

***TOWNSHIP
OF
JEFFERSON***

***MASTER PLAN
REEXAMINATION REPORT***

Prepared for:

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INTRODUCTION

The Township of Jefferson Planning Board has prepared this Reexamination Report to be presented to the Township Council and the residents of Jefferson to fulfill the requirements of the Municipal Land Use Law which contains the enabling legislation governing planning and zoning in New Jersey municipalities. The law provides for the periodic reexamination of a municipality's master plan and development regulations at least every six years pursuant to the provisions of N.J.S.A. 40-55D-89.

This report constitutes the Reexamination Report of the Planning Board's on-going review and reexamination of the Township's land use designations and regulations. The law requires that each municipality's Planning Board prepare a report covering the following five elements:

- The major problems and objectives relating to land development in the municipality at the time of the adopting of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- The recommendations of the Planning Board concerning the incorporation of redevelopment plans pursuant to the "*Local Redevelopment and Housing Law*," P.L. 1992, C. 79(C.40A: 12A- I et al.) into the land use plan element of the municipal master plan, and recommended changes if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

REEXAMINATION REPORT

The Reexamination Report requirements are addressed, as follows:

The Major Problems and Objectives relating to Land Development in the Township at the Time of the Adoption of the last Reexamination Report.

Consistent with the Planning Board's dedicated and on-going commitment to providing the Township with comprehensive planning, the last Township Master Plan Reexamination Report was prepared and adopted by the Jefferson Township Planning Board on August 2001, with prior Reexamination Reports adopted on July 20, 2000 and on July 14, 1998. All reports recognized the following specific goals and objectives noted in the 1991 Master Plan Land Use Plan:

1. To recognize areas of environmental sensitivity including wetland areas, stream corridors, rock outcrops, aquifer recharge areas, steep slopes, lakes, ponds, rivers, significant vegetated areas and endangered wildlife and vegetation, and to preserve these critical resources through implementing appropriate planning and zoning policies.
2. To encourage development of housing types that will provide housing for various income levels and senior citizen housing, while at the same time respecting the environmental sensitivity of the land and its carrying capacity.
3. To encourage proper storm water management and surface drainage techniques to minimize potential flooding and to facilitate groundwater recharge.
4. To encourage the development of appropriate commercial, industrial, employment and recreational facilities to service the needs of all Township residents and to help stabilize the Township's tax base.
5. To continue to improve and upgrade the Township's housing stock, especially where substantial conversion of seasonal homes for year round use has occurred, through the strict enforcement of the Township code.
6. To continue to improve the quantity, quality and location of recreational lands and open space including both active and passive recreational facilities, as well as environmentally sensitive lands.
7. To encourage office and industrial development along the Route 15 corridor, Route 23 and in designated areas along Route 181, Berkshire Valley Road and Ridge Road, while at the same time recognizing the need to control access along those major arteries in order to promote the

safe and efficient movement of through traffic.

Extent to which such problems and objectives have been reduced or have increased.

The 1991 Land Use Element identified five residential districts, each generally based on the compatibility of surrounding land uses and residential densities, as well as the carrying capacity of the land. Continued development within Jefferson Township has increased the impact of many of the problems and objectives cited in the 1991 Master Plan Land Use Plan Update, the 1998 Master Plan Reexamination Report and the 2000 Reexamination Report. The 2001 Reexamination Report noted that development pressure on the most sensitive areas of the Township continued to increase, resulting in a notable change to the visual and natural landscape of the community with the most recent subdivision applications and developments occurring on the most environmentally sensitive lands of the Township.

The 2001 Reexamination Report addressed the need to protect the remaining private and quasi-public environmentally sensitive and undeveloped tracts of land through the creation of the Rural Conservation District (RCD) which provides development densities of one unit per five acres and environmentally sound development options that include shared driveways and a cluster option.

Since the adoption of the 2001 Reexamination Report, the Township has created zoning that will enable affordable Senior Citizen housing in the Milton section of the Township. As a result of this zone change, 75 units of senior citizen housing will be constructed on Berkshire Valley Road in the vicinity of Ridge Plaza. While this development begins to meet the Township objective of encouraging the development of housing types that will provide housing for various income levels and senior citizen housing, it does not adequately address this objective. Development of adult/senior citizen housing for all income levels must be strategically developed throughout the Township.

Development of the Route 15 commercial corridor remains problematic and difficult. A compelling objective of the Township continues to be the encouragement of appropriate commercial and industrial development to service the needs of all Township residents and to help stabilize the Township's tax base.

Extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection and disposition and recycling of designated recyclable materials; and changes in State, county and municipal policies and objectives.

Within the last few years, and specifically within the last year, several changes in assumptions, polies and objectives have taken place at the State and local level. This has resulted in the Planning Board's continued Master Plan Reexamination process. The specific changes are noted below:

- The State Development and Redevelopment Plan (SDRP), adopted on March 1, 2001, has identified as one of its principal goals and objectives the concentration of most new development in areas that are either already served by sanitary sewer, potable water and fully improved roads or areas reasonably planned for such infrastructure improvements. The State Plan refers to these areas as centers. The SDRP recognizes the extent to which Jefferson Township contains environmentally sensitive lands by designating the entire municipality Planning Area 5 - Environmentally Sensitive.
- Consistent with the SDRP and the 2001 Reexamination Report recommendations, the Township combined the RR-Rural Residential District and the C-Conservation District into one RCD-Rural Conservation District that permits single family residential development on lots with a minimum area of 5 acres. This District also permits cluster development, shared driveways and provides for the protection of steep slopes, ridge lines and large specimen trees.
- In January, 2000, the Township submitted its Housing Element and Fair Share Plan to the Council on Affordable Housing seeking substantive certification. The Plan provides the mechanism for the Township to meet its fair share obligation without requesting any vacant land adjustments.
- In June, 2001 the Appellate Division of the State of New Jersey decided the case of Mount Olive Complex and Mount Olive Villages Sewer Company, Inc. and Mount Olive Villages Water Company, Inc. v. Township of Mount Olive and the Mayor and Township Council of the Township of Mount Olive and the Mount Olive Planning Board. Essentially, this case affirmed a municipality's ability to rely on the recommendations of the State Development and Redevelopment Plan with regards to

residential development densities. Specifically, it found that SDRP “encourages sound land use management throughout the State, that a major goal of the State Plan is to halt suburban sprawl, characterized as a pattern of development that destroys the character of the cultural landscape, is ineffective in terms of public facilities and services and devoid of the sense of place that has long defined the character of life in New Jersey. The Court went on further to say, “we do not hesitate to conclude that a municipality may consider and rely on the State Plan in redesigning its land use regulations...Consequently, a municipality’s voluntary adherence to the State Plan guidelines may support a determination that amendment to the zoning regulations advances the purposes of zoning defined by the MLUL.”

- In June, 2001, the Township adopted Chapter 105, entitled “Soil Removal.” The soil removal ordinance restricts the amount of soil that can be moved, disturbed, imported and/or exported. It is a comprehensive ordinance that requires the submission of a plan and limits tree removal and soil disturbance over a five year period.
- The Township, recognizing the need for affordable senior citizen housing, recently rezoned an area, in the Milton section of the Township, for senior citizen housing. The need for market rate and affordable senior citizen housing continues with an emphasis on the Lake Hopatcong/Route 15 section of the Township.
- The Planning Board, over the past few years, has identified many areas in the Zoning Ordinance that it has recommended for review and enhancement. Specifically, the Board has provided guidance and input into changes regarding permitted lot disturbance area, environmental impact statement requirements, shade tree requirements, tree preservation and soil movement.
- The area presently zoned for quarry use is being remediated and rehabilitated by Morris County. Upon completion, the site will contain an 18 hole golf course with associated clubhouse, restaurant, pro shop and practice areas.
- The Board has discussed the economic viability and aesthetic appeal of the non-residential areas in the Township. The Route 15 corridor presents the most viable opportunity for regional non-residential development.

In response to the recent changes in assumptions, policies and objectives, noted above, the Planning Board has taken a look, specifically at the area along the Route 15 corridor zoned BP- Business Park for possible zone change for market rate senior citizen housing, affordable senior citizen housing, big box commercial use and conservation of environmentally sensitive lands in furtherance of the following recommendation of the 1998 Master Plan Reexamination Report:

The land use and development regulation should be updated and revised to reflect the community's concern regarding appropriate development of environmentally sensitive lands, as well as the detail and standards necessary to address current planning issues.

The Specific Changes Recommended for the Master Plan or Development Regulations, if any, including Underlying Objectives, Policies and Standards or whether New Plan or Regulations should be prepared.

This Reexamination Report recommends the following amendments to the Jefferson Township Land Use Plan Element:

1. Rezone the existing Q Quarry/Overlay Zone to CR Commercial Recreation. The Q District permits public and private golf courses upon the reclamation of the quarry. However, its present designation does not indicate that the site has, in fact, been reclaimed and developed for a County golf course. Additionally, the rezoning of the site to CR would permit development consistent with the bulk and area requirements of an established Commercial Recreation District.

2. In furtherance of the Township's objective to encourage the development of housing types that will provide housing for various income levels and senior citizens and the development of regulations that reflect the community's concern regarding appropriate development of environmentally sensitive lands, this Reexamination Report recommends the rezoning of the BP- Business Park District to PARC-Planned Adult Residential Community District and C-2 Highway Commercial District, as shown in Appendix B "Proposed Zoning Map." The proposed zone changes will permit regional commercial development along the Route 15 corridor, market rate single family and multi-family residential development and affordable senior citizen housing. This area encompasses Block 271, Lot 12; Block 271, Lot 1, Block 273, Lots 1, 2, 3 and 4 and Block 336, Lot 48 with a total area of approximately 930 acres. Such a zone changes will provide the following:
 - Approximately 67% or 607 acres would be preserved as open space conservation lands.
 - A total of 450 adult, market rate single family and multi-family residential units will be constructed at an overall density of 0.50 units per acre.
 - A site for affordable senior citizen housing will be created for the western portion of the Township.
 - Additional accessible, regional commercial lands will be created along the Route 15 corridor.

Appendix A provides the general form of the proposed Planned Adult Residential Community (PARC) District requirements as well as the General Plan requirements.

Changes, based upon further review may be made, but will remain consistent with the Master Plan Reexamination Report recommendations.

Appendix B is the map delineating the PARC District and the new area to be included into the C-2 District of the Township.

The Recommendation of the Planning Board concerning the Incorporation of Redevelopment Plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12A-1 et al.) into the Land Use Plan Element of the Municipal Master Plan and Recommended Changes, if any, in the Local Development Regulations necessary to effectuate the Redevelopment Plans of the Municipality.

This does not apply to the Township of Jefferson at this time.

APPENDIX A

AN ORDINANCE OF THE TOWNSHIP OF JEFFERSON AMENDING AND SUPPLEMENTING "THE LAND USE AND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF JEFFERSON", PROVIDING FOR CHANGES IN THE ZONING MAP.

I. Purpose

1. To provide for both large scale open spaces to be dedicated for conservation, public use, as well as residential development at appropriate densities and for related and complementary uses; an area that the Township Council has determined is suitable for open space dedication and cluster residential development.
 2. To protect a valuable and environmentally sensitive area of the Township from inappropriate development
 3. To provide a regulatory mechanism through which appropriate development can occur, considering that the area designated for open spaces is exceptional, unique, irreplaceable and a delicately balanced physical and biologically acting and interacting natural environment.
 4. To provide an equitable, understandable development mechanism that establishes clearly defined goals and advances the public interest by balancing environmental interests with the rights of property owners in the District, by encouraging development of compatible and appropriate land uses that will improve the overall environment and economic basis of the area and Township, within the framework of a comprehensive environmental design strategy that preserves ecologically sensitive and fragile areas from adverse impacts from inappropriate.
 5. To provide environmental safeguards for the construction of facilities in the District and preserve natural resources.
- F. To provide for the orderly development and effective preservation of the environment of the Planned Adult Residential Community District in order to ensure that the development is regulated in a manner that is fair, efficient and effective as to those people owning property affected by this section.
- G. To satisfy a wide range of life-styles of an aging population that is growing locally, regionally and statewide; to make available a variety of residential housing types, amenities and services, while limiting occupancy of dwelling units in the Planned Adult Residential Community District to mature adults, 55 years of age or older.
- H. To supplement, expand, and enhance the ability of the public and emergency vehicles to gain access to open space that already exists adjacent to and in the vicinity of the District.

1. To Provides the ability for the Township to gain ratables that have minimal impact on Township resources, generates minimal traffic congestion, and has minimal visual or other impacts on neighboring properties.
10. To Provide for reasonable development of the District in a manner consistent with the New Jersey State Development and Redevelopment Plan and Blueprint for Intelligent Growth, Smart Growth concepts, and anti-sprawl initiatives.

II. Definitions

A. Planned Adult Residential Community (PARC)

A private residential community comprised of single family and multifamily residential dwelling units, and accessory uses intended for, limited and restricted to, use and occupancy by:

- any person of 55 years of age and older; or
- a member of a couple under 55 years of age who is residing with his or her partner who is 55 years of age or over; or
- unemancipated children (as defined under New Jersey law) who are eighteen (18) years of age or older who reside with their parents or parent where at least one of the parents with whom the child or children are residing is 55 years of age or over.
- an individual or individuals, regardless of age, residing with and providing physical care or economic support to a permissible occupant.

The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit in a PARC from entertaining guests, of any age, in their units, including temporary residency, not to exceed six (6) months, with no financial or other pecuniary consideration to be paid therefor.

2. Residential Cluster

A contiguous or non-contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

3. Senior Citizen Housing

Shall mean any age restricted housing consistent with the appropriate definitions listed in Ordinance #8-01.

III. Cluster Development

The development scheme embodied in this section establishes the suitability of the property within the PARC District for cluster development, as provided in Jefferson Township Ordinance 137-22 B (2). Among other facts, this finding is based on the following:

- A. The overwhelming number of acres within the site required to be dedicated for open space, conservation and public use as well as the natural and regulatory constraints that apply to development within the District; when compared with the number of acres remaining in the District that can be developed and the maximum number of dwelling units possible under this Ordinance.
- 2. The limits on and the appropriateness of the density of the dwelling units and complementary uses that can be developed in the District.
- C. The suitability, adaptability and appropriateness of the site for open space preservation.
- 4. The suitability, adaptability and appropriateness of the Design Standards and other requirements for development in the District.
- E. The area designated for open spaces is exceptional, unique, irreplaceable and a delicate physical and biological balance of an acting and an interacting natural environment.
- 6. That the provisions of this Ordinance;
 - 1. will protect a valuable and environmentally sensitive area of the Township from inappropriate development,
 - 2. provide a regulatory mechanism through which appropriate development can occur,
 - 3. provide an equitable, understandable development mechanism that establishes clearly defined goals and advances the public interest by balancing environmental interests with the rights of property owners in the District, by encouraging development of compatible and appropriate land uses that will improve the overall environment and economic basis of the area and Township,

4. establish a framework for a comprehensive environmental design strategy that preserves ecologically sensitive and fragile areas from adverse impacts from inappropriate development.
5. provide adequate environmental safeguards for the construction of facilities in the District.
6. provide for the orderly development and effective preservation of the environment and ensures that the development is regulated in a manner that is fair, efficient and effective as to those people owning property affected by this section.

IV. General Plan Requirement

Any PARC shall comply with the requirements of Jefferson Township's General Development Plan Ordinance.

V. Permitted Principal Uses

Principal permitted uses are as follows:

1. Single-family detached dwelling units, including, but not limited to, zero lot line and patio homes.
2. Duplex dwelling units.
3. Multifamily dwelling units.
4. Recreation facilities.
5. Sales and administrative offices required for the construction, sale, resale and management of the dwelling units in the PARC.
6. Senior Citizens Housing.

VI. Conditional Uses

As permitted in § 137-31 of the Township of Jefferson's Zoning Ordinance.

VII. Permitted Accessory Uses in the PARC District

Accessory uses of buildings and structures specific to the PARC District common facilities are as follows:

1. Master television antenna, satellite systems and/or cable television antenna/ reception and related facilities.
2. Common parking areas for guest parking or other areas that may be dedicated for specific parking purposes such as recreational vehicle and trailer parking.
- C. Buildings for storage of vehicles, equipment and supplies.
- D. Outbuildings and structures as part of the recreation facilities.
- E. Public parks and gardens.
- F. Entrance gatehouse, maintenance buildings, trash and recycling sheds/enclosures.
- G. Greenhouses, and storage sheds.
- H. Indoor or outdoor swimming pools.
1. Sanitary Sewerage Treatment Facilities.
10. Water Towers and related equipment.
11. Customary Sanitary Sewerage and other Utility Use Facilities.

VIII. Permitted Accessory Uses for Residential Dwelling Units

Accessory uses to the permitted principal uses as follows:

1. Private attached garage with a capacity for garaging up to two vehicles per single-family dwelling unit, duplex dwelling units or multifamily dwelling units of four (4) or less units per building.
2. At grade and in basement parking garages in multifamily dwelling buildings over four (4) units.
3. Storage sheds attached to and incorporated in the design of the individual dwelling units.
4. Fences and retaining walls.

5. Decks, patios, gazebos, and screened porches.
6. Such other customary uses and structures as may be permitted by the approving authority.

IX. Bulk Requirements Applicable to the PARC Zone

- A. Minimum Tract Size. A PARC, exclusive of the senior citizen housing site, may be developed on one or more contiguous parcels of land having a total gross area of not less than 650 Acres.
- B. Minimum Open Space. Sixty (60%) percent of the gross PARC District. For purposes of this requirement, "open space" shall mean those portions of the PARC District not covered by buildings, structures of any kind, streets or other surfaces paved with impervious materials.
- C. Maximum Building Coverage. Twenty-five (25%) percent of gross area of the PARC District.
- D. Maximum Residential Density. One (1.0) dwelling unit per gross acre of the PARC District with a maximum of 450 dwelling units permitted for all age-restricted market units not associated with any Township sponsored, affordable senior citizen housing dwelling units in the PARC District.
- E. Any property dedicated for open space or conveyed to the State of New Jersey or to another public, non-profit or quasi-public entity shall be deemed to be in and remain part of the original tract size for calculation of minimum open space, minimum tract size, maximum building coverage, and maximum residential density.

X. Bulk Requirements Applicable to Individual Single Family Lots

- A. Minimum Lot Area:
 1. Corner Lot - 6,000 sq. Ft.
 2. Interior Lot - 5,000 sq. Ft.
- B. Minimum Lot Width (shall be measured at the setback line):
 1. Corner Lot - (60) feet
 2. Interior Lot - (50) feet
- C. Minimum Lot Depth - (100) feet
- D. Minimum Setbacks:
 1. Front Yard - (25) feet

Measured from lot line, exclusive of attached side entry garage units which shall have a minimum front yard setback of fifteen (15) feet provided that no garage door shall face the street view. Garage doors may face the street if they are setback twenty-five

(25) feet.

2. Side Yards:

a. One Side Yard – (5) feet.

In the case of a zero lot line, patio home or duplex one side yard may equal 0 feet.

2. Combined Side Yards – (15) feet

In the case of a zero lot line, patio home or duplex the combined side yard may equal 10 feet.

3. Rear Yard – (20) feet

E. Maximum Building Height: 35 feet and 2½ stories, whichever is less.

XI. Bulk Requirements Applicable to Multifamily Residential Buildings

1. Minimum distance from building to building:

1. Front to front - (70) feet.
2. End to end - (30) feet.
3. Rear to rear - (50) feet.
4. End to front or rear – 60 feet.

B. Minimum Setbacks:

1. From all property lines – 50 feet
This setback requirement may be reduced to 0 feet where a building is located adjacent to dedicated open space property line.
2. Maximum building height: 50 feet or 3 stories over a single story parking deck.
3. From building to the right-of-way line of a private street - 25 feet.
4. Maximum number of units per building: sixteen (16).
5. No dwelling unit shall be allowed in the basement of any building.

6. Maximum building length - 150 feet

XII. Bulk Requirements Applicable to Senior Citizen Housing Development

All development shall be in accordance with the provisions of Ordinance #8-01 with respect to senior citizen housing construction.

XIII. Parking Requirements

1. Minimum Parking Requirements for residential units shall be in accordance with the New Jersey Residential Site Improvement Standards with the following requirements:

1. Single family units shall have a minimum of one attached garage space and one off-street parking space in the form of a driveway. These spaces shall be counted toward the required parking spaces per dwelling.
2. Multifamily units shall have a minimum of one space in a parking deck beneath the building or one attached garage space to be counted toward the minimum off-street parking requirement.
3. Senior Citizen Housing unit parking requirement may be solely located within an at grade parking lot.
4. The minimum off-street surface parking stall size shall be nine (9) feet by eighteen (18) feet. The minimum parking stall size within a parking deck shall be eight and one half (8.5) feet by eighteen (18) feet.
5. No parking area or access drive shall be located within 10 feet of a building unless located under the structure in association with a multi-family residential building, as permitted by this Ordinance.
6. A private driveway with the capacity of off-street parking for two automobiles shall be deemed to constitute two (2) parking spaces.

XIV. Decks, Etc.

A deck, patio or screened porch shall be permitted within ten (10) feet of any rear yard line and five (5) feet of any side yard line.

XV. Utilities

1. A PARC must be fully serviced by centralized water and sanitary sewerage systems approved by appropriate New Jersey State regulatory agencies.

2. Maximum Building Height: 40 feet exclusive of any required water tower. At no time shall any required water tower exceed the height of the surrounding tree line.

XVI. Recreation Facilities

A. "Recreation Facility" shall mean a place designed and equipped for the conduct of sports and leisure time activities.

B. Required Recreational Facilities.

Any PARC shall contain and provide for the benefit, use and enjoyment of its Homeowners Association members and their guests, the following recreation facilities:

1. A recreation area containing a recreation building or clubhouse equal in size to a minimum of ten (10) square feet for each dwelling unit exclusive of any dwelling units proposed for Senior Citizens Housing.
2. A swimming pool of a minimum size of 30' x 50', with an adjacent improved sitting area surrounding all sides of the pool with an aggregate area equal to twice the water surface of the pool.
3. Parking facilities serving the recreation area, with a minimum number of parking spaces equal to one space for each 50 square feet of the first 6,500 square feet of area of the recreation building, thereafter at a rate of one space for each additional 200 square feet.
4. Picnic-barbecue areas.
5. A minimum of 3 tennis courts.
6. Walking paths in proximity to the residences to be constructed. All walking paths will be a minimum of 6 feet wide. They will be cleared of vegetation, but otherwise left in their natural state. Tree removal and site topography alteration is to be minimized. Their location is to be generally depicted on the PARC site plans, but their final configuration and location will be determined by the developer and a designated Township representative "in the field", after site construction is substantially complete.
7. Such other activities which the Planning Board shall find to be consistent with the lifestyle of the residents of a PARC and which are subordinate to the residential character of a PARC.

C. Ownership of Recreation Facilities

All recreational facilities shall be owned by the Homeowners Association and are to be used

by Homeowners Association members and their guests as defined herein. Sidewalks and walking paths will be available to all residents of the PARC.

XVII. Supplemental Regulations.

A. Setback and Distance Measurements.

Except as set forth otherwise, building setbacks and minimum distances between all buildings shall be measured from lot line (and not from street lines) to building foundation lines, excluding foundations for fireplaces, porches, balconies, landings, stairs, and other exterior protrusions of a building which do not protrude beyond eight (8) feet from the building foundation line.

B. Perimeter Boundary Setbacks.

No building or structures, other than entrance gatehouses, walls or fences shall be located within fifty (50) feet of any exterior boundary line of the PARC, except as to areas formally dedicated as open space.

C. Homeowners' Association.

1. Recorded Covenants: Any PARC shall be governed and regulated by one or more recorded declarations of covenants and restrictions or similar documents ("C & Rs") which shall provide for and create one or more incorporated membership organizations under Title 15 of the New Jersey Statutes in which all unit owners in the PARC (exclusive of residents in or the owners of any Senior Citizens Housing complex) shall be required to be members (the "Homeowners Association"). The C&Rs shall provide for (i) the ownership, maintenance, operation and upkeep of all recreation facilities, open space (not otherwise conveyed or dedicated to public use), streets and other common areas within the PARC by the Homeowners Association, (ii) the restrictions on unit occupancy, (iii) the procedure for creating, imposing and collecting assessments from each unit owner to finance the foregoing, and (iv) the organization, operation and management of the Homeowners Association.

2. A complete copy of the proposed, Articles of Incorporation creating the Homeowners' Association, the bylaws and the C&R shall be submitted to the Township Attorney for his review and determination of adequacy as to form and compliance with the requirements herein set forth. Primary regulatory authority over the creation of the Homeowners Association, its documentation and its functioning is acknowledged to rest solely with the New Jersey Department of Community Affairs as per applicable statutory and regulatory authority.

The documents listed above shall contain at least the following minimum provisions.

1. Mandatory membership of all unit owners exclusive of residents in or the owners of any Senior Citizens Housing complex.
2. A monthly maintenance fee adequate to provide for taxes, maintenance and the operation of any common facilities.
3. The right (but not the obligation) of the Township to perform any

necessary maintenance, etc. and to assess the costs as a tax lien against each individual homeowner's dwelling unit, should the association fail to meet its responsibilities.

4. The association shall not be dissolved, nor shall it dispose of any open space, not otherwise conveyed or dedicated to public use, by sale or otherwise unless it is to an entity that meets the requirements hereunder.
3. Membership in the association shall be mandatory for all unit owners (exclusive of residents in or the owners of any Senior Citizens Housing complex), and the final map and any deeds of dedication shall contain a notation that all such open space parcels created are dedicated in perpetuity, and future resubdivision or other use of the parcels created is specifically prohibited.

XVIII. Design Standards, to the extent they are not inconsistent with the provisions of the New Jersey Residential Site Improvement Standards

- A. Streets and Roads.
All streets and roads in a PARC shall conform to the provisions of the New Jersey Residential Site Improvement Standards.
- B. Drainage.
All on-site drainage shall be provided for in accordance with New Jersey State law and the Township of Jefferson storm drainage requirements and applicable Township ordinances pertaining to subdivision and development of lands.
- C. Driveways, Walks and Parking Areas.
There shall be provided a safe and convenient system of driveways, walks and parking areas. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Sidewalks shall be in accordance with the New Jersey Residential Site Improvement Standards.
- D. Single Family Residential Design Standards.
 1. As to all single family residential dwelling unit except as hereinafter provided, not more than one building permit shall be issued for any dwelling to be erected in a PARC if it is substantially alike in exterior design and appearance with any neighboring dwelling. A building or structure shall be deemed a neighboring dwelling if it is on one lot which is the first lot next along any street and in addition thereto, any lot which is directly across a street.

2. Neighboring Dwelling, as herein above defined, shall be considered substantially alike in exterior design and appearance if they are not different in at least three (3) of the following seven (7) respects:
 1. The relative location of and point of entry to a garage, porch and other such structural appurtenance with respect to facade.
 - a. The relative location, size, or type of front elevation windows or doors.
 - b. The type of roof, with respect to any appurtenance, configuration, pitch or composition.
 - c. The type or color of predominant siding material.
 - d. The type of roofing material or color or pattern thereof.
 - e. Orientation of the building when viewed from a single viewing point.
 - f. The height, length, depth, or predominant pitch of a portion of the roof outside the limits of the main portion of the building.
5. Multifamily Residential Design Standards, exclusive of Senior Citizen Housing Development.
 1. Maintenance free building exteriors are encouraged using a variety of quality composite siding materials, vinyl, brick, stone or other cultured materials as well as generous trim levels.
 2. Multi-family neighborhoods shall draw upon a common palate of exterior features that will include, where appropriate: balconies, patios, and shutter and window styles.
6. Senior Citizen Housing Design Standards.

The design of any senior citizen housing complex shall be generally consistent with the overall design requirements of the PARC District.