

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO. O-11-2016-036

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED “LAND DEVELOPMENT”**

WHEREAS, by Resolution No. R-7-2016-253, the Council approved the Housing Element and Fair Share Plan of the Monroe Township Master Plan; and

WHEREAS, that Plan contemplated certain amendments to Chapter 108; and

WHEREAS, Ordinance No. O-7-2016-026 was reviewed by the Court and Special Master in connection with the matter entitled IMO Application of the Township of Monroe for Substantive Certification of its Obligations Under the Fair Housing Act, Docket No: MID-L-3365-15, in which Monroe sought a Judgment of Compliance and Repose; and

WHEREAS, the Judgment was entered on October 5, 2016, subject to Monroe fulfilling certain conditions including the following amendments to Chapter 108.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey, that Chapter 108 of the Code of the Township of Monroe entitled “Land Development” is hereby further amended as follows:

Section 1.

§108-6.2. Official Zoning Map

Section A, A(1), and A(2) are to be repealed in their entirety and replaced with the following:

- A. The “Official Zoning Map” of Monroe Township, New Jersey dated September 7, 2016, is attached hereto and made a part hereof. (The Zoning Map referred to herein is located on file in the office of the Township Clerk.)

§ 108-6.7. R-3A Residential –Agricultural District.

The overlay zone PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District in the R-3A Residential-Agricultural District is removed from Lots 2, 4, 5, 10, 11.05, 13, 14, 15, 16.01 and 32 in Block 36 and Lot 1 in Block 36.02 and said lots shall be zoned strictly R-3a Residential Agricultural District

§ 108-6.28. PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District.

The PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District is repealed in its entirety.

§ 108-6.30. R-ARAF Residential-Age Restricted Affordable Housing District.

Lots 1.09, 3, 6, 9.01, 9.02 and 11.01 in Block 36, which were formerly zoned R-3A Residential-Agricultural District with an overlay PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District, are changed to a R-ARAF Residential-Age Restricted Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low-

and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low and moderate income housing.

B. The following shall be requirements of the R-ARAF District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted Uses:

(1) Inclusionary housing development consisting of market rate housing and affordable age-restricted housing as defined by this Article and N.J.A.C. 5:80-26.1, et seq., Uniform Housing Affordability Controls (UHAC) and the Monroe Township Affordable Housing Ordinance (Chapter 131 of the Township Code). All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

(a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to limit the number of bedrooms to a maximum of two (2) per dwelling unit and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate multi-family townhouse and apartment dwelling units provided shall not exceed two-hundred-thirteen (213).

(b) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum set-aside rate of twenty percent (20%) of the total number of dwelling units constructed in the development, with thirteen percent (13%) of the affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multi-family age-restricted rental apartment dwelling units provided shall be fifty-three (53).

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable age-restricted and market-rate housing to be used by the residents of the Inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

(1) Decks and patios for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than ten (10) feet by twenty (20) feet.

(2) Open space and recreational facilities for use by the residents on the premises.

E. Development, area, yard and building requirements. No building permit shall be issued for construction or other improvement in an R-ARAF Residential-Age Restricted Affordable Housing District development except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the R-ARAF Residential-Age Restricted Affordable Housing District:

(1) Minimum site area. The minimum site area for an inclusionary development in the R-ARAF Residential-Age Restricted Affordable Housing District shall be at least sixty-six (66) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.

(2) Gross residential density. The gross residential density shall not exceed four (4) dwelling units per acre.

(3) Site bulk requirements:

- [1] Minimum site frontage shall be one thousand one hundred (1,100) feet.
- [2] Minimum site width shall be one thousand one hundred (1,100) feet.
- [3] Minimum site depth shall be one thousand (1,000) feet.

(4) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

(5) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(6) Building coverage. Not more than twenty percent (20%) of the gross area of the total property tract shall be covered by buildings.

(7) Maximum building height.

- (a) Townhouses shall not exceed three (3) stories or forty-five (45) feet.
- (b) Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

(8) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

(9) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.30.I. of this Article.

F. Affordable Housing.

(1) Required percentage of affordable age-restricted dwelling units built on-site. The developer shall designate and set aside twenty percent (20%) of the total number of dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households, with at least thirteen percent (13%) of these units to be affordable to very low-income households.

(2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of

senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
 - (6) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
 - (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHACs.
 - (11) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.
- G. Signage as permitted in Article X of this Chapter.
 - H. Parking as required in Article IX of this Chapter.
 - I. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (a) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
- (b) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- (c) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

J. Fences are permitted in accordance with Article VIII of this Chapter.

K. An eight (8)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along Spotswood-Englishtown Road.

§ 108-6.31. HD-R-AH Highway Development-Residential-Affordable Housing District.

Block 1.14 consisting of Lot 13.2, which was formerly zoned as HD Highway Development District, is changed to a HD-R-AH Highway Development-Residential-Affordable Housing District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low and moderate income housing.

B. The following shall be requirements of the HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted Uses:

(1) All non-residential uses permitted in the HD District as provided in § 108-6.18.A. Only HD permitted uses shall be developed within four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33.

(2) Inclusionary housing development consisting of affordable housing as defined by this Article and UHAC and market-rate housing. All housing shall be developed beyond four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33 and shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

(a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed one hundred twenty (120).

(b) Affordable multi-family family rental apartment dwelling units that are provided at the set-aside rate of at least twenty percent (20%) of the total dwelling units, with thirteen percent (13%) of the total affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multi-family family rental apartment dwelling units provided shall be thirty (30).

(3) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

(1) Private swimming pools and clubhouses for use by the residents on the premises as per the requirements of Article XII of this Chapter.

(2) Open space and recreational facilities for use by the residents on the premises.

(3) Decks and patios for use by the residents on the premises located in the rear yard within the building envelope, except for decks and patios facing Butcher Road when compliant landscape buffer and berm are provided to create an effective screen from said road. No deck shall be larger than ten (10) feet by twenty (20) feet.

(4) Off-street parking areas and loading areas.

(5) Signs.

(6) Fences and walls.

(7) Satellite antennas.

(8) Public utility installations.

E. Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter:

Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.

F. Development, area, yard and building requirements. The following development requirements shall apply to the HD-R-AH Highway Development-Residential-Affordable Housing District:

(1) Minimum tract area for a mix of non-residential and inclusionary residential uses shall be thirty (30) acres.

(2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter, except for minimum lot area which shall be four (4) acres and minimum lot depth shall be four hundred (400) feet.

(3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:

(a) Minimum site area. The minimum site area for an inclusionary development in the HD-R-AH Highway Development-Residential-Affordable Housing District shall be at least twenty-five (25) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

- (b) Gross residential density. The gross residential density of the entire tract shall not exceed five (5) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred fifty (150) dwelling units of which one hundred twenty (120) dwellings may be market-rate dwelling units and thirty (30) dwelling units shall be affordable dwelling units.
- (c) Residential sections may be subdivided into separate lots. Regardless of whether a residential section has been subdivided into a separate lot, a townhouse residential section shall not exceed a net residential density of eight (8) dwelling units per acre and an apartment residential section shall not exceed a net residential density of twelve and five tenth (12.5) dwelling units per acre.
- (d) Bulk requirements for subdivided lots containing a residential section:
 - [1] Minimum lot area shall be four (4) acres.
 - [2] Minimum lot frontage shall be two hundred (200) feet.
 - [3] Minimum lot width shall be two hundred (200) feet.
 - [4] Minimum lot depth shall be five hundred (500) feet.
- (e) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

- (f) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

- (g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.
- (h) Maximum building height.
 - [1] Townhouses shall not exceed three (3) stories or forty-five (45) feet.

[2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

- (i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.
- (j) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.31.J. of this Article.

(4) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate and set aside twenty percent (20%) of the total number of dwelling units provided on-site to be affordable to low- and moderate-income households, with at least thirteen percent (13%) of these units to be affordable to very low-income households.
- (2) Required bedroom distribution for affordable family rental dwelling units.
 - (a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.
 - (b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.
 - (c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low income units shall be counted as part of the low income housing requirement.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.

- (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
 - (6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (7) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (10) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.
- H. Signage as permitted in Article X of this Chapter.
- I. Parking and loading as required in Article IX of this Chapter.
- J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter
- (1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.
 - (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area along Butcher Road and the property lines of the tract shall be fifty (50) feet.
 - (b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
 - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be twenty (20) feet. The buffer may include a berm of at least two (2) in height as is feasible given good engineering practices.
 - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
 - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to

determine whether additional plantings are needed to achieve the stated buffering objectives.

- K. Fences are permitted in accordance with Article VIII of this Chapter.
- L. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Butcher Road and Route 33 and along the perimeter of stormwater management basins and connected to the internal pedestrian walkway system of the site.

§ 108-6.32. POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

Block 25 consisting of Lots 2.10, 2.11, 2.12, 2.13 and 2.14, which was formerly zoned as PO/CD Planned Office Commercial District, is changed to a POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of office and commercial uses, market-priced age-restricted housing and affordable (to low and moderate income households) age-restricted housing. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low and moderate income housing.

B. The following shall be requirements of the POCD-AR-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Required Uses:

Mixed-use building that consists of non-residential uses as permitted in this section and residential uses as required in this section. Non-residential uses shall be required to be provided on the first floor of the mixed-use building that faces Applegarth Road. Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the UHAC and market-rate housing shall be required to be provided within the mixed-use building. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

- (1) Market-rate multi-family age-restricted apartment dwelling units that are deed restricted to permit only senior citizen residents as regulated in this Chapter and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate multi-family age-restricted apartment dwelling units shall not exceed one hundred nine (109).
- (2) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum set-aside rate of twenty-three-and-twenty-four-hundredths percent (23.24%) of the total number of dwelling units constructed. Of the affordable units, thirteen percent (13%) shall be affordable to very low-income households. The minimum number of affordable multi-family age-restricted rental apartment dwelling units provided shall be thirty-three (33). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom(s).

D. Permitted Uses:

- (1) All non-residential uses permitted in the PO/CD District as provided in § 108-6.16.A. and the NC Neighborhood Commercial District as provided in § 108-6.17.A.

- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.
- (7) Customary and accessory uses and buildings which are clearly incidental to permitted principal non-residential uses and buildings.

F. Development, area, yard and building requirements. The following development requirements shall apply to the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the POCD-AR-AH District shall be seventeen (17) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the PO/CD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
 - (a) Minimum lot area. The minimum site area for an inclusionary development in the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District shall be at least four (4) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.
 - (b) Gross residential density. The gross residential density of the entire tract shall not exceed eight and two-tenths (8.2) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred forty two (142) of which one hundred nine (109) may be market-rate age-restricted dwelling units and thirty three (33) dwelling units shall be affordable age-restricted dwelling units.
 - (c) Bulk and yard requirements:
 - [1] Minimum lot frontage shall be three hundred (300) feet.
 - [2] Minimum lot width shall be three hundred (300) feet.
 - [3] Minimum lot depth shall be three (300) feet.
 - [4] Minimum front yard setback shall be fifty (50) feet.
 - [5] Minimum side yard setback to the tract boundary shall be fifty (50) feet.

[6] Minimum side yard setback to an internal lot shall be twenty [20] feet.

[7] Minimum rear yard setback shall be one hundred (100) feet.

(d) Maximum building height. Mixed-use building shall not exceed four (4) stories or fifty-eight (58) feet.

(e) Building Separation Requirement:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	40 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	50 feet

(f) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

(g) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

(h) Buffers, landscaping, shade trees and tree preservation shall comply with § 108-6.32.I. of this Article.

G. Affordable Housing.

(1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate a set aside of twenty-three-and-twenty-four-hundredths percent (23.24%) of the dwelling units constructed on-site to be affordable to low- and moderate-income households, with at least thirteen percent (13%) of these units to be affordable to very low-income households.

(2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

(3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low income units shall be counted as part of the low income housing requirement.

(4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
 - (6) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
 - (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (11) Application procedures for Inclusionary housing development shall comply with §108-6.21.M of this Article.
- H. Signage as permitted in Article X of this Chapter.
- I. Parking and loading as required in Article IX of this Chapter.
- J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:
- (1) Permitted non-residential uses shall comply with the buffer requirements of the PO/CD District as set forth in § 108-6.16.H.
 - (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area fifty (50) feet.
 - (b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
 - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be thirty (30) feet.
 - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
 - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that

achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Fences are permitted in accordance with Article VIII of this Chapter.

§ 108-6.33. MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District.

Block 3 consisting of Lots 12.01, 13, 14, 26 and 27, which was formerly zoned as LI Light Industrial District, is changed to MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income family households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low and moderate income housing.

B. The following shall be requirements of the MU-HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Required Uses:

Inclusionary housing development consisting of market rate housing and affordable housing, as defined by this Article, the Monroe Township Affordable Housing Ordinance, and UHAC. The inclusionary housing development shall be provided on the eastern two-thirds of the tract of land facing Route 33. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

- (1) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate multi-family townhouse and apartment dwelling units shall not exceed one thousand two hundred seventy three (1,273).
- (2) Affordable multi-family family rental apartment dwelling units that are provided at a minimum set-aside rate of eight-and-fifteen hundredths percent (8.15%) of the total number of dwelling units constructed on the site; of the affordable units provided, thirteen percent (13%) shall be affordable to very low-income households. The minimum number of affordable multi-family family rental apartment dwelling units shall be one hundred thirteen (113). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into new bedroom(s).
- (3) Pursuant to a court settlement, the inclusionary development in the MU-HD-R-AH District shall be phased with the development of two one hundred percent (100%) affordable family rental projects. The first of these projects shall consist of one hundred (100) dwelling units to be developed on a portion of Lot 24 in Block 53, which project shall provide for fifteen percent (15%) of the total number of affordable family rental dwelling units to be affordable to very low-income households. The second of these projects shall consist of one hundred seventy-one (171) dwelling units to be developed on Block 6, Lots 12.06, 15.01,

23.01 and 27.01, which project shall also provide for fifteen percent (15%) of the total number of affordable family rental dwelling units to be affordable to very low-income households. When the two (2) one hundred percent (100%) affordable family rental projects are combined with the affordable multi-family family rental apartment dwelling units in the MU-HD-R-AH district, the total affordable housing set aside will be twenty-three and seventeen hundredths percent (23.17%), which is calculated by dividing a total of three hundred eighty-four (384) affordable dwelling units by one thousand six hundred fifty-seven (1,657) total dwelling units consisting of all of the market-rate and affordable dwelling units in MU-HD-R-AH District and all of the one-hundred percent (100%) affordable family rental dwelling units on a portion of Lot 24 in Block 53, and on Block 6, Lots 12.06, 15.01, 23.01 and 27.01. The overall phasing of market-rate dwelling units in the MU-HD-R-AH District and affordable dwelling units in the MU-HD-R-AH District and the two hundred-seventy-one (271) one hundred percent (100%) affordable dwelling units identified hereinabove shall be provided as set forth in subsection G.(6) below.

D. Permitted Uses:

- (1) All non-residential uses permitted in the HD Highway Development District as provided in § 108-6.18.A. Non-residential development shall be provided on the western one-third of the site facing Route 33.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized user.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.

F. Development, area, yard and building requirements. The following development requirements shall apply to the MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the MU-HD-R-AH District shall be two hundred thirty (230) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
 - (a) Minimum area. The minimum site area for an inclusionary development in the MU-HD-R-AH District shall be at least one hundred (100) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

- (b) Gross residential density. The gross residential density of the entire tract shall not exceed five and six tenths (5.6) dwelling units per acre.
- (c) Bulk and yard requirements:
 - [1] Minimum lot frontage shall be five hundred (500) feet.
 - [2] Minimum lot width shall be five hundred (500) feet.
 - [3] Minimum lot depth shall be seven hundred (700) feet.
 - [4] Minimum front yard setback shall be one hundred (100) feet.
 - [5] Minimum side yard setback shall be one hundred (100) feet.
 - [6] Minimum rear yard setback shall be one hundred (100) feet.

(d) Setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road, Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

(e) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(f) Maximum building height.

- [1] Townhouses shall not exceed two-and-one-half (2-1/2) stories or thirty-five (35) feet
- [2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet

(g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

(h) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

- (i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.
- (j) Buffers and landscaping and shade trees and tree preservation shall comply with § 108-6.32.I, of this Article.
- (k) Establishment of an open space organization shall comply with § 108-6.32.J. of this Article.
- (l) Recreation facilities shall comply with § 108-6.32.K. of this Article.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site in the MU-HD-R-AH District. The developer shall set aside eight-and-fifteen hundredths percent (8.15%) set aside of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households; at least thirteen percent (13%) of the total affordable dwelling units built on-site in the MU-HD-R-AH District shall be for very low-income households, which very low income units shall be counted as part of the low income housing requirement.
- (2) Required percentage of affordable family rental dwelling units in the one hundred percent (100%) affordable family rental projects to be set aside for very low-income households shall be fifteen percent (15%), which very low income units shall be counted as part of the low income housing requirement.
- (3) Required bedroom distribution for affordable family rental dwelling units for MU-HD-R-AH District and one hundred percent (100%) affordable family rental projects.
 - (a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.
 - (b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.
 - (c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.
- (4) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.
- (5) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule for the provision of the low and moderate income units has been agreed to by the Township and developer.

- (6) The project phasing of the inclusionary development in the MU-HD-R-AH District and the one hundred percent (100%) affordable family rental projects shall comply with the following table:

Market-Rate Units in MU-HD-R-AH District To be Completed	Affordable Units to Be Completed by Development
318	0
319	38 cumulative, all in MU-HD-R-AH District
637	192 cumulative (92 in MU-HD-R-AH District and 100 in 100% Affordable Project in portion of Lot 24, Block 53)
955	289 cumulative (113 in MU-HD-R-AH District, 100 in 100% Affordable Project in portion of Lot 24, Block 53, and 76 in 100% Affordable Project in Block 6, Lots 12.06, 15.01, 23.01, and 27.01)
1,146	384 cumulative all projects

- (7) The location and design of affordable housing shall comply with the following requirements:
- (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (8) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
- (9) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
- (10) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
- (11) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
- (12) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

H. Signage as permitted in Article X of this Chapter.

I. Parking and loading as required in Article IX of this Chapter.

J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.

- (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area one hundred (100) feet.
 - (b) Buildings shall be set back a minimum of one hundred (100) feet from the property lines of the tract.
 - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be fifty (50) feet.
 - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
 - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Establishment of open space organization required.

- (1) The developer shall provide for an organization or organizations for the ownership and maintenance of any common open space and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.
- (3) The establishment and operation of the open space organization(s) shall be governed by applicable law N.J.S.A. 40:55D-43.

L. Recreation facilities.

- (1) The areas within the common open space reserved for recreation shall be developed with appropriate recreation facilities for all age groups.

- (2) The common open space and recreation facilities of the tract shall be available on an equal basis to residents of all parts of the tract.
 - (3) The recreation facilities shall include a central recreation complex with a minimum of one (1) swimming pool, two (2) tennis courts, one (1) basketball court and a picnic area. If feasible within the natural environmental constraints of the site, this central recreation complex shall also include multi-purpose fields for soccer and baseball. In addition, at least fifteen percent (15%) of the developed open space of the tract shall include equipped playgrounds within the open space system.
 - (4) The recreation facilities shall include a meandering open space and trails system linking residential clusters with the tract's principal recreation complex.
- M. Fences are permitted in accordance with Article VIII of this Chapter.
- N. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Route 33 as is permissible given environmental constraints and regulations.

Section 2. REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

SO ORDAINED, as aforesaid

LESLIE KOPPEL, Council President

RECORDED VOTE – INTRODUCTION – November 9, 2016							
COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dipierro							
Councilman Leibowitz							
Councilwoman Schneider							
Council V. President Dalina							
Council President Koppel							

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Monroe Township Council on November 9, 2016. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held at 7:00 p.m. on December 5, 2016 in the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

PATRICIA REID, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – DECEMBER 5, 2016							
COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dipierro							
Councilman Leibowitz							
Councilwoman Schneider							
Council V. President Dalina							
Council President Koppel							

ORDINANCE NO. O-11-2016-036

**AMENDING CERTAIN PROVISIONS
OF CHAPTER 108 OF THE CODE OF THE TOWNSHIP
OF MONROE ENTITLED “LAND DEVELOPMENT”**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is affected by the affixing of my signature hereto.

GERALD W. TAMBURRO, Mayor

Date Signed: _____