

**TOWN OF CLINTON
ORDINANCE # 22-01**

AN ORDINANCE CREATING THE AH-1 AFFORDABLE HOUSING DISTRICT

WHEREAS, the Town of Clinton filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, captioned IMO Town of Clinton, Docket No. HNT-L-304-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, the Town of Clinton (the “Town”) entered into Settlement Agreements with Fair Share Housing Center on September 18, 2018 (as amended by an Agreement dated August 1, 2021) (hereinafter the “Settlement Agreement”) that determines the Town’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement contemplates development of Block 3, Lot 2 with an assisted living facility and age-restricted independent living rental units; and

WHEREAS, the zoning amendments herein support the development of Block 3, Lot 2 consistent with the Settlement Agreement; and

WHEREAS, the revisions to the zoning map, and creation of the AH-1 Affordable Housing District, are intended to follow the property lines of Block 3, Lot 2; and

WHEREAS, the Town’s Land Use Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Town in a manner consistent with all applicable affordable housing statutes and regulations.

NOW THEREFORE BE IT ORDAINED, by the Council of the Town of Clinton, County of Hunterdon, and State of New Jersey, as follows:

Section 1. Section 88-51(A) of the Code of the Town of Clinton (the “Code”) entitled “Zone Districts” is amended and supplemented to add Affordable Housing (AH-1) District.

Section 2. Section 88-51(C) entitled “Map and schedule” is amended such that the boundary of the Affordable Housing (AH-1) District shall be applied to Block 3, Lot 2.

Section 3. Chapter 88 entitled “Zoning” is hereby supplemented and amended to create the AH-1 District as follows:

§ 88-52.2 AH-1 Affordable Housing District

A. Purpose. The purpose of the AH-1 Affordable Housing District is to provide opportunity for the development of low and moderate income housing that will assist the Town in continuing to meet its constitutional obligation to provide affordable housing.

B. Permitted uses. Permitted uses shall be as follows:

(1) Principal uses.

(a) Assisted living facilities, which may include an adult day care component and memory care beds.

(b) Age-restricted independent living units.

(c) More than one principal building shall be permitted upon a lot.

(2) Accessory uses and structures.

(a) Garages as part of the principal structure and off-street parking facilities.

(b) Carports.

(c) Solar panels mounted to the roof of a principal building or a carport.

- (d) Storage and maintenance buildings to service a permitted principal use.
 - (e) Electric vehicle charging facilities, including all required electrical infrastructure and charging stations.
 - (f) Customary accessory structures approved as part of the site plan for the development, including trash enclosures, fences, walls, lampposts, trellises, gardens, ponds, swimming pools for use of residents of the development and the like.
 - (g) Signs in accordance with the requirements of this section.
- C. Tract area, development areas, density, and bulk requirements.
- (1) Tract area. The minimum tract area shall be 2.5 acres
 - (2) Density. Any development project shall not exceed a total of seventy (70) age-restricted independent living units and shall include no more than 140 assisted living beds.
 - (3) Bulk requirements.
 - (a) Yard requirements. The following minimum yard areas shall be provided:
 - 1. Front yard setback from State Route 173 (West Main Street) – 100 feet
 - 2. Front yard setback from Interstate Route 78 – 60 feet
 - 3. Side yard setback – 75 feet
 - (b) Coverage. The maximum coverage by buildings shall not exceed 30% of the tract area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed 65% of the tract area.
 - (c) Buffer areas. No building, driveway or parking area shall be located within 10 feet of any tract boundary line.
 - (d) Building height. No building shall exceed five stories in height, nor shall any building exceed 50 feet in height.
- D. Parking requirements.
- (1) Parking shall be provided for all age-restricted independent living units in accordance with the New Jersey Residential Site Improvement Standards (RSIS).
 - (2) Assisted living facilities shall provide 0.5 spaces per bed.
- E. Affordable housing requirements.
- (1) All developments in the AH-1 Affordable Housing District shall be required to provide affordable housing.
 - (2) Age-restricted independent living units in the AH-1 shall provide a minimum of twenty-percent of the total units proposed as affordable to low and moderate income households.
 - (3) A minimum of 10% of the total number of assisted living beds shall be reserved for Medicaid residents per state licensing requirements.
 - (4) All affordable units must comply with the Town of Clinton Affordable Housing requirements and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq., or as may be amended), including, but not limited to, phasing, bedroom distribution, and income distribution.
- F. Engineering and construction design standards.
- (1) Drainage.

- (a) The drainage system shall be a combination of structural and nonstructural measures of controlling surface runoff.
- (b) The system shall be adequate to carry and attenuate stormwater which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in the current state of development. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (c) Lots and buildings shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow.
- (d) All developments shall further comply with the Floodplain Ordinance of the Town of Clinton, as amended and supplemented, and all applicable state and federal regulations.

(2) Lighting.

- (a) Streetlighting shall be provided at all intersections, parking areas and anywhere else deemed necessary for safety reasons.
- (b) Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads and traffic safety from glare, reflection and overhead sky glow in order to recommend steps needed to minimize these impacts.
- (c) Parking lot lighting levels shall not exceed 1.0 footcandles.
- (d) Lighting levels at the tract boundary shall not exceed 0.1 footcandles.
- (e) Light fixtures shall include full-cutoff luminaires and LED bulbs.

(3) Sidewalks. Sidewalks shall be installed within the development as needed and where they are best located to serve public safety considering the intensity of development, the probable volume of pedestrian traffic and the general type of improvement intended. Sidewalks shall be provided to West Main Street to connect the development to the existing sidewalk system.

(4) Water supply.

- (a) The developer shall be responsible for connecting to the public water system, including any upgrades that may be necessary to provide service to the site. Prior to the grant of the preliminary approval, the applicant shall provide the Board with a copy of a letter from the water company indicating that the project will be serviced with public water.
- (b) Fire hydrant type, number and locations shall be approved by the Public Works/Business Administrator with the advice of the chief of the Clinton Fire Company and shall be installed by the developer.

(5) Signage. The development shall be permitted one ground sign for site identification not to exceed a total of thirty-two square feet in area and not more

than six feet in height. No building mounted signage shall be permitted with the exception of the street address.

H. Independent living unit requirements.

(1) No building shall exceed a length of 280 feet. Façade articulation shall be provided to avoid long stretches of building wall on a single plane.

(2) Accessory buildings shall meet the property line setbacks required for principal buildings. Trash enclosures shall be setback a minimum of 30 feet from any property boundary.

(3) The maximum height of an accessory building shall be 16 feet.

(4) If provided, garages shall be built into the principal structure.

(5) Laundry facilities shall be provided either as common areas in the principal building or within each unit.

(6) One or more completely enclosed but unroofed structure for the collection and storage of solid waste and recycling shall be provided. No garbage or other refuse shall be stored or collected except in such approved structures.

(7) In addition to any storage area contained within the dwelling unit, a minimum of 150 cubic feet of storage space shall be provided for each dwelling unit, which storage area shall be convenient to and accessible from the outside of the building for purposes of storing bicycles, strollers and similar outside equipment.

(8) Landscape screening and fencing shall be provided as needed to shield parking areas and other common facilities from the view of adjoining properties and streets.

(9) Provisions shall be made for the preservation of existing trees and natural features to the greatest extent possible.

(10) All disturbed areas shall be landscaped. Landscaping shall be provided as follows:

(a) Shade trees shall be planted along all drives and in common parking areas. Such trees shall be 2 1/2 to three inches in caliper at time of planting and shall be planted 50 feet on center along both sides of all streets and common parking areas. The Land Use Board shall approve the choice of plantings and, in so doing, may rely upon the recommendations of the Shade Tree Commission.

(b) All required front, side and rear yards shall be left in their natural state and supplemented with additional plantings to provide effective screening to surrounding properties.

(c) All disturbed areas shall be planted in grass or ground cover.

(d) All plantings shall be of nursery stock, balled and burlapped, and shall be healthy and free of disease.

Section 4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only and the provisions of this Ordinance shall govern in the event of any inconsistency.

Section 6. This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication in the manner prescribed by law.

Adopted March 23, 2022