

TOWNSHIP OF RARITAN

COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE #16-11

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO AMEND AN ORDINANCE ENTITLED REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN, AND MORE SPECIFICALLY TO AMEND SECTION 16.26G COMMERCIAL-RECREATION DISTRICT

SECTION 1. COMMERCIAL RECREATION RESIDENTIAL DISTRICT

BE IT ORDAINED by the Mayor and Township Committee of the Township of Raritan that Section 16.26G shall read as follows (new provisions are underlined, deleted provisions are in brackets []):

The district shall be known as: COMMERCIAL-RECREATION-RESIDENTIAL DISTRICT

16.26G.010 Intent

It is the intent of this ordinance to permit the development of residential, commercial and recreational uses within this zone when such uses provide adequate open space and a mixture of uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title and other applicable sections of this title.

16.26G.020 Overlay Zoning

Block 9, Lots 8, 15.01, 16, 16.01, 16.02 17, 17.01, 19, 23 and 23.01 (designated on 2015 Tax Maps) which are currently zoned I-2, shall have the option to use the following Commercial Recreational Residential zoning requirements provided all zoning requirements are met. Any such property electing to use the requirements of this section must do so entirely and not combine the I-2 and CR zonings on one property.

16.26G.030 Permitted Uses

No building or structure shall be erected nor shall any land or building be designed, used for any purpose other than the following:

1. Commercial and non-commercial indoor and outdoor recreation;
2. Museums;
3. Theaters and Civic Facilities;
4. Catering and Assembly Halls;
5. Restaurants;
6. Hotels;

7. Movie theaters;
8. Child care facilities;
9. Banks;
10. Agricultural uses;
11. Dry Cleaners;
12. Utilities;
[13. Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.]
13. [14.] Retail Uses [not to exceed a Floor Area Ratio of 7%.]
[15. Affordable Housing in compliance with the Affordable Housing Growth Share Production ordinance, except that the number of units may exceed the maximum of 8, but shall not exceed a density of .3 units/acre. Units shall be designed in accordance with Section 16.34.060.H.]
14. Residential Dwellings Units (Market rate and Affordable per 16.26G.060);
[16. Affordable Housing that meets COAH's income restriction's but does not comply with all COAH regulations, but shall not exceed a density of .3 bedrooms/acre.]
15. Public and Private Schools (Conditional standards contained in section 16-68.060G shall not apply);
16. [17.] Offices including business, medical and professional offices.
17. Mixed uses in a single structure;
18. [Parking Structures] Accessory uses and accessory structures customarily incidental to the above uses.

16.26G.040 Accessory Uses

1. Recreational Lighting in compliance with the requirements of this Section;
2. Public and Private Parking[;], including multilevel parking (subject to height limits in Schedule I);
3. Signs and Fences;
4. [Other uses and structures customarily incidental to a principal permitted use;]
Outdoor Seating;

16.26G.050 Conditional Uses

1. Pubic Uses
- [2. Public and Private Schools]
2. Essential Services
3. Houses of Worship

16.26G.060 [Affordable Housing] Affordable Residential Rental Housing

[On site affordable Housing shall be required at the ratio of 1 unit for every 8 non-COAH housing units and 1 per every 25 jobs created as per the New Jersey Council on Affordable Housing's Third Round Substantive Rules in place at the time of adoption of this ordinance. These units shall meet all COAH bedroom mix, income mix, marketing,

and all other requirements. It is specifically the intent of this ordinance to require compliance with the regulations in effect at the time of adoption of this ordinance, in terms of number of units required, unless the ordinance is specifically amended to change this section.]

The development shall include an inclusionary rental housing component in accordance with the following standards:

1. Unit Count.

- (a) The project shall consist of a minimum of 305 dwelling units and a maximum of 339 dwelling units, of which 20% of the total count shall be affordable rental units in accordance with New Jersey requirements for low- and moderate-income housing as set forth in N.J.A.C 5:80-26.1 et. seq.
- (b) Any deviation below the minimum in the unit count of 305 dwelling units shall be considered a design waiver pursuant to N.J.S.A. 40:55D-51, not a variance pursuant to N.J.A.C 40:55D-70, provided that 20% of the total count are affordable units.
- (c) The project may be phased with the initial phase consisting of a minimum of 130 Dwelling units. Each phase shall provide that 20% of the dwelling units of that phase are affordable units.

2. Unit Distribution.

- (a) Each housing structure shall contain a minimum of 1 affordable unit for every 8 market-rate units. Where the ratio results in a fraction, the requirement shall be rounded up to the nearest whole number.
- (b) No market rate unit shall have in excess of two bedrooms.

3. Unit Design.

- (a) Market-rate and affordable-rate dwelling units shall be designed to appear as an integrated development and shall not be distinguishable from the exterior.
- (b) Bedroom distribution for the affordable units shall be in accordance N.J.A.C 5:80-26.3.

4. Administrative Requirements.

- (a) Affordable housing units shall not be age-restricted.
- (b) Range of affordability. The range of affordability shall be in accordance with NJAC 5:80-26.3 except that 20 percent of the affordable units shall be three bedroom units and 13 percent of the units shall be for very low income households.
- (c) Each individual applicant for affordable tenancy shall be reviewed by the Owner and qualified by the Township's Administrative Agent, presently Central Jersey Housing Resources Center, Inc. The Applicant shall provide on

a timely basis and upon request to the Township Planner and Administrative Agent with all the information necessary for the Township to document affordable housing compliance. There will be a 30-year deed restriction on the affordable housing units, which will restrict the use of the affordable housing in accordance with the rules and regulation of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq., and the substantive rules of the Council on Affordable Housing, if applicable, as amended and in effect. The form of this deed restriction shall be reviewed by the Raritan Township Special Affordable Housing Attorney for conformity to this Resolution and will be recorded with the Hunterdon County Clerk prior to the start of construction.

- (d) Phasing Schedule. Affordable units shall be built in accordance with N.J.A.C 5:97-6.4 (d). A newly constructed unit shall be considered complete when a certificate of occupancy is issued.

16.26G.070 Utilities

All uses must be serviced by public sanitary sewer and public water. (Ord. 07-33)
Said utility service may be a condition of any approval.

16.26G.080 Shared Development

Either through private agreements, joint ownership, joint application, or other means the hard surface coverage, parking, open space, density and floor areas for the various uses may be provided, transferred and/or clustered on one or all sites (i.e. the entire zone may be developed as one site). Such transfer will require approval of any and all agreements, easements or other necessary documentation by the Planning Board and the Township Attorney.

16.26G.090 Hours of Operation

All outdoor uses shall be closed from [11] 12 am to 7 am of every day [.]
other than lighting for the safe exit of patrons and employees.

16.26G.100 Design Guidelines.

The following guidelines are intended to supplement existing site plan design standards.

1. Signs (both ground and wall signs) shall be coordinated in color and design. Directional signs shall be provided throughout any development to assist in the flow of traffic to the most efficient entry and exit point.
2. [Parking facilities should be designed so that they are shielded from view from the public areas within the site and from passers-by on exterior roadways.] Parking areas should be so located as to aid in the sharing of parking facilities.
3. The overall architectural design of the site should be coordinated in color, scale

and design and shall be approved by the Planning Board.

4. Loading and other building service areas shall be shielded from view from the public and shall be combined, where possible.
5. A minimum of 2.0 parking spaces per residential unit shall be provided within 200 feet of the residential structures. Additional required parking, to meet RSIS standards may be shared parking on Lots 15.01, 16, 16.01, 16.02, 17.01 or 23 with different uses.

16.26G.110 Recreational Lighting.

In the Commercial Recreational Residential Zone the following recreational lighting requirements shall apply:

1. Recreational lighting providing light to a permitted outdoor recreational use shall be considered an accessory use in the Commercial Recreational Residential Zone (except for the purposes of setback requirements at noted in No. 5 below).
2. Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
3. For new recreational facilities and recreational facilities wishing to change their hours of operation; during hours of darkness, sporting events shall be timed so that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by [11] 12:00 [p] a.m., regardless of such occurrences as extra innings or overtimes.
4. Any structures related to the lights including light poles shall meet the setbacks for principal structures within the zone.
5. Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - (a) Basketball 20'
 - (b) Football 70'
 - (c) Soccer 70'
 - (d) Little League Baseball
 - i. 200' Radius 60'
 - ii. 300' Radius 70'
 - (e) Miniature Golf 20'
 - (f) Tennis 20'
 - (g) Track 20'

16.26G.120 Changes to Schedule I entitled "Schedule of Area Yard and Building Requirements"

The "Schedule of Area Yard and Building Requirements" is modified as follows:

1. The C-R Zone shall be modified to read "C-R-R".
2. The Lot Width (frontage) Corner Lot for the C-R-R zone shall

- be modified to read "200²³".
3. The Minimum Yards Principal Structures Front for the C-R-R zone shall be modified to read "50".
 4. The Maximum Height Principal Structures for the C-R-R zone shall be modified to read "4 stories or 60 feet".
 5. Note 23 shall be modified to read "23. The lot width (frontage) and the provisions of section 16.40.060 shall not apply to lots in the C-R-R zone with access to public streets via a dedicated private right-of-way open to the public.
 6. Note 24 shall be modified to read "24. For purposes of the C-R-R zone, Floor area ratio shall only apply to retail. The maximum FAR in the C-R-R zone for retail uses is 12%.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Raritan, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Raritan* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Hunterdon County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15.

SECTION 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Raritan for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance, which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

**Note to Codifier: language in brackets [] is to be deleted from the original text.
Underlined language is new language to the original text.**

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN

William Bray
Acting Township Clerk

Karen Gilbert
Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that Ordinance #16-11 was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on June 21, 2016, the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of July 19, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

William Bray
Acting Township Clerk

Roll Call	Moved	Seconded	Ayes	Nays	Abstain	Absent
Richard Chen, Committee Member	X		X			
Michael Mangin, Deputy Mayor					X	
Craig O'Brien, Committee Member			X			
Lou Reiner, Committee Member		X	X			
Karen Gilbert, Mayor			X			