

TOWN OF CLINTON

ORDINANCE # 19-11

AN ORDINANCE CREATING THE MF-1 ZONING DISTRICT

WHEREAS, the Town of Clinton filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, captioned IMO Town of Clinton, Docket No. HNT-L-304-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Clinton Moebus 34, LLC is the owner of Block 14, Lot 32, which has been subdivided into three lots: Block 14, Lots 32, 32.01, and 32.02; and of Block 25, Lot 19;

WHEREAS, pursuant to a Consent Order filed on or about October 14, 2015, CM34 is a defendant-intervenor in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Town of Clinton (the “Town”) entered into Settlement Agreements with Fair Share Housing Center on September 18, 2018 and with CM34 on October 30, 2018 (hereinafter the “Settlement Agreements”) that determine the Town’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreements contemplate development of Block 14, Lot 32 with a noncontiguous inclusionary residential development; Block 14, Lot 32.01 with a commercial development; and Block 25, Lot 19 ten age-restricted affordable rental apartments; and

WHEREAS, the zoning amendments herein support the development of Block 14, Lot 32 as a residential development consistent with the Settlement Agreements; and

WHEREAS, the revisions to the zoning map, and creation of the Multi-Family (MF-1) Zoning District, are intended to follow the property lines of the newly created Block 14, Lot 32; and

WHEREAS, the Town’s Land Use Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Town in a manner consistent with all applicable affordable housing statutes and regulations.

NOW THEREFORE BE IT ORDAINED, by the Council of the Town of Clinton, County of Hunterdon, and State of New Jersey, as follows:

Section 1. Section 88-51(A) of the Code of the Town of Clinton (the “Code”) entitled “Zone Districts” is amended and supplemented to add the Multi-Family Housing (MF-1) District.

Section 2. Section 88-51(C) entitled “Map and schedule” is amended such that the boundary of the Multi-Family Housing (MF-1) District shall be applied to Block 14, Lot 32.

Section 3. Chapter 88 entitled “Zoning” is hereby supplemented and amended to create the MF-1 District as follows:

§88-56.1 MF-1 Multi-Family Housing Zone.

A. Purpose. The Township hereby establishes the MF-1 Multi-Family Housing Zone to comply with the requirements and terms of a Settlement Agreement entered into on September 18, 2018 between the Town and Fair Share Housing Center and to address the Town’s affordable

housing obligation established therein. The ordinance creates design and bulk standards to ensure that multifamily housing in this zone is developed in a manner that is sensitive to the character of the surrounding area.

B. Minimum Lot Size: 15 acres

C. Permitted Uses. The following are principal permitted uses:

(1) Attached single family townhouses, meaning a one-family dwelling in a row of three (3) or more such attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

(2) Attached single family townhouses as defined above, but containing two (2) or more such attached units, limited to a total of two (2) such structures in any development project.

D. Accessory Uses. The following are permitted accessory uses:

(1) Accessory uses and structures customarily incidental to permitted multi-family residential uses.

(2) Sewerage and sewage treatment, water, fire protection, stormwater management and other utility facilities.

(3) Parking and loading in accordance with the requirements of Section 88-62.

(4) Signs in accordance with the requirements of Section 88-64.

(5) Normal residential storage structures in compliance with all size and height requirements set forth in applicable Town Ordinances.

(6) Other normal residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.

E. Density. There shall be no more than 56 dwelling units permitted on the property.

F. Impervious Coverage. The impervious coverage for the entire residential tract shall not exceed 35%.

G. Setbacks.

(1) No building shall be within 50 feet of a tract boundary.

(2) No structure shall be within 15 feet of an internal roadway.

(3) No building shall be closer than 20 feet to another building.

H. Decks/patios shall be permitted behind each residential unit, extending no more than 10 feet from the rear of the structure. Provided screening criteria set forth in Section (L) herein are met, the deck or patio may extend into a required buffer a distance of no more than 7 feet.

Second story decks shall not be permitted.

I. Maximum Building Height. No building shall exceed 2 ½ stories or 35 feet; however, in cases where walkout basements are proposed, the walkout basement shall not be considered a story nor fully included in the calculation of building height. For the purposes of calculating maximum building height, the average grade shall be measured from the midpoint of one side wall to the building wall facing the street line, extended along the wall facing the street line, then extended along the other side wall to its midpoint. In no case shall the building height measured from the lowest point of the finished grade along a walkout basement to a point one-half the distance between the top of the uppermost plate and the highest point of the roof exceed 45 feet.

J. Access to the Property shall primarily be through Route 31. Emergency and pedestrian access *only* can be provided via Central Avenue pursuant to an access easement, which restriction shall be a condition of any subdivision or site plan approval.

K. An overall theme of design and architectural mode shall be utilized within the development for the purpose of presenting an aesthetically desirable effect.

L. Mechanical equipment shall be screened from view of public streets and residentially zoned lots. Screening shall consist of plantings, fencing or other material found acceptable by the approving authority.

M. Landscape Buffer Requirements. A landscaped buffer and berm between the multi-family residential uses and existing single-family residential uses shall be installed to provide year-round screening of buildings, parking, service areas, and roadways from such residential neighborhoods. This buffer shall be designed to provide screening with a minimum of 85% opacity within three growing seasons for the first 10 feet of elevation of any building or improvement and seasonal (deciduous) screening with 25% opacity within the first five growing seasons for the second 10 feet of elevation of any building or improvement. If the building is below the final grade, such distance between the grade of the building and the final grade shall be deducted from the height to be screened.

N. Fences. The Land Use Board may require the installation of fencing of not less than four nor more than six feet in height, maintained in good condition, as part of site plan approval in order to effectively screen the property on any side which adjoins or faces premises situated in any residential zone. Provided, however, that a screening or hedge or other natural landscaping may be substituted if approved by the Land Use Board.

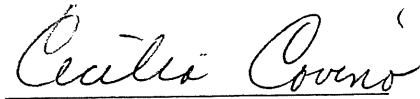
Section 4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only and the provisions of this Ordinance shall govern in the event of any inconsistency.

Section 6. This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication in the manner prescribed by law.

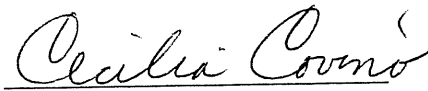
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PLEASE TAKE NOTICE that the foregoing Ordinance was adopted on First Reading by the Town of Clinton Mayor and Council at a regular meeting held on July 9, 2019 and the same was ordered to be published according to Law with a public hearing and final consideration scheduled for August 13, 2019 at a meeting to begin at 7:30 p.m. at the Clinton Municipal Building, 43 Leigh Street, Clinton, New Jersey, at which time and place all interested parties will be heard.



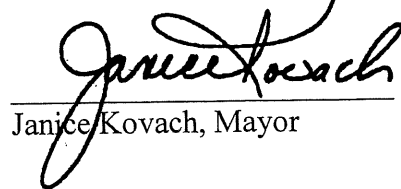
Cecilia Covino, Clerk
Town Clerk

ATTEST:



Cecilia Covino, Clerk

TOWN OF CLINTON



Janice Kovach, Mayor

First Reading: July 9, 2019
Published: July 24, 2019
Second Reading: August 13, 2019
Publication of Final Passage: August 28, 2019