

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET, NEW JERSEY**

ORDINANCE #24-1736

AN ORDINANCE AMENDING PORTIONS OF THE LAND USE ORDINANCE FOUND IN CHAPTER 16 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, REMOVING THE “MONTGOMERY VILLAGE PLANNED DEVELOPMENT” OPTIONAL DEVELOPMENT ALTERNATIVE

WHEREAS, the Township ordinance contains optional development alternatives permitted on certain land areas within the Township of Montgomery in accordance with the applicable requirements of Chapter 16, Subsection 16-6.5; and

WHEREAS, the boundaries of the optional development alternatives are shown and established in the Zoning Map of the Township of Montgomery, which accompanies and is part of Chapter 16; and

WHEREAS, the current zoning for the “Montgomery Village Planned Development” optional development alternative is no longer meaningful because of land ownership changes and because of the proposed modifications to Princeton Airport and the related extent of the “Airport Hazard Area;” and

WHEREAS, Ordinance #96-885 adopted by the Township Committee on December 5, 1996 removed the “Montgomery Village Planned Development” optional development alternative from the Zoning Map of the Township of Montgomery; and

WHEREAS, the Township desires to remove the “Montgomery Village Planned Development” optional development alternative from the Township ordinance. and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY that the following amendments shall be made to Chapter 16 of the Land Use Ordinance as follows (new language is underlined and **bolded thus**; deleted language is struck ~~thus~~):

SECTION 1. The aforementioned preambles are incorporated herewith as if fully set forth herein.

SECTION 2. The following sections of Chapter 16 “Land Development”, are hereby amended to remove the “Montgomery Village Planned Development” optional development alternative, as follows:

§16-2.1 Definitions

PLANNED DEVELOPMENTS

RESIDENTIAL CLUSTER — shall mean an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

PLANNED RESIDENTIAL DEVELOPMENT — shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan, containing and integrating 1 or

more residential clusters along with 1 or more appurtenant public, quasi-public and commercial areas in such ranges or ratios of nonresidential uses to residential uses as specified in this chapter.

~~MONTGOMERY VILLAGE PLANNED DEVELOPMENT~~ shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan, containing and integrating 1 or more residential clusters or planned unit residential developments along with a number of appurtenant public, quasi public and commercial areas, in such ranges or ratios as specified in this chapter, and in a manner to create a community offering a broad range of housing types, employment opportunities, basic services and shopping for its residents as well for those residents in the surrounding areas of the Township; all accomplished according to a planning design reflecting the character of historical small towns and villages elsewhere in New Jersey.

§16-4.6 REO-1 Research, Engineering and Office; REO-2 Research, Engineering and Office; REO-3 Research, Engineering and Office.

- a. Permitted Uses on the Land and in Buildings.
 1. Farms.
 2. Offices and office buildings.
 3. Research laboratories.
 4. Public playgrounds, conservation areas, parks and public purpose uses.
 5. Subdivided development parks on tracts of land at least 25 acres in area comprised of the preceding uses, as permitted in the particular zoning district.
 6. Public utility uses as conditional uses under N.J.S.A. 40:55D-67 (see Subsection 16-6.1 for standards).
 7. Residential care facilities for the elderly in the REO-1 District only as conditional uses under N.J.S.A. 40:55D-67 (see Subsection 16-6.1 for standards).
 8. Residential limited care facilities for the elderly in the REO-3 District only as a conditional use under N.J.S.A. 40:55D-67 and in accordance with the specific conditions for development included in Subsection 16-6.1h, Conditional Uses — Residential Limited Care Facilities for the Elderly, of this chapter.
 9. ~~Montgomery Village Planned Development, where indicated on the Zoning Map, in accordance with the provisions specified in Subsection 16-6.5 of this chapter.~~
 10. Child care centers as conditional uses under N.J.S.A. 40:55D-67 (see Subsection 16-6.1 for standards).
 11. Airports in the REO-3 District only as a conditional use under N.J.S.A. 40:55D-67, provided that the airport use is in compliance with the conditions and standards specified in Subsection 16-6.11 of this chapter for the location and operation of an airport and provided that the required site plan application is approved by the Planning Board.

12. Restaurants in the REO-1 District only as a conditional use under N.J.S.A. 40:55D-67 (see Subsection 16-6.1, Conditional Uses, and specifically Subsection 16-6.1o for the required conditions for restaurants in the REO-1 District).
13. Cellular antennas for telephone, radio, paging and/or television communication as conditional uses under N.J.S.A. 40:55D-67 (see Subsection 16-6.1, Conditional Uses, and specifically Subsection 16-6.1p for the required conditions for cellular antennas for telephone, radio, paging and/or television communication).
14. Self service storage facilities in the REO-3 District only as a conditional use under N.J.S.A. 40:55D-67 (see Subsection 16-6.1, Conditional Uses, and specifically Subsection 16-6.1s for the required conditions for Self Service Storage Facilities in the REO-3 District).
15. A portion of a Planned Shopping Complex only on that portion of the REO-3 District where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5h of this chapter.
16. A portion of a Planned Office Complex only on those portions of the REO-2 and REO-3 Districts where indicated on the Zoning Map, and in accordance with the provisions specified in Subsection 16-6.5i of this chapter.
17. Automobile service centers in the REO-3 District only as a conditional use under N.J.S.A. 40:55D-67 (see Subsection 16-6.1, Conditional Uses, and specifically Subsection 16-6.1t for the required conditions for automobile service centers).

§16-5.14 Streets, Curbs, and Sidewalks.

a. Streets

1. All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan. The arrangement of such streets not shown on the Master Plan or Official Map, as adopted by the Township, shall be such as to provide for the appropriate extension of such streets and conform with the topography as far as practicable. Local streets shall be planned so as to discourage through traffic.
2. When a new development adjoins land susceptible of being subdivided or developed, suitable provisions shall be made for access to adjoining lands.
3. Grade, Slope and center line Radius.
 - (a) Longitudinal grades on all streets shall not exceed 8% and shall be no less than 1%. Maximum grades within intersections shall be 3% for a distance of 150 feet from the intersection.
 - (b) All changes in grade where the algebraic difference in grade is 1% or greater shall be connected by a vertical curve having a length of at least 50 feet for each 2% difference in

grade, or portion thereof, and providing minimum sight distances of 350 feet for local streets, 500 feet for any collector street and 800 feet for an arterial street.

- (c) A road shall have a minimum cross-slope of 2% and a maximum cross-slope of 4% unless the road is super-elevated in which case the road shall be designed in accordance with the ITE Manual.
- (d) Except for streets within those portions of planned developments to be developed with multiple-family housing, the minimum center line radius on horizontal curves shall be 180 feet for local and minor collector streets, 500 feet for collector and major collector streets, and 1,000 feet for arterial streets. However, in the case of local and minor collector streets where, because of the shape of the tract being subdivided or because of topographical conditions, it is not feasible to adhere to the minimum radius of 180 feet, the minimum pavement must be widened as the radius decreases in order to accommodate the widened path of a turning vehicle:

Radius	Added Pavement Width (Symmetrically)
180+'	0'
150-179'	2'
125-149'	3'
100-124'	4'
80-100'	5'

For streets within those portions of planned developments to be developed with multiple family housing, the minimum center line radius on horizontal curves may be reduced to 80 feet, provided that no parking is permitted on either side of the street and provided further that the Township Engineer, after consultation with the Fire Prevention Bureau, is satisfied that adequate maneuvering of emergency vehicles can be accommodated.

- 4. In the event that a development adjoins or excludes existing streets that do not conform to widths as shown on the adopted Master Plan or Official Map or the street width requirements of this chapter, additional land along either or both sides of the street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way. The necessary deeds of ownership shall be furnished and the dedication shall be expressed as follows: "Street right-of-way granted for the purposes provided for and expressed in the Land Development Ordinance of Montgomery Township." If the development is along one side only, 1/2 of the required extra width shall be dedicated and shall be improved, including excavation, base course and surfacing, in accordance with the approved application.
- 5. In all developments, the minimum public street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, but in no case shall a new street that

is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule and the Cross-Section Of Roads included in the Traffic Circulation Plan Element portion of the Township Master Plan:

Roadway Category	R-O-W Width (1)	Traffic No.	Lanes Width	Shoulder Width Within Cartway	Width Outside Cartway On Each Side(3)	Width of Cartway(1)	
Route 206	66'	To remain as currently improved except as required at intersections					
Service Road	70'	2	@	12'	6'(2)	7' — 15'(4)	48'(5)(6)
Residential Boulevard	66'	2	@	15'	—	10'	46'(6)(7)
Major Collector	60'	2	@	12'	8'(2)	10'	40'(6)
Minor Collector	54'	2	@	12'	5'(8)	10'	34'(6)
Scenic Collector	50'	2	@	12'	3'(2)	10'	30'(6)(9)
Rural Collector	50'	2	@	10'	5'(8)	10'	30'(6)
Suburban Local(10)	50'(11)	2	@	15'	—	10'	30'(12)
Rural Local(13)	50'	2	@	12'	3'(8)	10'	30'(6)
Alley(14)	20'(15)	2	@	10'	—	—	20'(16)

FOOTNOTES:

- (1) Right-of-way width and/or width of cartway may be required to be more within and approaching intersections.
- (2) Shoulder area shall be paved.
- (3) Shall be grass stabilized topsoil, minimum 4 inches thick, unless otherwise specifically approved by the Township Planning Board or Zoning Board of Adjustment, as the case may be.
- (4) 15-foot area includes 6 foot pathway.
- (5) Includes 12-foot grassed and treed median strip for left-hand turn slots.
- (6) No on-street parking permitted.
- (7) Includes 4-foot shrubbed median strip and 2 6-foot pathways.
- (8) Shoulder areas shall not be paved except as may be required by the Planning Board or Zoning Board of Adjustment, as the case may be, for proper surface water drainage, intersection traffic movements, and road geometry through

curves. When not required to be paved, the shoulder area, or portion(s) thereof, shall be approved by the Township Planning Board or Zoning Board of Adjustment, as the case may be, to remain in its natural vegetative state, be cleared for sight distance safety purposes, be improved for drainage purposes, and/or be cleared, graded and appropriately stabilized with an all-weather surface for traffic movements and the parking of ~~disabled~~ **disabled** vehicles.

- (9) Existing center line of roadway to be maintained; should individual circumstances make it necessary to shift the center line, then the extent and location of the shift should be undertaken so as to encroach upon patriarch trees and other significant vegetation.
- (10) Streets within a Planned Residential Development ~~or within a Montgomery Village Planned Development~~ not otherwise specified on the Traffic Circulation Plan Element of the Township Master Plan shall ordinarily be considered Suburban Local streets, except for the major streets within the development expected to carry relatively significant volumes of traffic; such major streets shall meet the standards herein for Residential Boulevard, Major Collector or Minor Collector streets as appropriate and approved by the Board.
- (11) Except that for Suburban Local streets within a Planned Residential Development ~~or within a Montgomery Village Planned Development~~ (i.e., streets which are not indicated on the Traffic Circulation Plan Element of the Township Master Plan and/or which do not provide for through traffic movement through the planned development), the right-of-way shall be considered coterminous with the required cartway, provided an easement of 10 feet in width is provided either on both sides of the cartway or in other appropriate locations as may be specifically approved by the Planning Board for the placement of curbs, sidewalks, utilities, drainage and landscaping.
- (12) Except in specific instances within a non-clustered subdivision of single-family detached dwelling lots or within a Residential Cluster or within a Planned Residential Development or within the APT/TH District where a pavement width of 28 feet to 30 feet may be appropriate and may be approved by the Planning Board based upon adequate information that the eventual street network in the area will not necessitate a wider cartway. ~~Within a Montgomery Village Planned Development for streets which have no nonresidential use fronting thereon, it may be appropriate to further reduce the pavement width to 26 feet for two-way traffic and to 21 feet for one-way traffic.~~

On-street parking shall be permitted as follows:

Within any development where the pavement width is 30 feet, parking is permitted on both sides of the street, ~~except that any Suburban Local street within a Montgomery Village Planned Development which has any non-residential use fronting thereon shall have a pavement width of at least 36 feet in order for parking to be permitted on both sides of the street.~~

~~Within a Montgomery Village Planned Development, where the pavement width is 28 feet for two-way traffic flow, parking is permitted only on 1 side. Where the pavement width is between 26 feet and 28 feet for two-way traffic flow, no parking is permitted on the street. Where the pavement width is between 23 feet and 26 feet for one-way traffic flow, parking is permitted only on 1 side. Where the pavement width is between 21 feet and 23 feet for one-way traffic flow, no parking is permitted on the street.~~

Within the R-1 and R-2 Districts, where the pavement width has been reduced to less than 30 feet in non-clustered developments of detached single-family dwellings, no on-street parking shall be permitted and the minimum front yard setback shall be 75 feet in all cases.

Within a Residential Cluster, where the pavement width has been reduced to less than 30 feet, no on-street parking shall be permitted and designated off-street guest parking spaces shall be provided at the ratio of 1/2 space per residential lot.

Within a Planned Development or within the APT/TH District, where the pavement width has been reduced to less than 30 feet, no on-street parking shall be permitted.

Mountable Belgian block curbing may be required on 1 or both sides of the street as determined appropriate by the Planning Board after consultation with the Fire Prevention Bureau, considering both the necessity of emergency vehicular access and the practical ability to provide a transition between vertical and mountable curbing.

- (13) Applies only to street approved as part of a Rural Residential Development in accordance with Subsection 16-5.17 of this chapter.
- (14) ~~Permitted only within a Montgomery Village Planned Development.~~ No parking is permitted on an alley. Alleys must be straight, through streets having a maximum length of 250 feet and must intersect with a local street on each end.
- (15) For alleys the rights-of-way shall be considered ~~eotermius~~ **coterminous** with the required cartway (width between gutters).
- (16) Where traffic is restricted to one-way, the width between gutters may be reduced to 17 feet.

SECTION 3. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 4. The sections, subsections and provisions of this ordinance may be renumbered as necessary or practical for codification purposes.

SECTION 5. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION 6. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 7. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Somerset County Planning Board.

DATE ADOPTED: August 15, 2024

ATTEST:

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET**

Lisa Fania
Township Clerk

Neena Singh
Mayor