

# AN ORDINANCE TO AMEND CHAPTER 205 TO CREATE A PLANNED ADULT COMMUNITY

June 8, 2004

Section I Create a new Article XVIIIA to read as follows:

PAC Planned Adult Community

205-78.1. Purpose

The purpose of this zone is to provide for the construction of market price housing suitable for those 55 and over. Such development shall not be subject to maximum income or price requirements, and shall provide recreational facilities and community services for residents as required herein.

All development in the PAC Zone is subject to compliance with the 55 year minimum age requirement in subsection 205-78.2, regardless of the number of acres in the development.

205-78.2. Minimum Age Requirement

All residential dwellings in the PAC district shall to be occupied by persons 55 years of age or older, with the following exceptions:

- A) A husband or wife under the age of 55 years who is residing with his/her spouse who is 55 years of age or over.
- B) Offspring 21 years of age or older residing with their parents, parent or guardian where one of the parents with whom the offspring are residing is 55 years of age or over.
- C) One adult under 55 years of age may be admitted as a permanent resident if it is established that the presence of such person is essential to the physical care of one of the adult occupants who shall be 55 years of age or over. If more than one adult under 55 years of age is necessary to care for the adult occupant 55 years of age or over, approval shall be obtained from the Homeowners Association and/or Condominium Association based on reasonable and specific standards and criteria to be developed by those entities.

205-78.3. Permitted Uses.

The following uses are permitted in the Planned Adult Community Zone:

- A. Single family
- B. Duplex units
- C. Townhouses with no more than 8 units per building
- D. Flats with no more than 45 units per building

205-78.4. Permitted Accessory Buildings & Uses.

- A. Private garages
- B. Off-street parking areas
- C. Signs in accordance with Article XXV of this Chapter.

- D. Private swimming pools, subject to 205-94 of this Chapter, with the exception of subsection C & D
- E. Fences, in accordance with 205-93 of this chapter
- F. Yard utility buildings and storage buildings
- G. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

205-78.5 Development Standards.

A. The following standards apply to all developments regardless of acreage. Additional standards enumerated in subsection 205-78.5.B shall apply to developments comprised of 60 or more acres.

1. Maximum Gross Density. 2.5 units per acre
2. Minimum % of Units to be Detached Single Family Dwellings: 40%
3. Maximum % of Units to be Flats: 35%
4. Area and Yard Requirements for Single Family and Duplex Uses

|                  | <u>Detached<br/>Dwellings</u> | <u>Duplex<br/>Dwellings</u> |
|------------------|-------------------------------|-----------------------------|
| Lot Area         | 5,000 sq. feet                | 4,000 sq feet per unit      |
| Lot Frontage     | 40 feet                       | 30 feet                     |
| Lot Width        | 50 feet                       | 40 feet                     |
| Lot Depth        | 100 feet                      | 100 feet                    |
| Side Yard One:   | 5 feet                        | 0 feet                      |
| Both:            | 15 feet                       | 10 feet                     |
| Front Yard       | 18 feet                       | 18 feet                     |
| Rear Yard        | 20 feet                       | 20 feet                     |
| Height (maximum) | 2 ½ stories or 35'            | 2 ½ stories or 35'          |

5. Development Standards Applicable to Townhouses and Flats.

|  | <u>Townhouses</u>  | <u>Flats</u> |
|--|--|--------------|
| Front Yard                                     | 18 feet  | N/A          |
| Rear Yard                                      | 20 feet  | N/A          |
| Lot Width                                      | 25 feet  | N/A          |
| Lot Depth                                      | 100 feet   | N/A          |
| Distance between buildings                     | 20 feet  | 50 feet      |
| Distance from Nearest Property Line            | 20 feet, but in no event closer than 30 feet from a single family or duplex unit | 35 feet      |
| Distance from curb or Interior Road or Parking | 15 feet  | 15 feet      |

|        |                           |  |
|--------|---------------------------|--|
| Height | 2 ½ stories<br>or 35 feet | 3 stories plus one level<br>of parking under the<br>building,<br>but in no event more<br>than fifty (50) feet to the<br>peak of the roof |
|--------|---------------------------|--|

B. The following standards only apply to the development of a tract that is comprised of 60 or more acres:

- 1) Maximum Gross Density without Density Bonuses: 2.5 units per acre.
- 2) Maximum Gross Density with all Density Bonuses: 4.85 units per acre.
- 3) Density Bonuses
  - a) A density bonus of .75 units per acre shall be provided if 15% of the housing units are 1500 square feet or less, exclusive of garage space.
  - b) A density bonus of 1.15 units per acre shall be provided upon making a cash contribution toward the construction of a new senior citizens center or other senior facility or amenity. Said contribution shall be equal to \$3,500 per unit for each residential unit. The contribution shall be paid as each construction permit is issued.
  - c) A density bonus of .45 units per acre shall be provided if the developer submits a marketing plan acceptable to the Planning Board that ensures that each section or phase of the development shall be offered for sale to North Brunswick residents exclusively for 30 days prior to marketing to the general public. Failure to comply with this section shall result in a violation of the condition of approval and shall result in the rescinding of any construction permits issued for housing units resulting from this density bonus.
- 4) Required Accessory Uses.
  - a. Community Center
  - b. Heated Community Swimming Pools, including both an Indoor and an Outdoor Pool
  - c. The following outdoor recreational facilities:
    1. Walking Paths
    2. Tennis Courts
    3. Bocci
    4. Shuffleboard Courts
    5. A Putting Green
    6. A Tot Lot including, but not limited to, a sandbox, swings, slides and a seasaw
  - d. Gatehouse or guardhouse at the main entrance
  - e. Health Club Facilities
- 5) Open Space and Recreation Areas.

- a. At least 20% of the tract shall be reserved for open space and/or recreation use, of which 25% of said area shall lie outside designated wetlands and 100 year flood plains. All areas reserved for open space shall be in common ownership, although lands reserved for roadways, driveways and parking lots in common ownership shall not be included in the calculation of open space.
- b. Open space and recreation areas shall be located in appropriate locations and arranged in such a manner so as to further the purposes of the PAC.
- c. All open space and recreation areas shall be owned in common by residents of the PAC and managed by a Homeowners Association or Condominium Association.
- d. A recreation plan delineating passive and active recreation elements such as walking trails, picnic areas, tennis courts and seating areas shall be provided.
- e. Each PAC shall have a community center (CC) and community swimming pools to which the following standards shall apply:
  - (1) A CC may be comprised of one or more buildings or structures on a minimum of 3 contiguous acres. The minimum building area of a CC shall be computed at the rate of 35 square feet per approved PAC dwelling unit. however, the minimum square footage shall be 15,000 square feet, exclusive of management/maintenance office and facilities.
  - 2) A circulation plan delineating all roads and sidewalks, and walkways, shall be provided.
  - 3) The CC may include a restaurant, snack bar and/or cafeteria facilities, health spa, homeowners association management office, recreation and social activity rooms and offices, and multi-purpose room designed for social activities, all for the exclusive use of the residents of the PAC and their guests.
  - 4) The CC shall be no more than 2 ½ stories and no more than 50 feet in height.
  - 5) Both outdoor and indoor swimming pools shall be provided. The outdoor pool shall have a minimum of six (6) square feet of water surface area for each dwelling unit. The indoor pool area shall have a minimum of three (3) square feet of water surface area for each dwelling unit.
  - 6) There shall also be provided an improved sitting area, contiguous to all sides of the outdoor pool, having an area of one and one half (1 ½) times the surface area of the pool.
  - 7) Additional parking shall be provided at the CC for a minimum of one parking space for each 150 square feet of building area, exclusive of management office area
- f. One tennis court shall be provided for every 200 housing units or part thereof.
- g. All open space and recreation areas shall be protected by legal arrangements, satisfactory to the Board Attorney. Covenants or other legal arrangements, including homeowners association or condominium association

documents, shall specify ownership of the area; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain the area will not be dissolved without the consent of the Board; and any other specifications deemed necessary by the Board.

- h. Within the PAC, the applicant shall establish a Homeowners Association and/or Condominium Association, which shall own and be responsible for the maintenance, repair, and reconstruction of all buildings and lands owned by the residents of the PAC in common with one another. Such lands shall include at a minimum all recreational areas, open space, and drainage facilities required by the Board for the PAC

#### 205-78.5. Additional Requirements.

- A. All means of access to the PAC shall be secured by a gate, with access controlled either by a guard or electronic means.
- B. The main entrance to the PAC shall be staffed by a guard 24 hours a day.
- C. All recreation buildings and community facilities shall be fully operational prior to issuance of certificates of occupancy for more than 25% of the dwelling units.
- D. Any deviation from the standards set forth herein shall be deemed to be a “c” variance, and not a “d” variance under section 70 of the Municipal Land Use Law.

Section II Amend Subsection 205-3, Establishment of Zones to add a new PAC, Planned Adult Community District.

Section III Amend Subsection 205-4, Zoning Map in accordance with the attached Planned Adult Community Map (Appendix A).

Section IV All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section V Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared severable.

Section VI This ordinance shall become effective immediately upon final passage and publication, according to law.

Approved

Rejected

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Francis M. Womack, Mayor  
Township of North Brunswick

Reconsidered by Council\_\_\_\_\_

Override Vote            Yes            No

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President

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Clerk, Township of North Brunswick

**ROLL CALL**

First Reading\_\_\_\_\_

Second Reading\_\_\_\_\_

| <b>Council Person</b> | <b>Yes</b>               | <b>No</b>                |
|-----------------------|--------------------------|--------------------------|
| Corbin                | <input type="checkbox"/> | <input type="checkbox"/> |
| Davis                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Weiss                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Lyles                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Chandlee              | <input type="checkbox"/> | <input type="checkbox"/> |
| Socio                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Womack                | <input type="checkbox"/> | <input type="checkbox"/> |

| <b>Council Person</b> | <b>Yes</b>               | <b>No</b>                |
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| Chandlee              | <input type="checkbox"/> | <input type="checkbox"/> |
| Socio                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Womack                | <input type="checkbox"/> | <input type="checkbox"/> |