

Chapter 190. Zoning

Article IV. District Regulations

§ 190-18.3. Active Senior Housing Cluster Overlay District.

[Added 12-16-2009 by Ord. No. 31-2009]

A. Purpose.

- (1) The purpose of the Active Senior Housing Cluster Overlay District is to provide for small lot residential development in agricultural, forestry, and rural residential districts in a manner which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. The Active Senior Housing Cluster Overlay District is intended to help maintain resource lands and rural character by protecting, preserving and conserving existing resource lands, rural landscapes, and viewsheds. These goals are achieved by allowing the placement of homes on a small portion of the property, while maintaining the majority of the site in a remainder parcel which constitutes resource land or open space. These regulations are consistent with, and are designed to implement, the goals and policies established in the Pemberton Township Master Plan (July 2009), Burlington County's Growth and Preservation Plan (2008), and Agriculture in Burlington County Strategies for Farm Viability (December 2004) as they relate to the protection of resource lands, the conservation of open spaces, and the maintenance of rural character.
- (2) The intent of this zoning district is to create an energy efficient active senior community that provides the recreational amenities demanded by senior adults such as exercise trails with fitness stations, swimming, tennis courts, etc. The objective of this zone is to encourage senior residents to live, work and play in Pemberton Township while contributing to the municipality's economy by supporting local merchants, establishing co-op farming operations, spearheading a farmers' market, and establishing artisan expositions.

B. Principal uses permitted:

- (1) Active single-family detached senior housing clustering.
- (2) Active senior townhouse clustering.
- (3) A combination of detached single-family homes.
- (4) Townhouse clustering, provided that the total number of townhouse units does not exceed 40% of the total single-family units and townhouses combined.
- (5) Assisted living facilities but no more than 11 acres.
- (6) Congregate care facilities but no more than 11 acres.
- (7) Independent living facilities but no more than 11 acres.
- (8) Agricultural production.

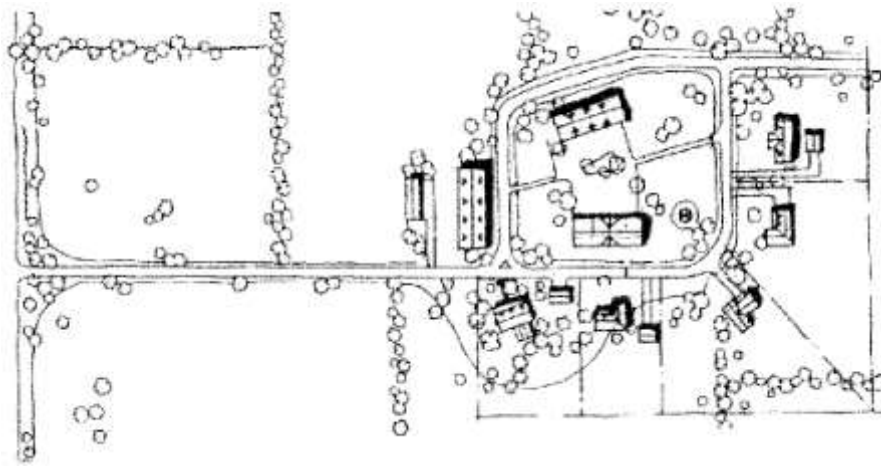
C. Accessory uses permitted:

- (1) Patios (including walkouts).
 - (2) Decks.
 - (3) Parking requirements in accordance with New Jersey Residential Site Improvement Standards.
 - (4) Housing development signs.
 - (5) Temporary construction trailers.
 - (6) Recreational facilities.
 - (7) Stormwater management systems.
 - (8) Temporary model homes.
 - (9) Community gardens that are managed and maintained by the residents of the community or a group of individuals to grow and harvest food crops and/or nonfood, ornamental crops, such as flowers, for farmers' markets, personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
 - (10) Communal greenhouses.
 - (11) Community buildings/clubhouses.
 - (12) Garages, attached or detached, including car ports.
 - (13) Solar panels on all permanent structures.
- D. Performance regulations:
- (1) No development shall contain less than 134 acres.
 - (2) Fifty percent of the total area shall be preserved for open space or farmland.
 - (3) Development shall only occur in the receiving area indicated on Map 1.^[1] The remaining portion of the overlay district shall be preserved.
[1] Editor's Note: Said map is on file in the Township offices.
 - (4) Gross density for the entire development:
 - (a) Single-family and townhouse: 2.0 dwelling units per acre, not to exceed 270 units.
 - (b) Congregate care/assisted living: 15 units per acre, not to exceed 165 units.
 - (c) Independent living: 15 units per acre, not to exceed 165 units.
 - (5) The area and dimensional regulations as set forth in Table 1, Active Senior Housing Cluster Overlay District Performance Regulation, located at the end of this chapter,^[2] shall apply.
[2] Editor's Note: See the Schedule of Area and Yard Requirements for the Active Senior Housing Cluster Overlay District, included at the end of this chapter.
 - (6) A clubhouse with a pool shall be provided on site to provide residents with a common area for activities, recreation, learning, exercise, and dining.
 - (7) No development shall occur in the Active Senior Housing Cluster Overlay District without sewer and water service.
 - (8) To preserve the aesthetics and rural ambiances along North Pemberton Road and Arneys Mount Road, a three-hundred-foot landscaped buffer shall be provided from these roadways to any residential construction. The buffer is to be 300 feet in depth from the right-of-way line.

- (9) In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.
- (10) A rural cluster subdivision may contain one or more residential clusters grouped into compact neighborhoods (see Figure 1).

Figure 1: Example of a Cluster Development

Source: Arendt 1994.



- (11) To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments, and landscape features.
- (12) Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site.
- (13) Rural clusters shall be limited to locations that minimize the visual impact from adjacent lands and view corridors. Placing buildings so that vegetation, depressions in topography, or other natural features will screen them where they exist shall minimize the prominence of construction.
- (14) To provide for a healthier and safer environment, a pedestrian walking network shall be provided throughout the development with trail/sidewalk connections to the Township's transit stops, Neighborhood Commercial District, Pemberton Borough, recreation facilities, community centers, churches, restaurants, and other places of gathering.

E. Architecture design regulations

- (1) Where possible, barns and other agricultural outbuildings in reasonably good condition, which contribute to the rural character of the area, should be retained and the structure shall be incorporated into the site design.
- (2) Architectural design should be compatible with the character of the neighborhoods on Arneys Mount Road, North Pemberton Road and Ft. Dix Street. Design compatibility includes complementary building style, form, size, color, materials, and detailing. At the time of site plan review, the applicant shall provide architecture elevations and designs that address the following building attributes and how they are consistent with the characteristics of the community:
 - (a) Size (the relationship of the project to its site);
 - (b) Scale (the relationship of the building to those around it);
 - (c) Massing (the relationship of the building's various parts to each other);
 - (d) Fenestration (the placement of windows and doors);
 - (e) Rhythm (the relationship of fenestration, recesses and projections);
 - (f) Setback (in relation to setback of immediate surroundings);

- (g) Materials (their compatibility with the rural characteristics); and
 - (h) Context (the overall relationship of the project to its surroundings).
- (3) Efforts to coordinate the height of buildings and adjacent structures are encouraged; this is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice, or parapet line to match that of an adjacent building. Similar design linkages, such as window lines, should be placed in a pattern that reflects the same elements on neighboring buildings.
 - (4) Townhouses, assisted living and congregate care buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
 - (5) Long or continuous wall planes shall be avoided for the clubhouse, congregate care, assisting living, and independent living facilities, particularly in high pedestrian activity areas, where the building should exhibit more detail and elements appropriate for close-range pedestrian view. Building surfaces over two stories high or 50 feet in length should be relieved with changes of wall plane that provide strong shadow or visual interest.
 - (6) Driveways and garages shall not be prominent visual features within the community nor should they be noticeable from county or Township roads.
 - (7) All garbage dumpsters and recycling containers at the clubhouse and other similar areas devoted to the storage of waste materials should be screened on three sides of said dumpster or recycling container, with a minimum six-foot-high fence or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas and recycling containers should be gated on the fourth side with a material that provides opaque screening.

F. Lighting.

- (1) Exterior lighting should be architecturally compatible with the building style, material, and colors similar to the Township's ornamental lights in Downtown Browns Mills. Galleria style and shoebox styles (cutoff fixtures) are preferred over cobra-type light fixtures and directional floodlights.

G. Parking

- (1) Parking for the single-family houses, townhouses, congregate care facilities, assisted living, independent living or any other type of residential housing shall conform to the standards established in the Residential Site Improvement Standards, New Jersey Administrative Code, Title 5, Chapter 21, Subchapter 4.
- (2) Clubhouse parking: one parking space per every three residential units.
 - (a) The clubhouse parking lot should be screened from the street with a mixture of a low-level decorative fence, hedge, berm, and vegetated buffer. The parking lot is prohibited from facing Arneys Mount Road, Ft. Dix Street, and North Pemberton Road.
 - (b) Landscape islands containing at least two ornamental trees planted in each landscape island should be provided within parking areas. One landscape island should be located at the end of each row of parking spaces in the interior of the parking lot. In addition, one parking lot landscape island should also be provided for every 140 linear feet of parking spaces to divide and break up the expanse of parking areas. Each landscape island should be of sufficient shape and size so that at least one two-understory tree will fit within the island. No portion of an island should be less than five feet in width.
 - (c) When the parking lot is not being utilized for activities at the clubhouse, it is encouraged that the space be used for farmers' markets and craft shows.

H. Design requirements of remainder parcels.

- (1) The cluster development shall result in the establishment of a remainder parcel comprising a minimum of 50% of the total land area to be subdivided. The remainder parcel(s) comprising of 50% of the total land area shall not include the clubhouse, stormwater management areas, landscaping islands, buffer areas, front yard setbacks, rear yard setbacks, side yard setbacks, and landscaped parking islands in the preserved land calculation.

- (2) Any remainder parcel shall be contiguous. Any remainder parcel shall not be fragmented by public or private road easements unless no other reasonable alternative exists.
 - (3) A minimum of 25% of the remaining contiguous parcels shall be dedicated for active open space, farmland, or a mixture of farmland and open space. Active open space shall include an exercise trail with fitness equipment, grass tennis courts, bocce courts, putting greens and other activities which have a surface that is highly permeable.
 - (4) To retain the rural character, the remainder of non active open space parcels should contain to the maximum extent possible forested areas, active agriculture, meadows, pastures, and prominent hillsides or ridges if they exist.
- I. Maintenance of farmland or open space.
- (1) The Planning or Zoning Board may require the creation of a homeowners' association or other organization for ownership and maintenance of lands to be preserved for agriculture, forestry, and/or open space use (i.e., remainder parcels). Lands preserved for agricultural purposes may be leased or sold for farming purposes provided all lands are deed restricted and will not inhibit the function of the new community.
- J. Resource management plan.
- (1) In cases where land is proposed to remain in farm or forest (i.e., resource) use, the Planning or Zoning Board shall require a farm or forest management plan for the remainder parcel to be submitted and approved prior to approval of the preliminary plat. The management plan shall describe the nature and intensity of large-scale agricultural or forestry uses, permitted uses and management of the parcel so that it maintains its resource or other designated functions. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on site. All subsequent activities must be conducted in conformance with the approved management plan.
- K. Verification:
- (1) Verification that there are adequate utility services and support facilities for the project.
 - (2) Assurance at the time of each sale of a unit or execution of a lease for a unit that the occupancy of such housing will be limited to senior citizens, meaning at least one of the occupants must be 55 years of age or older, or as otherwise defined by the Social Security Act, except that this provision shall not apply to any resident manager and his or her family residing on the premises.