

Topic:	Affordable Housing; Mixed/Multiple Use
Resource Type:	Regulations
State:	New Jersey
Jurisdiction Type:	Municipal
Municipality:	Town of North Brunswick
Year:	1985
Community Type:	Urban, Suburban
Title:	Planned Unit Developments
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Abstract:

North Brunswick, New Jersey has a chapter in its zoning code dedicated to Planned Unit Developments (PUD). The code sets a 50-acre minimum size to establish a PUD, and this may be met through one parcel or multiple together. It also requires at least one road connecting to the PUD. In North Brunswick, PUD may be used for single- and multi-family housing, retail totaling no more than 50% of the PUD, office space, educational and recreational facilities, public utilities, and conditional use of religious space. Fifty-three dwelling units are designated for lower income occupancy. The code also sets required density, open space, commercial, industrial, and housing type standards.

Resource:

ARTICLE XX
PUD Planned Unit Development
[Amended 2-4-1985]

§ 205-82. Purpose.

In order that the public health, safety, morals and general welfare may be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to provide for necessary commercial facilities conveniently located to such housing; to provide for well-located, clean, safe and pleasant residential, commercial and industrial development so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, shops and industrial plants conveniently located to each other may extend to all citizens and residents of the Township; and in order to encourage a more efficient use of land and of public services or private services in lieu thereof; and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes; to lessen the burden of traffic on streets and highways; to conserve the value of the land; and, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential, commercial and industrial development and other facilities, including the foregoing, at the time of development in a manner consistent with the preservation of the property values within established residential areas and to ensure that the increased flexibility of substantive regulations over land development authorized herein is subject to such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following standards, procedures and requirements shall apply.

§ 205-83. Objectives.

The Township of North Brunswick wishes to take full advantage of such modern design construction technology and planning methods as will advance and promote the sound growth and general welfare of the Township; strengthen and sustain its economic potentials; provide safe, efficient and economic municipal services; and establish appropriate patterns for the distribution of population, commerce and industry compatible with a modern way of life, coordinated with the protection and enhancement of natural beauty and resources; and in order to provide for a variety of service activities, parks, playgrounds, recreational areas, parking and other open space in orderly relationship to each other and in conformity with the development of the Township as a whole. In order to effectuate the foregoing and to implement sound planning goals and practices to achieve the highest potential use of land, the following criteria and procedures are established.

§ 205-84. Designation of authority.

The municipal authority designated to act under the provisions of this zone district shall be the Planning Board of the Township of North Brunswick.

§ 205-85. Minimum acreage.

- A. Planned unit developments containing residential and nonresidential uses shall have an initial size of not less than 50 acres. The minimum size may be provided in one tract or by the assemblage of several parcels which would total not less than 50 acres and be zoned PUD. Acreage made part of a planned unit development shall be connected by one or more public or private roads. Land and uses situated between noncontiguous parcels to be made part of a PUD shall be determined by the Planning Board to be compatible with the PUD plan and be consistent with the purposes and objectives of this Article. Streets and roads shall not be deemed to divide acreage for this purpose.
- B. Planned unit developments to be developed exclusively for a mix of residential housing types shall have a minimum tract size of not less than 20 contiguous acres and shall be designed in accordance with the net residential density standards contained in § 205-87A(2). **[Added 9-6-1988]**

§ 205-86. Permitted uses.

In a planned unit development, the following uses and customary accessory uses may include and shall be limited to:

- A. Single-family dwellings, duplex units, townhouses, multifamily condominiums and garden apartments. **[Amended 9-6-1988]**
- B. Office-professional development and shopping facilities providing retail goods and services, provided that nonresidential uses may occupy no more than 50% of the PUD. However, in no case shall nonresidential uses occupy less than 10% of any planned unit development if nonresidential uses are to be developed.
- C. Public and private educational and recreational facilities to be permitted in any district or as approved by the Planning Board.
- D. Public utility and essential service facilities.
- E. The following conditional uses, subject to the provisions of Article XXIX of this chapter, may be developed separately or be made a part of a planned unit development:
 - (1) Churches and places of worship, including religious schools and community centers.

§ 205-86.1. Affordable housing requirements. [Added 9-6-1988]

In accordance with a court order resulting from litigation known as the "Urban League of Greater New Brunswick et al vs. the Township of North Brunswick," 53 dwelling units developed on Lot 114.1 in Block 148 shall be designated for lower-income units. Twenty-seven units shall be affordable by moderate-income households, and 26 shall be affordable by low-income households. Said units shall be subject to price, rental and occupancy requirements of the Affordable Housing Ordinance of the Township of North

Brunswick and the affirmative marketing requirements of § 205-45.2E.

§ 205-87. Development standards.

Development standards shall be as follows:

- A. Residential density. Residential development densities of a planned unit development shall be determined as follows:
 - (1) Gross residential density. The total number of dwelling units divided by the acreage of the entire planned unit development shall not exceed seven.
 - (2) Net residential density. The total number of dwelling units divided by the acreage of the portions of the planned unit development designated for residential uses, including but not limited to open space, recreation, streets, driveways, parking and walkways, shall not exceed 10.
- B. Townhouse units in a planned unit development shall not exceed 60% of the total allowable residential units.
- C. Open space. A minimum of 15% of the net residential area of a planned unit development shall be devoted to common open space. Streets, roadways, parking and other improved areas shall not be considered open space.
- D. Commercial uses and buildings designed and intended to cater to regular shopping and service needs may be provided by:
 - (1) Providing the business with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants.
 - (2) Protecting both business development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences.
 - (3) Protecting both business development and nearby residences against congestion, particularly in areas where the established pattern is predominately residential, by providing for sufficient off-street parking and loading facilities.
 - (4) Providing sufficient space in appropriate locations for commercial and miscellaneous services.
 - (5) Promoting the most desirable use of land and direction of building development in accordance with a well-considered plan to promote stability to commercial development, to strengthen the economic base of the Township, to protect the character of development and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the

Township's tax revenues.

- E. Industrial, manufacturing, laboratory, research, office or other work establishments may be provided by:
- (1) Providing sufficient space in appropriate locations to meet the needs of expected future economy, with due allowance for the need for a choice of proper sites.
 - (2) Providing that, as far as possible, such space will be available for use for industry and related activities and to protect residences by separating them from industrial activities and by prohibiting the use of such space for new residential development.
 - (3) Industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences, permitting such development in areas where this chapter restricts the emission of such nuisances, without regard to the industrial products and processes involved.
 - (4) Protecting adjacent residential and commercial areas and protecting the labor force in other establishments engaged in less offensive types of manufacturing and related activities.
 - (5) Protecting industrial and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another and by providing space off public streets for parking and loading facilities associated with such activities.
 - (6) Promoting the most desirable use of land and direction of building development in accordance with a well-considered plan to promote stability of industrial and related development, to strengthen the economic base of the Township, to protect the character of the development and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the Township's tax revenues.
- F. Site and structure regulations.
- (1) Plot and lot sizes and dimensions and structure heights and locations thereon may be freely disposed and arranged in conformity with the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Minimum lot size or frontage and minimum percentage of lot coverage are not specified herein, although the Planning Board may be guided by standards elsewhere herein for comparable conditions and by common good practice.
 - (2) Except as follows, other provisions of this chapter governing side and rear yard sizes in residential areas shall not apply.

- (3) Minimum setback distances of 100 feet and 50 feet shall be provided on all existing state and county roads, respectively. Garden apartments or townhouse units to be constructed in this zone on lands fronting on Finnegans Lane shall provide a one-hundred-foot buffer area from the existing right-of-way line of Finnegans Lane. Access drives, streets and permitted signs may be located within this buffer area as approved by the Planning Board.
- (4) All common open spaces between structures shall be protected where necessary by fully recorded covenants running with the land, conveyances or dedications.
- (5) The right-of-way and pavement widths for internal ways, roads and alleys serving garden apartments, multifamily dwellings, townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instances, other provisions of this chapter shall not apply but may serve as general guides to the Planning Board in approving the development plans.
- (6) Service ways for public service facilities (vehicular) shall not be less than 10 feet in width.
- (7) Dedicated streets or highways shall be subject to other Township ordinances and the laws of the State of New Jersey.
- (8) Along all boundary lines of any Planned Unit Development District, except where they coincide with the right-of-way lines of a federal, state, county or Township road, public utility right-of-way or public park, a minimum building setback of 50 feet shall be provided. The Planning Board may require greater building setbacks and/or a buffer zone along boundary lines of a planned unit development when such is deemed necessary.

G. Utilities and services.

- (1) The developer shall furnish public water and sewer facilities based on a written agreement with the North Brunswick Public Works and Utilities Department. The developer shall provide all necessary storm drainage, highway access, paved service streets and parking facilities, making reasonable provision for service to the connections with adjoining properties in other ownerships. All such improvements shall be installed in complete accordance with Township standards and as required in this chapter.
- (2) Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system. When such

facilities cannot be reasonably provided due to topographic or geologic conditions of the land or due to other extraordinary or unusual circumstances, the landowner shall adequately demonstrate the lack of feasibility of such an undertaking to the satisfaction of the Planning Board before a waiver of this requirement shall be granted.

H. Ownership and maintenance of common open space.

- (1) Ownership. The common open space areas required may be accepted for dedication to the Township where a specific use, such as public school sites, public parks and other uses, is deemed compatible by the Planning Board. Where such areas are not so dedicated to the Township, the landowner must provide for and establish an organization for the ownership and maintenance of such area. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township of North Brunswick.
- (2) Maintenance.
 - (a) In the event that the organization established to own and maintain the common open space shall, at any time after establishment of the planned unit development, fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Board shall serve written notice upon such organization or upon the residents and owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of hearing thereon which shall be held within 14 days of the notice.
 - (b) At such hearing the Planning Board may modify the terms of the original notice as to the deficiencies set forth in the original notice; or, if the modifications thereof shall not be cured within said 30 days or any extension thereof, the Planning Board, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a nuisance, may enter upon said common space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except where the same is voluntarily dedicated to the public by the residents and owners.
 - (c) Before the expiration of said year, the Planning Board shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the planned unit development, to be held by the Planning Board, at which

hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the Township shall continue for a succeeding year.

- (d) If the Planning Board shall determine that such organization is ready and able to maintain said common open space in a reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Planning Board shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- (e) The decision of the Planning Board in any such case shall constitute a final administrative decision subject to judicial review. The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- (f) The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Clerk upon the properties affected by such lien within the planned unit development.

I. Special requirements.

- (1) Every structure or group of structures and uses, including those of an institutional, charitable or public nature, and every designed plot area or cluster unit having services, facilities or utilities in common private usage and in common ownership or control by its occupants or which functions as an independent corporate property owner or agent of management shall be located upon and within a lot or plot of land which shall be fully dimensioned and designated as representing the area of responsibility and extent of such individual group ownership or management as may be established by ownership in full or partial fee or for lease under deed covenant, lease contract or such other conditions of usage or occupancy legally established and recorded therefor; and a description or plan of each lot or plat shall be filed separately or as part of the descriptive maps of the Planned Unit Development District with the Tax Assessor.
- (2) In addition to all other standards, conditions or requirements set forth in this chapter, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open spaces, compatibility of building types, building construction plans and other factors relating to site design. Such site review will also consider the site design as it fits in with the general development of the entire planned unit development area.