

Township of Lawrence
County of Mercer

Ordinance No. 2391-21

**ORDINANCE SUPPLEMENTING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO ADD SECTION 409A, THE APARTMENT AND
TOWNHOUSE 4 DISTRICT**

WHEREAS, the Township Council of the Township of Lawrence ("Township Council"), a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance ("LUO") of the Township to implement the Housing Element and Fair Share Plan of the municipality; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation for the appropriate use, regulation and development of lands for affordable housing in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance set forth herein are consistent with the goals and objectives of the Master Plan and more specifically the Housing Element to complete the necessary steps to obtain an amended Judgment of Repose from the Court and therefore favorably recommends to the Township Council that Section 409A of the LUO be so amended.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §409A, Apartment and Townhouse 4 District ("AT-4"), shall be added to the LUO as follows:

§ 409A Apartment and Townhouse 4 Residential District (AT-4).

- A. **Purpose.** The Apartment and Townhouse 4 residential zone (AT-4) is intended to provide for dwellings in a garden apartment, multi-story or townhouse configuration at moderate multi-family densities. The AT-4 residential zone shall be applicable to the property identified as Block 701, Lot

39 on the Lawrence Township Tax Maps.

B. Permitted Uses. In the AT-4 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Apartments.
2. Townhouses.
3. Common open space.
4. Conservation.
5. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Home occupation.
2. Community center for the common use of residents.
3. Community swimming pool for the common use of residents.
4. Private residential tool shed on fee simple lots, only, not exceeding 108 square feet.
5. Outdoor recreational facilities, including tennis or other court sports.
6. Off-street parking and private garages.
7. Decks and above ground private swimming pools for fee simple townhouses.
8. Fences, walls, gazebos, mail kiosks and other street furniture.
9. Signs.
10. Satellite dish and television antennae.
11. Maintenance building.
12. Accessory uses customarily incidental to a principal use.

D. Required Use. A minimum of twenty-two (22) family rental units in the AT-4 development shall be affordable to households of low and moderate income pursuant to Article X of this Ordinance and the terms of the municipal developer's agreement, provided the developer's agreement is approved by the Superior Court of New Jersey following a duly noticed fairness hearing under the Mount Laurel doctrine.

E. General District Regulations. In the AT-4 district, the following general regulations shall apply:

1. Minimum gross acreage of tract: 7 acres
2. Minimum buildable land area of tract: 4 acres
3. Maximum gross density: 18 units per acre
4. Minimum open space: 30% of total tract area
5. Minimum tract frontage on a public or private right-of-way: 40 feet
6. Building setback from tract perimeter: 50 feet from any tract boundary
7. Parking area or internal driveway or street setback (excluding entrances and exits) from tract perimeter: 25 feet
8. Maximum number of dwelling units in one building:

- a. Building with all townhouses: 8 units
 - b. Building with all apartments: 27 units
 - c. Building with both dwelling types: 16 units
9. Minimum distance between buildings:
- a. From the front or back of any building to any other building: 50 feet
 - b. From the side of any building to any other building: 20 feet
 - c. From any common parking area to a building: 5 feet
 - d. The Planning or Zoning Board, after due consideration of plans, testimony, or other evidence, may waive strict compliance with this subsection to further the architectural relationship of building groups.
10. Maximum building height: 3 stories not to exceed 45 feet
11. Maximum building length through the long axis: 240 feet
12. Any development incorporating both apartments and townhouses shall be limited to a total of 80% of either type of unit.
13. Each development shall have an active and/or passive recreation area of at least 7,500 square feet and a community center of at least 3,500 square feet available to all tenants or owners.
14. Public water and sewer. All such development shall be served by public water and public sanitary sewer.

F. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1. Townhouses with fee simple lots:
- a. Minimum lot area: 1,200 sf.
 - b. Minimum lot frontage: 20 feet (per unit)
 - c. Minimum lot width: 20 feet (per unit)
 - d. Minimum front yard:
 - (1) 30 feet for units with garages or driveways;
 - (2) 15 feet for units without garages or driveways
 - e. Minimum side yard: 0 feet if adjoining another unit,
15 feet if an outside wall
 - f. Minimum rear yard:
 - (1) 20 feet
 - (2) 5 feet for a rear entry garage from an alley.
2. Additional townhouse requirements:
- a. Minimum unit width: 20 feet
 - b. A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit for storage of garbage, recyclables in

the front of the unit, bicycles, garden equipment, or other common household items.

3. Apartments.
 - a. The minimum size for each apartment shall be 550 square feet.
 - b. Each unit above the ground floor shall have a balcony or terrace of at least 50 square feet in area unless common open space for all units is provided as indicated in -E.13, hereinabove.
4. Accessory Structures.
 - a. Accessory structures for individual units shall not be permitted in any front yard area. Such structures shall not be located closer than 5 feet to a property line.
 - b. Community centers and recreational buildings shall conform to the general district requirements in this section.
 - c. Common garages or carports providing shelter for the motor vehicles of residents shall conform to the setback requirements for parking areas in this section, except that no such accessory building or structure is located in a front yard.

Section 2. §301, Zoning Map, shall be modified by removing the HC District and adding the designation of AT-4 District to Block 701, Lot 39.

Section 3. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 4. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: April 20, 2021

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						
Ms. Lewis	X					X	
Mr. Powers	X						X
Mr. Ryan	X						
Mayor Kownacki	X						