

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 very low-, 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 very low-, low-, and/or moderate-income households as per current COAH regulations (N.J.A.C. 5:93-1) and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), except as to the very low income housing obligation, which shall comply with the thirteen percent (13%) very low income requirement of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et seq. The 15% set-aside requirement is applied against the total number of units to equal 75 affordable units overall.

The Affordable Units shall be family rental units. Subject to the provisions of Section K(6), 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)) and UHAC'S Regulations. 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 and UHAC's Regulations, as well as the FHA, 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. Minim 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: 3 stories.
 - i. Maximum building height: 40 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: 30 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 curblines: 10 feet.
 - g. Distance between principal building and parking area curblines: 10 feet.
 - h. Distance between accessory building and access driveway or internal driveway curblines: 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:
 - 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. Very low-, 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 very low-, 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.
5. At least half of all affordable units within each bedroom distribution shall be low-income units, which shall include 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 be 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.

**TOWNSHIP OF WESTAMPTON
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 11-2020

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 250, ARTICLE VIII OF THE "CODE OF THE TOWNSHIP OF WESTAMPTON" REGARDING AFFORDABLE HOUSING DEVELOPMENT FEES, TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Westampton Land Development Board adopted a 2020 Housing Element and Fair Share Plan, which plan was subsequently endorsed by the Township Committee of the Township of Westampton; and

WHEREAS, this ordinance is intended to implement and incorporate the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1 *et seq.* as amended and supplemented, and the New Jersey Fair Housing Act of 1985;

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

Section 1. Chapter 250, Article VIII repealed and replaced. Chapter 250, "Zoning" in the "Code of the Township of Westampton" ("Code"), Article VIII (Low- and Moderate-Income Housing Fees), is hereby repealed and replaced in its entirety with the following new ordinance chapters:

§250-29. Mandatory development fees.

A. Purpose.

- (1) Pursuant to N.J.S.A. 40:48-1, the power to adopt public ordinances for public health, safety and welfare of the Township of Westampton is conterminous with the power of the legislature; and in Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 *et seq.*, and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- (2) Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7),

COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

- (3) In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
- (4) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. § 5:93-8, as such rules and to the extent such rules are deemed applicable to the Township of Westampton by a court of competent jurisdiction.
- (5) Notwithstanding the adoption of the provisions contained herein, the within Code provisions shall not be construed as a waiver by Westampton Township of any right it possesses to pursue claims set forth in a certain Superior Court, Law Division complaint that challenges the validity of New Jersey P.L. 2008, c. 46, which contains the changes to the New Jersey Fair Housing Act that this section is intended to implement.

B. Basic requirements.

- (1) This section shall become effective at such time that the Superior Court approves the Township's development fee ordinance in accordance with N.J.A.C. 5:93-8.

C. Definitions. The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred percent affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state. Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of "In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing (M-392-14) 067126," any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division-Morris County.

DEVELOPMENT FEES

Funds paid by a *developer* for the improvement of property as permitted in *N.J.A.C. 5:93-8.3*.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

D. Residential development fees.

(1) Imposed fees:

- (a) Within all zone districts of the Township of Westampton, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit

that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

(2) Eligible exactions, ineligible exactions and exemptions for residential development.

- (a) Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
- (b) Developers of low- and moderate-income units shall be exempt from paying development fees.
- (c) Developments that have received preliminary or final approval prior to the effective date of the Township's amended development fee ordinance shall be subject to the law in effect at the time of such approval, unless the developer seeks a substantial change in the approval.
- (d) All single-family residential additions, renovations and accessory structures shall be exempt; however, all new residential dwelling units shall be subject to a development fee.
- (e) All multi-family additions, renovations and accessory structures not requiring site plan approval shall be exempt; however, all new residential dwelling units shall be subject to a development fee.
- (f) Homes replaced as a result of a natural disaster (such as fire or flood) shall be exempt from the payment of a development fee.

E. Nonresidential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(a) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.

(b) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(c) The 2.5% fee shall not apply to developers of any not-for-profit use; federal, state and municipal government uses; churches and other places of worship; and public schools.

(d) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.

(e) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(f) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

F. Collection of fees.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The Developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- (8) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined at issuance of the certificate of occupancy.
- (9) Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the Burlington County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board may be

made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- (b) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

- (1) There has existed within the Township an Affordable Housing Trust Fund for many years. This fund shall be continued and maintained as a separate, interest-bearing affordable housing trust fund by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. The Township Administrator shall be provided with regular reports of the status of the fund.
- (2) The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Township's affordable housing program.
- (3) In the event of a failure by the Township of Westampton to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to

expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Westampton, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

- (4) Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

H. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the housing trust fund may be used for any activity approved by the court to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
- (2) Development fee revenues shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

- (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
- (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third-round Municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:94-4.22.
- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- (5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements for the affordable housing in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring.

On the first anniversary of the order of the Superior Court in the matter of in In The Matter Of The Adoption Of The Township Of Westampton Housing Element And Fair Share Plan And Implementing Ordinances, Docket No. BUR-L-1625-15, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental

income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

J. Ongoing collection of fees.

The ability for the Township to impose, collect and expend development fees shall expire with its judgment of compliance unless the Township has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

Section 2. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This ordinance shall take effect upon its passage, publication, filing with the County of Burlington, and entry of final judgement of compliance and repose.

PASSED: _____

ADOPTED: _____

MARION KARP
MUNICIPAL CLERK

SANDY HENLEY
MAYOR

DATED: _____

**TOWNSHIP OF WESTAMPTON
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 12-2020

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 6, ARTICLE I OF THE “CODE OF THE TOWNSHIP OF WESTAMPTON” REGARDING AFFORDABLE HOUSING, TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWNSHIP’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Westampton Land Development Board adopted a 2020 Housing Element and Fair Share Plan, which plan was subsequently endorsed by the Township Committee of the Township of Westampton; and

WHEREAS, this ordinance is intended to implement and incorporate the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1 *et seq.* as amended and supplemented, and the New Jersey Fair Housing Act of 1985;

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

Section 1. Chapter 6, Article I repealed and replaced. Chapter 6 “Affordable Housing Administration” in the “Code of the Township of Westampton” (“Code”), Article I (Municipal Housing Liaison and Administrative Agent) is hereby repealed and replaced in its entirety with the following new ordinance chapter:

CHAPTER 6. AFFORDABLE HOUSING ADMINISTRATION

Article I Affordable Housing Regulations

§ 6-1. Purpose and applicability.

The purpose of this article is to include provisions addressing the Township of Westampton’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Supreme Court and consistent with N.J.A.C. 5:93-1 *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This article is intended to assure compliance with the regulations of the Council on Affordable Housing (“COAH”) set forth at N.J.A.C. 5:93-1 *et seq.*, and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq.*, including provisions for unit affordability controls as well as

eligibility for low- and moderate-income households. This article shall apply except where inconsistent with applicable law.

§6-2. Intent.

It is the intent of this article to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Township of Westampton.

§6-3. Reporting requirements.

- A. Trust fund activity. On the first anniversary of the entry of the order granting Westampton a final judgment of compliance and repose in *In The Matter Of The Adoption Of The Township Of Westampton Housing Element And Fair Share Plan And Implementing Ordinances*, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of its affordable housing trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services. The reporting shall include an accounting of all affordable housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Affordable housing activity. On the first anniversary of the entry of the order granting Westampton a final judgment of compliance and repose in *In The Matter Of The Adoption Of The Township Of Westampton Housing Element And Fair Share Plan And Implementing Ordinances*, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the court-appointed special master and Fair Share Housing Center. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its affordable housing plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be

replaced. Any interested party may by motion request a hearing before the court regarding these issues.

C. Very low income housing. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the order granting Westampton a final judgment of compliance and repose in *In The Matter Of The Adoption Of The Township Of Westampton Housing Element And Fair Share Plan And Implementing Ordinances*, and every third year thereafter, the Township will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center, on the issue of whether the Township has complied with its very low-income housing obligation.

§6-4. Definitions.

The following terms when used in this article shall have the meanings given in this Section:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 *et seq.*)

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the Township to administer affordable units in accordance with this article, the regulations of the Council on Affordable Housing set forth at N.J.A.C. 5:93 *et seq.*, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 *et seq.*

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership

unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 *et seq.*).

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure

that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

TOWNSHIP

The Township of Westampton, in Burlington County, New Jersey.

CERTIFIED HOUSEHOLD

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 *et seq.*

FAIR SHARE PLAN

The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

HOUSING ELEMENT

The portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A. 40:55D-28.b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes the Township's fair share obligation.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a

result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 *et seq.*

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors,

replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§6-5. Inclusionary zoning requirements.

To create realistic opportunities for the construction of affordable housing, the following properties shall be zoned to require inclusionary development or development of 100 percent affordable housing units:

- (1) Block 204, Lot 2 (Diocese of Trenton site)
- (2) Block 1001, Lots 58, 59, 60, and 61 (Hogan site)
- (3) Block 906.07, Lot 5 (Hancock/Town Center site)

Inclusionary developments shall adhere to the following project phasing schedule:

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

Design:

- (a) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (b) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

§6-6. New construction.

- (1) Low/moderate split and bedroom distribution of affordable housing units:
 - (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

- (b) At least 13 percent of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very low-income units shall be counted as part of the required number of low income units within the development.
- (c) At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
- (d) A maximum of 25 percent of the Township's obligation may be met with age restricted units. At least half of all affordable units in the Township's Plan shall be available to families.
- (e) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units including that 13% shall be very-low income.
- (f) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - [2] At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - [3] At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - [4] The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.
- (g) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(2) Accessibility requirements:

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the

technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

(b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- [1] An adaptable toilet and bathing facility on the first floor; and
- [2] An adaptable kitchen on the first floor; and
- [3] An interior accessible route of travel on the first floor; and
- [4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- [5] If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- [6] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a *et seq.*) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - [a] Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Township affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under paragraph [6][b] above shall be used by the Township for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do

so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[d] The developer of the restricted units shall submit a design plan and cost estimate to the Township Construction Official for the conversion of adaptable to accessible entrances.

[e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's affordable housing trust fund in care of the Township Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

[f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(3) Maximum rents and sales prices:

- (a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income, with such very low-income units counted toward the low-income housing requirement.

(d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(e) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

[1] A studio unit shall be affordable to a one-person household;

[2] A one-bedroom unit shall be affordable to a one and one-half person household;

[3] A two-bedroom unit shall be affordable to a three-person household;

[4] A three-bedroom unit shall be affordable to a four and one-half person household; and

[5] A four-bedroom unit shall be affordable to a six-person household.

(f) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

[1] A studio shall be affordable to a one-person household;

[2] A one-bedroom unit shall be affordable to a one and one-half person household; and

[3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of

the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Regional Income Limits chart. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§6-7. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

§6-8. Occupancy Standards.

In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- (1) Provide an occupant for each bedroom;
- (2) Provide children of different sexes with separate bedrooms;
- (3) Provide separate bedrooms for parents and children; and
- (4) Prevent more than two persons from occupying a single bedroom.

§6-9. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this article for a period of at least thirty (30) years and thereafter until the Township takes action by ordinance to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, except that, for any units approved after October 13, 2016, such controls shall be for at least 30 years, and until such time after the initial 30 year period as the Township elects by ordinance to release the unit from such requirements.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

E. The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(1) Provisions for first-purchase money mortgagees.

- (a) The terms and restrictions of this article shall be subordinate only to the first-purchase money mortgage lien on any very-low-, low- and moderate-income unit and in no way shall impair the first-purchase money mortgagee's ability to exercise the contract remedies available to it in the event of default as such remedies are set forth in the first-purchase money mortgage documents for the unit.
- (b) So long as the first-purchase money mortgage is not sold to the Federal National Mortgage Association or in the secondary mortgage market, the first-purchase money mortgagee and/or mortgage servicer shall serve written notice upon the Agency within 10 days after the first-purchase money mortgage is three months in arrears and within 10 calendar days of the filing of the complaint seeking foreclosure of the first-purchase money mortgage held on a very-low-, low- and moderate-income unit.
- (c) The obligation of the first-purchase money mortgagee and/or servicer to notify the Township Clerk and/or the Administrative Agent shall cease automatically and immediately upon the sale of the first-purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market, unless the rules and regulations are amended so as to not prohibit or exclude placing such obligation, in which case an instrument duly evidencing same must be recorded with the office of the Recorder, Burlington County, New Jersey, and the Clerk of the Township of Westampton before any such obligation shall exist.
- (d) Provided that the first-purchase money mortgagee is obligated to give the Township Clerk the above-mentioned notices, the first-purchase money mortgage shall also serve written notice of any proposed foreclosure sale upon the Township Clerk at least 30 days prior to the first scheduled date of such sale.
- (e) The first-purchase money mortgagee shall serve notice upon the Township Clerk within 30 days of the sale of the first-purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market.

(2) The Township of Westampton or any instrumentality designated by the Township shall have the right to purchase any mortgage which is in default at any time prior

to the entry of a foreclosure judgment or within the redemption period thereafter. Notification of a default and of the institution of a foreclosure action and of a Sheriff's sale shall be served in writing upon the Township Clerk as aforesaid. The Township of Westampton shall at all times be considered a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of redemption or to acquire the unit from the owner upon such terms and conditions as may be determined by the Township.

(3) In the event of foreclosure, the Township shall attempt to identify a qualified very-low-, low- and moderate-income purchaser(s) as the case may be and shall give notice to the foreclosing party, and effort shall be made within the confines of the applicable foreclosure laws to sell the housing unit to qualified very-low-, low- and moderate-income households. If such efforts are unsuccessful, the restrictive covenants shall remain in full force and effect. In any case, the Township shall not lose credit for the very-low-, low- and moderate-income unit relating to which the foreclosure proceeding took place.

(4) Surplus funds. In the event of a foreclosure sale by the holder of the first-purchase money mortgage, the owner shall be personally obligated to pay to the Township any surplus funds. For purposes of this subsection, surplus funds shall be the total amount paid to the Sheriff in excess of the greater of the maximum resale price of the unit and the amount required to pay and satisfy the first-purchase money mortgage, including the costs of foreclosure plus any second mortgages approved by the Township. Surplus funds shall also include all payments to any junior creditors out of such surplus funds, even if such were to the exclusion of the owner. The Township shall be given a first-priority lien, second only to the first-purchase money mortgagee of a unit and any taxes or public assessments by a duly authorized governmental body, equal to the full amount of such surplus funds. This obligation of the owner to pay this full amount of surplus funds to the Township shall be deemed to be a personal obligation of the owner of record at time of the foreclosure sale, and the Agency shall be empowered to enforce the obligation of the owner in any appropriate court of law or equity as though the same were a personal contractual obligation of the owner. Neither the first-purchase money mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Township for any portion of this excess. The Township may utilize up to 30% of the surplus funds realized in any one calendar year, but in no event to exceed \$10,000 per calendar year, for the purpose of funding operating expenses of the year, for the purpose of funding operating expenses of the Township. Other surplus funds shall be used for increasing the opportunities for affordable housing within the Township in accordance with the provisions of this article.

(5) Owner's equity.

- (a) Owner's equity shall be determined to be the difference between the maximum resale price of the unit and the total of the assessments, property taxes and other liens which may have been attached against the unit prior to the foreclosure, provided that such total is less than the maximum resale price.
 - (b) If there are sums to which the owner is properly entitled, such sums shall be turned over to the owner or placed in an escrow by the Agency for the owner for a maximum period of two years. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Agency.
 - (c) This provision is subject, however, to applicable laws of the State of New Jersey governing the distribution and payment of proceeds of foreclosure sales.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Uniform Construction Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§6-10. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
- (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - (4) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§6-11. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Township Committee, and subject to the court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§6-12. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit,

as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

§6-13. Capital improvements to ownership units.

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§6-14. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this article for a period of at least 30 years and thereafter until the Township takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, except that, for any units approved after October 13, 2016, such controls shall be for at least 30 years, and until such time after the initial 30 year period as the Township elects by ordinance to release the unit from such requirements.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Burlington. The deed shall also identify each affordable

unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this article despite the occurrence of any of the following events:

- (1) Sublease or assignment of the lease of the unit;
- (2) Sale or other voluntary transfer of the ownership of the unit; or
- (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§6-15. Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this article.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this article.

§6-16. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

- (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in B1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

§6-17. Municipal housing liaison.

- A. The Township shall appoint a specific municipal employee to serve as a municipal housing liaison responsible for administering the affordable housing program, including affordability controls, the affirmative marketing plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. The Township shall adopt an ordinance creating the position of municipal housing liaison.

The Township shall adopt a resolution appointing a municipal housing liaison. The municipal housing liaison shall be appointed by the governing body and may be a full or part time municipal employee. The municipal housing liaison shall be approved by the court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of municipal housing liaison.

B. The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Township, including the following responsibilities which may not be contracted out to the administrative agent:

- (1) Serving as the Township's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
- (2) Monitoring the status of all restricted units in the Township's Fair Share Plan;
- (3) Compiling, verifying and submitting annual monitoring reports as may be required by the court;
- (4) Coordinating meetings with affordable housing providers and administrative agents, as needed; and
- (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

C. Subject to the approval of the court, the Township shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the municipal housing liaison, and in the office(s) of the administrative agent(s). The municipal housing liaison shall supervise the contracting administrative agent(s).

§6-18. Administrative agent.

The administrative agent shall be an independent entity serving under contract to and reporting to the Township. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay three percent of the sales price for

services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

A. Affirmative marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Township's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (6) Employing a random selection process as provided in the affirmative marketing plan of the Township when referring households for certification to affordable units.

- (7) Notifying the following entities of the availability of affordable housing units in the Township of Westampton: Fair Share Housing Center, the new Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing requests from unit owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;

- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
- (3) Notifying the Township of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the Township a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
- (3) Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Township's affordable housing trust fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Committee and the court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

- (1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.
- (3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§6-19. Affirmative marketing requirements.

- A. The Township shall adopt by resolution an affirmative marketing plan, subject to approval of the court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 4 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Burlington, Mercer, and Ocean Counties.
- D. The Township has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rereleases. The administrative agent designated by the Township shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.
- E. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

- F. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Township in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- (1) In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Westampton, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN Inc., the Supportive Housing Association, and the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§6-20. Veterans and first responder preference established.

A. As provided under law pursuant to N.J.S.A. 52:27D-311, a preference of up to fifty (50) percent of the affordable housing units in an inclusionary affordable housing development or a one hundred (100) percent affordable housing development in the Township of Westampton shall be provided to low and moderate income veterans who served in time of war or other emergency, as defined in N.J.S.A. 54:4-8.10.

- 1) This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in N.J.S.A. 52:27D-311, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-

day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in N.J.S.A. 52:27D-311, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to N.J.S.A. 52:27D-311 shall not affect a municipality's ability to receive credit for the unit from the council, or its successor.

B. Additionally, as shall be allowable by law, a preference shall also apply to first responders of the Township of Westampton. "First responder" shall be defined as a law enforcement officer; paid or volunteer firefighter; paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association; or any other person who, in the course of the person's employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other emergency assistance; and who, in the case of all the foregoing, has served in that capacity for at least two years.

1) This preference shall be established in the applicant selection process for available affordable units so that applicants who are first responders, and who apply within 90 days of the initial 120-day marketing period, shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are first responders shall be placed on a special waiting list as well as the general waiting list. The first responders on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for first responders pursuant to N.J.S.A. 52:27D-311 shall not affect a municipality's ability to receive credit for the unit from the council, or its successor.

§6-21. Responsibilities of developers.

A. The responsibilities of the developer shall include but not be limited to the following:

- 1) Submission of information as to financing terms readily available to very-low-, low- and moderate-income households for use by the Township in computing maximum sales prices.
 - 2) Submission of an affordable housing plan and an affirmative marketing plan to the Township for approval, and submission of proofs of publication to ensure compliance with said plan.
 - 3) The marketing of all very-low-, low- and moderate-income units in accordance with the requirements of this article.
 - 4) Submission of quarterly reports to the Township detailing the number of very-low-, low- and moderate-income households who have signed leases or purchase agreements, as well as the number who have taken occupancy of lower-income units, including household size, number of bedrooms in the unit, sales price and monthly carrying costs or, in the case of rental units, the monthly rental charges and utilities included.
- B. The developer's responsibilities hereunder shall expire automatically with respect to for-sale of very-low-, low- and moderate- income units upon the date upon which the last very-low-, low- and moderate-income unit within the particular development is sold by the developer. With respect to the rental of very-low-, low- and moderate-income units, the developer's responsibilities shall be assumed by the landlord and shall be performed by the landlord so long as such unit is a rental of a very-low-, low- and moderate-income unit and is subject to the restrictions of this article.

§6-22. Responsibilities of owners.

- A. Prior to reselling or renting his or her very-low-, low- or moderate-income unit, the owner shall provide written proof to the Township that the resale or rental has been approved by the authorized state agency.
- B. The owner shall only resell or rent his or her very-low-, low- or moderate-income unit to a qualified purchaser or renter as determined by the Township's administrative agent.
- C. The owner shall be responsible for guaranteeing that the necessary documents are executed and filed at the closing of title or rental of a very-low-, low- or moderate-income unit to assure that the unit remains affordable to and occupied by very-low-, low- or moderate-income households.

- D. In the event that any first mortgagee or other creditor of an owner of a very-low-, low- and/or moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the owner of a very-low-, low- and moderate-income unit, the owner shall notify the Township in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.
- E. Any owner of a very-low-, low- and moderate-income unit shall notify the Township within 10 days, in writing, of any default in the performance by the owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the very-low-, low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.
- F. The owner shall not permit any lien of any kind, which includes, but is not limited to, any lien imposed by any federal, state or municipal authority, other than a first-purchase money mortgage, the Township approved second mortgage and/or lien of the Township to attach and remain on the property for more than 60 days.
- G. The owner of a very-low-, low- and moderate-income unit shall keep the unit in good repair and shall not commit waste thereon.
- H. The owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, as and when the same becomes due and before penalties accrue.
- I. If a very-low-, low- and moderate-income unit is part of a condominium association, the owner, in addition to paying any assessments required to be paid by the master deed of the condominium, shall further fully comply with all of the terms, covenants or conditions of said master deed, as well as fully comply with all terms, conditions and restrictions of this article.
- J. The owner will pay all charges of any utility authority when the same become due and before penalties accrue.

§6-23. Responsibilities of condominium or homeowner's associations.

As to any complex, development or property which contains a very-low-, low- or moderate-income restricted unit for which a condominium association organized under the Condominium Act (N.J.S.A. 46:8B-1 et seq.), or a homeowners' association has control, management and/or supervision over such affordable unit(s), the condominium or homeowners' association shall provide written notice to the Agency if any owner and/or tenant of an affordable unit (regardless of whether it is very-low-, low- or moderate-income

qualified) shall become delinquent in the payment of any monthly assessment(s), fee(s) or charge(s) where the delinquency has existed for a period of 90 days. This written notice shall be provided to the Agency regardless of the amount of the assessment(s), fee(s), or charge(s) that are delinquent for a period of 90 days:

§6-24. Enforcement of affordable housing regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Township may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) The Township may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:

(a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township affordable housing trust fund of the gross amount of rent illegally collected;

(c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

(2) The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other

interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

- (a) The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the sheriff's sale.
- (b) The proceeds of the sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the sheriff's sale. In the event that the proceeds from the sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Township for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the owner or forfeited to the Township.
- (c) Foreclosure by the Township due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from

whom title and possession were taken by means of the sheriff's sale shall not be entitled to any right of redemption.

- (d) If there are no bidders at the sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the sheriff's sale or acquired by the Township shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Township, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§6-25. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this article shall be filed in writing with the court.

Section 2. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This ordinance shall take effect upon its passage, publication, filing with the County of Burlington, and entry of final judgement of compliance and repose.

PASSED: _____

ADOPTED: _____

MARION KARP
MUNICIPAL CLERK

SANDY HENLEY
MAYOR

DATED: _____

DRAFT

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. A 15% affordable housing set-aside shall be applied to all residential development, and a minimum of 34 affordable multi-family non-age-restricted residential units 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 except as to the very low income housing obligation, which shall require that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.
 - (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 very low-, low- and/or moderate-income households shall be 15% of all residential units developed.

(e) The bedroom distribution of affordable units 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 require that that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.
- (2) 15% of all residential units developed in the MU-1 Zone shall be set-aside as affordable. A minimum of 34 units shall be set aside as affordable for very low-, low- and/or moderate-income 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 households (earning 30% or less of area median income).

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
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 decline 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. A minimum of 1,144 multi-family residential apartment/condo units shall be allowed at a density of 13.5 du/acre (plus office/commercial uses), with a twenty percent (20%) set-aside for a minimum of 228 affordable units. 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, except as to the very low income housing obligation, which shall require that thirteen (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq..

- (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 for very low-, low- and/or moderate income households 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 bedroom distribution of affordable units 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) Very low-, low-, and moderate-income housing units within developments in the TC Zone shall comply with 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 require that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq.
- (2) Twenty percent (20%) of all residential units developed in the TC Zone shall be set-aside as affordable. Based on a density of 13.5 du/acre, a minimum of 228 affordable units in the TC Zone shall be set aside for very low-, low- and/or moderate income households in accordance with the provisions of this section.
- (3) A minimum of thirty (30) of the affordable units developed shall be restricted to very low income households (earning 30% or less of area median income).
- (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.