

**TOWN OF WESTFIELD
ORDINANCE NO. 2004**

**“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN
OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING
INCLUSIONARY ZONE DESIGNATED AS THE RA-5C MULTI-FAMILY
RESIDENCE”**

WHEREAS, on January 23, 2013 the Superior Court of New Jersey (Honorable Frederic S. Kessler, J.S.C.) entered an Order of Remand and Scheduling of a Fairness Hearing and Compliance Hearing (the “Court Order”) in Mount Laurel affordable housing litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09 (the “litigation”), which Court Order remanded to the Town Council of the Town of Westfield and the Westfield Planning Board the Town’s 2009 Housing Plan Element and Fair Share Plan to allow the Planning Board and the Town of Westfield to consider and vote on a new 2013 Affordable Housing Compliance Plan consisting of a new 2013 Housing Plan Element and Fair Share Plan (the “2013 HPE&FSP”) as well as ordinances implementing the 2013 HPE&FSP; and

WHEREAS, the Town Council is desirous of amending the Town’s Land Use Ordinance in accordance with the Court Order to implement the 2013 HPE&FSP by incorporating inclusionary zoning districts into the Land Use Ordinance as proposed in the 2013 HPE&FSP, but which ordinance amendments shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Court of a Final Judgment of Compliance and Repose in the litigation, and (3) the expiration of the 45-day appeal period without an appeal having been filed;

BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION AND THE STATE OF NEW JERSEY, AS FOLLOWS:

The Land Use Ordinance shall be amended by adding a new Article 11.33 RA-5C Multi-Family Residence District to read in its entirety as follows:

ARTICLE 11.33

RA-5C MULTI-FAMILY RESIDENCE DISTRICT.

§11.33 RA-5C Multi-Family Residence.

- A. **Principal permitted uses and structures.** The permitted principal uses and structures within the RA-5C Multi-Family Residence District shall be limited to multi-family residences as defined in Article 2, with all units to be under the condominium form of ownership and the four affordable units shall be rental.
- B. **Applicability and re-zoning.** These regulations apply to the following property: Block 3905, Lot 27.
- C. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-5C Multi-Family Residence District:
 - 1. Signs, in accordance with Town Codes and regulations.
 - 2. Private roads, driveways and visitor parking as regulated herein.
 - 3. Fences and walls, in accordance with Town Codes and regulations.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A or B above are prohibited.
- E. **Affordable housing set aside.** At least fifteen percent (15%) of the units constructed shall be rented at rates affordable to low, very low and moderate income limits in

accordance with the state's Uniform Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.

- F. **Affordability regulations.** Any inclusionary development in the RA-5C zone district must comply with all applicable regulations of the affordable housing regulations of Article 23 and all affordable housing constructed as a part of this ordinance shall be constructed, marketed, sold and/or rented in accordance with New Jersey Uniform Housing Affordability Controls (UHAC) NJAC 5:80-26.1 et seq. and COAH regulations NJAC 5:97-1 et seq.
- G. **Bulk and lot regulations.** The following bulk and lot regulations apply to all development within the RA-5C Multi-Family Residence District:
1. Minimum lot area. There shall be a minimum lot area of 60,000 square feet.
 2. Minimum lot frontage. There shall be a minimum lot frontage of ninety-five (95) feet.
 3. Minimum front yard. There shall be a minimum front yard setback of forty (40) feet.
 4. Minimum side yard. No dwelling unit shall be closer to the side yard than ten (10) feet from the west property line and forty-seven (47) feet from the east property line.
 5. Minimum rear yard. No dwelling unit shall be closer to the rear yard than thirty-five (35) feet.
 6. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors and thirty-three and one-half (33.5) feet.
 7. Maximum coverage by improvements. No more than sixty-eight percent (68%) of the area of the lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to sidewalks, parking areas, patios, driveways, etc. provided, however, that such coverage may be increased to seventy percent (70%) when at least two percent (2%) consists of sidewalks, patios or grass pavers. It is the intention of this provision that the lot shall have at least thirty percent (30%) of its lot area without any improvements except vegetation.
 8. Maximum coverage by buildings and above-grade structures. No more than twenty-nine percent (29%) of the area of any lot shall be covered by buildings and above-grade structures.
 9. Minimum distance between buildings. Between buildings containing dwelling units, the following minimum distances shall apply: end wall to end wall – fifteen (15) feet.
 10. Maximum density. No more than twenty-four (24) units shall be constructed on-site, at a gross density not to exceed 16.5 units per acre.
 11. Minimum buffer. A buffer in the form of landscaping, walls and fences as may be approved by the Planning Board shall be provided by the developer of any multi-family residential use which abuts a property located in a single-family residential zone. Trees and shrubs used in a buffer shall be at least five (5) feet high at the time of planting. Buffers shall be protected from impact by motor vehicles, and from the negative effects of road salt and snow plowing. A granite block curb shall separate buffers from vehicle use areas.

12. Screening of parking. Parking shall be screened by landscape plantings in unison with fences and walls in sufficient quantity when a parking area for multi-family residential use abuts an existing single-family residential use.
 13. Site improvements. On-site improvements shall be determined by applying the minimum Residential Site Improvement Standards (RSIS) to provide an eighteen (18) foot residential driveway length and a residential access parallel parking low intensity cartway width of twenty-eight (28) feet with a grasscrete turnaround provided. In any area of the site where parking is provided within the twenty-eight (28) foot cartway, there shall be provided a traveled way of not less than twenty-one (21) feet in width. The width of any parking lane located within the cartway shall be seven (7) feet, all as provided by applicable RSIS standards.
 14. Parking. RSIS parking standards shall be exceeded to provide a combination of garage and driveway spaces as follows: (a) One bedroom unit - one garage space and one driveway space; (b) two-bedroom unit - one- or two-car garage spaces and two driveway spaces; (c) three-bedroom unit - one garage space and one driveway space, with thirteen parallel parking visitor spaces.
 15. Unit mix. There shall be provided one (1) bedroom unit, twenty-two (2) bedroom units, and one three bedroom unit.
 16. Applications in the Multi-Family RA-5C Multi-Family Residential District shall not be subject to review by the Architectural Review Committee.
 17. Applications in the Multi-Family RA-5C Multi-Family Residential District shall connect to existing sanitary sewer and storm sewer systems.
 18. Garbage and recycling collection shall be provided as determined by the Planning Board.
- H. **Effective date.** The within new Article 11.33 of the Land Development Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.

PASSED AND ADOPTED: May 7, 2013

ATTEST:

Clare J. Gray
Town Clerk

Richard M. ...
Mayor