

TOWNSHIP OF CINNAMINSON

ORDINANCE 2019-14

**AN ORDINANCE AMENDING CHAPTER 525 OF
THE CODE OF THE TOWNSHIP OF
CINNAMINSON ENTITLED “ZONING” (IR-2 and
IR-3 ZONES)**

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 the Township to amend certain provisions to Chapter 525 of the Code of the Township of Cinnaminson entitled “Zoning” in order 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 as follows:

§ 525-43.1 **IR-2 District area restrictions and regulations**

The purpose of the IR-2 overlay zone is to promote inclusionary housing development along Route 130 in an area close to open space with convenient regional roadway access that can address a portion of the Township’s affordable housing need. When IR-2 inclusionary development is proposed, expedited development application review and cooperation in the granting reasonable variances is to be provided, pursuant to N.J.A.C. 5:93-10.1.

A. Density and affordable housing set-asides for multifamily housing shall be:

(Haines to Pep Boys)

If for sale -15 units per gross acre with a 20% set-aside of affordable units

If for rent – 15 units per gross acre with a 15% set-aside of affordable units

B. Tables of dimensional requirements for multi-family apartments are as follows:

Multi-family apartments.

(a) Requirements.

Number of Bedrooms	Minimum Apartment Size (square feet)
1	655
2	850
3	1,000

(b) General.

[1] Maximum impervious surface ratio (on tract): 70%.

[2] Minimum lot size: three acres.

[3] Minimum building setback:

[a] From street right-of-way: 50 feet.

[b] From common parking: 20 feet.

[4] Building spacing (side to side on same lot): 40 feet.

[5] Minimum street frontage: 100 feet.

[6] Maximum building height: three stories, not to exceed 45 feet.

[7] Minimum rear yard setback: 50 feet.

[8] Minimum side yard setback: 30 feet.

§ 525-43.2 **Design requirements in IR-2 District.**

Miscellaneous design requirements in the IR-2 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, which may be bisected by roads and driveways and which may contain landscaped stormwater basins shall be a minimum of 20 feet wide in the IR-2 District and are to be in addition to the required yard setbacks. 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.

(Haines to Pep Boys)

- (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 included 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) Shrubby.

[1] Low-type shrubby screening may be used in and around parking areas, roadways or accessways where sight distances for vehicular and pedestrian traffic are a prime consideration. Shrubby 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.

(Haines to Pep Boys)

[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 ten feet on center in a single row, or fifteen 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. Architectural Theme.

Each multiple-dwelling complex 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. Refuse storage.

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.

F. Private garages.

Where private garages are provided, they must be constructed as part of a dwelling unit. Detached garages are not permitted in the IR-2 District.

§ 525-43.3 Open space requirements in IR-2 District.

A. Open space areas resulting from development in the IR-2 District shall weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreation areas. The configuration of the open space areas should be arranged so that connections can be made to existing or future adjacent open spaces and other community facilities, if applicable.

(Haines to Pep Boys)

B. The developer may be required to plant trees or other similar landscaping improvements. Said improvements may include removal of dead or diseased growth, thinning of trees or other growth to encourage more desirable growth, removal of trees in areas planned for active recreational facilities, grading and seeding and improvements or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.

C. Portions of the open space should be developed to afford both passive and active recreational opportunities. Passive recreational activities may include but are not limited to pedestrian paths, sitting areas and naturally preserved areas. Active recreational areas may include but are not limited to such facilities as swimming pools, tennis courts, bicycle paths and play fields but should be carefully located to avoid problems of noise, lights and similar nuisance elements affecting residential units. They shall be located not less than 50 feet from any boundary line.

D. Every parcel so set aside shall be conveyed by deed at the time final plat approval is granted.

E. The land to be set aside shall be offered to the Township Committee for acceptance. Land offered for dedication but not accepted by the Township Committee shall be transferred to a homeowners' association or similar organization in accordance with N.J.S.A. 40:55D-43.

F. Any open space offered to the Township Committee shall be subject to review by the Planning Board, which shall be make a recommendation based on the Master Plan, the ability to assemble the land with other open space parcels, the physical features of the property and the potential utility of the land. The Planning Board may request an opinion from other public agencies or individuals as to the advisability of accepting any lands to be offered.

§ 525-43.4 Affordable housing requirements in IR-2 District

A. Inclusionary developments in the IR-2 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).

(Light Rail Line)

§ 525-43.5 **IR-3 District area restrictions and regulations**

The purpose of the IR-3 overlay zone is to promote inclusionary housing developments with easy transit access that can address a portion of the Township's affordable housing need. When IR-3 inclusionary development is proposed, expedited development application review and cooperation in the granting reasonable variances is to be provided, pursuant to N.J.A.C. 5:93-10.1.

A. Density and affordable housing set-asides for multifamily housing shall be:

If for sale - 20 units per gross acre with a 20% set-aside of affordable units

If for rent – 20 units per gross acre with a 15% set-aside of affordable units

B. Table of dimensional requirements: **Multi-family apartments.**

(a) Requirements.

Number of Bedrooms	Minimum Apartment Size (square feet)
1	655
2	850
3	1,000

(b) General.

[1] Maximum impervious surface ratio (on lot or tract): 70%.

[2] Minimum lot size: three (3) acres.

[3] Minimum building setback:

[a] From street right-of-way: 50 feet.

[b] From common parking: 20 feet.

[4] Maximum units per building: 60 units.

[5] Building spacing (side to side on same lot): 50 feet.

[6] Minimum street frontage: 100 feet.

[7] Maximum building height: four stories, not to exceed 60 feet.

[8] Minimum rear yard setback: 50 feet.

[9] Minimum side yard setback: 30 feet.

§ 525-43.6 **Design requirements in IR-3 District.**

Miscellaneous design requirements in the IR-3 District are as follows:

A. Buffer area requirements.

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(1) Buffer areas shall be provided between all residential land uses and nonresidential land use or nonresidential zone districts. Buffer areas, which may be bisected by roads and driveways and which may contain landscaped stormwater basins, shall be a minimum of 20 feet wide in the IR-3 District and are to be in addition to the required yard setbacks.. 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. 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) Shrubby.

[1] Low-type shrubby screening may be used in and around parking areas, roadways or accessways where sight distances for vehicular

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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 ten feet on center in a single row, or fifteen 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. Architectural Theme.

Each multiple-dwelling complex 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. Refuse storage.

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.

F. Private garages.

Where private garages are provided, they must be constructed as part of a dwelling unit. Detached garages are not permitted in the IR-3 District.

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§ 525-43.7 **Open space requirements in IR-3 District.**

A. Open space areas resulting from development in the IR-3 District shall weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreation areas. The configuration of the open space areas should be arranged so that connections can be made to existing or future adjacent open spaces and other community facilities, if applicable.

B. The developer may be required to plant trees or other similar landscaping improvements. Said improvements may include removal of dead or diseased growth, thinning of trees or other growth to encourage more desirable growth, removal of trees in areas planned for active recreational facilities, grading and seeding and improvements or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.

C. Portions of the open space should be developed to afford both passive and active recreational opportunities. Passive recreational activities may include but are not limited to pedestrian paths, sitting areas and naturally preserved areas. Active recreational areas may include but are not limited to such facilities as swimming pools, tennis courts, bicycle paths and play fields but should be carefully located to avoid problems of noise, lights and similar nuisance elements affecting residential units. They shall be located not less than 50 feet from any boundary line.

D. Every parcel so set aside shall be conveyed by deed at the time final plat approval is granted.

E. The land to be set aside shall be offered to the Township Committee for acceptance. Land offered for dedication but not accepted by the Township Committee shall be transferred to a homeowners' association or similar organization in accordance with N.J.S.A. 40:55D-43.

F. Any open space offered to the Township Committee shall be subject to review by the Planning Board, which shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands and such existing features as topography, soils, wetlands and tree cover, as these features may enhance or detract from the intended use of the lands. The Planning Board may request an opinion from other public agencies or individuals as to the advisability of accepting any lands to be offered.

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§ 525-43.8 Affordable housing requirements in IR-3 District

A. Inclusionary developments in the IR-3 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).

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