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Municipality:	Township of Washington
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Community Type – applicable to:	Suburban; Rural
Title:	Washington Township Town Center District Ordinance
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Abstract

Washington Township’s “Town Center District” ordinance establishes standards for four different town center districts that create a mixed-use of housing, commercial, public and open space. It articulates policy statements to guide the review of all development applications within town center districts. There are 22 policies, including one that promotes a multi-modal transportation system, one that discourages uses that are automobile dependent, and one that promotes the creation of spaces that promote social interaction. The ordinance establishes a town center sub-committee of the planning board, which is given responsibility for proposals within the town center districts. The ordinance establishes provisions related to a street regulating plan, a building regulating plan, site plan regulations, and design regulations – all of which supercede the land development and subdivision standards applicable in the rest of the community. If applicants are going to deviate from the standards provided, then there is a process in which they must demonstrate to the sub-committee their justification for the deviation (the ordinance establishes various criteria for the allowance of deviations from standards). The ordinance also establishes methods for increasing town center density, including transfer of development rights from approved projects in other parts of the township or through the transfer of credits from a rural agricultural district. It also includes density increases for the provision of affordable housing. The ordinance establishes various permitted uses, accessory uses, and additional uses in portions of the town center zone. The four TC zones allow variations in mixed uses and other development standards.

Resource

§ 142-19. TC Town Center District. [Amended by Ord. No. 93-2; 3-27-1997 by Ord. No. 97-9]

A. Legislative intent.

- (1) This section is intended to create the standards and requirements for the Town Center (TC-1 through TC-4 Zone Districts) which has been proposed in some form in Township Master Plans dating back to 1986. The governing body seeks to create a mixed use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities to the zone district.
- (2) The Town Center District is also intended to integrate newly developed lands within the district with existing properties in and around the existing Village of Robbinsville, some of which are presently commercial and some of which are residential. It is intended that most of these existing properties will eventually be converted to commercial mixed use or commercial/office/retail urban apartments.
- (3) The governing body has promulgated a series of policy statements as listed in Subsection B hereof which are to be considered in reviewing all development applications involving lands located in the Town Center. Requests for variances, waivers or deviations from the ordinance provisions of this section shall be evaluated in the context of the impact the same may have on the policy statements established by the governing body.

B. Policy statements.

- (1) Develop a new Town Center which reflects the traditional character of this evolving rural Township.
- (2) Encourage innovative mixed-use and multiple-use plans so that housing demand for varying age groups, families and income levels may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings. To that end, the goal is to create smaller lots than presently exist in the Township to accommodate single-family detached units, duplexes, and townhouses. Apartment/flats are encouraged above commercial and office uses which are to be integrated into the plan.
- (3) To require whenever possible the interconnection of existing and proposed uses so as to create integrated neighborhoods and a greater sense of community by using design techniques that provide for modified deflected street patterns with radial and axial streets.
- (4) Provide a layout of streets and open space edges which encourage pedestrian interconnections to the Town Center civic and commercial uses within one-

thousand-five-hundred-foot walking distance to the Center.

- (5) Provide a clearly articulated and rationally designed open space system which consists of both integrated and peripheral active and passive parks and which furthers the goals of Subsections B(3) and (4) above.
- (6) Extend greater opportunities for housing, commercial, recreation and care facilities to all residents of the Township.
- (7) To encourage a more efficient use of land and public services by directing development in a pattern that resembles traditional mixed-use, multiple-use Town Center with varied housing types.
- (8) Provide an approval procedure which will require the development to relate the type, design, and layout of residential development on any site to the surrounding environs and context, and to the Township's goal of encouraging neotraditional residential/mixed-use development in a manner sensitive to the preservation or enhancement of property within existing residential areas.
- (9) Establish policies and procedures intended to promote flexibility for the marketability of unit types while requiring the maintenance of the underlying integrity of the plan in an efficient and expedient forum.
- (10) Allow for the directing of additional development to Town Center in an effort to preserve the remaining rural, historic, and agricultural character of the community.
- (11) Promote land development practices which will promote the public health, safety and welfare by creating a Town Center as an alternative to conventional, modern, use-segregated developments, such as larger lot suburban subdivisions and strip commercial developments.
- (12) Establish a street and path network which accommodates an integrated multimodal transportation system with the intent of providing safe pedestrian connections as set forth in Subsection B(4) above.
- (13) Alleviate undue traffic congestion by reducing excessive sprawl of development and the segregation of land uses which result in the inefficient use of land and which necessitates the use of private vehicles.
- (14) Discourage uses and design patterns which tend to contribute to traffic

congestion through the dependence on private automobiles.

- (15) Discourage generic, modern suburban development that bears no relation to the historic development pattern of Mercer County while promoting the creation of new neighborhoods and developments that exhibit the design features of traditional neighborhoods and small towns in Mercer County.
- (16) Promote the creation of places which are oriented to the pedestrian, promote citizen security, and social interaction.
- (17) Establish community "greens" which act as focal points of activity and interaction for both commercial and residential neighborhoods.
- (18) Promote developments with visual and spatial characteristics as expressed in the regulating plans and site plan and design regulations.
- (19) Promote developments where the physical, visual, and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
- (20) Promote the creation of neighborhoods and districts that are identifiable in the landscape, surrounded by open space, and sensitive in the preservation of natural features.
- (21) Incorporate a component specifically addressed to the needs of senior citizens.
- (22) Develop a plan that addresses the fiscal imbalance of current zoning and provides a phasing of development of the Center in a fiscally responsible manner.

C. General provisions applicable to all sections of the Town Center.

- (1) Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations. This section shall supersede any of the other provisions of the Township Subdivision and Land Development Ordinance or these zoning ordinances as they apply to the Township as a whole. The Street Regulating Plan, Building Regulating Plan, Site Plan Regulations and Design Regulations are incorporated in the companion document entitled "Washington Township Town Center Zoning and Design Regulations," which is incorporated herein by reference. In the event of any inconsistencies or contradictions, this section shall be deemed

as controlling over those lands located in the Town Center and its subdistricts. The Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference shall be the design basis for the lands included in the Town Center. The Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations shall be governed in their entirety by the provisions of this section with the exception that those provisions of the Township Subdivision and Site Development Ordinance and Zoning Ordinance specifically referenced within this section shall also apply to the zone district.

- (2) Applications for development of Town Center properties. The approval or disapproval of any portion of any TC Zone District shall be based on an interpretation of the effect of the proposed development on the surrounding properties and the zone district if the same deviates in any manner from the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference. In the event of a deviation from the same, the determination shall be evaluated based upon the provisions of Subsection B(1) through (22) hereof.
 - (a) Section 2, The Street Regulating Plan, and Section 3, The Building Regulating Plan, of the Town Center Zoning and Design Regulations, as incorporated herein by reference, shall be deemed to be the basic structure of the Town Center and cannot be modified without approval of the Town Center Subcommittee and/or the Planning Board depending on the extent of the deviation from the provisions of Section 2, The Street Regulating Plan, and Section 3, The Building Regulating Plan, of this chapter.
 - (b) The regulations as established in Section 4, Site Planning Regulations, and Section 5, Design Regulations, of Town Center Zoning and Design Regulations, shall be deemed to be the minimum standards applicable for the Town Center Zone District. In the event of any requests for deviation from the standards for any section of proposed development or any portion of any section of the Town Center Zone District, the Town Center Subcommittee or the Planning Board, depending upon the extent of the deviation, may require more stringent standards based on the proposed effect of the deviation on the overall Town Center plan or on specific areas of the Town Center which may be impacted by the proposed deviation, in order to protect the health, safety and welfare of the citizens of the Township and the overall integrity of the Town Center plan.
 - (c) Phasing plan.

[1] Any applicant seeking to develop properties located within the TC Zone District shall be required to provide a phasing schedule, which phasing schedule shall be subject to the review and approval by the Township Planning Board. The intent of the phasing schedule shall be to establish parameters within which permitted housing stock shall be constructed in conjunction with the construction of the commercial components of the TC Zone District. The Planning Board shall have the discretion to develop a suitable mechanism to insure a balanced development of the TC District so as to minimize fiscal impacts which may otherwise be created by the construction of housing.

[2] The methodology may be established based upon ratio of units to commercial floor area or any other suitable calculation which the Planning Board deems to be appropriate in light of the intended goal of minimizing fiscal impacts as aforesaid.

(3) Town Center Subcommittee.

(a) A Town Center Subcommittee consisting of five members of the Planning Board is hereby established, the purpose of which shall be to review all plans for development as well as requests for deviation, if applicable, from the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations as incorporated in this section by reference. Said Subcommittee shall be responsible for the reviewing and acting upon recommendations by municipal official designated pursuant hereto for the permission to deviate from any of the aforesaid design standards set forth in the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations or, in the alternative, in the event of a substantial deviation, the Town Center Subcommittee will recommend the matter be referred to the Township Planning Board for action. **[Amended 7-10-1997 by Ord. No. 97-14]**

(b) Composition of the Town Center Subcommittee.

[1] The Town Center Subcommittee shall be appointed from the membership of the Planning Board annually by the Chairman of the Planning Board at the time of reorganization of the Planning Board. At least two members of said Committee shall have served on the Committee during the previous year whenever possible. The Town Center Subcommittee shall annually elect a Chairman and Vice Chairman from its membership. **[Amended 7-10-1997 by Ord. No. 97-14]**

- [2] In the event of a vacancy in any of the aforesaid positions, the Planning Board Chairman shall appoint another member to serve the balance of the unexpired term caused by the vacancy.
- [3] A municipal official shall be appointed by the governing body who shall be either a Township employee as designated by the governing body and shall be specifically designated as the municipal official. Said term shall be for a period of one year. Said designated municipal official shall not be deemed a member of the Town Center Subcommittee but shall report all actions to the Committee.
- [4] The designated municipal official upon approval of the Planning Board shall have the right to hire design consultants to review the site plans, architectural plans, elevations, and streetscape details. Such a professional would be advisory to the Town Center Subcommittee. **[Amended 7-10-1997 by Ord. No. 97-14]**
- (c) The Town Center Subcommittee shall defer the initial determination of compliance with the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations and Design Regulations to the designated municipal official. Said municipal official may confer with the Township Administrator, Planning Director, Township Engineer, Township Construction Official and Planning Board Attorney regarding initial determinations of compliance and shall have the authorization to enlist the assistance of other consultants where necessary. **[Amended 7-10-1997 by Ord. No. 97-14]**
- (d) In those matters involving decisions relating to issues other than aesthetic, architectural or design deviations, which shall be determined by the designated municipal official and which would otherwise require variance or waivers, the applicant shall be responsible for demonstrating to the Town Center Subcommittee the nature of the deviation sought, the amount of land or building lots affected by the deviation, the impact of the deviation on the immediately surrounding area of the Town Center and, if applicable, the affect on the overall Town Center District or subdistrict based upon the extent of the deviation requested. **[Amended 7-10-1997 by Ord. No. 97-14]**
- (e) Should the Town Center Subcommittee recommend the proposed deviation, the designated municipal official shall have the authority to issue a notice of deviation approval from the applicable design standard or in the alternative shall issue a denial of deviation from the applicable design standard.

- (f) In the event the applicant is aggrieved of the action of the Town Center Subcommittee or the designated municipal official and the notice issued by the designated municipal official, the applicant shall have the right to appeal the same directly to the Township Planning Board, which appeal shall be treated as a request for a waiver or variance depending upon the nature of the matter before the Town Center Subcommittee and heard by the entire Planning Board pursuant to the applicable statutory sections as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in the time frame as established by the statute. **[Amended 7-10-1997 by Ord. No. 97-14]**
- (g) The Town Center Subcommittee shall have 45 days from the date of receipt of any development application to either determine the application incomplete due to the provision of insufficient information upon which to make a determination, or to approve or deny the application. Any determination of incompleteness shall be made by the designated municipal official who shall communicate his or her determination to the members of the Town Center Subcommittee. Meetings of the Town Center Subcommittee shall be convened as necessary to conduct the business of the Committee.
- (h) The Town Center Subcommittee shall have the right to prepare and require the submission of an application checklist, provided the same is adopted by the governing body by ordinance.
- (i) The Town Center Plan and the land uses of its subsections shall be considered as permitted uses with conditions, those conditions being those established in the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference. In the event any single property owner or consortium of property owners owns properties consisting of 15 acres or more, it or they may apply to the Township Planning Board for general development plan approval for its portions of the Town Center and shall be subject to the provision of N.J.S.A. 40:55D-45 et seq., regarding general development plan approvals. Those property owners or consortium of property owners who do not obtain a general development plan approval for their property shall be required to obtain site plan and/or subdivision approval as may be required by law in addition to complying with the conditions of this section.
- (j) The street pattern as incorporated in the Street Regulating Plan shall be deemed to be fixed, and any application for deviation from the street pattern as established in this section shall be subject to the review and approval of the Township Planning Board unless said deviation is due to on-site engineering conditions certified by the Township Engineer and results only in a minor relocation of a proposed roadway as set forth in the Street

Regulating Plan. In the event of such certification by the Township Engineer, the applicant shall only be required to submit the proposed deviation to the Town Center Subcommittee as set forth in Subsection C(3)(b) above for its review and recommendation and potential action by the designated municipal official.

- (k) All applications for development of any subsection of the Town Center shall be required to submit a phasing schedule unless said application is for a single property of two acres or less. In the event the application consists of approval for a site consisting of property exceeding said two acres, and the plan pertaining to said area consists of both residential and commercial uses, the phasing schedule shall incorporate the specific mechanism for residential development in conjunction with the build out of the commercial portion of the applicable site so as to insure the balanced development of the property for both residential and commercial purposes.
 - (l) This section shall not be construed to alleviate the necessity of any applicant from obtaining any and all other approvals which may be required from outside agencies, whether municipal, county or state agencies, which would otherwise have jurisdiction over the application.
 - (m) When reviewing any application for development regarding architectural style, the provisions of § 142-35 shall not be applicable for properties located within the Town Center District or any of its subsections.
- (4) Deviations from Street Regulating Plan or Building Regulating Plan.
- (a) Any application seeking a deviation from the provisions of this section relating to the Street Regulating Plan, Building Regulating Plan, the percentage or types of dwelling units or the amount of commercial development measured in floor area shall be treated as permitted uses which may be subject to conditions at the time of approval by the Township Planning Board. All applications for such deviations must be evaluated in terms of the policy statements articulated in Subsection B(1) through (22), established in this section, and the reasons for said deviation shall be established in any determination made by the Board.
 - (b) Proposed deviations shall be reviewed and approved or denied by the Town Center Subcommittee or Planning Board based upon the following criteria:
 - [1] The design and improvement shall be in harmony with the purpose and

intent of this section.

- [2] The design and improvement shall generally enhance the street and/or building regulating plans, or, in any case, no have an adverse impact on its physical, visual, or spatial characteristics.
- [3] The design and improvements shall generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
- [4] The modification shall not result in any configurations of lots or street systems which shall be impractical or detract from the appearance of the Town Center.
- [5] The proposed modification shall not result in any danger to the public health, safety, or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air, or by violating the other purposes for which zoning ordinances are to be enacted.
- [6] Landscaping and other methods shall be used to insure compliance with the design standards and guidelines of this section.
- [7] The minimum lot size of any lot to be created shall only be reduced below the requirements of this section by approval of the Town Center Subcommittee or the Planning Board.
- [8] The applicant shall demonstrate that the proposed modification will allow for equal or better results and represents the minimum modification necessary.
- [9] In the event of the granting of a deviation, the Town Center Subcommittee may impose such conditions it deems necessary to permit the deviation while insuring the integrity of the overall Town Center plan.

(5) Interpretation of development standards and guidelines.

- (a) The development standards contained in the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations, and Design Vocabulary contained therein, are both written and illustrated. The

illustrations and written text are intended to be complementary, and wherever an apparent inconsistency exists, an applicant may apply to the Town Center Subcommittee for interpretation of this section regarding such standard. Any interpretation made by the Town Center Subcommittee shall be made in conjunction with the overall intent and character of the plan as codified in the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations.

- (b) The development standards as contained in this section sets forth specific requirements for development guidelines which are to be strictly construed. The design vocabulary shall be interpreted with the maximum degree of flexibility to promote consistency in design taking into account exceptional situations which may require unique interpretation. When applications are made to the Town Center Subcommittee regarding the interpretation or application of design vocabulary to a particular property, the Town Center Subcommittee shall review the specific circumstances regarding the application and the intent of this section in reaching its determination as to the deviation/interpretation of the standards set forth in the design vocabulary.
- (c) The applicant shall have the same right of appeal as set forth in Subsection C(3)(f) above regarding an appeal from the determination of the Town Center Subcommittee to the Township Planning Board.

(6) Town Center subsection delineation.

- (a) The Town Center shall be comprised of four individual subsections which have been planned and designed based upon their respective locations from existing roads and utilities and existing buildings and features so as to promote a contiguous integrated Town Center. The zone districts as proposed are set forth on the attached zone identification map which is appended hereto and incorporated herein by reference. Those districts are as follows:

[1] TC-1 Zone.

[2] TC-2 Zone.

[3] TC-3 Zone.

[4] TC-4 Zone.

- (b) The permitted uses for each section of the proposed Town Center are set forth in this section, and the design standards as applicable to each section of the Town Center are set forth in the Street and Building Regulatory Plan incorporated herein by reference.
- (c) Unless expressly permitted, all other uses are deemed to be prohibited. The outdoor storage of commercial trucks, tractor trailers, recreation vehicles, tractors, campers and boats is prohibited in all subsections of the Town Center. **[Added 7-10-1997 by Ord. No. 97-14]**

(7) Methods for increasing Town Center density.

- (a) The transfer of previously approved units from another site located within the Township, which units to be transferred shall be incorporated into the density for the applicable portion of the TC Zone District of the Township and incorporated into the Base Grid for the appropriate district upon demonstration of the proportionate reduction of units from the previously approved site from which the units are being transferred. In the event the units are transferred from a previously approved development site, the increase in density shall be based upon a one-to-one ratio of transferred units to additional units permitted in the TC Zone District.
- (b) Planned unit residential development credit transfer. Density may be increased through the transfer of credits from land within the Rural Agricultural District and identified as a proposed priority open space acquisition/preservation land(s) on the Land Preservation Plan, dated January 2002, as it may be last amended or superseded. Transfer shall occur only through the approval of a planned unit residential development application submitted in accordance with § 142-86. Regardless of the number of credits purchased, no use of credits shall result in exceeding the maximum density as set forth in Section 3, Building Regulating Plan, Subsection B1, General Residential Zone Criteria, Housing Unit Count. **[Amended 5-26-2005 by Ord. No. 2005-12]**
- (c) If approved by the governing body and Planning Board, the inclusion of low- and moderate-affordable-housing units previously not planned for by the Township and not previously incorporated in its Housing Element and Affordable Housing Plan, in order to increase density based upon this provision. The proposal to provide affordable housing units must also be approved by the Council of Affordable Housing as an amendment to the Township's Housing Element and Affordable Housing Plan. Any increase in density to be based upon this section shall be determined based upon the established guidelines by the Council on Affordable Housing and ratified by

the governing body. The precise location and distribution of the affordable housing units, if any, and the phasing of development of same shall be subject to the review and approval by the governing body.

- (d) Transferred units shall be allocated to designated receiving districts within the Town Center Zone District. The actual construction of transferred units shall, however, only occur after the Base Grid has been the subject of final approval for that section of the Town Center to which the units are to be transferred.
- (e) For purposes of this section, no transfer of previously approved units located within the Town Center will be permitted to be made into any designated receiving district.

D. TC-1 Zone District.

- (1) Permitted uses. The following uses are permitted uses in the TC-1 Zone District subject to the applicable development standards requirements as set forth in the accompanying Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference:
 - (a) Residential uses as follows:
 - [1] Village houses, being single-family detached dwellings.
 - [2] Narrow lot houses, being single-family detached dwellings.
 - [3] Duplex dwellings.
 - [4] Townhouse dwellings.
 - [5] Commercial/office/retail urban apartment.
 - [6] Customary accessory buildings.
 - (b) Public and semipublic uses, including parks and playgrounds, conservation areas, and structures and facilities constructed as part of this principal use.
 - (c) Public, private and parochial schools for academic instruction, provided the same are to be constructed on a minimum of two acres.

- (d) Day-care centers.
- (e) Elderly day-care centers.
- (f) Churches, temples and other places of worship and related school buildings and parish houses, on a minimum one-acre parcel.
- (g) Post office and library facilities.
- (h) Cultural facilities such as museums, auditoriums and conservatories.
- (i) Commercial uses.
 - [1] Retail sale or rental of goods, merchandise, or equipment, except as follows:
 - [a] Uses requiring storage or display of goods outside a fully enclosed building.
 - [b] Motor vehicle sales or service operations.
 - [c] Lumberyards.
 - [d] Adult bookstores and/or peep shows.
 - [e] Auction markets.
 - [f] Pawn shops.
 - [2] Personal service establishments, having as their primary function the rendering of a service to a client within a building. Such services may include, but are not limited to, barber and beauty shops; dry-cleaning establishments; self-service laundromats; tailor shops; weight loss centers; portrait studios; interior decorating services; video rental; and mail centers. Such service shall not include the follows:
 - [a] Massage parlors.
 - [b] Animal grooming establishments.

[c] Kennels.

[d] Veterinary hospitals.

[3] Business service establishments, having as their primary function the rendering of service to a business client. Such services may include, but are not limited to, document reproduction, duplication, and administrative services.

[4] Product service establishments, having as their primary function the servicing or repair of a product, including, but not limited to, the repair and servicing of shoes, audio and visual equipment, appliances, jewelry and watches. Motor vehicular repair, maintenance and/or body shops are not permitted.

[5] Business offices, including but not limited to insurance agents, travel agents, realtors, finance and investment companies, and tax preparation services.

[6] Instructional studios, fitness centers and billiard parlors. **[Amended 7-10-1997 by Ord. No. 97-14]**

[7] Banks and other financial institutions, excluding check cashing businesses but including automated teller machines (ATM).

[8] Neighborhood motor vehicle service station or garage (see definition).

(j) Professional offices, including but not limited to offices for architects, artists, authors, dentists, doctors, lawyers, ministers, musicians, engineers, optometrists, opticians, and such other similar professions.

(k) Restaurants, cafes, coffeehouses and eateries.

(2) Permitted accessory uses in TC-1 Zone District.

(a) Residential detached garages which shall not be subject to conversion to any other use.

(b) Home-based offices, providing the following conditions apply:

- [1] The home-based office is located in a single-family dwelling.
 - [2] Medical, dental and real estate offices shall not be permitted as home offices.
 - [3] In addition to the family members occupying the dwelling containing the home office, there shall not be more than one outside employee in the home office.
 - [4] The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the home office.
 - [5] Permitted signage area is limited to one facade or freestanding sign not exceeding three square feet and six feet from the ground.
 - [6] The home office shall not exceed 1,000 square feet, or 25% of the total habitable square footage of the dwelling exclusive of any basement, or can be located in an accessory building not to exceed 500 square feet.
 - [7] All exterior aspects of the home office operation shall not disrupt the residential integrity.
- (c) Toolsheds and outside storage sheds shall be limited to 48 square feet and be set back a minimum of three feet from any property line except at major roads. Setbacks from major roads (not including lanes) shall be 1/3 of the lot depth or lot width. Accessory uses shall be architecturally compatible with the principal structure. (See Figure 2-3 in the Town Center Zoning and Design Regulations.)
- (d) All other accessory uses, buildings or structures shall be set back a minimum of three feet from any property line except from major roads. Setbacks for major roads shall be a distance equivalent to 1/3 of the lot depth or lot width. All accessory uses shall be architecturally compatible with the principal structure.
- (e) Studio room as defined in this chapter.
- (f) Accessory dwelling as defined in this chapter but limited to village lots having a minimum area of 7,200 square feet.
- (3) Special Condition A of TC-1 Zone. **[Amended 7-12-2001 by Ord. No. 2001-21]**

(a) Permitted uses. The following uses shall be permitted in the Special Condition A area of the TC-1 Zone:

[1] Office.

[2] Professional offices, including but not limited to offices for architects, artists, authors, dentists, doctors, lawyers, ministers, musicians, engineers, surveyors, planners, optometrists, opticians, and such other similar professions.

[3] Banks and other financial institutions, excluding check cashing businesses, but including automated teller machines (ATM) and drive-through service tellers.

[4] Day-care facilities.

[5] Second and third floor urban apartments.

[6] Ground floor retail for uses fronting on Route 33.

[7] Health club.

[8] Restaurant.

(b) Bulk standards:

[1] Minimum lot area: 20,000 square feet.

[2] Minimum lot frontage: 100 feet.

[3] Minimum lot width: 100 feet.

[4] Minimum lot depth: 150 feet.

[5] Minimum side yard setback: 10 feet (zero feet if buildings share a common party wall).

[6] Minimum front yard setback: 10 feet.

- [7] Maximum front yard setback: 30 feet.
 - [8] Maximum Main Street front yard setback: zero feet.
 - [9] Rear yard setback: 50 feet.
 - [10] Building height (maximum): three stories/50 feet maximum.
 - [11] Building height (minimum): two stories/30 feet minimum.
 - [12] Maximum floor area ratio: 50%.
 - [13] Maximum impervious surface ratio: 85%.
 - [14] Parking ratio minimums shall be consistent with Section 4, Site Planning Regulations, Subsection F, Off-street and on-street parking, of the Town Center Zoning and Design Regulations, as contained at the end of this chapter.
- (c) The buildings and front facades shall be oriented to the street. Buildings on corner lots with frontage on Route 33 shall orient their longest facade along Route 33. In all cases, buildings shall have at least one principal pedestrian entrance on the primary street serving the site.
 - (d) Buildings along Main Street shall have retail uses on the ground level.
 - (e) Parking is prohibited within the front setback between the front of the building and the front property line.
 - (f) Parking lots and/or associated driveways may abut and overlap property lines that abut other nonresidential Town Center uses, predicated upon establishing an appropriate access easement that clearly defines all associated maintenance responsibilities.
 - (g) Parking spaces and/or associated driveways shall be located a minimum of 10 feet from any side or rear property line which abuts a Town Center residential use.
 - (h) For properties other than those fronting on Main Street, a minimum of 75% of the required on-site parking shall be located between the rear property

line and a line extended from the rear of the building to the side property lines. For properties fronting on Main Street, parking shall be located between the rear property line and a line extended from the building to the side property lines. On corner lots, the "rear property line" shall be defined as the property line that is parallel to the street of greatest hierarchy.

- (i) A minimum four-and-one-half-foot high architectural wall, made of brick, stucco or stone, shall be provided as a buffer where parking abuts a residential use or is across the street from a residential use or where on-site parking abuts a street line. Walls must be articulated to minimize the visual impact of excessive length.
- (j) Pedestrian connections shall be provided to abutting open space areas and abutting Town Center commercial sites.
- (k) Drive-through banking facilities shall be located and screened with planting and/or architectural walls to minimize their visibility, and may be located under upper story cantilevered floors. In all cases, drive-through facilities must be located in the rear of the building.
- (l) All architecture shall be governed pursuant to the requirements in Section 5, Design Regulations, of the Town Center Zoning and Design Regulations, which is included at the end of this chapter.
- (m) Conditional uses. The following conditional uses shall be permitted in the Special Condition A area of the TC-1 Zone:
 - [1] Institutional use.
 - [2] Assisted care living facility.
 - [a] An assisted care facility shall have frontage on Washington Boulevard, and the building and facade structure shall be oriented towards Washington Boulevard and any street abutting the site and intersecting with Washington Boulevard.
 - [b] All parking for assisted care facilities shall be located to the side and rear of the building(s) although an entrance may be located on Washington Boulevard.
 - [c] Assisted care facilities shall total no more than 120 beds/rooms

in the Special Condition A Zone.

- (n) Variations to the residential density and housing-type mix percentages as specified in the Building Regulating Plan and subsequently approved deviations from same, caused by the approval of any Special Condition A application, will occur should the density and/or the housing-type mix not be able to be absorbed elsewhere within the zone. Accordingly, the Planning Board will give reasonable consideration to requested variations.
- (o) Off-tract contributions shall be adjusted based upon the per-unit fees set by the ordinance and the actual residential and commercial uses achieved, but in no case will the total amount of the contribution for the TC-1 Zone be less than that previously agreed to under the General Development Plan granted May 27, 1998, and the Preliminary granted on November 10, 1999.

E. TC-2 Zone District.

- (1) Permitted uses. The following uses are permitted uses in the TC-2 Zone District subject to the applicable development standards and requirements as set forth in the accompanying Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference:
 - (a) Residential uses as follows:
 - [1] Village houses, being single-family detached dwellings.
 - [2] Narrow lot houses, being single-family detached dwellings.
 - [3] Duplex dwellings.
 - [4] Townhouse dwellings.
 - [5] Commercial/office/retail urban apartment.
 - [6] Restricted and nonrestricted senior citizen housing.
 - [7] Assisted care living.
 - (b) Public and semipublic uses, including parks and playgrounds, conservation

areas, and structures and facilities constructed as part of this principal use.

- (c) Clubhouse buildings.
- (d) Community and civic facilities, including post offices, museums, auditoriums and library facilities.
- (e) Day-care centers.
- (f) Elderly day-care centers.
- (g) Churches, temples and other places of worship and related school buildings and parish houses on a minimum one-acre parcel.
- (h) Commercial uses:
 - [1] Banks and other financial institutions excluding check cashing businesses but including automated teller machines (ATM).
 - [2] Single or multiple user offices and office buildings.
 - [3] Retail sale or rental of goods, merchandise and equipment as permitted in the TC-1 Zone District.
 - [4] Restaurants, exclusive of drive-through facilities.
 - [5] Neighborhood motor vehicle service station or garage as defined in the definitions in Section 1, How to Use This Document, of the Town Center Zoning and Design Regulations, which is included at the end of this chapter.
- (i) Public and semipublic recreation uses.
- (j) Bed-and-breakfast establishments, provided adequate parking is provided on-site.

(2) Permitted accessory uses in the TC-2 Zone District:

- (a) All residential accessory uses as contained in TC-1, provided the same complies with the residential accessory use regulations of this chapter,

except as modified in this section.

(b) Home-based offices, provided the following conditions apply:

[1] The home-based office is located in a single-family dwelling.

[2] Medical, dental and real estate offices shall not be permitted as home offices.

[3] In addition to the family members occupying the dwelling containing the home office, there shall not be more than one outside employee in the home office.

[4] The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the home office.

[5] Permitted signage area is limited to one facade or freestanding sign not exceeding three square feet and six feet from the ground.

[6] The home office shall not exceed 1,000 square feet, or 25% of the total habitable square footage of the dwelling exclusive of any basement, or can be located in an accessory building not to exceed 500 square feet.

[7] All exterior aspects of the home office operation shall not disrupt the residential integrity.

(c) Toolsheds and outside storage sheds shall be limited to 48 square feet and be set back a minimum of three feet from any property line except at major roads. Setbacks from major roads (not including lanes) shall be 1/3 of the lot depth or lot width. Accessory uses shall be architecturally compatible with the principle structure. (See Figure 2-3 in the Town Center Zoning and Design Regulations.)

(d) Any uses to be applied to the site shall have setbacks designed and architectural features consistent with the Town Center Zone District and shall be subject to review and approval by the Town Center Subcommittee.

(e) Studio room as defined in this chapter.

(f) Accessory dwelling as defined in this chapter but limited to village lots

having a minimum area of 7,200 square feet.

(3) Permitted uses for Special Condition B located in TC-2 Zone District:

(a) The following uses are permitted for the Special Condition B in the TC-2 Zone District:

[1] Cinema/movie theater not to exceed eight screens. **[Amended 7-10-1997 by Ord. No. 97-14]**

[2] Open stage theater.

[3] Restaurant.

[4] Health club.

[5] Warehouse/office building, provided that the same is in existence on date of adoption of this section. **[Amended 7-10-1997 by Ord. No. 97-14]**

[6] Office.

[7] Office/warehouse/retail.

[8] Retail sales.

(b) Any new additions or major modifications which may be required need to be reviewed and approved by the Town Center Subcommittee. This includes buildings, parking locations, loading areas and landscaping. Architectural design must respect the character and intent of this chapter. Other than as exists as of the time of the adoption of this chapter, no parking shall be permitted in the front yard of any building. **[Amended 7-10-1997 by Ord. No. 97-14]**

(c) Minimum requirements for principal building.

[1] Lot area: 15,000 square feet. **[Amended 7-10-1997 by Ord. No. 97-14]**

[2] Lot frontage: 75 feet. **[Amended 7-10-1997 by Ord. No. 97-14]**

- [3] Lot width: 75 feet. **[Amended 7-10-1997 by Ord. No. 97-14]**
- [4] Lot depth: 150 feet.
- [5] Side yard setback: 10 feet.
- [6] Front yard setback along Route 130: 75 feet; along type 1: 20 feet. **[Amended 7-10-1997 by Ord. No. 97-14]**
- [7] Rear yard setback: 50 feet.
- [8] Maximum floor area ratio: 40%.
- [9] Maximum impervious surface ratio: 70%.
- [10] Parking buffer adjacent to all lot lines: five feet. **[Amended 7-10-1997 by Ord. No. 97-14]**
- [11] Parking for off-street and loading standards, see Section 4, Site Planning Regulations, Subsection E, Required loading and service areas, and Subsection F, Off-street and on-street parking, of the Town Center Zoning and Design Regulations, as contained at the end of this chapter.

(d) Conditional uses permitted. Such uses may be permitted in a specified Town Center Zone only upon receipt of a conditional use permit. A conditional use permit shall be granted, provided that all of the following conditions are met: **[Amended 7-10-1997 by Ord. No. 97-14]**

- [1] Miniwarehousing and self-storage.
 - [a] The minimum rental storage floor area shall be 60,000 square feet.
 - [b] Such facilities shall maintain an operational manager's office or resident manager's office/dwelling which shall be accessory to the principal use herein and shall be designed with the second floor dwelling above the manager's office. Occupancy of the dwelling shall be limited to the facility manager and his immediate family.

- [c] Such facilities shall provide for the storage of customer's goods and wares only. No business activity other than the rental of storage space shall be conducted on the premises by either the owner of the facility, the resident manager or a tenant of storage space.
- [d] No storage of any kind shall be conducted out-of-doors.
- [e] The site containing such a use shall have direct access to a major arterial road.
- [f] Site plan approval shall be required, and any development shall be subject to the following supplemental zoning regulations.
 - [i] The minimum site area shall be six acres, and the maximum site area shall be 10 acres.
 - [ii] The maximum building area, inclusive of a manager's office and/or dwelling for any one building on the site, shall be 12,000 square feet.
 - [iii] The maximum building length, inclusive of a manager's office and/or dwelling, shall be 300 feet.
 - [iv] The minimum front yard setback abutting a public street shall be 75 feet. The minimum setback adjacent to any residentially zoned or developed property shall be 50 feet. All other setbacks shall be a minimum of 25 feet.
 - [v] Architecture and other aesthetic design issues shall be subject to review by the Town Center Subcommittee for consistencies with the Town Center Zoning and Design Regulations.
 - [vi] The facades of all structures which face a perimeter property line shall be constructed of materials which are stone, brick, or other suitable masonry exclusive of stucco or synthetic stucco and shall not contain access doors to the storage units. Facades in excess of 30 feet in length shall be architecturally articulated either by offsets in the

facades or by designs within masonry of the facades.

- [vii] No structure, used solely for storage, shall exceed one story in height, including all roof equipment attached thereto. Structures with roof equipment shall provide roof screening to prevent its visibility from all sides of the building. One structure used for caretaker's apartment and office may be 35 feet in height and no more than 2 1/2 stories. The structure shall have a roof pitch no less than eight over 12. Permitted roof types shall be gable, hip or gambrel.
- [viii] All outdoor lighting shall be shielded to direct light and glare only onto the premises and shall be of sufficient intensity to discourage vandalism and theft. It shall be directed, shaded and focused away from all adjoining property.
- [ix] A minimum of four standard parking spaces shall be located in the immediate vicinity of the administrative office for the use of prospective clients. Two additional standard parking spaces shall be provided for a resident manager's dwelling. Fire lanes shall be designated and marked in accordance with the Fire Prevention Official.
- [x] Outdoor miniwarehouse or self-storage identification advertising displays shall be in accordance with this chapter and shall not in any way exceed the maximum size, height, character and spacing allowed in the zone in which it is to be located.
- [xi] Drive aisles used for fire separation with access on both sides to storage facilities shall provide a minimum of 30 feet of width where traffic flows both ways. Drive aisles not used for fire separation with access on both sides to storage facilities may be reduced to a minimum of 22 feet of width where traffic flow is both ways.
- [xii] Drive aisles with access on one side to storage facilities shall provide a minimum of 22 feet of width. Where traffic flow is permitted, the width may be reduced to a minimum

of 20 feet.

[xiii] A minimum fifty-foot continuous planted buffer in accordance with this chapter shall be provided along all property lines adjacent to residentially zoned or developed site and a fifty-foot planted buffer along the rear lot line immediately adjacent to the railroad right-of-way. No parking shall be permitted in a setback from the nearest major arterial road.

[xiv] An extruded aluminum fence with a maximum height of six feet shall be provided around the entire perimeter of the site and shall be black in color. The fence shall be extruded aluminum punctuated with brick piers at a maximum of 20 feet on center. The fence shall be set back a minimum of 50 feet along a major arterial road.

[g] No miniwarehouse or self-storage may be located within a five-mile radius measured between the nearest property lines of any other existing miniwarehouse or self-storage facility.

[2] Drive-through restaurants.

[a] No parking shall be permitted in front yard setback.

[b] Architectural designs must address the spirit of this chapter.

[c] Vehicular stacking for the drive-through facility must be designed in a manner sensitive to the needs for pedestrian movement around the subject site. Conflicts between the two should be kept to a minimum.

[d] Signage shall be consistent with provisions of the sign regulations set forth herein.

[e] If playgrounds are proposed, they shall be designed to be aesthetically compatible with the Town Center Design Regulations, whether enclosed or open.

[f] Off-street parking shall be provided at a ratio of one space for three seats or one space for three fire occupancy ratings, whichever is greater.

[g] All parking areas shall be adequately landscaped. Additional buffering and landscape consideration shall be required to buffer and screen the drive-through window and associated canopy and dumpsters or garbage disposal areas from the surrounding property.

[h] Buildings must have direct access to a Type 1 road.

(4) Permitted uses for Special Condition C located in TC-2 Zone District.

(a) The following uses are permitted uses for the Special Condition C in the TC-2 Zone District:

[1] Public and semipublic uses.

[2] Day-care facilities.

[3] Convenience/general stores.

[4] Restaurants, cafes, coffee houses and eateries.

(b) Entrances must face one or more streets with a twelve-foot building setback to line on Robbinsville Road and 20 feet building setback from Route 33.

(c) Buildings shall conform to the Building Regulating Plan for Commercial Buildings.

(d) Parking shall be confined to on-street parallel parking and behind buildings in screened parking lots.

(e) Architectural character shall emulate the Architectural Design Standards and Design Vocabulary of the Town Center.

(f) The front of the building(s) shall have sidewalks and a landscaped parkway with street trees and decorative lights as per Street Regulating Plan.

(5) Permitted uses for Special Condition D in TC-2 Zone District.

(a) The following uses are permitted uses for the Special Condition D in the TC-2 Zone District:

[1] Public and semipublic uses.

[2] Day-care facilities.

[3] Retail and office use.

[4] Restaurants, cafes, coffee houses and eateries.

(b) Any new additions or major modifications to any or all of these buildings will require a minimum fifteen-foot front yard setback.

(c) To the extent possible, all additional parking not accommodated on the curb shall be located in the rear of the building and shall be properly screened.

(d) Adequate sidewalk, parkway, street trees and decorative lighting shall be provided based on the Town Center Plan.

(e) New buildings and additions to existing structures located on lot(s) that have frontage only on to Route 130 shall be set back a minimum of 24 feet and shall provide a landscaped parkway which shall contain a sidewalk, street trees and decorative lights as per the Street Regulating Plan.

(f) The architectural character shall emulate the Architectural Design Standards and the Design Vocabulary for the Town Center.

(g) See Commercial Building Regulations.

(6) Permitted uses for Special Condition E in TC-2 Zone District.

(a) The following uses are permitted for this special condition:

[1] Public and semipublic uses.

[2] Retail/office.

[3] Commercial/office/retail urban apartment.

[4] Auto service station.

- (b) All additional parking not accommodated on the curb shall be located in the rear of the building and shall be properly screened.
 - (c) Adequate sidewalk, parkway, street trees and decorative lighting shall be provided based on the Street Regulating Plan.
 - (d) New buildings and additions to existing structures located on lot(s) that have frontage only on to Route 130 shall be set back a minimum of 24 feet and shall provide a landscaped parkway which shall contain a sidewalk, street trees and decorative lights as per the Street Regulating Plan.
 - (e) The architectural character of all buildings and structures shall emulate the Architectural Design Standards and the Design Vocabulary for the Town Center (see Section 5, Design Regulations, of the Town Center Zoning and Design Regulations, which is included at the end of this chapter).
 - (f) Buildings shall be built in accordance with the Commercial Building Regulations. The present parking configuration serving Ernie's Tavern shall not be modified as a result of the Street Regulating Plan. **[Amended 7-10-1997 by Ord. No. 97-14]**
- (7) Permitted uses for Special Condition F in TC-2 Zone District. **[Added 9-9-1999 by Ord. No. 99-16]**
- (a) The following uses are permitted for Special Condition F in TC-2 Zone District:
 - [1] Retail sale or rental of goods, merchandise, or equipment, except as follows:
 - [a] Uses requiring storage or display of goods outside a fully enclosed building.
 - [b] Motor vehicle sales, leasing, rental or service operations.
 - [c] Lumberyards.

[d] Adult bookstores and/or peep shows.

[e] Auction markets.

[f] Pawn shops.

[g] Check cashing establishments.

[h] Outdoor animal kennels or indoor boarding kennels.

- [2] Personal service establishments, having as their primary function the rendering of a service to a client within a building. Such services may include, but are not limited to, barber and beauty shops; dry-cleaning establishments; tailor shops; weight loss centers; portrait studios; interior decorating services; video rental; and mail centers. Such service shall not include the following: escort services, tattoo parlors, massage parlors, body piercing parlor or such similar services.
- [3] Business service establishments, having as their primary function the rendering of service to a business client. Such services may include, but are not limited to, general business office services that offer many services such as document reproduction, duplication, administrative services, telefax, overnight mail service, retail sale of arts and crafts materials.
- [4] Product service establishments, having as their primary function the servicing or repair of a product, including, but not limited to, the repair and servicing of shoes, audio and visual equipment, appliances, jewelry and watches. Motor vehicle repair, maintenance and/or body shops are not permitted.
- [5] Business offices, including, but not limited to, insurance agents, travel agents, realtors, finance and investment companies, and tax preparation services.
- [6] Indoor recreation facilities, including instructional studios, health and fitness centers, and indoor racquet sport facilities, but not including amusement arcades or indoor amusements parks, billiard parlors, miniature golf course or golf ranges.

[7] Banks and other financial institutions, excluding check cashing businesses but including automated teller machines (ATM).

[8] Professional offices, including, but not limited to, offices for architects, accountants, dentists, doctors, lawyers, engineers, physical therapists, optometrists, opticians, and such other similar professions.

[9] Restaurants, cafes, coffeehouses and eateries. However, no such facility shall be located closer than 300 feet to a R1.5 Zone District, and no such facility shall have a drive-through window.

(b) Any new additions or major modifications to facilities are required to be reviewed for compliance with this section by the Town Center Subcommittee. This includes building, parking locations, loading areas, landscaping, signs and other changes that affect the public realm.

(c) Minimum requirements.

[1] Lot area: 20,000 square feet.

[2] Lot frontage: 75 feet.

[3] Lot width: 75 feet.

[4] Lot depth: 150 feet.

[5] Side yard setback principal building: 10 feet.

[6] Front yard setback principal building along Route 130: 50 feet; along Route 526: 20 feet; along Type 2A avenue: 10 feet.

[7] Rear yard setback principal building: 75 feet.

[8] Maximum floor area ratio: 0.25.

[9] Maximum impervious surface: 0.70.

[10] Parking buffer adjacent to all lot lines except adjacent to R1.5 Zone District: five feet. Shared driveways and shared parking lots shall be

encouraged, at which point buffers can be deleted.

- [11] Buffer adjacent to R1.5 Zone District (includes parking and all structures): 150 feet.
- [12] Parking for off-street and loading standards, see see Section 4, Site Planning Regulations, Subsection E, Required loading and service areas, and Subsection F, Off-street and on-street parking, of the Town Center Zoning and Design Regulations, as contained at the end of this chapter.

(d) Site design guidelines.

- [1] No building, structure or parking area shall be located within 150 feet of the R1.5 Zone District. The first 150 feet adjacent to the R1.5 Zone District shall be buffered and landscaped per Township buffer requirements.
- [2] Buildings located within 200 feet of Route 130 shall have their primary or front facade face Route 130 unless there is another building between the subject building(s) and Route 130.
- [3] Buildings located within 150 feet of Route 526 shall have their primary or front facade face Route 526 unless there is another building between the subject building(s) and Route 526.
- [4] Off-street parking areas shall be restricted to side and rear yards. There shall be no parking or service facilities in front yard setbacks or within setbacks along Route 130 and Route 526.
- [5] Multiple tenants may occupy single structures. However, no structure may have a footprint of more than 15,000 square feet and a maximum height of two floors. Differentiation in the architecture shall reflect this maximum module.
- [6] Architectural design shall be subject to the guidelines specified in Section 5, Design Regulations, of the Town Center Zoning and Design Regulations, which is included at the end of this chapter.
- [7] Additional site design guidelines are found in Section 4, Site Plan Regulations, of the Town Center Zoning and Design Regulations, which

is included at the end of this chapter.

[8] All new roadways located within the boundaries of lands associated with Special Condition F and required to serve new development shall be designed and constructed to Avenue Type 2A specifications. New roads shall be dedicated to the Township. All buildings located along Type 2A roadways shall have the primary or front facade face the roadway unless the building is on a corner property in which case two front facades are required.

[9] To the greatest extent possible, access to all lots shall be encouraged to be from Avenue Type 2A roadways. Driveway openings onto Route 130 and Route 526 shall be discouraged. As many as three Type 2A roadway intersections with Route 130 are encouraged, and as many as one Type 2A intersection with Route 526 shall be encouraged. Where practical, new roads shall line up opposite other existing or planned roadways.

[10] All trash shall be stored indoors or within a fully enclosed, architecturally designed dumpster enclosure. It is encouraged that enclosures shall have a roof.

(8) Permitted uses for Special Condition G in TC-2 Zone District. **[Added 12-11-2003 by Ord. No. 2003-30]**

(a) The following uses are permitted for Special Condition G in the TC-2 Zone District:

[1] Townhouse dwellings.

[2] Commercial/office/retail/urban apartments that conform to the Building Regulating Plan for Commercial Buildings.

[3] Public and semipublic uses.

[4] Single or multiple user offices and office buildings.

[5] Retail sale or rental of goods, merchandise and equipment as permitted in the TC-1 Zone District.

[6] Restaurants, exclusive of drive-through facilities.

(b) Conditional use permitted. Apartment/condominium building. Such use may be permitted in the Special Condition G Zone District, provided the same conforms to the site plan standards for the TC-2 Zone District and applicable Architectural Design Standards and Design Vocabulary of the Town Center Zoning and Design Regulations, which is included at the end of this chapter. The maximum number of residential units permitted in any apartment/condominium building shall be 55 unless additional units up to a maximum of 80 can be achieved by an increase in density in accordance with the provisions of § 142-19C(4) hereof and through the use of the transfer of development rights pursuant to § 142-19C(7); and only upon receipt of a conditional use permit. Individual properties conforming to the conditions set forth in the within section may have up to two residential buildings, provided that the Board is satisfied that there is a compatibility of architecture and similarity in building scale and unit distribution between the buildings proposed for the property. A conditional use permit shall be granted, provided that all of the following conditions are met:

- [1] The building is to be constructed on a lot having a lot area of 60,000 square feet or more.
- [2] The lot shall have frontage of at least 200 feet on a designated street.
- [3] The lot shall have a depth of at least 150 feet.
- [4] At least 60% of the front building facade must be built to the front build to line, or setback line or a public open space or park.
- [5] The FAR shall not exceed 1.3.
- [6] The maximum impervious surface coverage shall not exceed 80%.
- [7] Parking in accordance with Section 4, Site Planning Regulations, Subsection F1, Off-street and on-street parking, of the Town Center Zoning and Design Regulations, as contained at the end of this chapter, shall be provided, but the same must be designed in a manner to ensure its exclusive use of the parking needs of the building unless otherwise directed by the Planning Board at the time of site plan approval.

- [8] A parking buffer in accordance with Section 4, Site Planning Regulations, Subsection F6, Off-street and on-street parking, of the Town Center Zoning and Design Regulations, as contained at the end of this chapter, shall be provided.
- [9] The maximum number of stories shall be four.
- [10] The maximum building height shall be 60 feet.
- [11] Individual development sites conforming to the minimum lot area may have up to 55 units by right. A maximum of 80 units per development site may be achieved if the development exercises the TDR option.

F. TC-3 and TC-4 Zone Districts.

(1) Permitted uses. The following uses are permitted uses in the TC-3 and TC-4 Zone Districts subject to the applicable development standards and requirements as set forth in the accompanying Street Regulating Plan, Building Regulating Plan, Site Plan Regulations, and Design Regulations incorporated herein by reference:

(a) Residential uses as follows:

- [1] Village houses, being single-family detached dwellings.
- [2] Duplex dwellings.
- [3] Accessory buildings.
- [4] Townhouses.

(b) Public and semipublic uses.

(c) Day-care facilities.

(d) Churches, temples and other places of worship and related school buildings and parish houses.

(e) The following commercial uses:

[1] Offices.

[2] Retail establishments offering the retail sales of goods and services.

[3] Restaurants, exclusive of drive-through facilities.

(f) Bed-and-breakfast establishments.

(2) Permitted accessory uses in the TC-3 and TC-4 Zone District:

(a) All residential accessory uses as contained in TC-1, provided the same comply with the residential accessory use regulations of this chapter, except as modified in this section.

(b) Home-based offices, providing the following conditions apply:

[1] The home-based office is located in a single-family dwelling.

[2] Medical, dental and real estate offices shall not be permitted as home offices.

[3] In addition to the family members occupying the dwelling containing the home office, there shall not be more than one outside employee in the home office.

[4] The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the home office.

[5] Permitted signage area is limited to one facade or freestanding sign not exceeding three square feet and six feet from the ground.

[6] The home office shall not exceed 1,000 square feet, or 25% of the total habitable square footage of the dwelling exclusive of any basement, or can be located in an accessory building not to exceed 500 square feet.

[7] All exterior aspects of the home office operation shall not disrupt the residential integrity.

(c) Toolsheds and outside storage sheds shall be limited to 48 square feet and be set back a minimum of three feet from any property line except at major

roads. Setbacks from major roads (not including lanes) shall be 1/3 of the lot depth or lot width. Accessory uses shall be architecturally compatible with the principle structure. (See Figure 2-3 in the Town Center Zoning and Design Regulations.)

- (d) Any uses to be applied to the site shall have setbacks designed and architectural features consistent with the Town Center Zone District and shall be subject to review and approval by the Town Center Subcommittee.
- (e) Studio room as defined in this chapter.
- (f) Accessory dwelling as defined in this chapter but limited to village lots having a minimum area of 7,200 square feet.