

**TOWNSHIP OF CINNAMINSON**

**ORDINANCE 2019-13**

**AN ORDINANCE AMENDING CHAPTER 525 OF THE  
CODE OF THE TOWNSHIP OF CINNAMINSON  
ENTITLED “ZONING” (IR-Inclusionary Residential District)**

**WHEREAS**, the Township of Cinnaminson was a party to prior round affordable housing litigation before the Superior Court in 1996 which was assigned Docket No. BUR-L-1999-96 (Mount Laurel), the resolution of which, to facilitate affordable housing production, required the rezoning of a 16.42 acre parcel in Cinnaminson Township adjoining Union Landing Road to the south and Taylor’s Lane to the north which was and remains designated on the Township’s Tax Map as Block 702, Lot 2; and

**WHEREAS**, the subject property was rezoned pursuant to the Court’s directives and placed in an Inclusionary Residential (“IR”) zoning district with use and area regulations set forth in Chapter 525 (“Zoning”), Sections 40 and 41 of the Code of the Township of Cinnaminson; and

**WHEREAS**, the Township of Cinnaminson is currently a petitioner in third round declaratory judgment proceedings before the Superior Court pursuant to N.J.S.A. 52:27D-313 encaptioned In the Matter of the Township of Cinnaminson, Docket No. BUR-L-0450-14 (Mount Laurel), the resolution of which requires amendments to the density and set-aside regulations applicable to Block 702, Lot 2 as set forth in Chapter 525, Sections 40 and 41 of the Township Code to facilitate affordable housing production during the third round; and

**WHEREAS**, the purpose of this Ordinance is to comply with the Court’s directives.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township

Committee of the Township of Cinnaminson, County of Burlington, State of New Jersey, that Chapter 525 of the Code of the Township of Cinnaminson entitled “Zoning” be and is hereby amended as set forth herein.

### **§ 525-40 IR INCLUSIONARY RESIDENTIAL DISTRICT USE RESTRICTIONS AND REGULATIONS.**

In the IR Inclusionary Residence District, the following uses (and no others) of lands and buildings are permitted:

- A. Multifamily housing, provided that 20% of the units are set-aside for low- and moderate-income qualified households if the units are sale units and that 15% of the units are set-aside for low- and moderate-income households if the units are rental units. The following multifamily dwellings are permitted:
  - 1. Townhouse. The townhouse is an attached individual dwelling unit from ground to roof, having individual outside access. Rows of attached townhouses shall contain no more than eight dwelling units.
  - 2. Multiplex. The multiplex is a building consisting of three or more dwelling units under a common roof. In general, all units have independent outside access, but this is not necessary. Units may be arranged in a variety of configurations: side by side, back to back or vertically. The essential feature is the small number of units attached. No more than five units shall be attached in any group. The total of all groups shall average four units per structure.
  - 3. Garden apartments. Garden apartments are multifamily buildings where individual dwelling units share a common outside access. They also share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain more than three and no more than **30** dwellings in a single structure.

### **§525-41 IR DISTRICT AREA RESTRICTIONS AND REGULATIONS**

- A. Density for multifamily housing is fifteen (15) units per gross acre for sale units and seventeen point five (17.5) units per gross acre for rental units as density is defined in N.J.S.A. 40:55D-4.
- B. Tables of dimensional requirements by multifamily dwelling type are as follows:
  - 1. Townhouse.

a. Requirements.

- 1) Lot area, minimum, per unit: 2,200 square feet.
- 2) Parking, off-street per RSIS (N.J.A.C. 5:21-4.14).
- 3) Minimum lot width at building setback: 22 feet.
- 4) Maximum height: three stories, but not to exceed 45 feet.

b. General

- 1) Maximum impervious surface ratio (on lot): 60%.
- 2) Minimum front building setback from street right-of-way: 30 feet.
- 3) Minimum building spacing: 30 feet.
- 4) Minimum side yard setback of end unit: 15 feet.
- 5) Minimum rear yard setback: 30 feet.
- 6) Minimum fifteen-foot-wide unobstructed emergency access easement in rear of townhouse units to be placed in common area. If a common open space area does not exist, the easement may be part of the required lot size but shall not be placed in any required setback area.

2. Multiplex.

a. Requirements.

- 1) Lot area, minimum, per unit: 2,200 square feet.
- 2) Parking, off-street (per unit): per RSIS (N.J.A.C. 5:21-4.14).

b. General.

- 1) Maximum impervious ratio (on lot): 60%.
- 2) Minimum front building setback from street right-of-way: 30 feet.
- 3) Common parking areas: 20 feet.
- 4) Minimum building spacing: 30 feet.
- 5) Minimum lot width for building at setback line: 80 feet.
- 6) Maximum height: three stories, not to exceed 45 feet.
- 7) Minimum setback of side yards: 20 feet.
- 8) Minimum setback of rear yards (no road): 30 feet.

3. Garden apartment.

a. Requirements.

<b>Number of Bedrooms</b>	<b>Minimum Apartment Size (square feet)</b>
1	655
2	950
3	1,125

b. General.

- 1) Minimum impervious surface ratio (on lot): 70%.
- 2) Minimum building setback:

- a) From street right-of-way: 50 feet.
- b) From common parking: 20 feet.
- 3) Maximum units per building: **30** units.
- 4) Building spacing (side to side on same lot): **40** feet.
- 5) Minimum street frontage: 100 feet.
- 6) Maximum building height: three stories, but not to exceed 45 feet.
- 7) Minimum rear yard setback: 50 feet.
- 8) Minimum side yard setback: 30 feet.

## **§525-42 DESIGN REQUIREMENT IN IR DISTRICT.**

Miscellaneous design requirements in the IR District are as follows:

### A. Buffer area requirements.

1. Buffer areas shall be provided between all residential land uses and nonresidential land use or nonresidential zone districts. Buffer areas shall be a minimum of 20 feet wide in the IR District and are to be in addition to the required yard setbacks. Buffer areas shall be increased to 50 feet for residential land use adjacent to the landfill. Buffer areas shall be designed, planted, graded and landscaped to provide an aesthetically pleasing separation of uses. In meeting this standard, the applicant may employ one or more of the following:

- a. Fencing or wall screening in landscaped areas.
- b. Evergreen tree or shrubbery screening in a landscaped area.
- c. A landscaped berm having a maximum height of six feet with side slopes of 4:1.

- ### B. Buffer material and natural foliage.
- All buffer areas shall be planted and maintained with either grass or ground cover, together with a screen of live shrubs or scattered planting of live trees, shrubs or other plant material. The preservation of all natural wooded tracts shall be an integral part of all development plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Additional plantings may be required by the approving authority to establish an appropriate tone for an effective buffer.

### C. Screening.

1. Screening shall be provided with buffer strips or as required elsewhere in this chapter so as to provide a year-round visual or partial acoustical barrier to conceal the view or sounds of various utilitarian operations and uses from the street or adjacent properties.
2. Screening shall be so placed that at maturity it will not be closer than two feet to

any right-of-way, property line or access easement.

3. All plants for screening shall be of a species common to the area, be of balled and burlapped nursery stock and be free of insects and disease. Plants which do not live shall be replaced within two years or two growing seasons. Buffered screen plantings shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.
  4. Screening shall consist of the following materials:
    - a. Solid masonry. A solid masonry wall, a maximum of six feet above ground level.
    - b. Solid fencing. A solid fencing of natural durable material, such as cedar, cypress or redwood, a maximum height of six feet above ground level and open to the ground to a height of not more than four inches above ground level.
    - c. Shrubbery.
      - 1) Low-type shrubbery screening may be used in and around parking areas, roadways or accessways where sight distances for vehicular and pedestrian traffic are a prime consideration. Shrubbery shall be a minimum of three feet high when planted and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises.
      - 2) All other shrubbery for screening shall be a minimum of five feet high at the time of planting.
      - 3) Dense hedges of shrubbery planted at a maximum of 30 inches on center may be used.
    - d. Trees. Trees for screening shall be evergreens having a minimum height of eight feet above the ground when planted. Trees shall be placed five feet on center in a single row, or five feet on center in two or more staggered rows with a five-foot separation between rows. Evergreens may be supplemented with deciduous trees having a minimum height of eight feet at time of planting, with a minimum caliper of 2 inches
- D. Each multiple-dwelling complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include considerations of landscaping techniques, building orientation to the site and to other structures, topography, natural features, including individual dwelling unit design, such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination of each dwelling unit.
- E. Multifamily dwelling units shall be grouped in clusters. Private parking areas should be

located near dwelling unit entrances. Any outdoor living areas or patios should adjoin open space or paths leading to open space. Dwelling units should not front on a through street. Screening of such outdoor living areas may be accomplished with plant materials, masonry structures or wood fences. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit of which it is part.

- F. For apartment buildings, refuse collection may be managed within the building or, in the alternative, there shall be provided at least one outdoor refuse storage area of at least 100 square feet for each 20 dwelling units. The refuse storage area shall be screened and suitably located and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle and shall not be located further than 300 feet from the entrance to any multifamily unit which it is intended to serve.
- G. Where private garages are provided, they must be constructed as part of a dwelling unit. Detached garages are not permitted in the IR District.

#### § 525-42.1 Affordable housing requirements in IR District

- A. Inclusionary developments in the IR Zone shall conform to standards of the Fair Housing Act, the Rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC) as enumerated in the Cinnaminson Affordable Housing Ordinance (Ord. 2019-12).
- B. Affordable units shall not be located in a single affordable building or buildings but rather affordable units shall be distributed among the market units.

#### **REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares 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.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law and the filing of same with the County Planning Board pursuant to N.J.S.A. 40:55D-16.

**CINNAMINSON TOWNSHIP COMMITTEE**