(Revised November 12, 2018)

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII, ENTITLED "LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF WATCHUNG" TO ESTABLISH A ROUTE 22 AFFORDABLE HOUSING OVERLAY DISTRICT.

ORDINANCE #OR:18/18

BE IT ORDAINED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to create a Route 22 Affordable Housing Overlay District in which affordable housing development will be permitted if redevelopment of the site occurs and to provide the development regulations for permitted multi-family development that includes affordable housing units in the Borough in accordance with the June 7, 2018 Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center, Inc., and the September 19, 2018 Order on Fairness and Preliminary Compliance Hearing by the Superior Court of New Jersey Law Division: Somerset County Docket No.:SOM-L-902-15 and the New Jersey affordable housing regulations pertaining to affordable housing units.

SECTION 2. A new Section 28-401.AC. titled "Route 22 Affordable Housing Overlay District" is established as follows:

A. Purpose: The purpose of the Route 22 Affordable Housing Overlay District is to create a realistic opportunity for the creation of low and moderate-income housing as land becomes available for development or redevelopment in the Borough.

B. Area of the Borough to be included in the Overlay District: Block 64.02, Lot 3 and a portion of Block 64.02, Lot 5 as shown on the Route 22 Affordable Housing Overlay District Map.

C. Principal Permitted Uses: Multifamily dwelling units in one or more buildings as an inclusionary affordable residential development, provided that the provisions of subsections E. through H. below are met.

D. Permitted Accessory Uses:

1. Uses and structures customary to the principal permitted use including, but not limited to private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, and dog runs.

2. Section 28-401.B. shall apply except as modified in this Section 28-401.AC .

3. All accessory uses except permitted fences, signs, bus shelters shall be located at least 20' from the property line.

4. Fences and walls, in accordance with Section 28-502.

5. Signs may be provided in accordance with Section 28-504, and further regulated as follows:

    a. Permitted signs shall include one project identification sign per development, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.

b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding 32 square feet in area and 8 feet in height including the monument base.
c. A monument base constructed of stone or similar material and landscaped shall be provided.
d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.
e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
f. An overall sign plan shall be submitted for review as part of the site plan application.

6. All accessory uses except permitted fences, signs, bus shelters shall be located at least 25' from the property line.

E. Maximum Gross Density:

1. For-sale units. Multifamily residential development with units for-sale shall be permitted to have a maximum gross density of 14 units per acre.

2. For-rent units. Multifamily residential development with units for-rent shall be permitted to have a maximum gross density of 18 units per acre.

F. Affordable Housing Requirements.

1. For-sale units. Multi-family residential development with units for-sale shall include a minimum of 20 percent of the total number of units for low-and moderate- income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the Council on Affordable Housing Region 3 or as provided by Order of the Superior Court of New Jersey.

2. For-rent units. Multi-family residential development with units for-rent shall include at least 15 percent of the total number of units for low- and moderate-income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the COAH Region 3 or as provided by Order of the Superior Court of New Jersey.

3. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building.

4. The Section 28-1000 Affordable Housing Ordinance provisions shall apply.

G. Area, Yard and Other Bulk Requirements:

1. No principal building or structure shall be located closer than one hundred (100) feet from the Route 22 right-of-way line or closer than twenty-five (25) feet from any side or rear lot line.

2. The minimum distance between structures shall be one-half (1/2) the sum of the height of the adjacent structures, except that a minimum of fifteen (15) feet shall be maintained when structures abut end to end.

3. The maximum building length shall be two hundred (200) feet.

4. The minimum number of dwelling units in a building shall be four (4) units and the maximum number of dwelling units in a building shall be thirty-six (36) units.

5. The maximum building coverage shall be thirty percent (30%).

6. The maximum lot impervious coverage shall be 70 percent (70%).

H. Maximum Building Height:

1. No building shall exceed thirty-eight (38) feet in height and three (3) stories.

2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20-foot increments to the highest point of the building in the case of flat roofs or to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.

3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.

I. Roadways, Off-street Parking and Private Residential Garages:

1. On-street parking shall be permitted within the development tract.

2. Off-street parking may be permitted under or within a building structure, provided that the building shall not exceed the maximum building height.

3. The number of required parking spaces shall be in accordance with the New Jersey Residential Site Improvement Standards (RSIS).

4. No parking area or driveway shall be located within twenty (20) feet of any property line, excluding intersecting driveways with US Route 22.

5. Parking spaces shall be located at least 15 feet from a residential building, except where a parking space also provides access to an enclosed garage, no such setback shall be required.

J. Other requirements.

1. Section 28-505. A. Recreation Required for Multi-Family Development standards shall apply and include:
   a. A minimum of five percent (5%) of the lot shall be developed as open space and recreation areas, including both active and passive recreation facilities.
   b. Recreation facilities shall include play areas for children of all ages.

2. Section 28-600 Development Requirements and Standards shall apply unless overridden by provisions in this Ordinance.

3. Building Design Standards.
   a. All residential buildings shall have similar façade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar façade treatments.
   b. Long buildings shall be broken into façade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with set-back or bump-out sections being 1.5 feet or more in depth.
   c. A variety of quality materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.

d. Rooftop HVAC units, if employed, shall be shielded by parapet walls or roof insets if a sloped roof is utilized.
e. Foundation plantings shall be utilized to soften the appearance of first floor and lower walls.

SECTION 3. The Borough of Watchung Zoning Map shall be amended to show the Route 22 Affordable Housing Overlay District as described on the attached map.

SECTION 4. This Ordinance shall remain in effect until such time that the unmet affordable housing need for the Borough of Watchung has been fulfilled. This Ordinance shall expire after the last affordable unit fulfilling the unmet affordable housing need receives a Certificate of Occupancy.

SECTION 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 5, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung 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 Borough Council, within thirty-five (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 7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 8. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) 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.

ATTEST:

Michelle DeRocco

Michelle DeRocco, Clerk

BOROUGH OF WATCHUNG

Stephen K. Pote

Stephen K. Pote, Mayor

Introduced: November 19, 2018

Adopted: December 6, 2018