

**TOWNSHIP OF HOPEWELL  
MERCER COUNTY, NEW JERSEY**

**RESOLUTION #17-373**

**RESOLUTION RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING  
VARIOUS ZONING PROVISIONS OF CHAPTER XVII, "LAND USE AND  
DEVELOPMENT," OF THE REVISED GENERAL ORDINANCE OF THE  
TOWNSHIP OF HOPEWELL**

WHEREAS, the Township Committee of the Township of Hopewell has introduced an Ordinance amending various provisions of Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township Land Use and Development Ordinance that creates an Inclusionary Multi Family-I zone (IMF-1) district to provide an opportunity for inclusionary residential development in appropriate locations in order to meet the constitutional obligation to provide the Township's fair share of the regional need for affordable housing; and

WHEREAS, a further purpose of the ordinance is to amend Section 17-138(a) so that the zoning map includes Block 78, Lot 17 within the Inclusionary Multi-Family-1 zone (IMF-1); and

WHEREAS, at its meeting on November 13, 2017, the Township Committee introduced the ordinance and referred the Ordinance to the Hopewell Township Planning Board for its review and recommendation; and

WHEREAS, under N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the ordinance must be referred to the Planning Board for identification of any provisions in the proposed ordinance which is inconsistent with the Master Plan and recommendation concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, at its November 15, 2017 special meeting, the Hopewell Township Planning Board reviewed the Ordinance, along with a memoranda prepared by Banish Associates, Inc., dated November 14, 2017 and heard the testimony of Frances Banisch of Banisch Associates, Inc.; and

WHEREAS, the Planning Board compared the proposed ordinance to the Land Use Plan Element of the 2002 Master Plan and the 2011 Housing Plan Element and found that the intent of the proposed ordinance advances the goal for a balanced land use plan that can meet the constitutional mandate to provide for the Township's fair share of the regional need for affordable housing. Nonetheless, the Planning Board found that the specific proposal to construct a neighborhood of multi-family housing and apartments within the HBO zone is inconsistent with the nonresidential land uses programmed for this site in the Land Use Plan.

WHEREAS, Notwithstanding this inconsistency, in Planning Board Resolution No. 17-023, the Planning Board recommended that the Township Committee adopt the proposed ordinance.

WHEREAS, on November 27, 2017, the Hopewell Township Committee held a public hearing on the Ordinance Amending Various Zoning Provisions of Chapter XVII, Land Use and Development of the Revised General Ordinances of the Township of Hopewell.

WHEREAS, the Hopewell Township Committee reviewed the Hopewell Township Planning Board Resolution No. 17-023; the Memorandum of Banisch Associates dated November 14, 2017; heard the testimony of Frank Banisch and all public comments;

WHEREAS, the Hopewell Township Committee found that the Ordinance advances the following objectives:

- To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.
- To provide for a variety of housing types which respond to the needs of households of varying size, age, and income, persons with disabilities and emerging demographic characteristics.
- To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.
- To provide a range of housing opportunities within the Township with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.
- The proposed rezoning results in an appropriate use of land which contributes to the general welfare of the community and state, and is an appropriate response to the mandate to provide affordable housing through municipal zoning.
- The proposed rezoning does not conflict with the development or general welfare of any neighboring municipality, the county or the state as a whole and it provides a reasonable development option to address local affordable housing goals.
- The proposed rezoning provides affordable housing through inclusionary development without the expenditure of public funds and results in the efficient use of the available public infrastructure while curtailing the extension of such infrastructure.
- The proposed rezoning provides zoning requirements and standards that produce the

opportunity to utilize creative development techniques in order to produce good civic design and arrangements, which are subject to further Planning Board review during the development application process.

- The procedure followed in developing the proposed ordinance combines public and private procedures that result in an efficient use of land.
- The proposed ordinance improves the balance of land uses sought in the Master Plan.
- The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
- While the nonresidential zoning which the proposed ordinance amends is consistent with the Master Plan, the proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.

**NOW, THEREFORE, BE IT RESOLVED**, that on this 27<sup>th</sup> day of November, 2017, that the Hopewell Township Committee, County of Mercer, State of New Jersey- hereby adopts the Ordinance Amending Various Zoning Provisions of Chapter XVII, Land Use and Development, of the Revised General Ordinances of the Township of Hopewell to provide for Inclusionary Multi-Family- 1 Zone (IMF-1) and to amend the official zoning map of the Township of Hopewell to designate Block 78. Lot 17 within the Inclusionary Multi-Family-1 Zone (IMF-1). The Ordinance is hereby adopted for all of the above reasons pursuant to N.J.S.A. 40:55D-62(a) and Willoughby v Planning Board of the Twp. Of Deptford, 326 N.J.Super.158, 165-66 (App. Div. 1999).

Date Adopted: November 27, 2017

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE  
A TRUE COPY OF A *Resolution* ADOPTED  
BY THE HOPEWELL TOWNSHIP COMMITTEE  
AT A MEETING HELD

November 27, 2017

DATE

Laurie E. Gompf

LAURIE E. GOMPf, MUNICIPAL CLERK

**TOWNSHIP OF HOPEWELL  
MERCER COUNTY, NEW JERSEY**

**ORDINANCE NO. 17-1671**

**AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF CHAPTER XVII, LAND USE AND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)”**

**BE IT ORDAINED** by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey as follows: Section 1. Amend Section 17-138(a) so that the Zoning Map includes Block 78, Lot 17 within the *Inclusionary Multi-Family – 1 Zone (IMF-1)*. Section 2. Amend Section 17-138(b) “Map Amendments” to add the following note:

“21. The official zoning map of the Township of Hopewell was amended on November 27, 2017 (Ord. No. 17-1671) to designate Block 78, Lot 17 within the *Inclusionary Multi-Family – 1 Zone (IMF-1)*.

Section 3. Article IX, entitled “Zoning Districts”, of Chapter XVII, Land Use and Development, of the “Revised General Ordinances of the Township of Hopewell, New Jersey (1978),” is hereby amended and supplemented with the addition of the Inclusionary Multi-family -1 Zone (IMF-1) to read as follows:

**17-173            *Inclusionary Multi-Family – 1 Zone (IMF-1)***

- a. *Purpose.* The purpose of this district is to provide an opportunity for inclusionary residential development in an appropriate location in order to meet the constitutional obligation to provide for the Township’s fair share of the regional need for affordable housing. This zone advances the dual master plan objectives of increasing the supply of affordable housing and diversifying the types of housing available to meet the changing demographics of the Township. This zone is also intended to implement the terms of a certain Settlement Agreement, including the Supplemental Settlement Agreement attached thereto, by and between, inter alia, the Township and Fair Share Housing Center dated July 13, 2017, which Agreement was approved by the Court at a Fairness Hearing held on August 28, 2017 in the action captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mt. Laurel).
- b. Permitted Principal Uses.
  - 1. Garden apartments.
  - 2. Townhouses.
  - 3. Stacked flats, in a multi-family dwelling building, which may contain up to three dwelling units vertically provided each unit has its own private entrance. Stacked flats may have rear loaded driveways and garages with a rear access way of 24’ in width (excluding driveways) for 2 way traffic or 18’ in width (excluding driveways) for 1 way access.
- c. Permitted Accessory Uses
  - 1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
  - 2. Private garages and carports.
  - 3. Tot lots.
  - 4. Walking paths.
  - 5. Off-street parking facilities.
  - 6. Community clubhouse with fitness room, club room and furnished model.
  - 7. Management and leasing offices.

8. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
9. Solid waste facilities.
10. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
11. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
12. Temporary Sales Model Homes within the respective home types, including related direction signage to identify the home(s) as a model.
13. One temporary construction and one temporary marketing/sales trailers.
14. Patios and Decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
15. Privacy fences separating the townhomes shall not exceed 10' in length and shall not enclose a patio.
16. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage other than that which can be accommodated on a deck or patio is not permitted. Free standing or attached storage sheds outside of a patio or deck are not permitted.

d. Overall or Entire Tract Bulk and Area Requirements

- |   |  |
|---|--|
| 1. Minimum Lot Area   | 10 acres   |
| 2. Minimum Lot Frontage   | 150 feet   |
| 3. Minimum Lot Width  | 300 feet   |
| 4. Minimum Lot Depth  | 200 feet   |
| 5. Minimum Building Set-back  |  |
| 1. Front yard   | 45 feet (for individual units: shall be 20' from back of curb where no sidewalk provided, and 20' from back of sidewalk) |
| 2. Side/Rear yard   | 40 feet (for individual units: shall be 10' from back of curb)   |
| 3. Building to Building   | 20 feet  |
| 6. Maximum Building Coverage  | 30%  |
| 7. Maximum Impervious Coverage  | 60%  |
| 8. Maximum Density  | 8 units/acre   |
| 9. Maximum Building Height  | 3 stories and 45 feet  |
| 10. Drive Aisle Width   | 24' for 2 way traffic/access   |
| 11. Parking (excludes driveways for the purpose of set-back and distance) |  |
| 1. Spaces per unit  | per RSIS   |
| 2. Set-back from tract property line                                      | 20 feet  |
| 3. Distance from building   | 10 feet  |
| 4. Parking stall size   | 9' x 18'   |
| 17. Minimum landscaped buffer   | 25' front yard<br>20' side and rear yards  |

e. Very Low, Low and Moderate Income Housing Requirements

1. A minimum set aside of 15% of all units must be deed restricted for occupancy by very, low and moderate income households.
2. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
3. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
4. Affordable housing units shall be affordable family rentals (not age-restricted) and shall be located in one or more buildings. A Certificate of Occupancy for the affordable building must be issued before the Township is obligated to issue more than 51% of the Certificates of Occupancy for the market rate units. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

f. Other Requirements

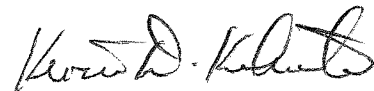
1. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:
  - a. Architectural elevations and floor plans shall be provided for each type of building.
  - b. Maximum length of buildings shall not exceed 225 feet.
  - c. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
  - d. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
  - e. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located then the HVAC and mechanical equipment shall be adequately screened from view.
  - f. All units shall be designed in a unified architectural style.
2. Circulation.
  - a. A boulevard street entry shall be provided at the community entrance.
  - b. Pedestrian circulation systems shall be designed to extend through the neighborhood and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets.
3. Open Space - A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
4. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
5. Recreation. For a community less than 90 homes, recreation shall be permitted as a system of walking paths or sidewalks and a tot lot to service the subject property.

Section 4. The review of development applications submitted hereunder shall be expedited and variances other than "d"-type variances, waivers and/or exceptions necessary to achieve approval of an inclusionary development of up to 8 dwelling units per acre shall be reviewed by the Planning Board.

Section 5. If any section of this ordinance is determined to be invalid, such determination shall apply only to that section and the remainder of the ordinance shall be deemed to be valid.

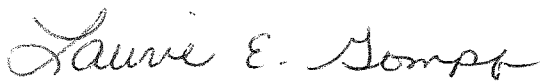
Section 6. This ordinance shall take effect upon passage and publication as provided by law.

Date Introduced: November 13, 2017  
Date Advertised: November 17, 2017  
Date Adopted: November 27, 2017



Kevin D. Kuchinski  
Mayor

Attest:



Laurie E. Gompf  
Municipal Clerk

**CERTIFICATION**

I HEREBY CERTIFY THE FOREGOING TO BE  
A TRUE COPY OF AN Ordinance ADOPTED  
BY THE HOPEWELL TOWNSHIP COMMITTEE  
AT A MEETING HELD

November 27, 2017

DATE



<sup>3</sup> LAURIE E. GOMPf, MUNICIPAL CLERK