

ORDINANCE 2022-19

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 4, ZONING;
ARTICLE XXVII, USE AND BULK REGULATIONS FOR RESIDENCE DISTRICTS;
SECTION 200-174, OPEN SPACE CLUSTER (OSC) PLANNED DEVELOPMENT IN
RR/C AND R-1/C DISTRICTS AND AMENDING CHAPTER 200 LAND USE; PART 4,
ZONING; ARTICLE XXVII, USE AND BULK REGULATIONS FOR RESIDENCE
DISTRICTS; SECTION 200-156B., CONDITIONAL USES; ITEM (1)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-174, Open space cluster (OSC) planned development in RR/C and R-1/C Districts is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

§ 200-174. Open space cluster (OSC) planned development in RR/C and R-1/C Districts.

- A. Application. ~~Open space cluster (OSC) planned development requirements may be applied in accordance with the provisions of this section to modify bulk and area requirements specified in the RR/C and R-1/C Residence Districts of this Part 4, and open space cluster planned developments shall be required where greenbelt as designated in the conservation element of the Master Plan is present on the property regardless of tract size.~~
- (1) Open space cluster (OSC) planned development requirements may be applied in accordance with the provisions of this section to modify bulk and area requirements specified in the RR/C and R-1/C Residence Districts of this Part 4.
 - (2) Open Space cluster planned developments shall be required:
 - (a) Where greenbelt as designated in the Conservation Element, Farmland Preservation Plan Element, or the Open Space and Recreation Plan Element of the Master Plan is present on the property, regardless of tract size.
 - (b) On tracts which adjoin preserved properties, regardless of tract size.
 - (c) On tracts which adjoin properties identified for preservation by the Conservation Element, Farmland Preservation Element, or the Open Space and Recreation Plan Element of the Master Plan, regardless of tract size.
 - (d) On tracts which adjoin properties containing greenbelt as designated on the Conservation Element, Farmland Preservation Element, or the Open Space and Recreation Plan Element of the Master Plan, regardless of tract size.

Zoning District Basic Permitted Lot Size	OSC Permitted Reductions in Absence of Greenbelt 3 1/3 Acres	OSC Permitted Reductions in Absence of Greenbelt; Adjacent to a Preserved Lot, a Lot Identified for Preservation, or a Lot Containing Greenbelt	OSC Permitted Reductions in Absence of Greenbelt 1 2/3 Acres	OSC Permitted Reductions in Absence of Greenbelt; Adjacent to a Preserved Lot, a Lot Identified for Preservation, or a Lot Containing Greenbelt	OSC Permitted Reductions in Presence of Greenbelt 3 1/3 Acres and 1 2/3 Acres
Lot area ¹	50,000 sq. ft.	1 1/3 acres	3/4 acre	1 acre	1/2 acre
Lot frontage (feet)	75	75	60	60	45
Lot width (feet)	150	150	125	125	100
Lot depth (feet)	150	150	125	125	100
Yards (feet)					
Front	40	40	30	30	25
Side	20	20	15	15	12
Rear	20	20	15	15	12

NOTES:

~~¹The lot area reduction in the absence of designated greenbelt to as low as [of] 3/4 acre or 50,000 square feet is permitted if public water is available and public sewer is available.~~ The lot area reduction in the presence of designated greenbelt or otherwise in the absence of designated greenbelt but adjacent to a lot containing greenbelt to as low as 1/2 acre is mandatory to avoid disturbance to the greenbelt. If such lots as are created under this provision cannot meet the State of New Jersey standards for wells and septic systems, then public water and/or public sewer must be provided or, in the alternative that public water and/or public sewer is not available, such lots may be increased by quarter-acre increments to accommodate wells and septic systems.

- B. Minimum area. The minimum total area of a tract to be developed as an OSC shall be 20 acres, except that, when designated greenbelt is located on the tract or the tract is adjacent to preserved property, there shall be no minimum tract area. Such area to be so developed shall be as a single entity or under unified control.
- C. General procedures. Notwithstanding other provisions of this section, development proposals in accordance with this section shall only be approved by the board of jurisdiction if the record supports and such board makes the findings for planned developments set forth in § 200-234B and the proposal is in compliance with the applicable requirements Part 1, Site Plan Review, and Part 2, Subdivision, of this chapter. Further, nothing contained in this section shall relieve the owner or agent of the owner or the developer of an open space cluster from receiving subdivision plat approval in accordance with the provisions of Part 2, Subdivision, of this chapter.

- D. Maximum number of OSC lots. The number of individual building lots created shall be no greater than if the tract were developed as a conventional subdivision conforming to all Township zoning and subdivision standards and the lots were not reduced in size.
- E. Area reductions permitted and other requirements with respect thereto. In an OSC, single lots for single-family detached dwelling units may be reduced in size as stipulated in Table A, Open Space Cluster (OSC) Lot and Bulk Requirements. The permitted FAR and MIC shall remain the same as if the lot were not reduced in size. Further, lots may be reduced, provided that the land which would otherwise be required for residential lots but which is not required under the permitted lot area reduction provisions of this subsection shall be devoted to common open space. The FAR and MIC for clustered subdivisions in the R-20, R-20A, and R-20B Districts approved prior to December 1, 2008 shall be based on a lot area of 32,670 square feet, except that the FAR and MIC shall be based on the actual lot area if the lot is larger than 32,670 square feet. The FAR and MIC for clustered subdivisions in the R-30, R-30A, R-30B, R-30C and R-30D Districts approved prior to December 1, 2008, shall be based on a lot area of 43,560 square feet, except that the FAR and MIC shall be based on the actual lot area if the lot is larger than 43,560 square feet.

Section 2. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-156B., Conditional uses, Item (1) is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- (1) Open space cluster (OSC) development in accordance with § 200-174, ~~provided that public water is available and that public sewer is available, and further~~ provided that the record supports and the board of jurisdictions makes the findings for planned developments set forth in § 200-234B.

Section 3. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date: