

U.L. v. Cateret, South Plainfield

12/19/1984

- Cover letter to SP planning board describing 4 proposed ordinances

enclosed: Affordable housing Ordinance of SP +  
An Ordinance Amending Ordinance #801

pgs. 26

no p.i.

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December 18, 1984

Mrs. Barbara Ciccone  
South Plainfield Planning Board  
2480 Plainfield Avenue  
South Plainfield, N.J. 07080

Dear Barbara,

Enclosed are four proposed ordinances in regard to the Mount Laurel settlement. There is one, "Affordable Housing Ordinance" with which myself and the Urban League are in agreement.

The other three ordinances are revisions to the Zoning Ordinance. Ordinance #1 was the first ordinance written by myself which I believe is in the best interests of South Plainfield and the construction of low and moderate income housing. The Urban League does not agree and I can enumerate those differences during our review meetings.

Ordinance #2 changes the words "Garden Apartments" and "Townhouses" to "Condominiums". The common usage of the word Condominium means purchase of the unit. Therefore, all rentals would be excluded. There is nothing to prevent a condominium purchaser to rent to a second party. The Urban League opposes this restriction and I personally do not believe it will be acceptable to the court.

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*Call  
R. Rosa  
to see  
Carla  
DME*

Ordinance #3 was the product of a negotiation session with representatives of the Urban League. I agreed with all of the compromises at the meeting and still agree with all the changes except my basic concern of building Townhouses at 12-15 units per acre. I have rethought that again and do not believe it is in the best interests of South Plainfield to crowd Townhouse units at these densities. It doesn't work and would prefer the language on density as proposed in Ordinance #1. The Urban League opposes these provisions. If the Board so chooses to agree with me on this, I believe I can show the Master or Judge of examples in this area where Townhouses are too crowded at 10-13 units per acre and are not an asset to any community such as South Plainfield.

It is suggested we set up a review meeting on December 27th or January 2nd or 3rd 1985.

Very truly yours,

  
Robert E. Rosa

RER:imm

Enc.

cc: Mayor Michael English  
Patrick Diegnan  
Barbara Williams

ORDINANCE #

Affordable Housing Ordinance of the Borough of South Plainfield

An Ordinance to Amend the Code of The Borough of South Plainfield, New Jersey creating an Affordable Housing Agency and fixing procedures for providing low and moderate income housing in the Borough of South Plainfield.

Be It Ordained by the Governing Body of the Borough of South Plainfield, in the County of Middlesex and the State of New Jersey as follows:

ARTICLE I-TITLE

100 Short Title

This Ordinance shall be known and may be cited as: The Affordable Housing Ordinance of the Borough of South Plainfield.

ARTICLE II - PURPOSE

200 Purpose

The purpose of this Section is to:

- (a) Promote the general welfare by providing for a variety of housing choices within the Borough;
- (b) Satisfy the Borough's constitutional obligation under Mount Laurel II to provide a realistic opportunity for the development of its fair share of the regional need for low and moderate income housing; and
- (c) Comply with the May 22, 1984 Judgement of the Superior Court of New Jersey in Urban League of Greater New Brunswick, et. al. v. Mayor and Council of the Borough of Carteret, et.al., by establishing a mechanism for assuring that housing units designated for occupancy by low and moderate income households remain affordable to, and occupied by, low and moderate income households.

## ARTICLE III - DEFINITIONS

### 300 Definitions

The following terms wherever used or referred to in this section shall have the following meanings unless a different meaning clearly appears from the context:

- (a) "Affordable Housing Agency" shall mean the Agency referred to in Article X of this Ordinance or its designee.
- (b) "Income Ceiling" shall mean 80% of the regional median income for moderate income households and 50% of the regional median income for low income households.
- (c) "Low Income Household" shall mean a household whose income does not exceed 50% of the regional median income, with adjustments for household size as determined by the Affordable Housing Agency.
- (d) "Low Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum price or charge that is affordable by low income households.
- (e) "Moderate Income Household" shall mean a household whose income is greater than 50%, but does not exceed 80%, of the regional median income, with adjustments for household size, as determined by the Affordable Housing Agency.
- (f) "Moderate Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum price or charge that is affordable by moderate income households.
- (g) "Regional Median Income" shall mean the median income for the present housing need region identified in the opinion of the Superior Court in AMG Realty Company v. Township of Warren, dated July 16, 1984. For ease of calculation, regional median income shall be deemed to mean 94% of the median income of the Primary Metropolitan Statistical Area (PSMA) in which Middlesex County is located.

## ARTICLE IV - GENERAL PROVISIONS

### 400 General Provisions

- 401 Wherever reference is made to low or moderate income units in the Zoning Ordinance, the standards, qualifications, definitions, and procedures set forth in this section shall apply.

402 Except as otherwise expressly provided herein, no low or moderate income unit shall be offered for sale or rental except at prices that are affordable to low or moderate income households.

403 Except as otherwise expressly provided herein, no low or moderate income unit shall be sold, resold, rented or, re-rented except to a household that has been qualified as a low or moderate income household.

404 A covenant embodying these restrictions shall be recorded with the deed for all sales of property subject to the provisions of this section.

#### ARTICLE V - QUALIFIED HOUSEHOLDS

##### 500 Qualification of Low and Moderate Income Households.

A prospective purchaser or renter of a low or moderate income unit must be qualified as a low or moderate income household by the Affordable Housing Agency prior to the purchase or sale of such unit. In making this determination, the Affordable Housing Agency shall apply the standards contained in the definitions of low and moderate income households set forth in Section 300 of this Ordinance. The Affordable Housing Agency shall periodically recalculate the regional median income and determine adjustments for household size based on changes in the official estimates of the median income for the Primary Metropolitan Statistical Area (PMSA) in which the Borough is located.

#### ARTICLE VI - MAXIMUM SALES AND RENTALS

##### 600 Determination of Maximum Sales Prices and Rental Charges.

Prior to the sale, resale, rental, or re-rental of a low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price or rental charge that may be charged for that size unit in each income category.

##### 601 Maximum Sales Price

The following procedure shall apply to determine maximum sales price:

- (a) A base price shall be calculated such that the sum of the monthly payments for principal, interest, taxes, fire, theft and liability insurance, and homeowner association fees, if any, shall not exceed 28% of the low or moderate income ceiling determined in accordance with this section. A ten percent (10%) down payment requirement and a thirty (30) year mortgage term shall be assumed in making this calculation.

In calculating the monthly interest payment, the interest rate provided by the developer as being available to the subject development shall be utilized if the Affordable Housing Agency determines that it is in fact reasonably available to low or moderate income households. If the developer or any other entity offers to buy down the prevailing interest rate for a minimum of three years commencing at the time of purchase, and the terms of the buydown provide that the increase in interest rate charged does not exceed one half of one percent (0.5%) per year during the period of the buydown, the interest rate for the first year of the buydown period shall be used in the above calculation to determine monthly interest payment. If the increase in the interest rate exceeds one half of one percent (0.5%) per year, the average interest rate for the period of the buydown shall be used.

If the developer proposes that an adjustable rate Mortgage (ARM) be used to calculate the monthly interest rate payment, the initial interest rate of that mortgage shall be used only if the maximum annual average increase does not exceed one half of one percent (0.5%). Otherwise, a rate which is the average of the initial interest rate and the highest possible rate in effect after three years shall be used.

- (b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum sales price that may be offered for each such unit shall not exceed ninety percent (90%) of the base price for that size unit in each category of low or moderate income housing.
- (c) Prior to final approval of any development subject to these provisions, the Affordable Housing Agency shall determine the maximum sales prices by unit size for the low and moderate income units in the development and shall so notify the developer. These prices shall remain in effect for a period of one year or until all of the low and moderate income units have been <sup>all</sup> sold, whichever occurs first. The developer may request a modification of the maximum sales prices at any time by applying to the Affordable Housing Agency for recalculation of these prices based on changes in any of the factors used to calculate these prices.
- (d) Prior to the resale of any low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price for that unit in accordance with a formula developed by the Agency which takes into account increases in a generally accepted price or income index, reasonable improvements to the property as determined by the Agency, and reasonable out-of-pocket costs of the sale as determined by the Agency, and which, to the extent feasible, ensures that the sales price will be

consist with the affordability standards set forth in subsections (a) and (b) above.

**602 Maximum Rental Charges.**

The following procedure shall apply to determine maximum rental charges.

- (a) A base rent shall be calculated such that the sum of the monthly rental payment, including utilities, does not exceed thirty percent (30%) of the low or moderate income ceiling, determined in accordance with subsection 601(d) above.
- (b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum gross rent that may be charged for any such unit shall not exceed ninety percent (90%) of the base rent for that size unit in each category of low or moderate income housing.
- (c) If the cost of all utilities, including heat, hot water, cooking fuel, and electricity, is not included in the monthly rental charge, an estimated monthly charge for those utilities not included in the rent shall be calculated for each unit size. This estimated charge shall be subtracted from the maximum gross rent to determine the maximum rental charge that may be imposed for each low and moderate income unit.
- (d) Once the maximum rental charges have been determined for a development subject to the provisions of this section, such charges shall not be increased without the prior written approval of the Affordable Housing Agency. The Agency shall establish appropriate criteria and procedures for allowing periodic rental charge increases consistent with the affordability standards set forth in subsections (a) and (b) above. No more than one rental charge increase shall be allowed for any unit or group of units within any twelve (12) month period.

**603 Relationship Between Household Size and Unit Size.**

For the purpose of determining maximum sales prices and rental charges pursuant to Subsections 601 and 602 of this Ordinance, the ceiling incomes of the following household sizes shall be used to determine the maximum prices for each of the following unit sizes:

efficiency	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	5 persons
4 bedrooms	6 persons



AN ORDINANCE AMENDING ORDINANCE #801 ENTITLED "ZONING  
ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, 1978"

Be It Ordained, by the Municipal Council of the Borough of South Plainfield that the Zoning Ordinance of the Borough of South Plainfield, 1978, be amended as follows:

Section 1

Article II, Definitions, is amended to add the following:

32A. Garden Apartments: A building, not more than 3 stories and forty (40') feet in height, on one lot, containing three (3) or more separate dwelling units and sharing joint utility services and facilities.

32B. Gross Density: Gross density shall be the total number of dwelling units divided by the acreage of the entire planned residential development including dedicated areas, common areas, and open space.

46A. Manufactured Housing: A mass produced building manufactured off site and assembled on site for long term residential use. It is modular housing and is constructed in more than one section for combination on the site. Manufactured Housing must meet State Construction Code Standards and does not include trailer home or mobile homes.

46B. Mobile Home: An unit constructed off site for residential use which is equipped with wheels or some device used for the purpose of transporting such unit from place to place whether by motor vehicle or other means; or any factory built unit, equipped with wheels, used for living or sleeping purposes, whether the same is on blocks, posts, or any other type of foundation. Mobile Home shall be synonymous with Trailer Home.

47A. Multi-Family Residential: A building used or designed as a residence for three (3) or more separate dwelling units, sharing joint utility services and facilities. This does not include motels, hotels, or rooming houses.

68A. Townhouses: More than two (2) single family dwelling units, for sale, which are attached by a common wall to each other, together with individual rear and front entrances. A townhouse unit may have a front and/or rear yard design as an integral part of each unit or all townhouse units in a development may share common outside facilities in conformance with an approved site plan. A townhouse has its own separate storage area and heating system and is considered to be an independent operating unit.

## Section 2

Article II, Definitions is amended to read as follows:

24. Family: One (1) or more persons living as a single, non-profit housekeeping unit.

## Section 3

Article IV, paragraph 401 shall be amended to add the following at the end of the paragraph.

PRD-1 Multi-family Residential  
PRD-2 Multi-family Residential  
MF-1 Multi-family Residential  
SC-1 Senior Citizens Residential

## Section 4

Article IV, paragraph 402 shall be amended to include zoning changes as shown on the attached map prepared by Robert E. Rosa Associates dated August 14, 1984.

## Section 5

Article V, General Regulations shall be amended by adding the following paragraphs at the end of this article.

516 General Regulations for all Multi-Family and Senior Citizen Residential Zones (PRD-1, PRD-2, MF-1, SC-1).

516.1 The purpose of these special regulations is to satisfy a May 22, 1984 Judgement of the Superior Court of New Jersey in Urban League of Greater New Brunswick, et.al. v. Mayor and Council of the Borough of Carteret, et.al. including the Borough of South Plainfield.

- a. Each application for development shall comply with all provisions of the "Affordable Housing Ordinance of the Borough of South Plainfield, 1984".
- b. Each application for development subject to these provisions shall clearly state the number of low and moderate income units, as defined in the Affordable Housing Ordinance and each resolution of approval shall clearly state the number of low and moderate income units that are approved as part of the development.
- c. Each approved development subject to these provisions shall contain moderate income units, in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the

zone, and low income units in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone.

- d. Any approval of a development application subject to these provisions shall require that construction of the low and moderate income units be phased in with the balance of the development in accordance with the following standard:

Number of market units completed as a % of total number of units approved	Number of low or moderate income units
Not more than 25%	At least 25%
50%	60%
75%	85%
90%	100%

To implement this requirement, certificates of occupancy shall not be issued for more than 25% of the total number of market units until certificates of occupancy have been issued for at least 25% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 50% of the total number of market units until certificates of occupancy have been issued for at least 60% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 75% of the total number of market units until certificates of occupancy have been issued for at least 85% of the total number of low or moderate income units; and certificates of occupancy shall not be issued for more than 90% of the total number of market units until certificates of occupancy have been issued for 100% of the low or moderate income units. Where construction of low or moderate income units is being phased in with the balance of a development, each phase shall include a mixture of low and moderate income units reasonably consistent with the percentage distribution of each category within the development as a whole.

- e. No more than fifty percent (50%) of the low or moderate income units in any development subject to these provisions shall be one (1) bedroom units or efficiency units. In developments containing one hundred (100) or more low or moderate income units, at least twenty percent (20%) of these units shall be three (3) bedroom units or larger.
- f. No more than twenty percent (20%) of the total number of low or moderate income units that may be developed in any development subject to these provisions may

have occupancy restrictions based on the age of household members, except in the MF-1 and SC-1 Zones if Senior citizen projects are proposed. The Borough may not require a developer of low or moderate income housing to impose any age-based occupancy restrictions with respect to such units as a condition of approval, waiver or assistance.

- g. The Borough shall permit, as a conditional use on any site of three (3) acres or more in any residential zone, where appropriate, multi-family development at a higher density than otherwise permitted by the applicable zoning subject to a mandatory set-aside of ten percent (10%) low income units and ten percent (10%) moderate income units, as set forth in this Section.
- h. Through 1990 no sites of three (3) acres or more may be zoned at gross densities greater than four (4) units per acre unless those sites are subject to a mandatory set-aside provision requiring that at least fifteen percent (15%) of the total number of units that may be developed on the site shall be low or moderate income units. Any site that is zoned at a gross density of eight (8) units per acre or greater shall be subject to a mandatory set-aside provision requiring that a minimum of ten percent (10%) of the total number of units that may be developed on the site shall be low income units and a minimum of ten percent (10%) of such units shall be moderate income units.

#### 517 Manufactured or Modular Housing

517.1 Manufactured housing, including modular, is permitted in all residential zones.

#### Section 6

Article VI, Off-Street Parking and Loading Facilities, shall be amended to add the following:

603.20 Townhouse - At least one and a half (1.5) spaces per one (1) bedroom unit and two (2) spaces per two (2) bedroom unit and above.

603.21 Multi-family - At least one and a half (1.5) spaces per efficiency and one (1) bedroom unit and one and three quarters spaces per two (2) bedroom unit and above.

603.22 Garden Apartments - At least one and a half (1.5) spaces per efficiency and one (1) bedroom unit and one and three quarters spaces per two (2) bedroom unit and above.

603.23 Senior Citizens Community - At least one half (.5) space per unit.

Section 7

Article VII shall be amended to add the following paragraphs:

711 PRD-1 Multi-Family Residential

711.1 PERMITTED USES

A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Uses

- (1) Condominium apartment dwellings subject to all requirements of this Section.
- (2) Townhouses subject to all requirements of this Section.

b. Accessory Buildings and Uses Including:

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

711.2 DEVELOPMENT STANDARDS

The PRD-1 Residential Zone specified herewith shall be occupied only as indicated in the Schedule of this Ordinance and as follows:

- a. The gross density shall be twelve (12) units per acre for the entire parcel but may consist of any percentage combination of apartments and condominiums. No portion of the entire parcel shall exceed twelve (12) units per acre.
- b. Special requirements for apartments are as follows:
  - (1) Principal Buildings
    - (a) Minimum front setback (measured from the proposed street R.O.W. line) - 35 ft.

- (b) Minimum setback from interior private road - 20 ft.; or parking lots - 15 ft.
- (c) Minimum side and rear yard setbacks - 35 Ft.
  - Two stories - 25 ft.
  - Three stories - 35 ft.
- (d) Maximum lot coverage - 20%
- (e) Maximum building height - 3 stories or 40 ft., whichever is less.
- (f) Each principal building shall:
  - (1) Not be designed for or occupied by more than 8 families per floor, nor more than three hundred (300') feet in length in its longest dimension, without terminating or providing a ninety (90) degree angle, nor exceed eighty (80') feet without a change in facade architecture, including at least twenty-five (25%) percent change in, setback, facade color, texture, design, etc., to bring about a varied composition.
  - (2) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.
  - (3) Provide not less than seven hundred (700) cubic feet of storage for each apartment unit in the building, exclusive of closets except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet of storage.
  - (4) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the development, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(5) Provide a recreation area to serve the needs of the anticipated apartment portion of the development and shall consist of at least the following:

(a) A fenced-off playlot including play equipment such as swings, seesaws, etc., shall be provided. The fenced-off area shall be not less than one hundred fifty (150) sq.ft. per dwelling unit for active recreation area with a minimum size of twenty thousand (20,000) sq.ft. for active and passive area combined.

(6) Minimum space between buildings - there shall be a minimum open space of at least fifty (50') feet between the rears of any two buildings, or thirty-five (35') feet between any other combination of facades.

If buildings are overlapped, the overlapped sides may not contain any windows. Architectural connections may be permitted at the discretion of the municipal agency.

(7) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All similar accessory appurtenances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

(a) Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10') feet.

Those swimming pools less than four (4') feet high shall be enclosed by a permanent fence not less than four (4') feet high with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) sq.ft. or over.

(b) No truck or commercial vehicle, licensed to transport more than three-quarter (3/4) ton rated manufacturer's capacity shall be stored or parked on any lot or portion of a lot.

(c) Accessory building attached to a principal building shall comply with the setbacks of the principal building.

d. Special requirements for townhouses are as follows:

(1) Principal Buildings

(a) Minimum front setback (measured from the proposed public street R.O.W. line) - 35 ft.

(b) Minimum setback from pavement of interior private road or parking area - 20 ft.

(c) Minimum each side and rear yard setbacks - 25 ft.

(d) Maximum lot coverage - 20%

(e) Maximum building height - 2 stories or 35 ft., whichever is less.

(f) Each principal building shall not:

(1) Be designed for more than ten (10) nor less than three (3) attached units.

(2) Exceed one hundred and seventy-five (175') feet in length.

(3) Exceed two townhouse units on one facade without providing a variation in setback equal to five (5') or greater.

(4) Exceed two townhouse units without a change in facade architecture, including at least twenty-five (25%) percent of facade color, texture, design, etc., to bring about a varied composition.

(5) Provide less than two (2) exterior exposures for each unit which shall be properly windowed so as to provide through-ventilation or cross-ventilation for each unit.



- (6) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antenna towers from being erected on the roof. One common antenna tower may be used for each building.
- (7) Provide, less than seven hundred (700) cubic feet of storage for each unit in the building, exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.
- (8) Provide less than a minimum open space of at least fifty (50') feet between the rears of any two buildings, or thirty-five (35') feet between any other combination of facades. If buildings are overlapped, the overlapped sides may not contain any windows. Architectural connections may be permitted at the discretion of the municipal agency.
- (9) Provide less than one trash compacter within each individual unit, except in low and moderate income units.
- (10) Provide a townhouse unit of less than twenty (20') feet in width, except for low and moderate income units which shall be no less than 16'.
- (11) Provide individual lots for sale of less than two thousand (2,000) sq.ft. if lots are sold except that for low and moderate income units the lots shall be no less than 1,200 sq.ft. Land may be kept in common ownership.

(2) Accessory Buildings and Uses.

Accessory building and uses shall conform to the same requirements as specified in 711.2(2) for apartments.

(3) Ownership and Maintenance of Common Areas

Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a corporation, association, individuals or other legal entity consisting of a majority of the property owners within the development for their use, control,

management and maintenance.

711.3 Off-street parking is required subject to the special conditions of Article VI.

711.4 LANDSCAPING

a. General Regulations

(1) Landscape Area

All areas in a development not used for construction of buildings, roads, accessways, parking or sidewalks shall be fully landscaped in accordance with these regulations.

(2) Site Considerations

Natural site features such as: existing trees, streams, rock outcropping, etc. shall be preserved wherever possible. Whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the Municipal Agency shall be established to provide environmental protection to beautify the buildings and grounds, and to provide privacy, shade and the screening out of objectionable features created on the site.

(3) Design

Landscape plans shall be required, except for single and two-family homes, where no plan is required.

(4) Labeling

All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing, and method of planting of each plant material.

b. Additional Regulations

(1) A minimum landscaped area five (5') ft. wide shall be provided along all property lines including public streets.

(2) All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6") inches in height and securely anchored into the ground.

- (3) Service areas, parking areas, transformer compounds, and other strictly utilitarian improvements, shall be screened as fully as practicable. In general, it is intended that possible objectionable or unsightly features within a given development shall be screened from passing traffic or abutting residential properties.
- (4) In the case of a repetition of building designs, as in apartment house development, care shall be exercised to avoid monotony in the planting design by introducing sufficient variety in the planting layout to lend interest and aesthetic appeal. By the same token, excessive variety shall be avoided, and all shall be represented as a balanced design with proper accent in the right places.
- (5) All street trees and "on-site deciduous shade trees shall not be less than two and one-half (2 1/2") inch diameter measured one (1') foot above the root crown.
- (6) A satisfactory amount of evergreen plant material shall be included in the planting, this to be judged on an individual basis by the Municipality.
- (7) Areas required for buffers shall not be cleared or graded prior to development approval.
- (8) Retaining walls shall not be permitted within buffer areas unless approved as part of site plan approval.
- (9) Where the non-single-family zone line abuts a single-family residential zone, a buffer of twenty-five (25') feet shall be established, except where a public street intervenes.
- (10) Within the twenty-five (25') ft. buffer to a residential zone line no improvements can be made, and the property shall be either left in its natural state, supplemented with evergreen screening plant materials, or both as determined by the Municipal Agency for each site.
- (11) In all zones where a commercial zone line abuts a multi-family residential use, a twenty-five (25') ft. buffer must be established and maintained unless such a buffer is already established and maintained along the common boundary of that zone.

c. Landscaped Area Required

In calculating landscaped areas, the areas of plazas, open pedestrian shopping malls, sitting areas, pools and fountains shall be included. Landscaped areas within and between parking areas shall also be included.

- (1) A minimum of twenty (20%) percent of the site shall be devoted to landscaped areas in addition to all required buffers, but shall include required recreation areas referred to in Section 711.2 c(1)(f)(5). The Municipal Agency shall have the authority to determine its distribution, but all front yards shall have a minimum of fifteen (15%) percent landscaped areas.

711.5 FENCES AND HEDGES

a. Intersections

At the intersection of two (2) or more streets, no wall, fence, hedge or other structure shall be erected to a height in excess of three (3') ft. above curb level, nor any other obstruction to vision shall be permitted within the triangular area formed by the nearest intersecting right-of-way street lines at points which are twenty-five (25') ft. distant from the point of intersection, measured along said right-of-way street line. Trees whose branches are trimmed away to a height of at least ten (10') ft. above curb level shall be permitted.

b. Height

On any lot in any residence district, no wall, fence, or hedge shall be erected or altered so that said wall or fence shall be over four (4') ft. in height in the front yard nor be over six (6') ft. in height in the side or rear yards, except that tennis court fences may have maximum height of twelve (12') ft. Tennis courts and front yard fences shall be restricted to open mesh or other open material as approved by the Construction Official.

c. Dangerous

No fence shall be erected of barbed wire, or electrified, or topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals.

d. Type

Solid architectural fences shall be required along all lot lines except the street line where said property lines abut single family residential zoning district lines. Such architectural fences may be made of any material which is aesthetically pleasing and prevents the dissemination of odors, noise, debris, and sight across the residential zoning boundary. Fences used for this purpose shall be six (6') ft. in height. Nothing in this Section prevents the use of plant materials along any lot line in addition to the fence requirement, but plant materials cannot be substituted for the fence. Open chain link and chain link with plastic or aluminum slats shall not be considered to be an architecturally solid fence. A wall or fence which restricts the natural flow of drainage or causes stagnant water conditions shall not be permitted. Said wall or fence shall be ordered removed or corrected by the Owner upon direction of the Construction Official. The Municipal Agency shall have the authority to waive this requirement if a buffer area is landscaped to their requirements.

e. Maintenance

Walls or fences erected shall be maintained in an aesthetically pleasing manner and any failure to do so shall be subject to the Construction Official's order to repair or replace the wall or fence in order to meet the requirements of this Ordinance.

f.\* Swimming Pools

There shall be a fence, not less than four (4') ft. high completely enclosing any below-ground swimming pool and any other swimming pool of one hundred (100) sq.ft. of surface water area or more and which is less than four (4') ft. above the ground. Each gate in a pool fence shall be capable of being locked when not in use.

g. Finished Side

The finished side of all fences shall be on the outside facing away from the lot on which it is erected. The intent of this provision is for safety purposes to prevent easy access from neighboring property.

712 PRD-2 Multi-Family Residential

712.1 PERMITTED USES

A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following

**purposes:**

**a. Principal Uses**

- (1) Condominium apartment dwellings subject to all requirements of this Section.
- (2) Townhouses subject to all requirements of this section.

**b. Accessory Buildings and Uses Including:**

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

**712.2 DEVELOPMENT STANDARDS**

The PRD-2 Residential Zone specified herewith shall be occupied only as in the Schedule of this Ordinance and as follows:

- a. The gross density shall be fifteen (15) units per acre for the entire parcel but may consist of any combination of apartments and townhouses.
- c. All other provisions and requirements of the PRD-1 Zone shall apply to the PRD-2 Zone.

**713 MF-1 Multi-Family Residential**

**713.1 PERMITTED USES**

A building may be erected, altered, or used and a lot or premises may be occupied and used for the following uses:

**a. Principal Uses**

- (1) Multi-family Apartments

**b. Accessory Buildings and Uses**

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
- (2) Signs subject to the special conditions of Article VIII.

(3) Fences and hedges subject to the provisions of this Article.

(4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

713.2 DEVELOPMENT STANDARDS

The MF-1 Residential Zone specified herewith shall be occupied only as indicated in the schedule of this ordinance and as follows:

a. The entire parcel shall be utilized for multi-family apartments with the number of units to be one hundred (100) units. If the parcel is utilized for senior citizen units the standards of the SC-1 Zone shall apply in lieu of the following:

b. Special Requirements for Multi-Family Apartments.

(1) Principal buildings

(a) Minimum front setback - (measured from proposed street R.O.W. line) - 60 ft.

(b) Minimum side yard setback - 30 ft.

(c) Minimum rear yard setback - 40 ft.

(d) Maximum lot coverage - 20%

(e) Maximum building height - 6 stories or 60 ft. whichever is less.

(f) Minimum landscaping - 15%

(g) Each principal building shall:

(1) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.

(2) Provide not less than seven hundred (700) cubic feet of storage for each apartment unit in the building exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.

- (3) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
- (4) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All accessory appurtenances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

- (a) Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10') feet.

Those swimming pools less than four (4') feet high shall be enclosed by a permanent fence not less than four (4') feet high with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) sq.ft. or over.

- (b) No truck or commercial vehicle, licensed to transport more than three-quarter (3/4) ton rated manufacturer's capacity shall be stored or parked on any lot or portion of a lot.
- (c) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.

713.3 Off-street parking is required subject to the special condition of Article VI.

713.4 Landscaping in accordance with paragraph 711.4 of this ordinance.



714 SC-1 Multi-Family Residential

714.1 PERMITTED USES

A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Use

- (1) Senior Citizen Housing

b. Accessory Buildings and Uses

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

714.2 DEVELOPMENT STANDARDS

The SC-1 Residential Zone specified herewith shall be occupied only as indicated in the Schedule of this ordinance and as follows:

- a. The entire parcel shall be utilized for Senior Citizen apartments with the number of units to be between one hundred (100) and one hundred and fifty (150) units.
- b. Special requirements for Senior Citizens Apartments:

(1) Principal Buildings

- (a) Minimum front setback - (measured from the proposed street R.O.W. line) - 50 ft.
- (b) Minimum setback from interior private road - 20 ft.
- (c) Minimum side and rear yard setbacks - 35 ft.
- (d) Maximum lot coverage - 20%
- (e) Maximum building height - 5 stories or 50 ft., whichever is less.

(f) Each principal building shall:

- (1) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.
- (2) Provide, in an enclosed basement area, not less than four hundred (400) cubic feet of storage for each apartment unit in the building.
- (3) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
- (4) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All accessory appurtenances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

- (a) Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10') feet.

Those swimming pools less than four (4') feet high shall be enclosed by a permanent fence not less than four (4') feet high with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) sq.ft. or over.

- (b) No truck or commercial vehicle, licensed to transport more than three-quarter (3/4) ton rated manufacturer's capacity shall be stored or parked on any lot or portion of a lot.

(c) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.

714.3 Off-street parking is required subject to the special conditions of Article VI.

714.4 Landscaping is required subject to paragraph 711.4 of this ordinance.

Section 8

Article VIII, Signs, is amended to add the following:

801.1 e. One (1) sign shall be permitted for the purpose of identifying a multi-family, townhouse, garden apartment or any combination thereof, but shall not exceed twenty (20) sq.ft. aggregate on both sides. Said signs shall not be allowed to project above the ground by more than five (5') feet. Signs may be illuminated as long as the glare from the lights shines directly on the sign and does not permit light to emanate beyond the property lines of the subject site.

Section 9

"Schedule of General Requirements" is ammended to add the following at the bottom of the schedule.

Zone	Area Sq. Feet	Minimum Lot Requirements		Front	Rear	Each Side	Accessory		Percent Maximum Lot Coverage	Maximum Height (whichever is less
		Width	Depth				Rear	Side		
RD-1	300,000	none		35/40	35/40	35/40	10	10	20	3 stories or 40'
RD-2	800,000	none		35/40	35/40	35/40	10	10	20	3 stories or 40'
F-1	60,000	none		60	40	30	10	10	20	6 stories or 60'
D-1	250,000	none		50	35	35	10	10	20	5 stories or 50'

Section 10

This Ordinance shall become effective upon passage according to law.