

TOWNSHIP OF READINGTON

YOU ARE HEREBY NOTIFIED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE "DISTRICT REGULATIONS" CONTAINED IN ARTICLE IV OF CHAPTER 148 "LAND DEVELOPMENT" WITH RESPECT TO THE PND-2 PLANNED NEIGHBORHOOD DEVELOPMENT ZONE

Ordinance #18-2019

BE IT ORDAINED by the Mayor and Township Committee of the Township of Readington in the County of Hunterdon, State of New Jersey that the following amendments shall be made to Chapter 148 of the Land Use Ordinance of the Township of Readington,

SECTION 1. Section 148-27. Entitled "PND-2 Planned Neighborhood Development Zone" shall be deleted in its entirety and replaced with the following language:

§148-27. PND-2 Planned Neighborhood Development Zone

- A. Purpose of the PND-2 Zone. The PND-2 Zone is intended to provide for a planned residential development of single-family detached dwellings and open space pursuant to the settlement of the litigation entitled *Ryland Developers, LLC, vs. The Township of Readington, et al.*, Docket Number HNT-L-496-09. Development within the PND-2 zone shall be substantially consistent with the Amended Concept Settlement Plan, entitled "Engineered Conceptual Site Plan and dated May 17, 2019 that is attached to the Amended Settlement Agreement regarding the above referenced litigation ("Amended Settlement Agreement"), dated June 24, 2019. The PND-2 Zone is intended to provide for the development of the above-referenced Engineered Conceptual Site Plan.
- B. Permitted Principal Uses
- (1) Detached Single-Family Dwellings
 - (2) Agriculture
 - (3) Open Space
 - (4) Stormwater Management Facilities/Infrastructure
 - (5) Wastewater Management Facilities/Infrastructure, including pump stations
 - (6) Multiple principal permitted uses on a lot shall be permitted
- C. Permitted Accessory Uses
- (1) Private residential swimming pools
 - (2) Residential toolsheds, garages and storage buildings that do not exceed 15 feet in height.
 - (3) Off-street parking
 - (4) Fences and walls as regulated in Article VI.

- (5) Signs as regulated in Article XII.
- (6) Outdoor barbecue structures.
- (7) Essential utility services, including the provision of electric, water, sewer, telephone and cable service.
- (8) Home occupations as regulated in §148-53.
- (9) Building-mounted and ground-mounted solar energy facilities as regulated in §148-60.2.B and §148-62.2.C
- (10) Stormwater Management Facilities/Infrastructure
- (11) Wastewater Management Facilities/Infrastructure, including pump stations
- (12) Accessory uses regularly and customarily associated with a single-family residence
- (13) Multiple accessory uses on a lot shall be permitted.

D. Maximum building height. No building shall exceed 35 feet in height and 2 ½ stories.

E. Area and Yard Requirements.

- (1) Minimum lot size: 12,000 SF
- (2) Maximum floor area ratio:
 - (a) 0.30, inclusive of garages, on lots where a "front-entry" garage is constructed but excluding basements
 - (b) 0.35, exclusive of garages and basements, on lots that do not have a "front- entry" garage
- (3) Minimum front yard setback: 25 feet
- (4) Minimum rear yard setback: 25 feet
- (5) Minimum side yard setback: 10 feet-minimum, 30 feet combined.
- (6) Minimum frontage on a street: 40 feet.
- (7) Maximum retaining wall height: Maximum retaining wall height shall not exceed eight (8) feet in height when used for the purposes of constructing stormwater management basins. All other walls shall be subject to the regulations governing fences and walls at §148-52.
- (8) Infrastructure necessary to be constructed in order to implement the Engineered Conceptual Site Plan, including sanitary sewer, stormwater management, utility services, retaining walls and other structures shall have a minimum setback of five (5) feet from the existing tract boundary, except where required to connect to structures beyond the tract perimeter. No setback is required for such structures from the property lines of new residential lots or the public street right-of-way created by the Engineered Conceptual Site Plan.

F. Open space

- (1) Open space totaling no less than 42% of the overall tract (i.e., Block 14, Lots 29.02 & 29.03) exclusive of Stormwater management facilities, shall be permanently deed restricted from further development and shall be utilized either for, natural resource conservation, open space, agriculture or passive recreation. Additionally, the following regulations apply:

- (a) The open space shown on the Engineered Conceptual Site Plan shall be dedicated to the Township in accordance with the terms of the Settlement Agreement and shall be maintained as open space or agriculture, as appropriate as determined by the Township.
 - (b) Stormwater and wastewater management facilities and infrastructure required to implement the Amended Settlement Plan that is located within open space, public rights-of-way, easements, cartways, or accessways, shall be dedicated to, and maintained by, the Township as part of the overall stormwater and wastewater management system.
 - (c) The stormwater management system, wastewater management system and emergency access easement for the proposed development may be located in the open space parcel; however, the land area of any detention or retention basin(s) shall not be counted toward the minimum open space area requirements in this section. Rights-of-way, easements or cartways of any existing or proposed public or private streets or accessways shall not be included in the calculation of the minimum required open space area.
 - (d) The set-aside of open space shall comply with § 148-60, except that fencing shall be required to be provided between new residential lots and the proposed open space where rear and side yards for such lots directly abut the proposed open space. This does not preclude the developer from having to provide fencing, if necessary based on the final design, between the stormwater management facilities located within the open space and other portions of the open space. The maintenance period for the open space shall end at such time as the Township accepts the dedication of the open space. Fencing shall be three-rail vinyl fencing.
 - (e) The extent and configuration of the open space area shall be substantially consistent with that which is delineated on the Engineered Conceptual Site Plan.
 - (f) A temporary sign identifying the location of this new residential development, but no permanent sign, is acceptable at this location within the open space. The maximum permitted total height shall not exceed eight (8) feet and the total sign area shall not exceed 32 square feet. It shall not be illuminated in any manner. The sign shall be removed, and the ground restored to a vegetated condition, after 75% of homes have been sold.
- G. Minimum off-street parking -Each dwelling shall be provided for off-street parking in conformance with NJAC 5:21, et. seq., the New Jersey Residential Site Improvement Standards (RSIS).
- H. Street setback. New streets shall be located no closer than 25 feet to the original tract boundary of any development, except at the point at which a new street intersects an existing street for the purpose of providing access to the development.

I. Garages/Basements

- (1) Front-entry garages are permitted, although non-front-entry garages are preferred if practical.
- (2) Basements and garages are permitted.

J. Buffer Plantings

- (1) Existing Residential Uses. Buffer plantings shall be provided where proposed residential lots located in the PND-2 zone abut existing residential uses/lots.
- (2) Stormwater Basins. Buffer plantings shall be provided where proposed stormwater management basins located in the PND-2 zone abut existing residential uses/lots, proposed streets and existing streets.
- (3) Buffer plantings designed to implement the requirements of this section shall be designed in accordance with Exhibit A (Conceptual Buffer Planting Exhibit) unless the Planning Board and the applicant mutually agree otherwise.
- (4) Buffer plantings shall incorporate existing vegetation where feasible in order to protect the existing character of the abutting existing neighborhoods and context.

K. Exemptions

- (1) Development permitted in the PND-2 Zone that occurs within the delineated limits of site disturbance as depicted on the Engineered Conceptual Site Plan that is substantially consistent with the Engineered Conceptual Site Plan, shall be exempt from the requirements of §148-50 Critical Areas (e.g. steep slopes, stream corridors) of this chapter.
- (2) Development permitted in the PND-2 Zone that occurs within the delineated limits of site disturbance as depicted on the Engineered Conceptual Site Plan that is substantially consistent with the Engineered Conceptual Site Plan, shall be exempt from the requirements of §148-60 Open Space Delineation of this chapter.
- (3) Development permitted in the PND-2 Zone that occurs within the delineated limits of site disturbance as depicted on the Engineered Conceptual Site Plan that is substantially consistent with the Engineered Conceptual Site Plan, shall be exempt from the requirements of §148-60.1 Landform Protection of this chapter.
- (4) Development permitted in the PND-2 Zone that occurs within the delineated limits of site disturbance as depicted on the Engineered Conceptual Site Plan that is substantially consistent with the Engineered Conceptual Site Plan, shall be exempt from the requirements of §148-69 Natural Features and Existing Structures of this chapter only as follows:
 - (a) §148-69.A: There is no obligation to preserve “natural features”;
 - (b) §148-69.B: Development shall comply;
 - (c) §148-69.C: This subsection shall be construed to only require the location, size and species of trees within 20 feet of the outer edge of the limit of disturbance as shown

on the Engineered Conceptual Site Plan, such that it provides an opportunity to adjust plans to save trees at the edges of disturbed areas.

L. No Homeowner's Association or other Community Association shall be required, and all internal roadways and stormwater/wastewater management facilities/improvements (other than gravity pumps on individual buildable lots) shall be dedicated to the Township.

SECTION 2. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 3. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 6. This ordinance is subject to review and recommendation of the Readington Township Planning Board in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64 for consistency with the Master Plan. Pursuant to N.J.S.A. 40:55D-15, the Clerk shall provide the required notice and a copy of the proposed ordinance to the Hunterdon County Planning Board and to the Clerks of all adjoining municipalities and any other required recipients at least 10 days prior to the date of the public hearing.

SECTION 7. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A TRUE COPY OF WHICH ORDINANCE IS PRINTED ABOVE WAS INTRODUCED AT THE MEETING OF THE TOWNSHIP COMMITTEE ON **JULY 1, 2019** AND THAT IT IS THE INTENTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON TO CONSIDER PASSAGE OF SAID ORDINANCE AT THE REGULAR MEETING OF THE TOWNSHIP COMMITTEE TO BE HELD AT THE MUNICIPAL BUILDING, 509 ROUTE 523, WHITEHOUSE STATION, NEW JERSEY, ON **AUGUST 5, 2019** AT 7:45 P.M. AT WHICH TIME AND PLACE, OR AT ANY TIME OR PLACE TO WHICH THE MEETING SHALL BE FROM TIME TO TIME ADJOURNED AN OPPORTUNITY WILL BE GIVEN TO ALL PERSONS WHO MAY BE INTERESTED THEREIN TO BE HEARD CONCERNING SAID ORDINANCE.

VITA MEKOVETZ, *RMC/MMC/QPA*
MUNICIPAL CLERK/ADMINISTRATOR