

Introduced: January 24, 2022

Adopted: February 28, 2022

ORDINANCE NO. 2022-3

**TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON TO CREATE A
RESIDENTIAL INCLUSIONARY HOUSING DISTRICT PURSUANT TO THE
FAIR SHARE HOUSING CENTER SETTLEMENT AGREEMENT**

§ 540-20.1 R-1C Residential Inclusionary Housing District.

- A. Purpose. The purpose of this section is to establish the standards and requirements for future development of Block 400, Lot 13 that includes a mix of market-rate housing and housing affordable to very-low, low- and moderate-income households. The affordable housing constructed in the R-1C Residential Inclusionary Housing District will assist Eastampton Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of affordable housing needed in Housing Region 5.
- B. The following provisions shall be required for the R-1C Residential Inclusionary Housing district, in addition to other provisions not inconsistent with this article. In case of conflict with the provisions of other ordinances, this section shall govern. Specific affordable housing terms used in these provisions are defined in the Eastampton Township Affordable Housing Ordinance, Chapter 130-1 *et seq.*
- C. Required uses. Inclusionary housing development consisting of market-rate housing and affordable housing, as defined by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*; N.J.A.C. 5:96 *et seq.* and 5:97 *et seq.*; the Uniform Housing Affordability Controls Act (UHAC) N.J.A.C. 5:80-26.1, *et seq.*; and the Eastampton Township Affordable Housing Ordinance, Chapter 130-1 *et seq.* All housing shall comply with the provisions set forth in this section. Permitted residential dwellings shall be provided in the following manner:
 - (1) A maximum of one-hundred-twenty (120) residential dwelling units provided at a maximum density of eight-and-four-tenths (8.4) residential dwelling units per acre.
 - (2) A minimum of twenty-four (24) affordable dwelling units that represent twenty percent (20%) of the total amount of one-hundred-twenty (120) permitted dwelling units in Block 400, Lot 13.
 - (3) Affordable units shall comply with the following requirements:

- (a) At least twelve (12) of the affordable units shall be affordable to very-low and low-income households with a total gross annual income equal to fifty percent (50%) or less of the median household income, with the remainder affordable to moderate-income households with a total gross annual income more than fifty percent (50%) but less than eighty percent (80%) of the median household income.
- (b) At least thirteen (13) percent of the affordable units, which is three (3) affordable housing units, shall be deed-restricted for very-low-income households earning equal to or less than thirty percent (30%) of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. There shall be at least one (1) very-low-income three (3)-bedroom unit and one (1) very-low-income two (2)-bedroom unit.
- (c) All affordable units shall be family rental units.
- (d) All affordable units shall comply with the Eastampton Township Affordable Housing Ordinance, Chapter 130-1 *et seq.* and Uniform Housing Affordability Controls Act (UHAC) N.J.A.C. 5:80-26.1, *et seq.* including, but not limited to, the required bedroom and income distribution, being governed by controls of affordability and being affirmatively marketed, with the sole exception that in lieu of ten percent (10%) of affordable housing units in rental projects being required to be at thirty-five (35%) of median income, thirteen percent (13%) of affordable units in rental projects shall be required to be at thirty percent (30%) or less of median income, and in conformance with all other applicable law.
- (e) The affordable housing units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy of the units and the affordable deed restrictions placed upon the units as provided by UHAC, with the sole exception that very-low-income shall be defined as at or below thirty percent (30%) of median income, and the affordability controls shall remain unless and until Eastampton Township, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. If Eastampton Township acts to release the unit from such controls, the affordability controls shall remain in effect until the date on which a unit shall become vacant due to the voluntary departure of the occupant household.
- (f) The affordable housing units shall be integrated with the market-rate units to the extent possible, and the affordable housing units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable housing units shall be generally distributed within each building with market-rate units.

- (g) The residents of the affordable housing units shall have full and equal access to all of the amenities, common areas, and recreational areas and facilities as the residents of the market-rate units have.
 - (h) The affordable housing units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in the Mount Laurel settlement between Eastampton Township and Fair Share Housing Center, and it shall also include posting of all affordable housing units on the New Jersey Housing Resource Center website in accordance with applicable law.
- (4) The construction phasing of the market-rate and affordable units shall comply with the following requirements:

Minimum Percentage of Market-Rate <u>Units Completed</u>	Minimum Percentage of Affordable <u>Units Completed</u>
25	0
25, plus 1 unit	10
50	50
75	75
90	100

A unit shall be deemed complete when its certificate of occupancy has been issued. This construction-phasing schedule shall apply unless Eastampton Township and the developer have agreed to an accelerated schedule.

D. Permitted principal uses.

- (1) Multifamily dwellings defined as buildings that contain three (3) or more dwelling units, including dwelling units that are located one over another, and may contain dwelling units and garages on the first floor of the buildings.

E. Accessory uses and structures.

- (1) Private garages.
- (2) Front steps / stoops, which may extend no more than five (5) into the minimum required front yard and tract boundary setbacks.
- (3) Decks, patios, and balconies attached to residential buildings. Decks and patios shall not exceed ten (10) feet by ten (10) feet in area and shall be attached to the rear of the building. Balconies shall not project more than five (5) feet from the building and may extend into the minimum required front yard and side yard setbacks.

- (4) Signs, subject to the provisions of § 540-48 through 51, § 540-52.A.(2)(a), § 540-52.E.(3) through (9), and § 540-53.
- (5) Fences, subject to the provisions of § 540-55 and § 540-56.
- (6) Off-street parking facilities, subject to the provisions of subject to the provisions of § 540-57 and § 540-58, and N.J.A.C. 5:21-4.14 through 4.16.
- (7) Private swimming pools, subject to the provisions of § 540-11.F.
- (8) Home office occupations.
- (9) Utility, maintenance, security, and storage buildings.
- (10) Trash and/or recycling enclosures that do not exceed six (6) feet in height.
- (11) Homecrafts, subject to the provisions of § 540-64.
- (12) Private community/recreation building that serves the residents of the inclusionary development. Such buildings shall not exceed five thousand (5,000) square feet in gross floor area, and one-and-one-half (1-1/2) stories and thirty (30) feet high.
- (13) Recreational facilities including, but not limited to, tot lots, playgrounds, tennis courts, basketball courts and similar court-based recreational facilities, open playing fields for formal play such as baseball, soccer and football or for informal play, and walking trails.

F. Conditional uses.

- (1) Public utilities, subject to the provisions of § 540-61.
- (2) Home professional occupations, subject to the provisions of § 540-65.

G. Bulk, area and yard requirements.

- (1) Minimum lot area: fourteen (14) acres.
- (2) Front yard setback for residential buildings and certain accessory uses located along Monmouth Road.
 - (a) Residential buildings shall be oriented so that their facades are parallel to Monmouth Road.
 - (b) Residential buildings shall be oriented so that their main entrances face Monmouth Road. Garages and driveways for residential buildings shall neither

face nor gain access from Monmouth Road. Onsite roads shall not be located between residential buildings and Monmouth Road, except for the primary entrances from Monmouth Road to the internal roadway system serving the residential development.

- (c) Minimum front yard setback: Twenty-five (25) feet from the Monmouth Road right-of-way after any right-of-way widening dedication in fee or by easement.
- (d) Accessory uses are prohibited in the front yard of Monmouth Road, except for the following accessory uses:
 - [1] Balconies, which may extend no farther than five (5) feet into the front yard.
 - [2] Front steps / stoops, which may extend no more than five (5) into the minimum required front yard and tract boundary setbacks.
 - [3] Signs, subject to the provisions of § 540-48 – 51, § 540-52.A.(1) and (5), and § 540-53.
 - [4] Fences, subject to the provisions of § 540-55 and § 540-56.
- (3) Minimum setback for residential buildings to tract boundary, excluding boundary along Monmouth Road: fifty (50) feet.
- (4) Minimum setback for accessory uses to tract boundary, excluding boundary along Monmouth Road:
 - (a) Balconies: forty-five (45) feet.
 - (b) Decks and patios: forty (40) feet.
 - (c) Front steps/stoops: forty-five (45) feet.
 - (d) Signs, subject to the provisions of § 540-48 – 51, § 540-52.A.(1) and (5), and § 540-53.
 - (e) Fences, subject to the provisions of § 540-55 and § 540-56.
 - (f) Private garages, off-street parking, trash and/or recycling enclosures, and maintenance, security, and storage buildings: twenty-five (25) feet.
- (5) Minimum setback from residential buildings to the curb line of parking spaces:
 - (a) Ten (10) feet.

(b) For parking spaces provided in driveways for garages located within the residential buildings, and for Americans with Disabilities Act parking spaces abutting said driveways for garages: Zero (0) feet.

(6) Minimum separation between facades of residential buildings:

(a) Side of building to side of building: twenty (20) feet.

(b) Rear of building to rear of building: fifty (50) feet.

(c) Rear of building to side of building: forty (40) feet.

(7) Maximum building height: three (3) stories or forty-eight (48) feet.

(8) Maximum impervious coverage: thirty percent (30%).

H. Residential building design requirements:

(1) Maximum number of dwelling units per building: thirty (30) units.

(2) Maximum length of building: one-hundred fifty (150) feet.

(3) Articulation of building façade: at least a two (2)-foot offset of the façade for at least every fifty (50) feet.

(4) Garages provided in buildings shall be internally oriented on the site and shall be prohibited in the facades of buildings facing Monmouth Road and the tract boundaries.

(5) Residential buildings shall be oriented so that their principal, street-facing elevations and primary public building entrances, or facades, are parallel to Monmouth Road. Reverse-frontage development and buffering requirements in § 460-73 shall not apply.

I. Site design requirements.

(1) Garages and driveways for residential buildings shall neither face nor have direct access to Monmouth Road, and no roads shall be located between Monmouth Road and the residential buildings fronting it.

(2) Parking and circulation.

(a) Parking and circulation shall comply with the requirements of §§ 540-55 through 57.

(b) Two primary entrances from Monmouth Road may be provided. The entrances shall be designed according to the following requirements:

[1] A center landscaped median designed with a minimum width of ten (10) feet and extends at least twenty-five (23) feet from Monmouth road into the development.

[2] A monument sign that identifies the development may be located within the median of the entrance drive and shall be provided according to § 540-48 through 51, § 540-52.A.(1) and (5), and § 540-53.

(3) To the extent possible, as permitted in § 540-20.1.E., a private community/recreation building, a private swimming pool, and recreational facilities shall be provided in the inclusionary housing development.

(4) The site shall be designed according to all applicable provisions of this chapter.

J. Landscape and landscape buffer design requirements.

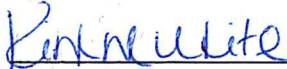
(1) Minimum landscape buffer along Monmouth Road: ten (10) feet.

(2) Minimum landscape buffer along tract boundary other than the boundary along Monmouth Road: fifteen (15) feet.

(3) Landscape and landscape buffer design shall comply with § 540-54 except as provided in this section.

Adoption: February 28, 2022

ATTEST:


KIM-MARIE WHITE
Municipal Clerk


ANTHONY ZENO
Mayor

Introduction: January 24, 2022

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar			✓			
Councilman Besko			✓			
Councilman Santillo	✓		✓			
Councilman Springer		✓	✓			
Mayor Zeno			✓			
		VOTE	5	0		

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Councilman Santillo		✓	✓			
Councilman Springer	✓		✓			
Mayor Zeno			✓			
		VOTE	5	0		