

§ 165-198. Purpose of the Planned Development Overlay.

The purposes of this Planned Development Overlay (PDO) is to encourage the coordinated, orderly, and rational development of the lands designated on the Zoning Map as having a PDO option. Development according to the PDO option is intended to promote the following objectives:

- A. Provide for a mixed-use district consisting of office, research, retail, hotel/conference, and related uses in the ROM-1 and ROM-2 Districts developed in a coherent manner in accordance with an approved general development plan;
- B. Promote a more efficient use of land through alternative design approaches, resulting in the preservation of significant areas of contiguous open space which can be maintained for ecological, scenic, and recreational purposes;
- C. Provide for the more efficient planning and design of infrastructure, including the site-wide provision of utilities, roads, and stormwater management systems;
- D. Relate specific infrastructure improvements to projected and actual levels of development over the life of the project.

§ 165-199. Objectives for Planned Development Overlay.

- A. The purpose of the PDO option is to promote efficient land use and innovative design by clustering of development and avoidance of typical regimented land use patterns. The intent is to allow for responsible development, without sacrificing the rural and suburban character of Clinton Township or the health, safety, welfare, and appearance of the community. The PDO option promotes the use of planning and design concepts that will complement the natural setting and promote quality development.
- B. Floor area and impervious surface coverage standards shall be applied site-wide, allowing for the clustering of development in zones which permit the creation of a contiguous, preserved open space system that will protect and enhance existing natural features and resources. The PDO option encourages the grouping of buildings to form outdoor spaces and create streetscapes that are human in scale, thereby promoting pedestrian activity and enhancing the quality of life.
- C. The PDO option provides for a mix of uses, many of which will be within walking distance of each other, offering the opportunity to reduce dependence on the automobile. Retail, convenience shopping, personal services, restaurants, day care, and civic uses, along with areas for socializing, exercising, relaxing, and meeting daily needs, should be provided near places of employment, thereby avoiding the use of a car.
- D. The PDO is established to provide a mechanism for assuring improved site design. Architecture and landscaping should support the image of a distinctive and unified development. A hierarchy of outdoor spaces should be arranged within the development zones. Roadway orientation, view corridors, and pedestrian linkages should visually and physically integrate the open space system with the development zones.
- E. The PDO provides design guidelines that are a departure from traditional zoning and design standards. The PDO is not intended to dictate specific design solutions, but to offer design objectives and standards. The standards and regulations of the PDO relate to performance objectives rather than the traditional zoning bulk standards in order to encourage flexibility and creativity of design. Traditional dimensional requirements for lot size, setbacks, road frontage, floor area per lot, and impervious coverage per lot can be varied in the PDO to promote improved site design. Through the

§ 165-199 use of more flexible standards, the PDO encourages innovation, creative design, efficient use of land, responsiveness to changing economic circumstances and continuing changes in the technology of land development in furtherance of the objectives above. § 165-199

- F. Site design and image. The PDO option seeks to encourage distinct and unified development. Each parcel of land should be planned so that the roadway access, buildings, parking, open space, and other elements are properly coordinated with surrounding parcels to assure sound land use. The PDO seeks to enhance functional relationships among structures, reduce the mass of parking, maximize the impact on open space, and facilitate easy and uncongested access while promoting safe and convenient pedestrian circulation.
- G. Circulation and access.
 - (1) The objective of the design of roadways is to implement the objectives of the 1991 Circulation Plan, provide for efficient movement of vehicles, enhance the aesthetic appearance of roadways, promote the safety of pedestrians and vehicular traffic within the right-of-way, and reduce negative air quality impacts in compliance with mandated federal and state regulations embodied in the Clean Air Act Amendments of 1990 and the New Jersey Traffic Congestion and Air Pollution Control Act.
 - (2) Pedestrian areas should be designed to promote free and safe movement of pedestrians between and among all facilities, and to provide pleasant pedestrian spaces at building entrances and other places of interest.
 - (3) The objective of the design of parking areas is to provide for the safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, and to provide for appropriate screening from public rights-of-way and buildings. Parking should be oriented to facilitate pedestrian movement to the buildings served, as well as to other nearby pedestrian paths of movement.
 - (4) Traffic demand management measures should be incorporated in order to limit the traffic generated by new development. Among the items to be considered are ride-sharing and van pooling, including the provision of preferred parking, increased mass transit use including shuttle bus service and shelters, and staggered or flexible work hours. The PDO development shall include a traffic budget which indicates that the PDO development results in less traffic than conventional ROM development.
- H. Architecture. Architecture should express a coherent design theme throughout the development. Architecture should be street-oriented, where appropriate, and should support the image of distinctive and unified development with richly differentiated buildings of quality construction. Rooflines, relative building heights, entrance orientation, and other major architectural elements should be considered in light of the overall context, i.e., each building should strive to contribute to the greater whole. Design emphasis should be placed upon compatibility and enhancement of the surrounding area while allowing for appropriate contrast.
- I. Natural features. Site design shall incorporate the objective of preserving, protecting and enhancing natural amenities. Natural amenities are areas of sensitive natural resources and unique landscape character, such as bodies of water, streams, wetlands, windbreaks, forests and groves of trees, hedgerows, and scenic vistas. Land development in the PDO should be designed to preserve and utilize such amenities as features. Scenic vistas should be preserved and protected by location of taller and larger scale buildings at lower elevations. The architectural design should respect these natural amenities in any design themes, preserving and enhancing their significance where

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appropriate.

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J. Landscape design. [**Amended 6-13-2007 by Ord. No. 923-07**]

- (1) The intent of the landscape element of the PDO is to provide for a cohesive and unified landscape environment. Based on the mixture of uses and scales of development anticipated, the landscape design will be one of the strongest opportunities to establish a genuine sense of place for the PDO, while also providing an opportunity to create an identity for the various areas of the PDO.
- (2) Conceptually, the landscape plan seeks to clearly define open space, streets, intersections, and major entryways within the PDO. This definition should be achieved through the use of landscape materials that are hierarchically organized to reinforce, articulate, and link or subdivide the exterior spaces. This is intended to give a strong visual and spatial character to the environment and its relationship to the development. Natural features may be enhanced but should retain their natural character. Pedestrian nodes, plazas, sidewalks, and greens should be appropriately landscaped, incorporating an interesting variety of flowering plants and seasonal displays.
- (3) Landscape design shall be in accordance with § 165-77.

K. Utilities. The objective of utility design is to provide modern, efficient service through the PDO with adequate screening of utility infrastructure. Utility lines should be located underground wherever possible and structures such as sewage treatment plants and water storage tanks should be designed and located to minimize visibility through the use of existing topography and vegetation. Where existing topography and vegetation do not provide sufficient screening, landscaping and berming should be provided, as appropriate, to augment the natural setting.

L. Site elements.

- (1) The use of site elements such as lighting, site furnishings, pavings, and signs should provide a unifying theme throughout the PDO. These site elements should consist of a coordinated family of elements which relate to the architecture and give scale and character to the open spaces. Lighting should be provided in parking areas, at intersections, along pedestrian walks, and at building entrances. Lighting should be directed downward to avoid the spread of direct light from the PDO.
- (2) Site furnishings should be employed as needed to create an attractive pedestrian environment. They should be concentrated in plazas, major pedestrian streets, and other activity areas.

§ 165-201. Permitted principal uses.

The following are permitted principal uses in the PDO:

- A. Laboratories for research, design, and experimentation, including pilot plants. Pilot plants for the testing of manufacturing, processing, or fabrication methods or for the testing of products or materials shall be permitted only as accessory to a research facility and in no case shall more than 25% of the total floor area of the research facility be devoted to such uses.
- B. Computer and data-processing centers and facilities.
- C. Offices for business, executive, professional, and administrative purposes.
- D. Hotels and conference centers.

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- E. Printing and publishing establishments.
- F. Development, manufacturing, assembly, and packaging of engineering and scientific instruments, computers and computer products, mechanical measuring and control devices, optical instruments and lenses, medical instruments and supplies, ophthalmic goods, photographic equipment and supplies, watches and clocks.
- G. Motor vehicle filling stations, provided that no more than three shall be developed on a PDO tract.
- H. Public and private garages and parking structures.
- I. Municipal, public, and quasi-public uses and nonprofit facilities such as, but not limited to, post offices, sewage treatment plants, public utility facilities, police/fire, library, parks, cultural facilities, playgrounds, municipal offices, and transit facilities.
- J. Child-care centers.
- K. Agricultural uses, such as farms, tree farms, orchards, and the raising of livestock, including residential uses in connection therewith.
- L. In the ROM-2 portion of the PDO, the following uses shall also be permitted:
 - (1) Processes of assembly, manufacturing, fabrication, packaging, treatment or conversion of products conducted entirely within the confines of a building, confined to the making of finished products or parts thereof from component parts and semi-finished products and not involving reduction, conversion, or manufacturing of primary raw materials except for pharmaceuticals.
 - (2) Warehousing.
 - (3) Wholesale distribution centers.
- M. Electrical substations.

§ 165-202. Permitted accessory uses.

The following are permitted accessory uses:

- A. Uses customarily incidental to any of the permitted principal uses.
- B. Restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use. Buildings with a gross floor area of 200,000 square feet or greater shall provide a cafeteria.
- C. Limited retail commercial uses, designed primarily to serve employees and guests on-site. Retail shall include, but not be limited to, stores and shops for retail business, banks and financial institutions, health clubs, news stand, post office, automated banking facilities, clinics, and similar conveniences.
- D. In-service training schools for employees.
- E. Custodial living quarters.
- F. Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use development.
- G. Overnight lodgings for visitors to any permitted principal uses, provided that such facilities are not

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open to the general public.

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- H. Assembly halls for meetings incidental to the business of the principal use.
- I. Maintenance, utility, and storage facilities incidental to the principal use.
- J. Limited manufacture and sale of products produced by or directly related to the principal use for the purpose of market testing.
- K. Warehouse facilities and wholesale storage within a completely enclosed building, the latter being incidental and accessory to a permitted use.
- L. Central heating and power plants for furnishing heat and electrical energy to structures on the PDO tract.
- M. Outside storage of gas cylinders and other equipment relating to a research facility or pilot plant provided it is suitably screened.
- N. Off-street parking as provided herein, including parking structures.
- O. Signs.
- P. Dish antennas.
- Q. Cogeneration facilities.

§ 165-203. Permitted conditional uses.

The following conditional uses, as regulated in Article XVIII, are permitted:

- A. Churches and similar places of worship of recognized religious groups, which may include attendant parish homes, convents, and religious education buildings.
- B. Public and private schools teaching academic subjects.
- C. Commercial greenhouses and nurseries.
- D. Life-care facilities.
- E. Heliport or helistops.

§ 165-204. Maximum permitted nonresidential development.

- A. The maximum nonresidential floor area (exclusive of any bonus floor areas as permitted herein) and maximum allowable impervious surface coverage for tracts in the PDO shall be based on a floor area ratio (FAR) of 0.15, calculated for the total tract area, and a maximum impervious surface coverage of 40%, calculated for the effective land area of the tract.
- B. The base nonresidential floor area, together with the bonuses hereinafter set forth less floor area assigned by approved development applications, constitutes available nonresidential floor area. The maximum allowable impervious surface coverage less the impervious surface coverage assigned by approved development applications constitutes available impervious surface coverage.
- C. Every development plan approved by the Planning Board shall be assigned a specific amount of floor area and impervious surface coverage as a part of the resolution of approval by the Board, and the available floor area and available impervious surface coverage shall be accordingly reduced. These

§ 165-204 assignments, together with the other elements of the development approval, shall be subject to and shall confer the same rights upon the applicant as are obtained by preliminary approval and final approval pursuant to N.J.S.A. 40:55D-49 and N.J.S.A. 40:55D-52. The owner of the development plan shall have the right to assign, transfer, or release floor area or impervious surface coverage with the consent and approval of the Planning Board upon an application to said Board for amendment of the development approval. § 165-205

- D. The applicant for development where a subdivision is proposed shall designate one lot as the remaining lot and all unallocated floor area and impervious surface coverage of the land which is the subject of the subdivision application shall be assigned to the remaining lot. The developer, upon application to the Planning Board for site plan or subdivision approval, shall certify the floor area and impervious surface coverage heretofore allocated to development projects and subdivided lots and the floor area and impervious surface coverage remaining and unallocated in the PDO. The secretary of the Planning Board shall maintain a ledger of assigned and allocated floor area and impervious surface coverage.
- E. The floor area and impervious surface coverage of the sewage treatment plants, municipal facilities, and other permitted uses listed in § 165-201I and any roads shown on the Master Plan of Clinton Township on or within the area of the PDO shall not be counted against the available nonresidential floor area and impervious surface coverage, provided that any roads shown on the Master Plan are constructed by the PDO developer. **[Amended 6-14-2006 and 9-13-2006 by Ord. No. 908-06]**

§ 165-205. General PDO regulations. [Amended 12-8-1999 by Ord. No. 705-99]

- A. Minimum tract area. The PDO option requires a minimum tract of 500 acres ("PDO tract") in the ROM-1 District and a minimum tract of 200 acres in the ROM-2 District.
- B. Buffer. There shall be a buffer of 100 feet on the perimeter of the PDO where it abuts or adjoins a residential district, and a buffer of 50 feet on the perimeter of the PDO in all other areas, including where the development in the PDO abutting the residential district is also residential. Driveways, streets, and access roads perpendicular to the buffer or on an angle of 45° or greater or as may be required by the New Jersey Department of Transportation are permitted to pass through the buffer. Furthermore, an access road may pass through a buffer area to serve a sewage treatment plant in the PDO. In addition to the above, landscape design shall be in accordance with § 165-77. **[Amended 6-13-2007 by Ord. No. 923-07]**
- C. Building height. The following standards shall govern the height of buildings in the PDO:
 - (1) A maximum building height of 65 feet is permitted for buildings which provide parking under a building or in multiple-level parking structures for at least 75% of the parking spaces required for that building. A maximum building height of 65 feet is also established for buildings which contain 30% of the permitted floor area for the PDO tract, regardless of whether such buildings provide parking under a building or in multiple-level parking structures.
 - (2) In the ROM-1 portion of the PDO, buildings which exceed 45 feet in height shall be situated below the existing three-hundred-eighty-foot elevation on the tract boundary. The Planning Board may allow deviations from the standard relating to tract elevation, provided that all of the following conditions are satisfied:
 - (a) The proposed building is screened from adjoining residential districts by the existing topography or existing wooded areas on the tract; and

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- (b) The proposed building is located at least 500 feet from the tract boundary; and
 - (c) The proposed location minimizes the visual intrusion on scenic corridors identified on the conservation plan.
- (3) In the ROM-2 portion of the PDO, buildings which exceed 45 feet in height shall be situated below the existing four-hundred-twenty-five-foot elevation on the tract, and shall be no closer than 200 feet to any tract boundary. The Planning Board may allow deviations from the standard relating to tract elevation, provided that all of the following conditions are satisfied:
- (a) The proposed building is screened from adjoining residential districts by the existing topography or existing wooded areas on the tract; and
 - (b) The proposed building is located at least 500 feet from the tract boundary; and
 - (c) The proposed location minimizes the visual intrusion on scenic corridors identified on the conservation plan.
- (4) Rooftop mechanical equipment, atria, skylights, receiving and transmitting telecommunications equipment, and similar structures normally and incidentally required for nonresidential buildings shall not be included in any height calculation, provided such structures do not exceed 10 feet in height and do not occupy more than 10% of the roof area.
- D. Access. The Planning Board, on review of the site plan, shall determine the adequacy of ingress and egress to all lots, buildings, and structures for motor vehicle traffic. Appropriate easements as necessary shall assure access and maintenance of access.
- E. Open space.
- (1) In the ROM-1 District, the PDO shall include open space to the extent of at least 20% of the PDO tract. The ROM-2 District shall include open space to the extent of at least 20% of the PDO tract. The open space shall include wooded areas, stream corridors, and wetlands.
 - (2) The open space shall be deeded either to the Township, a nonprofit corporation which has as one of its purposes the maintenance and preservation of open space, or a corporation, association, or other legal entity consisting of one or more of the property owners within the PDO for their use, control, management, and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Township Attorney for the purpose of ensuring that adequate safeguards are included, guaranteeing the continuance of the agreement in perpetuity and protecting the Township from harm. In any event, the agreement shall give the Township the right to perform maintenance and assess the cost to the property owners in the event that the property owners are in default of their obligations for maintenance as set forth in the agreement. Regardless of the ownership, the agreement shall provide for the consistent and continued maintenance and management of the open space.
- F. Parking.
- (1) Compact spaces. Where the number of parking spaces serving office or research buildings will in total exceed 100, 30% of the total spaces may be designed as compact car spaces. Compact car spaces may have dimensions of eight feet by 16 feet with a twenty-two-foot aisle. The location of the compact car spaces shall be identified by appropriate signs and markings.
 - (2) Shared parking. Where, by reason of hours of operation, certain uses can share the same parking area, the developer may submit a shared parking plan in order to reduce the total parking spaces

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and total impervious surface. Uses which have their peak parking demand outside of normal daytime business hours such as conference centers and restaurants may share parking facilities with office use. Common parking garages and areas may be provided for various uses. The applicant shall demonstrate the feasibility of shared parking during site plan review, and shall identify on the site plan the location of sufficient parking spaces to satisfy the total parking requirement.

- (3) Parking waiver. The Planning Board may, upon application of the developer, waive initial construction of up to 15% of the parking required where the Planning Board is satisfied that the parking requirements, as set forth in the ordinance, are excessive for the use intended. However, the Planning Board, in waiving the parking requirements, shall require that the entire required parking area be shown on the site plan. The deferred parking areas shall be specifically designated and designed to accommodate additional parking should the need for additional parking arise in the future. The owner shall have the right to build approved reserve parking areas at any time, at the owner's discretion.
- (4) Tandem parking. The parking of two vehicles bumper to bumper in an elongated parking stall of 30 feet to 40 feet shall be permitted, provided the tandem parking spaces are assigned to specific employees and provided that the employer represents a workable program of tandem parking for Planning Board approval.

G. Uses. There shall be no limit to the number of permitted principal uses per lot.