

ORDINANCE 2020-22

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE
OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE
RESIDENTIAL RETIREMENT COMMUNITY ZONE (RRC) DISTRICT**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 142, Establishment of zoning districts, is amended by adding the following horizontal line after the PRRC-1 horizontal line:

RRC Residential Retirement Community Retirement community/affordable housing

Section 2. Section 200-143, Zoning Map, of said Code is amended to read as follows:

§ 200-143. Zoning Map.

The boundaries of said zoning districts are hereby established as shown on the Zoning Map, Township of West Windsor, dated August 17, 2020, and revised through _____, 20__, which, with all explanatory matter thereon, is hereby adopted and made a part of this Part 4. An official copy of said Map, indicating the latest amendments, shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision dated shown thereon. The Zoning Map shall be the official reference as to the current zoning classification of land within the boundaries of the Township of West Windsor.

Section 3. Article XXVI of said Code is amended by adding the following NEW section and by renumbering existing Section 200-194.2 as Section 200-194.3 and renumbering existing Section 200-194.3 as Section 200-194.4.

§ 200-194.2. Residential Retirement Community.

- A. Purpose. The purpose of the Residential Retirement Community (RRC) District is to provide for dwelling opportunities for the elderly population, which is growing both locally and in the State of New Jersey. Dwelling units in the RRC District are intended for mature adults, 55 years of age or older.

B. Permitted Uses. In an RRC District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for a Residential Retirement Community subject to the requirements set down herein, provided that the following minimum requirements shall be met:

- (1) Minimum Tract Area: 40 acres
- (2) Age restrictions. Through its corporations, associations or owners, said land shall be restricted by bylaws, rules, regulations and restrictions of record to use by permanent residents 55 years of age or older, with the following exceptions:
 - (a) A member of a couple under the age of 55 years who is residing with his/her partner who is 55 years of age or older.
 - (b) One adult under 55 years of age will be admitted as a permanent resident if it is established that the presence of such person is essential to the physical care of one or more of the adult occupants 55 years of age or older.
- (3) Public water and sewer service. All uses within the Residential Retirement Community shall be serviced by public water and sewer systems.
- (4) Affordable housing required. A minimum of 25% of the total dwelling units shall be low- and moderate-income residential units meeting the requirements of Article XXXI, § 200-237, of this Part 4. Units provided shall be architecturally and aesthetically integrated into the development.
- (5) Maximum permissible density. Maximum gross density in a Residential Retirement Community is 2.0 dwelling units per acre, with the total number of units not to exceed 88 dwelling units.
- (6) Permitted residential uses. The following residential uses are the principal permitted uses in a Residential Retirement Community, provided they meet the standards of Subsection C of this section. Townhouse and stacked townhouse requirements herein shall supersede any conflicting requirements in the West Windsor Land Use Ordinance. For the purposes of the RRC District, a townhouse building shall contain at least three connected dwelling units. Townhouse and stacked townhouse units shall be permitted within the same building, provided that no building shall exceed a total of ten (10) units.

- (a) Townhouse.
 - (b) Stacked townhouse.
- (7) Permitted accessory uses. The following accessory uses and buildings are permitted, incidental to a Residential Retirement Community:
- (a) Recreational facilities and structures for the sole use of the residents and their guests, including but not limited to a clubhouse building, pavilion structure, swimming pool, and sport courts.
 - (b) Accessory uses and buildings customarily associated with residential uses in conformance with § 200-226.

C. Bulk and area standards for the RRC District.

- (1) Standards applicable to the total development tract area:
- (a) Minimum building and parking setbacks from the ultimate right of way of Old Trenton Road: 70 Feet, except where the side of a residential building faces Old Trenton Road, this setback may be reduced to no less than 60 feet.
 - (b) Minimum building and parking setbacks from all other tract boundaries and from the ultimate right of way of frontage roads (other than Old Trenton Road): 40 Feet
 - (c) Maximum Improvement coverage for total RRC tract area: 40%
 - (d) Preservation of Greenbelt. There shall be no disturbance to the Greenbelt as designated on the Conservation Element of the Master Plan. The Greenbelt area shall be preserved through a conservation easement.
 - (e) Common open space. 50% of the Residential Retirement Community shall be set aside in common open space. All environmentally constrained land, as defined by § 200-238A(1), all preserved floodplain and associated buffer land, all of the Greenbelt as designated on the Conservation Element of the Master Plan, and all active recreational open space shall be included in the areas set aside as common open space. Stormwater management areas shall be included in the common open space calculation

when they are designed as open space features such as naturalized ponds and rain gardens.

(f) Maximum building height. No dwelling unit or nonresidential use shall exceed three stories and 38 feet.

(2) Standards applicable to residential uses:

(a) Townhouse and Stacked Townhouse in condominium arrangement:

[1] Minimum front building setback from curb of internal roadways: 25 feet.

[2] Minimum side building setback from curb of internal roadways and parking: 12 feet.

[3] Minimum building separation, side to side: 20 feet.

[4] Minimum building separation, side to rear or rear to rear: 40 feet.

[5] Minimum building separation, front-to-front: 50 feet.

[6] Minimum building separation, front-to-side: 50 feet.

(b) Patios, decks, unenclosed porches with roofs, bay windows, chimneys, and similar architectural features are permitted to protrude up to 5 feet into all required building separation areas, provided structures maintain the minimum separation to meet applicable building and fire codes.

(3) Standards applicable to nonresidential uses: Recreational facilities shall be subject to the same height and setback requirements as residential uses.

D. Design requirements for a Residential Retirement Community:

(1) A comprehensive site plan shall be prepared for the entire Residential Retirement Community.

(2) A Residential Retirement Community shall provide active recreational open space and facilities for the exclusive use of its inhabitants. A minimum of 250 square feet of active recreational open space per each residential unit approved in a Residential Retirement Community shall be set aside in the form of neighborhood greens, parks, trails, and recreation facilities. The required active recreational

open space area shall include a clubhouse with at least 2,000 square feet of building area and a swimming pool. Walking trails, regardless of surface material, can be counted toward active recreational open space area at a rate of twelve (12) square feet for per one (1) linear foot of trail centerline. Walking trails shall include seating areas at a minimum rate of one bench per five hundred (500) linear feet of trail; bench locations may be clustered together or spaced out along the trail, provided the minimum total number of benches is met.

- (3) There shall be provided a safe, convenient and continuous system of internal walks connecting residences, neighborhoods, community facilities, and adjacent properties accessible to all occupants. Projects within the Residential Retirement Community district shall provide sidewalks on at least one side of all proposed streets and at least 1,000 linear feet of trails.
 - (4) Bike lanes shall not be required in the Residential Retirement Community District, provided sidewalks and walking trails are installed per the above requirements of this section.
 - (5) The entire Residential Retirement Community shall be designed and constructed to provide utility services, including stormwater drainage, electric, telephone, and, where desired, CATV cables, all of which shall be installed underground.
- E. Off-street parking shall be provided in accordance with N.J.A.C. 5:21, Residential Site Improvement Standards (RSIS). Townhouse units shall meet the requirements for 3-bedroom townhouses in RSIS and stacked townhouses shall meet the requirements for 2-bedroom garden apartments in RSIS. In addition, off-street parking shall be provided for the clubhouse at a rate of one space for every 8 housing units approved.
- F. Application procedure and development standards. The procedural requirements and standards for Residential Retirement Community developments are those required for all major development applications as specified in Part 1, Site Plan Review, and Part 3, Subdivision and Site Plan Procedures, of this chapter, except where otherwise provided in this section.
- G. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction: October 13, 2020

Planning Board: October 28, 2020

Public Hearing: November 9, 2020

Adoption:

Mayor Approval:

Effective Date: