

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2020 –6

**AN ORDINANCE TO AMEND THE CODE OF MANSFIELD TOWNSHIP
CHAPTER 65, ZONING, TO CREATE A NEW ZONING DISTRICT
SUBCHAPTER XXXIV, R-7, MIXED USE DISTRICT**

WHEREAS, the Mansfield Township (“Township” and the Mansfield Township Planning Board (“Board”) were defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres (“Tower Gate Property”) in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township's satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; and

WHEREAS, the parties entered into a Settlement Agreement of said litigation, dated November 18, 2019, and a First Amendment to Settlement Agreement December 24, 2019, collectively referred to as the “Settlement Agreement”; and

WHEREAS, pursuant to Section 4.A of the Settlement Agreement, the Township is obligated to adopt a zoning amendment rezoning the Tower Gate Property substantially consistent with the draft ordinance attached to the Settlement Agreement, and;

WHEREAS, pursuant to Section 4.B of the Settlement Agreement, the Township is obligated to include the Tower Gate Property in the Township's Housing Element and Fair Share Plan (“HEFSP”); and

WHEREAS, on February 18, 2020, the Superior Court of New Jersey, Law Division, entered and filed an Order (“Order”) approving the Settlement Agreement and the Township's HEFSP; and

WHEREAS, Section 1(g) of the Order requires the Township to adopt the Zoning Ordinance substantially consistent with the Ordinance attached to the Settlement Agreement as same was modified by the terms of the Order; and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

The Code of the Township of Mansfield, Chapter 65 is hereby amended to create a new Zoning District, Subchapter XXXIV, R-7 Mixed Use District, as follows:

Article XXXIV R-7 Mixed Use District

65-192 Purpose

The purpose of the R-7 Mixed Use District is to provide for inclusionary development that is intended to assist the Township of Mansfield in satisfying a portion of its fair share housing obligation.

65-193 Description of Zone Boundary

The boundary of the R-7 Mixed Use District shall encompass the property identified as Block 70, Lot 6.02, which shall hereafter be referred to as the "Tract". The district boundary shall extend to the centerline of the mapped rights-of-way contiguous to the Tract. The municipal Zoning Map is hereby amended to reflect same.

65-194 General Provisions

- A. Except as expressly provided in Section 65-196 and elsewhere in this Ordinance, the development regulations set forth in this Article shall apply to the Tract as a whole, not to individual lots which may be created therein.
- B. Affordable Housing. The Affordable Housing requirements shall vary as the residential yield on the Tract is increased. Specifically: (i) fifteen percent (15%) of the of Dwelling Units up to a yield of four hundred eighty eight (488); and (ii) and thirty (30%) of the Dwelling Units between a yield of four hundred eighty nine (489) and five hundred sixty (560) within the Tract shall be income-restricted in accordance with the standards set forth at Section 65-200, below. For all non-residential development constructed within the R-7 Mixed Use District, such development shall be subject to the requirements of the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
- C. Open Space. A minimum of 25% of the Tract shall be dedicated as open space per N.J.S.A. 40:55D-43.
- D. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot. The Tract shall be permitted to be constructed in one or more phases.

- E. The regulations set forth in this Article shall supersede all other provisions of the Township Zoning Ordinance, unless otherwise stipulated herein. The provisions of Section 65.4(F) shall not apply to this Tract.
- F. The land use administration and procedural regulations of the Township of Mansfield Code shall remain in full force and in effect. Notwithstanding the foregoing, to prevent undue burdens on the provision of affordable housing, the following submission and checklist requirements shall not be required in connection with any development application in the R-7 Mixed Use District.
1. Environmental impact assessments (Section 27-30.4); Environmental assessment reports (Section 27-30.4.1.); escrow for environmental professional staff (Section 27-30.6); and submission to the Mansfield Township Environmental Commission (Section 27-30.7).
 2. Community Impact Statements (Section 27-30.5).
 3. Soil borings (Section 44A-11); provided, however, that soil borings shall be submitted in connection with any specific areas of the Tract that that are intended to be developed for water detention or recharge.
 4. Steep slope mapping and related requirements, if any.
 5. Submission of soil samples (Chapter 65-95.4), provided, however, that soil borings shall be submitted in connection with any specific areas of the Tract that are intended to be developed for water detention or recharge.
 6. Landscape Buffers (Section 65-100 to 65-101); provided, however, that a landscaping plan in sufficient detail shall be submitted to reflect the landscaping required under Section 65-197.
 7. Traffic Impact Studies (Section 65-99.2).
 8. Tree Removal (Chapter 60B).
 9. Tree, Shrubbery and Landscaping (Chapter 60A).
 10. Water Resource Buffer Conservation Zones (Chapter 63A).
 11. Stormwater (Chapter 48), as the provisions of the Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 *et seq.* (“RSIS”) shall control.
 12. Open Space (Section 65-75 to 65-81).

The above submission exceptions shall apply to all submission checklists, including the general checklist, site plan checklist, and subdivision checklists.

E. Nothing in this Article shall contravene the statutory requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq (the “MLUL”).

65-195 Use Regulations

A. Definitions:

1. “Dwelling Unit” means a unit intended for residential use.
2. “Age-Restricted Housing” means housing that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: all the residents of the development where the unit is situated are 62 years or older; at least eighty percent (80%) of the units are occupied by one person that is 55 years or older; or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607.
3. “Convenience Store” means a retail business that stocks a range of everyday items, such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, and magazines. Such stores may also offer money order and wire transfer services, along with the use of a fax machine or photocopier for a small per-copy cost.
4. “Multi-Family Building” means a building designed for three or more Dwelling Units within one building.
5. “Townhouse” means a building that has no more than ten (10) Dwelling Units erected in a row as a single building, each being separate from the adjoining unit or units by an approved masonry, party or partition wall or walls, thus creating distinct and non-communicating Dwelling Units, such units intended for separate ownership or rental, and shall include stacked Dwelling Units.
6. “Mixed-Use Building” means a building consisting of any combination of Permitted Uses, including Dwelling Units and Commercial.

~~B.~~ Permitted Principal Uses.

1. Multi-Family Buildings.

2. Townhouses.
3. Age-Restricted Housing within Multi-Family Buildings, Townhouses, or Mixed-Use Buildings.
4. Commercial Uses, within 1,500 feet of U.S. Route 130, including any one or more of the following uses, in any combination:
 - (a) Any use permitted in the C-2 Highway Commercial District, except for:
 - (1) Automobile Repair Shops,
 - (2) Automobile Sales, Agencies and Services for new and used vehicles,
 - (3) Clubs and Lodges and all associated functions, and
 - (4) Mortuaries.
 - (b) Retail Stores, Shops, and Services (including drive-thru services)
 - (c) Restaurants, Eateries, and Drinking Establishments (including drive-thru, drive-in, and take-out/walk up window services, and refreshment tands)
 - (d) Grocery Stores
 - (e) Offices (general, professional, government, or medical)
 - (f) Banks, Credit Unions and ATM kiosks (including drive-thru and walk up)
 - (g) Gyms, Health Clubs, and Fitness Centers
 - (h) Child Care Centers, subject only to state childcare licensing requirements
 - (i) Adult Day Care Facilities
 - (j) Tutoring, Educational, or Training Establishments
 - (k) Hotels
 - (l) Gasoline Service Stations (specifically excluding the requirements of Section 65-37)
 - (m) Shopping Centers (specifically excluding the requirements of Section 65-39 and 65-40)
 - (n) Medical Facilities, such as urgent care, pain management, dialysis, and like facilities
 - (o) Convenience Stores (without or without Gasoline Service Stations).
5. Open Space.
6. Farming per Section 65-89.
7. Central Sewage Facilities.

8. Central Water Storage, Pumping, Treatment, and Conveyance Facilities.

9. Mixed-Use Buildings consisting of any combination of the above uses, in one or more buildings, within 1,500 feet of U.S. Route 130.

D. Permitted Accessory Uses.

1. Clubhouses, Community Swimming Pools (specifically excluding the requirements of Section 65-91), and Community Buildings ancillary to a principal use.
2. Management Offices ancillary to a principal use.
3. Recreational Facilities ancillary to a principal use (indoor and/or outdoor).
4. Patios, Decks, Sheds, Terraces, or Balconies ancillary to a principal use.
5. Parking Facilities and Garages, either surface (open air) or enclosed.
6. Enclosed Storage Facilities ancillary to a principal use.
7. Home Office uses per Section 65-95.1.
8. Drive-thru and Drive-up Windows.
9. Outdoor Seating and Delivery Service for Restaurants and Eateries.
10. Rooftop Recreation Facilities on Multi-Family Buildings; and
11. Any other use customarily incidental to a principal use.

E. Conditional Uses: None.

F. Prohibited Uses. All uses prohibited under Section 65-88 are also prohibited in the R-7 Mixed Use District.

65-196 Area and Bulk Requirements

- A. Tract density for Dwelling Units: 560 Dwelling Units, maximum.
- B. Tract density for Commercial: 40,500 gross square feet, maximum
- C. Bulk Requirements for Townhouse:

<u>Requirement</u>	<u>Dimension</u>
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Min. Principal Bldg Front Yard Setback, (Feet)	20
Min. Principal Bldg Rear Yard Setback* (Feet)	15
Min. Principal Bldg Side Yard Setback (Feet)	0
Min. Principal Bldg to Principal Bldg Setback (Feet)	30
Min. Principal Bldg Deck Side Yard Setback (Feet)	0
Min. Principal Bldg Deck Rear Yard Setback* (Feet)	7
Min. Accessory Bldg Side & Rear Yard Setback (Feet)	5
Max. Principal Building Height (Stories / Feet)	3.5 / 45
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	95

*No setback shall be required where the lot does not back against another lot.

D. Bulk Requirements for Multi-Family Building; Commercial Uses; Mixed-Use Building:

Requirement	Dimension
Min. Principal Bldg to Principal Bldg Setback (Feet)	40
Min. Accessory Bldg Side & Rear Yard Setback (Feet)	5
Max. Principal Building Height (Stories / Feet)	3.5 / 45
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	90

E. Bulk Requirements for Open Space; Farming; Central Sewage Facilities; and Central Water Storage, Pumping, Treatment, and Conveyance Facilities:

Requirement	Dimension
Max. Principal Building Height (Stories / Feet)	1 / 15
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	90

Building height shall be measured from the highest finished grade of the building.

65-197 Buffering and Landscape Requirements

A. The Tract buffer width shall be measured from the right-of-way lines existing or as determined at the time of submission of an application for development:

1. Northern Boundary (Route 130): 20 feet, minimum
2. Western Boundary (Kinkora Road): 20 feet, minimum

3. Eastern Boundary (County Park): 35 foot minimum when abutting townhouse building(s) and 25 foot minimum when abutting multi-family or non-residential building(s)
4. Western and Southern Boundaries (Residences): 30 feet, minimum

B. The buffer shall be maintained as a landscaped area and no structures shall be permitted within the buffer except for access drives, fencing, recreation paths, walkways, stormwater basins, utilities and/or signs. Buffer landscaping to be provided along U.S. Highway Route 130 shall be designed so as to not unreasonably interfere with visibility for the anticipated retail development along that frontage.

C. The minimum planting height for shrubs shall be 3 feet, and the minimum planting height for evergreen trees shall be 6 feet. Deciduous trees shall be 2.5 to 3 inches in diameter.

D. Where existing vegetation is preserved, new plantings shall not be required.

E. The buffer landscaping shall consist of two continuous parallel rows of evergreen trees in staggered rows planted 15' on center and the buffer may also include evergreen and deciduous trees and/or shrubs and/or ornamental grasses, perennials, and annuals.

F. Buffers may include a privacy fence (solid or open) in addition to the required vegetation and landscaping.

65-198 Parking and Loading Requirements

- A. Residential: Per RSIS.
- B. Commercial: 1.0 space per 250 square feet of floor area. This standard shall apply to any use not otherwise specified below.
- C. Hotel: 1.0 space per rental hotel room key.
- D. Restaurants, Eateries, and Drinking Establishments: 1.0 space per 3 seats of maximum occupancy.
- E. Child Care: Per N.J.S.A. 40:55D-66.6.
- F. Shared parking: For mixed-use developments, a shared parking approach to the provision for off-street parking, based on acceptable industry standards.

Handicapped designated parking shall be provided in accordance with the Americans with Disabilities Act (the "ADA").

Loading Requirement for Commercial buildings: one (1) loading space per 10,000 SF.

65-199 General Regulations

A. Landscaping

1. All areas that do not contain buildings, structures, or paving shall be landscaped with plantings and/or lawn.
2. All plant materials shall be in accordance with “The American Standards for Nursery Stock”.

B. Access, Circulation, and Parking Design for all Permitted Uses.

1. All access, circulation, and parking dimensions shall be in accordance with RSIS and the ADA.
2. Parking areas shall be permitted in any yard, including the front yard, provided the buffer requirements set forth above are met.

C. Stormwater and Utility Design.

1. All stormwater management shall be in accordance with RSIS and New Jersey Department of Environmental Protection (“NJDEP”) requirements.
2. All utility design shall be in accordance with RSIS and NJDEP requirements.

D. Lighting.

1. All freestanding light fixtures shall be no higher than 20 feet above grade level.
2. The maximum illumination at all abutting existing residential property lines shall be 0.5 footcandles.
3. Light fixtures shall be shielded and shall utilize metal halide, LED, or other white light source.

E. Fences and Walls.

1. Fences and walls shall be permitted in any yard, including the front.

2. Fences and walls in the front yard shall be a maximum of 4 feet high.
 3. Fences in the front yard shall be 50% open.
 4. Fences and walls in yards other than the front yard shall be a maximum of 6 feet high.
- F. Refuse and Recycling. All refuse and recycling storage shall be fully enclosed and screened within the building or, if outside, within a refuse enclosure that is a minimum of 6 feet high.

G. Signs.

1. Roadside Signs.

- (a) One roadside entry sign shall be permitted at each access point along each road.
- (b) The maximum sign area for any roadside entry sign shall be 60 square feet.
- (c) The maximum sign height for any roadside entry shall be 8 feet.

2. Building Signs.

(a) Commercial signage shall be limited to one architectural wall sign per tenant per facade, having a maximum sign area of 60 square feet, or 10% of the storefront, whichever is lesser; and further provided that such signs shall be affixed to the principal elevation and located below the second story. For tenants located in an end-cap or a single-tenant building, two (2) wall signs shall be permitted.

(b) Multi-Family Buildings shall be limited to one sign per Multi-Family Building, having a maximum sign area of 60 square feet.

3. Directory Signs.

(a) Directory ground signs shall be permitted within the interior of the Tract, to identify or distinguish different neighborhoods or clusters of building types within the development.

(b) Directory signs shall not exceed 16 square feet in area.

(c) Directory signs shall not exceed 8 feet in height.

4. Directional (wayfinding) Signs.

(a) Directional ground signs shall be permitted within the interior of the Tract, to facilitate wayfinding to amenity areas such as clubhouses or neighborhoods or clusters of building types within the development.

(b) Directional signs shall not exceed 16 square feet in area.

(c) Directional signs shall not exceed 8 feet in height.

5. All signs within the Tract shall be designed in a cohesive manner.

6. All signs on Townhouse lots shall be subject to Section 69-112.

H. Mechanical Equipment. Air conditioning units, HVAC systems, exhaust pipes or stacks, electric and gas utility meters, and related mechanical equipment and elevator housing shall be screened to minimize visual impact.

65-200 Affordable Housing Requirements

A. Fifteen percent (15%) of the Dwelling Units constructed within an inclusionary development within the Mixed Use Zone up to four hundred eighty eight (488) and thirty percent (30%) of those Dwelling Units in excess of four hundred eighty eight (488) are to be affordable to low and moderate income households (“Affordable Units”) in accordance with the Superior Court’s February 18, 2020 Order approving the Settlement Agreement in the matter of Tower Gate Associates v. Township of Mansfield, et al, Docket No.: L-1739-18. Accordingly, in the event of a total development of up to 488 units, fifteen percent (15%) of those units shall be reserved as Affordable Units (*i.e.* 74 Affordable Units if the inclusionary development consists of a total of 488 dwelling units). Further, in the event in of an inclusionary development consisting of 489-560 total dwelling units, thirty percent (30%) of the dwelling units in excess of 488 shall be reserved as Affordable Units (*i.e.*, 22 additional Affordable Units (96 Affordable Units in total) if the inclusionary development consists of a total of 560 dwelling units).

B. The Affordable Units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.

C. Phasing for construction of the Affordable Units shall be in accordance with COAH's phasing schedule established by N.J.A.C. 5:93-5.6(d).

D. All Affordable Units shall comply with the regulations of UHAC and/or the New Jersey

Council on Affordable Housing (“COAH”), as may be applicable, including, but not limited to those concerning (a) income qualification, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing, and (g) handicap accessibility.

- E. All Affordable Units shall be subject to affordability controls for a period of at least thirty (30) years following the initial certificate of occupancy for the affordable unit and upon the conclusion of that thirty (30) year period the municipality’s decision as to when and whether to extinguish affordability controls shall be governed by the applicable UHAC provisions.
- F. Townhouses shall be permitted to be arranged in a stacked or interlocking fashion, whereby an Affordable Unit shall be permitted to be located vertically above or vertically below a market-rate unit.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR**, Municipal Clerk of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the which was introduced on March 5, 2020 and finally adopted on April 15, 2020 by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their special meeting held on April 15, 2020 during an audio conference call meeting at 5:30pm.

LINDA SEMUS, RMC, CMR, Municipal Clerk

INTRODUCED: March 5, 2020
ADOPTED: April 15, 2020