

**ORDINANCE 4-2020**

**AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCES, ZONING MAP, AND THE WOODBURY HEIGHTS CODE TO CODIFY AND IMPLEMENT AMENDMENTS TO CHAPTER 70 OF THE WOODBURY HEIGHTS CODE ENTITLED “LAND USE AND DEVELOPMENT” TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY SUPERIOR COURT CONCERNING AFFORDABLE HOUSING AND TO IMPLEMENT THE PROVISIONS OF THE HOUSING ELEMENT AND FAIR SHARE PLAN AMENDMENT OF THE MASTER PLAN CONSISTENT WITH THE SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER ASSIGNED DOCKET NO. GLO-L-910-15**

**WHEREAS**, the Borough Council of the Borough of Woodbury Heights, County of Gloucester, and State of New Jersey (the “Borough”) has heretofore reviewed and approved the 2019 Amendment to the Master Plan Housing Element and Fair Share Plan, as well as the 2019 Amendment to the Master Plan Spending Plan; and

**WHEREAS**, the Borough Council by adoption of Resolution 97-2019 on August 21, 2019, and the Borough of Woodbury Heights Land Use Board by the adoption of Resolution 2019-11 on August 12, 2019 heretofore approved the 2019 Amendment to the Master Plan Housing Element and Fair Share Plan, as well as the 2019 Amendment to the Master Plan Spending Plan; 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 deems it in the best interest of the public health, safety, and welfare to implement and codify the aforesaid amendments to the Master Plan and Fair Share Plan in accordance with the terms and conditions of the settlement agreement between the Borough and the Fair Share Housing Center under the action pending in the Superior Court of New Jersey, Gloucester County assigned Docket No. GLO-L-910-15; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Woodbury Heights, County of Gloucester and State of New Jersey, that the Land Use Ordinances; Zoning Map; and Code of the Borough of Woodbury Heights (“Code”) is hereby amended and supplemented, as follows:

**Section I.** Section 70-9 of the Code is hereby amended by the inclusion of a new zoning district to be known as “AH- Affordable Housing District”.

**Section II.** The Zoning Map and Section 70-10 of the Code of the Borough of Woodbury Heights is hereby amended to designate that land and premises known as Block 84, Lots 6 & 8 of the Official Tax Maps as within the newly created “AH- Affordable Housing District”, thereby repealing its former Zoning District Designation.

**Section III.** Chapter 70, Section 13.1, is hereby repealed, in its entirety, and amended and supplemented by a new Section 70-13.1 under Article IV “District Regulations”, as follows:

**Section 70-13.1** AH-Affordable Housing District (“AH District”)

- A. The purpose of the AH 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.
- B. Principal Permitted Uses.
  - (1) Multi-family residential units – 100% affordable housing
- C. Accessory Uses Permitted.
  - (1) Recycling and solid waste collection facilities
  - (2) Recreation facilities and buildings
  - (3) Fences, walls and signs
  - (4) Maintenance and on site storage buildings
  - (5) Other customary incidental uses
- D. A maximum of 70 multi-family units in no more than 7 separate buildings shall be permitted. This is a 100% affordable housing development.
- E. Maximum Building Height of three (3) stories/45 feet if the following conditions are satisfied:
  - (1) The building is designed to conform to the guidelines provided in the National Fire Protection Association/NFPA 1141 – Standard for Fire Protection in Planned Building Groups, current edition; and
  - (2) Additional requirements are provided under Section 70-34B.
- F. Area and Yard Requirements.
  - (1) Minimum Lot Frontage: 200 feet
  - (2) Minimum Lot Depth: 200 feet
  - (3) Minimum Side Yard Setback: 30 feet
  - (4) Minimum Front Yard Setback: 40 feet
  - (5) Minimum Rear Yard Setback: 50 feet
  - (6) Maximum Building Coverage: 20%
  - (7) Maximum Impervious Coverage: 30%
  - (8) A minimum building separation of 21 feet shall be provided for buildings side by side. Buildings which are back to back shall have a minimum separation of 40-feet.
  - (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 70-49.14 and as follows:

- (1) All rear, front and side yards shall include a landscape buffer equal to at least half the width of the required setback.
  - (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 70-49.14F 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) The plans shall provide for an identification of the remaining vegetation include type and size of existing materials.
  - (5) Tree protection measures shall be provided on the plans for areas where existing vegetation will remain.
  - (6) All landscaped areas shall include irrigation with rain sensors.
  - (7) Landscaping around stormwater management areas shall be provided in accordance with Section 70-49.6D(1)(g) and 70-49.6E(1)(g).
- H. Off-street parking shall be provided in accordance with the Residential Site Improvement Standards and Section 70-23. Parking shall be in designated parking areas.
- I. 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.
- J. 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.
  - (5) All HVAC and mechanical equipment shall be incorporated into the building design and not visible.
- K. Common recreation shall be provided as follows:
- (1) A clubhouse or community building shall be provided.
  - (2) A playground area for children shall be provided. The playground shall include equipment appropriate for different age groups.
  - (3) Additional recreation areas such as walkways or other similar areas should be encouraged where appropriate
  - (4) All such common uses shall be subordinated to the residential character of the development, and no 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. A plan shall be submitted addressing the timing of the completion of the common recreation areas.

L. Permitted Signs.

- (1) A site identification sign shall be permitted.
- (2) The maximum sign area shall not exceed 26 square feet.
- (3) The maximum height shall not exceed 6 feet.
- (4) All signs shall be located in a landscaped island.
- (5) Signs shall be setback 14 feet from all property lines and located outside all sight triangles.
- (6) Subject to additional sign regulations as provided under Section 70-28.

M. 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 enclosed with a block wall with a finish similar to the facades of the residential structures.
- (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.

N. 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.

O. Affordable Housing Requirements.

- (1) The developer is responsible for preparing and implementing an Affirmative Marketing Plan in accordance with the requirements of Section 70-70 of the Code. 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 the Borough Code.
- (2) 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.

**Section IV.** All Ordinances or Code provisions or parts thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

**Section V.** If any section, subsection, part, clause or phrase of the Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

**Section VI.** This Ordinance shall take effect immediately after final passage and publication as required by law.

**BOUROUGH OF WOODBURY HEIGHTS**

By: \_\_\_\_\_  
**William C. Packer, Mayor**

**Dated:**

**ATTEST:**

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**Janet Pizzi, Borough Clerk\Administrator**

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council the Borough of Woodbury Heights on the 19<sup>th</sup> day of February, 2020 and will be considered for final passage at a meeting of the Borough Council the Borough of Woodbury Heights, to be held on the 18<sup>th</sup> day of March, 2020 at 7:30PM, at which time and place any interested party will be given the opportunity to be heard.

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**Janet Pizzi, Borough Clerk\Administrator**