

**\*\*\*ADOPTED JUNE 29, 2015\*\*\***

**TOWNSHIP OF DELANCO**

**ORDINANCE NO. 2015-07**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELANCO SPECIFICALLY CHAPTER 110 ENTITLED “ZONING” TO CREATE A NEW AFFORDABLE HOUSING DISTRICT AT §110-34.3 ENTITLED “PLANNED DEVELOPMENT – AFFORDABLE HOUSING 3” AND AN OVERLAY ZONE ENTITLED “PLANNED DEVELOPMENT AFFORDABLE HOUSING 100” FOR BLOCK 2100, LOT 1 KNOWN AS THE RHAWN PIPE SITE.**

WHEREAS, the Rhawn Factory Site (“Property”) at Block 2100, Lot 1 , located at the end of Rhawn Street near its intersection with Coopertown Road, and adjacent to the NJTransit Delanco Rail station and bordered by the Rancocas Creek, is an existing industrial property which has been abandoned and all industrial uses removed and buildings demolished; and

WHEREAS, the Amended Third Round Housing Element and Fair Share Plan for Delanco Township, New Jersey, adopted on December 15, 2008 and the Amendment to the Third Round Amended Plan, adopted on October 5, 2010 recommended that the Property be rezoned to permit an inclusionary development of approximately 8 units per acre; and

WHEREAS, Delanco Township has thoroughly reviewed third round projections with respect to its fair share obligation and is proactively planning to address that obligation, before the NJ Superior Court; and

WHEREAS, given uncertainties with affordable housing rules and methodology, as well as the economy, the Township previously determined that it was in its best interest to plan for an affordable housing rezoning however, it was not in its best interest to be inflexible with respect to zone standards on the Property; and

WHEREAS, based upon inconsistent housing market conditions occurring since the last quarter of 2008, the Township’s plan to delay rezoning for an effective, efficient, and well planned proposal was sound; and

WHEREAS, pursuant to the Consent Order entered by the NJ Superior Court on December 10, 2010 in the Township’s IMO matter, Docket No. BUR-L-2593-04, the Court found that the Township had fully addressed its first and second round fair share obligations, had significant affordable housing credits towards the third round and had provided a realistic opportunity for affordable housing towards the third round and, as such, the Court entered a third round stay and ordered that “in the interim period the Township shall continue to cooperate with any and all needed approvals, permits, and other reasonable and customary governmental actions necessary to complete the pending developments;” and

WHEREAS, an affordable housing developer has provided the Township with a plan to provide a maximum of 64 very low, low, and moderate income family rental units on the site. The maximum permitted site density is 13 units per acre to satisfy the Township's affordable housing needs; and

WHEREAS, the developer shall enter into a contract with the Township; and

WHEREAS, the site is still suitable pursuant to the Amended Third Round Housing Element and Fair Share Plan for Delanco Township, New Jersey; and

WHEREAS, an experienced Administrative Agent will administer the affordable housing units; and per the 2008 statute ('Roberts' Bill'), at least 13% of all the affordable units will be affordable to very low income households. Of the total affordable units, 50% shall be reserved for low income households (inclusive of very low income households); and the remaining 50% may be made available to moderate income households; and

WHEREAS, the Township is confident that this development will provide quality affordable housing along a transit corridor connecting the City of Trenton to the City of Camden; and ultimately to New York City to the north and east; and the City of Philadelphia to the south and west, providing Smart Growth; and

WHEREAS, the compact development will provide consistent planning for a waterfront corridor known as the Rancocas Creek Greenway owned and maintained by the Burlington County Freeholders; and

WHEREAS, the Township of Delanco, will implement a zoning amendment substantially in accordance with the Planning Board recommendations in the 2008 and 2010 Plans, both as previously adopted by the Planning Board and endorsed by the Township Committee.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Zoning Ordinance of the Township of Delanco is hereby amended as follows:

SECTION ONE. Amend Section 110-2 entitled "Districts Enumerated" shall be amended by adding "Planned Development – Affordable Housing – 3" to the list of zoning districts.

SECTION TWO. Amend Section 110-3 and the "Zoning Map, Township of Delanco, New Jersey" by adding the following:

PAH-3 Planned Affordable Housing District 3 on Block 2100, Lot 1.

PAH -100 Planned Affordable Housing 100 Overlay on Block 2100, Lot 1

SECTION THREE. Amend Chapter 110 and add §110-34.3 Planned Affordable Housing-3 District (P-AH-3) and Planned Affordable Housing 100 Overlay (PAH – 100)

- A. Purpose. The purpose of the PAH -3 District with PAH 100 Overlay is to provide for a variety of residential and special needs housing in a compact format in an effort to accommodate the provision of affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the mandates of the NJ Supreme Court, the requirements of the Uniform Housing Affordability Controls ('UHAC') at N.J.A.C. 5:80-26.1 et seq. including phasing, affirmative marketing, pricing, bedroom distribution, low/mod split, affordability controls and long-term experienced administration and the 2008 statutory provisions ('Roberts' Bill') requiring at least 13% of all the affordable units to be affordable to very low income households.
- (1) The underlying PAH-3 Zone shall provide a minimum of 15% of all residential units as low and moderate income rental housing; or 20% of all residential units as low and moderate income for sale housing as defined in Chapter 58.
    - (a) Residential Unit Density: Residential density shall not exceed eight (8) dwelling units per gross acre.
  - (2) The PAH – 100 Zoning Overlay shall provide an experienced Administrative Agent to administer the 100% affordable housing units; and at least 13% of all the affordable units will be affordable to very low income households. Of the total affordable units, 50% shall be reserved for low income households (inclusive of very low income households); and the remaining 50% may be made available to moderate income households as defined in Chapter 58.
    - (a) Residential Unit Density: Residential density shall not exceed thirteen (13) dwelling units per gross acre.
- B. Permitted Uses. The following uses are permitted.
- (1) Attached Dwelling
    - (a) Townhouse Dwelling
  - (2) Multi-family dwelling
    - (a) Garden Apartment
    - (b) Mid-Rise Dwelling
  - (3) Public Parks
- C. Conditional Uses. The following uses are permitted conditionally.
- (1) Home Occupations
  - (2) Quasi-Public Buildings
- D. Accessory Uses
- (1) Private and Community swimming pools
  - (2) Private garages
  - (3) Private sheds
  - (4) Private and public garage buildings and structures
  - (5) Refuse enclosures
  - (6) Decks and patios

- (7) Private, public and community recreation such as walking paths, playgrounds, courts, fields, community greens, and parks.
- (8) Community buildings and structures as approved on a site plan including but not limited to trash compactors, refuse containers, garages, sheds, parking, lighting, and landscaping.

E. Bulk Standards

- (1) Minimum Lot Area: Four (4) Acres.
- (2) Maximum Lot Coverage: 80 percent of the tract
- (3) Principal Building Setbacks: In order to encourage a variety of building facades, there are permitted encroachments where portion of the building, including windows, bays, offsets, chimneys, and other architectural features and including unenclosed porches, stoops, stairs, decks, fireplaces, and balconies may encroach into all required yard areas. Permitted encroachments shall be a minimum of ten (10) feet away from any curb line.
- (4) There shall be a perimeter setback of 15 from the tract boundary.
- (5) Front Yard and side yard setbacks from the curb lines of internal streets and parking area curbs twelve (12) feet
- (6) Multi-family dwellings and townhouses shall have 20 feet between buildings.
- (7) Rear Yard from any property line: - Fifteen (15) feet
- (8) Maximum building and parking structure height shall be 45 feet/ 4 stories  
Townhouse attached dwellings shall not exceed 8 units per building. Multi-family buildings shall not exceed 24 units each.
- (9) Accessory buildings and structures including shared parking garages, private garages, sheds, trash enclosures, shall not be located closer than twelve (12) feet to the principal building and not closer than ten (10) feet to any perimeter property line.
- (10) Maximum Accessory Building height, as defined,: twenty-two (22) feet and 1 story

F. General height exceptions.

- (1) The maximum building height set forth above shall not apply to any of the following structures or appurtenances, provided that no structure or appurtenance as described below shall extend to a height exceeding 18 feet above the Maximum Principal Building Height:
- (2) Architectural ornamentation including cupolas, domes, monuments, flagpoles, masts, aerials, and/or equipment and elevator penthouses and like structures required to be placed above the roof deck/slab and not intended for human occupancy. Rooftop equipment, air-conditioning compressors, air handlers, chimneys, smoke stacks, and the materials and structures used to screen such equipment including parapets, mansards, louvers, grillage, and ornamental roofing.

G. Architectural floor plans and building elevations, prepared by a licensed architect under seal, shall be submitted with the site plans.

- (1) The floor plans shall indicate the number of bedrooms per dwelling unit.
- (2) Any proposed rear decks or patios shall be indicated on the site or subdivision plans as well as the architectural floor plans.

H. Design Standards

- (1) Buildings are envisioned to be at least two stories in height and not greater than four stories in height. Buildings are envisioned to relate to the train station and Rancocas Creek with physical pedestrian improvements.
- (2) At end wall condition, windows, bays, offsets, additional fenestration, turned gables, and other architectural features shall be used to enhance the architectural character of the end wall.
- (3) Buildings shall be designed to have an attractive, finished appearance from all public spaces, waterways, public streets, railroad rights of way, and adjacent residential uses.
- (4) Building façades shall have fenestration and design elements including but not limited to decorative windows, operating windows, louvers, shutters, and/or wide window frames consisting of a minimum of 10 to 25 percent of the upper floor façade area to prevent large expanses of blank walls.
- (5) All pedestrian entryways or lobbies shall be prominent, lighted, and separate from service entrances.
- (6) Architectural design shall endeavor to minimize the visual impact of garage doors facing a public or neighborhood street by providing windows and decorative elements.
- (7) Townhouse widths shall average a minimum width of 18 feet, but in no case shall any unit be less than 16 feet wide.
- (8) The site plans shall demonstrate the provision of adequate areas for the storage and collection of trash and recyclables. If trash and recyclables are to be stored inside units, adequate space shall be indicated on the floor plans. If common trash areas are to be provided, a detail of the area shall be provided on the plans. Trash enclosures shall be properly sized for the number of units served and frequency of pick-up and shall be surrounded on three sides by an enclosure at least 6 feet high, finished to match the principal buildings.
- (9) Trash receptacles, compactors, and dumpster storage areas shall be effectively screened by enclosures designed to complement the principal building, and should be buffered with landscaping where practical.
- (10) The site plans shall demonstrate the provision of adequate areas for the storage of personal items such as bicycles, grills and other outdoor equipment.
- (11) Building and mechanical equipment, including but not limited to HVAC, meters, grills, elevator cabinets, and satellite dishes, should be located so as to be visually shielded from the public street to the extent allowed by utility companies.

- (12) Ganged mail boxes, where deemed necessary by the applicant and/or planning board, shall be located where safe pedestrian and vehicular access can be provided.
- (13) All exterior yard areas shall be maintained by the Homeowners Association or management entity, not individual property owners.

I. Parking Fields, Drive Aisles, and Streets.

- (1) A 5-foot-wide planting strip shall be located along the perimeter of streets, parking areas and aisles, wherein trees typically planted as street trees shall be planted 40-feet on-center throughout the project.

J. Parking

- (1) Where applicable and available, shared parking arrangements and shared access drives should be pursued. This should include an attempt to improve public parking within the NJ Transit train station site and along the access to the site and transit station for shared parking and shared access.
- (2) Parking requirements for residential uses shall comply with the New Jersey Residential Site Improvement Standards (RSIS) pursuant to N.J.A.C. 5:21-1.1 et seq. including waiver provisions. The parking requirements for all uses may be reduced from 25% to 40% from the RSIS requirements due to the proximity of public light rail system, if found to be de minimis exception by the Planning Board. The reduction shall be based upon a parking study undertaken by the applicant and in no event shall the overall parking ratio for residential uses be less than 1 parking space per unit.
- (3) At least 30 percent of parking lot area shall be shaded by shade trees at tree maturity. The perimeter of parking lots shall be landscaped at the ends of parking runs where practical.
- (4) Where practical, a 2-4-foot-wide green space shall be provided between curbs and sidewalks to provide for vehicle overhang and landscaping. Additional sidewalk width not green space shall be provided in areas where pedestrian or handicapped access is provided.
- (5) Parking facilities are not required for recreational, community or public facilities serving the area.

K. Open Space and Public Civic Space

- (1) Areas on site that do not contain buildings, parking areas, roadways or driveways should be designed as open space areas for the visual enjoyment and gathering of the private community and should be contiguous where possible and connect to existing

public open space areas, namely the Rancocas Greenway, to increase usability. Open space areas should be accessible to residents of the neighborhood.

- (2) A clear pedestrian connection or path shall be provided along and connecting to the Rancocas Greenway pursuant to approvals and agreements with Burlington County; and a clear pedestrian connection shall be provided connecting the development with the NJTransit Light Rail Station.
- (3) Civic space for the use of property residents is required to be provided at a ratio of 1,200 feet per acre.
- (4) Recreational play structures, walking paths, bike racks, outdoor seating and eating areas are required for developments of 40 units or more.
- (5) Recreational facilities for a type different than those mentioned above may be proposed for substitution by the developer and submitted for approval of the Board or requested by the Board.

L. Green Building Practices. To the extent feasible, green building practices should be employed to reduce the project's dependency upon natural resources. These practices include, but are not limited to, the following:

- (1) Orient buildings to maximize solar gain in the winter and shade in the summer; include vegetated wind breaks and sun screens;
- (2) Create shaded porches and patios for summertime gatherings;
- (3) Where practical, plant indigenous vegetation to minimize water, pesticide and herbicide usage and to create foraging opportunities for local wildlife;
- (4) Install operable windows, awnings, shading devices and roof vents to reduce reliance on HVAC units;
- (5) Maximize daylight in living spaces to reduce reliance on artificial lighting;
- (6) Utilize renewable sources for electricity, heating and cooling;
- (7) Maximize building and window insulation;
- (8) Utilize recycled building and site materials and recycle construction debris;
- (9) Create shaded parking areas, to reduce reliance on automotive air conditioning;
- (10) Create opportunities for bicyclists and pedestrianism to reduce reliance on automobiles including shaded sidewalks, benches, bike lanes and bike racks.

SECTION FOUR. Zone chart.

The zone chart at 110 Attachment 1 should add the “PAH-3 Zone” and the “PAH 100 Overlay” on the same line. The statement, “For bulk requirements, refer to §110-34.3” shall be added.

SECTION FIVE. Repealer. Except as provided hereinabove, any and all ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION SIX. Severability. In the event that any portion, clause, section, paragraph or sentence of this ordinance is determined to be invalid or unenforceable for any reason, then the Township Committee hereby declare its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the township to meet the goals of the Ordinance.,

SECTION SEVEN. Effective Date. This ordinance shall take effect upon final passage and publication in accordance with law.