

ORDINANCE 2086

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VII, ENTITLED “ZONE DISTRICT REGULATIONS,” OF THE BOROUGH OF SOUTH PLAINFIELD ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, the South Plainfield Planning Board adopted the South Plainfield Housing Plan Element and Fair Share Plan on July 25, 2017, and the South Plainfield Borough Council endorsed same on September 5, 2017;

WHEREAS, the South Plainfield Housing Plan Element and Fair Share Plan, as adopted on July 25, 2017, recommends the establishment of a mixed-use affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the South Plainfield Housing Plan Element and Fair Share Plan;

WHEREAS, it has become necessary to amend Article VII, entitled “Zone District Regulations,” of the Borough of South Plainfield Zoning Ordinance, and adopt this new ordinance to implement and incorporate the Borough’s newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units and sets forth the administrative mechanisms necessary to implement the Borough’s revised Housing Element and Fair Share Plan.

BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield in the County of Middlesex and State of New Jersey as follows:

SECTION 1. Article VII, entitled “Zone District Regulations,” of the Borough of South Plainfield Zoning Ordinance is hereby amended to add a new Section 540-38.1 as follows:

Section 540-38.1: OBC-1 and OBC-2 Affordable Housing Overlay Districts

A. Purpose. The purpose of the OBC-1 and OBC-2 Affordable Housing Overlay Districts is to provide development that contributes to the Borough of South Plainfield’s municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

There are hereby established the OBC-1 Affordable Housing Overlay District and the OBC-2 Affordable Housing Overlay District. The OBC-1 Affordable Housing Overlay District shall consist of the Local Business (OBC-1) zone district that has frontage on West 7th Street and Clinton Avenue, an area of approximately 8.03 acres. The OBC-2 Affordable Housing Overlay District shall consist of the entirety of the Central Business (OBC-2) zone district, an area of approximately 7.5 acres.

B. Permitted Uses

(1) Mixed-use buildings. Multi-family residential apartments may be permitted in any structure containing a nonresidential use that is permitted pursuant to Section 540-38.A.(3) and (4), subject to the following conditions and requirements:

- (a) The residential use shall be located on the second floor and higher; and,
- (b) The entrance for the residential use shall be separate from that of the non-residential use.

C. Development Standards

- (1) Maximum Permitted Building Height: Three (3) stories or 35 feet
- (2) Maximum Residential Density: 16 dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent
- (4) Minimum Principal Building Front Yard Setback: 15 feet
- (5) Minimum Principal Building Side Yard Setback: 10 feet
- (6) Off Street Parking Requirements

(a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.

(b) The required number of off-street parking spaces may be reduced as established below:

[1] The required number of spaces may be reduced by one (1) space for each on-street parking space immediately adjacent to the lot line of the property with a mixed-use building.

[2] The required number of spaces for a commercial or personal service establishment portion of a mixed-use development may be reduced to three (3) spaces for each 1,000 square feet of floor area.

(c) All other off-street parking requirements not referenced herein shall be met in accordance with Article VI of this chapter.

(7) All other applicable development standards not referenced herein shall be met in accordance with Section 540-38.

(8) All other applicable lot and yard standards shall be met in accordance with the Schedule of General Requirements, which is included as an attachment to this chapter.

D. Affordable Housing Requirements

(1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be affordable to very low, low, and moderate-income households.

(2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.

(3) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households at the time of the initial occupancy.

(4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.

(5) Affordability controls shall be maintained for a minimum of 30 years.

(6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.

(7) All affordable units shall be subject to the provisions of Chapter 504: Affordable Housing.

SECTION 2. Article VII, entitled "Zone District Regulations," of the Borough of South Plainfield Zoning Ordinance is hereby amended to add a new Section 540-41.1 as follows:

Section 540-41.1: OPA-1 Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to provide development that contributes to the Borough of South Plainfield's municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

There is hereby established the OPA-1 Affordable Housing Overlay District, which shall consist of the area as shown on the Borough of South Plainfield's Zoning Map as the Professional Office (OPA-1) zone district that has frontage on Plainfield Avenue, an area consisting of approximately 14.03 acres.

B. Permitted Uses

(1) Mixed-use buildings. Multi-family residential apartments may be permitted in any structure containing a nonresidential use that is permitted pursuant to Section 540-41.A.(1), subject to the following conditions and requirements:

- (a) The residential use shall be located on the second floor and higher; and,
- (b) The entrance for the residential use shall be separate from that of the non-residential use.

C. Development Standards

- (1) Maximum Permitted Building Height: Three (3) stories or 35 feet
- (2) Maximum Residential Density: 20 dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent
- (4) Off Street Parking Requirements
 - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.
 - (b) The required number of off-street parking spaces may be reduced as established below:
 - [1] The required number of spaces may be reduced by one (1) space for each on-street parking space immediately adjacent to the lot line of the property with a mixed-use building.
 - [2] The required number of spaces for a commercial or personal service establishment portion of a mixed-use development may be reduced to three (3) spaces for each 1,000 square feet of floor area.
 - (c) All other off-street parking requirements not referenced herein shall be met in accordance with Article VI of this chapter.
- (5) All other applicable development standards not referenced herein shall be met in accordance with Section 540-41.
- (6) All other applicable lot and yard standards shall be met in accordance with the Schedule of General Requirements, which is included as an attachment to this chapter.

D. Affordable Housing Requirements

- (1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be affordable to very low, low, and moderate-income households.
- (2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.
- (3) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households at the time of the initial occupancy.
- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years.
- (6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.
- (7) All affordable units shall be subject to the provisions of Chapter 504: Affordable Housing.

SECTION 3. Article VII, entitled “Zone District Regulations,” of the Borough of South Plainfield Zoning Ordinance is hereby amended to add a new Section 540-52.1 as follows:

Section 540-52.1: HDD Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to provide development that contributes to the Borough of South Plainfield’s municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

There is hereby established the HDD Affordable Housing Overlay District, which shall consist of the area as shown on the Borough of South Plainfield’s Zoning Map as the Historic Downtown District (HDD) zone, an area of approximately 37.5 acres.

B. Permitted Uses

(1) Mixed-use buildings. Multi-family residential apartments may be permitted in any structure containing a nonresidential use that is permitted pursuant to Section 540-52.A.(1), (2), or (3), subject to the following conditions and requirements:

- (a) The residential use shall be located on the second floor and higher; and,
- (b) The entrance for the residential use shall be separate from that of the non-residential use.

C. Development Standards

(1) Only Block 254, Lots 50, 51, and 52; and, Block 258, all lots

- (a) Maximum Permitted Building Height: Four (4) stories or 45 feet
- (b) Maximum Residential Density: 20 dwelling units per acre
- (c) Maximum Impervious Surface Coverage: 80 percent
- (d) Minimum Principal Building Front Yard Setback: 10 feet
- (e) Minimum Principal Building Side Yard Setback:

[1] Detached buildings shall have a setback of ten (10) feet.

[2] Buildings may be attached and may be built to the interior side line(s) with a setback of zero (0) feet, in order to promote a development type that encourages parking, access, and architectural continuity. When a side yard setback of zero (0) feet is proposed, the associated building shall be constructed concurrently with the building to which is it attached and conterminous.

(2) All other properties within the HDD zone not referenced in Section 540-52.1C(1)

- (a) Maximum Permitted Building Height: Three (3) stories or 35 feet
- (b) Maximum Residential Density: 16 dwelling units per acre
- (c) Maximum Impervious Surface Coverage: 80 percent
- (d) Minimum Principal Building Front Yard Setback: 10 feet
- (e) Minimum Principal Building Side Yard Setback:

[1] Detached buildings shall have a setback of ten (10) feet.

[2] Buildings may be attached and may be built to the interior side line(s) with a setback of zero (0) feet, in order to promote a development type that encourages parking, access, and architectural continuity. When a side yard setback of zero (0) feet is proposed, the associated building shall be constructed concurrently with the building to which is it attached and conterminous.

(3) Off Street Parking Requirements

(a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.

(b) The required number of off-street parking spaces may be reduced as established below:

[1] The required number of spaces may be reduced by one (1) space for each on-street parking space immediately adjacent to the lot line of the property with a mixed-use building.

[2] The required number of spaces for a commercial or personal service establishment portion of a mixed-use development may be reduced to three (3) spaces for each 1,000 square feet of floor area.

(c) All other off-street parking requirements not referenced herein shall be met in accordance with Article VI of this chapter.

(4) All other applicable development standards not referenced herein shall be met in accordance with Section 540-52.

(5) All other applicable lot and yard standards shall be met in accordance with the Schedule of General Requirements, which is included as an attachment to this chapter.

D. Affordable Housing Requirements

(1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be affordable to very low, low, and moderate-income households.

(2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.

(3) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households at the time of the initial occupancy.

(4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.

(5) Affordability controls shall be maintained for a minimum of 30 years.

(6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.

(7) All affordable units shall be subject to the provisions of Chapter 504: Affordable Housing.

SECTION 4. Article IV: Establishment of Zones and Zoning Map, Sections 540-7 and 540-8 are hereby amended to include the affordable housing overlay zones referenced herein.

SECTION 5. This Ordinance shall be subject to review and recommendation by the Borough of South Plainfield Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A 40:55D-62.1.

SECTION 6. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 7. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 8. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Middlesex County Planning Board.