

**ORDINANCE NO. 2018-11  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE AMENDING CHAPTER XX, “ZONING,” FOR CREATION OF A  
NEW ZONING DISTRICT, AS AN OVERLAY ZONING DISTRICT, TITLED R-M AH  
RESIDENTIAL MULTIFAMILY AFFORDABLE HOUSING DISTRICT TO  
FACILITATE A MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENT, OF  
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR**

**WHEREAS**, in accordance with the New Jersey Supreme Court’s “Mount Laurel I” decision (South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975)), the Township has a constitutional obligation to provide for its “fair share” of affordable housing; and

**WHEREAS**, the Township entered into a settlement agreement with Fair Share Housing Center, Inc. (“Fair Share Housing Center” or “FSHC”) as approved by the Superior Court at a Fairness Hearing held on July 19, 2017 and reflected in a Court Order also dated July 19, 2017 (collectively, the “settlement agreement”), setting forth the Township’s third round affordable housing obligation covering the period 1999 to 2025, including the various plan mechanisms to satisfy its obligation in full; and

**WHEREAS**, the Township entered into an Agreement, between Township of East Windsor and Community Investment Strategies, Inc., in January 2018 regarding 300-C Princeton Hightstown Road; and

**WHEREAS**, the “300-C Princeton Hightstown Road Site,” identified as Block 5, Lot 2.02 on the Township of East Windsor tax maps and located on the northern side of Princeton Hightstown Road and the easterly side of Old Trenton Road, is intended to accommodate the affordable housing development satisfying a portion of the Township’s obligation in accordance with the municipality’s 2017 Housing Element and Fair Share Plan;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR**, in the County of Mercer and the State of New Jersey, as follows:

**SECTION 1.** Chapter XX, “Zoning,” is amended and supplemented by the addition of a new Section 20-11C entitled “R-M AH – Residential Multifamily Affordable Housing” District, as follows:

20-11C           **R-M AH** – Residential Multifamily Affordable Housing.

20-11C.1       **Purpose.** The purpose of this new Section is to create an overlay zone for this property to facilitate the creation of a multifamily affordable housing development to permit appropriate densities for a municipally sponsored, 100%, affordable housing development, to be located on the property at 300-C Princeton Hightstown Road and identified as Block 5, Lot 2.02 on the Township tax maps. The purpose of this zone is to establish an affordable housing zone in accordance with a settlement agreement between the East Windsor Township and Fair Share Housing Center, Inc. (“Fair Share Housing Center” or “FSHC”), approved by the Superior Court at a Fairness Hearing held on July 19, 2017 and reflected in a Court Order also dated July 19,

2017 (collectively, the “settlement agreement”), setting forth the Township’s third round affordable housing obligation covering the period 1999 to 2025. In addition, the Township entered into an Agreement, between Township of East Windsor and Community Investment Strategies, Inc., in January 2018 regarding 300-C Princeton Hightstown Road which included this property as a mechanism to satisfy its obligation. This new Zoning District is an overlay zoning district to the existing RO Research Office Zoning District which designation shall remain in full effect.

20-11C.2      **Number of Dwelling Units Permitted and Affordable Units.** The maximum number of permitted dwelling units and affordable housing units within the R-M AH – Residential Multifamily Affordable Housing Zoning District is 80 multi-family units.

20-11C.3      **Principal Uses**

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

20-11C.4      **Accessory Uses**

- a. Structures designed for recreation or community use as a part of the multifamily affordable housing development.
- b. Outdoor patio and passive recreation area, which can include barbeque areas.
- c. Tot lots, active recreation areas, and gardens including vegetable gardens.
- d. Gazebos, pergolas and similar outdoor landscape structures.
- e. Dog Parks.
- f. Off-street parking facilities.
- g. Community Clubhouse with indoor amenities.
- h. Management and leasing offices.
- i. Maintenance office and storage areas.
- j. Maintenance Shed not to exceed 120 square feet and 15 feet in height.
- k. Solid waste facilities.
- l. Signs (See Township Ordinance Subsection 20-5.1607(b) for standards.).

20-11C.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.

20-11C.6      **Bulk and Area Requirements.**

- a. The R-M AH Zoning District is designed to permit a maximum of 80 total multifamily units.
- b. Minimum parking setback shall be 5 feet from all property lines, except the property line which adjoins the property identified as Block 5, Lots 2.01 and 27.04 on the Township tax maps shall not have a setback requirement.
- c. Minimum landscaped buffer adjacent to parking along property perimeter shall be 10 feet from all property lines, except the property line which adjoins the

property identified as Block 5, Lots 2.01 and 27.04 on the Township tax maps shall not have a buffer requirement.

- d. Minimum distance from building to parking shall be 10 feet.
- e. Maximum number of dwelling units per building shall not exceed 25.
- f. There is no frontage requirement for this Zoning District, access shall be obtained through adjoining properties through recorded easements.

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.				
4 acres	300	60	50	100	60	N/A	5	NA	5	25	75	40	3

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

- a. Affordable housing units shall be affordable rentals and shall not be age-restricted.
- b. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1, et seq., except that instead of ten percent (10%) of the affordable units being made affordable to households earning 30 percent (30%) of median income, thirteen percent (13%) of the affordable units shall be made affordable to such households. The affordable units shall also comply with the UHAC regulations related to bedroom distribution and range of affordability. UHAC regulations shall also govern pricing and rent of units, affirmative marketing, and other affordability controls except if the development is financed with the Low Income Housing Tax Credits (LIHTC) in which case that program controls. Regardless of financing source, thirteen percent (13%) of the affordable units shall be made affordable to households earning 30 percent (30%) or less of median income as part of a minimum of fifty percent (50%) of the affordable units being made affordable to households earning 50 percent (50%) of less of median income.
- c. The LIHTC program requirements shall control and replace Subsections 20-20.5, 20-20.7, 20-20.9, 20-20.10, 20-20.15-17 in this Zoning District, provided that the Affirmative Fair Housing Marketing Plan required to be submitted by the LIHTC program requirements shall comply with the settlement agreement's requirements as to organizations to be notified of availability of and provided applications for units.
- d. Subsection 20-21.4 is not applicable to this Zoning District.

20-11C.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 180 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. Access shall be through the existing commercial development with access provided pursuant to recorded easements.
  2. Parking shall comply in accordance with the applicable Residential Site Improvement Standards (RSIS).
  3. Landscaping requirements of Sections 19-A2.3h and 19-A2.3k are not applicable to this Zoning District so as to achieve the required density. However, adequate lighting and aesthetically pleasing landscaping shall be provided.
  4. Loading Areas pursuant to Subsection 19A-2.4a are not required in this Zoning District.
- c. Open Space.
  1. A minimum of twenty percent (20%) of the tract shall be used for conservation, recreation and/or other open space.
  2. No more than one-half of the minimum twenty percent (20%) 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.

**20-4.0000 GENERAL PROVISIONS.**

20-4.0100 DISTRICTS CREATED. The following districts are hereby created:

R-A Rural Agricultural

R-E Rural Estate

R-A Rural Agricultural

R-E Rural Estate

R-1 Residential Low Density

R-2 Residential Low Density  
R-3 Residential Medium Density  
R-M Residential Multifamily  
R-M1 Residential Multifamily 1  
R-M2 Residential Multifamily 2  
R-M AH Residential Multifamily Affordable Housing  
S-L Residential Small Lot  
PRC Planned Retirement Communities  
PAC Planned Adult Community  
PUD Planned Unit Development  
MH Manufactured Housing  
NC Neighborhood Commercial  
HC Highway Commercial  
TC Turnpike Commercial  
R-O Research Office  
I-O Industrial Office  
ARH Age-Restricted Housing  
CC Community Commercial  
CR Corridor Revitalization

**SECTION 2.** The map entitled “Zoning Map, East Windsor Township, Mercer County, NJ,” last dated February 3, 2017, is revised to add a new overlay zoning district, R-M AH Residential Multifamily Affordable Housing District, which shall comprise the parcel designated as Block 5, Lot 2.02 on the Township tax maps.

**SECTION 3.** The Schedule of District Regulations referenced in and provided as an attachment to Chapter XX, “Zoning,” of the Township Ordinances is amended by adding the applicable requirements for the R-M AH-Residential Multifamily Affordable Housing District created by this Ordinance.

**SECTION 4. Repealer.** All ordinances and resolutions or parts thereof inconsistent

with this ordinance are repealed.

**SECTION 5. Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

**SECTION 6. Effective Date.** This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, and as provided for by law.

**ATTEST:**

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**KELLY LETTERA,**  
Municipal Clerk

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**JANICE S. MIRONOV**  
Mayor

Introduced:

Adopted:

Effective: