

**TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY**

ORDINANCE NO. 09-17-13

**AN ORDINANCE AMENDING AND REVISING CHAPTER 150, THE
LAND DEVELOPMENT CODE, AND THE ZONING MAP OF THE
TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW
JERSEY**

WHEREAS, pursuant to the New Jersey Supreme Court’s decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Township of Cranbury (“Township”) instituted an action in the Superior Court of New Jersey (the “court”), entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, bearing Docket No. MID-L-3960-15 (the “Action”), seeking a judgment of compliance and repose pursuant to N.J.S.A. 52:27D-313; and

WHEREAS, under the supervision of the court, the Township was able to reach a settlement with all participating parties to the Action and adopted a Housing Element and Fair Share Plan (the “Plan”) that fully addresses the Township’s third round affordable housing obligations; and

WHEREAS, on April 18, 2016, the court conducted a Fairness and Preliminary Compliance Hearing and found that the settlements reached were fair and reasonable to low and moderate income persons and the Township's Plan was constitutionally compliant subject to certain requirements being fulfilled as recommended by the Special Master; and

WHEREAS, the Township undertook efforts to make the required changes and provided the supplementary materials to the court; and

WHEREAS, the court held a Compliance Hearing on August 22, 2016 for the purposes of reviewing the changes and supplementary materials provided by the Township and found and determined that the Township was entitled to a final Judgment of Compliance and Repose for the third round; and

WHEREAS, pursuant to the Plan and in accordance with the settlements reached in the Action, the Township adopted Ordinance 09-17-13 on July 25, 2016, providing for the creation of a new “Planned Adult Residential (PAR) Overlay Zone”; and

WHEREAS, since the adoption of Ordinance 09-17-13, it has been discovered that a potential notice deficiency may have occurred such that the Township now seeks to reintroduce and readopt the ordinance in order to ensure that all procedural requirements have been properly met; and

WHEREAS, the substantive provisions and standards of the ordinance are not being changed or modified and are identical to provisions previously adopted as Ordinance 07-16-12 and approved by the Court as part of the Action.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, in Middlesex County, New Jersey, as follows:

Section 1. **New Section §150-29.2 “Planned Adult Residential (PAR) Overlay Zone”.** The Code of the Township of Cranbury (“Code”) is hereby amended to add new Section §150-29.2 “Planned Adult Residential (PAR) Overlay Zone” to Article III – Zoning Districts, Rules and Regulations of Chapter 150 – Land Development of the Code, that shall read as follows:

§150-29.2. Planned Adult Residential (PAR) Overlay Zone.

- A. Purpose. In addition to the base zoning district standards that shall continue to apply, the Planned Adult Residential (PAR) Overlay Zone is designed to permit a planned adult, age-restricted development consisting of single-family detached housing units and community amenities as provided herein, subject to the following standards and requirements.
- B. Permitted Uses. In the PAR Overlay Zone, no land shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
 - (1) Single-family detached houses, occupied by persons 55 years of age or older in accordance with State and Federal law, inclusive of a prohibition that no occupant may be under the age of 18 years, and that no occupant may be registered in the public school system of the Township.
 - (2) Other permitted uses allowed in the RLD-3 Zone.
 - (3) Recreation facilities as permitted by the bylaws of the condominium or homeowners’ association governing the use of property in the PAR community.
 - (4) Pump station, lift station, maintenance building(s), and storage building(s) appurtenant to a planned adult residential community.
- C. General Tract Requirements.
 - (1) The minimum gross tract area for a planned adult residential community shall be 50 acres.

- (2) The maximum gross density for a tract zoned for a planned adult residential community is 3 dwelling units per acre.
- (3) The development shall be served by public water and sewer facilities.
- (4) The development shall have primary access and egress in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et. seq.).
- (5) Residential units shall be age-restricted in accordance with the requirements of this section.
- (6) Not more than 35% of the entire tract shall be covered by buildings.
- (7) Not more than 60% of the entire tract shall be covered by impervious surfaces.
- (8) All buildings shall be set back a minimum of 50' from the tract perimeter.
- (9) A minimum 25' landscaped buffer meeting the requirements of this chapter shall be provided at the perimeter of the tract adjacent to existing roads and where proposed lots abut existing off-tract residential parcels. The landscaped area shall be deed restricted as a planted buffer and shall be maintained by the homeowners association and/or the property owner. Planted buffers may be included in open space or on individual lots.
- (10) The internal roads may be privately owned and maintained. Private roads shall meet New Jersey Residential Site Improvement Standards design guidelines for residential streets. Mountable granite curbing shall be permitted on private roads. Gatehouse structures shall be set back a minimum of 80 feet from public roads and shall provide for resident access as well as visitor and emergency access, to the reasonable satisfaction of the township.
- (11) Location, design, installation, construction, maintenance and control of fences, lighting, public and private landscaping (including street trees), community buildings and related parking, bikeways and pathways, entrance structures, signage, and private roads, to the extent that they are proposed, shall be addressed in the subdivision and/or site plan submitted for preliminary approval.

D. Area and bulk requirements – Single-family detached lots.

- (1) Minimum lot area: 6,050 square feet.
- (2) Minimum lot width, measured at the front setback line: 55 feet.
- (3) Minimum lot depth: 110 feet.
- (4) Minimum front yard setback - principal & accessory structures: 20 feet.
- (5) Minimum side yard setback - principal & accessory structures: 7 feet; driveways shall be set back a minimum of 2' from the side lot line.
- (6) Minimum rear yard setback - principal structures only: 20 feet.
- (7) Minimum rear yard setback - accessory structures, including but not limited to patios & decks: 10 feet.
- (8) Minimum driveway depth from back of sidewalk to face of garage: 20 feet.
- (9) Minimum driveway width: 8 feet per garage bay.
- (10) Maximum building height: 35 feet.
- (11) Patios: raised paver patios shall be permitted at a height not to exceed 2 feet-6 inches (2'-6").

E. Open Space and recreation requirements. A planned adult residential community shall provide common open space and recreational improvements for the exclusive use of its residents, in accordance with the following standards:

- (1) The minimum common open space in each planned adult residential community shall be 30%. The minimum required open space area is permitted to include drainage basins, environmentally sensitive lands, perimeter landscape buffers, and all recreational improvements in common open space, including community buildings and associated public parking and walkways.
- (2) There shall be not less than 15 square feet of floor space per dwelling unit provided in a community clubhouse building(s), which building(s) shall have a minimum total floor area of 3,000 square feet. The community clubhouse building(s) shall not exceed two stories.

- (3) The community clubhouse buildings(s) shall meet the parking standard of one (1) space per 350 square feet of building area.
- (4) Within the common open space, facilities shall be included for outdoor recreational use. These facilities may include but shall not be limited to tennis and other sport courts, bocce courts, and a swimming pool. Walking, jogging, and bicycle paths may also be provided.
- (5) The community clubhouse shall be operational on or prior to the issuance of certificates of occupancy for 50% of the approved residential units.
- (6) A homeowners' association administrative area and sales office shall be permitted within the community clubhouse or in a separate building.
- (7) Community maintenance and storage facilities shall be permitted. Such facilities shall be landscaped, fenced, and visually screened.
- (8) Sidewalks. An interconnected system of sidewalks and walking paths shall be provided to permit access from all residential units to the recreational facilities and to existing frontage roads. At a minimum, sidewalks shall be provided on one side of all proposed residential streets in the community.
- (9) Perimeter setback requirements. No buildings or structures, other than roadways, access drives, entrance sign, walking, jogging and bicycle paths, walkways, entrance gatehouses, walls, fences, drainage facilities, utility structures and residential decks and/or patios with at least one wall contiguous with the principal building shall be located within 50 feet of any exterior tract boundary. The outer 25 feet of the perimeter setback shall be designated as a landscape/conservation easement, and may be included within the individual lot areas. Where the outer 25 feet of the non- roadway perimeter setback is comprised of existing preserved vegetation, such as within a wetland area, floodplain, or wetland transition area, the landscaped buffer requirements shall not apply.
- (10) Signs shall be permitted on and around the clubhouse and recreational facilities for identification purposes. Such signs shall be permitted in addition to other signs permitted within the community. Each sign shall be limited to a maximum of 12 square feet of sign face and shall be coordinated as part of an overall signage design for the community.

- F. Signs. In addition to the signs customarily permitted in residential zones, a planned adult residential community shall be permitted to have the following additional signs:
- (1) One monument entrance feature sign on each side of the primary entrance to the community, plus one entrance feature sign on each side of a secondary entrance. Each entry monument shall be limited to a maximum of 36 square feet of sign face and shall be coordinated as part of an overall signage design for the community.
 - (2) Way-finding signs may be located throughout the community.
 - (3) Temporary flags and signs shall be permitted during sales events during the construction phases of the development.
 - (4) Entry feature monuments may include hardscape in the form of brick or stone and may include decorative fencing at a maximum height of 48". Monument structures shall have a maximum height of 60" from the average grade. The sign face shall be designed to match the scale, style, and design of the entrance monument on which it is mounted.
 - (5) Entrance features and all secondary way-finding signage may be lighted with either ground-mounted or sign-mounted lighting meeting the requirements of this chapter.
 - (6) All signs shall be landscaped appropriately and shall be designed as a coordinated signage plan.
- G. Deed restrictions. Approval of a PAR planned adult residential community shall be conditioned upon the placement of restrictive covenants on the deeds to any and all portions of the tract so developed to:
- (1) Ensure that the age-restricted units qualify as "55 or over housing" within the meaning of the Federal Fair Housing Act. The age-restrictive covenants shall be subject to review by the Township Attorney.
 - (2) Ensure garages shall not be converted to habitable space.
 - (3) Ensure that all public and common open space, all community facilities, private roads, signs, lighting, parking, and all required landscaping are maintained by a homeowners' association.

- H. Affordable housing. A planned adult residential community shall provide for affordable housing either on-site or by way of a monetary payment to fund municipally-sponsored off-site housing, at a rate to be mutually agreed upon by the developer and Cranbury Township.
- I. Other ordinances. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 2. Boundaries; Zoning Map Amended.

A. The PAR Overlay Zone is hereby established and shall comprise an overlay zone for all of Lot 1 in Block 25 as depicted on the Cranbury Township Tax Map.

B. The map entitled “Cranbury Township Zoning Map,” dated October 1995, as prepared by Moskowitz, Heyer & Gruel, and amended through May 21, 2012 by Hatch Mott MacDonald, and amended through May 21, 2012 by Maser Consulting, shall be amended to reflect the new boundaries of the PAR Overlay Zone described above.

E. Section 150-9.A (Zoning Map) of the Code adopting the above-referenced Zoning Map shall be amended to indicate the most recent revision date (September 15, 2016 by Van Cleef Engineering Associates) of said Map.

Section 3. Referral to Planning Board. Pursuant to *N.J.S.A. 40:55D-26*, a copy of this Ordinance shall be referred to the Cranbury Township Planning Board for review prior to being considered for final passage.

Section 4. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon its passage and publication and upon the filing of a copy of said Ordinance with the Middlesex County Planning Board, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on September 11, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting

of the Township Committee to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on September 25, 2017 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, R.M.C., Clerk