ORDINANCE NO. 07-21

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY ESTABLISHING THE AH-5 INCLUSIONARY AFFORDABLE HOUSING ZONE AMENDING CHAPTER 13, LAND DEVELOPMENT, ARTICLE VII ZONING REGULATIONS, TO ADDRESS ROXBURY TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Roxbury (the "Township") filed a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County, captioned IMO Township of Roxbury, Docket No. MRS-L-1763-15 (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 Township entered into a Settlement Agreement with Fair Share Housing Center on March 20, 2020 (the "Settlement Agreement") that determines the Township's affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, in order to establish zoning provisions that provide a realistic opportunity for development of affordable housing in response to Roxbury Township's Third Round affordable housing obligations and consistent with the Settlement Agreement, which was recommended by the Superior Court Special Master and approved by the Superior Court of New Jersey; and

WHEREAS, the Township's Planning Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Township in a manner consistent with all applicable affordable housing statutes and regulations and the Settlement Agreement.

WHEREAS, Roxbury Township has identified Block 4002, Lot 5 to be appropriate for development of higher-density inclusionary residential development in the Township located on Hercules Road near Route 46 possess sufficient land area to accommodate inclusionary zoning at eight (8) units per acre with a 20% affordable housing set-aside, to address the Township's Third Round affordable housing obligation; and

WHEREAS, the zoning amendments herein support residential inclusionary development consistent with the Settlement Agreement and the Township's Housing Element and Fair Share Plan.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Roxbury, County of Morris as follows:

Section 1. Article VII §13-7.4, entitled “Zoning Districts” and §13-7.5 entitled “Zoning Map” are hereby amended to include the following one (1) zone designation, "Affordable Housing Residence District AH-5" as indicated on Exhibit 1, and listed as Block 4002, Lot 5.

Section 2. Article VII §13-7, entitled “Zoning Regulation”, of the Code of the Township of Roxbury is hereby amended and supplemented, as follows:

§ 13-7.18D AH-5 Affordable Housing Residential District.

§ 13-7.18D01 Principal Permitted Use.

The AH-5 Affordable Housing Residence District is established and designed to encourage the development of low- and moderate-income housing through provisions for set aside units to meet this need and the Township's affordable housing obligation under the Mt. Laurel II decision of the New Jersey Supreme Court.

This zone is designed for and permits the construction of townhouses and/or stacked condominiums at a density not to exceed eight (8) units per acre, with a 20% affordable housing set aside for very-low, low-and moderate-income housing on a comprehensively designed residential neighborhood basis.

§ 13-7.18D02 Required Conditions.

The following requirements must be complied with in the AH-5 Affordable Housing Residence District.

A. Intensity of Development. The intensity of development shall be limited to a maximum density of eight (8) units per acres.

B. Setaside Provisions. A set aside of twenty (20) percent of the dwelling units are to be occupied by low- and moderate-income families pursuant to all the requirements set forth in Section 13-7.826, Low- and Moderate-Income Housing, Uniform Housing Affordability Controls (UHAC), and all other applicable provisions of this chapter. All affordable housing units are subject to a 30-year deed restriction for affordability. Applicant shall be responsible for the administration, monitoring and compliance of the project’s affordable housing in accordance with applicable statutes and regulations, and shall provide copies of all relevant documents to the Township. The construction of affordable units will be phased in accordance with COAH regulations. The exterior building facades of affordable units shall be substantially similar to market rate units, such that it will not be apparent when driving through the development which units are market rate and which units are moderate and low income.

C. Setback on Existing Roads. A minimum building setback distance or front yard of fifty (50) feet and parking lot setback of 25 feet shall be provided on all existing roads.

D. Boundary Line Setback. No building or structure shall be erected closer than fifty (50) feet to a residentially zoned property line and 25 feet from a non-residentially zoned property line. A buffer area of at least twenty-five (25) feet in width shall be maintained along the AH-5 boundary. This buffer area shall be kept in its natural state where wooded and, when natural vegetation is sparse or nonexistent, the Planning Board may require the provision of a natural visual screen. Within the buffer area, no principal or accessory structure, nor any off-street parking, stormwater basins or other uses shall be permitted. Utility easements and streets may be permitted by the Planning Board within the buffer area to ensure continuity of development with adjoining properties. Said buffer area may be included for purposes of computing required open space within the AH-5 Zone. The buffer area may be reduced or eliminated by the Planning Board where the development within the AH-5 Zone is consistent or compatible with adjoining uses.

E. Impervious Coverage. The maximum impervious coverage for the site under this zoning shall be sixty (60%) percent.

F. Street Setback on Interior Roads. No building or structure shall be erected within twenty-five (25) feet of the right-of-way of any interior or private street or road.

G. Street Widths. The right-of-way and pavement widths of interior roads serving development in the AH-5 Zone shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic needs including access for firefighting, police and other emergency vehicles. In any event, pavement widths of interior roads shall be not less than twenty-four (24) feet and the widths of sidewalks shall be not less than four (4) feet. Dedicated streets shall conform to Township specifications.

H. Sidewalks. Sidewalks will be constructed to have a minimum of four (4) foot width.

I. Height. No building shall exceed a maximum of three (3) stories or forty (40) feet in height.

J. Distance Between Structures. No residential structure, no additions thereto nor any structures accessory thereto shall be erected closer than thirty (30) feet to another structure.

K. Residential Structures. A dwelling structure shall not exceed a length of 175 feet. No dwelling structure shall have more than three (3) continuous attached dwelling units with the same setback, and variations in setback shall be at least four (4) feet. Variations shall also be achieved by the type of roof, including the height of eaves and peaks and by architectural treatment of the building facade. Facades shall include a stone or brick base, vertical elements and accents along with window trim and building molding. Balconies and patios are encouraged. Building plans and elevations shall accompany the application and shall show a variation in design of units and structure sufficient to satisfy the intent of this provision.

L. Utilities and Services. The developer shall furnish as a condition precedent to action by the Planning Board, an acceptable public water supply and sanitary sewer facilities based upon written agreements and written approval of appropriate Township and State authorities. The developer shall provide for all necessary storm drainage facilities, road access, paved service streets, off-street parking facilities, lighting and fire protection systems, making reasonable provision for service connections with adjoining properties in other ownership.

M. Off-Street Parking Requirements. Within any development in the AH-5 Zone, there shall be provided conveniently located off-street parking facilities for all buildings as set forth in Section 13-8.701.

N. Common Open Space Requirements. At least twenty-five (25) percent of the total land area of a development within the AH-5 Zone shall be devoted to common open space as herein defined. Said open space may be developed with active and passive recreational facilities or may remain undeveloped but provided with walking/bicycle paths. These common open spaces, where not developed as provided herein, shall be kept in their natural state where wooded and, where natural vegetation is sparse or non-existent, the Planning Board may require the provision for reasonable landscaping of these areas.

O. Recreation. At least seven (7%) percent of the total area of the tract shall be improved for recreational purposes for the use of the owners or occupants of the development or the Township at large in accordance with a plan specifying the types of improvements, which plan shall be furnished by the developer at the time of application and approved by the Planning Board. Such recreational improvement may include, but are not limited to, such things as tot lots, intermediate play areas or swimming pools.

P. Identification Signs. Notwithstanding Section 13-8.9, there may be entrance monuments with signs constructed at the major point(s) of access to the community. Each sign shall be no larger than thirty (30) square feet, shall not exceed seven (7) feet in height, and shall not obstruct sight triangles. To the greatest extent possible these entrance signs and monuments shall be in keeping with the architectural theme of the development, subject to the review and

approval of the Planning Board. Signs may be illuminated using low wattage (75 watts or less) flood lights which are downward facing and not create light trespass to adjoining properties.

Q. Ownership and Maintenance of Common Open Space. The landowner may provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space, or by dedicating the same to the Township, only if the Township agrees to accept such dedication.

R. Protection of Open Spaces. All open spaces between structures shall be protected where necessary by fully recorded covenants running with the land, conveyances or dedications.

S. Community Amenities such as recreation, open space, dog park, playground, meeting rooms, work out rooms, parcel delivery/pick up rooms, bicycle storage, billiards, etc., shall be maintained by the Project Owners. Both the market rate unit residents and the affordable unit residents shall have access to all community amenities and affordable unit residents will not be assessed additional fees, beyond the base rent, for use of any of the community amenities.

T. Affordable Housing Residential Units. All affordable housing residential units shall be provided with heating and air conditioning units, refrigerator, stove, oven, microwave, washing machine and dryer. Parking shall be provided per Code at no extra charge.

Section 3. This ordinance may be renumbered for codification purposes.

Section 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. 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 6. This Ordinance shall take effect upon passage and publication as provided by law.

INTRODUCED: February 23, 2021
ADOPTED: April 13, 2021

Attest:

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Amy E. Rhead, RMC
Township Clerk

EFFECTIVE: May 6, 2021