

ORDINANCE 20 - 18

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MOUNT ARLINGTON TO REVISE CHAPTER 17 LAND DEVELOPMENT, ARTICLE VIII ZONING, SECTION §17-28.12 PUD, PLANNED UNIT DEVELOPMENT ZONE TO ADD A NEW ITEM D. INCLUSIONARY RESIDENTIAL AFFORDABLE LOW AND MODERATE INCOME HOUSING WITH A SUBSECTION (1) HOWARD BOULEVARD INCLUSIONARY ZONE AND SUBSECTION (2) VALLEY ROAD INCLUSIONARY ZONE

WHEREAS, the Borough of Mount Arlington, in accordance with the Supreme Court's Order issued in IMO Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), filed an application seeking Declaratory Judgment and Substantive Certification for its Fair Share Housing obligation in the action entitled IMO the Application of the Borough of Mount Arlington, bearing Docket No. MRS-L-1657-15, Morris County Superior Court, Chancery Division; and

WHEREAS, the Fair Share Housing Center, as it has been for all cases, is considered an Intervenor in the above-mentioned matter; and

WHEREAS, the Borough and Fair Share Housing Center entered into a settlement agreement which is being finalized at the Final Fairness and Compliance Hearing ("Settlement Agreement"), scheduled for February 8, 2019; and

WHEREAS, the Settlement Agreement provided that the Borough would propose and adopt any new or modified ordinances required to implement this Agreement, within one hundred twenty (120) days of the entry of an order by the Court approving this Agreement, unless a longer time period is otherwise agreed; and

WHEREAS, the Borough of Mt. Arlington the Borough Planner, Jessica Caldwell, of J. Caldwell & Associates LLC reviewed the Borough Code and determined Chapter 17 Land Development, Article VIII Zoning, Section §17-28.12 PUD, Planned Unit Development Zone be revised to add a new item D. Inclusionary Residential Affordable Low and Moderate Income Housing with a subsection (1) Howard Boulevard Inclusionary Zone and subsection (2) Valley Road Inclusionary Zone; and

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed the Borough Code and desires to amend and supplement the Borough Code Chapter 17 Land Development, Article VIII Zoning, Section §17-28.12 PUD, Planned Unit Development Zone to add a new item D. Inclusionary Residential Affordable Low and Moderate Income Housing with a subsection (1) Howard Boulevard Inclusionary Zone and subsection (2) Valley Road Inclusionary Zone; and

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey that the Borough Code Chapter 17 Land Development, Article VIII Zoning,

Section §17-28.12 PUD, Planned Unit Development Zone be revised to add a new item D. Inclusionary Residential Affordable Low and Moderate Income Housing with a subsection (1) Howard Boulevard Inclusionary Zone and subsection (2) Valley Road Inclusionary Zone.

SECTION 1. Chapter 17 Land Development, Article VIII Zoning, Section §17-28.12 PUD, Planned Unit Development Zone be revised to add a new item D. Inclusionary Residential Affordable Low and Moderate Income Housing with a subsection (1) Howard Boulevard Inclusionary Zone and subsection (2) Valley Road Inclusionary Zone is as set forth in its entirety as follows:

§17-28.12 PUD, Planned Unit Development Zone.

D. Inclusionary Residential Affordable Low and Moderate Income Housing

(1) Howard Boulevard Inclusionary Zone.

Purpose. The purpose of the Inclusionary Zone is to create a realistic opportunity for the construction of low and moderate income housing in Mount Arlington on land that is available for development, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

Location. The location of the Inclusionary Zone applies to Block 61.02, Lot 23.08.

Use. Residential units in the zone are subject to inclusionary affordable housing standards pursuant to "Low and Moderate Income Housing Requirements" below shall be permitted uses in the Inclusionary zone district in addition to those uses already permitted by the underlying zone district. To permit residential development over retail, service and office uses for sites not directly fronting on Howard Boulevard as a standalone town center type of development. To require a maximum density of fifteen (15) apartment dwelling units per acre. Other residential, retail, service and office uses would follow the current zone standards.

Inclusionary Residential Development Standards.

A. The property specified in the location above may be proposed for subdivision and/or site plan for residential development over retail and service or office uses.

B. The maximum density permitted would be fifteen (15) units per acre with a fifteen percent (15%) set aside for rentals and twenty percent (20%) set aside for owner-occupied units.

C. Bulk Standards:

- a. Minimum lot size: 217,800 square feet
- b. Minimum lot width: 200 feet
- c. Maximum building height: 4 stories /50 feet
- d. Minimum front yard: 25 feet
- e. Minimum side yard: 10 feet
- f. Minimum rear yard: 25 feet
- g. Maximum lot coverage: 75%

All other regulations and requirements of the zone shall remain in effect.

(2) Valley Road Inclusionary Zone

Purpose. The purpose of the Inclusionary Zone is to create a realistic opportunity for the construction of low and moderate income housing in Mount Arlington on land that is available for development, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

Location. The location of the Inclusionary Zone applies to Block 61, Lots 23.03, 23.05 and 23.06. Other properties may be added to this zone in the future.

Use. Residential units in the zone are subject to inclusionary affordable housing standards pursuant to "Low and Moderate Income Housing Requirements" below shall be permitted uses in the Inclusionary zone district in addition to those uses already permitted by the underlying zone district. To permit residential development on the ground floor of retail, service and office uses. To require a maximum density of thirteen (13) apartment dwelling units per acre. To require a maximum density of 9.75 townhouse units per acre. Other residential, retail, service and office uses would follow the current PUD Zone standards.

Low and moderate income housing requirements.

- A. The properties specified in the location above may be proposed for subdivision and/or site plan for townhouses residential development on the ground floor of retail and service and office uses.
- B. With the exception to the density and the bulk requirements specified below, all townhouse developments shall follow regulations set in 17-28.12, Planned Unit Development Zone (PUD).
- C. With the exception to the density, the bulk requirements specified below, and permitted apartments on the on the ground floor of retail, service and office uses, all residential apartment development shall follow regulations set in Section 17-28.12, Planned Unit Development Zone (PUD).
- D. The maximum density for residential development shall not exceed thirteen (13) dwelling units per acre per acre for rental apartments with a minimum fifteen percent (15%) set aside for affordable rental units and 9.75 units per acre for townhouses or owner-occupied condominium units with a minimum twenty percent (20%) set aside for affordable owner-occupied units.
- E. The minimum lot frontage or width, bulk and setback requirements shall apply to town house and residential mixed-use development in the Inclusionary Zone:
 - a. Minimum lot size: 217,800 square feet
 - b. Minimum lot width: 200 feet
 - c. Maximum building height: 4 stories /50 feet
 - d. Minimum front yard: 100 feet, no maximum
 - e. Minimum side yard: one side yard 50 feet, both side yards a total of 100 feet, no maximum
 - f. Minimum rear yard: 100 feet, no maximum
 - g. Maximum lot coverage: 50%

All other regulations and requirements of the PUD zone shall remain in effect.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on November 7, 2018 and will be further considered after a Public Hearing held on December 4, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:

PUBLISHED:

ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Linda DeSantis, RMC, Borough Clerk



Michael Stanzilis, Mayor