

ORDINANCE 2087

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 540, ENTITLED “ZONING,” OF THE CODE 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, it has become necessary to amend Chapter 540, 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, on or about February 6, 2017, the Borough of South Plainfield entered into a settlement agreement in an action captioned In the Matter of the Borough of South Plainfield for a Judgment of compliance of its Third Round Housing Element and Fair Share Plan, Docket No. MID-L-3994-15 (“Action”) with the Fair Share Housing Center, M&M Realty Partners at South Plainfield, LLC, and Colonial Oaks, LLC (“Settlement Agreement”), which outlines provisions for the inclusion of an affordable housing set-aside at the property identified as Block 550, Lot 3 (also referred to herein as the “M&M Site”) in the Borough of South Plainfield;

NOW, THEREFORE 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. Chapter 540 of the Code of the Borough of South Plainfield, entitled “Zoning” is hereby amended and supplemented with the following:

Section 540-51.1: AH-4 Affordable Housing 4 Zone

A. Purpose. The purpose of the AH-4 Affordable Housing Zone District is to provide multi-family residential development that contributes to the Borough of South Plainfield’s municipal

affordable housing obligation, designed in a way to facilitate a balance of well-designed residential development with open space.

This ordinance is designed to implement and effectuate the terms of the Settlement Agreement in an action captioned In the Matter of the Borough of South Plainfield for a Judgment of compliance of its Third Round Housing Element and Fair Share Plan, Docket No. MID-L-3994-15 (“Action”) with the Fair Share Housing Center, M&M Realty Partners at South Plainfield, LLC, and Colonial Oaks, LLC, including relevant concept plans and attachments.

In accordance with the aforementioned, there is hereby established an Affordable Housing Zone – 4 (AH-4), which encompasses an area shown on the Borough of South Plainfield’s Tax Map as Block 550, Lot 3, an area consisting of approximately 27.5 acres.

B. Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

(1) Principal Uses: The overall intent of this ordinance is to create a transition of intensity and land use that establishes a hierarchy with the highest density of the development starting closest to Interstate 287 and becoming less intense moving away from Interstate 287, with multi-family residential apartments, stacked townhouse dwellings, and traditional townhouse dwellings, as depicted in Attachment A. The transition areas shall be consistent with the purpose of the AH-4 zone and the Settlement Agreement, and the transition of intensity from multi-family residential apartments, stacked townhouse dwellings, and traditional townhouse dwellings shall be adhered to. In accordance with the aforementioned, the following principal uses shall be permitted:

- (a) Townhouse and stacked townhouse dwellings
- (b) Multi-family residential apartments, subject to all regulations of this Section.

(2) Accessory Buildings and Uses:

- (a) Community clubhouse building;
- (b) Swimming pools (not for public use), including accessory facilities;
- (c) Common open space and public gathering areas, subject to the requirements outlined in Section F of this ordinance;
- (d) Tot lots;
- (e) Maintenance facilities/sheds/garages to support the development, with associated parking areas;
- (f) Signs, subject to the requirements outlined in Section J of this ordinance;
- (g) Fences, hedges, walls, and decorative landscape features;
- (h) Bicycle lanes;
- (i) Pedestrian trails;
- (j) Solid waste and recycling facilities to support the development;

- (k) Utility pump stations, transformers, switches, and meter facilities to support the development; and,
- (l) Other customary accessory uses and structures that are clearly incidental to the principal structures and uses.

C. Development Standards. Development in the AH-4 Zone shall comply with the following standards and requirements:

- (1) The development shall consist of 410 dwelling units, including a 20-percent set-aside for very low, low, and moderate-income family rental units (328 market-rate and 82 affordable units), subject to the standards in Chapter 504 of the South Plainfield Borough Code (Affordable Housing).
- (2) The affordable units shall be distributed throughout the multi-family residential buildings in the development.
- (3) Minimum tract area: 25 acres
- (4) The maximum permitted gross density shall be 15 units per acre for the entire development.
- (5) Maximum lot coverage: 30 percent
- (6) Maximum impervious surface coverage: 70 percent
- (7) Mix of unit types: The development shall consist of a mix of unit types, subject to the following standards and requirements:
 - (a) Traditional townhouse units in the southern and western portions of the development closest to Durham Avenue and Block 552, Lots 1 and 3;
 - (b) Stacked townhouse units located to the northeast of the traditional townhouse units; and,
 - (c) Multi-family residential apartment buildings in the northern and eastern portions of the development closest to Interstate 287.
- (8) Minimum building setbacks:
 - (a) All buildings shall be setback at least 100 feet from Durham Avenue;
 - (b) All buildings shall be setback at least 85 feet from the northeastern site boundary located along Interstate 287;
 - (c) Principal buildings shall be set back 30 feet from other property lines;
 - (d) Principal buildings shall not be required to be setback from property lines held in common ownership with the developer.
 - (e) Minimum setback from interior private road: 15 feet
 - (f) Minimum setback from parking lots: 15 feet
 - (g) Minimum space between buildings: 30 feet
- (9) Maximum permitted building height:
 - (a) Townhouse units: 40 feet or three (3) stories
 - (b) Stacked townhouse units: 45 feet or three (3) stories

- (c) Multi-family residential apartment buildings: 65 feet or four (4) stories
- (10) All site design standards and specifications contained in Chapter 515, Development Review, of the Borough Code shall be complied with, except as modified by Section 515-67L of that chapter.

D. Architectural and Building Design Requirements

- (1) Building entrances shall be defined by the following:
 - (a) Exterior light;
 - (b) Roof or awning providing a minimum of six (6) square feet of cover from the elements;
 - (c) Change in siding treatment from the balance of the building;
 - (d) Unit identification for townhouse, stacked townhouse units, and multi-family residential apartment buildings; and,
 - (e) Building identification for multi-family residential apartment buildings.
- (2) Façade and Exterior Wall Treatments
 - (a) Façades may be clad in any combination of brick, stone, vinyl or composite siding, vinyl, or stucco.
 - (b) Façades more than 150 feet in length shall provide a change in façade articulation of at least three (3) feet for a minimum distance of ten (10) feet.
- (3) Roof Treatments
 - (a) Roofs may be pitched, gabled, or mansard;
 - (b) Pitched roofs may be asphalt or composite shingle with a pitch of at least 4/12;
 - (c) All roofs shall be finished with asphalt “dimensional” type, wood, slate, or slate composite shingles;
 - (d) Shingles shall be square or rectangular in shape;
 - (e) Gutters shall be constructed of copper, aluminum, or galvanized steel;
 - (f) Gutters and downspouts shall match materials and finish.
- (4) The end walls of the townhouse units facing Durham Avenue shall be designed in a manner to emulate single-family residential development with architectural design elements and fenestration rather than a blank or substantially blank wall.

E. Site Circulation

- (1) All cartways shall be at least 24 feet in width and shall be subject to the requirements of the New Jersey Residential Site Improvement Standards (RSIS) of the New Jersey Administrative Code at Section 5:21-4.2.
- (2) There shall be a main entrance boulevard that extends perpendicular from Durham Avenue, which shall:
 - (a) End with a clubhouse complex, serving as a visual terminus to the boulevard.
 - (b) Not provide direct access to any townhouse units.

- (3) The development and concept plan shall allow a connector road to continue through the parcel adjacent and to the east in Edison Township and held in common ownership, extending until Runyons Lane.
- (4) All internal project roadways shall provide four (4) foot wide concrete sidewalks on both sides of the street, except for the western secondary project access roadway, which shall only provide sidewalk on the east side of the street adjacent to the dwelling units.
- (5) All dedicated sidewalks shall meet ADA standards, including a passing zone at least five (5) by five (5) feet in area, every 200 feet if the sidewalk is less than five (5) feet in width.
- (6) Internal roads shall be designed to facilitate pedestrian and bicycle traffic to provide residents with access to open space areas.
- (7) All internal roads shall be bike-compatible.
- (8) All street intersections and curves on internal roads shall:
 - (a) Be as nearly at right angles as possible and in no case shall be less than 75 degrees;
 - (b) Have a minimum center-line radius of 100 feet;
 - (c) Have a minimum tangent length between reverse curves of 50 feet; and,
 - (d) Have curb radii of 25 feet.

F. Parking Requirements

- (1) Parking shall be permitted on all internal roadways, except for the following locations:
 - (a) The main entrance boulevard; and,
 - (b) Opposite any driveways.
- (2) Perpendicular parking shall be permitted on roadways 24-feet in width and wider. Perpendicular parking spaces shall be located outside of the 24-foot cartway.
- (3) Parallel parking (one-side) shall only be permitted on roadways 28-feet in width and wider.
- (4) A combination of on-street and off-street parking shall be distributed throughout the development to satisfy necessary guest parking.
- (5) The number of parking spaces required for the development shall be subject to RSIS standards at section 5:21-4.14, Table 4.4.
- (6) Any parking standards not expressed herein shall be subject to RSIS standards.
- (7) No truck or commercial vehicle, licensed for over 8,000 pounds of gross weight, shall be stored or parked on any lot or portion of a lot.

G. Buffers

- (1) Buffer to Durham Avenue: All buildings along Durham Avenue shall be buffered by landscaping and berms, which shall substantially screen the development from Durham Avenue. The buffer shall be subject to the following requirements:
 - (a) The buffer shall be a minimum of 100 feet in width, as measured from the back of curb on Durham Avenue

- (b) The buffer shall contain a minimum of a five (5) foot high berm, as measured from the top of curb on Durham Avenue
 - (c) The buffer shall contain a mix of deciduous and evergreen trees, planted on ten (10) foot centers, to form a visual buffer to the road, and in accordance with Section 540-46D of this chapter.
 - (d) Site amenities permitted to be located within this buffer include:
 - [1] Entry roads
 - [2] Project identification and directional signage
 - [3] Sidewalks and pedestrian/bike pathways
 - [4] Lighting features
 - (e) The applicant shall provide a to-scale cross-section, which shall illustrate and confirm the effectiveness of the proposed buffer in screening the project from adjoining residential areas.
- (2) Buffer to Interstate 287: All buildings along Interstate 287 shall be substantially screened/buffered the interstate. The buffer shall be subject to the following requirements:
- (a) The buffer shall be a minimum of 25 feet in width, measured from the property line to the back of curb
 - (b) The buffer shall contain a mix of deciduous and evergreen trees a minimum of eight (8) feet high
- (3) Buffer to adjacent properties:
- (a) The buffer shall be a minimum of five (5) feet in width
 - (b) The buffer shall contain a mix of deciduous and evergreen trees a minimum of six (6) feet high
- (4) A buffer shall not be required along the municipal boundary shared with Edison Township for properties held in common ownership with the developer; however, the development shall stand alone as a completed and fully functional development, independent of any potential future development in Edison Township. Cross-access and utilization shall be encouraged between the parcels under common ownership, recognizing that independent utility is necessary.

H. Common Open Space and Public Gathering Areas

- (1) Development within the AH-4 Zone shall provide a clubhouse complex/facility for use by the residents of the development, which shall be subject to the following conditions and requirements:
- (a) The clubhouse complex shall be at least one-half (1/2) acre in area.
 - (b) The clubhouse complex shall be located centrally within the development and shall serve as the terminus of the main entrance from Durham Avenue.

- (c) The clubhouse complex shall include a community clubhouse, accompanying pool area, and may include a tot lot including play equipment, swings, seesaws, etc.
 - (d) Fencing for the pool area may be installed up to a height of six (6) feet.
- (2) The development shall provide one (1) major/central common open space and public gathering area, subject to the following conditions and requirements:
- (a) The area shall have a minimum of 8,000 square feet in area.
 - (b) The area shall be centrally located in the development and within close proximity to the community clubhouse building.
 - (c) The area shall be adequately accessed from multiple directions via sidewalks and trails.
 - (d) The area shall provide a mix of decorative pavement, lawn area, and landscaped spaces.
 - (e) The area shall provide a shade structure providing a minimum of 500 square feet of cover.
 - (f) The area shall provide seating (tables and benches) for a minimum of 20 people.
 - (g) The area shall be adequately screened from rear yards and decks of adjacent residential units.
- (3) The development shall provide at least three (3) minor common open space and public gathering areas, subject to the following conditions and requirements:
- (a) Each area shall have a minimum of 3,000 square feet in area.
 - (b) The areas shall be distributed throughout the development.
 - (c) The areas shall be designed in a way that facilitates community interaction in the development.
 - (d) The areas shall provide a mix of decorative pavement, lawn area, and landscaped spaces.
 - (e) The areas shall provide seating (tables and benches) for a minimum of eight (8) people.
 - (f) The area shall be adequately screened from rear yards and decks of adjacent residential units.
- (4) The areas adjacent to the multi-family residential apartment buildings shall provide a minimum of three (3) gathering areas, subject to the following conditions and requirements:
- (a) Each gathering area shall be a minimum of 400 square feet.
 - (b) The areas shall provide a mix of decorative pavement, lawn area, and landscaped spaces.
 - (c) The areas shall provide seating/benches for a minimum of four (4) people.

I. Lighting Requirements

- (1) All public and private streets, parking areas, and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.
- (2) The Durham Avenue frontage and the main entry boulevard shall be lit with pedestrian scale decorative LED light fixtures and poles with a maximum of 18 feet in height;
- (3) The internal development roadways shall be lit with residential-scale LED roadway lighting;
- (4) Off-street parking areas greater than 12 parking spaces shall be lit with LED parking lot fixtures and poles with a maximum of 25 feet in height;
- (5) Pedestrian-scale lighting may be provided as necessary for common open space and public gathering areas, entry areas, and parking areas as appropriate;
- (6) All exterior lighting shall be designed to prevent glare onto adjacent properties;
- (7) Lighting attached or integrated into the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the development;
- (8) The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways, and other areas of the development, as well as the light quality produced, shall be the same or compatible throughout the entire site in order to instill a sense of continuity.

J. Landscaping Requirements

- (1) The main entry boulevard shall be lined with street trees (with a minimum two (2) inch caliper) a maximum of 30-feet on-center;
- (2) Internal project roadways shall be lined with street trees (with a minimum two (2) inch caliper) a maximum of 50-feet on-center;
- (3) Parking areas shall be landscaped with internal landscape islands between every eight (8) parking spaces and perimeter landscape islands between every 18 parking spaces;
- (4) Off-street parking areas with more than 12 parking spaces shall be buffered from internal project roadways by an evergreen hedge, fence, or wall, maintained at a minimum of three (3) feet in height;
- (5) Townhouse and Stacked Townhouse Buildings
 - (a) Each unit entry shall be landscaped with a planting bed with a minimum area of six (6) square feet.
 - (b) Foundation plantings shall be provided on the end walls of the buildings at a ratio of one (1) square foot of foundation planting bed per linear foot of building length, with foundation plantings encouraged to be grouped.
- (6) Multi-Family Residential Apartment Buildings
 - (a) Each building entry shall be landscaped with a planting bed with a minimum area of six (6) square feet.

- (b) Foundation plantings shall be provided on all four (4) sides of the building at a ratio of one (1) square foot of foundation planting bed per linear foot of building length, with foundation plantings encouraged to be grouped.
- (7) All other landscaping requirements not explicitly stated here shall be in accordance with Section 540-46D of this chapter.

K. Signage Requirements

- (1) There shall be provided project identification signs at the following locations:
 - (a) Up to two (2) project identification signs located at the main entry boulevard providing access to the site from Durham Avenue, each of which shall not exceed 32 square feet on each side, not including a decorative wall, monument, or structure supporting the sign; and,
 - (b) One (1) project identification sign located at the secondary entrance from Durham Avenue, which shall not exceed 24 square feet on each side, not including a decorative wall, monument, or structure supporting the sign.
- (2) Each project identification sign shall be subject to the following additional conditions and requirements:
 - (a) Each sign shall state only the name of the development and shall have no other content.
 - (b) Each sign shall not project above the ground by more than five (5) feet;
 - (c) Signs shall not be internally illuminated;
 - (d) Signs may be externally illuminated, as long as the glare from the lights shines directly on the sign and does not permit light to illuminate beyond the sign face; and,
 - (e) Each sign shall be set back at least 15 feet from the Durham Avenue right-of-way, and shall be located within the 100 foot buffer pursuant to Section G(1) of this Section.
- (3) A project identification sign may be provided at the clubhouse, and may be up to 32 square feet in area. The sign area is not inclusive of any decorative wall or landscape feature a maximum of 6 feet in height.
- (4) Each individual multi-family building may provide one (1) wall-mounted building identification sign up to 12 square feet in area.
- (5) Internal Project directional signage may be erected on the premises for the purpose of facilitating ingress and egress, provided that the number and location of such signs are approved by the Planning Board. All directional signs shall be subject to the following conditions and requirements:
 - (a) Each sign shall not exceed 15 square feet in area for each of two faces;
 - (b) Each sign shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level; and,
 - (c) Each sign shall not exceed 11 feet in height.

L. Fences and Hedges.

(1) Fences and hedges shall conform to Section 540-46E of this chapter.

M. Minimum Ceiling Heights

(1) All dwelling units will provide a minimum eight (8) foot clear ceiling height.

N. Screening of Waste Collection and Loading Areas

(1) All solid waste and recycling collection areas shall be screened by a six (6) foot high masonry enclosure with solid wooden or metal gates.

(2) All outside trash shall be stored in this area and shall not be in public view over the fence height.

O. Maintenance of Common Elements

(1) Maintenance of all common elements shall be accomplished by a private homeowners association;

(2) Municipal reimbursement for residential services shall be in accordance with applicable New Jersey Law.

SECTION 2. Article IV: Establishment of Zones and Zoning Map, Sections 540-7 and 540-8 are hereby amended to include the AH-4 zone referenced herein.

SECTION 3. 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 4. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 5. 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 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Middlesex County Planning Board.