**RO-15-18**

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AMENDING CHAPTER 217, ZONING, ARTICLE II, ZONING DISTRICTS, TO ESTABLISH A C-1 AHRO AFFORDABLE HOUSING REDEVELOPMENT OVERLAY**

**WHEREAS**, the purpose of this ordinance is to provide for an innovative inclusionary affordable housing redevelopment option that recognizes the existing nonconforming development conditions of Block 27, Lot 22 and permits substantial redevelopment of the site.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 217, Zoning, Article II, Zoning Districts, is hereby amended to establish Section 217-16.1, AHRO Affordable Housing Redevelopment Overlay, to read as follows:

“A. Permitted uses.

* 1. Residential dwelling units. Sixteen (16) residential rental dwelling units, including multi-family rental apartments and townhouses, of which four (4) shall be affordable rental apartments.
  2. Commercial retail uses: 1,600 sq. ft. maximum/lot.

1. Permitted accessory uses.
   1. Other uses and structures customarily incidental to a principal permitted use.
   2. Public and private parking.
   3. Signs. (See Chapter [159](https://ecode360.com/11401423#11401423), Site Plan Review)
2. Conditional uses.
   1. None.
3. Design Standards.
   1. All development shall be subject to review in accordance with Article VIII, Affordable Housing, and Article XIII, Historic Preservation Overlay Zone, of this Chapter.
   2. Permitted rehabilitation of 20 Schooley’s Mountain Road shall be guided by and generally consistent with the Historic District Design Guidelines as enumerated in the Washington Township Historic District Design Guidelines manual prepared by the Washington Township Historic Preservation Commission, dated 2012, which may be found at this link: <http://www.wtmorris.org/images/Design_Guidelines_-_FINAL_compressed.pdf>. Rehabilitation consistent with the NJ Rehabilitation Subcode may be eligible for the federal historic properties Investment Tax Credit Program.
   3. The existing building fronting on Schooley’s Mountain Road shall be retained and rehabilitated and may be adaptively reused for not more than four residential apartments and approximately 1,600 sq. ft. of retail use in accordance with the use regulations for the C-1 Zone.
   4. Architectural Review – In addition to Historic Preservation Commission review, new development shall be guided by the following additional design objectives and standards, which shall be applied through an interactive planning process between the developer and the Planning Board prior to, or during Site Plan Review.
      1. Respect the village scale - Historic buildings in the Township’s historic districts are located in intimate proximity to Route 24 (CR 513 & 517), establishing a streetscape building wall. New development should provide a similar type of closure along the frontage of the developed area, to avoid the appearance of an expansive parking area strip retail orientation. This standard is intended to provide the development of a redevelopment streetscape along Schooley’s Mountain Road with additional retail and nonresidential elements with a consistent set back from Route 24.
      2. Streetscape facades should incorporate elements which reflect the historic development, including the rhythm and spacing of windows, roof pitches, use of exterior finish materials, staggered setbacks within individual buildings and similar features. Any other facades which are visible from a public right-of-way shall receive similar treatment.
      3. Exterior building façade materials and textures shall be visually consistent and thematically compatible in scale and appearance with historic properties in the Historic District. Materials that are visually consistent with the Township’s 18th- and 19th-century stone architecture and vernacular framed construction with clapboard siding are encouraged. Building shapes, proportions, roof lines, porches, dormers, fenestration, and details and ornamentation, etc., should be consistent with the shape, mass, proportion, height, appearance and style of the historic properties in the C-1 zone. Exterior features. The exterior features of buildings, such as steps, and railings, columns, patios and porches, flower boxes, canopies and awnings, lighting, fences, gardens, lawn areas, signs, sidewalks, driveways, and parking areas shall be integrated into site and building design and compatible with the features of the historic structures found in the Historic District. The use of vinyl siding, aluminum siding, 3-tab asphalt roof shingles and plastic fences shall be prohibited in favor of more traditional historically sensitive materials.
      4. The Planning Board may require that building facades subject to public view on buildings with an excess of 2,000 sq. ft., or where a single vertical plane of a building extends horizontally 30 ft. or more (where exposed to public view), that such building façade shall be staggered with a minimum offset (i.e. ten (10) ft.) to create the appearance of multiple attached buildings. The Planning Board may require that the exterior façade materials of such staggered vertical surfaces of the building to be differentiated from the adjoining vertical plane through the use of varied siding materials, textures, coloration, porches, roof shapes, dormers, or combination of these.
      5. Restoration, rehabilitation of historic properties – A condition of any approval shall be the restoration or rehabilitation adaptive reuse of the existing building fronting on Schooley’s Mountain Road.
   5. Streetscape development pattern - A streetscape frontage development is required. The streetscape frontage, defined as that portion of the tract within two hundred (200) ft. of Schooley’s Mountain Road, shall consist of two-story buildings occupying no less than 55% and no more than 75% of the lot frontage with building frontage. Buildings shall have a minimum separation of twenty-five (25) ft. and a maximum separation of forty (40) ft., except where it can be shown that reduced setbacks assist in achieving the overall design objectives set forth herein.
4. Schedule of Area, Yard and Building Requirements. In recognition of the existing non-conforming conditions of the buildings and improvements within the AHRO, the following area, yard and bulk standards are established for comprehensive redevelopment of a site including affordable housing as permitted in this Section.

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| *C-1 AHRO Affordable Housing Redevelopment Overlay Zone* | |
| Minimum lot size: | 28,000 |
| Minimum lot frontage: | 75’[[1]](#footnote-1) |
| Minimum front yard setback: | 15’ |
| Minimum side yard: One side: | 15’[[2]](#footnote-2) |
| Second side: | 15’2 |
| Minimum rear yard: | 10’ |
| Minimum side yard (combined): | 30’2 |
| Maximum improved lot coverage: | 90% |
| Maximum floor area ratio: | N/A |
| Maximum building height: | 2-1/2 stories / 35’ |
| Maximum density: | N/A |
| Maximum number of dwelling units: | 16 |
| Maximum non-residential floor area: | 1,600 sq. ft. |
| Parking: Dwelling units: | As per RSIS |
| Commercial floor area: | 1/150 sq. ft. |

1. Affordable housing requirements.
   1. Affordable units shall conform to the requirements of the N.J. Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), the “Round 2” regulations adopted by the N.J. Council on Affordable Housing, N.J.A.C. 5:93-1.1 et seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., all other relevant statutes, regulations, and policies, and the Washington Township court-approved Third Round Affordable Housing Ordinance.
   2. At least one very-low-income dwelling unit shall be provided.
   3. At least 50% of the affordable units provided shall be low-income units, inclusive of one (1) very low-income unit.
   4. Affordability average; bedroom distribution. Affordable units shall be provided in accordance with N.J.A.C. 5:80-26.3 Affordability average; bedroom distribution.
   5. Affordable units shall be affirmatively marketed in accordance with the affirmative marketing provisions identified at N.J.A.C. 5:80-26.15.
   6. Controls on affordability. There shall be an income control period pursuant to N.J.A.C. 5:80-26.11 of at least thirty (30) years, and thereafter until the Township takes action to release the controls on affordability, for all affordable units.

(a) The applicant shall submit a copy of the draft deed restriction to be placed on the affordable units at the time of application for site plan approval for Planning Board Attorney review and approval prior to the Planning Board granting preliminary site plan approval.

(b) Affordability controls shall be established in the form of a deed restriction, which shall be approved by the Planning Board Attorney and recorded with the County Clerk and filed with Washington Township Municipal Clerk and Washington Township Municipal Housing Liaison.

* 1. The developer shall enter into an agreement with the Township to pay for the cost of administration of affordable units in the development; or the developer shall annually provide evidence that a contract is in full force and effect between the developer and a qualified affordable housing administrative agent for all aspects of administration of the affordable units.

1. Development shall be subject to site plan approval in accordance with Chapter 159.
2. Development within the C-1 AHRO shall conform to any applicable municipal zoning or site plan requirement pertaining to development in the C-1 Neighborhood Business Zone not specifically modified herein.”

**SECTION 2.** All ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** This Ordinance may be renumbered for codification purposes.

**SECTION 4.** If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval

and publication as required by law.

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| **ATTEST:** |  | **TOWNSHIP OF WASHINGTON**  **COUNTY OF MORRIS**  **STATE OF NEW JERSEY** |
|  |  | **By:** |
| **Nina DiGregorio, Township Clerk** |  | **Kenneth W. Roehrich, Mayor** |

1. May be reduced to less than 75 ft. as part of an overall comprehensive redevelopment plan including affordable housing. [↑](#footnote-ref-1)
2. May be reduced to zero (0 ft.) by the Planning Board without the need for a variance when proposed as part of an overall comprehensive redevelopment plan including affordable housing, provided that the applicant demonstrates to the satisfaction of the Planning Board that a perpetual off-site maintenance and access easement is provided along the entire length of the property abutting the reduced side yard setback condition. The perpetual maintenance and access easement shall provide for unrestricted access sufficient to repair and maintain the exterior of the building for which reduced set back may be approved. [↑](#footnote-ref-2)