

ORDINANCE 2088

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 540-51, ENTITLED "MUD MIXED-USE DEVELOPMENT," 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, Section 540-51 of the Borough of South Plainfield Zoning Ordinance, entitled "MUD-Mixed Use Development," was originally adopted to provide low and moderate income housing on the "Harris Steel" site within the Borough of South Plainfield;

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 formerly identified as the Harris Steel 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. Section 540-51 of the Borough of South Plainfield Zoning Ordinance, entitled "MUD-Mixed Used Development", is hereby repealed in its entirety and replaced with the following:

Section 540-51: AH – 3 Affordable Housing 3 Zone

A. Purpose. The purpose of the AH – 3 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 including relevant concept plans and attachments.

In accordance with the aforementioned, there is hereby established an Affordable Housing Zone – 3 (AH-3), which encompasses an area shown on the Borough of South Plainfield’s Tax Map as the following parcels: Block 459, Lot 1; Block 460, Lot 1; Block 461, Lots 1, 2, and 3; Block 462, Lots 1, 2, and 3; Block 465, Lot 1; Block 466, Lot 1; Block 467, Lots 1, 2, 3, 4, 5, and 21; and a portion of Block 719, Lot 3; an area consisting of approximately 89 acres, formerly identified as the Harris Steel Site.

The bulk standards for AH-3, unless otherwise specified, are based on the entire tract. A subdivision of the development is permitted for financing or phasing purposes. In the event the tract is subdivided, phasing shall commence with the southernmost portion of the tract along Tyler Place first and continue in a northerly direction thereafter.

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:

(a) Multi-family residential apartments, subject to all requirements of this Section.

(2) Accessory Buildings and Uses:

(a) Community clubhouse building;

(b) Swimming pools (not for public use);

(c) Tennis courts (not for public use);

(d) Common open space and public gathering areas, subject to the requirements outlined in Section 540-51G of this ordinance;

(e) Tot lots;

(f) Maintenance facilities/sheds/garages to support the development, with associated parking areas;

(g) Signs, subject to the requirements outlined in Section J of this ordinance;

(h) Fences, hedges, walls, and decorative landscape features;

(i) Non-contiguous tenant storage rooms or area within principal or accessory buildings;

(j) Bicycle lanes;

(k) Pedestrian trails;

- (l) Solid waste and recycling facilities to support the development;
- (m) Free-standing tenant garages, subject to the standards provided in Section D(8) of this ordinance;
- (n) Utility pump stations, transformers, switches, and meter facilities to support the development; and,
- (o) Other customary accessory uses and structures that are clearly incidental to the principal structure and uses.

C. Development Standards. Development in the AH-3 Zone shall comply with the standards and requirements set forth below, all of which are based on the total tract area. No variance shall be required for bulk, design, and buffer requirements on a lot developed with uses permitted under this Ordinance, where the need for such variance is caused solely by a subdivision of such lot into two (2) or more for financing or phasing of such uses.

- (1) The development shall consist of 750 multi-family dwelling units, including a 20-percent set-aside for very low, low, and moderate-income family rental units (150 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 development.
- (3) Minimum tract area: 85 acres
- (4) Number of residential units: 750
- (5) Maximum lot coverage: 25 percent
- (6) Maximum impervious surface coverage: 50 percent
- (7) Principal building requirements:
 - (a) Minimum front setback (measured from a public right of way line): 30 feet
 - (b) Minimum setback from interior private road: 15 feet
 - (c) Minimum setback from parking lots: 15 feet
 - (d) Minimum space between buildings: 50 feet rear to rear; 30 feet side to side; 30 feet side to rear.
 - (e) Maximum building height:
 - [1] Except where otherwise permitted, buildings shall not exceed three (3) stories or 45 feet in height. Loft spaces constructed substantially within a pitched roof or mansard roof will not be considered an additional story.
 - [2] A maximum building height of four (4) stories or 55 feet in height may be permitted for some buildings. In order for such buildings to be permitted enhanced building height, the entire building shall be located:
 - [a] A minimum of 300 feet away from New Brunswick Avenue;
 - [b] A minimum of 1,000 feet away from Tyler Place; and,
 - [c] A minimum of 50 feet away from all other property lines.
 - (f) Each principal building shall:

- [1] Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one (1) common antenna may be used for each building.
- [2] Provide in an enclosed area, laundry facilities of not less than one (1) washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the development, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
- (8) Accessory building requirements:
- (a) Accessory buildings shall conform to at least the height and front setback requirements of principal buildings. The side and rear yard setbacks shall be a minimum of ten (10) feet.
 - (b) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.
- (9) 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) A porch entrance, covered entranceway, door surround, or pediment, which shall extend a maximum of four (4) feet from the building façade and shall be exempt from building setback requirements;
 - (c) Change in architectural treatment from the balance of the building; and,
 - (d) Building and unit identification.
- (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) Each principal building with a façade of more than 200 feet shall not exceed 80 feet without a change in façade architecture, including at least a four-foot change in setback, façade color, texture, or design, in order to bring about a varied composition.
- (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) All four-story buildings shall incorporate architectural features including, but not limited to, pitched roofs, varied roof lines, or parapets at the fourth story to help reduce the visual impact of the building height.
- (5) Purely decorative roof appurtenances such as decorative lanterns, chimneys, cupolas, among others shall not be restricted by the required building height.
- (6) Buildings fronting on New Brunswick Avenue in the southern portion of the property shall be developed in a way that mitigates the visual impact resulting from building massing and vertical height. To accomplish this, the following menu of features may be employed:
 - (a) Staggered building setbacks
 - (b) Landscape features
- (7) Building location and configuration shall be designed in a manner to provide light, air, and open space, and reduce the feeling of a continuous “wall” right along the public right of way.
- (8) All free-standing tenant garages:
 - (a) Shall not exceed 12 feet in height;
 - (b) Shall conform to all front, rear, and side yard requirements provided in this chapter.
 - (c) Shall not be used as habitable space as defined by the BOCA National Building Code.
 - (d) Shall not include more than six (6) garage spaces per accessory structure.

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) Vehicular and pedestrian access to the site shall be provided, and shall include a minimum of:
 - (3) One (1) entrance from Tyler Place; and,
 - (4) Four (4) entrances from New Brunswick Avenue, one (1) of which may be reserved for emergency access only.
- (5) Access Easement:
 - (a) The Borough shall provide an access easement on Block 467.02, Lot 3, located to the east of the AH-3 Zone, for an interconnecting roadway, which shall be subject to a developer’s agreement.
 - (b) This easement shall be developed as an access road, which shall be designed to connect the northern and southern portions of the site, accommodating pedestrian, bicycle, and vehicular traffic.
- (6) All internal project roadways shall provide four (4) foot wide concrete sidewalks on both sides of the street.

- (7) 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.
- (8) Internal roads shall be designed to facilitate pedestrian and bicycle traffic and provide linkages to a trail system in the northern portion of the site to provide residents with access to these open space areas.
- (9) All internal roads shall be bike-compatible.
- (10) 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 entrance roads, boulevard roads, or access roads connecting sub-areas of the development.
- (2) Perpendicular parking shall be permitted on all 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. Common Open Space and Public Gathering Areas

- (1) Development within the AH-3 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 (1) acre in area.
 - (b) The clubhouse complex shall be located centrally within the southern portion of the site.
 - (c) The clubhouse complex shall include a community clubhouse, accompanying pool area, and 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 at least three (3) additional common open space and public gathering areas, subject to the following conditions and requirements:
 - (a) Each area shall have a minimum of 1,000 square feet in area.

- (b) The areas shall be distributed throughout the development and in close proximity to the three (3) sub-areas of the development, two (2) of which shall be located to the north of Kilmer Court, and one (1) of which shall be located to the south of Kilmer Court.
- (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)
- (3) The development shall provide a substantial passive open space and recreation component consisting of pedestrian trails, bike paths, bike racks, and seating areas to link and connect the different sub-areas of the development.

H. Lighting Requirements

- (1) All public and private streets, parking areas, and pedestrian walkways, with the exception of pedestrian trails and bike paths, shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.
- (2) Site entrances on New Brunswick Avenue and Tyler Place 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 recreation 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.

I. Landscaping Requirements

- (1) The southwestern corner of the development, located at the intersection of New Brunswick Avenue and Tyler Place, shall be an open space/landscaped area, which shall provide an entrance sign, a sight triangle, and attractive design element for the development.
- (2) All other landscaping requirements not explicitly stated here shall be in accordance with Section 540-46D of this chapter.

J. Signage Requirements

- (1) There shall be provided project identification signs at the following locations:
 - (a) One (1) project identification sign located in the open space/landscaped area in the southwestern corner of the development and at the intersection of New Brunswick Avenue and Tyler Place, which shall not exceed 32 square feet on each side, not including a decorative wall or monument supporting the sign;
 - (b) One (1) project identification sign located at the primary vehicular entrance to the development closest to the clubhouse, which shall not exceed 32 square feet on each side, not including a decorative wall or monument supporting the sign; and,
 - (c) One (1) project identification sign located at each additional vehicular entrance to the development, each of which shall not exceed 24 square feet on each side, not including a decorative wall or monument supporting the sign.
- (2) Each project identification sign shall be subject to the following additional conditions and requirements:
 - (a) Each sign shall not project above the ground by more than five (5) feet;
 - (b) Each sign may be illuminated as long as the glare from the lights shines directly on the sign and does not permit light to illuminate beyond the property lines of the subject site; and,
 - (c) Each sign shall be set back at least 15 feet from the New Brunswick Avenue and Tyler Place rights-of-way.
- (3) 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.

K. Fences and Hedges

- (1) Shall conform to Section 540-46E of this chapter.

L. 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.

M. Maintenance of Common Elements

- (1) Maintenance of all common elements within the tract shall be accomplished by the owner/developer or the Homeowner's Association in accordance with the master deed

and by-laws of the common interest community, and in accordance with the provisions of the law governing such communities.

- (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-3 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.