BOROUGH OF WATCHUNG

ORDINANCE No. OR:19/09

AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CREATING THE SOMERSET STREET/WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY DISTRICT, BY AMENDING SECTION 28-301, TITLED "ZONING DISTRICTS", SECTION 28-302, TITLED "ZONING MAP", AND ADDING A NEW SECTION, SECTION 28-419, TITLED "SOMERSET STREET/WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY DISTRICT" TO THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH

BE IT ORDAINED, by the Mayor and Council of the Borough of Watchung, in the County of Somerset and State of New Jersey that the Borough Land Development Ordinance is amended as follows:

Section 1: Section 28-301, titled "Zoning Districts", shall be amended to add a new Somerset Street/Watchung Avenue Affordable Housing Overlay District as follows:

S-W Somerset Street/Watchung Avenue Affordable Housing Overlay District

Section 2: Section 28-302, titled "Zoning Map", shall be amended to place the following properties within the Somerset Street/Watchung Avenue Affordable Housing Overlay District: the entirety of Block 47.01 (i.e., Lot 1, Lot 2 Qual. C0001, Lot 2 Qual. C0002, Lot 2 Qual. C0003, Lot 2 Qual. C0004, Lot 2 Qual. C0005, Lot 2 Qual. C0006, Lot 3, Lot 3.01, Lot 4. Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 13) as shown on "Appendix A: Zoning Map Amendment".

Section 3: New Section 28-419, Somerset Street/Watchung Avenue Affordable Housing Overlay District, is hereby added as follows:

28-419. "S-W" SOMERSET STREET/ WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY DISTRICT

A. Purpose and Application.

1. Purpose. The purpose of the Somerset Street/Watchung Avenue Affordable Housing Overlay District is to create a realistic opportunity for the development of affordable housing in accordance with the June 7, 2018 Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center, Inc., and the September 19, 2018 Order on Fairness and Preliminary Compliance Hearing by the Superior Court

of New Jersey Law Division Somerset County. Docket No.: SOM-L-902-15.

2. Application of Requirements. The Somerset Street/Watchung Avenue Affordable Housing Overlay District permits mixed-use redevelopment consisting of first floor commercial uses and residential units above within the "Triangle" area bounded by Watchung Avenue, Somerset Street and Johnston Drive. Consistent with the purpose of the district such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to 28-419.D, Affordable Housing Requirements. The requirements of the "underlying" Neighborhood Business (B-A) zoning district shall remain in full effect in the area encompassed by this Overlay District unless an application is proposed consistent with the requirements of this Overlay District. The requirements of this Overlay District shall only be applicable to the lands involved in such a mixed-use development application. Lands not included in such a mixed-use development application shall continue to be subject to the requirements of the "underlying" zoning district.

B. Permitted Uses.

1. Principal Permitted Uses. Mixed-use development consisting of commercial development on the first floor and residential units above. Permitted commercial uses on the first floor shall consist of the permitted uses specified in Section 28-406.A with respect to the B-A District.

   Such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to 28-419.D.

2. Accessory Uses Permitted.

   a. Off-street loading and parking and private nonresidential garages, either attached or detached.

   b. Storage buildings not exceeding two hundred (200) square feet in size and fifteen (15) feet in height.

c. Fences and walls in accordance with Section 28-502.

d. Signs in accordance with Section 28-504, generally, and the requirements of Section 28-504.G specifically with respect to sign height, sign area, setback and other such bulk and dimensional requirements.

C. Maximum Gross Density. Residential use is permitted at a maximum gross density of 6 units/ acre for for-sale units and 10 units/ acre for rental units.

D. Affordable Housing Requirements.

1. For-sale units. Where for sale units are provided, a minimum of 20 percent of the total number of units shall be affordable to low-and moderate-income households, with at least 50 percent of the affordable units available for households earning 30 percent or less of the applicable median income limit and 13 percent of the affordable units available for households earning 30 percent or less of the applicable median income limit. For the purpose of this Section fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for 2 affordable units while 2.5 would result in a requirement for 3 affordable units).

2. For-rent units. Where rental units are provided, a minimum of 15 percent of the total number of units shall be affordable to low-and moderate-income households, with at least 50 percent of the affordable units available for households earning 30 percent or less of the applicable median income limit and 13 percent of the affordable units available for households earning 30 percent or less of the applicable median income limit. For the purpose of this Section fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for 2 affordable units while 2.5 would result in a requirement for 3 affordable units).

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

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

E. Maximum Building Height.

1. No principal building shall exceed thirty-five (35) feet in height and two and one-half (2-1/2) stories.

2. No accessory building located within the principal building envelope shall exceed twenty-five (25) feet in height and two (2) stories.

3. No accessory building located outside the principal building envelope shall exceed fifteen (15) feet in height and one (1) story.

F. Area and Yard Requirements for the S-W District.

Principal Building	Requirement
Minimum	
Lot Area	10,000 s.f.
Lot Frontage	100′
Lot Width	100′
Principal Building	
Lot Depth	75′
Front Yard	30′
Side Yard - One (Both)	5′ (15′)
Rear Yard	25′
Accessory Building	
Minimum	
Distance to Side Line	5′
Distance to Rear Line	10′
Distance to Other Building	20′
Maximum	
Building Coverage	30%
Lot Coverage	70%

G. General Requirements

1. Unless otherwise specifically approved by the Board as part of a site plan application, no merchandise,

product, equipment or similar material or objects shall be displayed or stored outside. Where merchandise, products, equipment or similar material or objects are approved by the Board to be displayed or stored outside, the materials shall be suitably screened to be obscured from view from adjacent residential uses and must be situated within the property lines of the principal use.

2. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition.

3. All buildings shall be compatibly designed whether constructed all at one (1) time or in stages over a period of time. All building walls facing any street or residential use or district shall be suitably finished for aesthetic purposes and shall be compatible in design and scale to the surrounding residential areas.

4. At least the first five (5) feet adjacent to any lot line shall not be used for parking and loading and shall be planted and maintained in lawn areas or ground cover and landscaped with evergreen shrubbery.

H. Off-Street Parking and Loading. Parking spaces and loading areas shall be provided for each use in accordance with the requirements of Section 28-503 and the design standards in Article 28-600.

Section 4: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Development Ordinance of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6: The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto

pursuant to N.J.S.A. 40:55D-15, and to the owners of all real property as shown on the current tax duplicates located within the district.

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 within 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 Borough 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.

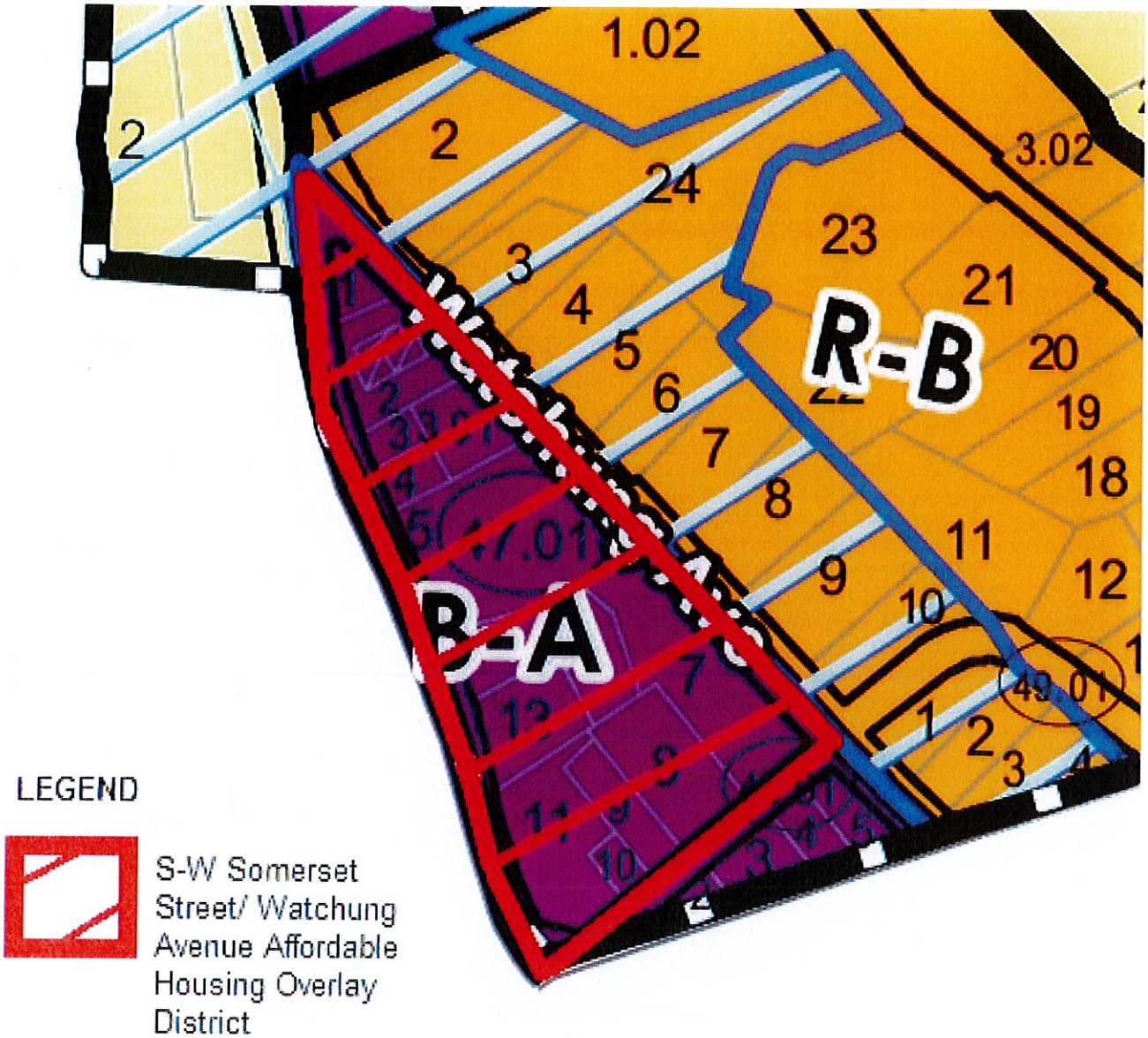
Section 7: After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 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 and shall be transmitted to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED BY: Black
PASSED: May 16, 2019
PUBLISHED: May 23, 2019
ADOPTED: June 20, 2019

ATTEST:

Michelle DeRocco, Borough Clerk

Keith S. Balla, Mayor

Appendix A: Zoning Map Amendment