ORDINANCE NO. 09-2020

BOROUGH OF ROSELAND COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF ROSELAND AMENDING CHAPTER XXX OF THE CODE OF THE BOROUGH OF ROSELAND, ENTITLED "ROSELAND BOROUGH LAND DEVELOPMENT ORDINANCE" BY AMENDING VARIOUS SECTIONS OF SAME TO CREATE THE R-11/AH-5 AFFORDABLE HOUSING DISTRICT

BE IT ORDAINED by the Borough Council of the Borough of Roseland, County of Essex and State of New Jersey as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to amend the Borough of Roseland's Land Development Ordinance in accordance with the Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC") entered into on November 7, 2019, the Settlement Agreement entered into between the Borough and Bobst North America, Inc. entered into on November 5, 2019, and the Borough's Housing Element and Fair Share Plan, by adding a new section 30-404.10 to establish the requirements of a new zoning district referred to as R-11/AH-5 Affordable Housing Zone, which will result in the creation of an inclusionary development consisting of 53 market-rate age-restricted residential units and 12 affordable age-restricted units.

SECTION 2: NEW SECTION: §30-404.10.

Article IV of Chapter XXX the Code of the Borough of Roseland is hereby amended to add Section 30-404.10, as follows:

§30-404.10 R-11/AH-5 Affordable Housing Zone

- a. Permitted Principal Uses and Densities. Properties in the R-11/AH-5 District may be developed for age-restricted apartments subject to the following requirements and limitations:
 - 1. In the R-11/AH-5 District, properties may be developed for age-restricted apartments (in accordance with NJAC 5:80-26.1 et. seq.) at a maximum density of twelve and one-half (12.5) housing units per acre. Not less than twelve (12) housing units shall be designated for occupancy by very low, low- and moderate-income households. The units designated for very low, low- and moderate-income shall be in a multifamily, age-restricted building. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable

COAH affordable housing regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws.

- b. Permitted Accessory Uses. The following accessory uses are permitted in the R-11/AH-5 District:
 - 1. Private garages.
 - 2. Buildings for storage of maintenance equipment.
 - 3. Off-street parking.
 - 4. Signs in accordance with subsection 30-403.17.
 - 5. Private recreation facilities, including swimming pools, intended for use by residents of the premises.
 - 6. Electric automobile charging stations shall be provided.
 - 7. Common outdoor public and private spaces.
- c. Required Conditions. The following zoning standards shall apply to development in the R-10/AH-5 District:
 - 1. Minimum lot area four (4) acres.
 - 2. Maximum tract density twelve and one-half (12.5) units per acre.
 - 3. Minimum percentage of affordable units eighteen (18) percent.
 - 4. Minimum front yard building setback fifty (50) feet.
 - 5. Minimum side yard building setback thirty-five (35) feet.
 - 6. Minimum rear yard building setback thirty-five (35) feet.
 - 7. Minimum setback from tract boundary thirty-five (35) feet.
 - 8. Minimum building setback from public roads forty-five (45) feet.
 - 9. Maximum impervious coverage seventy (70%) percent of the site.
 - 10. Maximum building coverage twenty (20%) percent of the site.
 - 11. Maximum height of building three (3) stories/forty-five (45) feet.
 - 12. Parking Adequate provision shall be made for off-street parking in accordance with the State's Residential Site Improvement Standards (R.S.I.S.).
 - 13. Very Low, Low- and Moderate-Income Housing Units: In the R-11/AH-5 District, very low, low- and moderate-income housing units shall be interspersed with market rate apartment units. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the UHAC, applicable COAH affordable housing regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws.
- d. Accessory Buildings.
 - 1. Setbacks. Accessory buildings shall meet the street and property line setbacks of the principal building. Swimming pools, tennis courts and other surfaced recreation facilities shall likewise meet the street and property line setbacks of the principal building.
 - 2. Height. The maximum height of an accessory building shall be sixteen (16)
 Ordinance No. 09-2020

- feet. Clubhouses shall be governed by height limitations for principal buildings.
- 3. Design. Architectural design and materials used in the construction of accessory buildings shall conform to those used in the construction of principal buildings.
- e. Open Space. Exclusive of internal roadways and parking areas, there shall be provided a minimum of fifteen (15%) percent of the entire tract for common open space.

SECTION 3: INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: COPIES OF ORDINANCE

At least three copies of said full Ordinance are on file in the Office of the Borough Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours.

SECTION 6: NOTICE

The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Essex County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the Essex County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: March 17, 2020

Motion to Introduce by: <u>Councilwoman Tolli</u>
Motion Seconded by: <u>Councilwoman Fishman</u>

Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: May 19, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi			X				
Councilwoman Fishman	X		X				
Councilman Freda			X				
Councilwoman Perrotti		X	X				
Councilwoman Tolli			X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
		VOTE:	6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19th day of May, 2020.

Watkins, Borough Clerk

James R. Spango, Mayor

Date of Publication: May 28, 2020, The Progress



BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY 140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068 (973) 226-8080

BOROUGH CLERK Jock H. Watkins, RMC

CERTIFIED MAIL NO: 7018-1830-0002-1066-8883

April 30, 2020

Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044

RE:

Ordinance No. 08-2020
Ordinance No. 09-2020
Ordinance No. 10-2020
Amend and Supplement Borough Code
Chapter XXX, Land Development

Dear Mr. Antonio:

Pursuant to N.J.S.A. 40:55D-15, we sent you notice, with enclosed copies of the above referenced ordinance(s), advising that the subject ordinances were introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Roseland on the 17th day of March, 2020. Due to the Covid-19 health emergency, the public hearings on these ordinances were tabled until the May 19th meeting of the Roseland Governing Body. This notice is to advise you that the above referenced ordinances, copies of which were previously sent, shall come up for final passage at an Official Meeting of the Governing Body to be held via Teleconference on Tuesday, the 19th day of May, 2020, at 7:30 PM. Public participation in the meeting can be accessed by computer at www.freeconferencecall.com/wall/boroughofroseland/ or by telephone at 760-548-9833 at which time any persons interested shall be given the opportunity to be heard concerning said Ordinances.

Jock H. Watkins Municipal Clerk

watkins@roselandnj.org

973-403-6029

Enclosure(s)

Via Certified mail to Municipal Clerks of:

Borough of Essex Fells Township of East Hanover Township of Livingston Township of West Caldwell Township of West Orange

Certified Mail No. 7018-1830-0002-1066-8890 Certified Mail No. 7018-1830-0002-1066-8906 Certified Mail No. 7018-1830-0002-1066-8913 Certified Mail No. 7018-1830-0002-1066-8920 Certified Mail No. 7018-1830-0002-1066-8937

PS, Form:3811; July 2015 PSN 7530-02-000-9053		Ms. Mary Donovan, Clerk Township of West Caldwell 30 Clinton Road West Caldwell, NJ 07006	■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse x so that we can return the card to you. ■ Attach this card to the back of the mailplece, or on the front if space permits.	SECTION	PS Form 3811, July 2015 PSN 7530-02-000-9053	2. Article Number Transfer from service label) 10.	95.90 9402 5002 9063 1737 21	Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044	1, Article Addressed to:	■ Complete Items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.
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, PS Form 3811, July 2015 PSN 7530-02-000-9053	9590 9402 5002 9063 1738 99 2. Article Number (Transfer from service label) 7 01.8 1.830 0002 1002 1046 8876	1. Article Addressed to: Ms. Karen J. Carnevale, Clerk Township of West Orange 66 Main Street, Room 101 West Orange, NJ 07052	 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		PS Form 3811, July 2015 PSN 7530-02-000-9	2. Article Number (Transfer from service label) 7018 1830 0002 1016 8852 ,	95 95 95 95 95 95 95 95 95 95 95 95 95 9	Mr. Glenn R. Turtletaub, Clerk Township of Livingston 357 South Livingston Avenue Livingston, NJ 07039	1. Article Addressed to:	 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mallpiece, or on the front if space permits.
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BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY

140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068 (973) 226-8080

BOROUGH CLERK Jock H. Watkins, RMC

CERTIFIED MAIL NO: 7018-1830-0002-1066-8821

March 30, 2020

Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044

RE:

Ordinance No. 08-2020

Ordinance No. 09-2020

Ordinance No. 10-2020

Amend and Supplement Borough Code

Chapter XXX, Land Development

Dear Mr. Antonio:

Pursuant to N.J.S.A. 40:55D-15, enclosed are copies of the above referenced ordinance(s) that were introduced by the Borough Council at a meeting held March 17, 2020. The Council will conduct a public hearing and consider final passage of the ordinance(s) during its regular meeting scheduled for April 21, 2020 at 7:30 PM via teleconference. We will provide the telephone access numbers necessary for the teleconference as soon as they become available.

Sincerely

Jock H. Watkins Municipal Clerk

jwatkins@roselandnj.org

973-403-6029

Enclosure(s)

Via Certified mail to Municipal Clerks of:

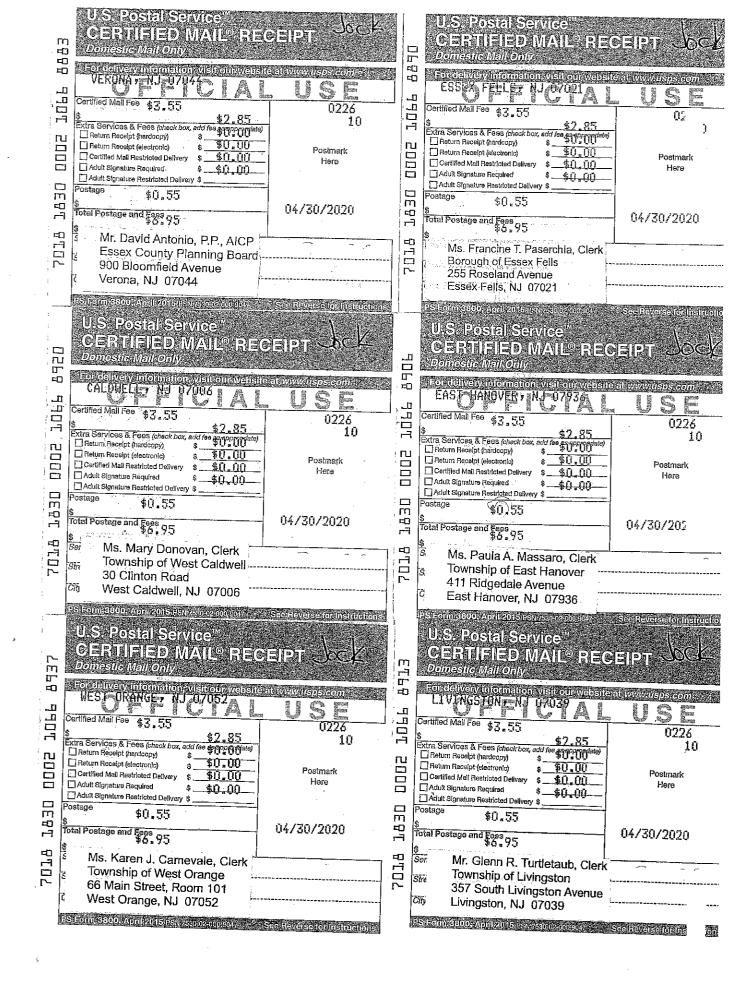
Borough of Essex Fells
Township of East Hanover
Township of Livingston
Township of West Caldwell
Township of West Orange

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