

Explanation: This Ordinance amends Chapter XVI entitled “Zoning” by amending the Zoning Map and by adding new section 16-20 entitled “AH-1 Affordable Housing District”.

TOWNSHIP OF WARREN

ORDINANCE NO. 19-07

AN ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN, CHAPTER XVI ENTITLED “ZONING” BY AMENDING SECTION 16-2 ENTITLED “ESTABLISHMENT OF DISTRICTS” AND SUBSECTION 16-3 ENTITLED “OFFICIAL ZONING MAP” AND BY THE ADDITION OF NEW SECTION 16-20 ENTITLED “AH-1 AFFORDABLE HOUSING DISTRICT”

BE IT ORDAINED by the Township Committee of the Township of Warren in the County of Somerset, State of New Jersey, as follows:

SECTION 1. Section 16-2 entitled “Establishment of Districts” of Chapter XVI entitled “Zoning” of *The Revised General Ordinances of the Township of Warren* is hereby supplemented and amended by the addition of the following to Subsection 16-2.1 entitled “Districts”:

AH-1 Affordable Housing

SECTION 2. Subsection 16-3.1 entitled “Official Zoning Map” of Section 16-3 entitled “Official Zoning Map and Interpretation” of Chapter XVI entitled “Zoning” of *The Revised General Ordinances of the Township of Warren* is hereby supplemented and amended as follows:

A. Change the zoning district classification on the official zoning map from R-65 1½ Acre Residential to AH-1 Affordable Housing District for the following properties:

1. Block 208, Lot 4
2. Block 208, Lot 10

Boundaries of the rezoned area are indicated on Exhibit A attached to this Ordinance.

SECTION 3. Chapter XVI entitled “Zoning” of *The Revised General Ordinances of the Township of Warren* is hereby supplemented and amended by the addition of new Section 16-20 entitled “AH-1 Affordable Housing District” to read as follows:

16-20 AH-1 AFFORDABLE HOUSING DISTRICT

16-20.1 Purpose. The objectives and standards set forth hereafter are designated to implement the Housing and Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-1 zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.

The intent and purpose is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low and moderate income households as defined by the New Jersey Fair Housing Act, as well as middle income, age targeted and adult households.

16-20.2 Development Standards and Requirements.

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| a. Permitted Uses | Side by side attached units commonly called a townhouse.
Multi-Family Dwellings, which shall include stacked townhouses in which 2 or more dwelling units are included in a building section with the dwelling units in a section separated from each other by vertical and/or horizontal walls and each dwelling unit having a separate entrance.
Apartments where units may be designed to be one above another. |
| b. Accessory Uses. | Patios, balconies, decks
Fences and walls
Signs
Stormwater facilities
Pump stations
Refuse corrals
Common recreational facilities |
| c. Housing Units Permitted | No more than 192 dwelling units shall be permitted, of which 48 shall be affordable units |
| d. Minimum Habitable Space for Income Restricted Affordable Units* | 1 bedroom-700 square feet
2 bedroom-750 square feet
3 bedroom-1200 square feet |

*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3.

e. Minimum/Maximum Units	8/18
f. Maximum No. Bedrooms/ Unit	3/unit
g. Maximum Average Habitable Unit Floor Area	Townhome Unit 2,200 s.f. Apartment Unit 2,200 s.f.
h. Maximum Building Height	3 stories/40 feet (whichever is less), measured from average finished grade
i. Minimum Building Setback:	
Tract boundary	50 feet (Tract includes land located in the Township of Berkeley Heights)
Front yard from Hillcrest Road and Emerson Lane	50 feet
Front yard from Private Street	20 feet (curb line)
Side Yard	25 feet
Rear Yard	25 feet
j. Lot Coverage:	
Maximum Building Coverage	20%
Maximum Total Impervious Coverage	40%
k. Parking Standards	Development shall meet Residential Site Improvement Standards (RSIS) and each market rate dwelling unit shall have a garage.
l. Signage	Development ID permitted at entrances. ID sign face shall have maximum area of 25 square feet and height of no greater than 5 feet. Sign shall be no less than 10 feet from public right-of-way.

- m. Buffer A 50 foot buffer coinciding with the tract boundary and all land in Berkeley Heights shall remain in its natural state, as supplemented pursuant to the requirements of Section 16-20.6 of Chapter XVI. Roads providing ingress and egress, signs and stormwater management facilities shall be permitted in buffers, except for the buffer described in the preceding sentence.
- n. Recreation The development shall provide active and passive recreational opportunities for site residents
- o. Housing Affordability 48 units shall be affordable pursuant to Requirements Section 16-6 of Chapter XVI (Zoning Ordinance).

16-20.3 Design Standards. The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

a. General Design Standards.

1. All buildings should be designed with an eye toward architectural detailing that complements the appearance of adjacent structures within the AH-1 Affordable Housing District.

2. Buildings shall have variegated facades. Use of texture variations shall be encouraged.

3. Pitched roofs are required.

4.. Entrances shall include such features as canopies or porticos, overhangs, recesses and side entries

b. Continuity of Treatment. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.

c. Exemptions. Whereas steep slopes are defined as and include all areas of land of fifteen (15%) percent grade or greater, this major subdivision development shall be exempt from the restrictions on slopes greater than fifteen (15%) percent as per Chapter XV, subsection 15-7.2.

d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:

1. No flat roof shall be permitted in any building.
 2. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
 - f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
 - g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building.
 - h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
 - i. Shutters. The use of shutters on building front facades shall be encouraged.
 - j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
 - k. All units shall be encouraged to be equipped with Energy Star certified appliances and utilities and further, the developer is encouraged to advance and/or achieve LEED standards and/or certification.

16-20.4 Parking Design Standards.

- a. Provision of parking spaces. The design and number of parking spaces required per this ordinance shall be provided in conformance with RSIS (NJAC 5:21-4.14 through .16). Each market rate unit shall have at least one garage parking space.
- b. Screening. Any parking area located within 50 feet of a tract boundary shall be screened by

year round plantings at least six (6) feet in height.

16-20.5 Streetscape/Landscape Design Standards.

Interior roadway shall provide streetscape elements including sidewalk and lampposts. Street trees shall be provided in accordance with all applicable Township Code requirements.

16-20.6 Berkeley Heights Considerations in accordance with Report of Special Master Regarding the Fairness of Warren Township's Settlement Agreement by and among the Township, Fair Share Housing Center and Intervenors.

a. A traffic study shall be performed as part of any application to the Warren Township Planning Board and must specifically include the impacts, if any, from all new Warren Township and Berkeley Heights developments, including those listed in the Berkeley Heights development matrix, attached hereto as Exhibit B. Such studies will specifically include the impacts, if any, to Emerson Lane running east from Hillcrest Road. Such traffic study must also be submitted to Berkeley Heights as part of any Warren Planning Board application.

b. As part of any site plan application to the Warren Planning Board, the developer of Block 208, Lots 4 & 10 (the "Property") will demonstrate its ability to realign the Emerson Road egress/ingress to line up with North Ridge Way. In connection with this realignment, the developer will use all good efforts to move the interior road on the east side further west in order to create a wider tree preservation/buffer area on the northeast side of the Property fronting Rogers Avenue. If this can be accomplished, additional vegetation shall be added to the tree preservation/buffer area in order to reduce visibility from Rogers Avenue. No stormwater management facilities, active or passive recreation areas or any other permitted use shall be allowed to be constructed within the lands located within the Township of Berkeley Heights. Furthermore, the lands located within the Township of Berkeley Heights shall be made part of a conservation easement. The conservation easement shall be supplemented with sufficient additional landscape plantings (shrubs and evergreen trees) in order to reduce visibility of the developer's project from Rogers Avenue and shall be subject to customary maintenance.

c. The developer shall use all good efforts to provide an ingress only road on Hillcrest Road at the southern end of the Property and an egress-only road on Hillcrest Road north of such ingress-only road, unless developer's traffic engineer demonstrates to the satisfaction of the Township Planning Board that such access roads shall create an unsafe traffic condition.

d. As part of any site plan application, the developer will provide cross-section view renderings and elevations from Rogers Avenue toward the project, as well elevations with façade materials and color palate for the project.

SECTION 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. Pursuant to N.J.S.A. 40:55D-62.1, The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the owners of all real property as shown on the current tax duplicates located within the district and within the State within 200 feet in all directions of the boundaries of the district. The municipal clerk shall also provide notice to the Office of Planning Advocacy and to any military facility commander who has registered with the municipality pursuant to N.J.S.A. 40:55D-12.4 at least ten (10) days prior to the hearing by personal service or certified mail.

Pursuant to N.J.S.A. 40:55D-15, notice by personal service, certified mail or email with confirmation that the email was delivered, shall be made to the Somerset County Planning Board and to the clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of the zoning ordinance involving property situated within 200 feet of such adjoining municipality at least ten (10) days prior to such hearing. The notice provided pursuant to N.J.S.A. 40:55D-15 shall include a copy of this ordinance.

Notice provided as set forth herein shall state the date, time and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office.

Notice shall also be given by (1) serving a copy on the property owner as shown on the current tax duplicate, or his agent in charge of the property, or (2) mailing a copy by certified mail and regular mail to the property owner at his or her address as shown on the current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

The Township Clerk shall execute affidavits of proof of service of the notices required by this section, and shall keep the affidavits on file along with the proof of publication of the notice of the

required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

SECTION 7. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the within Ordinance to the Planning Board of the Township of Warren 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 8. 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.

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, RMC
Township Clerk

Gary DiNardo, Mayor

INTRODUCED: February 7, 2019

ADOPTED: February 28, 2019

EFFECTIVE: March 7, 2019