

**TOWNSHIP OF GREENWICH
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE #105-2019

**MF-1 DISTRICT ZONING ORDINANCE
DUMONT ROAD SITE – 66 UNITS**

WHEREAS, the Township of Greenwich entered into a Settlement Agreement with Fair Share Housing Center on September 18, 2017 (hereinafter the “Settlement Agreement”) that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Township’s preliminary compliance plan included in the Settlement Agreement included development of Block 26, Lot 2 with up to 144 affordable family rental housing units; and

WHEREAS, the Township adopted Ordinance ____ that created the MF-1 district and permitted construction of 144 affordable units on Block 26, Lot 2; and

WHEREAS, the Township and Fair Share Housing Center entered into an amended settlement agreement in 2017 that reduced the size of the 71 affordable family rental units; and

WHEREAS, the Township and Fair Share Housing Center entered into an amended settlement agreements with the most recent 2019 Settlement Agreement setting forth that 66 affordable family rental units will be constructed on Block 26, Lot 2; and

WHEREAS, the Land Use Board on March 14, 2019 adopted a Third Round Housing Element and Fair Share Plan that states 66 affordable family rental units will be constructed on Block 26, Lot 2; and

WHEREAS, the Township Committee on March 21, 2019 endorsed the Third Round Housing Element and Fair Share Plan that states 66 affordable family rental units will be constructed on Block 26, Lot 2; and

WHEREAS, the zoning amendments herein support development of Block 26, Lot 2 consistent with the 2019 Settlement Agreement and the 2019 Third Round Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board of the Township of Greenwich adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Township in a manner consistent with all applicable affordable housing statutes and regulations.

NOW THEREFORE BE IT ORDAINED, by the Council of the Township of Greenwich, County of Warren, and State of New Jersey, as follows:

Section I. Chapter 16 entitled "Zoning" is hereby amended to repeal and replace the entirety of §16-19E as follows (deletions are indicated ~~thus~~; additions are indicated thus):

§16-19E MF-1 Multi-family Housing 1 Zone.

1. Purpose.

- a. The Township hereby establishes the MF-1 Multi-family Housing 1 Zone to comply with the requirements and terms of a Settlement Agreement entered on January 15, 2019 between the Township and Fair Share Housing Center and to address the Township's affordable housing obligation established therein. The ordinance creates design and bulk standards to ensure that multifamily housing in this zone is developed in a manner that is sensitive to the character of the surrounding area.

2. Permitted Uses.

- a. Affordable multifamily dwelling units that are constructed, controlled, and maintained in accordance with all applicable regulations of the Council on Affordable Housing ("COAH"), as well as the Fair Housing Act (N.J.S.A. 52-27D-301 et seq.), and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).

(1) In an affordable multifamily dwelling housing development, there may be one property manager's unit which shall not be a restricted affordable unit and which is not counted toward the permitted units in §16-19.E.6.k.

- b. Municipal buildings and uses.

3. Accessory Uses.

- a. Accessory uses and structures customarily incidental to permitted uses.
- b. Sewerage and sewage treatment, water, fire protection, stormwater management and other utility facilities.
- c. Parking and loading in accordance with the requirements of Section 16-10.
- d. Signs in accordance with the requirements of Section 16-11.26, except that the minimum setback for freestanding signs shall be 5 feet.
- e. Storage and maintenance buildings in accordance with the requirements of Section 16-5.1.
- f. Recreational open space areas such as parks, recreation areas or facilities, tennis courts, bikeways, playgrounds and swimming facilities, along with structures and necessary features appurtenant thereto.
- g. Community buildings and uses including but not limited to a leasing office, maintenance facility and storage, management office, and workout room / fitness studio.

4. Conditional Uses.

- a. None.

5. Prohibited Uses.

- a. Any use other than those uses listed in §16-19.E.b.is prohibited.

6. Requirements

- a. Minimum tract area: 13 acres

- b. Minimum lot width: 300 feet

- c. Minimum lot depth: 400 feet

- d. Minimum setback to Dumont Road: 15 feet

- e. Minimum setback to Greenwich Street: 50 feet

- f. Stormwater facilities may have a minimum front yard setback of 20 feet, provided the following standards are met:

(i) The stormwater facility(s) may not include a retaining wall visible from the public right-of-way.

(ii) The stormwater facility shall be entirely seeded with grass and landscaped with plantings, except for one or more flow channels and other necessary structures for the conveyance of water and function of the facility.

(iii) To allow maintenance access, a minimum 10-foot setback from any basin structure to a right-of-way, building or parking area shall be provided.

- g. Minimum side and rear yard setback: 50 feet

(1) The side or rear yard setback shall be increased where the applicable lot line is immediately adjacent to a residential zone district: 125 feet

- h. Minimum distance between buildings:

(1) Front to any building: 60 feet

(2) Rear to any building: 60 feet

(3) Side to any building: 20 feet

- i. Maximum building coverage: 20%

- j. Maximum impervious coverage: 40%

- k. Number of Units: Not more and not less than 66 affordable units

l. Building Design

- (1) Maximum building height: 2.5 stories / 35 feet**
- (2) Maximum units per building: 12**
- (3) Maximum building length: 300 feet**
- (4) An overall theme of design and architectural mode shall be utilized within the development for the purpose of presenting an aesthetically desirable effect, and shall be such that they provide varied building elevations, design and structural appearance within the context of the overall theme.**
- (5) Buildings with flat roofs shall be prohibited. Buildings roofs shall be pitched and may include hipped roofs and gable roofs**
- (6) The front façade of an affordable multifamily dwelling building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.**
- (7) Mechanical equipment shall be screened from view of public streets and residentially zoned lots. Screening shall consist of plantings, fencing or other material found acceptable by the approving authority.**

m. Landscape and Buffer Requirements

- (1) A fifty (50) foot transition buffer shall be provided along the side and rear lot lines in which the development is visible from adjacent residential uses. Said buffer shall be provided in accordance with the standards set forth in §16-4.14.**
- (2) The buffer shall be planted with dense masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs; it shall also include a berm. No less than seventy-five (75%) percent of the buffer length shall be evergreen trees installed at a minimum height of six (6) feet. All plantings shall be installed according to accepted horticultural standards. The existing buffer (plantings, berm, etc.) may be substituted for required plantings.**
- (3) All affordable multifamily dwelling buildings shall be provided with an aesthetically pleasing and functional landscape component. Building foundation plantings, planting clusters located in strategic areas, shade trees along roadways and sidewalks shall be incorporated into an overall landscape plan.**
- (4) Street trees shall be provided along all public and private roads.**

n. Circulation & Parking.

- (1) Minimum distance between a building and off-street parking space: 10 feet**
- (2) Maximum distance between off-street parking space and the unit served: 200 feet**

- (3) Sidewalks shall be provided along all both sides of public and private streets and interior drives.
- (4) Residential Site Improvement Standards shall govern and supersede the parking requirements in §16-10.2.

Section II. Continuation. In all other respects, the Zoning Ordinance of the Township of Greenwich shall remain unchanged.

Section III. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section IV. Interpretation. If the specific terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Greenwich, then this Ordinance shall be enforced.

Section V. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section VI. Enactment. This Ordinance shall take effect upon the filing thereof with the Warren County Planning Board after final passage, adoption, and publication by the Township Committee of the Township of Greenwich in the manner prescribed by law.



Robert Barsony, Mayor


Lisa A. Burd Reindel, RMC, CMR
Township Clerk

Introduction: April 2, 2019
Publication: April 5, 2019
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Adoption: April 18, 2019
Publication: May 9, 2019