

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON**

ORDINANCE #10-13

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN, 1999" AND MORE SPECIFICALLY TO AMEND CHAPTER 16.28A TO INCLUDE A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE ON BLOCK 36, LOT 17 IN THE I-1 ZONE

BE IT ORDAINED by the Mayor and Township Committee of the Township of Raritan as follows:

Section I

Section 16.28A.020 Principal Permitted Uses shall be amended to include:

H. Planned Residential Developments (PRD)

Section II

The following section shall be created as follows:

Section 16.28A.060 Planned Residential Development Requirements

The intent of this Section 16.28A.060 (this "Section") is to allow in the portion of the I-1 zone identified in section A. below (the "Overlay Zone"), if served by public sewers and public water and under other reasonable requirements, a planned residential development with a variety of housing types within the overall density limits established with the goal of achieving fifty (50) affordable units consistent with the Township's revised affordable housing compliance plan. The standards established herein are based on the master plan recommendation that this area be developed with age-restricted senior housing, along with affordable housing in order to meet the needs of households of all ages and all income levels, as an inclusionary affordable housing development pursuant to and consistent with the *Mt. Laurel* Doctrine, the Fair Housing Act and the regulations of the Council on Affordable Housing ("COAH"), including (without limitation) Subchapter 10 of the COAH regulations (N.J.A.C. 5:97-10.1 to 10.5).

A. **Zone Created.** The Overlay Zone shall consist of Block 36, Lot 17. Subject to compliance with applicable subdivision requirements, nothing contained in this Section shall preclude the subdivision of the Overlay Zone into two or more lots, including, without limitation, separate lots for the affordable housing section and the age-restricted housing section (as described below).

B. **Minimum Acreage Required.** Ninety-five (95) contiguous acres shall be the minimum required area for a planned residential development.

C. Uses Permitted. The planned residential development shall include age-restricted single-family detached structures, age-restricted townhouse structures and non-age-restricted affordable housing multi-family structures. The housing types may also include duplexes, quads and one-story ranches to add variety to the housing mix.

D. Accessory Uses Permitted. Private garages, public parking areas, clubhouses playgrounds and other recreational amenities, meeting and gathering places, and rental and/or administrative offices shall be permitted accessory uses in the Overlay Zone. Other incidental uses to serve the residents of the development shall be permitted at the discretion of the Planning Board.

E. Timing of Development. The planning board shall establish reasonable timing schedules on the sequence and number of housing types and associated utilities and amenities that may be constructed as part of the planned residential development. Construction of the development in phases shall be permitted upon the request of the developer.

F. Maximum Number Units in Overall Tract. The maximum number of units to be constructed in the Overlay Zone shall not exceed 300 units.

G. Minimum Number of Affordable Units. Twenty percent (20%) of the overall number of market rate units shall be affordable units, which shall meet the regulations and requirements of the New Jersey Council on Affordable Housing (COAH).

H. Required Conditions. The following conditions shall apply to a PRD in the Overlay Zone:

1. The minimum tract area for passive or active open space within the age-restricted section shall be 40% and the minimum open space within the affordable section shall be 30%. To the extent it is feasible to do so without reduction of the number of units otherwise permitted in the Overlay Zone pursuant to section F. above, care shall be given to protect natural features such as the treed areas, scenic views, wetlands and associated wetland transition areas and buffer areas, steep slopes and drainage ways.

2. The maximum hard surface coverage in the age-restricted section shall be 40% of the total area of such section and the maximum hard surface coverage in the affordable section shall be 30% of the total area of such section.

3. The design of the buildings shall provide, where possible, that the front of one building does not face the back of another building or accessory building.

4. Minimum distance of a building from an interior street or driveway: 35 feet.

5. Minimum distance of a building from any on-site parking lot, garage or other accessory building: 20 feet.

6. No market-rate single-family dwelling or multi-family building shall exceed two stories or 35 feet in height, whichever is less. No affordable housing multi-family

unit structure shall exceed three stories or 40 feet in height, whichever is less. No accessory community recreation building or community center shall exceed a height of two stories or 45 feet. Entry gatehouses cannot exceed 18 feet in height. Architectural features that add to the natural topography of a tract shall not be included in the height of the dimension.

7. Interior roads, sidewalks, and driveways shall comply with Residential Site Improvement Standards (RSIS).

8. The overall development within the Overlay Zone should be designed with a coordinated theme of buildings, signage, landscaping and streetscape, while taking into consideration of the natural features, environmental constraints and site topography. A variety of architectural features and different facades are encouraged to provide visual interest, such as staggering unit setback, different exterior materials, changing of windows, shutters, doors, porches, colors and vertical/horizontal orientations. Buildings shall be designed in accordance with an architectural theme, including signage, which is coordinated with site lighting, street furniture, landscaping, architectural project identity features, and other appurtenances in order to create a sense of place.

Green building design and energy efficiency techniques are strongly recommended. To the extent feasible, the development should follow guidelines of the U.S. Green Building Council's Leadership in Energy and Environment Design (LEED).

Although the market-rate units and the affordable units may be built in different sections of the Overlay Zone, the development should be designed to integrate the appearance of the units and other structures in the affordable housing section and the age-restricted section so that units of all types appear to be part of an integrated development. Design and aesthetics of all structures should be compatible with each other, regardless of unit type.

9. The property must be served by public water and sewer.

10. There shall be a landscaped (or wooded) buffer of at least 50 feet in width maintained around the perimeter of the property, except where the buffer is located along the property's road frontage, in which case roadway connections to service the project, utilities and clearing necessary to accommodate said improvements shall be permissible. The perimeter buffer shall be increased to 100 feet in width along the Overlay Zone's western boundary adjacent to the Township public works (recycling) facility.

11. The affordable housing units shall conform to all applicable COAH regulations, including, but not limited to: (a) affordability, N.J.A.C. 5:97-9.3 and N.J.A.C. 5:80-26.3, 26.4 and 26.6; (b) occupant eligibility, N.J.A.C. 5:80-26.7 and 26.16; (c) equal numbers of low income units and moderate income units, N.J.A.C. 5:97-3.3 and 5:80-26.3(a) (unless COAH shall approve a different allocation between low and moderate income units requested by the developer); (d) resale price controls, N.J.A.C. 5:97-9.3 and N.J.A.C. 5:80-26.5 and 26.6; (e) handicapped adaptability and accessibility, N.J.A.C. 5:97-3.14; (f) bedroom mix, N.J.A.C. 5:80-26.3(b); and (g) affirmative marketing, N.J.A.C. 5:80-26.15. Notwithstanding anything in this Section to the contrary, in no event shall the Township or the Planning Board impose any procedural or substantive requirement that adds to the burden or cost of development within the

Overlay Zone in violation of the requirements set forth in N.J.A.C 5:97-10.1 to 10.5 and, for purposes of applying such regulations, the market rate and affordable units to be constructed within the Overlay Zone shall be considered a single inclusionary development that is entitled to the benefits of such regulations.

I. Minimum Standards for Single-Family Housing.

1. Each lot shall have a minimum area of 6,000 square feet.
2. Each lot shall have a minimum frontage of 55 feet of roadway on a single road. Where a lot is on a curve of a cul-de-sac, a minimum of 2/3 of the required road frontage shall be required.
3. Each lot shall have a minimum depth of 100 feet.
4. Each lot shall have a minimum front yard of 20 feet.¹
5. Each lot shall have a minimum rear yard of 30 feet.
6. Each lot shall have a minimum side yard of 5 feet (each side).
7. Each single family lot dwelling shall contain a minimum floor area of 1,500 square feet.

J. Minimum Standards for Duplexes, Quads, Townhouses.

1. Each lot shall have a minimum front yard of 35 feet from the curb (regardless of public or private streets)
2. Each building shall have a minimum rear yard separation of 40 feet between the buildings (back to back), and 30 feet (side to back).
3. Each building shall have a minimum side yard separation of 25 feet (side to side).

¹ For internal streets without a ROW, the front yard setback should be increased by 10 feet.

K. Minimum Standards for Affordable Multi-family Units.

1. Minimum lot area of 10 acres.
2. Each lot shall have a minimum frontage of 100 feet/125 feet (corner)
3. Each lot shall have a minimum front yard of 30 feet.
4. Each lot shall have a minimum rear yard of 25 feet.
5. Each lot shall have a minimum side yard of 30 feet (each side).

L. Minimum Standards for Accessory Structures.

1. No accessory building shall exceed the applicable height limit in section H.6. above.
2. Parking for a clubhouse shall be 1 space per 200 square feet.

M. Parking, Roads and Sidewalks.

1. Parking shall be provided as required by RSIS.
2. Roads shall be designed as required by RSIS.
3. Sidewalks shall have a minimum width of four feet and must be located along at least one side of each street, between buildings and between parking areas and buildings unless waived by the Planning Board in certain instances.
4. The developer is encouraged to provide pedestrian and/or bicycle and/or off-road paths with crosswalks and signage for identification and safety purposes. All signs should be designed to complement the theme of the development. Bikeways shall conform to Section 5:21-4.18(b) of RSIS.
5. The following planning/design techniques are recommended:
 - On-Street parking may be permitted provided that all RSIS road width and parking lane standards are met or exceeded.
 - Off-street visitor parking should be fractionalized and logically spread around the development both to conveniently service each housing area rather than centralized for the economy. On-street parking shall be counted only for the visitor share of required spaces.
 - Parking areas should be set aside attractively for boats, motor homes and commercial vehicles which shall not be parked on unit driveways or on access streets.

- Parking lots must be designed so that parked vehicles are not required to back out into a public street to exit the lot.

6. Every project shall have at least two points of access to the public street system or provide a stable secondary emergency route where two access points are not feasible.

7. Improvements according to the Township standards shall be provided on all existing public streets for sites having frontage thereon.

8. Speed calming devices such as roundabouts, constrictions, pavement length limitations, solar speed control signs and other strategies shall be provided.

N. Recreation. Any included recreation facilities shall be developed suitably to serve the residents of the dwelling units, but shall be located in an area which will not be detrimental to owners or residents of properties adjacent to the Overlay Zone by virtue of noise, light, glare or any other objectionable features emanating from such facilities. Recreation areas may include fitness trails, pedestrian trails, bikeways, and other active or passive recreational features, as proposed by the developer and approved by the Planning Board.

O. Waste Disposal. Waste materials and garbage must be privately disposed of by a method approved by the Township Board of Health. Refuse storage areas shall be so designed as to minimize any detrimental effect on the character of the development, and shall meet the setback requirements set forth herein for groups of dwelling units.

P. Landscaping/Buffering.

1. All developments shall be provided with professionally designed and executed landscaping. All areas not utilized for parking areas, driveways, streets and roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable groundcover, trees and shrubs. Continuous evergreen screening shall be provided where multifamily or attached units abut the tract boundary line, such screening to be no less than four feet high when planted. However, if evergreen screening is not feasible, screening shall be provided by a solid fence up to six feet in height.

2. The developer is encouraged to provide shade trees along walks, driveways, parking areas, streets and roads. Screening or buffers consisting of fencing or landscaping may be required around recreation, parking, utility and refuse disposal areas, and around other similar areas, at the discretion of the Planning Board. All landscaping shall be maintained in good condition and shall be replaced when necessary by the unit owners or the Homeowners' Association for the development.

3. In lieu of the standard buffer screen plantings, the developer may elect to incorporate a reforestation type planting in the buffer areas. The purpose of the reforestation planting is to protect and restore sensitive resource areas, such as steep slopes, wetland and wetland buffers, and to their original condition. Reforestation shall consist of planting of trees and shrubs and seeding of native meadow plant mixtures. Reforestation shall also include site preparation, such as removal and control of invasive species, as well as implementation of post-planting maintenance practices to ensure the establishment of the new plantings.

4. Use of canopy trees throughout the site is recommended to shade both paved surfaces as well as the houses.

Q. Stormwater Management. Subject to compliance with the applicable stormwater management plan requirements, developers should consider designing alternative stormwater management plans that would reduce the amount of tree removal and area of disturbance, such as more dispersed smaller scale stormwater management features, rain gardens, reforestation or other alternatives. To the extent feasible without reducing the number of units permitted within the Overlay Zone, stormwater management basins shall be shaped to appear natural and separated from units as far as possible. The basins shall be surrounded by attractive safety fencing.

R. Utility Installations. All utilities serving the developments in the Overlay Zone shall be installed in accordance with the applicable ordinances, regulations and standards of any Federal, State, or local governmental agency, authority or utility unless otherwise authorized by the regulating entity. Subject to the foregoing, all such utilities shall be installed underground at a depth and at such location as will minimize risk or interruption of services.

S. Ownership of Common Areas. The common areas and any facilities, amenities or infrastructure located thereon within any tract utilized for a planned residential development in the Overlay Zone ("Common Facilities") that are not accepted for dedication by the Township shall be conveyed to a corporation, association, or other legal entity having as its owners or members a majority of the property owners within the development (the "HOA"), for their use, control, management and maintenance. Any agreements providing for ownership, use, control, management or maintenance of the Common Facilities by the HOA shall be subject to review and approval by the Planning Board to ensure that adequate safeguards are included to guarantee that the HOA and/or individual unit owners are required to maintain, repair and/or replace (if necessary) the Common Facilities in perpetuity so as to protect the Township from liability for the Common Facilities. In any event, any such 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 fail to maintain the Common Facilities in accordance with the agreement pursuant to the requirements of N.J.S.A. 40:55D-43.

T. Maintenance. It shall be the responsibility of the HOA and/or individual unit owners to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of litter and refuse, potholes, cracked pavement, ice, snow or other seasonal hazards, etc. All lighting, bumpers, markings, signs, drainage and landscaping shall be similarly kept in workable, safe and good condition. If the HOA or any owner fails to undertake repairs, after proper notification by the building inspector, the Township Committee

may authorize repairs to be made at the HOA's or the unit owner's expense (whichever is applicable) if, in the Committee's opinion, conditions constitute a hazard to the safety and welfare of the Township residents and visitors.

U. Signage. The development may contain an entry sign at each access road. The sign at the primary entrance to the development may not exceed 32 square feet in area and the sign at the secondary entrance to the development shall not exceed 25 feet square feet in size. Internal directional signage shall not exceed 3 square feet in size.

V. [Intentionally Omitted.]

W. Preliminary Subdivision and Site Plan Approval for PRD Sections.

1. See preliminary plat, requirements and procedures set forth in the subdivision and site plan chapters of this Zoning Code. Site plans for multifamily and attached housing, recreation and commercial areas shall be submitted at a scale of no less than one inch equals fifty (50) feet.

2. Detailed stormwater and soil erosion and sediment control plans for the entire project shall be submitted.

3. Changes in the location of roads, units, drainage basin(s) and other infrastructure may be required from the sketch plat if, in the opinion of the Planning Board, the detailed engineering for the project indicates that such changes are necessary.

X. Final Submission and Site Plan Approval of PRD Sections.

1. See final plat requirements and procedures set forth in the subdivision and site plan chapters of this Zoning Code.

2. Site plans shall be submitted at a scale of no less than one inch equals fifty (50) feet.

3. A detailed submission of the organizational documents and bylaws of the HOA shall be submitted to the Planning Board for its attorney's review and approval.

Y. Traffic Impact Study. Developers for all planned residential developments shall submit a thorough and detailed traffic engineering impact analysis to determine the adequacy of existing streets and intersections in the immediate vicinity of the PRD and the effect of the additional traffic on the environs and surrounding areas.

Z. General Development Plan (GDP) Requirements. A developer may elect to seek approval for a GDP application with respect to a PRD in the Overlay Zone. In connection with a GDP application, the following requirements shall apply:

1. General Development Plan; Duration.

(a) The general development plan shall set forth the permitted number of dwelling units, the residential density and support facilities, in its entirety, according to a schedule which sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of P.L. 1975, c.291 (N.J.S.A. 40:55D-1, *et seq.*), or any ordinance or regulation adopted pursuant thereto after the effective date of the approval of the GDP.

(b) The term of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in this section, except that the term of the approval shall not exceed 20 years from the date upon which the developer receives final site plan or subdivision approval for the first section of the development. Upon the expiration of the initial term and for good cause, the Planning Board may grant extensions of the term up to the maximum term permitted by N.J.S.A. 40:55D-49.

(c) In making its determination regarding the duration of the approval of the general development plan, the Planning Board shall consider the number of dwelling units, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

2. Contents of General Development Plan Applications. A general development plan application shall include such information as is reasonably necessary to disclose the following:

(a) The location and size of the site and the nature of the landowner's interest in the land to be developed;

(b) A general land use plan indicating the tract area and general locations of the land uses to be included in the development, the total amount of [support ???] adult resident facilities to be provided and the density of the entire development;

(c) A circulation plan showing the general location and types of transportation facilities (including facilities for pedestrian access) within the planned development, any proposed improvements to the existing transportation system outside the planned development, and a delineation of which streets are intended to be public and which are to be private.

(d) An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a statement of the operation and maintenance of parks and recreational lands;

(e) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;

(f) A general stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;

(g) A housing plan outlining the number units to be provided;

(h) A site service plan indicating those public services which the developer proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;

(i) A community facility plan indicating the impact of the project on community facilities such as, but not limited to, cultural facilities, libraries, emergency medical, fire and police protection; and

(j) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.

3. General Development Plan Approval Procedure.

(a) A developer seeking approval of a planned development may submit a general development plan to the Planning Board prior to the granting of preliminary approval of the development or a section of the development by the Planning Board.

(b) The Planning Board shall grant or deny the general development plan within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the developer. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.

4. General Development Plan; Timing Schedule; Modification. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

5. Modification of General Development Plan; Requirement for Hearing.

(a) Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.

(b) Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of or condition of development approvals imposed by the Department of Environmental Protection pursuant to P.L. 1973, c. 185 (N.J.S.A. 13:19-1, *et seq.*) shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board that the variation being proposed is a direct result of such determination by the Department of Environmental Protection.

AA. Findings for Planned Developments. Prior to approval of any planned development, the Planning Board shall find as required by N.J.S.A. 40:55D-45 the following facts and conclusions:

1. That the departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning standards applicable to the planned development.

2. That the proposals for maintenance and conservation of the common open are reliable and the amount, location and purpose of the common open space are adequate.

3. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.

4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

5. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

BB. Permanent Deed Restrictions.

1. In connection with its application for site plan or subdivision approval for the PRD, the developer of the age-restricted housing units shall submit to the Planning Board for review and approval a proposed form of the permanent deed restrictions for the total age-restricted section in the Overlay Zone and in the deeds for each individual lot within the development that is subject to such age restrictions, methods of implementing the age restrictions.

2. Such permanent deed restrictions shall be filed prior to issuance of any building permit for any age-restricted dwelling in such development and shall incorporate the following:

(a) In general, the age-restricted development shall provide residential units and support facilities for use by permanent residents fifty-five (55) years of age or older, except that the following persons under the age of fifty-five (55) years shall also be allowed as permanent residents:

(i) A spouse or other member of a household under the age of fifty-five (55) years who resides with another member of a household who is fifty-five (55) years of age or over including a person who is the child of a permitted occupant residing with such permitted occupant, provided the child is of the age of nineteen (19) years or over;

(ii) A surviving spouse, child or other family member of a deceased permissible occupant who was residing with the permissible occupant at the time of his/her death, provided that such person is nineteen (19) years of age or older;

(iii) In accordance with the Federal Fair Housing Act Amendments of 1988, P.L. 100-430 (September 13, 1988) and any amendments thereto, up to 20% of the units may be occupied by one or more individuals if the oldest person occupying such unit is between 45 and 55 years old, provided that all other requirements of this section are met; and

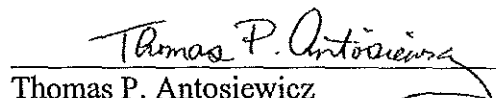
(iv) One adult under fifty-five (55) years of age (other than a spouse) will be admitted as a permanent resident if it is established and approved by the homeowners' association that the presence of such person is essential to the physical care of one or more of the adult occupants. If more than one adult under fifty-five (55) years of age is necessary to care for the adult occupant, approval shall be required from the homeowners' association and a copy of its decision shall be submitted to the Raritan Township Clerk.

(b) The HOA shall be charged with enforcement of such age restrictions applicable to the land and structures (whether owned in fee or rented), pursuant to its bylaws, rules and regulations, in addition to the restrictions of record, which shall be approved by the Planning Board attorney.

ATTEST:


Rose Sollena, RMC/CMC
Township Clerk

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN


Thomas P. Antosiewicz
Mayor

NOTICE OF PENDING ORDINANCE

Please take notice that the foregoing Ordinance was introduced by the Township Committee of the Township of Raritan at a meeting held on May 4, 2010 and the same was then ordered to be published according to law with a public hearing and final consideration scheduled for the meeting of June 1, 2010 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey, at which time all interested persons will be heard.

Rose Sollena
Rose Sollena, RMC/MMC/CPM
Township Clerk

ORDINANCE # 10-13
INTRODUCED 5/4/10
FINALLY ADOPTED 6/4/10
TABLED _____

Final Publication
6/10/10