

EXPLANATORY STATEMENT:

The purpose of this ordinance is to allow a new form of development as an overlay zone option in the R-1 (three acre) Residential Zone. The purpose of a “Natural Resource Conservation Development” is to promote the protection of viewsheds and scenic corridors by encouraging new homes to be sited in a manner that preserves a rural, agrarian character, especially as viewed from public roadways; to foster methods of land and resource management that will protect and even improve surface and ground water quality; and to provide opportunities for the common use of agricultural facilities.

ORDINANCE #1932

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the Code of the Township of Bernards,
Chapter 21, “Revised Land Use Ordinances”, Regarding
Natural Resource Conservation Development as an Overlay Option in the R-1 Zone

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, entitled “Land Development”, of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

Paragraph 1. Existing Section 21-3, “Definitions”, is amended to add the following definition:

NATURAL RESOURCE CONSERVATION DEVELOPMENT shall mean a development plan involving a tract to be developed with single-family dwelling units and appurtenant common open space areas reserved for conservation, agricultural, recreational and viewshed management purposes to benefit the residents of the development.

Paragraph 2. Existing Subsection 21-10.1, “Classes of Zones”, is amended as follows (new text is underlined):

§ 21-10.1 Classes of Zones.

The Township is hereby divided into the following development zones:

Permitted Forms of		
Zone	Description	Development
R-1	Residential	Standard residential, flag lot, <u>natural resource conservation</u>

Paragraph 3. A new Subsection 21-10.14.1, “Natural Resource Conservation Development”, is added:

§ 21-10.14.1 Natural Resource Conservation Development Overlay Zone.

- a. Purpose. The purpose of the Natural Resource Conservation Development Overlay Zone is to promote the protection of viewsheds and scenic corridors by encouraging new single family dwelling units to be built in a manner that preserves a rural, agrarian character, especially as viewed from public roadways; to foster methods of land and resource management that will protect and even improve surface and ground water quality; and to provide opportunities for the common use of agricultural facilities.
- b. Where Permitted. Natural Resource Conservation Developments shall be permitted as an overlay use in the R-1 Zone only.
- c. Permitted Uses:
 - 1. Single-family dwelling units are permitted uses.
- d. Accessory Uses:
 - 1. Accessory uses are those permitted in the R-1 zone.
- e. Development Requirements.
 - 1. The minimum tract shall be 50 acres.
 - 2. The number of lots in a Natural Resource Conservation Development shall not exceed the number of lots which could be developed under the standard development provisions for the R-1 zone which shall be determined by submission of a qualifying plan which complies with all provisions applicable to standard residential development in the R-1 Zone, including, but not limited to, the maximum lot yield and minimum improvable lot area requirements set forth in Table 401-A.
 - 3. The development plan shall be in accordance with the density regulations set forth in Table 401 for the R-1 zone.
 - 4. A minimum of 50% of the tract must be natural resource conservation open space, which shall consist of open space reserved for conservation, agricultural, recreational or viewshed management purposes in easement areas on individual lots or on separate open space lots owned in common by the property owners in the development. The open space shall be provided in large, contiguous expanses and shall meet the requirements of Section 21-46. With the exception of areas occupied by private roads accessing the development, all areas within 200 feet of existing public streets, excluding interstate highways, shall be included as part of the natural resource conservation open space. An open space plan shall be submitted as a completeness checklist item with the applicant's preliminary subdivision application. The open space may include agricultural and recreational amenities intended for use by an individual property owner or for common use by two or more property owners. Structures such as barns, stables, paddocks, silos, corn cribs, open air/unroofed riding rings which are not lighted for use after dark, and open air/unroofed tennis courts which are not lighted for use after dark may be located within open space areas when shown on the open space plan approved by the Board.
 - 5. Access to the development from an existing public street shall be by private road owned in common and maintained by a homeowners association consisting of the property owners within the development. No lot in the development shall have direct driveway access to an existing public street.

6. Access to individual single family dwelling units shall be directly from a private road or from a common driveway extending from a private road. Common driveways shall be constructed to a paved width of 16 feet with graded and stabilized shoulders of at least one foot on each side, or as may be approved by the Board to facilitate emergency access. The location of all private roads and common driveways shall be shown on the subdivision plan approved by the Board.
7. The minimum lot area for single family dwelling units shall be three acres, including areas within natural resource conservation open space easements. The minimum improvable area requirements set forth in Table 401-A shall be satisfied by the Board's approval of the applicant's conforming qualifying plan and need not thereafter be met on the individual lots within the development.
8. To encourage the placement of single family dwelling units within the tract in a manner consistent with a rural agrarian setting and to facilitate the drawing of lot lines to accommodate such placement, lot frontage, lot width and building setback requirements on individual lots within a Natural Resource Conservation Development shall be as follows:
 - (a) Lot Frontage. The minimum lot frontage along a private road or common driveway shall be 50 feet.
 - (b) Lot Width. The minimum lot width shall be 100 feet.
 - (c) Setbacks for Single Family Dwelling Units. Setbacks from existing public streets shall be measured from the right-of-way line. Setbacks from private roads and common driveways shall be measured from the pavement line. Building envelopes indicating front, side and rear yard designations shall be shown on the subdivision plan approved by the Board.
 - (1) No building shall be located within 200 feet of an existing public street, excluding interstate highways, except common area buildings, such as barns, stables and bus stop shelters, may be located within 200 feet of an existing public street when shown on the subdivision plan approved by the Board.
 - (2) No building shall be located within 100 feet of an exterior tract boundary, including interstate highways.
 - (3) The minimum front yard setback from a private road shall be 50 feet.
 - (4) The minimum front yard setback from a common driveway shall be 25 feet.
 - (5) The minimum side yard setback shall be 25 feet.
 - (6) The minimum rear yard setback shall be 150 feet.
9. Accessory structures shall comply with Section 21-16, with the following exceptions: detached garages located adjacent to a common driveway may be located in a front yard, notwithstanding the front yard prohibition of Subsection 21-16.1.b; and fences and walls erected for common use purposes, such as for containing livestock, may be located across interior property lines, notwithstanding the setback requirement of Subsection 21-16.2.e.
10. The maximum coverage on each lot shall be 15%.
11. No building shall have a height greater than two and one-half (2½) stories, or higher than 35 feet.
12. The applicant's preliminary subdivision application shall include a natural resource management plan for the site which shall be coordinated with the stormwater management and open space plans for the development. The natural resource management plan shall describe the goals and methods to be employed for protecting and

improving surface and ground water quality, soils, woodlands, meadows, wetlands buffers, stream buffers, viewsheds and any unique plant or animal habitats that may exist on the tract, and shall also include an implementation schedule. The plan must be approved by the Board, and shall be recorded with the documents establishing the homeowners association.

13. All applicable sections of Article V, Development Regulations, shall be complied with, except as otherwise provided in this Subsection.

Paragraph 4. Existing Subsection 21-15.1, “Individual Lot Regulations-Residential Zones”, is amended as follows (new text is underlined):

§ 21-15.1 Individual Lot Regulations-Residential Zones.

- a. No lot in a residential zone shall have more than one principal building or principal use, unless development occurs under the PRD or Natural Resource Conservation Development Overlay Zone provisions of this chapter.
- d. Dimensional Requirements.
6. Residential development under the provisions of Subsection 21-10.14.1, Natural Resource Conservation Development Overlay Zone, shall provide for the minimum dimensions as set forth in Subsection 21-10.14.1.

Paragraph 5. Existing Subsection 21-21.3, “Private Streets”, is amended as follows (new text is underlined):

- a. Development under the PRD and Natural Resource Conservation Development Overlay Zone provisions of this chapter or where specifically permitted elsewhere in this chapter may include private streets.

Paragraph 6. Existing Subsection 21-38.1, “Residential Driveways (other than flag lots)”, is amended as follows (new text is underlined):

§ 21-38.1 Residential Driveways (other than flag lots)

- d. Driveway Location. No driveway shall be located within five feet of a side lot line unless it is a common driveway for twin, duplex or multifamily dwelling units, or for single-family dwelling units within a Natural Resource Conservation Development Overlay Zone.

Paragraph 7. Existing Subsection 21-46.1, “[Open Space] Requirements”, is amended as follows (new text is underlined; deletions are ~~stricken~~):

§ 21-46.1. Requirements.

- b. The minimum amount of open space for the tract shall be as follows:

Type of Development	Minimum
Cluster Residential Development	20%
PRD-1	25%*
PRD-2	25%**
PRD-3	25%
PRD-4	25%
<u>Natural Resource Conservation Development</u>	<u>50%***</u>

NOTES:

*A minimum of 25% of the open space must be developed for active recreational uses.

**A maximum of 75% of the open space may be land classified as wetlands.

*** Open space within a Natural Resource Conservation Development Overlay Zone shall be in accordance with § 21-10.14.1.

- c. As part of the application for any development plan incorporating open space, a maintenance agreement shall be submitted to the Board for review and approval and shall conform to the requirements of Subsection 21-~~29.458A.4~~.

Paragraph 8. Existing Table 401, “Density Regulations - R Zones”, is amended as follows (new text is underlined):

TABLE 401¹
DENSITY REGULATIONS – R ZONES

Zone	Type of Residential Development²	Minimum Lot Area	Maximum Allowable Density Per Acre	Maximum Height (feet)
R-1	Standard residential	3 acres	0.33	35
	Flag lot	3 acres	0.33	35
	<u>Natural Resource Conservation</u>	<u>3 acres</u>	<u>0.33</u>	<u>35</u>

Paragraph 9. Existing Table 507, “Setback Requirements, Accessory Buildings and Structures”, is amended as follows (new text is underlined; deletions are ~~stricken~~):

TABLE 507
SETBACK REQUIREMENTS
ACCESSORY BUILDINGS AND STRUCTURES

Residential Cluster, ~~and PRD~~ and Natural Resource Conservation Development

Side property line (feet)	10
Rear property line (feet)	10
Minimum distance between any two buildings (feet)	10 ¹

BE IT FURTHER ORDAINED:

Section 1. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

Section 2. Severability: Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

Section 3. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63(if required).

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Bernards for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16 and with the Township Tax Assessor pursuant to N.J.S.A. 40:49-2.1.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1932 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 1/30/07 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 2/27/07, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org

By Order of the Township Committee
Denise Szabo

On 2/27/07 there were substantive changes agreed upon by the Township Committee. These changes were recommended by the Planning Board. The ordinance is scheduled to be re-introduced with those changes on 3/13/07.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1932 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 03/13/2007 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 04/10/2007, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Notice is hereby given that Bernards Township **Ordinance #1932** was introduced and passed on first reading at a meeting of the Township Committee, on 03/13/2007, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 04/10/2007.

By Order of the Township Committee
Denise Szabo, Municipal Clerk