

BOROUGH OF PEAPACK AND GLADSTONE

ORDINANCE NO. 1065-2018

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXIII, ARTICLE IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE CREATING AN AFFORDABLE HOUSING ZONE WITHIN THE BOROUGH

WHEREAS, pursuant to the New Jersey Supreme Court "Mount Laurel" decisions every municipality within the has a constitutional obligation to provide opportunities for the development of affordable housing; and

WHEREAS, the Peapack and Gladstone Borough Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. (hereinafter "Fair Share Plan") to address its constitutional obligation for the Third Round which covers the time period from 1999 to 2025; and

WHEREAS, the Fair Share Plan describes how the Borough of Peapack and Gladstone shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on April 25, 2018 (hereinafter "FSHC Settlement Agreement"), and the Court Order approving same, after a properly noticed Fairness Hearing; and

WHEREAS, the Fair Share Plan was subsequently endorsed by the governing body; and

WHEREAS, the Fair Share Plan identifies certain properties to be zoned for inclusionary development pursuant to the FSHC Settlement Agreement.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Peapack and Gladstone, Somerset County, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough as follows:

SECTION 1. Article IV §23-38.1 **Establishment of Zones** is hereby amended and supplemented with the following new zoning district:

AH Affordable Housing District

SECTION 2. Article IV §23-38.2 **Zoning Map** is hereby amended and supplemented to add the AH District to include Block 33, Lots 15 and 16 comprising 7.5 acres of land.

SECTION 3. New Section 23-39.5, AFFORDABLE HOUSING DISTRICT, AH is hereby added as follows:

23-39.5 Affordable Housing Zone

- a. Purpose. The purpose of this district is to encourage the production of low and moderate-income housing in conformance with the latest procedural and substantive rules for affordable housing as determined by the Courts or other applicable authority, by permitting inclusionary townhouse and multi-family development subject to the AH regulations enumerated herein. This ordinance is created in fulfillment of a Settlement Agreement by and between the Borough of Peapack and Gladstone, New Jersey, and the Fair Share Housing Center in connection with the Borough of Peapack and Gladstone declaratory judgment action captioned "In the Matter of the Application of the Borough of Peapack and Gladstone" bearing docket number SOM-L-905-15 pursuant to *In re the Adoption of N.J.A.C. 5:96 and 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015)*.
- b. Principal permitted uses.
 1. Townhouses.
 2. Market rate units or low and moderate income units within townhouse buildings, which may be designed as one-over-one apartment flats or one over one for-sale duplexes within a townhouse configuration also known as stacked townhouse units.
 3. Multifamily residential.
- c. Accessory Uses. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the AH Zone, including but not limited to decks, patios and residential amenities provided for the use and enjoyment of the residents of the development only.
- d. Maximum Density: The maximum number of permitted dwelling units shall not exceed nine (9) dwelling units per acre.
- e. Townhouse and Multi-family area, external yard and bulk requirements shall be as follows:

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|---|-------------------|
| 1. Minimum lot area (acres): | 2.5 acres |
| 2. Minimum lot width (feet) | 300 |
| 3. Minimum lot depth (feet) | 400 |
| 4. Minimum distance between buildings (feet): | 20 |
| 5. Minimum setbacks from external lot lines (feet): | |
| a) Front yard: | 50 |
| b) Side yard: | 35* |
| c) Rear yard: | 50* |
| 6. Maximum number stories and building height: | 4 stories/45 feet |
| 7. Maximum building lot coverage: | 35 percent |
| 8. Maximum impervious lot coverage: | 65 percent |

*Except porches, balconies and decks may extend into a required side and rear yard by no greater than six-feet.

f. Parking.

1. Residential Site Improvement Standards (RSIS) shall apply.
2. Required off-street parking for townhouse or duplex units in combination with affordable housing units in stacked arrangements shall require at least one of the two stacked affordable units within a townhouse building to have a minimum of one garage space. One additional parking space for this affordable unit shall be provided in its associated driveway in front of the garage. The second affordable unit, lacking a garage space, shall have one driveway space, with the additional required parking for both affordable units provided per RSIS standards within 150 feet of said units. Required off-street visitor parking for low- and moderate-income units, as required by RSIS, should be located within 150 feet of the units serviced. All exterior parking shall be landscaped, screened, and lighted, where appropriate.
3. Each garage space shall be counted as 1.0 parking space. A one-car garage and driveway combination shall be counted as 2.0 parking spaces provided the driveway measures a minimum of 18 feet between the face of the garage door and the internal roadway line. (RSIS §5.21-4.14(d)). Required visitor parking spaces for market rate units shall be provided no farther than 250 feet of the unit it serves.

g. Site Development Requirements.

1. Landscaping.

- a) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, *and enhance buffer areas*. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- b) Landscaped islands shall be at least six feet in width to accommodate plantings.
- c) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
- d) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.
- e) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
 - (1) Ornamental Trees shall be installed at a minimum size of 6 feet in height.
 - (2) Shrubs shall be planted at a minimum size of 18 to 24 inches.
 - (3) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
 - (4) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species.

- (5) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
- f) Landscape Plantings. A minimum of 30 percent of the plantings proposed shall be indigenous to the region.
 - g) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
 - (1) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
 - (2) Location of individual existing trees noted for preservation within the area of development and 30 feet beyond the limit of the disturbance. Trees 4 inches in diameter (measured 4 1/2 feet above the existing ground level) shall be located and identified by name and diameter unless the wooded area is shown with a specific limit line. In this case, specimen trees shall be located within thirty feet of the line. Indicate all existing vegetation to be saved or removed.
 - (3) Existing and proposed topography and location of all landscaped berms.
 - (4) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
 - (5) A plant schedule indicating botanical name, common name, size at time of

planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.

- (6) Planting and construction details and specifications.

2. Lighting.

- a) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).
- b) A lighting plan prepared by a qualified professional shall be provided with site plan applications.
- c) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority.
- d) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.
- e) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.

3. Sidewalks. Within the development, sidewalks shall be required in accordance with the RSIS standards or as deemed appropriate by the Board.

h. Low and Moderate-Income (Mount Laurel) Housing Requirements. Residential development, as permitted by this section, shall comply with all provisions of Chapter XXIII, Article IX titled "Affordable Housing."

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

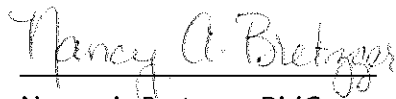
SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision 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 6. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.


SECTION 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced: October 23, 2018
Adopted: November 20, 2018



Nancy A. Bretzger, RMC
Municipal Clerk



William C. Muller
Mayor