

ORDINANCE NUMBER O13- 2017

**WASHINGTON TOWNSHIP
GLOUCESTER COUNTY**

**ORDINANCE AMENDING A CHAPTER OF THE CODE OF THE TOWNSHIP OF
WASHINGTON, CHAPTER 285 ZONING**

WHEREAS, in compliance with the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed a Declaratory Judgment Action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Washington (hereinafter the "Township"), County of Gloucester, Docket No. GLO-893-15, seeking a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan (hereinafter "Affordable Housing Plan"), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, the Township intends to prepare its Affordable Housing Plan, which will thereafter be adopted by the Planning Board, endorsed by the Township Council, and submitted to the Court for review and approval; and

WHEREAS, M&T at Blackwood, LLC is the owner of property within the Township, which property comprises approximately 12.5 acres and is designated on the tax map of the Township as Block 5, Lot 1 & 1.01 (hereinafter the "Property"); and

WHEREAS, Blackwood proposed an inclusionary development on the Property consisting of 180 family rental residential units including a 15% affordable housing set-aside of family rental units affordable to low and moderate income households ("Inclusionary Development"); and

WHEREAS, the Township and M & T at Blackwood, L.L.C. have entered into a Settlement Agreement to allow the Inclusionary Development to become part of the Township's Affordable Housing Plan; and

WHEREAS, the Township finds it necessary to amend the zoning in accordance with the Settlement Agreement; and

WHEREAS, the Township Code Chapter 285 sets out the various regulations regarding buffers within the Township; and

WHEREAS, Township Council has reviewed the buffer regulations and finds that changes are necessary and in the best interest of the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Washington, County of Gloucester, State of New Jersey that the following changes to Chapter 285 of the Township Code is hereby adopted.

Section 285-20 (Establishment of districts) is hereby amended to add the Transitional Mixed Use District.

Section 285-21 (Zoning Map) is hereby amended to add the Transitional Mixed Use District.

Chapter 285 (Zoning) is hereby amended to include rezoning to establish the site specific zoning and zoning requirements to establish the Transitional Mixed Use District. Block 5, Lots 1 and 1.01 shall be rezoned to the TMU district.

Chapter 285 shall be amended as follows:

Article XLIII. TMU Transitional Mixed Use District.

285-320 Development Objectives

It is intended that development within the Transitional Mixed Use (TMU) District shall consist of the harmonious grouping of buildings and land uses to implement the Transitional Mixed Use planning objectives encouraged in the State Development and

Redevelopment Plan implemented by the New Jersey State Planning Commission. The intent of the TMU-Transitional Mixed Use is as follows:

- A. Permit a mix of nonresidential and residential uses in an integrated and well-planned setting.
- B. Encourage attractive and integrated architectural styles and themes for buildings and structures as pertains to scale, details, massing and ornamentation.
- C. Encourage and promote the use of public transportation.
- D. Allow for the production of affordable housing, with residential uses requiring for any project larger than five (5) units an on-site 20% affordable housing set-aside for for-sale projects or an on-site 15% affordable housing set-aside for rental projects.

285-321 Permitted Uses

A. Residential Uses:

- 1. Multi Family Apartments.
- 2. Multi Family Condominiums.
- 3. Townhouse attached dwellings.
- 4. A mixture of types of Dwelling Units, including, but not necessarily limited to apartments, condominiums and townhouses.
- 5. Residential dwelling units may be located within the same buildings as other permitted uses.

B. Civic Uses

- 1. Churches, places of worship.
- 2. Municipal Buildings, including but not limited to post office, community center, fire and police station, library.
- 3. Child care centers.
- 4. Educational Institutions including public and private schools.
- 5. Parks and recreation facilities, including but not limited to tennis, basketball, football, soccer, hockey, and ice skating.
- 6. Civic Center.

C. Non-Residential Uses:

- 1. Professional and general offices.
- 2. Medical and dental offices.
- 3. Telecommunication offices.
- 4. Bakery
- 5. Barber and beauty shops
- 6. Bookstore and stationery store
- 7. Business Services, including copy centers
- 8. Retail clothing sales
- 9. Convenience Stores
- 10. Drugstore
- 11. Dry cleaning and laundry pickup shops
- 12. Dry goods stores
- 13. Financial Institutions, including bank with drive thru
- 14. Food market
- 15. Gift shop and florist shop
- 16. Hardware and sporting goods stores
- 17. Jewelry store
- 18. Library and museums
- 19. Newspaper and magazine sales
- 20. Radio, television and music stores, sales and service
- 21. Real estate and similar professional office.
- 22. Restaurants, including restaurants with drive-thru facilities
- 23. Retail stores
- 24. Self-service laundry
- 25. Shoe store, shoe repair, tailor and dressmaker shops.
- 26. Sports and Fitness Centers

285-322 Accessory Uses Permitted

- 1. Customary accessory residential uses on the same lot.

2. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
3. Kiosks, street vending carts, sidewalk cafes.
4. Swimming pools.
5. Temporary construction trailers, leasing and/or sales offices.
6. Utilities and related facilities.
7. Flag poles, clock towers and statuary.
8. Free standing signs in conformance with Section 285-231

285-323 Area Bulk and Dimensional Regulations

The following area and bulk regulations shall apply:

A. Minimum Lot Size	12 acres
B. Minimum Lot Width	150 feet
C. Minimum Lot Depth	150 feet
D. Minimum Lot Perimeter Setback for Residential uses	35 Feet
E. Minimum Distance between buildings	25 Feet
F. Setbacks	
a. Front Yard	30 Feet
b. Side Yard (One)	15 Feet
c. Side Yard (both)	30 Feet
d. Rear Yard	15 Feet
G. Maximum Building Height	3 Stories/45 Feet
H. Maximum Residential Density	15 units per acre
I. Maximum Floor Area Ratio for non-residential uses	0.1

285-324 Other regulations

- A. There must exist approved public water and public sewer systems which shall be available to each unit prior to the issuance of the building permit for that unit.
- B. All other applicable regulations of this chapter shall be followed as required.
- C. For developments to be constructed over a period of years, a phasing plan shall be submitted as part of the preliminary plan for the entire concept.
- D. The buildings, sizes, shapes, site positions and architectural design may be considered along with the landscape and natural features.
- E. All residential projects containing more than five (5) units will provide an on-site 20% affordable housing set-aside for for-sale projects or an on-site 15% affordable housing set-aside for rental projects.

All ordinances or parts of ordinances of the Township of Washington heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

The Township of Washington is hereby authorized to amend the Official "Zoning Map" of the Township of Washington in accordance with the provisions of this Ordinance.

This Ordinance shall be referred to the Township Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed Ordinance.

Pursuant to the Municipal Land Use Law, the Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15, and to owners of all real property as shown in current tax duplicates of the Township within 200 feet in all directions of the boundaries of the zoning district being changed by this Ordinance as well as all other agencies and in such manner as required by N.J.S.A. 40:55D-62.1. Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board and other agencies as required by law.

This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

INTRODUCTION:

	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Donato	X		X				
Longfellow			X				
Pasqualone			X				
Perry			X				
Fazzio		X	X				

TOWNSHIP OF WASHINGTON

BY: 
 Nick Fazzio, Council President

I do hereby attest the above Ordinance 13-2017 was introduced at the Township of Washington Meeting on May 10, 2017. A public hearing notice will be published after a review by the Township of Washington Planning Board. The Public Notice was published on June 26, 2017 for a hearing on July 12, 2017 at 7:00 pm.

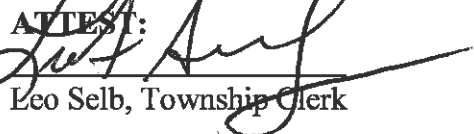
ATTEST:

 Leo Selb, Township Clerk

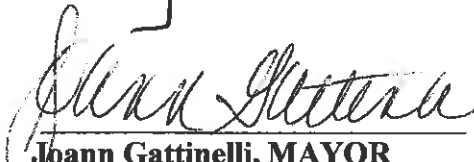
ADOPTION:

	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Donato		X	X				
Longfellow						X	
Pasqualone			X				
Perry	X		X				
Fazzio			X				

I do hereby attest the above Ordinance 13-2017 was adopted at the Township of Washington Meeting on July 12, 2017 by Township Council after a public hearing on July 12, 2017. Said Ordinance shall take effect in accordance with law.

ATTEST:

 Leo Selb, Township Clerk

On this 17th day of July 2017, I hereby approve the above Ordinance.


 Joann Gattinelli, MAYOR