

§ 170 - References to Affordable Housing

Article XV General Provisions

§ 170-105 Purpose.

The purpose of this Part 4 shall be to provide rules, regulations and standards to guide land subdivision in Quinton Township in order to promote the public health, safety, convenience and general welfare of said township and to carry out the objectives of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provisions for circulation, utilities and services and the conservation and environmental protection of all land, water and air resources within the jurisdiction of Quinton Township. Application of these subdivision rules, regulations and standards should also encourage cost-performance methods and designs to enable the construction of low- and moderate-income housing without creating an adverse impact on the public health, safety and general welfare of the township or for the future residents of the development.

§ 170-109. Exceptions in application of requirements.

A. The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions and waivers from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of this Part 4 if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to the project, the literal enforcement of one or more provisions of this Part 4 is impracticable or will exact undue hardship.

E. The Planning Board, when acting upon an application which includes provisions for low- and moderate-income housing, shall waive those portions of the design standards which create barriers to the construction of low- or moderate-income housing and which are not necessary to protect public health and safety.

Article IV District Regulations

§ 170-25. Open space cluster (OSC) planned development.

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 PBR Residence District of this Part 2.

B. Minimum area. The minimum total area of a tract to be developed as an OSC shall be 25 acres. Such area to be so developed shall be as a single entity or under unified control.

§ 170-54. Planned unit development.

A. Purpose. The purpose of this section is to provide a method of developing land in certain districts of the township so that desirable open spaces, conservation area, floodplains, recreation areas and other environmentally sensitive lands can be set aside and so that a variety of affordable housing types may be produced by permitting planned unit developments.

D. Minimum tract size and maximum density. The minimum tract size necessary to qualify shall be 100 acres. The maximum density of residential building lots for cluster development shall be four units per acre.

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§ 170-56 Planned adult communities.

A. Intent. It has been determined that there is a need for housing located and designed to meet the special needs and habits of older people. The planned adult community (PAC) will tend to contribute to the dignity, independence and meaningful activity of elderly people. Furthermore, it is recognized that housing for senior citizens, if not properly located, constructed and maintained, may be detrimental to the general welfare, health and safety of residents and the township at large. It is also deemed essential that the township safeguard against the deterioration of such housing.

C. The township shall issue only one license for the operation of a "planned adult community."
[Amended 8-25-1992 by Ord. No. 1992-7]

I. Planned adult community: conditional use. The planned adult community shall be permitted only if it complies with the following conditions and standards:

(19) Affordable housing obligation.

(a) All development applications for a planned adult community shall be applications for a conditional use and shall be permitted only upon a showing that such use will comply with the following standards:

[1] A minimum of 10% of the dwelling units in the proposed development shall be constructed, financed and marketed in such a manner that they shall be economically feasible and remain economically feasible for persons and families in the low-income range.

[2] A minimum of 10% of all dwelling units in the proposed development shall be constructed, financed and marketed in such a manner that they shall be economically feasible and remain economically feasible for persons and families within the moderate-income range.

[3] The distribution of dwelling unit sizes shall be consistent with income levels and age levels anticipated for the development based on a current regional demographic market analysis.

[4] The development shall be timed and phased to ensure that during the period of construction no less than the mandatory minimum percentage of low- and moderate-income dwelling units is completed at any time.

[5] When a developer is required to pay for a prorata share of improvements, services, etc., they will be assessed based on the market units being developed and not on the low- or moderate-income units.

[6] To encourage the development of low- and moderate-income housing, the Planning Board may grant bulk variances and/or design waivers as necessary to assist in adjusting the site plan configuration, thereby allowing the placement of disbursed low- and moderate-income housing within the limits of any specific project.

[7] The developer shall deed-restrict all low- and moderate-income units for a period of 30 years and provide copies of the proposed deed restrictions as part of the site plan review process.

Article IX **General Provisions**

§ 170-70. Application of requirements.

No development shall take place within the township, nor shall any land be cleared or altered, nor any use or change in the use of any building or other structure, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, or accessways thereto, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to this chapter, unless exempted in accordance with Article IX, § 170-71, of this chapter.

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§ 170-72. Waiver of requirements.

A. The rules, regulations and standards set forth in this Part 3 shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the township. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this Part 3 is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable within the general purpose and intent of the rules, regulations and standards established by this Part 3.

C. The Planning Board, when acting upon an application which includes provisions for low- and moderate-income housing, may waive those portions of the design standards that do not create health and safety concerns for the township or for the future residents of a development, based on waiver standards contained in § 170-72A.

Article XI General Performance Standards

§170-81 General standards; compliance required.

No site plan shall be approved by the Planning Board unless the use meets the performance standards herein set forth and such state or federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a certificate of occupancy shall be cause for revocation of such certificate. Application of these site plan standards should also encourage cost-efficient methods and designs to enable the construction of low- and moderate-income housing without creating an adverse impact on the public health, safety and general welfare of the township or for the future residents of the development. In reviewing any site plan, the Planning Board shall consider the following provisions