

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

SEPTEMBER 1, 2020 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2020 and posted in the Municipal Building. This meeting is being held virtually via Zoom technology.
3. Pledge of Allegiance. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 8/5/2020
7. Resolutions: approval needed: none from the last meeting
8. Old Business:
 - a. Public Hearing - Westampton Township Housing Element & Fair Share Plan, Master Plan Reexamination Report – continued from 8/5/2020 meeting
 - b. Memorialize Resolution #20-2020 – Adopt Housing Element & Fair Share Plan
9. New Business:
 - a. Terrence & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – minor subdivision
 - b. Review Ordinance #14-2020 An Ordinance Supplementing Chapter 250, “Zoning” of the Code of the Township of Westampton to add the TC – Town Center Zone
 - c. Review Ordinance #13-2020 An Ordinance Supplementing Chapter 250, “Zoning” of the Code of the Township of Westampton to add the MU-1 Mixed Use Zone
 - d. Review Ordinance #10-2020 An Ordinance Supplementing Chapter 250,

“Zoning” of the Code of the Township of Westampton to add the R-9 Residential Zone

- e. Memorialize Resolution #22-2020 – recommend adoption of Ordinance #14-2020
- f. Memorialize Resolution #23-2020 - recommend adoption of Ordinance #13-2020
- g. Memorialize Resolution #24-2020 – recommend adoption of Ordinance #10-2020

10. Informal Applications: None

11. Correspondence: None

12. Open meeting for public comment:

13. Comments from Board members, Solicitor, Engineer and Secretary:

14. Adjourn

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

AUGUST 5, 2020 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held virtually, via the Zoom app on August 5, 2020 at 7:06 P.M.

The meeting was called to order by Vice Chair Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2020 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Secretary Marion Karp, Solicitor Ruben Perez

Absent: Mr. Applegate, Mr. Freeman, Mr. Henley, Mr. Odenheimer

Solicitor Robert Swartz swore in the Board Planner.

Approval of meeting minutes 7/1/2020 – minutes were approved as written.

Resolutions: approval needed:

17-2020 Colonial Dames, Block 906, Lot 12 (180 Burrs Road) – preliminary and final site plan (rebuild existing barn) – was memorialized

18-2020 Robert Elbertson, Block 1002.01, Lot 7 (14 Manor Drive) – bulk variance (pole barn/garage) – was memorialized

19-2020 Provco Westampton, LLC, Block 201, Lot 7.01 (Rancocas Road & Highland Drive) – amended preliminary and final major site plan; use variance & bulk variances – addition of drive through window – was memorialized

Old Business: None

New Business:

Amended Redevelopment Plan, Block 805, Lot 1 (2015 Burlington-Mt. Holly Rd.) – FAR discrepancy and change in impervious coverage to improve site design. Barbara Fegley explained that the FAR had been calculated incorrectly; they took the footprint

and didn't allow for the fact that the FAR would be multiplied for each floor. They also provided a better layout and circulation plan, thus requiring the amendment. Barbara doesn't have a problem increasing the FAR; it should have been increased from the very beginning. She doesn't have an issue with the increased impervious coverage either. The Board would be making a recommendation to the Township Committee to amend this redevelopment plan; the Land Development Board is not permitted to grant a variance for a project under a redevelopment plan; instead the plan must be amended. Robert Swartz stated that the site plan that was coming in was exactly the same as what the Board had seen before.

George Hulse, applicant's attorney was present. They are hoping that the Board would recommend that the amended plan be approved so that they could continue to move forward with their project. It is a housekeeping matter in his opinion.

The application was opened to the public for comment. No comment was made and the meeting was closed to public comment.

Ms. Burkley made a motion to approve; the motion was seconded by Mr. Blair. Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes.

Resolution 21-2020 Approve Amended Redevelopment Plan, Block 805, Lot 1 (2015 Burlington-Mt. Holly Road) – motion to approve was made by Mr. Blair; seconded by Ms. Haas. Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes. The resolution was now memorialized and could then be sent to the Township Committee.

Public Hearing - Westampton Township Housing Element & Fair Share Plan, Master Plan Reexamination Report. Solicitor Swartz gave the Board a brief history of the historic Mt. Laurel decision, the creation of affordable housing and COAH. He explained to the Board the entire process of the Township Fair Share Plan and Housing Element. Solicitor Ruben Perez explained that we are currently in the compliance phase of the settlement; it is the final piece that needs to be completed in a long five-year process. We have until October 7th to finalize the compliance process; the Diocese property, the Hogan property and the Hancock property will be rezoned. The Diocese property is the only one that currently has a developer for it. He explained that the settlement is favorable to the Township since it allows us to have home rule and doesn't relinquish zoning control to the court master and the developers themselves. The Township will be immune to builders' remedy lawsuits through 2025 if granted immunity at the compliance hearing.

Barbara Fegley prepared the 2020 Fair Share Housing Plan and Housing Element, a fairly voluminous document. She gave a brief synopsis to the Board. Our third-round number is 592 units. Dave Guerrero asked about the builders' remedy lawsuit on the Winner farm and why it wasn't a part of this plan. She explained that since it was on the

books so long and nothing happened with it, it no longer provided a realistic opportunity for affordable housing so they removed it from the plan. She fought to have this site in the plan; it is a very good question. Fair Share Housing and the Court Master said it couldn't be in the plan and the judge at the time, Judge Bookbinder, agreed with them. Dave Guerrero asked about the Hogan property and wetlands that existed there. Barbara explained that she understood his concerns but the property still met the criteria to locate some housing there. He asked about the Diocese and the fact that most all of our low and moderate housing is clustered together in one corner of the Township. Barbara explained that there weren't a lot of choices for providing low and mods as part of an inclusionary development; there weren't a lot of large parcels available. Dave explained that it was just a general comment; he thought it should be evenly spread throughout the Township and he thinks this could be a negative and counterproductive to COAH. This is why he thinks the Winner parcel would be a viable option; Barbara agrees completely with him. It didn't make sense to her not to include it in the plan.

Barbara explained why Kent Pipes 30 additional units that were just approved by the LDB were not included in this plan; they could be included in the fourth-round plan and perhaps receive bonus credits as well. The decision was made at the time to just count the five units that are currently existing. She went over the rest of the credits and units and explained how each was calculated with the Board.

Nancy Burkley asked what prevents someone from purchasing an affordable unit and selling it for a market price. There should be a deed restriction on it. She also asked about foreclosures.

Bob Thorpe spoke about clustering affordable units vs. interspersing them amongst the market units; he wanted to make sure that this happens down the line; he doesn't want to see them clustered in one area only. Barbara explained that they want to make sure that this doesn't happen. She stated that you should be able to look at a building and not pick out the affordable units. Bob thinks it should be their goal to have everything be more equitable across Westampton. Gary Borger appreciates Bob Thorpe's comments.

The meeting was opened to the public for comment. No comment was made and the meeting was closed.

Solicitor Ruben Perez was concerned whether or not the plan would change at all and if it would affect it if the LDB voted to approve it tonight. He didn't know if the court masters would require an amendment or not. Robert Swartz thinks we can take a vote tonight and amend the plan if there is anything substantive, although then he stated that he thinks perhaps we should continue this part of the hearing until the next month's meeting if that is Ruben's preference. He doesn't expect anything but perhaps it is the cleanest and most cautious process to take. The Board would continue the hearing until the next meeting which would occur on September 2nd. No further notice would be required.

The reexamination of the Master Plan report would be continued until the September 2 meeting as well.

Mr. Blair made a motion to continue until the September meeting; the motion was seconded by Mr. Guerrero. Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes.

Memorialize Resolution #20-2020 - Adopt Housing Element & Fair Share Plan – will be continued until the September meeting.

Informal Applications:

NJ American Water, Block 1203, Lots 17 & 18 (Woodlane Road) – Woodlane Station modifications. Niall O'Brien, applicant's attorney was present on behalf of the application. The property in question is 1.803 acres behind the intersection of 541 and Woodlane road; it sits behind the Walgreens, liquor store, etc. It is zoned R-3. Public utility uses are not specifically allowed by ordinance. There is a water treatment system located there; since they are expanding and the use is not permitted, they will need a D2 variance as well as a site plan application and a few more variances. The property is land locked and this is the reason for some of the variances. Marc Perratore, engineer and Jim Derusso were present as well and gave some brief testimony. They are designing a new treatment plant to take the place of this existing station. Initially there will be 3 filters with a fourth to come online later.

Robert Thorpe asked if sewage was also serviced here, it is only water. There are two wells on site. He asked if any odors could be discharged; they answered no. Sludge would be held in tanks but it's not the typical sludge you think about. He asked how it would be transported off the site; they would use a tanker truck.

The front yard is the portion of the property facing Route 541; it's the closest roadway. Mr. Borger asked how often the sludge had to be removed; it would be once or twice a week depending on the amount of the flow. Currently they discharge in the lagoon and the sludge settles on the bottom. It is cleaned out about once a year. It is a significant upgrade in treatment capability.

Barbara Fegley asked if there would be any odor at all; they answered no. She asked about noise; they said no additional noise would be generated. The lagoon was pre existing on the site. Mr. Thorpe asked about the color of the tanks; normally they are painted sky blue. They could paint them any color the Board preferred. Mr. Thorpe asked if there were any relatively close facilities they could visit to see what they looked like.

This was opened to the public for comment; there being no comment, the meeting was closed.

Correspondence: None

Open Meeting for public comment

No comments were made.

Comments from the Board

Mr. Guerrero – thanks to Barbara Fegley and Robert Swartz for their efforts; he was impressed with their presentation.

Mr. Borger and Ms. Burkley agrees.

Robert thanked Barbara, she did 99% of the work as well as Ruben and his firm.

Mr. Thorpe – thanked Barbara and Ruben; he has been an affordable housing advocate for a long time but needs to be done intelligently and adequately. Thanks for the hard work.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

**RESOLUTION OF MEMORIALIZATION ADOPTING HOUSING ELEMENT AND
FAIR SHARE PLAN**

RESOLUTION NUMBER 20-2020

WHEREAS, in the New Jersey Supreme Court's March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court, and established a transitional process for certified municipalities, like the Township of Westampton, to file declaratory judgment actions seeking to have their Housing Elements and Fair Share Plans ("HEFSPs") found constitutionally compliant;

WHEREAS, municipalities whose HEFSPS are found constitutionally compliant by the New Jersey Superior Court are entitled to protections similar to those they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township of Westampton filed a declaratory judgment action on July 8, 2015 with the New Jersey Superior Court asking the Court to declare Westampton Township's HEFSP constitutionally compliant, and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Action"); and

WHEREAS, the Township's Affordable Housing Planning Consultant, Barbara J. Fegley, AICP, PP of Environmental Resolutions Inc., has prepared an HEFSP dated July 24, 2020 that addresses the Township's affordable housing obligation ("2020 HEFSP");

WHEREAS, the 2020 HEFSP is an amendment to the 2015 plan amendment which was not certified by COAH prior to the Appellate Division invalidation of COAH's 'growth share' methodology.

WHEREAS, the 2020 HEFSP is the basis for the Township's request to the New Jersey Superior Court for a Judgment of Compliance and Repose;

WHEREAS, the New Jersey Superior Court has advised that it is acceptable and appropriate for Westampton Township to settle its Action through entry of a settlement agreement with interested party, Fair Share Housing Center ("FSHC");

WHEREAS, on behalf of the Westampton Township Council, the Mayor executed the settlement agreement on December 24, 2019 (the "Settlement Agreement");

WHEREAS, the Settlement Agreement was approved by the New Jersey Superior Court by Order of the Honorable Jeanne T. Covert, A.J.S.C., dated February 10, 2020, which Order established the Township's fair share obligations and preliminarily approved the Township's compliance mechanisms;

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Development Board held a public hearing on the Housing Element and Fair Share Plan on August 5, 2020; and

WHEREAS, the Land Development Board has determined that the Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest, protect public health and safety, and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Land Development Board of the Township of Westampton, Burlington County, New Jersey, on this 5th day of August, 2020, the Land Development Board hereby adopts the 2020 HEFSP, in the form attached hereto as Exhibit A.

MOTION TO FIND 2020 HEFSP CONSISTENT WITH THE TOWNSHIP MASTER PLAN and MASTER PLAN RE-EXAMINATION REPORT, AND TO ADOPT SAID PLAN AS THE HOUSING ELEMENT OF THE TOWNSHIP MASTER PLAN:

ROLL CALL VOTE

Ayes Nays Abstentions Recusal

Applegate
Blair
Borger
Eckart
Freeman
Guerrero
Henley
Haas
Thorpe
Odenheimer
Burkley

Attest:

Ronald Applegate, Chairman

Marion Karp, RMC, CMR, Board Secretary

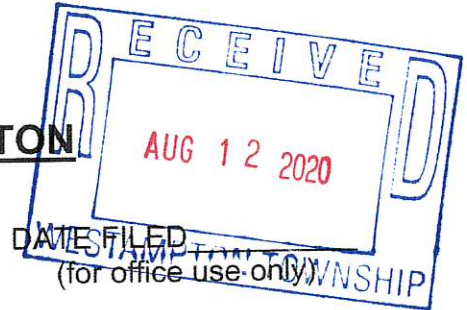
CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meetings held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on August 5, 2020 and September 2, 2020, and said Resolution was authorized for memorialization at a meeting held on September 2, 2020.

Marion Karp, RMC, CMR, Board Secretary



TOWNSHIP OF WESTAMPTON



SITE PLAN REVIEW APPLICATION _____
SUBDIVISION APPLICATION
MINOR MAJOR _____
PRELIMINARY _____ FINAL _____ CONSOLIDATED _____

BLOCK 106 **LOT** 15

1. GENERAL INFORMATION

A. Applicant Name Terrence and Kimberly Brennan

Address 220 Main Street, Rancocas, NJ 08060

Telephone Number 856-780-0606 Email: tbrennan@carefreelivin.com

B. The Applicant is a:

- Corporation* _____
- Partnership* _____
- Individual
- Other (specify) _____

*If the applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

C. The relationship of the applicant to the property in question is:

- Purchaser under contract _____
- Owner
- Lessee _____
- Other (specify) _____

Attorney: _____
Address _____
Telephone Number _____ Email _____

D. ~~Engineer~~/Surveyor: Robert L. Vallee, PLS
Address PO Box 419, Hainesport, NJ 08036
Telephone Number 732-244-2373 Email robert@valleesurveying.com
Engineer: William H. Nicholson, PE
4 Rancocas Blvd, Mount Laurel, NJ 08054
856-778-7447 bnicholson@whnapa.com

2. INFORMATION REGARDING THE PROPERTY

A. Street address of the property 220 Main Street, Rancocas, NJ 08060

B. The location of the property is approximately 200 feet from the intersection
of Main St and Wills Ave

C. Existing use of the property Single residential lot

Proposed use of property Subdivided into three (3) residential lots

D. Zone in which property is located R6- Residential

E. Acreage of property 3.27 Acres

F. Is the property located on a County road? Yes ___ No ; State road?
Yes ___ No ; or within 200 feet of a municipal boundary? Yes ___ No

SITE PLAN APPLICATIONS ONLY (ANSWER ITEMS G, H & I):

G. The type of proposal is: New Structure ___ Expanded area ___ Improved
Parking Area ___ Alteration to Structure ___ Expansion to Structure ___
Change of Use ___ Sign ___

H. Name of business or activity (if any) _____

I. Are there deed restrictions that apply or are contemplated? _____
(if yes, please attach a copy to application)

SUBDIVISION APPLICATIONS ONLY (ANSWER ITEMS J, K, L & M)

J. Number of lots proposed 3

K. Was the property subject to a prior subdivision? Yes ___ No
(If so, list dates of prior subdivisions and attach resolutions)

L. Number of lots created on tract prior to this application 1

M. Are there any existing or proposed deed restrictions, easements, rights-of way or other dedication? Yes ___ No (if yes, attach a copy)

N. List all proposed on-site utility and off-tract improvements:

Two proposed single-family dwellings to connect to existing water service and sanitary sewer line in Main St. Fence in Township ROW to be moved or relocated.

Shade trees proposed in front of new lots. Drainage improvements proposed to include an "A" inlet in Main St.

O. List maps and other exhibits accompanying this application:

Minor Subdivision Plan- Vallee Surveying, Inc.

Improvement Plan- William H. Nicholson Associates, P.A.

3. INFORMATION REGARDING THE APPLICATION

A. Describe any proposed "C" or bulk variances requested, their location (Block & Lot) and the sections of the Zoning Ordinance from which relief is requested. Attach 1 copy of variance notification documents.

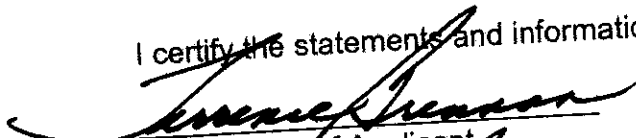
No variances are required.

4. CHECK LIST AND WAIVER REQUESTS

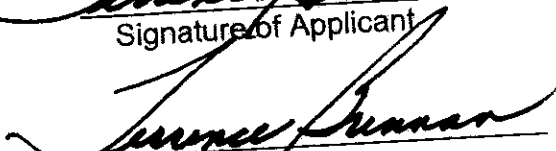
- A. Please refer to the Ordinance for the specific submission requirements, which are listed in Chapters 196, 215 and 250 (Site Plan Review, Subdivision of Land and Zoning) from the Code of the Township of Westampton.*
- B. Please list which sections of the Ordinance applicant requests a waiver from and the reasons therefore.

5. AUTHORIZATION AND VERIFICATION

I certify the statements and information contained in this application are true.


Signature of Applicant

7/28/21
Date


Signature of Owner

7/28/20
Date

*The entire ordinance is available on the internet at the Township website:
<http://www.westamptonj.gov>

Christopher J. Noll, PE, CME, PP
President & CEO

Barbara J Fegley, AICP, PP
Sec./Treas. & Sr. Vice President

William H. Kirchner, FE, CME, N-2
Vice President



**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Rakesh R. Darji, FE, PP, CME, CFM, Vice President
G. Jeffrey Hanson, PE, CME
Joseph R. Hirsh, PE, CME, CPWM
Joseph P. Orsino, CET
Marc H. Selover, LSRP, PG
Harry R. Fox, NICET III, CPSI
C. Jeremy Noll, PE, CME, CPWM
Benjamin R. Weller, FE, CME, CPWM, S-3, C-3

815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054

Telephone (856) 235-7170 • Fax (856) 273-9239 • www.erinj.com

August 27, 2020
#88032 01

Westampton Township Land Development Board
710 Rancocas Road
Westampton, NJ 08060

Attn: Marion Karp, Secretary Land Development Board

Re: Terrence and Kimberly Brennan
220 Main Street, Rancocas, NJ
Block 106 Lot 15
Minor Subdivision

Dear Members:

A Minor Subdivision Application was received and reviewed for Block 106, Lot 15 located at 220 Main Street in Westampton, New Jersey within the R-6 Zoning District. The property has 280' of frontage on Main Street and 12' of frontage on Wills Street. It is improved with a 2.5 story brick and frame dwelling that is set back approximately 287' from Main Street. A one-story frame barn and a 1.5 story metal and frame barn are located behind the dwelling. A stone driveway provides access to the dwelling from both Main Street and Wills Street. Lot 15 comprises 142,351.3 square feet (3.26 ac.).

The applicant is proposing to subdivide the property into three (3) lots. Proposed lot 15.01 will comprise 20,026.9 square feet (0.46 ac.). Proposed lot 15.03 will comprise 20,026.6 square feet (0.46 ac.) and proposed lot 15.02 will comprise 102,297.9 square feet (2.35 ac.) and contain the existing dwelling and barns referenced above. The applicant is proposing to construct a single family dwelling with an attached garage on each of the two remaining lots. All of the lots will be serviced with public water and sewer. A new stone driveway is proposed to access the existing house located on proposed lot 15.02. Proposed lot 15.01 will utilize a portion of the driveway servicing the existing dwelling for access to Main Street and a new driveway will be constructed to access proposed lot 15.03.

An application for a three lot Minor Subdivision was heard and approved on February 5, 2014. It appears the plans were not perfected or filed. Resolution: 10-2014 contained a number of conditions. Planning related conditions are restated in this review letter.

Documents Submitted

The following documents have been received with this application:

1. Township of Westampton Minor Subdivision Application.
2. Minor Subdivision Plan, prepared by Vallee Surveying Inc., dated 7/21/20.

Stacey Arcari, PE, CME, PTOE, PP
Timothy Kaluhiokalani, LLA, PP
Anthony R. Lopez, PE, CFM
José Ruiz-del-Valle, PLS
Karen Hermack, PE

Andrew J. Orsino, NICET III
John T. Potts, NICET III, W-2, T-2
Charles Sabatini, PE, CME, CPWM, PP
Edward E. Fox, III, AICP, PP

John L. Scott, Jr., PLS, NICET III
Rohan Tadas, CHMM, LSRP
Neil J. Werket, LLA, RLA
Kathryn Haywood, PE, CFM
Mathew Kensler, NICET III

3. Improvement Plan, Sheet 1 of 2 prepared by William H. Nicholson Associates, PA, dated 10/04/13 and revised to 6/19/20.
4. Construction Details, Sheet 2 of 2 prepared by William H. Nicholson Associates, PA dated 10/15/13 and revised to 2/11/14.
5. Submission letter prepared by Kyle J. Spohn, EIT of William H. Nicholson Associates, PA, dated 8/12/20.

**TABLE 1
LOT BULK REQUIREMENTS IN R-6 ZONING DISTRICT
1- FAMILY DETACHED DWELLINGS
PROPOSED CONDITIONS**

	Required	Existing Lot 15	Proposed Lot 15.01	Status	Proposed Lot 15.02	Status	Proposed Lot 15.03	Status
Minimum Lot Size If Public Water & Sewer Are Available	20,000 Square Feet	142,351.3 Square Feet	20,026.9 Square Feet	C	102,297.9 Square Feet	C	20,206.6 Square Feet	C
Minimum Lot Width at the Building Line	100'	281.4'	110.1'	C	281'	C	110.1'	C
Minimum Front Yard	50'	287.4'	50'	C	105.4'	C	50'	C
Minimum Rear Yard	25'	121.9'	25'	C	121.9'	C	25'	C
Minimum Side Yard (Both)	30'	246'	30'	C	246'	C	30'	C
Minimum Side Yard- 1 Side	12'	110.1'	12'	C	110.1'	C	12'	C
Accessory Structures, Side or Rear	6'	33.5' Rear 104' Side	6' Rear 6' Side	C	33.5' Rear 104' Side	C	6' Rear 6'Side	C
Maximum Building Height	35'	<35'	<35'	C	<35'	C	<35'	C
Building Coverage	20%	1.8%	<20%	C	2.5%	C	<20%	C
Building and Paving Coverage	30%	2.4%	<30%	C	3.3%	C	<30%	C

C-Conforming

General Comments


1. The Improvement Plan notes that an existing fence located within the right of way of Main Street is to be removed or relocated out of the right of way. Testimony on the condition of the fence should be provided.
2. Testimony should be provided on whether any demolition of existing structures is proposed. If so, Historical Preservation Commission approval is required.

3. There is an existing row of mature evergreen tree along the easterly border of proposed lot 15.01. Resolution: 10-2014 required a deed restriction prohibiting the removal of this evergreen buffer unless a letter or report was submitted to the Township from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. It appears that a portion of the trees will need to be removed to construct the house as depicted on the Improvement Plan. Testimony should be provided on whether individual trees have been located, if any require removal, and if approval was obtained from the Township. Trees may be able to be saved if the house and driveway are shifted to the west. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
4. In 2014, Resolution: 10-2014 required a deed restriction prohibiting the removal of any tree on the subdivided property with a caliper of 12" or more, unless a letter or report is submitted from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
5. There is no sidewalk proposed along the frontage of any of the lots. A condition of Resolution: 10-2014 was that a contribution-in-lieu-of sidewalk construction shall be paid.
6. The two barns on proposed Lot 15.02 have areas of approximately 400 and 768 square feet which exceed the 200 square foot size limit for storage buildings in the R-6 Zoning District, however this is an existing non-conforming condition.
7. The existing driveway accessing Wills Drive encroaches onto adjacent lot 11. The applicant should provide testimony regarding an access easement or agreement allowing the encroachment.
8. A NJDEP Letter of Interpretation (LOI): Presence/Absence Determination was submitted with revised plans that accompanied a 2014 conformance plan submission for the previous Minor Subdivision application. The LOI indicates there are no wetlands or open waters on the property. In addition, no part of the property is within a transition area or buffer.
9. The applicant should coordinate the proposed lot numbers with the Township tax assessor.
10. The Fire Marshal should comment regarding availability of hydrants.

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If you have any questions or require further information, please feel free to contact me.

Sincerely,


Barbara J. Fegley, AICP, PE
Township Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., via email
Robert Swartz, Esq., Board Solicitor, via email
James Winckowski, PE, CME, Board Engineer, via email
Robert L. Vallee, PLS, via email, robert@valleesurveying.com
William H. Nicholson, PE, via email bnicholson@whnapa.com
Terrance Brennan, 220 Main Street, Rancocas, NJ 08060 and via email
tbrennan@carefreelivin.com

TOWNSHIP OF WESTAMPTON

**AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
TC-TOWN CENTER ZONE**

ORDINANCE NO. 14-2020

Section 1

Add Section 250-21.1 TC-Town Center Zone to read as follows:

250-21.1 TC-Town Center Zone

The purpose of the TC-Town Center Zone is to create a balanced development of commercial, residential and public uses in convenient and complementary relation to each other in order to encourage imaginative, efficient and orderly growth, in a pedestrian friendly and pedestrian scaled, walkable, mixed use environment. The TC Zone will provide housing opportunities for a range of residents and incomes, establish a streetscape and minimize the number of curb cuts along Burlington-Mount Holly Road, ensure that outdoor lighting and signage do not adversely affect the visual environment and the use and enjoyment of residential property nor detract from retail areas.

The TC-Town Center Zone will provide 1,144 multi-family residential apartment/condo units for sale or rent with 20 percent set aside over retail/commercial or over parking structures along County Route 541 (Burlington-Mount Holly Road) and along a main boulevard entrance road of which 228 shall be available to low- and moderate- income households. The development shall consist of a combination age-restricted and non-age-restricted units. Of the 228 affordable units, up to 148 of the affordable units may be, but shall not be required to be, senior units in accordance with applicable COAH regulations. The TC Zone will also provide between 125,000 square feet to 140,000 square feet of commercial/office development on the first floor of buildings along County Route 541 (Burlington-Mount Holly Road) and along a main boulevard entrance road. In areas toward the rear of the site, higher story buildings are permitted to be entirely residential or residential over parking structures in order to provide higher density residential development to satisfy a portion of the Township's fair share housing obligation. The development shall consist of a combination of commercial, residential and public uses, with a 20 percent set aside for low- and moderate-income households. The TC-Town Center Zone shall compass Block 906.07, Lot 5. The following regulations shall apply in the TC Zone:

- A. Definitions. The following terms not defined in Chapter 250. Zoning, Article II. Word Usage and Definitions, shall apply to the TC Zone:

APARTMENT

A building or portion thereof, designed for occupancy by three or more families living independently of each other. For the purposes of this Ordinance, an apartment is defined as a renter occupied unit as opposed to a Condo which is an owner occupied unit.

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the deckline of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

CONDO

A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

OPEN SPACE

As defined in the Municipal Land Use Law including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the TC Zone, the purpose of which is to provide the name and other identifying information about said development.

B. Permitted principal uses:

- (1) Residential: Multi-family residential apartments and condos over retail/commercial or over parking structures;
 - (a) In accordance with the December 23, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC) or subsequent Agreements or Settlements in effect and/or Court Orders, the multi-family residential development shall provide affordable housing opportunities for low-and moderate-income households. The TC Zone allows for 1,144 multi-family residential apartment/condo units with a twenty percent (20%) set-aside for 228 affordable multi-family residential apartments/condos for sale or rent at a minimum density of 13.5 du/acre (plus office/commercial uses). The units shall be provided in compliance with the Council on

Affordable Housing rules, Uniform Housing Affordability Controls and Burlington County Superior Court Orders, as applicable.

- (b) The affordable units shall be integrated fully with the market-rate units.
 - (c) Affordability requirements of the affordable units shall remain in effect for a minimum period of 30 years and until released by Westampton Township.
 - (d) The set-aside shall be twenty percent (20%) of all residential units developed. The set aside for low- and/or moderate-income households shall be as per current COAH regulations (N.J.A.C. 5:93-1, et seq.), or as otherwise approved by the court.
 - (e) The breakdown of unit types per number of bedrooms shall be compliant with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (f) Construction schedule, rents, affordability controls, income eligibility, control period, affirmative marketing plan of low and moderate income units and all other applicable regulations concerning the affordable units shall be compliant with the Township's Affordable Housing Ordinance, the Fair Share Housing Center Settlement Agreement and Burlington County Court Order(s).
- (2) Commercial/Office: General and medical office, physical therapy, basic research, outpatient care facilities, professional uses, banks, pharmacy, day spa, are permitted on the first floor or over a parking structure;
 - (3) Retail: Restaurants, eating and drinking establishments, cafes, shops, bakery, delicatessen, general stores, movie theater, grocery store / supermarket, book and stationery, florist, are permitted on the first floor or over a parking structure;
 - (4) Entertainment: Indoor recreation facilities limited to children's recreation facilities, racquet clubs, health clubs, miniature golf, golf learning center rock climbing, fitness related uses and other social or business related activities; s .
 - (5) Civic, Cultural, Institutional and Religious: Libraries, museums, theaters, art galleries, police and fire substations, municipal and civic uses;
 - (6) Outdoor Open Markets: Food trucks, florist truck, ice skating, live performances, outdoor movies, outdoor markets and selling fresh food and plants based on state laws and regulations;
 - (7) Structured Parking: Free standing or as an accessory use to a permitted use;
 - (8) Live Work / Studios: For artists, designers, photographers, musicians, sculptors, gymnasts, potters, antique dealers and designers of ornamental and precious jewelry;

- (9) Public Plaza, Park or Open Space: Multi-functional outdoor uses including but not limited to music, movies, performances, ice skating, water, festivals, food trucks for individual or public gatherings.

C. Permitted Accessory Buildings and Structures.

- (1) Recreational facilities.
- (2) Off-street parking facilities.
- (3) Bus stops.
- (4) Utility and service structures, including, but not limited to, trash /recycling enclosure(s), generator(s), transformers, and maintenance shed(s).
- (5) Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
- (6) Storm water management structures and areas.
- (7) Development identification, traffic and directional signs.
- (8) Fences, retaining walls and wall enclosures.
- (9) Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.

D. Standards Applicable to Accessory Buildings and Structures:

- (1) Accessory structures and uses shall comply in all respects with the requirements of this ordinance applicable to the principal structures and uses.
- (2) When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements of this ordinance applicable to the principal structure.
- (3) No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities (surface or structure) which may be constructed prior to the primary use.
- (4) In no event shall the height of an accessory structure exceed the height of the principal building.
- (5) The aggregate area covered by accessory structures shall not exceed twenty-five percent (25%) of the rear yard.

- (6) The following accessory uses shall be permitted within a permitted commercial or retail use provided they are located on the first or second floor.
 - (a) Bank branch, walk-up ATM's;
 - (b) Retail shops;
 - (c) Barber, beauty and coffee shops;
 - (d) Confectionery and tobacco sales;
 - (e) Dry cleaning establishments;
 - (f) Travel agencies and automobile rental services;
 - (g) Conference center, meeting rooms;
 - (h) Massage therapy uses.

E. Prohibited Uses:

- (1) Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited.

F. Density, Area, Yard and Height Requirements:

The following requirements apply to the TC Zone:

- (1) Minimum Lot Area: The TC development shall be regarded as a cohesive unit that contains the entire acreage of Block 906.07, Lot 5 which is 84.56 acres. There is no minimum or maximum acreage for individual buildings.
- (2) The maximum number of residential units is 1,144 units at a density of 13.5 units per acres plus the commercial/office uses.
- (3) The minimum square footage of commercial/office use is 80,000 square feet and the maximum square footage of commercial/office use is 120,000 square feet.
- (4) Building heights will vary among the three story commercial/office buildings that front on Burlington-Mount Holly Road (maximum height of 35 feet), to the four story commercial/office/residential buildings behind the frontage structures (maximum height of 50 feet), to the five story commercial/office and/or the commercial/office/residential structures that are behind the four story structures (maximum height of 65 feet).
- (5) Floor Area Ratio shall not apply to the TC Town Center Zone.

(6) Minimum Setback

- (a) The minimum setback from Burlington-Mount Holly Road is 50 feet.
- (b) The minimum setback for four story buildings is 150 feet from Burlington-Mount Holly Road and five story buildings shall be set behind the four story buildings.
- (c) The minimum setback from the Main Boulevard entrance from Burlington-Mount Holly Road is 18' from the face of the curb.
- (d) Utility structures, exhaust air vents, backflow preventers, or other similar devices when located above grade, must be located behind the setback, be screened and should not be located on the Boulevard. Utility structures located below grade may be located within the setback;
- (e) Minimum Side Yard is 25 feet.
- (f) The Minimum Rear Yard is 75 feet.

(7) Minimum building distance requirements.

- (a) Side wall to side wall: 40 feet.
- (b) Side wall to front or rear wall: 40 feet.
- (c) Front wall to rear wall: 80 feet.
- (d) Front wall to front wall: 80 feet.
- (e) Rear wall to rear wall: 40 feet.
- (f) Distance between principal building and access driveway or internal driveway curblines: 15 feet.
- (g) Distance between principal building and parking area curblines: 15 feet.

(8) Maximum fence height: 6 feet.

(9) Sidewalks.

- (a) Minimum sidewalk width: 4 feet.
- (b) Minimum sidewalk width abutting parking: 6 feet.

G. Public Plaza:

- (1) A minimum 16,000 SF multi-functional public plaza shall be located along the main Boulevard outside of the public right of way;

H. Parking Standards:

- (1) Parking Standards: The minimum parking requirements for the TC zone are as follows:

<u>Use</u>	<u>Parking Ratio</u>
Residential Uses	Per Residential Site Improvement Standards (RSIS)
Retail	4.0 sp / 1,000 GFA ¹
Restaurant	1.0 sp / 3.0 seats plus 1.0 per employee based on Maximum Work Shift ¹
Medical Office	4.0 sp / 1,000 GFA ²
General Office	3.5 sp / 1,000 GFA
Civic, Cultural, Institutional	1.0 sp / 4.0 seats
Assembly	2.5 sp / 10.0 seats

⁽¹⁾ Outdoor seating areas do not count toward the required parking ratios

⁽²⁾ For projects where medical office use comprises over 25% of office space in the project the parking requirements shall be 6.0 spaces per 1,000 GFA

- (2) When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required.
- (3) Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure.
- (4) Up to 10% of the required parking stalls may be designated for compact cars.
- (5) Accessory uses do not require parking.
- (6) All surface parking shall be screened based on the Design Standards indicated in the Streetscape section of this TC zone.
- (7) For Civic Uses without seating, the Retail/Commercial parking requirements shall apply.
- (8) Setback Maneuvering: No surface parking or maneuvering space is permitted within any required setback, or between the permitted use and the required setback, except driveways providing access to the parking area may be installed across these areas.
- (9) Any shared parking shall require a Shared Parking Analysis based on the ULI

Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer, preferably a PTOE.

- (10) On-Street Parking Spaces: Parking spaces located along the portion of a public street(s) abutting the use may be counted toward the minimum number of parking spaces required for retail / commercial uses only. On-street parking spaces must be located on the same side(s) of the street as the use. On-street parking cannot be counted for shared parking.
- (11) Bicycle Parking: Bicycle parking is required at one bicycle parking space for every 50 vehicle parking spaces, up to 200 vehicle parking spaces.
 - (a) Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one bicycle space;
- (12) Structured/Underground Parking Decks: For residential units the following requirements shall be met:
 - (a) Parking Security / Gates: Residential developments, including mixed or multi-use with a residential component may provide security for residents by controlling vehicular and pedestrian access to the second level or underground level in areas designated for the residential parking
 - (b) At-grade parking shall remain available for commercial/office and residential uses;
- (13) Additional Off-Street Parking Regulations: For all parking standards not covered in this section refer to Off-Street Parking Regulations in the Westampton Township Zoning Ordinance;
 - (a) Off-street parking dimensions can be 9'-0" x 18'-0" and allow two lane drive aisle dimensions can be 24'-0";
- (14) Electric Vehicle Charging Stations: 2% of all parking spaces;

I. Screening Standards

- (1) Off Street Parking: All proposed off street surface parking areas with twenty (20) spaces or more, shall be screened from all public streets with the following criteria:
 - (a) A minimum eight (8) foot (8'-0") planting strip shall be located between the back of the public sidewalk and the parking area;
 - (b) The planting strip shall be planted with evergreen shrubs at least two and a

half feet high (2'-5") at the time of planting with species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height;

- (c) Perimeter shade trees shall be planted at no greater than thirty foot (30'-0") on center based on the perimeter length of the parking area;
- (2) Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 2 ½ to 3" caliper tree for every eight parking spaces which include perimeter trees;
- (a) Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - (b) Each such tree shall be located in a planting island with a minimum width of 9' and a minimum area of 150 square feet of pervious surface;
 - (c) The following distribution of trees shall apply:
 - [1] Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - [2] No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area;
- (3) Required Screening: The following uses must be screened from abutting property and view from a public street:
- (a) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - (b) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - (c) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - (d) Outdoor storage of materials, stock and equipment; and
 - (e) Any other uses for which screening is required under these regulations;
- (4) Landscape Buffer: Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least ten feet (10'-0") wide.
- (a) This area may contain any type screening materials sufficient to separate

visually the land uses, provided such materials meet the requirements of this section;

- (b) A wall or fence may be used in conjunction with planted material. The composition of the screening material and its placement on the lot will be left up to the discretion of the property owner, so long as the purpose and requirements of this section are satisfied;

(5) Installation Requirements: The following contains standards to be used in installing screening:

- (a) Deciduous trees must be installed with a minimum 2 ½ to 3" caliper and evergreen species must have a minimum planting height of 6.' The minimum growth height of deciduous and evergreen species shall be 25'-0";
- (b) Street trees should be trimmed up eight feet (8'-0") at the time of planting;
- (c) Shrubs used in any screening or landscaping must be evergreen, at least 2 ½ feet (2'-5") tall with a minimum spread of two feet (2'-0") when planted and no further apart than four feet (4'-0"). They must be of a variety and adequately maintained so that an average height of three to four feet (3'-0" to 4'-0") could be expected as normal growth within four years of planting;
- (d) Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
- (e) A chain link fence with plastic, metal or wooden slats does not satisfy the requirements of this section;
- (f) The maximum height for a wall or fence shall be four feet (4'-0") with the exception of screening for dumpsters which shall have a maximum height of six feet (6'-0");

(4) Off-Street Standards: Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers take place within the property line, service alley or secondary street. These parking spaces shall not interfere with the normal movement of vehicles and pedestrians in the public rights-of-way, unless otherwise approved. These parking spaces must be provided in accordance with the following:

- (a) Less than 25,000 square feet: None Required
- (b) 25,000 – 50,000 square feet: 1 bay + 1 compactor –
- (c) 50,000 – 100,000 square feet: 2 bays + 1 compactor
- (d) 100,000 – 150,000 square feet: 2 bays + 2 compactor

- (5) The minimum dimension of a loading area shall be 12' x 35' with a height clearance of 14 feet.
- (6) Off-street loading and unloading shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading or unloading operations, other than ingress and egress to the lot.

J. Development / Place-Making Design Standards

- (1) The design standards in this section provide the criteria for development within the TC zone in order to promote a high quality, pedestrian friendly, mixed use environment. These standards promote:
 - (a) Appropriate scale for Town Center zone;
 - (2) Standards for commercial, office, residential and civic uses;
 - (3) Mixture of architectural styles with;

K. Town Center Design Standards:

- (1) Architectural Character: All buildings shall reinforce pedestrian scale.
 - (a) The base of buildings shall be distinguished from the middle and top of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
 - (b) Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
 - (c) Special attention must be given to the design of windows at the base of buildings;
 - (d) Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged;
 - (e) Building facades in excess of 120'0" in length shall be designed to avoid a monolithic appearance through the use of different façade materials and building setbacks that act to break the building appearance into smaller increments and sections;
 - (f) Building materials may include: brick, stone, cast stone, metal and glass storefront assemblies, wood and fiber cement siding;

- (g) Vinyl siding of any type and grade is strictly prohibited on any portion of any building façade visible from a public area within the TC zone;
- (h) Primary building materials shall include: brick, stone, cast stone, and/or glass which cover a minimum of 65% of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 35% for each building façade;
- (i) Generic national branding architecture for freestanding retail/commercial buildings unless it meets the requirements of this section is prohibited;
- (j) Storefront design should reflect the individual tenant's brand identity;

L. Building Orientation

- (1) All buildings shall be oriented toward public streets and public open spaces. The building front is considered to be the elevation facing any public street unless the building is adjacent to a park, plaza or open space, in which case the building should orient to both the public street and the open space.
 - (a) The first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian-scale activity. It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 75% of the retail or commercial length of the first floor street frontage;
 - (b) All new commercial and retail first floors shall have a 14'- 0" minimum interior floor to floor height;

M. Building Entrances: Building entrances should be easily identifiable and feature large, open and transparent windows with unique and interesting signage; (Operable windows are encouraged)

- (1) Entrances for residential, office and uses other than retail should be separate and distinct from retail entrances;
- (2) In locations adjacent to a public plaza, permanent shade structures for outdoor dining are strongly encouraged. The depth of outdoor dining should be coordinated based on the amount of area for pedestrian access;

N. Building Storefronts

- (1) All retail tenants may have the opportunity to design and install their own storefronts as a way to express their individual identity and positioning provided they observe the minimum guidelines noted below:
 - (a) Storefronts should be "individual" expressions of a tenant's identity;

- (b) Tenant's storefront construction should be of high quality and craftsmanship;
- (c) Any restaurant use is encouraged to provide outdoor seating;
- (d) In locations adjacent to a public plaza, permanent shade structures for outdoor dining are strongly encouraged. The depth of outdoor dining should be coordinated based on the amount of area for pedestrian access;

O. Storefront Components:

- (1) Entries & Doors: The placement of doors and their design are an integral part of the storefront because they establish a clear point of entry to the store;
 - (a) Restaurants especially should use doors to open interior seating spaces to the outside café seating on the sidewalk;
- (2) Canopies & Awnings: Canopies, awnings, and similar architectural accents are encouraged along the boulevard;
 - (a) Canopies and awnings should be comprised of rigid materials and should be horizontal in nature;
 - (b) Any canopy may extend from the building up to one half of the width of the setback area in front of the building, or eight (8) feet, whichever is less;
 - (c) Minimum overhead clearance shall be ten (10'-0") feet. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement shall be required;
- (3) Balconies/balconettes: Can be incorporated into the building façade and are allowed to project into the setback up to 4'-0" starting at the second level;
- (4) Windows: Operable windows are strongly encourage for all restaurant uses facing the boulevard and public plaza's;

P. Storefront Materials:

- (1) The approach to storefront design should be to create the highest quality level possible with an emphasis on user-friendly materials. The minimum recommendations below, outline some of the specifics when considering materials for storefronts:
 - (a) Focus should be on window design to create a visual connection between the interior and exterior;
 - (b) Recommended materials are wood, metal, brick, stone, glass and concrete

as well as plaster;

- (c) Acceptable materials are durable, smooth exterior grade woods such as oak, redwood and poplar;
 - (d) Durable materials are especially critical at street level where pedestrian contact will be considerable. EIFS or similar materials are not permitted on the ground level;
 - (e) Storefronts should be predominantly glass to provide views into the store, but glass should not be the exclusive material;
- (2) The following materials are strongly discouraged:
- (a) Plastic and metal laminates;
 - (b) Acrylic;
 - (c) Plastics;
 - (d) Smoked or tinted glass;
 - (e) Simulated materials;
 - (f) Mirror;
 - (g) EIFS;

Q. Street Level Frontage / Uses: Uses fronting the boulevard must be either occupied commercial, retail, entertainment or restaurant.

- (1) Residential uses are not permitted fronting on the first floor along the boulevard but are permitted on the first floor for all other streets in the TC zone;
 - (a) Residential lobbies and entrances, however are permitted on the first floor along the boulevard so long as they are less than 25% of the total street frontage for the building;
 - (b) Entrances for residential should be distinct and separate from the entrances of all other first floor uses;
- (2) All non residential ground floor space shall include a ventilation shaft regardless of whether or not restaurants uses are proposed;
- (3) Temporary / semi-permanent outdoor dining and seating is encouraged within the minimum 16'-0" setback for retail and restaurant uses;
- (4) Seating is encouraged to be designed either along the building façade or at the

back of the curb. These areas should be clearly identified with either permanent, semi-permanent or temporary barriers;

- (5) A minimum six foot (6'-0") clear zone must be maintained within the building setback in order to allow adequate pedestrian flow;

R. Doors and Windows: Where windows are used they must be transparent. Where expanses of solid wall are necessary, they may not exceed 30'-0" feet in length.

- (1) The first floor and street level must be designed to address all public streets and all adjacent public plaza;
- (2) For buildings fronting on two streets or one street and one public plaza or open space the entrance to the building should provide access from the primary street and is encouraged to provide access from the secondary street or public plaza;
 - (a) For buildings that do not provide access from the secondary street or open space, the building facade should provide windows and/or architectural details that are aesthetically interesting;
- (3) Operable windows are strongly encouraged at the street level;

S. Public Plaza:

- (1) For any building that fronts a public plaza, the first floor uses shall wrap the building and provide frontage on the plaza space;
- (2) The public plaza shall be designed as a multi-functional space that permits a variety of uses through the year for gathering;

T. Structured Parking:

- (1) Structured parking shall be screened with uses along the boulevard;
- (2) Structured parking shall be screened with either uses or shall include decorative architectural details such as building materials, windows and detailing along all other streets in the TC zone;
 - (a) Architectural detail elements should have the same or similar materials and should have the same or similar scale for openings as the residential / commercial building above;
 - (b) Other than at the parking entrances, vehicles shall not be visible from the center line of either public street;
- (3) All ramps shall be internal to the parking structure and shall not be visible from any public street;

- (4) Driveway and garage openings should not exceed 28'-0" in width and should include traffic calming measures and a change in surface materials where driveways cross the sidewalk to help ensure pedestrian and bicycle safety;
- U. Mechanical Equipment Screening: The screening of rooftop mechanical equipment is required.
- (1) All rooftop mechanical equipment including cell phone antennae shall be screened from view from all adjacent public streets, open spaces and parks in all directions and elevations to minimize the negative impact from any public street, neighborhood or adjacent building;
 - (2) Screening materials shall be consistent with the architectural detail, color and materials of the building;
 - (a) Wire mesh screening is not permitted;
 - (3) All roof and HVAC systems must be set back a minimum of 15' from the boulevard and 10' from any other public street or public open space from the building edge and screened as to not be visible from any adjacent public street or public property;
 - (4) Any wall pack ventilation unit facing a public street must match the adjacent material color;
- V. Building Service Locations: All service locations for new development shall be provided at the rear, side or interior portions of the building and shall not be permitted directly on the boulevard;
- W. Streetscape Design Standards: A successful neighborhood is not complete until its parks, open space, sidewalks and streetscape have been designed and "furnished". The items that are referred to as streetscape elements in this guideline include such things as street lights, sidewalks, benches, trash receptacles and other street furniture which reinforce the character of the street and the neighborhoods. The following section addresses an overall approach for the design of streetscape elements that are to be considered as part of the overall TC zone vocabulary. These standards are meant to establish the minimum criteria that will be required for the design and implementation of streetscape, parks and open space improvements.
- (1) Town Center Streetscape: The streetscape for the TC zone should be designed with a similar palette of materials and standards in order to portray a cohesive district.
 - (2) Street Dimensions:

- (a) The minimum dimension from the primary building facade to the primary building facade along the boulevard shall be 140'-0";
 - (c) The minimum setback from the building to the face of curb shall be 16'-0";
 - (c) The boulevard should be based on a paired one way system;
 - (d) Parallel parking shall be provided along the 16'-0" setback and angled parking shall be provided along the interior portions of both sides of the boulevard;
 - (e) Pedestrian bump outs shall be included at all internal intersections;
- (3) Streetscape Elements: The following streetscape elements shall be provided per this section of the Design Standards. Proposed development projects shall provide these elements as a part of the approval process;
- (a) Street Trees: Street trees shall be planted in either grates or open landscape areas equivalent to 30'-0" on center along all public street frontage;
 - [1] Street trees shall be planted with a minimum four inch 2 ½ to 3" caliper, shall be trimmed up to 8'-0" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen;
 - [2] Prior to installation a minimum 4'-0" by 8'-0" area should be treated and prepared for tree root growth.
 - [3] A minimum 2 year maintenance and watering plan shall be put into place;
 - [4] Recommended street trees such as but not limited to: Gleditsia Tricanthos (Honey Locust – thornless and pod free), Zelkova, Katsura, Hedge Maple, Hornbeam and Ginko (Male only);
 - [5] 120 V ground mounted GFI receptacles should be located at the base of every street tree;
 - [6] Tree up light fixture should be located at the base of every street tree. (Recommend: Hadco #BT1-AL, 75 W MR16 Lamp or equal);
 - [7] Conduit for all power should be located at the back of the 4'-0" street furniture area (under the pavers);
 - [8] Drip irrigation system;

(b) Design & Materials:

- [1] Sidewalks should incorporate street furniture setback a minimum of 4'0" from the back of curb toward the building on both sides of the boulevard. This area should include trees, plantings, and street furniture;
- [2] Sidewalks should have a higher level of finish on pedestrian oriented, mixed-use streets (pavers, colored stamped concrete, etc. - asphalt is prohibited);
- [3] The pattern and type of materials will be determined during the design phase;

(c) Seating, Benches & trash receptacles:

- [1] Two sets of benches with one trash receptacle should be located at minimum every 60'-0" on center, centered between the street trees;

(d) Street Lighting:

- [1] Street lights should be located as part of the streetscape and function as a unifying element;
- [2] Fixtures should exhibit an aesthetic as well as functional purpose to create interest and a sense of scale for the pedestrian and should provide at minimum brackets to allow for banners;
- [3] Luminaires should be translucent or glare-free using opaque glass or acrylic lenses;
- [4] Diffusers and refractors should be installed to reduce unacceptable glare adjacent to residential areas;
- [5] The specific street light and spacing of poles shall be determined during the design phase; - GFI's should be located at the top of the pole;
- [6] The height and spacing of the light poles should be based on a photometric calculation, however, the maximum light pole height shall be 25';
- [7] Lights should be centered between the street trees within the 4'-0" street furniture zone;
- [8] Street light specifications and locations shall be submitted for review and approval prior to installation;

(e) Planting Pots & Planters:

- [1] Pots and planters can be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety;
- [2] Pots and planters can be placed anywhere pedestrian or vehicular traffic is not disturbed, but may function as a separation between pedestrians and vehicles;
- [3] Large pots are preferred to fixed boxes to allow for maintenance or service access;
- [4] Pots and planters are ideally located near seating areas, but plant materials should not interfere with circulation or comfort;
- [5] Drip irrigation system;
- [6] Flower baskets;

(f) Tree Grates:

- [1] Tree grates can be used wherever a tree is placed within a high traffic area;
- [2] Tree grates should allow for tree growth and be made of ductile iron and should be factory painted;
- [3] Tree grates should be designed to allow for GFI's and uplighting;

(g) Trash Receptacles:

- [1] Trash receptacles should be located conveniently for pedestrian use and service access in significant areas and gathering places;
- [2] Trash receptacles should be permanently attached to deter vandalism and have sealed bottoms with sufficient tops to keep contents dry and out of pedestrian view;
- [3] The type and location of the trash receptacles will be determined during the design phase;
- [4] At minimum every other trash receptacle should include an additional recycling container;

(h) Bicycle Racks:

- [1] Bicycle racks should be permanently mounted and placed in convenient

locations to encourage bicycle use but not to obstruct views or cause hazards to pedestrians or drivers;

[2] Bicycle racks should exhibit a simple and easy design that allows for convenient and safe use by the public;

(i) Bollards:

[1] Bollards should integrate with and aesthetically complement the overall streetscape concept; respond to the area it supports (Plaza vs Services); setback from curbs to allow unobstructed opening of parked car doors;

[2] Bollards may be chained or cabled together to ensure pedestrian safety or define areas for public functions;

[3] Removable bollards should be used where service vehicles need access and for street closures in the event of festivals or community events;

(j) Fountains:

[1] Fountains or water features can be located in key public areas such as parks or plazas, should allow for ample pedestrian circulation on all sides and should be designed to encourage “sitting” or for interaction;

(k) Public Art:

[1] Public art should be “accessible”; tie to the history of Westampton Township and if possible, should be created by a local source; include water, seating, planting, decorative architectural elements or plaza space design;

[2] Public art should be visible, but not interfere with pedestrian circulation or create a traffic hazard; made of durable, weatherproof materials; and should be designed to avoid physical hazards;

(l) Kiosks:

[1] Kiosks can be used for retail purpose or to impart community information to the public;

[2] Kiosks should be accessible and attractive from all sides and well-illuminated and they should be flexible to allow for up-to-date information;

(m) Utility Accessories:

[3] Utility boxes, meters, man hole covers and fire hydrants should be coordinated with other streetscape accessories;

[8] Utilities should be readily accessible and placed so as not to obstruct pedestrian movement;

[4] Utility locations should minimize visual and physical impact as much as possible;

[5] Utilities should blend in with the surroundings or enhance the area;

X. Signage Standards Overview

- (1) The developer is encouraged to explore a variety of signage types, sizes and styles with the objective of integrating the design of the signage into the streetscape design. Storefronts are expected to take maximum advantage of store logos, specialty letter styles, quality materials, graphic flourishes and high impact graphics;
 - (a) The goal is to maintain creative consistency that identifies the tenant's identity and integrates with the storefront façade design;
 - (b) Signs can be in the form of a painted sign, flat sign, fin sign, window sign, illuminated or non-illuminated sign, dimensional sign, sidewalk sign or awnings;
 - (c) Emphasis should be on durable, natural materials and quality manufacturing and can include cast, polished or painted metal; painted, stained or natural wood; glazed and ceramic tile; etched, cut, edge-lit or stained glass; cast stone and carved natural stone;
 - (d) Tenants should strive for creativity, uniqueness and high quality;
 - (e) Neon signs strictly prohibited;
- (2) For all signage standards not covered or specifically stated in this Section, refer to Chapter 250.25. Signs;
- (3) Storefront Zone Criteria: A variety of sign types is both permitted and encouraged.
 - (a) Primary Signs: The Primary sign refers to a tenant's sign above the entry;
 - (b) Secondary Signs: Secondary signs are those signs that mark a second entrance or corner condition such as would occur on a street corner or at a public place;
 - (c) Additional Signs: A variety of other sign types are encouraged including;
 - [1] Projecting Signs: A projecting sign mounts perpendicular to a building façade and typically hangs from decorative cast or wrought iron

brackets, or is firmly mounted to the façade. The use of projecting signs is strongly encouraged;

[2] Blade Signs: Should be located at a minimum of 10'-0" above finished grade, and should only project a maximum of 4'-0" from the face of the storefront;

[3] Flags & Banners: Canvas or nylon flags and banners may be used but vinyl banners are discouraged. Flags or banners can be hung perpendicular to the building from poles, or flat against the building. Flag or banner content should be limited to tenant identity, and should not be used for advertisement of specific products or services;

- (4) Sidewalk Signs: Can be used to enhance a tenant's identity and should be considered as temporary signage. Restaurant menu boards are the best example of the appropriate use of sidewalk signs;
- (5) Window Signs: These signs are meant to establish or enhance a tenant's identity and should not be considered as temporary signage that advertises sales, promotions, etc.;
- (6) Pad mounted transformers within storefront area are prohibited unless architecturally screened;

Y. Affordable Housing Requirements

- (1) Affordable housing units within developments in the TC Zone shall comply with accordance current COAH or court-approved rules and regulations and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation which shall comply with the thirteen percent (13%) very low income requirements of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et. seq.
- (2) The inclusionary development set-aside is twenty percent (20%) against any development that occurs in this ordinance. A total of 228 affordable dwelling units in any development in the TC Zone shall be set aside for low- and/or moderate-income households in accordance with the provisions of this section.
- (3) At least thirty (30) of the affordable units developed must be very low income in accordance with the Settlement Agreement with Fair Share Housing Center.
- (4) Construction of buildings in the TC Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).

Z. Relationship to other sections of the combined land use ordinance: The regulations of the TC Zone are intended to guide the orderly development of this zone in

accordance with the parameters of the referenced settlement agreement. Where there is a conflict between the TC Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning Ordinance, the regulations contained in this section for the TC Zone shall apply unless otherwise specified in the regulations of the TC Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WESTAMPTON

**AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
MU-1 MIXED USE ZONE**

ORDINANCE NO. 13-2020

Section 1

Add Section 250-21.2 MU-1 Mixed Use Zone R9 Residential Zone to read as follows:

250-21.2 MU-1 Mixed Use Zone

The purpose of the MU-1 Zone is to create a balanced development of commercial/office and residential uses in convenient and complementary relation to each other in order to encourage imaginative, efficient and orderly growth, in a pedestrian friendly and pedestrian scaled, walkable, mixed use environment. The MU-1 Mixed Use Zone will provide housing opportunities for a range of residents and incomes, ensure that outdoor lighting and signage do not adversely affect the visual environment and the use and enjoyment of residential property nor detract from retail areas.

The MU-1 Zone will provide 224 family residential apartment units for sale or rent with 15 percent set-aside for affordable units that are non-age restricted over retail/commercial or over parking structures along County Route 541 (Burlington-Mount Holly Road) and along a main entrance road. Thirty-four (34) non-age restricted units shall be available to low- and moderate-income households. The development shall consist of non-age-restricted units. The MU-1 Zone will also provide two commercial/office building sites along County Route 541 (Burlington-Mount Holly Road). The commercial/office buildings will be one story with three and four story residential buildings behind the commercial/office use in order to provide higher density residential development to satisfy a portion of the Township's fair share housing obligation. The development shall consist of a combination of commercial and residential uses, with a 15 percent set aside for low- and moderate-income households. The MU-1 Zone shall encompass Block 1001, Lots 58, 59 60, and 61. The following regulations shall apply in the MU-1 Zone:

- A. Definitions. The following terms not defined in Chapter 250. Zoning, Article II. Word Usage and Definitions, shall apply to the MU-1 Zone:

APARTMENT

A building or portion thereof, designed for occupancy by three or more families living independently of each other. For the purposes of this Ordinance, an apartment is defined as a renter occupied unit as opposed to a Condo which is an owner occupied unit.

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the deckline of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

OPEN SPACE

As defined in the Municipal Land Use Law including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the MU-1 Mixed Use Zone, the purpose of which is to provide the name and other identifying information about said development.

B. Permitted principal uses:

- (1) Residential: Retail/commercial uses fronting on Burlington-Mount Holly Road and multi-family residential behind the commercial/office uses;
 - (a) In accordance with the December 23, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC) or subsequent Agreements or Settlements in effect and/or Court Orders, the multi-family residential development shall provide affordable housing opportunities for low-and moderate-income households. 34 affordable multi-family residential apartments shall be provided at a minimum density of 6.76 du/acre (plus office/commercial uses). The units shall be provided in compliance with the Council on Affordable Housing rules, Uniform Housing Affordability Controls and Burlington County Superior Court Orders, as applicable.
 - (b) The affordable units shall be integrated fully with the market-rate units.
 - (c) Affordability requirements of the affordable units shall remain in effect for a minimum period of 30 years and until released by Westampton Township.
 - (d) The inclusionary development set-aside is 15% against any development that occurs under the ordinance. The set aside for low- and/or moderate-income households shall be as per current COAH regulations (N.J.A.C. 5:93-1, et seq., or as otherwise approved by the court).

- (e) The breakdown of unit types per number of bedrooms shall be compliant with the Uniform Housing Affordability Controls, N.J.A.C., 5:80-26.1, et seq.
 - (f) Construction schedule, rents, affordability controls, income eligibility, control period, affirmative marketing plan of low and moderate income units and all other applicable regulations concerning the affordable units shall be compliant with the Township's Affordable Housing Ordinance, the Fair Share Housing Center Settlement Agreement and Burlington County Court Order(s).
- (2) Commercial/Office: General and medical office, physical therapy, basic research, outpatient care facilities, professional uses, banks, pharmacy, day spa, are permitted on the first floor or over a parking structure;
 - (3) Retail: Restaurants, eating and drinking establishments, cafes, shops, bakery, delicatessen, general stores, movie theater, grocery store / supermarket, book and stationery, florist, are permitted on the first floor or over a parking structure;

C. Permitted Accessory Buildings and Structures.

- (1) Recreational facilities.
- (2) Off-street parking facilities.
- (3) Bus stops.
- (4) Utility and service structures, including, but not limited to, trash /recycling enclosure(s), hot boxes, generator(s), transformers, and maintenance shed(s).
- (5) Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
- (6) Storm water management structures and areas.
- (7) Development identification, traffic and directional signs.
- (8) Fences, retaining walls and wall enclosures.
- (9) Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.

D. Standards Applicable to Accessory Buildings and Structures:

- (1) Accessory structures and uses shall comply in all respects with the requirements of this ordinance applicable to the principal structures and uses.

- (2) When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements of this ordinance applicable to the principal structure.
- (3) No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities (surface or structure) which may be constructed prior to the primary use.
- (4) In no event shall the height of an accessory structure exceed the height of the principal building.
- (5) The aggregate area covered by accessory structures shall not exceed twenty-five percent (25%) of the rear yard.

E. Prohibited Uses:

- (1) Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited.

F. Density, Area, Yard and Height Requirements:

The following requirements apply to the MU-1 Zone:

- (1) Minimum Lot Area: The MU-1 development should be regarded as a cohesive unit that contains the entire acreage of Block 1001, Lots 58-61 which is 33.1 acres in size. However, a crescent shaped portion of the site situated along Burlington-Mount Holly Road is separated from the portions of the site to the southeast and northwest. This parcel may be developed separately as a commercial/office pad site with the other two parcels to be developed together. There is no minimum or maximum acreage for individual buildings.
- (2) The maximum number of residential units is 224 units at a density of 6.76 units per acres plus the commercial/office uses.
- (3) The minimum square footage of commercial/office use to be accommodated on the southeastern end of the site is anticipated to be approximately 28, 000 square feet in size.
- (4) Building heights will vary between the one story commercial/office building and pad site that front on Burlington-Mount Holly Road (maximum height of 35 feet), to the four story residential buildings behind the frontage structures (maximum height of 50 feet).
- (5) Floor Area Ratio shall not apply to the MU-1 Zone.
- (6) Minimum Setback
 - (a) The minimum setback from Burlington-Mount Holly Road is 50 feet.
 - (b) Utility structures, exhaust air vents, backflow preventers, or other similar devices

when located above grade, must be located behind the setback, be screened and should not be located on the Boulevard. Utility structures located below grade may be located within the setback;

(c) Minimum Side Yard is 25 feet except where the site is adjacent to existing residences in which case it is 35 feet.

(d) The Minimum Rear Yard when adjacent to existing residences is 50 feet.

(7) Minimum residential building distance requirements.

(a) Side wall to side wall: 40 feet.

(b) Side wall to front or rear wall: 45 feet.

(c) Front wall to rear wall: 80 feet.

(d) Front wall to front wall: 80 feet.

(e) Rear wall to rear wall: 40 feet.

(f) Distance between principal building and access driveway or internal driveway curblines: 15 feet.

(g) Distance between principal building and parking area curblines: 15 feet.

(8) Maximum fence height: 6 feet.

(9) Sidewalks.

(a) Minimum sidewalk width: 4 feet.

(b) Minimum sidewalk width abutting parking: 6 feet.

G. Parking Standards:

(1) Parking Standards: The minimum parking requirements for the MU-1 Mixed Use Zone are as follows:

<u>Use</u>	<u>Parking Ratio</u>
Residential Uses	Per Residential Site Improvement Standards (RSIS)
Retail	4.0 sp / 1,000 GFA ¹
Restaurant	1.0 sp / 3.0 seats plus 1.0 per employee based on Maximum Work Shift ¹
Restaurant	6.0 sp / 1,000 GFA ¹
Medical Office	4.0 sp / 1,000 GFA ²
General Office	3.5 sp / 1,000 GFA

(1) Outdoor seating areas do not count toward the required parking ratios

(2) For projects where medical office use comprises over 25% of office space in the project the parking requirements shall be 6.0 spaces per 1,000 GFA

- (2) When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required.
- (3) Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure.
- (4) Up to 10% of the required parking stalls may be designated for compact cars.
- (5) Accessory uses do not require parking.
- (6) Setback Maneuvering: No surface parking or maneuvering space is permitted within any required setback, or between the permitted use and the required setback, except driveways providing access to the parking area may be installed across these areas.
- (7) Any shared parking shall require a Shared Parking Analysis based on the ULI Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer, preferably a PTOE.
- (8) Bicycle Parking: Bicycle parking is required at one bicycle parking space for every 50 vehicle parking spaces, up to 200 vehicle parking spaces.
 - (a) Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one bicycle space;
- (9) Additional Off-Street Parking Regulations: For all parking standards not covered in this section refer to Off-Street Parking Regulations in the Westampton Township Zoning Ordinance;
 - (a) Off-street parking dimensions can be 9'-0" x 18'-0" and allow two lane drive aisle dimensions can be 24'-0";
- (10) Electric Vehicle Charging Stations: 2% of all parking spaces;

H. Screening Standards

- (1) Off Street Parking: All proposed off street surface parking areas with twenty (20) spaces or more, shall be screened from all public streets with the following criteria:
 - (a) A minimum eight (8) foot (8'-0") planting strip shall be located between the back of the public sidewalk and the parking area;
 - (b) The planting strip shall be planted with evergreen shrubs at least two and a half feet high (2'-5") at the time of planting with species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height;

- (c) Perimeter shade trees shall be planted at no greater than thirty foot (30'-0") on center based on the perimeter length of the parking area;
- (2) Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 2 ½ to 3" caliper tree for every eight parking spaces which include perimeter trees;
- (a) Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - (b) Each such tree shall be located in a planting island with a minimum width of 9' and a minimum area of 150 square feet of pervious surface;
 - (c) The following distribution of trees shall apply:
 - [1] Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - [2] No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area;
- (3) Required Screening: The following uses must be screened from abutting property and view from a public street:
- (a) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - (b) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - (c) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - (d) Outdoor storage of materials, stock and equipment; and
 - (e) Any other uses for which screening is required under these regulations;
- (4) Landscape Buffer: Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least ten feet (10'-0") wide.
- (a) This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this section;
 - (b) A wall or fence may be used in conjunction with planted material. The

composition of the screening material and its placement on the lot will be left up to the discretion of the property owner, so long as the purpose and requirements of this section are satisfied;

- (5) Installation Requirements: The following contains standards to be used in installing screening:
- (a) Deciduous trees must be installed with a minimum 2 ½ to 3" caliper and evergreen species must have a minimum planting height of 6.' The minimum growth height of deciduous and evergreen species shall be 25'-0";
 - (b) Street trees should be trimmed up eight feet (8'-0") at the time of planting;
 - (c) Shrubs used in any screening or landscaping must be evergreen, at least 2 ½ feet (2'-5") tall with a minimum spread of two feet (2'-0") when planted and no further apart than four feet (4'-0"). They must be of a variety and adequately maintained so that an average height of three to four feet (3'-0" to 4'-0") could be expected as normal growth within four years of planting;
 - (d) Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
 - (e) A chain link fence with plastic, metal or wooden slats does not satisfy the requirements of this section;
 - (f) The maximum height for a wall or fence shall be four feet (4'-0") with the exception of screening for dumpsters which shall have a maximum height of six feet (6'-0");

I. Affordable Housing Requirements

- (1) Low- and moderate-income housing units within developments in the MU-1 Zone shall comply with accordance current COAH or court-approved rules and regulations . and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation which shall comply with the thirteen percent (13%) very low income requirements of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et. seq.
- (2) The inclusionary development set-aside is 15% against any development that occurs under the ordinance. A total of 34 affordable attached, rental dwelling units in the MU-1 Zone shall be set aside for low- and/or moderate-income rental households in accordance with the provisions of this section.
- (3) Phasing plan: Phasing for the construction of buildings in the MU-1 Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).

- (4) Affordable housing units within developments in the MU-1 Zone shall comply with current COAH or court-approved rules and regulations and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation which shall comply with the thirteen percent (13%) very low income requirements of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et. seq.
- (5) At least five (5) of the affordable units developed must be very low income per the settlement.
- J. Relationship to other sections of the combined land use ordinance: The regulations of the MU-1 Zone are intended to guide the orderly development of this zone district in accordance with the parameters of the referenced settlement agreement. Where there is a conflict between the MU-1 Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning Ordinance, the regulations contained in this section for the MU-1 Zone shall apply unless otherwise specified in the regulations of the MU-1 Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WESTAMPTON

AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
R-9 RESIDENTIAL ZONE

ORDINANCE NO. 10-2020

Section 1

Add Section 250-14.3 R9 Residential Zone to read as follows:

250-14.3 R-9 Residential Zone

The purpose of the R-9 Residential Zone is to provide for the construction of a residential development consisting of a total of 498 dwelling units that is intended to assist the Township of Westampton in satisfying a portion of its fair share housing obligation. The development shall consist of a combination of attached townhouses and rental apartments, with 15 percent of the units (*i.e.*, 75 family rental non-age restricted apartments) set aside for low- and/or moderate-income family households. The R-9 Residential Zone shall encompass Block 204, Lot 2, which is currently located within the OR-2 Office-Research 2 Zone and which hereafter shall be referred to as the "tract." The following regulations shall apply in the R-9 Zone:

- A. Definitions. The following terms shall apply to the R-9 Residential Zone:

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the deckline of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

TOWNHOUSE

A one-family dwelling with ground-floor out-side access, attached to two or more one-family dwellings by common vertical walls without openings.

APARTMENT/MULTIFAMILY DWELLING/FLAT

One or more two, or three story multi-family structures including related off-street parking, open space and recreation facilities. A building containing three or more dwelling units, including units that are located one over another.

OPEN SPACE

As defined in the Municipal Land Use Law, including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

RECREATIONAL FACILITIES

May include items such as but not limited to a clubhouse(s) and other building(s) for recreational uses, bike path(s), walking path(s), tennis court(s), bocce court(s), swimming pool(s) and similar recreational improvements and related parking.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the R-9 Zone, the purpose of which is to provide the name and address of the development.

B. Permitted principal uses:

1. Attached, market-rate townhouses shall comprise 223 dwelling units within the R-9 Zone.
2. Attached, multi-family rental non-age restricted apartments shall comprise 275 dwelling units in the R-9 Zone. A maximum of 36 dwelling units shall be included within a single building. 15 percent of the dwelling units (*i.e.*, 75) shall be set aside for low- and/or moderate-income households as per current COAH regulations (N.J.A.C. 5:93-1, et seq., or as otherwise approved by the court. The 15% set-aside requirement is applied against the total number of units to equal 75 units overall.

The Affordable Units shall be family rental units. The affordable units shall be integrated fully with the market-rate units and shall not be permitted in stand alone buildings. The affordable units shall be constructed and integrated with the market rate family rental units as recommended by COAH Regulations (N.J.A.C. 5:93-5.6(f)). Affordability requirements shall remain in effect for a minimum period of 30 years and until released by the municipality in accordance with UHAC.

The developer shall take all necessary steps to ensure the Affordable Units provided for under the Agreement are creditworthy under COAH and UHAC regulations and all other applicable laws. Specifically, the developer agrees that all Affordable Units shall comply with COAH's Regulations including, but not limited to those concerning (a) income qualification, (b) bedroom distribution, (c) low/moderate income split, (d) affirmative marketing and (e) handicap accessibility.

The income level for the Affordable Units within each bedroom distribution shall be as follows: (i) thirteen percent (13%) shall be available to very low income households (or a minimum of ten units) ; (ii) thirty seven percent (37%) shall be available to low income households; and (iii) fifty percent (50%) shall be available to moderate income households. The income levels of very low, low and moderate shall be as defined by applicable COAH and UHAC regulations. None of the affordable units shall be age-restricted.

C. Permitted accessory uses and structures:

1. Recreational facilities.
2. Off-street parking facilities.
3. Utility and service structures, including, but not limited to, trash enclosure(s) generator(s), transformers, and maintenance shed(s).
4. Storm water management structures and areas.
5. Development identification, traffic and directional signs.
6. Fences, retaining walls and wall enclosures.
7. Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.
8. Trash/recycling enclosures.
9. Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
10. Satellite dish antenna.

D. Conditional uses permitted: none.

E. Tract requirements.

1. Number of units: The maximum number of residential dwelling units shall be 498.
2. Maximum density: 6.8 dwelling units per acre based upon gross tract area (prior to ROW dedication and including all environmentally constrained land).
3. Buffers:
 - a. Buffer strips shall be provided along all tract property lines as set forth in this subsection, except where a watercourse and related regulatory buffer comprise

the property boundary line. However, streets and driveways providing access to any development in the R-9 Zone may traverse a buffer strip. A pipeline or other utility easement and stormwater management structures may be located within a required buffer area together with any sidewalks and necessary monument signs.

- b. Minimum buffer to all tract property lines at the time of application: 45 feet.
 - c. A portion of the required buffer (described in (1) to (3) below) shall be comprised of a six-foot-high visual barrier, at the time of planting, of evergreen plantings set in a double row, staggered and spaced to accomplish this purpose. At the developer's option, landscaped areas may be planted with a mixture of evergreen and deciduous plantings designed to accomplish this goal.
 - (1) The buffer plantings from the apartments to the single family residences to the west of the property shall be a minimum width of 25 feet.
 - (2) The buffer plantings along the property frontage along Springside Road shall be a minimum width of 15 feet.
 - (3) The buffer plantings in the northeast corner of the property adjacent to the townhouses and parking areas shall be a minimum width of 25 feet.
4. Open space: A total of 20% of the tract shall be reserved for a combination of open space and recreational facilities. Wetland areas, wetland transition areas, flood plains, riparian buffers, detention basins, and required buffers may be considered open space for the purposes of this requirement.
 5. Recreational facilities. The following recreational facilities may be provided for the use of residents of dwellings within the R-9 Zone: a clubhouse, an outdoor swimming pool, a public park, a playground, a tot lot, decorative and safety fencing, and related parking.
 6. Development identification signs:
 - a. The sign regulations in Section 250-25 of this chapter shall not apply to development identification signs within the R-9 Zone.
 - b. Either a two (2) single-sided or a single two-sided development identification sign(s) shall be permitted at each entrance from a public street to a development within the R-9 Zone.
 - c. The maximum area of a development identification sign shall not exceed 60 square feet on the face of the sign, which shall include all lettering, wording, coloring and accompanying designs and symbols, together with background, but excluding any associated decorative elements or supporting framework, such as landscaping, berming, fencing, stone or masonry columns or walls, or

any combination of the above or other ornamentation or materials, provided that any sign and associated decorative elements shall not exceed 6 feet in height from ground level.

- d. The minimum setback of a development identification sign from a public street shall be 10 feet from the street right-of-way.
- e. A development identification sign may be located a minimum of 10 feet from a private road or driveway providing access to a development within the R-9 Zone, or it may be located on a boulevard or other island or median, and shall be located a minimum of 10 feet from the projected intersection of the curblines of cross streets. All signs, including those within public street rights-of-way, shall be maintained by a homeowners' association or the multi-family apartment building owner.

F. Area, yard and building requirements:

1. Overall tract requirements.

- a. Minimum lot area: 70 acres.
- b. Minimum lot width: 2,000 feet.
- c. Minimum lot frontage: 2,000 feet.
- d. Minimum lot depth: 800 feet.
- e. Maximum building coverage: 15 percent.
- f. Maximum impervious coverage: 40 percent.
- g. Minimum tot lot and passive recreational area: 2 acre.
- h. Maximum building height: 4 stories.
- i. Maximum building height: 48 feet.
- j. Maximum fence height within the buffer: 6 feet.

2. Fee simple lot bulk requirements.

- a. Minimum lot area: 1,600 square feet.
- b. Minimum lot width: 20 feet.

- c. Minimum lot frontage: 20 feet.
 - d. Minimum lot depth: 80 feet.
 - e. Maximum building coverage: 60 percent.
 - f. Maximum impervious coverage: 85 percent.
3. Fee simple lot – principal building requirements.
- a. Minimum front yard setback: 18 feet.
 - b. Minimum rear yard setback: 10 feet, excluding patios and decks.
 - c. Minimum side yard setback: 0 feet.
 - d. Maximum building height: 3 stories.
 - e. Maximum building height: 40 feet.
4. Accessory buildings and structures.
- a. Maximum building height: 1 story.
 - b. Maximum building height for one story building (*i.e.*, clubhouse): 30 feet.
5. Minimum building distance requirements.
- a. Side wall to side wall: 35 feet.
 - b. Side wall to front or rear wall: 30 feet. (Excludes the Maintenance Building and Clubhouse Building).
 - c. Front wall to rear wall: 80 feet.
 - d. Front wall to front wall: 80 feet.
 - e. Rear wall to rear wall: 40 feet.
 - f. Distance between principal building and access driveway or internal driveway curbline: 10 feet.
 - g. Distance between principal building and parking area curbline: 10 feet.

- h. Distance between accessory building and access driveway or internal driveway curbline: 0 feet.
- 6. Maximum fence height: 6 feet.
- 7. Sidewalks.
 - a. Minimum sidewalk width: 4 feet.
 - b. Minimum sidewalk width abutting parking: 6 feet.
- G. Minimum parking requirements.
 - 1. Townhouse area:
 - a. Minimum number of parking stalls: 2.4 parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.) parking stalls per unit.
 - b. Total number of required parking stalls per Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.): 536 parking stalls.
 - c. Minimum number of guest parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 0.5 parking stalls per unit.
 - d. Total number of guest parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 112 parking stalls.
 - 2. Multi-family rental apartments:
 - a. Minimum number of parking stalls for 1-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 1.8 parking stalls per unit.
 - b. Total number of parking stalls for 1-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.) : 216 parking stalls.
 - c. Minimum number of parking stalls for 2-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 2.0 parking stalls per unit.
 - d. Total number of parking stalls for 2-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 296 parking stalls.
 - e. Minimum number of parking stalls for 3-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 2.1 parking stalls per unit.
 - f. Total number of parking stalls for 3-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 15 parking stalls.

- g. Clubhouse: 1 parking stall required for each 200 square feet of gross floor area.
 - h. Total number of parking stalls required for clubhouse: 15 parking stalls.
3. Tot lot and passive recreational area: 4 parking stalls required per acre for a total of 8 parking stalls.
 4. Parking area requirements.
 - a. Minimum size of parking stall: 9 feet x 18 feet
 - b. Minimum drive aisle width: 24 feet.
 - c. Minimum landscape island size: 200 square feet at the end of a row.
 - d. Minimum amount of landscaped islands in parking areas: 1 island per 10 parking stalls.
 - e. Parking is permissible in front, rear, and side yards.

H. Site plan standards and review.

1. The standards set forth in Chapter 196 of the Code of Ordinances of the Township of Westampton shall apply to all development within the R-9 Zone, except for the following subsections or as clarified below: (Added
 - a. Section 196-7(H), providing Noise Abatement or Noise Study.
 - b. Section 196-8A, parking and loading.
 - c. Section 196-8(B) 3(c) 1, canopy and understory tree list except that native landscape material be utilized to the maximum extent possible.
 - d. Section 196-8B(5), fencing around parking lots in residential zones.
 - e. Section 196-9(A)8, providing all roads, driveways, water courses and existing buildings within 200 feet of tract shall be provided but may be based on aerial imagery.

I. Design standards and improvements.

1. All of the following improvements, including but not limited to streets, curbs and/or gutters, pavement, street grades, sidewalks, street signs, water mains, sanitary sewers and storm sewers and any other improvements subject to the requirements

of the New Jersey Residential Site Improvement Standards, shall be in accordance with said New Jersey Residential Site Improvement Standards, as amended.

2. For all other improvements not controlled by the New Jersey Residential Site Improvement Standards, as amended, the standards set forth in Chapter 215 of the Code of Ordinances of the Township of Westampton shall apply, except for the following subsections:
 - a. Section 215-7F shall be modified to provide for a ten-year period of vesting.
 - b. Section 215-9B shall be modified to require documents in conformance with Burlington County filing requirements, as amended.
 - c. Section 215-14A(7), topsoil protection except that soil erosion and sediment control measures as required by the Burlington County Soil Conservation District shall be followed.
 - d. Section 215-19A(14)(a)[2], manholes.
 - e. Section 215-19A(15), drainage and drainage improvements.
3. Building Design Standards: The design of the multi-family buildings shall be residential not institutional and conform to the following:
 - a. The exterior of all apartment buildings in the development shall be of consistent or compatible size, scale and appearance so as to not differentiate buildings with or without affordable housing units.
 - b. Floor plans shall be provided for each of the buildings. Architectural design shall be consistent with architect's project elevation provided.
 - b. Buildings shall include breaks in the facades with the use of different colors or materials to break up building lengths.
 - c. Rooflines shall be pitched.
 - d. All HVAC and mechanical equipment shall be inconspicuously placed or adequately screened from view.
4. Additional standards:
 - a. Copies of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the final application for approval.

- b. The homeowner or property owner shall pay an annual sewer fee to the sewer authority or agency having jurisdiction over the sanitary sewer collection system. The developer shall pay the sewer connection charge to the Willingboro Sewer Authority.
- c. Soil erosion and sediment control plans shall be submitted to the Burlington County Soil Conservation District for certification as part of the final application for each section of the development.
- d. Manholes shall be spaced in accordance with N.J.A.C. 7:14A-23.8.
- e. Drainage and ditch swales shall be stabilized in accordance with the Soil Conservation District standards.
- f. Preliminary subdivision submissions shall include all engineering information that is necessary and normally required to produce a complete set of properly engineered construction plans of the proposed improvements.
- g. All of the improvements required by Chapters 196 and 215 of the Township Code not otherwise amended by this R-9 District shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
- h. Trash enclosures shall be surrounded on three (3) sides by a solid wall or fence and the fourth side shall be enclosed by gates and/or otherwise screened.
- i. Lighting standards:
 - i. Minimum average foot candles for walkways and parking areas: 0.5.
 - ii. Maximum foot candles at property line: 0.2.
 - iii. Minimum foot candles at intersections of roadways: 1.
 - iv. Maximum mounting height: 25 feet.
 - v. House shields shall be provided for perimeter lighting.
 - vi. Light fixtures shall be LED and Dark Sky compliant.

J. General performance standards.

- 1. Swimming pools, if any, shall be constructed in conformance with all applicable construction and building codes.

2. Restrictions on similarity of design. With regard to attached housing units, the developer shall, to the extent feasible, alter the exterior of the buildings or structures in order to provide variation in appearance (accent elements, color, material or design), except where the similarity in appearance is an element of the design. The front facade of any attached housing dwelling unit shall not continue on the same plane for a distance of more than the width of two connected dwelling units and all offsets between front facades shall be at least two feet in depth. If garages are to be provided, they shall be an integral part of the structure and design scheme.
3. The Township shall abide by COAH's regulation against cost generative measures as set forth in N.J.A.C. 5:93-10.1(b).

K. Affordable housing requirements.

1. Low- and moderate-income housing units within developments in the R-9 Zone shall comply with applicable sections of the Township's Affordable Housing Ordinance.
2. Inclusionary development set-aside. A total of 75 affordable attached, family rental dwelling units in a development in the R-9 Zone shall be set aside for low- and/or moderate-income rental households in accordance with the provisions of this section. The inclusionary development set-aside is 15% against any development that occurs under this Ordinance.
3. All affordable units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., or any successor regulation, with the exception that (13%) of the affordable units shall be required to be at 30% of the median income (very low income) requirement of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et seq., and in compliance with all other applicable laws.
4. At least ten (10) of the affordable units developed must be very low income units. (Note: Also required in FSHC Preliminary Draft Compliance Documentation Review Comments)
5. At least half of all affordable units within each bedroom distribution shall be low-income units, which shall at least 13% of all restricted rental units within each bedroom distribution as very low-income units (affordable to a household earning 30% or less of median income).
6. The Affordable Units shall be family rental units constructed within the family rental portion of the overall development. The Affordable Units shall be constructed and integrated with the market rate family rental units as recommended by COAH Regulations (N.J.A.C. 5:93-5.6(f)). To provide such integration, the following requirements shall apply: (i) one (1) building within the family rental portion of the overall development may be configured such that no less than 8

units or forty percent (40%) of the total units within that building shall be designated as Affordable Units; (ii) for all remaining buildings within the family rental portion of the overall development, all buildings shall be configured such that no less than ten percent (10%) and no more than forty percent (40%) of the total units within a given building shall designated as Affordable Units. Affordability requirements shall remain in effect for a minimum period of 30 years and until released by the municipality in accordance with UHAC.

7. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and 311b and all other applicable law.
 8. Phasing plan: Phasing for the construction of residential dwelling units in the R-9 Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).
- L. Relationship to other sections of the combined land use ordinance: The regulations of the R-9 Zone are intended to guide the orderly development of this zone district in accordance with the parameters of the February 18, 2020 Settlement Agreement between the Diocese of Trenton and the Township of Westampton. Where there is a conflict between the R-9 Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning Ordinance, the regulations contained in this section for the R-9 Zone shall apply unless otherwise specified in the regulations of the R-9 Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

**RECOMMENDING ADOPTION OF ORDINANCE NO 14-2020
“AN ORDINANCE SUPPLEMENTING CHAPTER 250, “ZONING”, OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD TC-TTOWN
CENTER ZONE”**

RESOLUTION NO. 22-2020

WHEREAS, the Township Committee of the Township of Westampton (“Township Committee”), in the County of Burlington, State of New Jersey, has introduced and proposed the adoption of the following ordinance: Ordinance No 14-2020 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add TC-Town Center Zone” (the “Ordinance”); and

WHEREAS, the Ordinance is a land development regulation in that it adds to, amends, or otherwise modifies the Township’s Land Use, Development, and Zoning regulations to establish standards and requirements for the Township to satisfy its *Mt. Laurel* affordable housing obligation in accordance with the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 et seq., as established by the Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) and the Superior Court of New Jersey’s February 4, 2020 Conditional Judgment of Compliance and Repose, resolving the Township’s affordable housing litigation, captioned In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-26a provides that prior to adoption of any land development regulation by the governing body, the land development regulation must be transmitted to the Land Development Board for its report and recommendations thereon; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26a, Township Committee transmitted the Ordinance to the Land Development Board of the Township of Westampton (the “Board”) for its report and recommendations thereon regarding the Ordinance’s consistency with the Township’s Master Plan; and

WHEREAS, at a regular meeting held on September 2, 2020, the Board reviewed and discussed the Ordinance, the Township’s Master Plan, land use regulations, affordable housing obligation, affordable housing litigation history, including the Settlement Agreement between the Township and FSHC, and the Township’s efforts to implement the terms of that Settlement Agreement, with the Board’s Attorney, Planner, and members of the public; and

WHEREAS, based on the Ordinance, testimony, and other evidence presented at the September 2, 2020 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. **Incorporation by Reference of “WHEREAS” Clauses.** In addition to the paragraphs below, the above “WHEREAS” clauses are expressly adopted and incorporated by reference herein as the Board’s Findings of Fact and Conclusions of Law, as appropriate.
2. **Adoption of the Ordinance.** The Board hereby adopts and incorporates by reference as if fully set forth at length herein the entirety of the Ordinance.
3. **Participation of Public.** _____ member(s) of the public appeared during the Board’s September 2, 2020 public hearing to comment on the Ordinance.
4. **Conclusion as to the Ordinance.** The Board hereby finds and concludes that the Ordinance as presented is substantially consistent with, adheres to, and advances the purposes of the Township’s Master Plan; and further, that the Ordinance creates a realistic opportunity for the Township to satisfy a portion of its affordable housing obligation as required by the Court in the Township’s affordable housing litigation, In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15, N.J.S.A. 40:55D-26a.

NOW, THEREFORE, IT IS HEREBY DETERMINED by the Land Development Board of the Township of Westampton that Ordinance No 14-2020 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add TC-Town Center Zone” is substantially consistent with and designed to effectuate the Township’s Master Plan, creates a realistic opportunity for the Township to satisfy its affordable housing obligation, and it is therefore **RECOMMENDED** by the Land Development Board of the Township of Westampton that the Township Committee of the Township of Water adopt the Ordinance as presented in accordance with law.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate				
Blair				
Borger				
Eckart				
Freeman				
Guerrero				
Henley				
Haas				
Thorpe				
Odenheimer				
Burkley				

Attest:

Ronald Applegate, Chairman

**Marion Karp, RMC, CMR, Board
Secretary**

CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meeting held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on September 2, 2020, and said Resolution was authorized for memorialization at a meeting held on September 2, 2020.

Marion Karp, RMC, CMR, Board Secretary

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

**RECOMMENDING ADOPTION OF ORDINANCE NO 13-2020
“AN ORDINANCE SUPPLEMENTING CHAPTER 250, “ZONING”, OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD MU-1 MIXED
USE ZONE”**

RESOLUTION NO. 23-2020

WHEREAS, the Township Committee of the Township of Westampton (“Township Committee”), in the County of Burlington, State of New Jersey, has introduced and proposed the adoption of the following ordinance: Ordinance No 13-2020 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add MU-1 Mixed Use Zone” (the “Ordinance”); and

WHEREAS, the Ordinance is a land development regulation in that it adds to, amends, or otherwise modifies the Township’s Land Use, Development, and Zoning regulations to establish standards and requirements for the Township to satisfy its *Mt. Laurel* affordable housing obligation in accordance with the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 et seq., as established by the Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) and the Superior Court of New Jersey’s February 4, 2020 Conditional Judgment of Compliance and Repose, resolving the Township’s affordable housing litigation, captioned In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-26a provides that prior to adoption of any land development regulation by the governing body, the land development regulation must be transmitted to the Land Development Board for its report and recommendations thereon; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26a, Township Committee transmitted the Ordinance to the Land Development Board of the Township of Westampton (the “Board”) for its report and recommendations thereon regarding the Ordinance’s consistency with the Township’s Master Plan; and

WHEREAS, at a regular meeting held on September 2, 2020, the Board reviewed and discussed the Ordinance, the Township’s Master Plan, land use regulations, affordable housing obligation, affordable housing litigation history, including the Settlement Agreement between the Township and FSHC, and the Township’s efforts to implement the terms of that Settlement Agreement, with the Board’s Attorney, Planner, and members of the public; and

WHEREAS, based on the Ordinance, testimony, and other evidence presented at the September 2, 2020 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. **Incorporation by Reference of “WHEREAS” Clauses.** In addition to the paragraphs below, the above “WHEREAS” clauses are expressly adopted and incorporated by reference herein as the Board’s Findings of Fact and Conclusions of Law, as appropriate.
2. **Adoption of the Ordinance.** The Board hereby adopts and incorporates by reference as if fully set forth at length herein the entirety of the Ordinance.
3. **Participation of Public.** _____ member(s) of the public appeared during the Board’s September 2, 2020 public hearing to comment on the Ordinance.
4. **Conclusion as to the Ordinance.** The Board hereby finds and concludes that the Ordinance as presented is substantially consistent with, adheres to, and advances the purposes of the Township’s Master Plan; and further, that the Ordinance creates a realistic opportunity for the Township to satisfy a portion of its affordable housing obligation as required by the Court in the Township’s affordable housing litigation, In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15. N.J.S.A. 40:55D-26a.

NOW, THEREFORE, IT IS HEREBY DETERMINED by the Land Development Board of the Township of Westampton that Ordinance No 13-2020 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add MU-1 Mixed Use Zone” is substantially consistent with and designed to effectuate the Township’s Master Plan, creates a realistic opportunity for the Township to satisfy its affordable housing obligation, and it is therefore **RECOMMENDED** by the Land Development Board of the Township of Westampton that the Township Committee of the Township of Water adopt the Ordinance as presented in accordance with law.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate				
Blair				
Borger				
Eckart				
Freeman				
Guerrero				
Henley				
Haas				
Thorpe				
Odenheimer				
Burkley				

Attest:

Ronald Applegate, Chairman

**Marion Karp, RMC, CMR, Board
Secretary**

CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meeting held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on September 2, 2020, and said Resolution was authorized for memorialization at a meeting held on September 2, 2020.

Marion Karp, RMC, CMR, Board Secretary

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

RECOMMENDING ADOPTION OF ORDINANCE NO 10-2020

“ORDINANCE SUPPLEMENTING CHAPTER 250, “ZONING”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD R-9 RESIDENTIAL ZONE”

RESOLUTION NO. 24-2020

WHEREAS, the Township Committee of the Township of Westampton (“Township Committee”), in the County of Burlington, State of New Jersey, has introduced and proposed the adoption of the following ordinance: Ordinance No 10-2020 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add R-9 Residential Zone” (the “Ordinance”); and

WHEREAS, the Ordinance is a land development regulation in that it adds to, amends, or otherwise modifies the Township’s Land Use, Development, and Zoning regulations to establish standards and requirements for the Township to satisfy its *Mt. Laurel* affordable housing obligation in accordance with the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 et seq., as established by the Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) and the Superior Court of New Jersey’s February 4, 2020 Conditional Judgment of Compliance and Repose, resolving the Township’s affordable housing litigation, captioned In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-26a provides that prior to adoption of any land development regulation by the governing body, the land development regulation must be transmitted to the Land Development Board for its report and recommendations thereon; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26a, Township Committee transmitted the Ordinance to the Land Development Board of the Township of Westampton (the “Board”) for its report and recommendations thereon regarding the Ordinance’s consistency with the Township’s Master Plan; and

WHEREAS, at a regular meeting held on September 2, 2020, the Board reviewed and discussed the Ordinance, the Township’s Master Plan, land use regulations, affordable housing obligation, affordable housing litigation history, including the Settlement Agreement between the Township and FSHC, and the Township’s efforts to implement the terms of that Settlement Agreement, with the Board’s Attorney, Planner, and members of the public; and

WHEREAS, based on the Ordinance, testimony, and other evidence presented at the September 2, 2020 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

- 1. Incorporation by Reference of “WHEREAS” Clauses.** In addition to the paragraphs below, the above “WHEREAS” clauses are expressly adopted and

incorporated by reference herein as the Board's Findings of Fact and Conclusions of Law, as appropriate.

2. **Adoption of the Ordinance.** The Board hereby adopts and incorporates by reference as if fully set forth at length herein the entirety of the Ordinance.
3. **Participation of Public.** _____ member(s) of the public appeared during the Board's September 2, 2020 public hearing to comment on the Ordinance.
4. **Conclusion as to the Ordinance.** The Board hereby finds and concludes that the Ordinance as presented is substantially consistent with, adheres to, and advances the purposes of the Township's Master Plan; and further, that the Ordinance creates a realistic opportunity for the Township to satisfy a portion of its affordable housing obligation as required by the Court in the Township's affordable housing litigation, In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15. N.J.S.A. 40:55D-26a.

NOW, THEREFORE, IT IS HEREBY DETERMINED by the Land Development Board of the Township of Westampton that Ordinance No 10-2020 "An Ordinance Supplementing Chapter 250, "Zoning," of the Township Code of the Township of Westampton to Add R-9 Residential Zone" is substantially consistent with and designed to effectuate the Township's Master Plan, creates a realistic opportunity for the Township to satisfy its affordable housing obligation, and it is therefore **RECOMMENDED** by the Land Development Board of the Township of Westampton that the Township Committee of the Township of Water adopt the Ordinance as presented in accordance with law.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate				
Blair				
Borger				
Eckart				
Freeman				
Guerrero				
Henley				
Haas				
Thorpe				
Odenheimer				
Burkley				

Attest:

Ronald Applegate, Chairman

**Marion Karp, RMC, CMR, Board
Secretary**

CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meeting held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on September 2, 2020, and said Resolution was authorized for memorialization at a meeting held on September 2, 2020.

Marion Karp, RMC, CMR, Board Secretary