

South Brunswick Township      ORD-2020-8

540 Ridge Road

Monmouth Junction, NJ 08852

#### ORDINANCE 2020-8

Amending and Supplementing Chapter 62, Land Use, Creating the Court's Third Round Affordable Housing (CTRAH) District and Rezoning Certain Builder's Remedy Properties Under Protest (Amended 5/26/2020)

WHEREAS, pursuant to a Court Order dated December 5, 2018, in In the Matter of the Application of the Township of South Brunswick, County of Middlesex, currently before the Superior Court of New Jersey, Law Division, under Docket No. MID-L-4433-17 ("Declaratory Judgment Action"), the Township has been ordered to provide for 1,417 units of affordable housing as its Third Round Fair Share obligation; and

WHEREAS, pursuant to a further Court Order dated November 27, 2019 (as modified by Order dated April 30, 2020), the Superior Court ordered that the Township: (1) adopt an amendment to the Township's Housing Element and Fair Share Plan as well as (2) adopt ordinances rezoning sites proposed by the Builder's Remedy intervenors no later than June 29, 2020; and

WHEREAS, each of the Builder's Remedy intervenors proposed terms of the rezoning ordinances for their respective sites, which were reviewed, and in some instances modified, by the recommendation of the Special Master assigned to this matter in a report letter to the court dated January 16, 2020; and

WHEREAS, the Township continues to dispute the Court's findings and conclusions that resulted in a declaration that the Township was proceeding in bad faith; removed the Township's immunity from Builder's Remedy suits; and determined the Township's Third Round Affordable Housing obligation, available credits and compliance mechanisms available to address that obligation. The Township, nonetheless, recognizes its legal obligation to comply with the Court's Orders, but does so under protest, as permitted by the New Jersey Supreme Court in So. Burlington County N.A.A.C.P. v. Mount Laurel Twp., 92 N.J. 158 (1983) (Mount Laurel II); and

WHEREAS, to comply with the Court's Orders, the Township's Planning Consultant, Clarke Caton Hintz, has prepared an Amended Third Round Housing Element and Fair Share Plan and Amended Third Round Spending Plan which is dated March 6, 2020; and

WHEREAS, the Township has adopted/endorsed the March 6, 2020 Amended Plan under protest, as permitted by the New Jersey Supreme Court in Mount Laurel II. As such, the Township of South Brunswick and the Planning Board of the Township of South Brunswick continue to assert their on-going objections to the Court's finding of bad faith, revocation of temporary immunity, determination of the Township's fair share obligation, the grant of Builder's Remedy suits/claims as well as the process outlined in the Court's October 21, 2016, Order on how such suits/claims must be handled, the Court's December 5, 2018 and November 27, 2019 Orders; and

WHEREAS, the Township and Planning Board reserve all rights they may have to contest any and all rulings by the Court as well as all such suits/claims for Builder's Remedy relief by way of further motion and/or appeal. Nothing contained herein is intended to nor shall it be construed to waive any and all such rights or in any way imply that the Township or Planning Board agree with the entire Amended Plan or the within rezoning ordinance, which rezoning ordinance is specifically adopted under protest; and

WHEREAS, it continues to be the desire of the Township Council to voluntarily comply with its obligation to provide for a realistic opportunity for the development of low and moderate income housing with a plan that includes appropriate projects, sites, programs and/or compliance mechanisms that represent sound planning and land use principles. Adoption/endorsement of the March 6, 2020, Amended Third Round Housing Element and Fair Share Plan and Amended Third Round Spending Plan, as well as the adoption of the within rezoning ordinance, should in no way be construed as an affirmative decision by the Township that the submitted Plan or the within rezoning ordinance best satisfies the Township's Third Round obligation;

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. Chapter 62, Land Use, of the South Brunswick Township Code, shall be and is hereby amended and supplemented with the addition of the following:

## CHAPTER 62

### Article XVI. Court's Third Round Affordable Housing (CTRAH) District

#### Subdivision I. General.

##### Sec. 62-2921. Purpose.

The purpose of the Court's Third Round Affordable Housing (CTRAH) District is to comply with the November 27, 2019, court order in In the Matter of the Application of the Township of South Brunswick, County of Middlesex, Superior Court of New Jersey, Law Division, Docket No. MID-L-4433-17, and adopt rezoning ordinances which provide an opportunity for the development of inclusionary residential developments with a mix of housing types in conjunction with the Township's promulgated housing plan, policies and legal directives.

##### Sec. 62-2922. Adopted Under Protest.

The ordinance from which this Article is derived was adopted under protest, as permitted by the November 27, 2019, order and by the New Jersey Supreme Court in So. Burlington County N.A.A.C.P. v. Mount Laurel Twp., 92 N.J. 158 (1983), and is subject to being voided and/or otherwise modified by further action of the court.

##### Secs. 62-2922. Affordable Housing Standards Applicable to All CTRAH Districts.

Unless otherwise required in the specific subdistricts listed in this Article, all development in the CTRAH District shall conform to the following standards:

1) Pursuant to the Uniform Housing Affordability Controls (“UHAC”), the affordable units shall be restricted for at least thirty (30) years from the date of their initial occupancy (“Deed-Restriction Period”) to eligible very-low, low and moderate income households (with one exception that very-low income units shall be provided (as noted below) for households at 30% or less of median income and pursuant to N.J.S.A. 52:27D-329.1). Thereafter the municipality’s decision as to when and whether to extinguish affordability controls shall be governed by the applicable UHAC provisions.

2) At least 13% of the affordable units shall be affordable to very-low income households, defined as those households earning 30 percent or less of the regional median income; at least 37% of the affordable units shall be affordable to low-income households, defined as those households earning between 30 percent and 50 percent of the regional median income; and up to 50% of the affordable units shall be affordable to moderate-income households, defined as those households earning between 50 percent and 80 percent of the regional median income.

3) The affordable units shall comply with the UHAC bedroom distribution requirements set forth in N.J.A.C. 5:80-26.3(b), as follows. For each bedroom type, the

units shall be proportionally distributed between very-low-income households,

low-income households, and moderate-income households in accordance with the percentages of such units in the overall number of affordable units referenced

above.

a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

d) The remainder, if any, may be allocated at the discretion of the developer as two or three bedroom units.

4) The affordable units shall comply with the UHAC regulations with regards to the pricing of rents or sale prices associated with very-low, low and moderate income units pursuant to N.J.A.C. 5:80-26.3(d) (with one exception that very-low income units shall be provided for households at 30% or less of median income and pursuant to N.J.S.A. 52:27D-329.1). An affordable housing chart shall be prepared showing bedroom breakdown and income breakdown combined.

5) The affordable units shall comply with the phasing of market housing and affordable housing pursuant to N.J.A.C. 5:93-5.6(d), and in accordance with the following schedule:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Rate Housing Units Completed
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0	25
10	25 + 1 unit
50	50
75	75
100	90
	100

An Affordable Housing Agreement shall address minimum area of units, minimum bedroom size, and floor area inclusions and exclusions.

6) The affordable units shall utilize the same heating sources as the market units within the inclusionary development.

7) With regard to Americans with Disabilities Act (“ADA”) compliance, all very-low, low and moderate income housing provided as townhouses or multistory dwelling units shall comply with N.J.A.C. 5:97-3.14.

8) The developer shall contract with an experienced administrative agent as per the UHAC regulations (N.J.A.C. 5:80-26.14).

9) The affordable units shall comply with the UHAC regulations with regards to affirmative marketing per N.J.A.C. 5:80-26.15 and the Township’s Housing Element and Fair Share Plan. For the for sale very-low-income units, the developer shall use best faith efforts, consistent with UHAC regulations and applicable affirmative marketing requirements, through a period of 90 days following the issuance of a certificate of occupancy for each unit designated for a very-low-income household, to find very-low-income households to purchase these units. For any units for which the developer is unable to find any such households qualified under the standards of UHAC and applicable law, the units shall be sold at a price affordable to a very-low-income household to a low-income household, provided the deed restrictions shall require upon resale that any such units shall be marketed to and priced at levels affordable to very-low-income households, subject to the same 90 day period provided for in this subsection.

10) The affordable units shall otherwise comply with the Affordable Housing Ordinance of the Township of South Brunswick contained in Chapter 62, Article IV, Division 14 of the Code of the Township of South Brunswick.

11) Any development in any CTRAH District shall be subject to the limitations pertaining to unnecessary cost-generating requirements as set forth in N.J.A.C. 5:97-10.2.

Secs. 62-2923. Compliance with Residential Site Improvement Standards Required.

Any development in any CTRAH District shall comply with all of the requirements of the Residential Site Improvement Standards (N.J.A.C. 5:21-1, et seq.), unless the approving authority grants a properly filed

application for a de minimis exception, or a waiver is granted by the State of New Jersey, pursuant to the process set forth in the Residential Site Improvement Standards.

Secs. 62-2924 - 62-2935. Reserved.

#### Subdivision II. Court's Third Round Affordable Housing (CTRAH) I District

Sec. 62-2936. Property Included in CTRAH I District.

The CTRAH I District shall consist of those properties known as Block 79, Lots 1.06, 11 & 12 on the Tax Maps of the Township of South Brunswick, encompassing approximately 64.54 acres located generally in the area of Ridge Road and Schalks Crossing Road.

Sec. 62-2937. Permitted Principal Uses.

In the CTRAH I District, no building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- 1) Single-family detached dwellings
- 2) Townhouses and single-family semi-attached dwellings
- 3) Multi-family dwellings

Sec. 62-2938. Permitted Accessory Uses and Structures.

- 1) Private garages and off-street parking
- 2) Recreation areas and recreation facilities and buildings for the common use and enjoyment of residents, including but not limited to community swimming pools, tennis courts, basketball courts, tot lots, walking paths and trails, dog park and other recreational amenities.
- 3) Clubhouse and clubhouse-like spaces, including, but not limited to a fitness center, multi-purpose rooms, wellness center, leasing office, entertainment center, meeting rooms and business center.
- 4) Gazebos, trellises, arbors, pergolas, decks, patios, balconies, benches, gardens and landscaped areas including fountains, ponds and other water features.
- 5) Electric vehicle charging stations.
- 6) Maintenance and storage buildings.
- 7) Stormwater facilities
- 8) Fences and walls
- 9) Pump stations
- 10) Gatehouses
- 11) Trash enclosures

12) Other uses and structures customarily incidental and subordinate to a permitted principal use.

Sec. 62-2939. Maximum Number of Units and Set Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH I District shall not exceed 373 units.

Twenty (20%) percent of all residential units in any development within the CTRAH I District, or 75 residential units if the maximum number of units is developed, shall be set aside for very-low, low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

Sec. 62-2940. Bulk Standards.

1) The following standards shall be applicable to the CTRAH I District in its entirety and shall not be applied to any individual lot or lots which may be created as part of the overall plan of development.

a) Minimum area of predevelopment tract: 40 acres

b) Minimum building setback to all outer property lines of predevelopment tract: 50 feet to all public right of way and 25 feet to all other outer property lines of a development tract.

c) Buffer: a 50-foot buffer to any public right-of-way, and a 25-foot buffer on all other sides, shall be established around the perimeter of the predevelopment tract. Permitted structures within the buffer area include fences, basins, roadways, parking areas, sidewalks, signs and other accessory structures.

d) Maximum impervious coverage: 60%

e) Maximum building coverage: 40%

2) The following maximum building height requirements shall apply to all buildings constructed within the zone.

a) Principal single family, townhomes and multifamily buildings: 3 stories and 42 feet

b) Clubhouses and other accessory structures: 2 stories and 20 feet

c) The building height exceptions set forth in Sec. 62-2341 shall be applicable to all structures within the CTRAH I District.

3) Additional requirements for single-family detached structures:

a) Minimum lot area: 5,500 square feet

b) Minimum lot frontage: 55 feet; except that for lots fronting in part along a cul-de-sac the lot width may be met at the required setback line rather than at the street line, in which case the lot width at the street line may be reduced to 35 feet

c) Minimum lot depth: 100 feet

- d) Minimum front yard setback: 20 feet
  - e) Minimum rear yard setback: 20 feet
  - f) Minimum side yard setback: 7 feet on each side/ total 15 feet
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- 4) Additional requirements for multi-family, townhouses and single-family semi-attached structures:
    - a) Multiple principal uses and buildings shall be allowed on a single lot, except for lots containing single-family detached dwellings.
    - b) Minimum distance between buildings: 25 feet
    - c) Minimum setback to internal streets: 10 feet or such distance as may be required to comply with the Residential Site Improvement Standards to allow for vehicle parking in front of the dwelling
    - d) Single-family semi-attached structures shall also conform to Sec. 62-696

Sec. 62-2941. Off-Street Parking and Circulation.

- 1) Unless otherwise stated to the contrary, the minimum parking space requirements of the Residential Site Improvement Standards shall apply. However, the Planning Board may grant a de minimis exception to such standards upon a showing that the proposed parking plan is sufficient to serve the parking needs of the particular use and site, including but not limited to such factors as household characteristics, availability of mass transit, location of site and available off-site parking resources.
- 2) Off-street parking spaces may be located in the front, side and rear yards, provided that no parking space be nearer than fifteen (15) feet to any outer property line of the overall development tract.
- 3) Off-street parking areas, including stalls and aisles, and internal circulation streets shall be designed in accordance with the New Jersey Residential Site Improvement Standards.
- 4) All other parking lot design, screening and lighting standards found in the Township's Parking, Lighting and Landscaping Ordinance(s) shall apply.

Sec. 62-2942. Signage.

- 1) Two freestanding sign shall be permitted at each entrance located on Ridge Road and Schalks Crossing Road. Each sign shall be no greater than 50 square feet in area and not exceed 6 feet in height located outside of the sight triangles. If a monument sign is proposed, a decorative base shall be provided. The area immediately surrounding the sign shall be landscaped.

2) Signs containing building identification numbers, verbiage or similar information are also permitted, and shall be subject to Planning Board approval.

Sec. 62-2943. Pedestrian Access.

1) Pedestrian connections, sidewalks and crosswalks shall be allowed along the frontage of the development and in a manner which provides connectivity between all residential buildings.

2) Sidewalks shall only be required on one side of all internal roadways within the overall development tract so long as there is a comprehensive sidewalk network throughout the development.

Sec. 62-2944. Recreational Amenities.

A recreation area or areas to serve the needs of the development shall be provided and shall consist of at least the following:

- 1) One or more fenced-off play lots, including play equipment, shall be provided.
- 2) Open fields for general, multi-purpose use shall also be provided.
- 3) Total recreational areas within the development shall be not less than 80 square feet per dwelling unit, with a minimum size of 2,500 square feet for each recreational area.

Sec. 62-2945. Parcel Division for Diverse Title or other Financial Condition.

Following or concurrent with an application for site plan approval, a developer may seek subdivision approval to divide the overall development tract into two or more lots for financial or diverse ownership/title purposes. The affordable component should be integrated within the market rate units throughout the entire development if feasible, but may be on a separate subdivided lot.

Sec. 62-2946. Trash and Recycling.

- 1) For multifamily apartments, there shall be trash and recyclables storage areas completely surrounded by a six-foot-high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height.
- 2) Each area proposed for multifamily apartments shall include provisions for the collection, deposition and recycling of recyclable materials. Each multifamily apartment development area must provide bins in convenient locations or locations in a common area as drop-offs for storing recyclables until collection occurs. The holding area(s) shall provide for truck access and loading. The holding area(s) shall be of sufficient size and contain other attributes such as signage and lighting as may be determined by the municipal recycling coordinator.



3) All trash and recyclable storage areas for multifamily apartments shall be uniform in function, size and appearance.

4) For for-sale residential units, all trash and recyclables collection shall be via curbside pickup pursuant to the requirements of the Township Code.

Sec. 62-2947. Lighting.

Lighting proposed for any development in the CTRAH I District shall conform to the requirements of Secs. 62-205 and 62-208.

Sec. 62-2948. Other Provisions

1) All roadways, water mains and sewer mains within the CTRAH I District shall be privately owned and maintained by the developer or incorporated association.

2) Unless expressly stated herein, development within the CTRAH I District shall be exempt from the requirements of Sec. 62-206 and all other sections of Article IV of the Township Code.

3) In addition, the setback requirements for detention basins set forth in Sec. 62-2576(b)(8) shall not apply to the CTRAH I District, and instead the following shall apply:

a. The top of the basin excavation or the toe of the outside slope shall be set back 10 feet from adjoining property lines and street right-of-way lines. The edge of the design high water for detention basins shall be set back 100 feet from existing or proposed dwelling units or comply with either one of the following requirements:

i. The Lowest Floor Elevation of a dwelling unit within 100 feet of the design high water line shall be 2 feet higher in elevation than the design high water elevation; or

ii. A PVC liner shall be installed between the basin and the dwelling units. The liner shall extend vertically from 2 feet below the basin bottom to 2 feet above the design high water elevation.

Sec. 62-2949. Design Standards.

1) Multi-family buildings shall have a unified theme, displayed through the application of common building materials. Vinyl, stucco, and fiber-cement may be utilized as primary cladding material.

2) If a clubhouse is provided it shall have architectural features that are compatible with adjacent structures.

3) Architectural requirements in other sections of the Township Code shall not apply.

Secs. 62-2950 - 62-2960. Reserved.

Subdivision III. Court's Third Round Affordable Housing (CTRAH) II District

Sec. 62-2961. Property Included in CTRAH II District.

The CTRAH II District shall consist of those properties known as Block 86, Lots 63, 65 & 67 - 71 on the Tax Maps of the Township of South Brunswick, encompassing approximately 40.99 acres located generally in the area of Major Road and U.S. Route 1 North.

Sec. 62-2963. Permitted Principal Uses.

1) The following principal uses shall be permitted uses in the CTRAH II District:

- a) Multifamily dwellings.
- b) Townhouses.
- c) Stacked Townhouses.

2) Multiple principal buildings and principal uses shall be permitted on the same lot.

Sec. 62-2964. Permitted Accessory Uses and Structures.

1) The following accessory uses are permitted in the CTRAH II District:

- a) Facilities and structures for maintenance and administration of the community grounds and the infrastructure contained therein.
- b) Temporary sales trailer and/or sales office.
- c) Construction trailers.
- d) Public and private utilities inside and outside of buildings.
- e) Off-street parking areas.
- f) Signs, as regulated in this subdivision.
- g) Fences and walls, as regulated in this subdivision.
- h) Attached garages.
- i) Electric vehicle charging stations.
- j) Any amenities, including but not limited to community spaces and recreational areas, included within the development at the sole discretion of the developer.
- k) Any uses that are customarily incidental and subordinate to the permitted principal uses on the same lot.

Sec. 62-2965. Maximum Number of Units and Set-Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH II District shall not exceed 152 units.

Twenty (20%) percent of all residential units in any development within the CTRAH II District, or 31 residential units if the maximum number of units is developed, shall be set aside for very-low, low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

Sec. 62-2966. Development standards.

1) Minimum tract size: 15 acres

2) Maximum gross density: 8 dwelling units per acre.

3) A minimum perimeter buffer area of 12 feet is required and retaining walls with fences are permitted within the buffer area.

4) Minimum building setback to tract boundary shall be 30 feet.

5) Maximum building height: 55 feet.

6) Minimum distance between buildings:

Measurement	Distance
Front to front	40 feet excluding stairs and porches
Rear to rear	35 feet excluding decks and balconies
Side to side	20 feet
Front to side	35 feet excluding stairs and porches
Front to rear	40 feet excluding stairs, porches, decks and balconies
Side to rear	30 feet excluding stairs and porches

7) Maximum allowable building coverage: 30%.

8) Maximum allowable impervious coverage: 50%.

9) No building shall be closer than ten (10) feet to any curb line or parking area excluding stairs and porches. Driveways and surface parking for affordable housing dwellings units are permitted within the 10-foot setback.

10) No building shall be closer than fifteen (15) feet to any street or roadway excluding stairs or porches.

11) No more than eight (8) townhouse units shall be contained within a single building.

12) No more the twenty-four (24) multifamily units including stacked townhouses shall be contained within a single building.

13) Forty percent (40%) of the lot shall be open space and may include wetlands, wetland buffers, streams, riparian zones, flood hazard areas and stormwater management facilities. Sidewalks, paving, walls and accessory buildings incidental to the use or required due to elevation changes may be included in the calculation.

14) Sidewalks and streets shall be installed in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.).

15) Public sewer and water service shall be provided and may include pump stations to service the development. Pump stations may be located in any yard area and setback a minimum of ten (10) feet from the property line.

16) Solid waste removal shall be provided and may include compactors, exterior refuse storage areas or interior refuse storage areas. On site dumpsters shall be serviced by private hauler. The method of solid waste disposal for market rate units and affordable housing units shall be substantially similar, including distance to and location of dumpsters throughout the development.

17) All on-site utilities shall be underground where reasonably possible or where required by utility provider.

18) Satellite dishes and antennas shall be permitted on residential buildings.

19) No decks shall be permitted to extend to any property line.

Sec. 62-2967. Parking Requirements.

- 1) Off-street parking shall be provided as set forth in Residential Site Improvement Standards (N.J.A.C. 5:21).
- 2) Parking stall size shall be 9'x18'
- 3) Parking areas shall be setback a minimum of 20 feet from lot lines and shall be permitted in front, side and rear yard areas.

Sec. 62-2968. Sign Requirements.

- 1) A maximum sign area shall be permitted on each side of a sign. The area of a sign shall be the total square footage of the background upon which the lettering, illustration or display is presented excluding all support structures, walls and decorative elements.
- 2) One (1) ground mounted sign shall be permitted for each residential subdivision project.
- 3) A sign area up to thirty-two (32) square feet per side is permitted.
- 4) No ground sign shall exceed four (4) feet in height and eight (8) feet in width, which may be mounted on a base no greater than two (2) feet in height.
- 5) Signs shall be setback a minimum of 5 feet from the property line or right of way line and must be placed outside of sight triangles.
- 6) Identification signs not exceeding 3 sf in area indicating the project developer may be placed on ground mounted signs. The identification sign area shall be excluded from the allowable sign area.
- 7) Temporary sales identification signs including informational signage, directional signs, banners and flags may be implemented at the developers' discretion along interior roadways, within sales areas and within the model area. Temporary sales identification signs shall be permitted to remain for up to 90 days following the closing of the final unit on the project. In addition to the foregoing, one temporary sign announcing the sale of residential units is permitted. Such temporary sign shall not exceed 32 square feet when situated on a tract larger than three acres.
- 8) Any residential development may employ vehicular or pedestrian directional signs, provided that such signs do not exceed two square feet in area, four feet in height and are located a minimum of five feet from any property line.
- 9) All new street signs are required to have six-inch lettering.

Sec. 62-2969. Lighting, Buffer and Vegetation.

- 1) Perimeter buffer planting. Where existing vegetation is not preserved and retaining walls are not proposed within 20 feet of the property line, a buffer planting consisting of evergreen trees at least six feet high and planted at ten feet on center shall be installed. A 6-foot privacy fence can be installed in lieu of planting.

- 2) Parking areas shall have shade trees within islands not containing light fixtures.
- 3) The maximum height of freestanding lights should not exceed the height of the principal building or 25 feet, whichever is less.
- 4) Lights shall be appropriately shielded and directed so that the lighting, to the extent possible, shall not spill over onto adjacent properties.
- 5) Illumination values shall have a minimum of .2 foot candles throughout with a maximum to minimum illumination ratio not exceeding 15: 1.
- 6) House side shields shall be implemented adjacent to property lines.
- 7) Light fixtures shall be dark sky compliant.

Sec. 62-2970. Fences and Walls.

- 1) Fences up to 6 feet in height shall be permitted.
- 2) Solid privacy fences are permitted in all yards and may be constructed of vinyl or wood.
- 3) All structural supporting members of the fence must face the interior portion of the lot.
- 4) Retaining walls shall be permitted as necessary to facilitate grade changes without height restrictions.
- 5) Retaining walls shall have a setback of 5 feet from the perimeter property line.

Sec. 62-2971. Temporary construction trailers, sales offices and sales trailers.

- 1) A temporary sales center is permitted. The sales center may be located within a model building and/or temporary trailer.
- 2) Ten (10) parking spaces shall be provided for the sales center. The parking spaces may be gravel or paved.
- 3) A sales trailer may only be located on the site until the final certificate of occupancy is issued and the final closing occurs for the last dwelling unit. At that time, the developer shall have 90 days to remove the temporary sales trailer from the site and restore any area disturbed.
- 4) Up to two (2) temporary construction trailers are permitted.
- 5) The developer has the discretion regarding the number of parking spaces for the construction trailer. Parking areas for construction trailers may be gravel or paved. The parking spaces shall be sized at the discretion of the developer.
- 6) Construction trailers may remain on site until the final certificate of occupancy is issued and the final closing occurs for the dwelling unit. At that time, the developer shall have 90 days to remove the construction trailer and any appurtenances from the site and restore any area disturbed in the vicinity of the trailer location.

Sec. 62-2972. Steep Slopes and State Regulated Areas.

- 1) Areas containing slopes 20% or greater as measured over a minimum distance of ten (10) feet perpendicular to the contour line shall be considered steep slope areas.
- 2) Steep slope areas may be disturbed as required to facilitate development provided stabilization is provided in accordance with the New Jersey Soil Erosion and Sediment Control Act, Chapter 251 standards administered by the Freehold Soil Conservation District.
- 3) Conservation easements and preservation are not required in steep slope areas.
- 4) Proposed slopes shall not exceed 33-1/3% and shall not require an engineer's certification.
- 5) Stream corridors, wetlands, flood hazard areas, riparian zones, and threatened and endangered species shall fall under the jurisdiction of the New Jersey Department of Environmental Protection (NJDEP). The standards, buffers and permitting requirements set forth in the following regulations shall apply and supersede any and all requirements set forth within the Township of South Brunswick Code:
  - a) Wetlands -N.J.A.C. 7:7A Freshwater Wetlands Protection Act
  - b) Stream Corridors, Flood Hazard Areas and Riparian Zones - N.J.A.C. 7:13 Flood Hazard Area Control Act Rules
  - c) Threatened and Endangered Species - N.J.A.C. 7:7A Freshwater Wetlands Protection Act and N.J.A.C. 7: 13 Flood Hazard Area Control Act Rules
  - d) All other ordinances, parts of ordinances, sections of this Code or other local requirements that are inconsistent or in conflict with this section are hereby superseded and any inconsistency or conflict shall be superseded by the New Jersey Department of Environmental Protection Agency Standard. The provisions of this section shall be a substitution for, all other applicable zoning, planning and land use regulations.
  - e) Review and approval of activities shall be the sole responsibility of the NJDEP.

Sec. 62-2973. Off-tract improvements required.

- 1) The realignment of Major Road along the property frontage shall satisfy a portion of any off site improvement requirements for the subject property. Additional off-site improvements shall be required at the discretion of the approving authority. The installation of any off-tract improvements shall commence prior to issuance of the certificate of occupancy for the 50th dwelling unit.
- 2) The full cost of these off-tract improvements shall be included in the basis for calculating the size of the performance bond.

Sec. 62-2974. Stormwater Management Facilities.

All stormwater management facilities will be designed in accordance with the standards set forth in N.J.A.C. 7:8 Stormwater Management and N.J.A.C. 5:21 Residential Site Improvement Standards.

Sec. 62-2975. Architectural Requirements.

1) Materials

- a) Building materials shall be at the developers discretion and may include vinyl siding.

2) Fire Access

a) Fire access shall be provided from adjacent roadways to buildings 4 stories or less.

3) Telecommunication Equipment

a) Telecommunication equipment will be built into dwellings where reasonably possible.

b) Individual satellite dish service and antennas are specifically excluded.

Sec. 62-2976. Performance and Maintenance Guarantees.

Projects contained within the CTRAH II District shall comply with all requirements for the posting of performance and maintenance guarantees as set forth in the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1, et. Seq).

Sec. 62-2977. Affordable Housing Integration Requirements.

No more than 50% of a proposed building may contain affordable housing units. The affordable housing units shall be dispersed throughout the development at the developer's discretion.

Sec. 62-2978. Recreational Amenities.

A recreation area or areas to serve the needs of the development shall be provided and shall consist of at least the following:

- 1) One or more fenced-off play lots, including play equipment, shall be provided.
- 2) Open fields for general, multi-purpose use shall also be provided.
- 3) Total recreational areas within the development shall be not less than 80 square feet per dwelling unit, with a minimum size of 2,500 square feet for each recreational area.

Secs. 62-2979 - 62-2990. Reserved.

Subdivision IV. Court's Third Round Affordable Housing (CTRAH) III Overlay Zone District

Sec. 62-2991. Property Included in CTRAH III Overlay Zone District

The CTRAH III Overlay Zone District shall consist of those properties known as Block 80, Lot 3.024 on the Tax Maps of the Township of South Brunswick, encompassing approximately 19.35 acres located generally in the area of Ridge Road, Independence Way and U.S. Route 1 North. For the purpose of permitting the development of a multi-family inclusionary development, the provisions and requirements of the CTRAH III Overlay Zone shall supersede the provisions and restrictions of the underlying OR (Office Research/Laboratory) Zone district. The underlying OR Zone District will remain applicable to any use other than a multi-family inclusionary development. In the event of a conflict between the provisions of this subdivision and other sections of the Township development regulations



with respect to the development of market-rate townhouses and affordable housing, the provisions of this CTRAH III Overlay Zone District shall govern.

Sec. 62-2992. Permitted Principal Uses.

1) The following principal uses are permitted in the CTRAH III District:

a) Townhouse attached dwellings.

2) A "townhouse attached dwelling" shall be defined as a residential structure with common walls, without common ceilings or floors, consisting of three or more dwellings.

Sec. 62-2993. Permitted Accessory Uses and Structures.

The following accessory uses and structures are permitted in the CTRAH III District:

1) Home occupations and home professional offices, as defined and regulated by the provisions in this chapter.

2) Signs, as regulated in this chapter.

3) Fences, as regulated in this chapter.

4) Patios and decks, as regulated in this chapter.

5) Certain authorized improvements on common area property, as described in 62-2997 (7) below.

Sec. 62-2994. Maximum Number of Units and Set-Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH III District shall not exceed 129 units.

Twenty-three (23%) percent of all residential units in any development within the CTRAH III District, or 30 residential units if the maximum number of units is developed, shall be set aside for low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

Sec. 62-2995. Very Low Income Affordable Housing requirements.

1) Instead of providing very-low income units on site, a contribution may be made in an amount between \$17,500.00 to no more than \$20,000.00 per bedroom, said amount to be determined by the Township and ARC of Middlesex (or other qualified provider of affordable housing group homes for persons with developmental disabilities), to subsidize the construction of a four (4) bedroom group home, for a total contribution not to exceed \$80,000.

2) The contribution shall be due upon the issuance of the 50th Certificate of Occupancy and shall be paid into the Township's Affordable Housing Trust Fund for specific use to create the four bedroom group home.

3) The four (4) bedroom group home shall be in addition to the twenty-three (23%) percent of units produced on-site required to be affordable. Including those units, a total of thirty-four (34) affordable units will be created or assisted in financing as a result of any development in the CTRAH III District, of which four (4) will be very-low-income provided through the group home for persons with developmental disabilities, eleven (11) will be low-income on-site units, and nineteen (19) will be moderate-income on-site units.

4) The thirty (30) on-site units will be required to comply with the affordability average required pursuant to N.J.A.C. 5:80-26.1 et. seq.

Sec. 62-2996. Minimum tract size and open space requirements.

1) The minimum tract size for a development in the CTRAH III District shall be 15 acres.

2) The property owner shall provide for the establishment of an organization for the ownership and maintenance of any common property and such organization shall be established and regulated by all applicable statutory standards and conditions.

3) A perimeter tract buffer shall be required at a minimum width of 50 feet, within which no building improvements shall be permitted, except as provided for in Sec. 62-2997(5) and (6) below.

4) "Open Space" shall include the stormwater basin and the entirety of the buffer area with the total area of any encroachments and individual lot areas deducted from the total area of the buffer. A minimum of 25% Open Space shall be maintained for the entire tract.

Sec. 62-2997. Area, yard, density and locational requirements for residential development.

1) For the purpose of determining gross residential density, the total tract of land shall be considered.

2) The gross residential density shall not exceed seven (7) units per acre, with no more than 129 total units being permitted in the zone.

3) If townhouse dwellings are to be constructed and sold on fee-simple lots, the following area and dimensional requirements shall apply:

#### Market-Rate Units

a) Minimum Lot Area: 2,340 square feet

b) Minimum Lot Width: 26 feet

c) Minimum Lot Depth: 90 feet

#### Low- and Moderate-Income Units

a) Minimum Lot Area: 1,260 square feet

b) Minimum Lot Width: 14 feet

c) Minimum Lot Depth: 90 feet

4) Setback and additional requirements for residential use:

a) Minimum building separation:

Front to Front: 60 feet

Rear to Rear: 40 feet

All other building to building: 25 feet

b) Minimum Setbacks

From a street line: 15 feet

From a parking area: 8 feet

c) Maximum number of attached units per building: 8

5) No building intended for residential occupancy shall be located within 50 feet of the tract boundary line; however, building lot lines may extend into the perimeter tract buffer area provided that no building improvements are located therein.

6) Common area property may contain certain improvements, such as underground utility lines, stormwater management features, decks/patios, landscaping, signage, walking paths and sidewalks.

7) No residential building or structure shall exceed 40 feet and 2-1/2 stories in height, except as regulated by the height exception provisions of this chapter.

8) Impervious Coverage. A maximum of 50% impervious coverage shall be permitted for the entirety of the tract.

9) Building Coverage. A maximum of 25% building coverage shall be permitted for the entirety of the tract.

Sec. 62-2998. Miscellaneous requirements.

The installation of signs shall comply with regulations contained in Article IV, Division 7, Secs. 62-1816 thru -1823.

Secs. 62-2999 - 62-3015. Reserved.

Subdivision V. Court's Third Round Affordable Housing (CTRAH) IV District.

Sec. 62-3016. Property Included in CTRAH IV District.

The CTRAH IV District shall consist of those properties known as Block 79, Lots 4.02, 4.031, 4.032, 4.04, 6.01 & 6.03 ("Tract") on the Tax Maps of the Township of South Brunswick, encompassing approximately 176.26 acres located generally in the area of Ridge Road and Perrine Road.

Sec. 62-3017. General Provisions.

- 1) The development regulations set forth herein shall apply to the Tract as a whole, not to individual lots which may be created within the Tract, except that fee simple lots associated with single-family dwellings or townhouses shall be subject to the special development regulations set forth herein.
- 2) The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot, except that fee simple lots associated with single-family dwellings or townhouses shall be subject to the special development regulations set forth herein.
- 3) The Tract shall be permitted to be constructed in one or more phases.
- 4) Any street within the Tract shall be privately owned and maintained.
- 5) The land development regulations set forth herein shall constitute an overlay to the underlying Office Research (OR) zoning and a developer shall have the flexibility to develop all or a portion of the site under the OR zoning or the overlay. Any portion of the site that is developed based on this overlay zoning shall be subject to the regulations set forth herein, which shall supersede any municipal land development regulations that are in discrepancy with same.
- 6) Nothing in this Article shall contravene the statutory requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Sec. 62-3018. Use Regulations.

- 1) Required uses.

The following uses shall be required as part of any development within the CTRAH IV District:

a) Affordable housing. Twenty percent (20%) of the total number of residential dwelling units (“Dwelling Units”) shall be income-restricted in accordance with the standards set forth at Sec. 62-2922.

b) Open space. A minimum of 20% of the Tract shall be dedicated as open space. Notwithstanding the foregoing, in the event that the development provides for at least 7,500 square feet of communal recreational space, which shall include clubhouse(s), pool(s), tot lots, play courts, open lawns and/or green areas for lawn games and play and walking paths, the development shall be exempt from the twenty percent (20%) open space requirement. In addition to the definition of open space contained in Sec. 62-3, the following shall apply to the calculation of open space:

i. Buildings, structures, and lands accessible for common recreational purposes shall count toward the open space calculation; and shall include off-street parking areas associated with same. By way of example, a clubhouse, pool, tot lots, play courts, walking paths and open lawn areas available for spontaneous recreational use and lawn games such as corn hole, bocce, croquet, ball playing; and any off-street parking associated with same shall count toward the open space calculation.

ii. Outdoor amenity areas associated with dwelling units such as decks, patios, balconies, and terraces, whether for private use by individual units or for common use, shall count toward the open space requirement.

iii. Graded detention and stormwater management areas shall count toward the open space calculation provided they are landscaped or fenced.

c) Green space. A minimum of 45% of the Tract shall be green space. Green space shall mean any area onsite that is pervious, such as lawns and landscaped areas. Graded detention and stormwater management areas shall count toward the green space calculation.

## 2) Permitted principal uses.

One or more of the following uses, in any combination unless otherwise noted below, shall be permitted as part of any development within the CTRAH IV District:

a) Single-family detached dwellings.

b) Single-family semi-attached dwellings.

c) Townhouse attached dwellings.

d) Multifamily dwellings.

- e) Open space.
- f) Central Sewage Facilities.
- g) Central water storage, pumping treatment and conveyance facilities.
- h) Mixed residential. Any combination of the above uses, except that no one residential category shall exceed fifty percent (50%) of the total residential unit mix, and no residential use category shall constitute less than twenty percent (20%) of the total residential unit mix. For the purposes of this calculation, single-family detached or semi-attached dwellings shall be considered one use category.

3) Permitted accessory uses.

- a) Private garages.
- b) Outdoor recreation amenities such as community swimming pools, tennis courts, basketball courts, tot lots, volleyball courts and the like.
- c) Indoor recreation amenities such as a clubhouse and clubhouse-like spaces within multifamily buildings, including but not limited to a fitness center, multipurpose rooms, wellness center, leasing office, entertainment center, meeting rooms, resident food and beverage area, and business center.
- d) Gazebos, trellises, arbors, pergolas, decks, patios, gardens and landscaped areas including fountains, ponds and other water features.
- e) Maintenance and storage buildings.
- f) Signs, as regulated in this chapter.
- g) Fences and walls, as regulated in this chapter.
- h) Parking facilities and garages, either surface (open air) or enclosed.
- i) Home occupations.
- j) Electric vehicle charging stations.
- k) Any other use customarily incidental to a principal use.

Sec. 62-3019. Maximum Number of Units and Set-Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH IV District shall not exceed 1,320 units.

Twenty (20%) percent of all residential units in any development within the CTRAH IV District, or 264 residential units if the maximum number of units is developed, shall be set aside for very-low, low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

Sec. 62-3020. Area and Bulk Requirements.

- 1) Tract requirements:
  - a) Tract area: 100 acres, minimum
  - b) Tract density: 1,320 Dwelling Units, maximum
  - c) Tract coverage: 55% of the Tract, maximum (impervious coverage)
- 2) Principal Building requirements:
  - a) Building height. The maximum building height shall be as follows:
    - i. Multifamily dwellings: 4 stories and 55 feet
    - ii. All other dwellings: 3 stories and 40 feet

Building height shall be measured from the finished floor to the middle point of a pitched roof or the top of a flat roof; provided, however, that roof appurtenances, such as parapets, rooftop machinery and rooftop recreation facilities shall not be included in building height.

Floor levels in multifamily buildings that are devoted entirely to parking shall not count as a story.

- b) Building setbacks: The minimum building setbacks shall be as follows:
  - i. From Ridge Road street line (right-of-way line): 100 feet \*
  - ii. From Perrine Road street line (right-of-way line): 100 feet \*
  - iii. From any other perimeter line on the Tract: 20 feet \*

\* Setback dimensions shall be measured from the location of the above lines as they exist at the time of the adoption of the ordinance from which this Section derives.

- c) From other buildings: 20 feet, minimum. Building-to-building separation requirements do not apply to individual units that are attached within a building.

d) Building projections such as roof overhangs, stoops, steps, chimneys, bay windows, and related architectural elements, shall be permitted to extend into required setbacks, to a maximum of four (4) feet.

e) Building extensions for outdoor living such as decks, patios, and terraces shall be permitted to extend into required setbacks, to a maximum of ten (10) feet.

3) Building width. The minimum building width shall be as follows:

- a) Townhomes: 20 feet
- b) All other buildings: no minimum

4) Special development regulations for single-family dwellings and townhouse dwellings.

The following regulations shall apply to any fee simple lots that are created for single-family dwellings and/or townhouse dwellings, in addition to the other regulations set forth herein.

- a) Lot area:
  - i. Single-family dwellings, detached: 5,000 square feet, minimum
  - ii. Townhouses or attached dwellings: 2,000 square feet, minimum
- b) Lot width:
  - i. Single-family dwellings, detached: 40 feet, minimum
  - ii. Townhouses or attached dwellings: 20 feet, minimum
- c) Lot coverage:
  - i. Single-family dwellings, detached: 60 percent, maximum
  - ii. Townhouses or attached dwellings: 80 percent, maximum
- d) Front setbacks:
  - i. Single-family dwellings, detached: 10 feet, minimum
  - ii. Townhouses or attached dwellings: 10 feet, minimum



- e) Side setbacks:
  - i. Single-family dwellings, detached: 5 feet, minimum
  - ii. Townhouses or attached dwellings: 0 feet, minimum
- f) Rear setbacks:
  - i. Single-family dwellings, detached: 15 feet, minimum
  - ii. Townhouses or attached dwellings: 10 feet, minimum

In addition to the bulk regulations set forth above, only one use per lot shall be permitted for single-family dwellings or townhouse dwellings, except that townhouse lots which include an affordable unit may include an additional stacked or interlocking dwelling in accordance with the affordable housing requirements in Sec. 62-2922.

#### Sec. 62-3021. Buffering and Landscape Requirements.

- 1) Buffer dimensions. The minimum buffer widths shall be as follows:
  - a) From Ridge Road right-of-way line: 50 feet, minimum \*
  - b) From Perrine Road right-of-way line: 50 feet, minimum \*
  - c) From any other Tract perimeter line: 25 feet, minimum \*

\* Buffer dimensions shall be measured from the location of the above lines as they exist at the time of the adoption of the ordinance from which this Section is derived. The buffer requirement shall not apply to any lot that is developed with a single-family detached dwelling.

- 2) The buffer shall be maintained as a landscaped area and no structures shall be permitted within the buffer except for access drives, fencing, recreation paths, walkways, stormwater basins, utilities and/or signs. Stormwater basin(s) in the buffer shall include landscaping and/or fencing for safety and aesthetic, provided that same shall not be required where it will compromise functionality of the basin.
- 3) The buffer landscaping shall consist of a combination of trees and shrubs, and may also include ornamental grasses, perennials, and annuals.
- 4) The minimum planting height for shrubs shall be 3 feet and the minimum planting height for trees shall be 8 feet.

- 5) Where existing vegetation is preserved, new plantings shall not be required.
- 6) Buffers may include a privacy fence (solid or open).
- 7) Building projections such as roof overhangs, stoops, steps, chimneys, bay windows, and related architectural elements, shall be permitted to extend into required buffers, to a maximum of four (4) feet.
- 8) Building extensions for outdoor living such as decks, patios, and terraces shall be permitted to extend into required buffers, to a maximum of ten (10) feet.

Sec. 62-3022. Parking Requirements.

- 1) All off-street parking requirements, including the number of off-street parking spaces and the dimensional aspects of same, shall be in accordance with the Residential Site Improvement Standards.
- 2) Accessory uses such as clubhouses or recreation areas shall provide 1 parking space per 200 square foot of floor area.

Sec. 62-3023. Design Regulations.

- 1) Architecture.
  - a) Roofs. Flat and/or pitched roofs shall be permitted.
  - b) Residential density per building. No single building shall have more than 100 Dwelling Units.
- 2) Landscape Architecture.
  - a) All areas that do not contain buildings or structures shall be landscaped with plantings and/or lawn.
  - b) All plant materials shall be in accordance with "The American Standards for Nursery Stock"
- 3) Access, Circulation, and Parking Design.
  - a) All access, circulation, and parking dimensions shall be in accordance with RSIS and the Americans with Disabilities Act ("ADA").
  - b) Parking areas shall be permitted in any yard, including the front yard, provided the buffer requirements set forth above are met.
- 4) Stormwater and Utility Design.

- a) All stormwater shall be in accordance with RSIS and the New Jersey Department of Environmental Protection (NJ DEP) requirements.
  - b) All utility design shall be in accordance with RSIS and NJ DEP requirements.
  - c) All stormwater basins shall be appropriately fenced and/or landscaped.
- 5) Lighting.
- a) All freestanding light fixtures shall be no higher than 20 feet above grade level.
  - b) The maximum illumination at all abutting existing residential property lines shall be 0.5 footcandles.
  - c) Light fixtures shall be shielded and shall utilize metal halide, LED or other white light source.
- 6) Refuse.
- a) All refuse and recycling storage shall be fully enclosed and screened within the building or, if outside, within a refuse enclosure that is a minimum of 6 feet high on all sides.
  - b) The refuse enclosure shall include a separate access gate for persons, aside from the main gate for vehicle access.
- 7) Fences and Walls
- a) Fences and walls shall be permitted in any yard, including the front.
  - b) Fences and walls in the front yard shall be a maximum of 4 feet high.
  - c) Fences in the front yard shall be 50% open.
  - d) Fences and walls in yards other than the front yard shall be a maximum of 6 feet high.
- 8) Signs.
- a) One roadside entry sign shall be permitted at each accessway along Ridge Road and Perrine Road.
    - i. The maximum sign area for any roadside entry sign shall be 60 square feet.
    - ii. The maximum sign height for any roadside entry sign shall be 8 feet.
  - b) One wall sign shall be permitted per multifamily building. The maximum sign area for any wall sign on a multifamily building shall be 60 square feet.

- c) Directory ground signs shall be permitted within the interior of the Tract, to identify or distinguish different neighborhoods or clusters of building types within the development.
    - i. Directory signs shall not exceed 16 square feet in area.
    - ii. Directory signs shall not exceed 8 feet in height.
  - d) Directional ground signs shall be permitted within the interior of the Tract, to facilitate wayfinding to amenity areas such as clubhouses or neighborhoods or clusters of building types within the development.
    - i. Directional signs shall not exceed 16 square feet in area.
    - ii. Directional signs shall not exceed 8 feet in height.
  - e) All signs within the Tract shall be designed in a cohesive manner.
- 9) Mechanical Equipment.
- a) Air conditioning units, HVAC systems, exhaust pipes or stacks, and related mechanical equipment and elevator housing shall be screened to minimize visual impact.

#### Sec. 62-3024. Additional Affordable Housing Standards.

Townhouses shall be permitted to be arranged in a stacked or interlocking fashion, whereby an affordable housing unit shall be permitted to be located vertically above or vertically below a market rate unit.

#### Sec. 62-3025. Recreational Amenities.

Development within the Tract shall include areas for active recreation in accordance with the standards set forth below.

1) "Active recreation" shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed buildings, sites, courts, or fields. Types of active recreational uses and structures shall include, by way of example, swimming pools, tennis courts, basketball courts, clubhouses, ballplaying and children's play structures (tot lots)

2) One or more active recreation areas shall be permitted with the Tract. It shall be encouraged that recreation areas be dispersed throughout the Tract. There shall be at least one active recreation area located within 2,000 feet of every dwelling unit within the Tract.

3) One or more active recreation uses or structures shall be permitted within an active recreation area. For example, an active recreation area shall be permitted to consist of a single tot-lot or a tot-lot in combination with a pool or clubhouse or other active recreation uses. Clustering of active recreation uses and structures within an active recreation area shall be encouraged but not required.

4) Active recreation areas shall be delineated by fencing or landscaping and shall be available and accessible to all dwelling units within the Tract. Open lawn areas shall be permitted in lieu of the above uses or structures where providing same is impracticable, and in the interest of inviting spontaneous play or lawn games, such as bocce, croquet, badminton, frisbee, corn hole, or the like.

5) Deviations from the above standards shall be considered design exceptions, not variances, and relief shall be subject to the criteria set forth in N.J.S.A. 40:55D-51 i.e. reasonableness and impracticability.

Secs. 62-3026 - 62-3040. Reserved.

Subdivision VI. Court's Third Round Affordable Housing (CTRAH) V District.

Sec. 62-3041. Property Included in CTRAH V District.

The CTRAH V District shall consist of those properties known as Block 96, Lots 29.01 & 29.02 on the Tax Maps of the Township of South Brunswick, encompassing approximately 12.9 acres located generally in the area of 127-129 New Road.

Sec. 62-3042. Uses Permitted.

Uses permitted in the CTRAH V District are:

- 1) Multifamily residential units.

Sec. 62-3043. Uses permitted as conditional uses.

Uses permitted as conditional uses in the CTRAH V District shall be subject to approval under N.J.S.A. 40:55D-67 by the planning board, zoning board, court or court-appointed hearing officer, as the case may be (the "Approving Authority"). Provisions and performance standards for conditional uses shall apply, as specified in this chapter. The following uses shall be permitted as conditional uses:

- 1) Community buildings.
- 2) Activities of a quasi-public, social or fraternal character.

Sec. 62-3044. Accessory uses permitted.

Accessory uses permitted in the CTRAH V District:

- 1) Private garages.
- 2) Electric vehicle charging stations.
- 3) Parking lots.
- 4) Public utility uses.
- 5) Community swimming pools, tennis courts, basketball courts, handball courts, tot lots, child care facilities, volley ball courts, picnic tables, chess tables, benches and other recreational facilities.
- 6) Gazebos, trellises, arbors, pergolas, decks, patios, parks, gardens and landscaped areas including fountains, ponds and other water features.
- 7) A clubhouse, including, but not limited to: a fitness center; multi-purpose rooms; wellness center; leasing office; entertainment center; childcare center; meeting rooms; resident food and beverage area; and business center.
- 8) Maintenance and storage buildings not higher than 2 stories and 35 feet.
- 9) Fences and walls, as regulated by this chapter.
- 10) Signage:
  - a. Entry signs: There may be up to two freestanding entry signs, each not higher than 6 feet and each with a sign area not larger than 50 square feet. Monument type signs are permitted. Where practical, the sign base shall be decorative and the ground adjacent to the sign shall be landscaped.

b. Incidental signs: There may be incidental signs including but not limited to those containing building or apartment identification numbers, rules, directions, maps and similar information. Up to 3 flagpoles shall be permitted. No flagpole shall be higher than the residential buildings. Flags of the United States of America, the state of New Jersey and flags identifying or promoting the development or its owner are acceptable.

c. Sign lighting: Signage may be illuminated by internal light sources or by focused (spot) light sources. No sign shall be lighted by means of flashing or intermittent illumination. Sign lighting shall not transmit glare to motorists or to the windows of residential buildings on or off the Tract.

Sec. 62-3045. Maximum Number of Units and Set-Aside Requirements.

1) If the New Jersey Department of Environmental Protection issues a wetlands fill permit, up to 230 total residential units shall be built in the CTRAH V District, of which 15% (35 units) shall be set-aside for affordable housing.

2) If the New Jersey Department of Environmental Protection fails to issue a wetlands fill permit, up to 220 total residential units shall be built in the CTRAH V District, of which 15% (33 units) shall be set aside for affordable housing.

3) All units set aside for affordable housing shall be developed in accordance with the standards set forth in Sec. 62-2922.

Sec. 62-3046. Tract and open space requirements.

1) The Tract bulk standards associated within the CTRAH V District shall apply to the overall Tract. In the event there are subdivided lots within the Tract, there may be easements for vehicular and pedestrian circulation, shared parking and storm water management facilities for use on a Tract-wide basis.

2) The maximum building coverage shall be 25 percent of the total land area of the Tract.

3) The minimum open space standard shall be 30 percent of the Tract. Open space for the purposes herein, is defined as land that is covered with neither buildings nor pavement.

4) Tract buffers. A landscaped buffer twenty (20) feet wide shall be provided along property lines common to Block 96, Lot 37.011, a residentially-zoned parcel, also known as 141 New Road, Monmouth Junction:

- From the southeast corner of the Tract, 225 feet north along the Tract's eastern property line.
- From the same southeast corner of the Tract, 140 feet west along the Tract's southern property line.

5) The following encroachments into the Tract buffers are permitted:

a) Pedestrian trails, sidewalks, benches, signs, retaining walls, landscaped areas, berms and fencing are permitted in Tract buffer areas.

b) Emergency access if required by the Township.

- c) Stormwater facilities are not permitted within Tract buffers.

Sec. 62-3047. Tract Area, Yard, and Density Requirements.

- 1) The maximum yield shall be 230 residential units.
- 2) The maximum impervious coverage shall be 70%.
- 3) Multiple principal buildings shall be allowed on a single lot.
- 4) No building shall exceed 244 feet in length, 62 feet in depth and 50 feet in height, except as regulated by the height exception provision of Section 62-2341.
- 5) Residential buildings shall be set back at least:
  - a) 75 feet from New Road, the Tract's eastern property line (front yard set- back).
  - b) 20 feet from Kendall Woods, the Tract's western property line (rear yard setback).
  - c) 30 feet from the Tract's southern property line (side yard setback).
  - d) 29 feet from the Tract's northern property line (side yard setback).
  - e) 10 feet from any street.
  - f) 8 feet from the portion of any parking space where a vehicle overhangs a sidewalk and 6 feet from all other parking spaces; No setbacks shall be necessary from parking spaces in driveways leading to garages integral to buildings
  - g) 3 feet from any drive aisle between buildings leading to parking behind buildings.
  - h) Minimum distances between residential buildings shall be 30 feet, measured from exterior wall to exterior wall, ignoring covered and uncovered stairs, stoops, stairways, balconies, decks, cornices, eaves, gutters, bay windows, chimneys and other projections from buildings.
- 6) The development must be served by public water and sanitary sewer service.

Sec. 62-3048. Parking, Sidewalk and Drive Aisle Requirements.

- 1) Parking: The parking requirements of the Residential Site Improvement Standards shall apply. However, the Approving Authority may grant a de minimis exception to such standards upon a showing that the proposed parking plan is sufficient to serve the parking needs of the particular use and site, including but not limited to such factors as household characteristics, availability of off-site parking resources, location of site, availability of mass transit, proximity to schools and proximity to public recreation facilities. In all cases, a minimum of 1.5 spaces for one-bedroom units and 1.75 spaces for two and three-bedroom units, inclusive of guest parking requirements, shall be provided.
- 2) Parking and parking setbacks are as follows:
  - a) No parking is allowed within Tract buffers.
  - b) Parking and drive aisles shall be permitted in all building setback areas.
  - c) Drive aisles to parking spaces shall be permitted between buildings.



d) Parking lots shall be set back a minimum of 5 feet from the Tract property line common to the lands of the Kendall Park Volunteer Fire Company, New Road Solar and the Tract property line common to Kendall Woods park.

3) Sidewalks: The sidewalk requirements of the Residential Site Improvement Standards shall apply. However, the Approving Authority may grant a de minimis exception to such standards upon a showing that the proposed pedestrian circulation plan is sufficient to serve the pedestrian circulation needs of the particular use and site, including but not limited to such factors as existence of a comprehensive sidewalk network, amount of pedestrian generation, reasonable expectation of use or nonuse of specific portion(s) of the sidewalk network, danger minimization by selective omission of sidewalks adjacent to storm water management facilities and Tract perimeters, except where necessary to provide safe access to parallel parked vehicles.

4) Drive aisles shall be designed for a posted speed limit of 15 mph, or such other speed limit as design constraints permit.

5) The minimum curb radii provided at the intersections of drive aisles shall be 20 feet or such other measurement as design constraints or the Approving Authority shall permit.

#### Sec. 62-3049. Lighting.

Lighting shall be provided in accordance with Section 62-208, with the exception that Section 62-208(g)(4) regarding lighting of sidewalks and pedestrian walkways may be accomplished by ambient lighting from buildings and parking areas and such lighting as may be required to ensure pedestrian safety. No lighting is required for pedestrian trails located within buffer areas, except for such lighting as may be required to ensure pedestrian safety.

#### Sec. 62-3050. Trash and Recycling Enclosures.

1) There shall be one enclosure of at least 240 square feet for every three (3) residential buildings for trash and recycling.

2) Trash and recycling enclosures shall be completely surrounded by a solid architectural masonry wall and solid gate. Wall and gate height shall be sufficient to shield the contents of the enclosure from public view. All similar accessory appurtenances, such as propane tanks, shall be similarly enclosed.

#### Sec. 62-3051. Recreational facilities.

Section 62-206(5) e shall not apply to the CTRAH V District. Instead, 80 square feet of recreational facilities per housing unit shall be provided. Recreational facilities in the CTRAH V District may include a clubhouse, pool, pool area, courtyards, linear parks, pocket parks and fenced off play areas designated for children of different ages. Benches, chess tables and picnic tables located in areas not included within other recreational areas, shall each be a minimum of 200 square feet of recreational facilities.

#### Sec. 62-3052. Additional Affordable Housing Standards.

1) The affordable units shall comply with the following income-based allocation:

a) If 35 affordable residential units are built, five (5) units, or 14.3% of the affordable units, shall be affordable to very-low income households, defined as those households earning 30 percent or less of

the regional median income; thirteen (13) units, or 37.1% of the affordable units, shall be affordable to low-income households, defined as those households earning greater than 30 percent and no more than 50 percent of the regional median income; and seventeen (17) units, or 48.6% of the affordable units, shall be affordable to moderate-income households, defined as those households earning greater than 50 percent and no more than 80 percent of the regional median income.

b) If only 33 affordable residential units are built, the allocation of units shall remain at five (5) very low and twelve (12) low, leaving sixteen (16) units for moderate-income households.

2) The affordable units shall comply with the following bedroom-based allocation:

a) If 35 affordable residential units are built, there shall be seven (7) three bedroom units (1 very-low, 3 low and 3 moderate), twenty-one (21) two bedroom units (3 very-low, 7 low and 11 moderate) and seven (7) one bedroom units (1 very-low, 3 low and 3 moderate).

b) If only 33 affordable residential units are built, the bedroom-based allocation of units shall be seven (7) three bedroom units (1 very-low, 3 low and 3 moderate), twenty (20) two bedroom units (3 very-low, 7 low and 10 moderate) and six (6) one bedroom units (1 very-low, 2 low and 3 moderate).

Sec. 62-3053. Conflicts in Standards.

The Residential Site Improvement Standards and the CTRAH V standards set forth herein shall supersede all conflicting standards.

Secs. 62-3054 - 62-3070. Reserved.

#### Subdivision VII. Court's Third Round Affordable Housing (CTRAH) VI District.

Sec. 62-3071. Property Included in CTRAH VI District.

The CTRAH VI District shall consist of those properties known as Block 95, Lots 48.011, 49, 50.02, 50.03, 50.04, 50.06 & 50.07 on the Tax Maps of the Township of South Brunswick, encompassing approximately 28 acres located generally in the area of U.S. Route 1 South and Pinter Lane.

Sec. 62-3072. Permitted Uses.

The following uses shall be permitted in the CTRAH VI District, subject to the design standards of this Article:

- 1) Townhouse (attached dwellings)
- 2) Multifamily dwellings, including apartments

Sec. 62-3073. Accessory Uses.

The following accessory uses are permitted in the CTRAH VI District, subject to the requirements of this Article:

1) Uses and structures customary and incidental to the principal use, including but not limited to: Recreation Center that may include meeting rooms, gyms, and other amenities.

#### Sec. 62-3074. Maximum Number of Units and Set-Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH VI District shall not exceed 145 units.

Twenty-five (25%) percent of all residential units in any development within the CTRAH VI District, or 36 residential units if the maximum number of units is developed, shall be set aside for very-low, low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

#### Sec. 62-3075. Tract Area, Yard, and Density Requirements\*

- 1) Maximum density shall not exceed six (6) dwelling units (DU) per gross acre.
- 2) Minimum tract size shall be twenty-five (25) acres.
- 3) Minimum tract width shall be ninety (90) feet
- 4) Minimum tract depth shall be five hundred (500) feet.
- 5) Minimum setbacks shall be as follows:
  - a) Front yard from US-1 frontage: twenty (20) feet.
  - b) Side yard; Townhouse Building: fifty (50) feet, perimeter setback from tract perimeter; not unit to unit.
  - c) Side yard; Multifamily Building: twenty (20) feet.
  - d) Side yard; Parking: fifteen (15) feet.
  - e) Rear yard; Building: fifty (50) feet, perimeter setback from tract perimeter; not unit to unit.
  - f) Rear yard; Parking shall be thirty (30) feet.
  - g) Freshwater transition area; ten (10) feet.
- 6) Maximum impervious coverage shall be forty-five percent (45%)
- 7) Maximum building coverage shall be twenty percent (20%)
- 8) Maximum building height shall be three (3) stories and forty (40) feet, except as regulated by the height exception provisions of Section 62-2341.
- 9) Minimum market rate townhouse width shall be twenty (20) feet.
- 10) Minimum Distance between buildings shall be as follows:

- a) Side-to-Side: thirty (30) feet
- b) Side-to-Rear: forty (40) feet
- c) Rear-to-Rear: forty (40) feet

11) The dwelling unit setback from the edge of high water for detention basins as set forth in in §62-2576(b)(8) shall not apply to inclusionary developments within the CTRAH VI District. No dwelling shall be closer that twenty-five (25) feet to the mean high water line, such that the basin is properly secured using best safety and engineering practices. All basins shall have fencing installed around them.

\*Lots created only for individual (fee-simple) ownership are not subject to overall tract standards. No such ownership lot shall be less than two-thousand (2,000) square feet.

#### Sec. 62-3076. Parking Standards.

Parking will be provided in sufficient quantity per the Residential Site Improvement Standards (RSIS). Parking will be provided in private garages, driveways and on surface lots.

#### Sec. 62-3077. Signage.

Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not block the sight easement or sight distance areas.

1) The following will be allowed:

- a) Two (2) project identification signs per exit/entrance. Such ground signs shall not exceed six (6) feet in height and shall not exceed ninety (90) square feet. Such signage shall be located no closer than 5 feet to any property line and shall not be located within the sight triangle of any intersection or access drive with a public street. The sign shall incorporate the design and materials that match the architecture of the development.
- b) Way finding signage to direct visitors toward parking areas, building identification, building entrances and activity centers is permitted as appropriate. Way finding signage shall be no greater than ten (10) square feet per sign.

2) A comprehensive signage plan shall be submitted for each site which clearly indicates the location, dimension, area, color and materials of all existing and proposed permanent signs and provide a detail of each proposed sign.

#### Sec. 62-3078. Trash and Recycling.

1) For multifamily apartments there shall be trash and recyclables storage areas completely surrounded by a six-foot-high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height.

- 2) Each area proposed for multifamily apartments shall include provisions for the collection, deposition and recycling of recyclable materials. Each multifamily apartment development area must provide bins in convenient locations or locations in a common area as drop-offs for storing recyclables until collection occurs. The holding area(s) shall provide for truck access and loading. The holding area(s) shall be of sufficient size and contain other attributes such as signage and lighting as may be determined by the municipal recycling coordinator.
- 3) All trash and recyclable storage areas for multifamily apartments shall be uniform in function, size and appearance.
- 4) For for-sale townhouse units, all trash and recyclables collection shall be via curbside pickup pursuant to the requirements of the Township Code.

Sec. 62-3079. Architectural Requirements.

Except as otherwise stated in this Subdivision, the design and performance standards within and without any proposed development in the CTRAH VI District shall conform to the requirements of Sec. 62-206, except as modified by the provisions of this Subdivision.

Sec. 62-3080. Lighting.

Lighting proposed for any development in the CTRAH VI District shall conform to the requirements of Secs. 62-205 and 62-208.

Sec. 62-3081. Recreational Amenities.

A recreation area or areas to serve the needs of the development shall be provided and shall consist of at least the following:

- 1) One or more fenced-off play lots, including play equipment, shall be provided.
- 2) Open fields for general, multi-purpose use shall also be provided.
- 3) Total recreational areas within the development shall be not less than 80 square feet per dwelling unit, with a minimum size of 2,500 square feet for each recreational area.

Sec. 62-3082. Additional Affordable Housing Standards.

All residential development within this district shall be required to include affordable housing as a component. The following requirements shall apply:

- 1) The Township-designated Affordable Housing Administrative Agent shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

Secs. 62-3082 - 62-3100. Reserved.

#### Subdivision VIII. Court's Third Round Affordable Housing (CTRAH) VII District.

##### Sec. 62-3101. Property Included in CTRAH VII District.

The CTRAH VII District shall consist of those properties known as Block 85, Lot 17.014 on the Tax Maps of the Township of South Brunswick, encompassing approximately 14.3 acres located generally in the area of Major Road and Northumberland Way.

##### Sec. 62-3102. Uses permitted

The following use shall be permitted in the CTRAH VII District:

- 1) Multifamily dwellings

##### Sec. 62-3103. Accessory uses and structures permitted.

The following accessory uses are permitted in the CTRAH VII District subject to the requirements of this chapter:

- 4) Recreational uses.
- 5) Public utility uses.
- 6) Signs, as regulated in this chapter.
- 7) Fences, as regulated in this chapter.
- 8) Accessory uses and structures on the same lot and customarily incidental to a principal permitted use.

##### Sec. 62-3104. Maximum Number of Units and Set-Aside Requirements.

The maximum number of dwelling units to be developed within the CTRAH VII District shall not exceed 84 units.

Fifteen (15%) percent of all residential units in any development within the CTRAH VII District, or 13 residential units if the maximum number of units is developed, shall be set aside for very-low, low- and moderate-income households in accordance with the standards set forth in Sec. 62-2922.

##### Sec. 62-3105. Area, yard and density requirements.

- 1) The minimum tract size is 14 acres.
- 2) Maximum gross density is 7 units per acre.
- 3) Minimum side yard- 25 feet and minimum rear yard- 10 feet.
- 4) No building or structure shall exceed 40 feet, and three stories, except as regulated by the height exception provisions of this chapter.

5) A minimum of 40 percent of the total tract area must be reserved as open space to be devoted to passive and active recreational uses. All delineated wetlands, transitional areas and riparian areas shall be included as open space areas.

6) Public sewer and water must be provided.

Sec 62-3106. Off-street parking requirements.

Off-street parking in the CTRAH VII District shall be provided in compliance with Residential Site Improvements Standards (R.S.I.S.).

Secs. 62-3107 - 62-3120. Reserved.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed (under protest) on first reading at a meeting of the Township Council of the Township of South Brunswick held on February 25, 2020. It was scheduled for a hearing on March 24, 2020, but was tabled at that time to April 28, 2020, at which time it was tabled again to May 26, 2020, at which time it was amended. It will be considered on second and final reading and final passage (under protest) at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on June 23, 2020. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at [www.sbtnj.net](http://www.sbtnj.net) no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Joseph Camarota, Deputy Mayor

SECONDER: Archana "Ann" Grover, Councilwoman

AYES: Joseph Camarota, Archana "Ann" Grover, Charlie Carley

ABSENT: Ken Bierman, Josephine "Jo" Hochman

This is to certify that the foregoing is a true copy of a Ordinance Amended at the South Brunswick Township Council meeting held on June 23, 2020.

