

ORDINANCE 6 - 2012

**ORDINANCE OF THE BOROUGH OF WOODBURY
HEIGHTS, COUNTY OF GLOUCESTER, AND STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT
ORDINANCES AND THE WOODBURY HEIGHTS CODE
TO CODIFY AND IMPLEMENT THE PROVISIONS OF
THE HOUSING ELEMENT AND FAIR SHARE PLAN
AMENDMENT OF THE MASTER PLAN**

SECTION 1:

WHEREAS, the Borough Council of the Borough of Woodbury Heights, County of Gloucester, and State of New Jersey (the "Borough") has reviewed the "Housing Element and Fair Share Plan Amendment" to the Master Plan adopted by the Planning Board on March 19, 2012; and

WHEREAS, the Borough Council has deemed it in the best interest of the public health, safety and welfare to implement the aforesaid amendment to the Master Plan as set forth above; and

WHEREAS, in order to facilitate the consistency of the Woodbury Heights Master Plan with the Land Use Code and Ordinances of the Borough of Woodbury Heights, the Borough Council desires to codify and implement the recommendations contained in the aforesaid Housing Element and Fair Share Plan Amendment; and

WHEREAS, this Ordinance was referred to the Planning Board of the Borough of Woodbury Heights pursuant to the New Jersey Municipal Land Use Law; and

WHEREAS, the Planning Board of the Borough of Woodbury Heights has recommended the adoption of this Ordinance and has determined that it is consistent with the Master Plan and the 2012 amendment to the Housing Element and Fair Share Plan thereof.

NOW, THEREFORE, be it Ordained by the Borough Council of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey that the Land Use Ordinances and Code of the Borough of Woodbury Heights be supplemented and amended as follows:

Section 70-13.2 RM Residential Multifamily District

- A. The purpose of the RM District is to provide for the construction of multifamily dwellings, and to create a realistic opportunity for the construction of a portion of the low and moderate income housing obligation of the Borough of Woodbury Heights under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq., and the Mount Laurel doctrine.

The Residential Multifamily District will result in a set-aside of at least 14.5% affordable housing units.

B. Principal Permitted Uses.

- (1) Multi-family residential units

C. Accessory Uses Permitted.

- (1) Recycling and solid waste collection facilities
- (2) Recreation facilities and buildings
- (3) Fences, walls and signs
- (4) Other customary incidental uses

D. A maximum density of 13.4 units per acre in no more than 9 separate buildings shall be permitted.

E. Maximum Building Height of 3 stories/45 feet if the following conditions are satisfied:

- (1) The building is designed to conform to the applicable building codes.
- (2) Additional requirements are provided under Section 70-34.

F. Area and Yard Requirements.

- (1) Minimum Lot Frontage: 200 feet
- (2) Minimum Lot Depth: 200 feet
- (3) Minimum Side Yard Setback: 50 feet
- (4) Minimum Front Yard Setback: 60 feet
- (5) Minimum Rear Yard Setback: 50 feet
- (6) Maximum Building Coverage: 25%
- (7) Maximum Impervious Coverage: 45%
- (8) A minimum building separation of 35 feet shall be provided.
- (9) Accessory structures shall be subject to the same setback requirements as principal buildings, as provided above.

G. Landscaping, buffers, street/shade trees and landscaping in parking facilities shall be provided in accordance with Section 79-49.14 and as follows:

- (1) All rear, front and side yards shall include a minimum 25-foot wide landscape buffer. The buffer width may be reduced to accommodate sidewalks provided that the material included in the buffer is sufficient to screen the development from the adjoining single-family residential area. Berms may be appropriate where the buffer width is reduced.
- (2) The landscaping in the buffer shall consist of a combination of trees, shrubs and planting beds. The use of landscape berms and decorative fencing are encouraged. In addition to this section, the plans shall conform to the buffer requirements under Section 79-49.14F in order to ensure adequate screening between the multifamily development and surrounding single-family residential development.

- (3) Existing vegetation should be preserved to the extent possible and be supplemented with additional screening.
 - (4) Within required landscape buffers, where existing vegetation is to remain, the plans shall identify the remaining material including size and type. The plans shall generally define the remaining vegetation in all other areas.
 - (5) Tree protection measures shall be provided on the plans for areas where existing vegetation will remain.
 - (6) Landscaping around stormwater management areas shall be provided in accordance with Section 70-49.6G.
- H. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards and Section 70-23. Parking shall not be permitted along drive aisles and shall be within designated parking areas.
- I. A minimum of three site access points shall be provided to the site. Two of the access points shall be provided on Academy Avenue and one on Chestnut Avenue.
- J. Curbs and sidewalks shall be provided along the entire length of street frontage and throughout the development connecting the residential units to the parking areas.
- K. Building Design. The design of the buildings shall be consistent with the surrounding single-family neighborhood so that the appearance remains residential and not institutional.
- (1) Architectural elevations and floor plans shall be provided for each of the buildings.
 - (2) The building design shall incorporate a combination stone, stucco or other combination of building materials.
 - (3) The buildings shall include breaks in the facades to break up the building lengths.
 - (4) Rooflines shall be pitched. If flat roofs are provided they shall incorporate design techniques to shield any roof mounted equipment.
 - (5) No more than two-bedrooms per unit shall be provided. This shall not apply to the affordable housing units, which shall meet the requirements of the Uniform Housing Affordability requirements.
 - (6) All HVAC and mechanical equipment shall be incorporated into the building design and not visible except where such equipment shall be placed at ground level, in which case such equipment shall be appropriately screened from public view.
- L. Bedroom Distribution (excluding the affordable housing units).
- (1) No more than two bedrooms shall be provided per unit.
 - (2) The number of two-bedroom units shall not exceed 60% of the total market rate units.
 - (3) Dens are permitted in a one-bedroom unit subject to the following:
 - i. The inclusion of a provision within the lease agreements, and the enforcement of such a provision, prohibiting the den to be used as a bedroom or sleeping area.
 - ii. The design of any den area may include either a closet or a door, but shall not include both design features.
 - iii. Dens are not permitted in a two-bedroom unit.

M. Common recreation shall be provided as follows:

- (1) A clubhouse or community building with a minimum size of 5,000 square feet and a swimming pool shall be provided.
- (2) A playground area for children shall be provided. The playground shall include equipment appropriate for different age groups. The playground may be separated into two areas. Seating shall be provided around all playground areas. The plans shall include details of the proposed equipment, surface area and any other improvements.
- (3) Additional recreation areas may be appropriate consisting of picnic areas, sitting areas, walkways or other similar areas.
- (4) All such common uses shall be subordinated to the residential character of the development, and no commercial advertising shall be permitted.
- (5) Architectural elevations and floor plans shall be provided for the clubhouse.
- (6) The completion of the common recreation areas shall be tied to the completion of the units so that at no time shall there exist residential units without any recreational amenities. The clubhouse area shall be considered a recreational amenity provided that areas for recreational use are included within the building. A plan shall be submitted addressing the timing of the completion of the common recreation areas.

N. Permitted Signs.

- (1) A site identification sign shall be permitted on each street entry.
- (2) The maximum sign area shall not exceed 26 square feet.
- (3) The maximum height shall not exceed 8 feet.
- (4) All signs shall be located in a landscaped island.
- (5) Signs shall be located outside all sight triangles.
- (6) Subject to additional sign regulations as provided under Section 70-28.

O. Refuse storage.

- (1) The refuse storage area shall be suitably located and screened and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle.
- (2) All refuse storage areas shall be within a solid enclosed structure. Fencing is not considered a solid structure for the purposes of this section. The enclosure shall either include a landscaping screen or decorative finish. The intent is to ensure that the enclosure is sturdy and screened from view either with an appropriate finish in more visible areas, or landscaping in more remote areas.
- (3) The gate on the refuse storage enclosure shall consist of a solid material and be self-closing.
- (4) A side entry shall be provided to the trash enclosure so that residents can easily access the containers.
- (5) Landscaping shall be provided around the exterior of the refuse storage enclosure as needed to provide appropriate screening from public view.

P. Subject to developer's right to seek variances and waivers in accordance with the Municipal Land Use Law Standards, all development shall conform to the Residential

Site Improvement Standards and other provisions of the local land use ordinance not specifically referenced in this subsection.

Q. Affordable Housing Requirements.

- (1) A set-aside of at least 14.5% of the total units shall be provided as affordable housing units. The affordable housing units shall be constructed as either sale or rental units.
- (2) The developer is responsible for preparing and implementing an Affirmative Marketing Plan in accordance with the requirements of Section 70-32.2 of the ordinance. The developer shall enter into a contract with the Borough to act as the Municipal Housing Liaison and be responsible for administering the affordable housing program pursuant to standards and requirements provided in Section 70-32.2.M of this ordinance.
- (3) Affordable Housing Regulations: The affordable housing units shall be developed and sold or rented in accordance with the current applicable Uniform Housing and Affordability regulations (N.J.A.C. 5:80-26 et seq.), including requirements on: split between low and moderate income housing, bedroom distribution, range of affordability, pricing and rent of units, affirmative marketing, affordability controls, and construction phasing with the market-rate units developed on the tract. Developer shall not be required to provide “very low” income units as such units are defined at *N.J.S.A. 52:27D-304(m)*.
- (4) Design and Location of Affordable Housing: The affordable housing units shall be dispersed throughout the development in various buildings. If the affordable housing units are rental units and the market rate units are sale units then the affordable units may be located in a single structure for the purposes of management and maintenance. The facade of an affordable housing structure shall be indistinguishable from the facade of the market-rate structures.

SECTION 2:

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court to be invalid, such adjudication shall apply only to that section, paragraph, subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3:

All Ordinances of the Borough of Woodbury Heights inconsistent with the provisions of this Ordinance be and are hereby repealed to the extent of any such inconsistency.

SECTION 4:

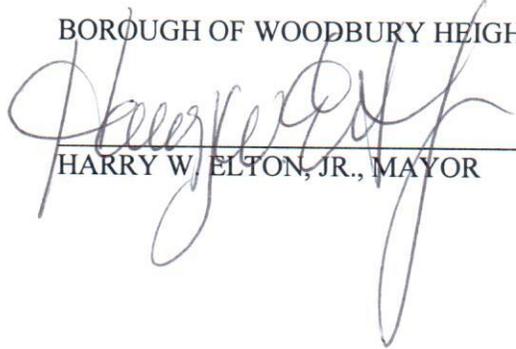
All Ordinances not inconsistent with the provisions of this Ordinance are hereby saved from repeal.

SECTION 5:

This Ordinance shall take effect immediately upon approval of a Settlement Agreement in the case entitled Woodbury Heights Development, LLC vs. Borough of Woodbury Heights

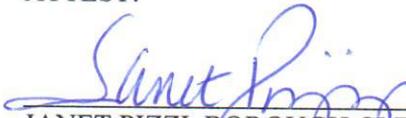
and the Planning Board of the Borough of Woodbury Heights, bearing Docket No. GLO-L-1750-09 pending in the Superior Court of New Jersey and after a duly noticed fairness hearing conducted by the Court and upon publication and as otherwise according to law.

BOROUGH OF WOODBURY HEIGHTS



HARRY W. ELTON, JR., MAYOR

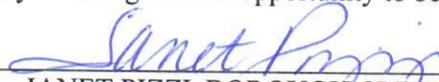
ATTEST:



JANET PIZZI, BOROUGH CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Woodbury Heights, held on the 21st day of March, 2012 and will be considered for final passage at a meeting of the Borough Council of the Borough of Woodbury Heights, to be held on the 18th day of April, 2012 at 7:30 P.M. at which time and place any interested party will be given the opportunity to be heard.



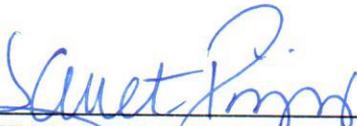
JANET PIZZI, BOROUGH CLERK

PUBLIC NOTICE

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STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCES
AND THE WOODBURY HEIGHTS CODE TO CODIFY AND IMPLEMENT THE PROVISIONS OF THE HOUSING
ELEMENT AND FAIR SHARE PLAN AMENDMENT OF THE MASTER PLAN

I, Janet Pizzi, Clerk of the Borough of Woodbury Heights, hereby certify that the above Ordinance was duly adopted by the Borough Council of the Borough of Woodbury Heights at the Regular meeting of Mayor and Borough Council held on the 18th day of April, 2012



JANET PIZZI, BOROUGH CLERK