

ORDINANCE NO. 2017-01

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX,
"ZONING," SUBSECTION 20-11, "R-M RESIDENTIAL
MULTIFAMILY," OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER, STATE
OF NEW JERSEY, TO ADD A NEW R-M 1 ZONE TO PROVIDE FOR A
MULTIFAMILY RESIDENTIAL INCLUSIONARY DEVELOPMENT
AND AMENDING THE ZONING MAP TO
REZONE LOTS 3 AND 3.02 IN BLOCK 3 FROM R-O to R-M1**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF EAST WINDSOR**, in the County of Mercer and the State of New Jersey, that
Chapter XX, "Zoning," of the Revised General Ordinances of the Township of East
Windsor is hereby amended and supplemented as follows with respect to Subsection 20-
3.0225, "Definitions," and Section 20-11, "R-M Residential Multifamily," to add a new
R-M 1 zone in order to provide for a multifamily residential inclusionary development.

SECTION 1. Subsection 20-3.0225, "Definitions," of Chapter XX, "Zoning," is hereby
amended and supplemented by adding a new definition as 20-3.0225 (f):

20-3.0225 (f) **DWELLING, STACKED ATTACHED:** A dwelling unit in a
multifamily dwelling containing three or more dwelling units
separated vertically as well as horizontally with each unit
having its own private entrance.

SECTION 2. Chapter XX, "Zoning," is hereby amended and supplemented to add
section 20-11A, "R-M1 – Residential Multifamily 1," as follows:

20.11A R-M1 – Residential Multifamily 1.

20-11A.1 Intent. The intent of this zoning District is to facilitate the development of
a multifamily inclusionary development to permit appropriate densities
including a significant percentage of affordable housing in concert with the
allowed density.

20-11A.2 Number of Dwelling Units Permitted and Affordable Units Required. The
number of permitted dwelling units within the multifamily dwelling
development shall be 187 with 38 units set-aside for very low, low and
moderate income households.

20-11A.3 Principal Uses

- a. Dwelling, multifamily.
- b. Dwelling, attached.
- c. Dwelling, stacked attached.

20-11A.4 Accessory Uses

- a. Structures designed for recreation or community use as a part of the multifamily dwelling development.
- b. Private garages and carports.
- c. Residential swimming pools with outdoor dining area, outdoor barbeque and party deck.
- d. Dog runs.
- e. Tot lots.
- f. Walking paths with barbeque patios.
- g. Off-street parking facilities.
- h. Community Clubhouse with fitness room, club room and furnished model.
- i. Management and leasing offices.
- j. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
- k. Solid waste facilities.
- l. Signs. (See Township Ordinance Subsection 20-5.1607(b) for standards.)

20-11A.5 Conditional Uses.

- a. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television, but not offices, garages, warehouses, maintenance areas or similar commercially or industrially related operations of such companies or utilities. All such equipment, devices and structures shall be adequately screened from adjacent and surrounding properties and public ways.

20-11A.6 Bulk and Area Requirements.

- a. The R-M1 zone is designed to permit 187 multifamily units of which a minimum of thirty five percent (35%) shall be attached dwelling units with the remaining to be comprised of multifamily units.
- b. Minimum parking setback from existing public streets shall be 100 feet and from the tract property line shall be 20 feet.
- c. Minimum landscaped buffer adjacent to existing public streets shall be 25 feet and to other property lines shall be 20 feet.
- d. Minimum distance from building to parking shall be 15 feet.
- e. Minimum distance between principle buildings shall be 25 feet. See the Schedule of District Regulations of this chapter (to be added to the existing table)

Minimum Lot Area	Minimum Dimensions in Feet									Maximum Allowed			
	Lot width	Principle Building Yards				Accessory Bldg Setbacks from				% Bldg Coverg.	% Imprvmt. Covrg.	Bldg ht. in ft.	Bldg ht. in stories
		Front Yard	Side Yard	Both Side Yards	Rear Yard	Street Line	Side Line	Rear Line	Princ. Bldg.				
14 acres	500	100	50	100	NA	125*	35	NA	20	25	50	48	3

*Note: If there is not a principal structure located within 125 feet of the street line, the accessory building shall be located to the rear of the closest principal structure to the streetline as a minimum setback distance.

20-11A.7 Very Low, Low and Moderate Income Housing Requirements.

- a. The percentage of very low, low and moderate income housing shall be twenty percent (20%), rounded up, of the total number of dwellings.
- b. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1, et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1, et seq. The rents for affordable units shall be set as follows: thirteen percent (13%) of the rents shall be established to be affordable to households earning thirty percent (30%) of median income, thirty-seven percent (37%) of the rents shall be established at less than fifty percent (50%) of median income, and fifty percent (50%) of the rents shall be established at between fifty percent (50%) and sixty percent (60%) of median income

The affordable units shall also comply with the U.H.A.C. regulations related to bedroom distribution, range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract.

- c. Affordable housing units shall be affordable family rentals and shall not be age-restricted. The affordable housing units shall be dispersed within the multifamily dwelling units and not located in the stacked attached dwelling units.
- d. The Township designated Affordable Housing Administrator 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.

20-11A.8 Other Requirements

- a. **Building Design.** The design of the buildings shall be residential and not institutional and shall conform to the following:

1. Architectural elevations and floor plans shall be provided for each type of building.
 2. Maximum length of buildings shall not exceed 300 feet.
 3. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
 4. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
 5. All HVAC and mechanical equipment shall be adequately screened from view.
 6. All units shall be designed in a unified architectural style.
- b. Circulation and Parking.
1. At least one-half of the multifamily or attached dwellings shall be provided a parking space in a garage.
 2. A boulevard street entry shall be provided with access to Old Trenton Road and be provided with the landscape architectural treatment in accordance with Township Ordinance Section 22-27.3(a).
 3. Internal streets shall be provided with the landscape architectural treatment in accordance with an informal street tree planting standards at Township Ordinance Section 22-27.3(b).
 4. An emergency access drive shall be provided to Old Trenton Road approximately 900 feet west of the entry road.
 5. Pedestrian and bicycle circulation systems shall be designed to extend through and connect with open space and common areas.
- c. Open Space.
1. A minimum of thirty percent (30%) of the tract shall be specifically set aside for conservation, recreation and/or other open space.
 2. No more than one-half of the minimum thirty percent (30%) of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of fifteen percent (15%) or greater.
- d. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.

SECTION 3. Subsection 20-2.0002, "Zoning Map", of the General Ordinances of East

Windsor Township is hereby amended in its entirety to read as follows:

20-2.0002 ZONING MAP. The map entitled "East Windsor Township Zoning Map," adopted July 28, 1976, together with all notations thereto and with the revisions and amendments to said map up to and including February 3, 2017, along with a "Supplemental Zoning Map" dated April 23, 2013, are adopted together as the "Zoning Map" of the Township of East Windsor, with a copy of each map attached hereto and made a part hereof by reference, and which are on file in the office of the municipal clerk. (The Zoning Map may be found at the end of this chapter and the Supplemental Zoning Map is on file in the office of the municipal clerk.)

a. *Amendments:* For informational purposes, the area of East Windsor Township to be rezoned into the new "CR" Corridor Revitalization zoning district includes approximately 138.2 acres of developable land along the Route 33 corridor between Route 130 and Hightstown Borough, with approximately 94.6 developable acres currently zoned "HC" Highway Commercial and approximately 43.6 acres currently zoned "I-O" Industrial Office.

(Ord. No. 2013-05)

For informational purposes and not to be codified: The effect of this Section 3 of Ordinance 2017-01 is to rezone the property known as Block 3, Lots 3 and 3.02, located on Old Trenton Road south of the intersection of Princeton-Hightstown Road, from R-O to the new R-M1 zone.

SECTION 4. All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 5. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause if this Ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 6. This Ordinance shall take effect twenty (20) days after the final adoption, publication and the filing of this Ordinance with the Mercer County Planning Board, all in accordance with law.

ATTEST:

KELLY LETTERA
Deputy Municipal Clerk

JANICE S. MIRONOV
Mayor