

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1093-2020

AN ORDINANCE TO AMEND CHAPTER XXIII, ARTICLE IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE BY AMENDING SECTION 23-39.5, AFFORDABLE HOUSING DISTRICT, AH ZONE, CREATING A NEW MIXED-USE AFFORDABLE HOUSING ZONE AND REZONING CERTAIN PROPERTIES BACK TO THEIR ORIGINAL ZONING

WHEREAS, pursuant to the New Jersey Supreme Court "Mount Laurel" decisions every municipality within the State has a constitutional obligation to provide opportunities for the development of affordable housing; and

WHEREAS, the Peapack and Gladstone Borough Land Use Board has adopted an amended Housing Element and Fair Share Plan dated August 7, 2020 pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. (hereinafter "Fair Share Plan") to address its constitutional obligation for the Third Round which covers the time period from 1999 to 2025; and

WHEREAS, the Fair Share Plan describes how the Borough of Peapack and Gladstone shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") (hereinafter "FSHC Settlement Agreement"), and the Court Order approving same, after a properly noticed Fairness Hearing; and

WHEREAS, the Fair Share Plan was subsequently endorsed by the governing body; and

WHEREAS, the Fair Share Plan identifies certain properties to be zoned for inclusionary development pursuant to the FSHC Settlement Agreement.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Peapack and Gladstone, Somerset County, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough as follows:

Note: deletions of existing ordinance requirements are indicated by ~~strikeout~~ where new sections are indicated by ***bold italics***.

SECTION 1. Article IV §23-38.1 **Establishment of Zones** is hereby amended and supplemented with the following new zoning district:

MU-AH Mixed Use – Affordable Housing Zone

SECTION 2. Article IV §23-38.2 **Zoning Map** is hereby amended and supplemented as follows:

- a. Block 33, Lots 15 and 16 comprising 7.5 acres of land is hereby rezoned from Affordable Housing, AH to ORL;
- b. Block 20, Lot 1.03 (Smith Property) comprising of 3.2 acres is hereby rezoned from R-18 to AH, Affordable Housing Zone;
- c. Block 22, Lot 13 comprising 2.15 acres is hereby rezoned from VN, Village Neighborhood to MU-AH, Mixed Use-Affordable Housing;
- d. Block 20, Lot 5 comprising 0.75 acres is hereby rezoned from VN, Village Neighborhood to MU-AH, Mixed Use-Affordable Housing.

SECTION 3. Section §23-39.5, AFFORDABLE HOUSING DISTRICT ZONE, AH is hereby amended as follows:

§23-39.5 Affordable Housing (AH) Zone

- a. Purpose. The purpose of this zoning district is to encourage the construction of low and moderate-income housing in conformance with the latest procedural and substantive rules for affordable housing as determined by the Courts or other applicable authority, by permitting **100 percent** ~~inclusionary~~ **affordable** townhouse and multi-family **housing** development **and adult special needs housing (group homes)** subject to the AH regulations enumerated herein. This ordinance is created in fulfillment of a Settlement Agreement by and between the Borough of Peapack and Gladstone, New Jersey, and the Fair Share Housing Center in connection with the Borough of Peapack and Gladstone declaratory judgment action captioned "In the Matter of the Application of the Borough of Peapack and Gladstone" bearing docket number SOM-L-905-15 pursuant to *In re the Adoption of N.J.A.C. 5:96 and 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) and to implement the 2020 Borough of Peapack and Gladstone Fair Share Plan.* Regulations contained herein are intended to supersede existing development regulations only to the extent where they may pose a conflict between competing requirements. Where existing provisions of the Land Development Code do not pose a conflict, those sections shall apply.
- b. Principal permitted uses.
 - 1. Townhouses.

~~2. Market rate units or low and moderate income units within townhouse buildings, which may be designed as one-over-one apartment flats or one-over-one for-sale duplexes within a townhouse configuration also known as stacked townhouse units.~~

2. Multifamily residential **housing**.

3. **Group Homes for adult special needs housing.**

c. Accessory Uses. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the AH Zone, including but not limited to decks, patios and residential amenities provided for the use and enjoyment of the residents of the development only.

d. **Maximum Density.**

1. The maximum number of permitted multi-family dwelling units shall not exceed ~~nine (9) dwelling units per acre.~~ **Twenty (20) multifamily rental units affordable to low and moderate income families.**

2. The maximum number of permitted affordable special needs bedrooms shall not exceed 8 special needs bedrooms in two structures.

e. Townhouse and Multi-family area, external yard and bulk requirements shall be as follows:

- | | |
|---|----------------|
| 1. Minimum lot area (acres): | 5 2 |
| 2. Minimum lot width (feet) | 300 250 |
| 3. Minimum lot depth (feet) | 400 200 |
| 4. Minimum distance between buildings (feet): | 20 |
| a) Townhouse | 25 |
| b) Multifamily | 50 |
| 5. Minimum setbacks from external lot lines (feet): | |
| a) Front yard: | 50 |

b) Side yard: 35*

c) Rear yard: 50*

6. Maximum number stories and building height: 4-stories/45-feet

a) Townhouse 2 ½ / 35 feet

b) Multifamily 2 ½ / 35 feet

7. Maximum building lot coverage: 35 percent

8. Maximum impervious lot coverage: 65 percent

*Except porches, balconies and decks may extend into a required side and rear yard by no greater than six-feet.

e. Group Home Standards area, external yard and bulk requirements shall be as follows:

1. Minimum lot area (acres): 1

2. Minimum lot width (feet) 150

3. Minimum lot depth (feet) 150

4. Minimum distance between buildings (feet): 20

5. Minimum setbacks from external lot lines (feet):

a) Front yard: 25

b) Side yard: 10

c) Rear yard: 50 (as measured from the rear facade of the building directly opposite that

*portion of the
building as it fronts on the street)*

6. Maximum number stories and building height: 2 ½ story/35 feet

7. Maximum building lot coverage: 35 percent

8. Maximum impervious lot coverage: 65 percent

f. Parking.

1. Residential Site Improvement Standards (RSIS) shall apply.

2. ~~Required off-street parking for townhouse or duplex units in combination with affordable housing units in stacked arrangements shall require at least one of the **as** two stacked affordable units within a townhouse building to have a minimum of one garage space. One additional parking space for this affordable unit shall be provided in its associated driveway in front of the garage. The second affordable unit, lacking a garage space, shall have one driveway space, with the additional required parking for both affordable units provided per RSIS standards within 150 feet of said units. Required off-street visitor parking for low- and moderate-income units, as required by RSIS, should be located within 150 feet of the units serviced. All exterior parking shall be landscaped, screened, and lighted, where appropriate **as specified in §23-39.5 (g) herein pursuant to site plan approval to be granted by the Land Use Board.**~~

3. ~~Each garage space shall be counted as 1.0 parking space. A one-car garage and driveway combination shall be counted as 2.0 parking spaces provided the driveway measures a minimum of 18 feet between the face of the garage door and the internal roadway line. (RSIS §5.21-4.14(d)). Required visitor parking spaces for market rate units shall be provided no farther than 250 feet of the unit it serves.~~

g. Site Development Requirements.

1. Landscaping.

a) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate

adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

- b) Landscaped islands shall be at least six feet in width to accommodate plantings.
- c) A minimum 10-foot landscaped buffer consisting of a dense evergreen mass shall be planted along the perimeter of the property to form a screen from adjoining properties.
- d) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
- e) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.
- f) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
 - (1) Ornamental Trees shall be installed at a minimum size of 6 feet in height.
 - (2) Shrubs shall be planted at a minimum size of 18 to 24 inches.
 - (3) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
 - (4) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species.

- (5) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.

- g) Landscape Plantings. ***The preference is for all plant materials to be indigenous to the region herein defined as the Somerset County region but in no event shall the plant materials be comprised of less than 50 percent indigenous species.***

- h) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
 - (1) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.

 - (2) Existing and proposed topography and location of all landscaped berms.

 - (3) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.

 - (4) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.

 - (5) Planting and construction details and specifications.

2. Lighting.

- a) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).
 - b) A lighting plan prepared by a qualified professional shall be provided with site plan applications.
 - c) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority **Land Use Board**.
 - d) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.
 - e) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.
3. Sidewalks. Within the development, sidewalks shall be required in accordance with the RSIS standards or as deemed appropriate by the Board.
 4. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted for each building with a maximum area of 5-square feet per sign, as well as a ground mounted sign, at any site driveway, setback from the property line by 10 feet and with a maximum sign area of 32 square feet and height of 6 feet (including base), which may be internally or externally illuminated. The base of the monument sign shall be appropriately landscaped.
 5. Low and Moderate-Income (Mount Laurel) Housing Requirements. Residential development, as permitted by this section, shall comply with all provisions of Chapter XXIII, Article IX titled "Affordable Housing."

SECTION 4. *New Section §23-95.11, Mixed Use-Affordable Housing Zone, MU-AH is hereby added as follows:*

§23-95.11, Mixed Use-Affordable Housing Zone

- a. Purpose. The purpose of this zoning district is to encourage the construction of low and moderate-income housing in conformance with the latest procedural and substantive rules for affordable housing as determined by the Courts or other applicable authority, by permitting mixed use commercial development with***

inclusionary multi-family development subject to the Mixed Use-Affordable Housing Zone regulations enumerated herein. This ordinance is created in fulfillment of a Settlement Agreement by and between the Borough of Peapack and Gladstone, New Jersey, and the Fair Share Housing Center in connection with the Borough of Peapack and Gladstone declaratory judgment action captioned "In the Matter of the Application of the Borough of Peapack and Gladstone" bearing docket number SOM-L-905-15 pursuant to In re the Adoption of N.J.A.C. 5:96 and 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) and to implement the 2020 Borough of Peapack and Gladstone Fair Share Plan. It is further the intent of the zone to promote neighborhood scale mixed use development. Large scale single user commercial development is to be discouraged in this zone.

b. Regulations contained herein are intended to supersede existing development regulations. Where existing provisions of the Land Development Code are not addressed herein, those sections shall apply.

c. Principal Permitted Commercial and Residential uses.

1. Retail business

2. Dance studios, art and photographic studios, yoga and wellness studios or similar such uses

3. Restaurants and food establishments without drive-thru facilities

4. Pharmacies without drive-thru facilities

5. Health spas, gym and boutique exercise /fitness facilities

6. General office uses

7. Medical offices limited to small scale general or specialty practices herein defined as a medical or dental practice offering medical or dental services on an outpatient basis and including a total of no more than the full time equivalent of three principal health care providers and two other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services

such as in-house diagnostic testing facilities, medical counseling services, and similar services.

- 8. Multifamily residential housing above commercial or as stand-alone buildings**
- 9. Structured parking as regulated herein**
- d. Multiple permitted uses may occupy a single building.**
- e. Roof tops limited to second story roof areas with direct walk out access from a third floor may be used as an outdoor amenity space for seating and consuming food and beverages only.**
- f. Accessory Uses. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the MU-AH Zone.**
- g. Prohibited Uses. Any use not specifically permitted herein is prohibited.**
- h. Dwelling Unit Maximum Density: The maximum number of permitted dwelling units shall not exceed 40 units with a minimum requirement of no less than 3 units set aside within the development as affordable units to low- and moderate-income families in addition to those affordable housing units to be provided elsewhere as detailed in Section 23-95.11 (n) below.**
- i. It is intended that this zone be developed as a mix of residential and commercial uses to satisfy the Borough's affordable housing obligation. It is further intended that the zone be developed in a comprehensive and coordinated fashion. Therefore, no development may proceed without a comprehensive development plan that demonstrates that the mix of commercial and residential components, including the affordable housing obligation, as required by this zone, are satisfied. This requirement should not be construed as precluding a phased development plan provided however, that such phasing guarantees the development of affordable housing as contemplated in the zone and in accordance with the Borough's affordable housing requirements and State affordable housing laws and regulations.**
- j. Building area, external yard and bulk requirements shall be as follows:**

1. Minimum lot area (acres):	0.74
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2. Minimum distance between buildings (feet):

a) Buildings fronting directly on Main Street (feet): 0

b) All other buildings (feet): 10

3. Minimum setbacks from external lot lines (feet):

a) Front yard: None

b) Side yard: None

c) Rear yard: From Residential 15

From Rail Line 10

4. Maximum building lot coverage (percentage): 65

5. Maximum impervious lot coverage (percentage): 85

k. Building Height. To provide for the appropriate transition and relationship of proposed development to Main Street and the surrounding area and taking into consideration the specific topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:

1. Building height shall mean the vertical distance from the average ground elevation of the building or structure to the level of the highest point measured at the building corners from the first finished floor.

2. The height limit shall not apply to roof-mounted heating, air-conditioning or other mechanical equipment, except that such equipment shall not exceed a maximum height of 10-feet and shall not occupy more than 25% of the roof area. Additionally, such equipment shall setback from the roof edge a minimum of 10 feet and be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.

3. *Building height for structures located on that portion of the development that abuts the rear lot line of properties that front on Main Street shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 40 feet.*
4. *Building height for structures that front directly on Main Street or on the corner of Main Street and Lackawanna Avenue shall not exceed a building height of 2-stories. The maximum building elevation shall not exceed 30 feet.*
5. *Building height for all other structures shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 40 feet.*

l. Parking and Loading.

1. *Parking shall be required for new development or changes in use according to the table below:*

<i>Retail</i>	<i>1 sp./250 sq. ft.</i>
<i>Financial Institutions:</i>	<i>1 sp./300 sq. ft.</i>
<i>General Offices:</i>	<i>1 sp./300 sq. ft.</i>
<i>Medical Offices:</i>	<i>1 sp./200</i>
<i>Commercial Services:</i>	<i>1 sp./250 sq. ft.</i>
<i>Studios and Recreational:</i>	<i>1 sp.150 sq. ft.</i>
<i>Residential:</i>	<i>Per RSIS</i>
<i>Restaurants:</i>	<i>1sp./3 seats for patrons and 1/employee on a maximum shift</i>

2. *Required parking for mixed use buildings shall be calculated as the sum of required parking for each component use.*

- 3. Recognizing there may be opportunities to reduce parking due to the mixed use nature of development contemplated in the MU-AH zone and proximity to mass transit choices, an applicant may request that parking standards be relaxed in accordance with a detailed parking demand analysis submitted by a qualified New Jersey Licensed Professional Traffic Engineer. Such request may be granted at the discretion of the Land Use Board and only if the Board is satisfied that such reduction is warranted based upon the information presented.**
 - 4. All exterior parking shall be landscaped, screened, and lighted, pursuant to the site development requirements specified in §23-95.11 (p), "Site Design Requirements," herein and with site plan approval to be granted by the Land Use Board.**
 - 5. Structured parking is permitted but shall be contained below principal buildings and not as stand-alone structures. The total area of structured parking shall at minimum be no less than 75 percent below grade provided further however, that such structured parking can be accessible from proposed driveways and streets at grade level. For that portion of structured parking that is above grade the exposed walls shall not exceed a maximum height of 4-feet.**
 - 6. Loading areas servicing commercial uses shall be designated and approved as part of any site plan application for development.**
- m. The construction of common courtyard elements and the integration of a decorative river walk connecting the elements of the development with Liberty Park shall be incorporated into the overall development.**
 - n. Low and Moderate-Income (Mount Laurel) Housing Requirements. Residential development, as permitted by this section, shall comply with all provisions of Chapter XXIII, Article IX of the Borough Code titled "Affordable Housing."**
 - o. As required by the settlement agreement with the FSHC and aforementioned Housing Element and Fair Share Plan, final approval of any development within the MU-AH Zone shall be conditioned upon the applicant entering into a developer's agreement with the Borough providing at minimum, 3 affordable housing units on-site within the MU-AH zone, and also consisting of 7 dwelling units plus 10 adult special needs housing (group homes) at off-site locations. Such units shall be subject to all the requirements of Chapter XXIII, Article IX of the Borough Code titled "Affordable**

Housing.” Issuance of Certificates of Occupancy for development in the zone shall be subject to the phasing schedule as provided for in Chapter XXIII, Article IX Section 23-72.1, of the Borough Code titled “Phasing Schedule for Inclusionary Development.” This phasing requirement relates to the entirety of the affordable housing obligation for this zone which requires a total of 20 affordable housing units, 3 to be built on site and 17 to be made available off-site.

- p. Pursuant to Section 23-45.13 all development shall be consistent with the Master Plan as set forth in the Land Development Ordinance.**
- q. Site Design Requirements. The following site design standards are intended to promote a unified theme, displayed through the application of common building materials to achieve a harmonious and cohesive design. Deviations from this section shall be considered design standard exceptions and not variances and may be granted at the discretion of the Land Use Board if doing so is compatible and consistent with the intent and purposes of the zone.**

1. Architectural Design Standards.

a) Façade Design.

(1) Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.

(2) Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:

- i. Each vertical articulation shall be no greater than thirty (30) feet apart.**
- ii. Each vertical articulation shall be a minimum of one (1) foot deep.**

- iii. *Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth.*
- iv. *Building walls with expansive blank walls are prohibited on any building façade regardless of its orientation.*

b) Architectural Materials.

- i. *Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block;*
 - ii. *Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only;*
 - iii. *Permitted Façade Accent Materials: Cast Stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal.*
- c) Rooflines.** *Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.*
- d) All ground level retail and service use that face a public street shall have clear glass on at least 60% of their facades between two and eight feet above grade.**
- e) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.**
- f) All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist**

in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.

- g) Buildings should be broken into segments having vertical orientation. A visual or physical break shall be required where buildings have a front wall that exceeds 125 feet in length, and in such case a visual or physical break shall be provided minimally every 50 linear feet.*
- h) Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.*
- i) New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.*
- j) Cornices, awnings, canopies, flagpoles, signage, and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within four feet of a curb.*
- k) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.*
- l) Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground-floor tenants. Upper floors shall be coordinated with ground floors through common materials and colors.*
- m) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.*
- n) Refuse and recycling shall be located interior to a building or alternatively, if located outside, the refuse area shall be appropriately screened by*

decorative masonry wall consistent with the type of building materials used within the development not to exceed 6 feet.

- o) Rooftop utilities including HVAC units shall be shielded from public view with appropriate screening that complements the character of the building's architecture.*

2. Landscaping.

- a) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.*
- b) Shade trees shall be planted along the street line with one shade tree for every 50 feet of linear frontage taking into account driveway and utility locations.*
- c) Landscaped islands shall be required for end spaces of parking lots with 10 linear parking spaces or more in a row and shall be at least six feet in width to accommodate plantings.*
- d) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.*

- e) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.**
- f) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.**
- (1) Ornamental Trees shall be installed at a minimum size of 6 feet in height.**
- (2) Shrubs shall be planted at a minimum size of 18 to 24 inches.**
- (3) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.**
- (4) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species where practical.**
- (5) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.**
- g) Landscape Plantings. The preference is for all plant materials to be indigenous to the region herein defined as the Somerset County region, but in no event shall the plant materials be comprised of less than 50 percent indigenous species.**
- h) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:**
- (1) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.**

(2) Existing and proposed topography and location of any and all proposed landscaped berms.

(3) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.

(4) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.

i) A minimum 10-foot landscaped buffer consisting of a dense evergreen mass shall be planted along the perimeter of the property to form a screen from existing adjoining residential properties where existing vegetation is lacking or fails to provide proper screening.

3. Lighting.

a) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).

b) A lighting plan prepared by a qualified professional shall be provided with site plan applications.

c) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the Land Use Board.

d) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.

e) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.

4. Sidewalks. *In order to promote pedestrian access within the development and provide connectivity to the surrounding neighborhood, as well as promote opportunities for outdoor dining the following sidewalk standards are required:*

a) Minimum 8-foot sidewalks along any road frontage whether public or private serving multiple commercial and residential uses;

b) Minimum 6-foot sidewalks that serve exclusively free standing residential buildings;

c) Minimum sidewalk widths may be reduced or eliminated where needed at the discretion of the Land Use Board to address specific design concerns related to functionality or purpose

5. Utilities. *All utilities, including electric shall be placed underground.*

6. Signage. *Signage for non-residential uses shall be as regulated in the VN zone per Attachment 2 of the Land Development Ordinance. Signage for stand-alone multifamily residential buildings shall be permitted one (1) wall mounted, non-illuminated address sign with a maximum area of 5-square feet per sign.*

SECTION 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

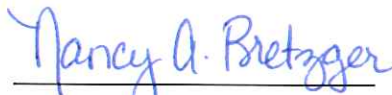
SECTION 7. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision,

clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 8. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced: August 18, 2020
Adopted: September 8, 2020



Nancy A. Bretzger, RMC
Municipal Clerk



Mark Corigliano
Council President