

State of New Jersey  
Township of Lawrence

Ordinance No. 2283-17

**ORDINANCE AMENDING THE  
LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO REVISE SECTION 409, THE APARTMENT AND  
TOWNHOUSE 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 of the Township to implement the Housing Element and Fair Share Plan of the municipality; and**

**WHEREAS, these amendments to the Land Use Ordinance are necessitated by the entry of an Order on Fairness and Preliminary Compliance Hearing dated July 5, 2017 by the Hon. Mary Jacobson, A.S.J.C. finding that the Township’s summary outline to meet its affordable housing obligation was fair to the citizens of Lawrence Township, the housing region and the State of New Jersey as a whole and approving settlement agreements with an interested party and an intervenor; 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 a Judgment of Repose from the Court and therefore favorably recommends to the Township Council that Section 409 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. §409, Apartment and Townhouse (AT) District, shall be amended in its entirety as follows:**

**§ 409 Apartment and Townhouse (AT) Residential District.**

- A. **Purpose.** The Apartment and Townhouse (AT) residential zone is intended to provide for dwellings in a garden apartment, multi-story or townhouse configuration at moderate multi-family densities. The AT district may be designated either as a base zoning district or as an overlay district in selected areas on the Zoning Map. When used as an overlay district, it is intended that the development adhere to the specific density and other regulations for each type of overlay district as identified on the Zoning Map.
- B. **Permitted Uses.** In the Apartment and Townhouse 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. **Age-restricted development pursuant to the SCR district regulations.**
  5. **Conservation.**
  6. **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. **Conditional Use Permitted.** The following use may be permitted when located on Lawrenceville-Pennington Road and authorized as a conditional use by the Planning Board in accordance with §429 and §705:
1. **Uses permitted in the NC-1 district and the following conditions:**
    - a. **Minimum lot size:** **30,000 sf.**
    - b. **Minimum lot frontage:** **150 feet**
    - c. **Minimum front yard:** **50 feet**
    - d. **Minimum side yard:** **25 feet**
    - e. **Minimum rear yard:** **50 feet**

- f. **Maximum floor area ratio:**
  - (1) **Non-residential use:** **.10**
  - (2) **Residential use:** **.20**
  - (3) **Mixed use:** **.20 provided no more than  
.10 is a non-residential use**
- g. **Maximum impervious surface ratio:**
  - (1) **Non-residential use:** **.65**
  - (2) **Residential use:** **.35**
  - (3) **Mixed use:** **.75**

E. **Required Use.** A minimum of 20% of all units in an Apartment and Townhouse development, excepting conditional uses, shall be affordable to households of low and moderate income pursuant to Article X of this Ordinance.

F. **General District Regulations.** In the Apartment and Townhouse district, the following general regulations shall apply:

- 1. **Minimum gross acreage of tract:** **10 acres**
- 2. **Minimum buildable land area of tract:** **7 acres**
- 3. **Maximum gross density:**
  - a. **Not in an overlay district:** **10 units per acre**
  - b. **In an AT-1 Overlay district:** **8 units per acre**
  - c. **In an AT-2 Overlay district:** **10 units per acre**
  - d. **In an AT-3 Overlay district:** **15 units per acre**
- 4. **Minimum open space:** **30% of total tract area**
- 5. **Minimum tract frontage on a public or private right-of-way:** **300 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:** **24 units**
    - (1) **On tracts of at least 35 acres:** **80 units**
    - (2) **On tracts with a density greater than 12 units per acre:** **48 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:** **30 feet**
  - c. **From any common parking area to a building:** **15 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:** **38 feet or 3 stories, whichever is less, except that on tracts more than 35 acres in area or more than 12 units per acre, the height may be increased to 55 feet or 4 stories, whichever is less**
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 townhouse or ground floor apartment unit shall have a private rear yard of 200 square feet minimum for the occupants' exclusive use or an active and/or passive recreation area equal to 200 square feet per unit available to all tenants or owners.**
14. **Public water and sewer. All such development shall be served by public water and public sanitary sewer.**
- G. **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 -F.13, hereinabove.**

- c. A minimum of 100 square feet of storage shall be provided for each unit, including interior and/or exterior storage for garbage and recyclables in the front of the unit, and bicycles, garden equipment, and other common household items in an appropriate location. This minimum floor area for storage may be reduced to no more than 75 square feet in the event that each building has an internal garbage and recyclable collection area or readily accessible exterior garbage and trash collection point.
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 replacing the Research and Development District with the Apartment and Townhouse District for a 35± acre portion of easterly side of Block 5101, Lot 18, an existing lot of 51.75 acres located at the end of Lenox Drive as more particularly shown in Exhibit A, attached hereto; by adding the designation of AT-1 Overlay to Block 3901, Lot 4.01; by adding the designation AT-2 Overlay to Block 3901, Lot 2.01; and by adding the designation AT-3 Overlay to Block 4201.01, Lots 32.01.2 and 33.03.

**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: December 19, 2017

**RECORD OF VOTE**

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