

TOWNSHIP OF MOUNT LAUREL

ORDINANCE #2017-11

AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 154 (“ZONING”) OF THE MOUNT LAUREL TOWNSHIP CODE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

The Zoning Map is hereby amended to add the MH-MF, or Marne Highway Multifamily District, to the Zoning Ordinance (Chapter 154).

Add the following to Section 154-10 “Enumeration of Districts”:
MH-MF Marne Highway Multifamily District

There is hereby added Article XXIV MH-MF Marne Highway Multifamily District.

A. Purpose and Intent.

1. Pursuant to the settlement agreement between the parties of Mount Laurel litigations captioned Chase Partners Mt. Laurel, LLC v. Township of Mount Laurel, et als, BUR-L-2962-14 (“Chase Partners Litigation”), and In the Matter of the Application of the Township of Mount Laurel, County of Burlington, Docket BUR-L-1620-15 (“DJ Action”), this ordinance creates the MH-MF Zoning District, designed to create a total of 500 residential units which will include an overall twenty percent (20%) set-aside of affordable rental units, that will be governed by controls on affordability and comply with all other Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) requirements as of the date of the adoption of this ordinance.
2. This ordinance shall apply specifically to the future residential inclusionary development to be located on Block 215, Lot 15 as set forth on the Township of Mount Laurel Tax Map (the “Property”).
3. The provisions of this Ordinance shall govern all future development of the Property. This Ordinance expressly preempts and supersedes all prior ordinances regarding the zoning and land development standards applicable to the Property. All Ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency.

Commented [CR1]: In removing some of the language in this section, I’m moving the actual controls over the types of units and locations of low/mods to sections related to the design rather than trying to make the purpose carry the load. The Chase ordinance could be more specific about the “Concept Plan” as that plan had already gone through hearings and had been tested. The Plan here is still being developed/modified at this point.

B. Permitted uses and total number of units. Multifamily residential buildings may not exceed 360 units. Single family homes and townhomes, inclusive of affordable dwellings which may be included in stacked flats designed to generally reflect the design of townhomes may not exceed, in combination with the multifamily residential units a total of up to 500 units within the overall development.

Commented [CR2]: Since we are capping the total number of units, and limiting apartments, there is nothing to be gained by setting sectional densities since everything must meet bulk/lot requirements anyway.

C. Accessory uses. Accessory uses may include:

Commented [CR3]: As we’ve added SF as a type, the intro here made no sense. All of these may be provided in any neighborhood on site.

1. Detached and attached private garages, parking spaces and parking areas and/or lots.
2. Private passive or active recreational facilities, including, but not limited to: a clubhouse and swimming pool, playgrounds, dog park.
3. Stormwater management facilities.
4. Signage subject to Section 154-92.8.
5. Fences and hedges subject to Article XIX of this Chapter (Sections 154-140 through 154-146).

6. Private trash/recycling enclosures.
 7. Parking, streets and driveways subject to the New Jersey Residential Site Improvements Standards (“RSIS”).
 8. All necessary utilities.
 9. Other accessory uses and structures normally considered incidental to multifamily buildings.
- D. Affordable Housing Requirements.
1. Twenty percent (20 %) of the total residential dwelling units shall be provided as affordable housing unit, whether provided as rental or “for sale” units.
 2. At least 15% of each section or neighborhood of the development (i.e. apartment or townhome area) shall be provided as affordable housing units. Within the rental apartment development, the affordable housing units shall be generally dispersed within mixed income buildings. Within the townhome and/or single family portion of the development, affordable units may be provided in buildings consisting entirely of affordable units. Such buildings shall be designed to reflect the building massing and shape of townhome structures, while allowing two dwellings in each vertical plane (one over the other). Such buildings shall be located on the site to provide appropriate access to open space areas for resident families.
 3. The affordable housing units shall be developed and managed in accordance with the applicable UHAC regulations and N.J.A.C. 5:93-1 et seq. provisions, adopted as of the date of the adoption of this ordinance, which requirements include but are not limited to: split between low and moderate income housing, bedroom distribution, range of affordability, pricing and rent of units, affirmative marketing, affordability controls, and construction phasing with the market-rate units developed on the tract.
 4. Consistent with UHAC, the developer (or its agent) may act as the administrative agent to be responsible for the administering of the affordable housing program and reporting to the Municipal Housing Liaison.
- E. Signs. Signs for residential development shall conform to Section 154-92.5.
- F. Bulk standards:
10. Overall tract impervious coverage for the MH-MF District shall not exceed 50 percent. The total gross acreage of all contiguous lots under the ownership or control of the property owners of the Property within the MH-MF zone shall be used for purposes of calculating overall tract coverage.
 11. Perimeter Setbacks & Buffers:
 - a. Residential units with a height of forty-five feet (45) or less shall provide a setback of no less than fifty (50’) feet from any external tract boundary line or from any other right-of-way line of a dedicated municipal roadway. Units with a height exceeding forty feet (45’) shall be setback a minimum of seventy-five (75’) feet.
 - b. Accessory uses: Twenty (20) feet from any tract boundary line or from any other right-of-way line of a dedicated municipal roadway, excluding permitted accessory uses at roadway intersections.
 - c. All set-backs shall be measured from the external tract boundary line or right-of-way line, and not as set forth in Section 154-68D(3) and (5) requiring setbacks to be measured from required buffer areas.

Commented [CR4]: Moved all affordable material here - down from parentheses in use and up from old #14 under “bulk” and deleted duplicative content.

Commented [CR5]: This responds to Jay’s issue that the taller MF units could be too close to the perimeter. This is written to allow the towns to have the same setback as Chase, and make sure the MF is either internal or setback further.

3. Landscaped Buffer Requirements:
 - a. A landscaped buffer, inclusive of berming, of 50 feet shall be provided along Marne Highway.
 - b. Between garden apartment parking areas and townhome buildings: Thirty (30) feet.
 - c. Between all impervious surfaces on the Property and the perimeter boundary line of the Property: Fifty (50) feet.
 - d. Utilities and stormwater management basins and structures shall be permitted within the buffer.
 - e. Existing vegetation and environmentally restricted areas can be utilized as part of the landscaping and supplemented as appropriate. The buffer shall be landscaped as detailed in Section 154-68(C).
 - f. There shall be a thirty (30) foot buffer between the top of the bank around any constructed stormwater basin, pond, lake or watercourse and the nearest wall of any residential structure.

12. Open space: Forty percent (40%) of the gross tract area. All open space shall be set aside as permanent open space to be owned and/or maintained by the property owners or the management entity of the multifamily residential buildings. Open space shall specifically include all landscaped areas, storm water management structures and environmentally restricted areas on the Property.

13. Standards for Single Family Lots:
 - a. Minimum Lot Size: 9,375 square feet, with a minimum lot size for corner lots of 11,000 square feet. The minimum lot area may not include wetlands or wetland buffers.
 - b. Minimum Lot Width at Building Setback Line: 75 feet.
 - c. Minimum Lot Frontage: 50 feet.
 - d. Front Yard: 30 feet.
 - e. Side Yard: A minimum of 10 feet per yard, with an aggregate side yard requirement of 24 feet.
 - f. Side yard adjacent to a street: 25 feet.
 - g. Rear Yard: 35 feet.
 - h. Height: 35 feet, 2.5 stories.

14. Standards for Townhomes (lot requirements apply only where lots are provided):
 - a. Minimum Lot Size: 2,000 square feet. The minimum lot area may not include wetlands or wetland buffers.
 - b. Minimum Lot Frontage: 20 feet.
 - c. Front Yard: 15 feet.
 - d. Minimum Distance from Back of Sidewalk to Face of Garage: 20 feet.
 - e. Side Setback: A minimum distance of 25 feet from the side of one building to any other building.
 - f. Rear Setback: A minimum distance of 50 feet from the rear of one building to any other building.
 - g. Decks: Raised decks may be provided but may not encroach to within 2.5 feet of any yard line, nor may two decks be closer than 5 feet from one another.
 - h. Height: 45 feet, 3 stories.
 - i. No more than 8 units may be provided in a single building, or no more than 16 units in an affordable housing building with stacked flats.

15. Standards for Multifamily Residential Buildings:
 - a. Minimum Distance Between Multifamily Residential Buildings: 25 feet.
 - b. Minimum Distance Between Multifamily Residential Buildings and Accessory Buildings: 15 feet.

Commented [CR6]: Added per Jay's request.

Commented [CR7]: These are the suggestions from Jay. I included a small variation between frontage and width to allow lots on a curve.

Commented [CR8]: Added at Jay's request.

Commented [CR9]: Added at Jay's request.

Commented [CR10]: This allows the front of the home to stay where proposed but accommodates Jay's concern that we make sure we have a long enough driveway. If the builder takes advantage of this, we get a more interesting streetscape than pushing the whole building back.

Commented [CR11]: I think I captured Jay and Bob's comments on decks with both a setback and minimum distance between that covers all cases.

Commented [CR12]: BOB: Please check TH heights - we didn't list it separately before. This is just my best guess.

- c. Minimum Distance Between Accessory Buildings: 15 feet.
 - d. Minimum Distance Between Multifamily Residential Buildings and Streets: 25 feet.
 - e. Minimum Distance Between Multifamily Residential Buildings and parking areas and spaces: 10 feet.
 - f. Height: 50 feet, 3 stories.
 - g. No more than 36 units may be provided in a single building.
 - h. Building Design. The design of the multifamily buildings shall be residential and not institutional and conform to the following:
 - i. Floor plans shall be provided for each of the buildings. Architectural design shall be consistent with architect's project elevation provided.
 - ii. The buildings shall include breaks in the facades with the use of different colors or materials to break up the building lengths.
 - iii. Rooflines shall be pitched.
 - iv. All HVAC and mechanical equipment shall be inconspicuously placed or adequately screened from view.
16. Streets and Parking.
- a. Residential parking requirements. The number and dimensions of all onsite parking stalls shall be governed by the RSIS. Private garage parking stalls and driveway stalls shall each count as 1.0 spaces.
 - b. Clubhouse parking requirements. Parking for the clubhouse, if any, shall be based upon one (1) off-street onsite space per three hundred (300) square feet of building area.
 - c. Street Width. The width of all onsite residential streets shall be governed by the RSIS
 - d. Curbs and sidewalks: Curbs and sidewalks shall be governed by the RSIS. Sidewalks shall be provided to reasonably connect the residential units to parking and recreation areas.
17. Recreation areas. Recreational areas may be divided between neighborhoods of the overall community and shall be provided as follows:
- a. A clubhouse or community building with a minimum size of 2,500square feet for the apartment residents.
 - b. Swimming pool for the apartment residents.
 - c. Additional recreational activities may be provided, including, but not limited to, bocce courts, pedestrian paths, bicycle paths, sitting areas or playground areas.
 - d. All recreational activities shall be subordinated to the residential character of the development, and no advertising shall be permitted.
 - e. Architectural elevations and floor plans shall be provided for the clubhouse or community building.
 - f. The completion of the clubhouse or community building shall be completed in the first phase of the development of the multifamily buildings.
18. Landscaping. A landscape plan shall be submitted to the municipal agency that contains the following standards:
- a. The plan shall include suitable street trees along all streets to be constructed onsite spacednot less than forty (40) feet apart. The plan shall specify the location of planting material, their minimum sizes, quantity, variety and species.
 - b. Trees shall meet planting requirements as specified in sections of this chapter related to planting of trees.

Commented [CR13]: I couldn't find building to parking/street separations in the proposed ordinance and added them. BOB: Please comment.

Commented [CR14]: Jay had a comment that we should say that this development is subject to other recreation requirements. This is already comprehensive and allows Board interaction. Do we need more? If so, we ought to say what it is here and not have a surprise by reference.

- c. No parking lot shall contain more than thirty (30) spaces in a row without interruptions by a landscaped divider at least eight (8) feet wide.
 - d. A landscaped island between head-to-head parking stalls is not required.
 - e. Foundation plantings shall be limited to the side of the single family residential buildings facing the main drive aisle. Foundation plantings shall be on all sides of multifamily and townhouse buildings.
 - f. Yard areas and open spaces between multifamily residential buildings shall contain the equivalent of at least four (4) shrubs and at least two (2) shade or ornamental trees of two and one half (2-2 1/2) inch caliper or greater for each 1,500 square feet of yard area, not including areas devoted to parking.
19. Trash/Recycling Enclosures. The trash/recycling enclosure area(s) shall be suitably located, and screened and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle.
20. Unnecessary Cost-Generating Features.
- a. The Planning Board shall conduct its review of any multifamily residential development application in the MH-MF Zoning District in accordance with the fast-tracking requirements of Council on Affordable Housing (“COAH”) rules. In order to expedite the review of a multifamily residential development application, the Planning Board shall cooperate with the applicant in scheduling pre-application conferences. The Planning Board shall schedule regular and special monthly meetings as needed and provide ample time at these meetings to consider the merits of the multifamily residential development application.
 - b. The applicant for a residential development in the MH-MF Zoning District shall be entitled to invoke any rights conferred by COAH rules, including the right to request relief from cost-generating application requirements and development standards that are not essential to protect the public health and safety, and the Planning Board shall cooperate with the applicant for the multifamily residential development in granting reasonable variances and waivers necessary to construct the inclusionary multifamily residential development.
 - c. Cooperation. The Township and Planning Board shall cooperate with the applicant by expeditiously endorsing applications to other governmental agencies that require review and approval of that agency.

Commented [CR15]: Limitation to front only for MF per Jay's comment.

Introduction Date: June 26, 2017

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo						
Edelson						
Folcher						
Riley						
Van Noord						

Publication Date: June 29, 2017

Public Hearing Date: July 17, 2017

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo						
Edelson						
Folcher						
Riley						
Van Noord						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Dennis E. Riley, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk