

## **§ 102-11. Conditional uses.**

- A. Before any approval shall be granted for a conditional use, application(s), with checklist(s), shall be made to the approving authority at least 10 days prior to a regular meeting. The approving authority shall grant or deny the application after public hearing but within 95 days of certification of a complete application by the administrative officer or within such further time as may be consented to by the applicant. Where a conditional use application involves a major site plan or a major subdivision, notice of the public hearing shall include reference to all matters being heard, and the approving authority shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application.
- B. Failure of the approving authority to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the approving authority shall review the number of employees and users of the property and the requirements set forth in this chapter for it or similar uses and shall give due consideration to all reasonable elements which would affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the effect on adjacent properties, the buffer area, proposed use(s), the character of the area, vehicular traffic patterns and access, pedestrianways, landscaping, lighting, signs, noise, dust, drainage, sewage treatment, parking, potable water supply, screening, wetlands, utilities, the need by Township residents and structure location(s) and orientation(s). The uses for which conditional uses are granted shall be deemed to be permitted uses in their respective districts, and each conditional use shall be considered as an individual case. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Planning Board. Prior to making its decision, the approving authority shall be satisfied that the conditional use is reasonable and necessary for the use and convenience of the public in the location proposed. In the granting of conditional uses, a time limit of one year from the date of the conditional use approval shall be set, within which time the owner shall secure a construction permit and/or begin necessary development and/or begin the use, otherwise the conditional approval granted shall be null and void. This time limit may be extended by the approving authority for good cause shown.

C. Professional office buildings in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**

(1) Professional office buildings may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following.

(2) Purpose.

(a) The purpose of professional office buildings in the D Distillery and Bottling Plant District is to foster a traditional small-town scale of development and to minimize large-scale office parks, strip commercial development, regional shopping centers or large trip-generating uses. It is the intent to require maximum attention to proper site design, including the size and locations of structures and parking areas, proper ingress and egress, and developing an internal street system. Professional office buildings shall be designed to minimize impacts to natural resources and environmentally sensitive features, be compatible with natural foliage, soils, contours and drainage patterns, and avoid visual intrusion and performance nuisances upon adjacent properties.

(b) When professional office complex development occurs, it should be designed to achieve the following planning principles:

[1] Creation of a small-scale development found in traditional neighborhood commercial districts.

[2] Provide open space for civic functions, screening of the development and preserving environmentally sensitive features.

[3] Use of small building footprints and multiple buildings rather than large buildings.

[4] Establish a harmony in building materials, colors, windows, rooflines, signage, lighting, fencing and other improvements by sharing a common colonial architectural theme.

[5] Buildings should follow a traditional colonial form. Emphasis should be placed on facade details. Doors and windows should contain transoms, side lights, fan

lights, keystones, decorative lintels, shutters and awnings. Building facades should contain columns, cornices, quoins, dentils, medallions, pilasters and porticos.

- [6] Promote pedestrian circulation throughout the professional office buildings to allow travel from one building to another without the use of automobiles. A pedestrian realm lined with landscaping should be established along roads, access aisles and parking areas. Sidewalks, paths, crosswalks and other pedestrian areas should consist of brick or pavers laid in decorative patterns.

(3) Yard, building and site plan requirements.

- (a) The use shall adhere to the standards of § 102-112, D Distillery and Bottling Plant District, or to the following standards, whichever are more restrictive.
- (b) Minimum principal and accessory front setback:
  - [1] County Route 537: 200 feet.
  - [2] Laird Road: 100 feet.
- (c) Minimum principal and accessory side setback: 75 feet.
- (d) Minimum principal and accessory rear setback: 75 feet.
- (e) Minimum distance between buildings:
  - [1] When the yard area between buildings only consist of grass, landscaping or outdoor courtyard/plaza: 30 feet.
  - [2] When the yard area between buildings contains off-street parking areas, access aisles or driveways: 100 feet.
- (f) Maximum building coverage: 10%.
- (g) Maximum gross floor area per building: 10,000 square feet.
- (h) Professional office buildings in the D Distillery and Bottling Plant District shall be subject to the area, yard and site plan requirements of § 102-109E.

- (i) Professional office buildings shall be subject to the off-street parking requirements of § 102-109F.
  - (j) A landscaping buffer a minimum of 200 feet deep shall be established along County Route 537, a minimum buffer of 50 feet from Laird Road, and 40 feet from all surrounding properties. A minimum of 30% of the landscape buffer shall be planted with trees that will be at least 40 feet in height at maturity.
- D. Flex space in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**
- (1) Purpose. The purpose of permitting flex space is to fulfill a need that serves local small businesses with a low-intensity use without detriment to surrounding properties.
  - (2) Flex space may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following.
    - (a) The use and/or structures shall adhere to the standards of the D Distillery and Bottling Plant District or the following, whichever are more restrictive.
    - (b) No individual tenant or space shall have a gross floor area that exceeds 3,000 square feet.
    - (c) Minimum principal and accessory front setback:
      - [1] County Route 537: 450 feet.
      - [2] Laird Road: 140 feet.
    - (d) Minimum principal and accessory side and rear setbacks: 75 feet.
    - (e) Outdoor storage of equipment and materials which are incidental to the flex space operation may be permitted as an accessory use in side or rear yards only and subject to setback requirements. Such storage areas shall be screened from public streets and adjacent properties by walls, fencing, landscaping or a combination of these elements.
    - (f) Cars, small trucks and vans (maximum overall length of 20 feet) may be parked outdoors, but all other vehicles and trailers shall be parked indoors.

(g) Off-street parking requirements:

[1] One space is required for every 200 square feet or fraction thereof devoted to office use.

[2] One parking space is required for every 1,000 square feet or fraction thereof devoted to storage or warehouse use.

E. Indoor recreational and training facilities in the D Distillery and Bottling Plant District. **[Added 5-14-2014]**

(1) Purpose. The purpose of permitting indoor recreational and training facilities in the D Distillery and Bottling Plant District is to fulfill an active recreational need while complementing the existing outdoor recreational facilities located at adjoining Dorbrook Recreational Area. The intent is to promote an adaptive reuse of the existing structures and facilities to minimize environmental impacts to the Swimming River Reservoir, a Category 1 water body resulting from increased impervious surfaces. The goal is to provide a year-round recreational practice and training facility to support the recreational activities occurring at Dorbrook Recreation Area on a seasonal basis. Emphasis must be placed on minimizing traffic impacts to Laird Road and County Route 537. A small-scale practice and athletic training facility with limited competitive games is encouraged. A large-scale recreational facility with multiple games and children's parties occurring simultaneously or consecutively on the same day is not envisioned.

(2) Indoor recreational and training facilities may be permitted as a conditional use in the D Distillery and Bottling Plant District, provided that the use and/or structures shall adhere to the following:

(a) The use shall adhere to the standards of the D Distillery and Bottling Plant District or the following standards, whichever are more restrictive.

(b) Permitted uses: adult and children's year-round athletic activities and sports academies to provide instruction, training and practice in field and court sports such as: baseball, soccer, football, softball, basketball, volleyball, ice skating, hockey, lacrosse, field hockey, gymnastics and swimming. The facility may provide training for a variety of sports. However, spectator seating shall be limited to a

maximum of 100 permanent seats, such as retractable bleachers, tiered seating, etc., for the entire facility. Folding chairs or portable benches shall not be considered as permanent seating.

- (c) Accessory uses may include a maximum one-thousand-square-foot snack bar, a maximum retail sales area for related sports and fitness items of 1,000 square feet and management offices. Amusement devices shall be limited to a maximum of five machines.
- (d) Minimum principal and accessory front setbacks:
  - [1] County Route 537: 450 feet.
  - [2] Laird Road: 140 feet.
- (e) Minimum principal and accessory side and rear setbacks: 75 feet.
- (f) Vehicular access to and from the facility shall be limited to County Route 537 or Dorbrook Recreation Area.
- (g) All patron and/or employee vehicles must be parking in an approved, designated, paved parking space. Off-street parking requirements for the facility shall be as follows:
  - [1] Indoor recreational and training facilities: two spaces per 1,000 square feet minimum; three spaces per 1,000 square feet maximum.
  - [2] Outdoor, court or field: 10 spaces per court or field minimum; 20 spaces per court or field maximum.
- (h) Application for a recreational and training facility shall require a traffic study that will address traffic flow and off-street parking requirements. The study shall be based on traffic counts and parking counts obtained from two separate similar size and type of facilities over a full week per facility. Traffic counts shall not be limited to typical a.m. or p.m. peaks but shall include all times of day, including special events. The traffic study must demonstrate that the proposed improvements will result in zero degradation to the existing level of service during any period of time to County Route 537, Laird Road and the County Route 537/Laird Road intersection.
- (i) The exterior of all building elevations facing County Route 537 or Laird Road shall be treated with brick,

stone, decorative masonry, wood siding, vinyl siding or synthetic siding. No metal facades shall be visible from a public street. The use of "bubble type" buildings shall be prohibited.