements, special water resource protection areas and similar environmental features or encumbrances to ensure each lot can support an individual septic system, potable well, single family dwelling and accessory structures (inground pool, cabana, ect.).
4. Notwithstanding any other provision of this Chapter, the A-7, Agricultural District shall be exempted from the following provisions:
 - a. Section 102-94 (Design standards in stream corridors)
 - b. Section 102-115 (Buffers)
 - c. Section 102-90 (Buffers)
 - d. Section 102-87 footnote c requiring eight-five percent (85%) or 75,000 s.f. of each lot to be free of wetlands and associated buffer areas; floodplains; conservation, open space, drainage and right-of-way easements, landscaping easements, drainage easements, special water resource protection areas, scenic viewshed boundary and similar environmental features or encumbrances which restrict development of the property.

SECTION IV That Section 102-87, Schedule of limitations: residential and agricultural be amended and supplemented in the following parts only.

§102-87 Schedule of limitations: residential and agricultural.

Schedule of Limitations: Residential and Agricultural District

Type	A-7
Minimum lot area (s.f.)	40,000
Minimum lot frontage	150 feet
Minimum lot width	150 feet
Minimum lot depth	175 feet
Minimum yards	
Principal buildings (see definitions in §102-4)	
Front yard	75 feet
Side yard (each)	40 feet
Rear yard	40 feet
Accessory buildings	
Front yard	100 feet
Side yard	40 feet
Rear yard	40 feet
To another building	20 feet
For more specific requirements, see §102-48.	
Maximum building coverage	
Principal buildings	
One-story	10%
Two story	6.6%
Accessory buildings	5%
Maximum lot coverage	20%
(see definitions)	
Maximum building height	

Number of stories 2.5
 Height 35 feet

NOTES: [Existing text to remain]

SECTION V Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION VI Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION VII Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VIII This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the ___th day of _____, 2020. A public hearing will be held on _____, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

 Frank Rizzuto, Mayor

 Trina Lindsey, Township Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 30, 2020					October 14, 2020						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Viola												
Bartolomeo												
Fitzpatrick												
Orgo												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												