

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
 COUNTY OF OCEAN, STATE OF NEW JERSEY,
 AMENDING AND SUPPLEMENTING CHAPTER 245,
 "LAND USE", SO AS TO ADD SECTION 245-77
 WHICH SHALL BE ENTITLED "BURNT TAVERN
 MULTIFAMILY ZONE (BTMF)"**

WHEREAS, the Township Council of the Township of Brick desires to amend and supplement the Township's Zoning Ordinance to provide for the construction of an inclusionary residential development designed to assist the Township in satisfying its fair share housing obligation through construction of affordable units set aside for very-low, - low, and moderate-income households, pursuant to the *Mount Laurel* doctrine and the laws of New Jersey; and

WHEREAS, the Burnt Tavern Multifamily (BTMF) Zone is comprised of the property identified as Lots 16 and 17, Block 1108, on the Township of Brick Tax Map; and

WHEREAS, the Township Council of the Township of Brick desires to adopt this Ordinance pursuant to a settlement agreement between 975 Burnt Tavern, LLC, and the Township, dated December 29, 2025, in the case captioned *In the Matter of the Application of the Township Brick* docketed at OCN-L-321-25.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows

SECTION 1. The Township Code of the Township of Brick is hereby amended so as add a new § 245-77 which shall be entitled "Burnt Tavern Multifamily Zone (BTMF) which shall read as follows:

§ 245-77. Burnt Tavern Multifamily Zone (BTMF)

A. Principal permitted uses:

- (1) Multi-family residential buildings.
- (2) Mixed-use buildings. Are permitted, but not required, along the Burnt Tavern Road frontage only. In a mixed-use building, the nonresidential use shall be permitted on the ground floor with residential units above. Notwithstanding, improvements related to the residential use shall be permitted on the first floor, including but not limited to, access doors, lobbies, hallways, and amenities such as community rooms, gyms, storage, waste and recycling, and parking.
- (3) Twenty percent (20%) of the total residential units shall be set-aside as affordable.
- (4) The following commercial, retail, and office uses shall be permitted within mixed-use buildings:
 - i. The retail sale of goods, such as but not limited to:
 - 1. Restaurants and luncheonettes.
 - 2. Baked goods stores.
 - 3. Confectionary stores.
 - 4. Food stores.
 - 5. Drugstores.
 - 6. Dry goods stores.
 - 7. Meat and poultry stores.
 - 8. Packaged liquor stores.
 - 9. Flower shops.
 - 10. Household supplies stores.
 - 11. Stationery supplies stores.
 - 12. Haberdashery, dress goods and notions.

ii. Personal service establishments, such as but not limited to:

- 1. Barber and beauty shops, for humans and domestic animals
- 2. Tailoring and dressmaking shops.
- 3. Dry-cleaning and laundry collection shops.
- 4. Banks and fiduciary institutions.

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8-3	3/19/26
Agenda #	Date
Agenda #	Date

5. Studios for such activities as aerobics, fitness and personal training, domestic animal training, martial arts, dance, music and art, health and fitness facilities.
 - iii. Professional offices, such as but not limited to:
 1. Professional occupations, including the office of a physician, dentist, architect, engineer, accountant, lawyer or member of a recognized profession.
 2. The office of an insurance agent or real estate broker.
- B. Permitted accessory uses.
- (1) Off-street parking facilities and parking lots.
 - (2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.
 - (3) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, enclosed dog park/run area, and other similar uses.
 - (4) Patios, decks, covered and uncovered terraces and balconies.
 - (5) Fences and walls.
 - (6) A maintenance building accessory to the multi-family buildings.
 - (7) A pump station maintenance building, not to exceed 1,500 s.f. of coverage and 25 feet in height, if required.
 - (8) Satellite dishes and solar energy panels mounted at ground level, which shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper screening after two growing seasons. These location requirements do not apply to solar energy panels that are mounted flush, or nearly flush, with building sides or roofs.
 - (9) Antennae.
 - (10) Bike racks.
 - (11) Signs.
 - (12) Site lighting. The arrangement of exterior lighting shall adequately and safely illuminate parking areas, internal roadways, and walkways.
 - (13) Other uses which are customarily incidental to a permitted principal use.
 - (14) Temporary construction and sales trailers.
 - (15) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, junction boxes, water and sewer utilities, cable, and the like.
 - (16) Emergency generators.
- C. Maximum density. The maximum number of residential units permitted within multi-family buildings is 264 units. The number of residential units per building shall be consistent with the Concept Plan attached to the Settlement Agreement. Nothing herein shall be construed to limit the ability to develop all 264 units.
- D. Affordable Housing. Not less than 20% of the total units developed on the site shall be affordable housing rental units. The affordable units shall comply with the applicable the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all other applicable law.
- E. Bulk, area, and building requirements.
- (1) Minimum principle building setbacks. *
 - i. Front yard: 50 feet
 - ii. Side yard (adjacent to existing residential dwellings fronting on Red Maple Drive): 60 feet
 - iii. Side yard (other). 50 feet
 - iv. Rear yard. 50 feet
 - (2) Minimum clubhouse setback. 100 feet (all yards)
 - (3) Minimum building setback from internal roads, aisles, and parking areas. 10 feet
 - (4) Minimum building to building separation. 30 feet**
 - (5) Building height. ***

- i. 2 buildings along Burnt Tavern Road frontage. 2 ½ stories and 38.5 feet to top of ridge for portion of building facing frontage, and the remainder of buildings 3 stories and 40 feet to top of ridge.
 - ii. All other multifamily buildings. 3 stories and 40 feet to top of ridge.
 - iii. Clubhouse. 30 feet to top of ridge.
 - iv. Architectural elements, parapets, cornices, walls, mechanical equipment, screening of mechanical equipment, vent pipes, ventilators, elevator banks, stair access, and other rooftop appurtenances are excluded from the calculation of building height.
- (6) Maximum impervious coverage. 65% (of gross land area)
 - (7) Maximum building coverage. 30% (of gross land area)
 - (8) Maximum floor area ratio. Not applicable.

*Setbacks are calculated from property line, and may overlap with buffers or setbacks required by any county or state agency.

** Patios, balconies, awnings, stairways servicing buildings are not included in the calculation of minimum distance between buildings.

***Building height is measured from the finished development grade to the highest point of a roof.

F. Site access, off-street parking, and loading requirements.

- (1) Two site access driveways shall be permitted from Burnt Tavern Road to the site.
- (2) The number of parking spaces for residential use shall be consistent with the requirements of the Residential Site Improvements Standards N.J.A.C. 5:21-1.1 et seq.
- (3) The number of parking spaces for nonresidential uses shall be 3 parking spaces per 1,000 square feet of leasable floor area.
- (4) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 1,000 square feet of gross floor area. Shared parking between a club house or amenity space and residential units is permitted.
- (5) No Loading spaces are required in connection with residential use. If a mixed-use building, or buildings are proposed, 1 loading space for each mixed-use building shall be provided.
- (6) Parking spaces and parking areas shall be setback a minimum of 75 feet from the property boundary along the Burnt Tavern Road frontage, and 15 feet in all other yards.
- (7) Parking space dimensions for all perpendicular parking spaces, for both residential and commercial uses, shall be 9 feet by 18 feet.
- (8) Parallel parking spaces shall be permitted along the entrance driveway to the site and shall be 9 feet by 22 feet.
- (9) Notwithstanding any requirements to the contrary, no landscape islands shall be required in the parking areas.
- (10) Compliance with EVSE standards in Section 245-311.1 of the Ordinance, is required.

G. Landscape buffer.

- (1) Along the site's western boundary and contiguous to existing residences on Red Maple Drive: A 20 foot wide and 6 foot tall berm shall be provided with a 30 foot wide planted buffer provided on the berm.
- (2) In a front, side, or rear yard contiguous to wetlands or wetlands buffers a landscaped buffer is not required.
- (3) All planted buffers shall be planted with an all-season screen consisting of groups of evergreen and deciduous trees staggered in double rows 15 feet on center. Evergreen tree groups shall consist of three to seven evergreen trees (minimum of four feet in height at planting). Deciduous tree groups shall consist of one canopy tree (minimum of 6 feet in height at planting), and three ornamental trees (minimum of four feet in height at planting.)

- H. Signs. Signage shall be coordinated allowing for and promoting way finding and building identification.
- (1) One monument or freestanding project identification sign at each site entrance along the Burnt Tavern Road frontage in accordance with the following standards:
 - i. Signs shall be non-illuminated or externally illuminated.
 - ii. Signs shall be landscaped and may identify the community project name, developer, and logo.
 - iii. The maximum sign area containing text and logos shall not exceed 25 square feet for each side of the sign if two-sided.
 - iv. The maximum sign height, including the structure and sign area, shall not exceed 8 feet above proposed finished grade.
 - v. The minimum sign setback shall be 10 feet from the public right-of-way.
 - vi. Monument and freestanding signs shall be located outside of any sight triangle easements.
 - (2) One (1) wall mounted building identification sign is permitted for each face of a building abutting an internal roadway or parking area. The wall mounted sign shall have a maximum height of 12 feet and a maximum area of 8 s.f. Wall mounted signs may be externally illuminated.
 - (3) One (1) wall mounted sign for each tenant space within a mixed use building, and two (2) wall mounted signs for any corner nonresidential space, or nonresidential space with more than one façade.
 - (4) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. At entrances to these areas, two signs shall be permitted stating the name of the area or facility, as applicable, and no other advertising material. No sign shall exceed 4 square feet in area and 4.5 feet in height.
 - (5) Street number designation, name plates, postal boxes, on-site directional and parking signs, or similar signage is permitted but shall not exceed an area of two square feet per sign.
 - (6) EVSE signage per Section 245-311.1 of the Ordinance.
 - (7) Real estate signs and flag signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along frontage, provided that such signs are located outside of any sight triangle easements and do not interfere with vehicle sight lines. Such signs shall comply with the following requirements:
 - i. There shall be no more than 5 real estate signs and 10 flag signs advertising leasing.
 - ii. Signs shall be freestanding and non-illuminated, and may be two sided.
 - iii. Real estate signs shall not exceed 25 square feet in area, per side, and 8 feet in height above the ground.
 - iv. Flag signs shall not exceed 60 square feet of area, per side, and shall not exceed 20 feet in height above the ground.
 - v. The text per each sign may include the community project name, developer name, logo, and advertising and informational text.
- I. Refuse and recyclable material storage. Every multi-family building shall provide a storage area to accommodate refuse and recyclable materials. The area shall be screened from view and enclosed by fencing, plantings, or other materials that are contextual with the architectural design of the development.
- J. Phased development.
- (1) The Developer shall be permitted construct the development in phases , provided the phasing requirements of the UHAC are met for each individual phase.
- K. Design Standards.
- (1) The treatment of side and rear walls of any proposed building in terms of building materials and colors shall be similar to and consistent with the treatment of the front facade of that building.
 - (2) Exterior elevations shall have vertical and/or horizontal offsets to create

visual breaks on the exterior.

- (3) The exteriors of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials.
- (4) Architectural detail, style, color, proportion, and massing shall reflect the features of a residential scale development utilizing traditional exterior materials such as siding, stone or brick, trim and accent features, architectural asphalt roofing shingles and optional standing seam accent roof as well as pitched roofs with dormer features.
- (5) Roof pitches shall generally be consistent throughout the development. Peak roofs are encouraged. Interior flat roof treatments shall be permitted provided that observable facades have pitched roofs and that rooftop equipment is screened.
- (6) Dormers, gables and articulated windows across a building facade, and other similar design features are encouraged as is an orderly relationship among windows, doors, porches, and roof forms.
- (7) Mixed-use buildings shall incorporate a traditional storefront design with large display windows of clear glass, identifiable entries (where appropriate), transom windows, and suitable locations for signage at ground level.
- (8) Multiple storefronts within the same mixed-use building shall be visually compatible in terms of scale, alignment, color and materials.

SECTION 2. Zone Map. The Official Zoning Map the Township of Brick is hereby amended to change the zoning designation of Lots 16 and 17, Block 1108, from B-1 to Burnt Tavern Multifamily (BTMF) Zone.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 24th day of **February, 2026**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 10th day of **March, 2026** at 7:00 p.m., at the Brick Township Municipal Building located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



LYNNETTE A. ANNARONE
TOWNSHIP CLERK