

Introduced: 05/10/2022
Public Hearing: 06/14/2022
2nd Public Hearing: 7/12/2022
Adopted: 7/12/2022

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 11-2022**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY,
HUNTERDON COUNTY, NEW JERSEY AMENDING AND
SUPPLEMENTING THE TOWNSHIP DEVELOPMENT REGULATIONS
ORDINANCE TO INCLUDE A NEW DEFINITION IN SECTION 301
“WORDS AND TERMS DEFINED” AND TO CREATE A NEW
INCLUSIONARY OVERLAY DISTRICT IN SECTION 714.2 “AR-1
AFFORDABLE RESIDENTIAL DISTRICT OVERLAY”**

WHEREAS, the Township of Tewksbury (the “Township”) has a constitutional obligation to provide affordable housing; and

WHEREAS, the Township Planning Board adopted a Housing Element & Fair Share Plan on November 3, 2021; and

WHEREAS, the Housing Element & Fair Share Plan identifies certain property identified as Block 44, Lot 22 on the Township’s official Tax Map as a site for a new 100% affordable housing development, in addition to the two existing 100% affordable developments on the overall tract, and recommends this third area to be rezoned or overlay zoned to permit the envisioned affordable development.

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, as follows, that:

SECTION 1. The Township Development Regulations Ordinance, Article III “Definitions”, Section 301 “Words and Terms Defined” is hereby amended and supplemented to add the following term alphabetically:

Age-Restricted. A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of household is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§3601 *et seq.* except that due to death, a remaining spouse of less than 55 years shall be permitted to continue to reside in the age-restricted unit.

SECTION 2. The Township Development Regulations Ordinance, Article VII “Zoning Provisions”, Section 714.2 “AR-1 Affordable Residential District Overlay” is hereby created as follows:

§ 714.2 – AR-1 AFFORDABLE RESIDENTIAL DISTRICT OVERLAY

A. Purpose. The purpose of this overlay district is to provide the opportunity for a 100% affordable age-restricted residential development in an undeveloped area south of Oldwick that is consistent with the Township’s 2021 Housing Element & Fair Share Plan. The standards applicable to this AR-1 Affordable Residential District Overlay shall supersede all other Township zoning standards, including those applicable to the PM Piedmont District, within this district.

B. Permitted Principal Uses.

1. Age-Restricted Apartments.

C. Permitted Accessory Uses.

1. Leasing and management areas.
2. Club rooms, lounges, mail rooms, and similar interior common residential amenities incorporated into a larger building design.
3. Recreational and open space facilities, including but not limited to walkways, community gardens, gazebos, etc.
4. Off-street parking areas.
5. Trash enclosures.
6. Generators.
7. Solar and photovoltaic energy systems in accordance with the standards set forth in §726C, as established herein.
8. Public utilities.

D. Area, Yard, and Bulk Requirements.

1. For permitted uses:

a. Minimum Lot Area	10 acres
b. Minimum Front Yard (Which Shall be Parallel to Oldwick Road)	125 feet
c. Minimum Side Yard (each)	100 feet
d. Minimum Rear Yard	500 feet

e. Maximum Building Coverage	5%
f. Maximum Lot Coverage	15%
g. Maximum Building Height	3 stories and 55 feet
h. Maximum Density	46 units

E. Affordable Requirements.

1. The AR-1 Affordable Residential District Overlay shall have an obligation to deed restrict all units but one, which shall be reserved for an on-site superintendent. The units shall meet the very-low, low-, and moderate-income split required by the Uniform Housing Affordability Controls, however, 13% of the required units shall be reserved for very-low-income households as defined by the Fair Housing Act (30% of the region’s median income).
2. The affordable units shall have a minimum 30-year deed restriction. Any such affordable units shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, and other applicable laws. The Township shall have the right to further extend the affordable housing restrictions beyond 30 years.
3. The units shall meet the modified bedroom distribution permitted for age-restricted developments within UHAC.
4. The developer/owner shall be responsible for retaining a qualified administrative agent, subject to the reasonable approval of the Township Committee, to oversee the affordable housing units, at the developer/owner’s cost and expense.
5. All necessary steps shall be taken to make the affordable units creditworthy pursuant to applicable law for purposes of addressing the Township’s affordable housing obligation.

F. Other Requirements.

1. Parking. A minimum of 1.07 parking spaces shall be provided for each unit.
 - a. The size of said parking spaces shall comply with Section 613, “Parking Space Size” and parking areas shall comply with the standards set forth in Section 614, “Parking Areas”.
2. Benches shall be located throughout the site along the pedestrian network.
3. Lighting. Outdoor lighting shall comply with the standards set forth in Section 632, “Lighting”.
4. Landscaping.

- a. Foundation plantings shall be planted along the front building and along/beside primary building access points to provide an attractive visual setting for the development. The plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the building(s). Foundation plantings shall incorporate evergreen shrubs and groups of small trees to provide human scale to the building facades and winter interest.
 - b. Parking lot landscaping.
 - i. For every 20 surface parking spaces, there shall be one landscape area, which may include the end caps, that is at least 162 square feet.
 - ii. The landscape areas shall include trees and/or shrubs.
 - iii. Trees shall have minimum caliper of 2.5 inches and shrubs shall be at least 24 inches tall at the time of planting.
 - c. Landscaping within sight triangles shall not exceed a mature height of 30 inches.
 - d. The landscape plan shall be prepared by a landscape architect certified by the New Jersey Board of Landscape Architects, shall be in compliance with the requirements of this Chapter and all other applicable Township landscaping regulations, including § 631 of the Township Development Regulations Ordinance, and shall be submitted to the approving authority and its professionals. Should any landscaping standards in this section conflict with any other Township landscaping regulations, the standards in this section shall control.
 - e. Evergreen trees, installed at a minimum height of six feet, shall be planted along the front property line in a natural staggered pattern to shield the view of the building(s) from Oldwick Road.
5. Signage. One (1) monument sign shall be permitted for the development subject to the following requirements:
- a. The maximum sign area, excluding the base, shall be 20 square feet.
 - b. The maximum sign height shall be five feet.
 - c. The sign be setback at least ten feet from any property line.
 - d. The sign may be externally illuminated.
6. Trash.
- a. Trash and recycling receptacles and compactors shall not be visible from any public street and shall be located to the rear or side of the building.

- b. All trash and recycling receptacles and compactors shall be screened by a solid fence or solid decorative masonry wall on three sides and heavy-duty gate closure on the fourth side.
 - c. The trash and recycling enclosure and/or compactor shall be surrounded and screened on three sides by a mixture of deciduous and evergreen plant species.
- 7. Utilities. All utilities shall be underground.
 - 8. Stormwater and green infrastructure. All improvements shall comply with applicable stormwater management regulations and green infrastructure shall be used wherever feasible.

G. Architectural Standards.

- 1. Building facades visible from a public or private street shall consist of brick, stone, cast stone, cementitious plank siding or other high-quality material.
- 2. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses, shall be used in order to add architectural interest and variety.
- 3. The maximum spacing between building wall offsets shall be 35 feet.
- 4. The minimum projection or depth of any individual vertical offset shall not be less than 1 1/2 feet.
- 5. Roofline offsets, which include dormers and gables, shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum spacing between roof offsets shall be 45 feet.
- 6. The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details.
- 7. Gable and hipped roofs shall be used. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend beyond the building wall.
- 8. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned.
- 9. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.

10. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devise shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
11. All rooftop mechanical equipment shall be screened from view.
12. Packaged terminal air-conditioner units within the facade shall blend in with the color of the surrounding facade materials.
13. Architectural standards will be reviewed in compliance with the applicable provisions of the Township site plan review ordinance. Any deviations from architectural standards shall require design exception relief, but shall not require variance relief

SECTION 3. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 5. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately upon its final passage, approval, and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on May 10, 2022, and adopted on July 12, 2022.

Jennifer Ader
Township Clerk