

ORDINANCE 2017-06

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

AN ORDINANCE AMENDING THE PRINCETON JUNCTION REDEVELOPMENT
PLAN REGULATORY PROVISIONS TO CREATE THE RP-11 OF THE PRINCETON
JUNCTION REDEVELOPMENT PLAN DISTRICT AND THE RP-11-OVERLAY OF
THE PRINCETON JUNCTION REDEVELOPMENT PLAN DISTRICT OF
CHAPTER 200, OF THE CODE OF THE
TOWNSHIP OF WEST WINDSOR (1999)

WHEREAS, a longstanding goal of the Township of West Windsor Master Plan is to provide for a wide range of housing densities and housing types to meet the varied income levels and needs of the community's residents; and

WHEREAS, by Resolution No. 2016-R120, adopted on May 16, 2016, the Township Council of the Township of West Windsor (the "Township") authorized and directed Township's Planning Board (The "Planning Board") to undertake an investigation to determine if the area consisting of Block 10 Lots 2, 33 and a 10 acre portion of Lot 8.01, to be designated Lot 108.01 on the Official Tax Map of the Township, (collectively, the "Study Area"), constitutes an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"); and

WHEREAS, the Planning Board caused Burgis Associates, Inc. (the "Planning Consultant") to conduct a preliminary investigation to determine whether the Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the Planning Board received a report and map depicting the Study Area prepared by the Planning Consultant, dated September 9, 2016 (the "Study"), concerning the determination of the Study Area as an area in need of redevelopment; and

WHEREAS, the Study was revised on September 12, 2016 to reflect Planning Board input; and

WHEREAS, on September 28, 2016, the Planning Board reviewed the Report, heard testimony from a representative of the Planning Consultant, and conducted a public hearing during which the owners of the property in the Study Area and members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant concerning the potential designation of the Study Area as an

area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on September 28, 2016 that the properties in the Study Area satisfy the criteria for redevelopment area designation set forth in N.J.S.A. 40A:12A-5c (as to Lot 2), 5d and 5h; and

WHEREAS, after the conclusion of the public hearing described above, the Planning Board determined that the Study Area meets criteria set forth in N.J.S.A. 40A:12A-5c (as to Lot 2), and 5d and 5h for the other lots, for designation as an area in need of redevelopment recommended that the Township Council so designate the Study Area; and

WHEREAS, the Township Council agreed with the conclusions of the Planning Board that the Study Area satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A:12A-5c (as to Lot 2), 5d and 5h and the Township Council finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Council desired to designate the Study Area as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, by Resolution No. 2016-R211, adopted on October 17, 2016, the Township Council further authorized and directed the Planning Board to prepare an amendment(s) to the Princeton Junction Redevelopment Plan to incorporate the Study Area therein.

NOW THEREFORE 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, Establishments of Districts; General Conditions, Section 200-142, is hereby amended as follows. Language in brackets and struck through [~~struck through~~] is being deleted and in **bold and underlined** is being added.

RR/C	Residence	Rural residential/conservation
R-1/C	Residence	Low-density residential/conservation
R-1A	Residence	Low-density residential
R-2	Residence	Low-density residential
R-30	Residence	Low-density residential
R-30A	Residence	Low-density residential
R-30B	Residence	Low-density residential
R-30C	Residence	Low-density residential
R-30D	Residence	Low-density residential
R-24	Residence	Low-/medium-density residential
R-20	Residence	Low-/medium-density residential

R-20A	Residence		Low-/medium-density residential
R-20B	Residence		Low-/medium-density residential
R-3	Residence		Low/medium-density residential
R-3A	Residence		Affordable housing
R-3.5	Residence		Medium-density residential
R-4	Residence		Medium-density residential
R-4A	Residence		Affordable housing
R-4B	Residence		Affordable housing
R-5	Residence		High-density residential
R-5A	Residence		High-density residential
R-5B	Residence		Affordable housing
PRN-1	Residence		Planned residential neighborhood
PRRC	Planned Residential Community	Retirement	Retirement community/affordable housing
PRRC-1	Planned Residential Community	Retirement	Retirement community/affordable housing
PMN	Residence/Business		Planned mixed use neighborhood/affordable housing
R-1/O	Residence		Residence office
B-1	Business		Limited convenience center
B-2	Business		Neighborhood center business
B-3	Business		Retail node
B-4	Business		Planned retail village center
P	Business		Professional office
P-1	Planned Village Center		Small-scale village center
P-3	Business		Professional office, residence
ROM-1	Industrial		Research, office, limited manufacturing
ROM-2	Industrial		Research, office, limited manufacturing
ROM-3	Industrial		Research, office, limited manufacturing
ROM-4	Industrial		Research, office, limited manufacturing
ROM-5	Industrial		Research, office, limited manufacturing
R&D	Industrial		Research and development
ROR	Industrial		Research, office, recreation
RO	Industrial		Research, office
RO-1	Industrial		Research, office
E	Educational		
EH	Residence		Elderly housing
RP-1	of the Princeton Junction Redevelopment Plan		
RP-2	of the Princeton Junction Redevelopment Plan		
RP-3	of the Princeton Junction Redevelopment Plan		
RP-4	of the Princeton Junction Redevelopment Plan		
RP-5	of the Princeton Junction Redevelopment Plan		
RP-6	of the Princeton Junction Redevelopment Plan		
RP-7	of the Princeton Junction Redevelopment Plan		
RP-8	of the Princeton Junction Redevelopment Plan		
RP-9	of the Princeton Junction Redevelopment Plan		
RP-10	of the Princeton Junction Redevelopment Plan		
RP-11	of the Princeton Junction Redevelopment Plan		
RP-11-Overlay	of the Princeton Junction Redevelopment Plan		

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-270, is hereby created.

§ 200-270 RP-11 District.

A. RP-11 District use regulations.

- (1) Purpose. The goal of the RP-11 District is to develop the property in the RP-11 District with an attractive, high quality 100% municipally sponsored affordable housing project which shall help meet the Township's goal of providing for a wide range of housing densities and housing types to meet the varied income level needs of the community.
- (2) Description of the RP-11 District. The RP-11 District shall constitute Block 10 Lot 108.01, as identified in the Township of West Windsor's municipal tax records.
- (3) Principal permitted uses. In an RP-11 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Multifamily dwellings, which shall consist entirely of affordable housing meeting all of the standards and requirements of the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as it may from time to time be amended.
- (4) Permitted accessory uses.
 - (a) Recreational and/or open space facilities, including but not limited to, walkways, courtyards, plazas, and club houses.
 - (b) Off-street parking and loading.
 - (c) Signs.
 - (d) Street furnishings, planters, streetlights, and exterior, garden-type shade structures such as gazebos and pavilions.
 - (e) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (f) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.

- (g) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs and other signs prohibited by § 200-32C, except for Subsections C(3), (8), and (11) thereof, shall not be permitted.

(5) Prohibited Uses. Any use or structure other than those uses or structures permitted by this section shall be prohibited.

B. RP-11 District intensity, bulk, and other regulations. The following standards shall apply to the RP-11 District:

(1) Minimum Lot Size: 10 acres

(2) Minimum Yards:

- (a) Front Yard: 40 feet
- (b) Side Yard: 15 feet
- (c) Rear Yard: 50 feet

(3) Number of dwelling units: The developer may construct up to seventy-two (72) dwelling units as of right. All of the dwelling units to be constructed on-site shall be reserved for affordable households, pursuant to the standards and requirements as set forth by the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as it may from time to time be amended.

(4) Maximum Building Height: Two stories, but not to exceed 40 feet.

(5) Building Spacing: A minimum of 30 feet shall be provided between buildings.

(6) Maximum Improvement Coverage: 35%

(7) Off-street parking: The parking and loading standards for the RP-11 District shall conform with those standards as established in §200-29 of the Township's Land Use Code, as well as §200-258.A which deals with traffic circulation and parking in in the Township's Redevelopment Plan Districts.

(8) Signage. Signage requirements for the RP-11 District shall be consistent with §230-258.D of the Township's Land Use Code, which governs signs in the Redevelopment Area. However, the RP-11 District shall also permit direction signs. Directional signs shall be permitted to have a height of four (4) feet and a width of four (4) feet.

- (9) Landscaping. Landscaping shall be in conformance with the landscape treatments and guidelines as established in §200-258.B of the Township's Land Use Code.
- (10) Architectural and Landscape Architectural Guidelines. Architectural and landscape architectural designs shall be in conformance with those guidelines relating to residential uses as established in §200-258.C of the Township's Land Use Code.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-271, is hereby created.

§ 200-271 RP-11-Overlay District.

A. RP-11-Overlay District use regulations.

- (1) Purpose. The goal of the RP-11-Overlay District is to provide an overlay zone to permit multi-family housing as a development alternative to those uses that are permitted by the district's ROM-2 zoning designation.
- (2) Description of the RP-11-Overlay District. The RP-11-Overlay District shall constitute Block 10 Lot 2 and 33, as identified in the Township of West Windsor's municipal tax records.
- (3) Principal permitted uses. In an RP-11-Overlay District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Multifamily dwellings and townhouses, provided that twenty-five percent (25%) of such units are affordable housing meeting all of the standards and requirements of the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as it may from time to time be amended.
 - (b) Auto service center and plumbing and heating supply uses.
 - (c) Those uses permitted in the ROM-2 District, as set forth in §200-211.A.
- (4) Permitted conditional uses. The following conditional uses shall be permitted in the RP-11-Overlay District:

- (a) Those conditional uses permitted in the ROM-2 District, as set forth in §200-211.B.

(5) Permitted accessory uses.

- (a) Recreational and/or open space facilities, including but not limited to, walkways, courtyards, and plazas.
- (b) Off-street parking and loading.
- (c) Signs.
- (d) Street furnishings, planters, streetlights, and exterior, garden-type shade structures such as gazebos and pavilions.
- (e) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (f) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs and other signs prohibited by § 200-32C, except for Subsections C(3), (8), and (11) thereof, shall not be permitted.

(6) Prohibited Uses. Any use or structure other than those uses or structures permitted by this section shall be prohibited.

C. RP-11-Overlay District intensity, bulk, and other regulations. The following standards shall apply to the RP-11-Overlay District:

- (1) Minimum Lot Size: 2.75 acres.
- (2) Minimum Yards:
 - (a) Front Yard: 40 feet
 - (b) Side Yard: 15 feet
 - (c) Rear Yard: 20 feet
- (3) Maximum Density: A maximum density of seven and one-half (7.5) units per acre shall be permitted.
- (4) Maximum Building Height: Three stories, but not to exceed 40 feet.
- (5) Building Spacing: A minimum of 30 feet of distance shall be provided between buildings.

- (6) Maximum Improvement Coverage: 65%
- (7) Off-street parking: The parking and loading standards for the RP-11-Overlay District shall conform with those standards as established in §200-29 of the Township's Land Use Code, as well as §200-258.A which deals with traffic circulation and parking in in the Township's Redevelopment Plan Districts.
- (8) Signage. Signage requirements for the RP-11-Overlay District shall be consistent with §230-258.D of the Township's Land Use Code, which governs signs.
- (9) Landscaping. Landscaping shall be in conformance with the landscape treatments and guidelines as established in §200-258.B of the Township's Land Use Code.
- (10) Architectural and Landscape Architectural Guidelines. Architectural and landscape architectural designs shall be in conformance with those guidelines relating to residential uses as established in §200-258.C of the Township's Land Use Code.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Attachment 9, Zoning Map of Township of West Windsor, is hereby amended to create the R-11 Redevelopment Plan District, which shall encompass Block 10 Lot 108.01 and replace its underlying PMN District designation.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Attachment 9, Zoning Map of Township of West Windsor, is hereby amended to create the R-11-Overlay Redevelopment Plan District, which shall encompass Block 10 Lots 2 and 33 and exist coincidentally to the underlying existing ROM-2 District.

Section 6. 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: February 13, 2017
Public Hearing: February 27, 2017
Adoption: February 27, 2017
Mayor Approval: February 28, 2017
Effective Date: March 20, 2017

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MEMORANDUM

To: Township Council
From: Gerald J. Muller
Re: Redevelopment Plan Amendments
Date: February 2, 2017

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On January 25, 2017, the Planning Board, by a vote of 8-0 with no abstentions, voted to recommend that Township Council approve two amendments to the Redevelopment Plan. The Amendments, dated February 1, 2017 and incorporating changes made by the Board at its meeting, are included herewith.

The first Amendment, entitled "Amendment to the Princeton Junction RP-7 Ellsworth Center Redevelopment Plan," incorporates two lots, Block 5, Lots 62 and 76, into the Redevelopment Plan. By Resolution 2014-R265 adopted on December 22, 2014, Council determined that the lots are an area in need of redevelopment. An ordinance that is part of the Amendment rezones the two lots from the R-20B District to the RP-7 District, the Redevelopment Plan commercial district along Princeton-Hightstown Road. The two lots are included in a Zoning Board approval for the redevelopment of the Ellsworth Center, which they abut.

The second Amendment, entitled "Easterly Portion of Maneely Area Redevelopment Plan," incorporates Block 10, Lots 2, 23, and what will become Lot 108.01 into the Redevelopment Plan. Lot 108.01 is now part of Lot 8.01, for which a subdivision plat is to be filed shortly, and is the 10 acre portion of the Maneely tract that is to be conveyed to the Township and eventually to Project Freedom for an all-affordable, 72 unit development. Mark's Track Side is located on Lot 33, and Lot 2 is to its rear and is owned by Amtrak. By Resolution 2016-R 211 adopted on October 17, 2016, Council determined that the three lots are an area in need of redevelopment. The Amendment includes a zoning ordinance that creates a new RP-11 District for the 10 acre parcel. It incorporates the provisions relating to that parcel that had previously been in the PMN District, in which is located the remainder of the Maneely tract for which preliminary and final subdivision and site plan approval was granted to Toll for a mixed use development including retail, corporate suites, apartments with six affordable units, and townhouses.

The ordinance included in the Amendment also creates a RP-11 Overlay District for Lots 2 and 33, the Mark's Track Side lot and the lot to its rear. The underlying ROM-2 research, office, and manufacturing zoning is retained. The new overlay provides an option to the ROM-2 zoning and permits multi-family dwellings with a 25 percent affordable housing set aside as well as the current Mark's Track Side use, an auto service center and plumbing and heating supply business. The permitted residential density is 7.5 units per acre. The concept is to increase residential development opportunities in what will be part of the Redevelopment Plan in an area proximate to the train station.

cc: Hon. Shing-Fu Hsueh
Mr. Marvin Gardner
Ms. Marlena Schmid
Ms. Sharon L. Young
Mr. Francis A. Guzik, P.E.
Mr. Samuel J. Surtees