

Please take notice that the following Ordinance was adopted on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, at a meeting held on the 1st day of March 2018. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage after a public hearing to be held on the 5th day of April, 2018 at a meeting beginning at 7:00 PM at the Municipal Building located on the corner of County Road 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested parties will be heard.

ORDINANCE NO. 19-08-2018

AN ORDINANCE ESTABLISHING INCLUSIONARY AFFORDABLE HOUSING ZONES IN THE EASTERN GATEWAY VILLAGE OVERLAY ZONE IN THE MIXED USE CORE SUBDISTRICT AND THE COMMERCIAL AND ARTISAN SUBDISTRICT BY AMENDING CHAPTER CXXXII, ZONING, ARTICLE II ESTABLISHMENT OF DISTRICTS; MAPS; BOUNDARIES AND ARTICLE III DISTRICT REGULATIONS TO ADDRESS KINGWOOD TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in order to establish zoning provisions that provide a realistic opportunity for development of affordable housing in response to Kingwood Township's Third Round affordable housing obligations and consistent with Kingwood Township's Third Round settlement agreement by and between Kingwood Township and Fair Share Housing Center, dated November 2, 2018, recommended by the Superior Court Special Master and approved by Honorable Thomas C. Miller, P.J.S.C., Superior Court of New Jersey; and

WHEREAS, Kingwood Township has identified two parcels of land determined to be appropriate for development of high-density inclusionary residential development in the Township located on New Jersey State Route 12 within the Eastern Gateway Village Center Overlay Zone, specifically Block 15, Lot 8 within the Mixed Use Core Subdistrict and Block 21, Lot 1 within the Artisan and Commercial Subdistrict, which together possess sufficient land area to accommodate inclusionary zoning at accepted inclusionary zoning densities to fully address the Township's Third Round affordable housing obligation of 103 affordable units;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Kingwood, County of Hunterdon as follows:

Section 1. Chapter 132, "Zoning", Article II, § 132-20 "Establishment of Districts; Maps; Boundaries" is hereby amended by adding the following four (4) zone designations at the end of the list of zones that ends with the "FP Floodplain" zone, as follows:

Eastern Gateway Village Center (EGVCO) Zone

Scenic Corridor Overlay (SCO) Zone
Block 15, Lot 8 – Mixed Use Core AH Overlay
Block 21, Lot 1 – Commercial and Artisan AH Overlay

Section 2. Chapter 132, “Zoning” § 132-21, “Zoning Map” is amended to include the following two zone designations as indicated in the attached Exhibit 2, and as listed below:

Block 15, Lot 8 – Mixed Use Core AH Overlay
Block 21, Lot 1 – Commercial and Artisan AH Overlay

Section 3. Chapter 132, “Zoning”, Article III, “District Regulations” of the Code of the Township of Kingwood, §132-40 Eastern Gateway Village Center Overlay (EGVCO) Zone Regulations are hereby amended and supplemented, as follows:

A. Amend and supplement §132-40 A. “Purpose” to read in its entirety, as follows:

A. Purpose. The purpose of the Eastern Gateway Village Center Overlay District is to establish a framework for planned development with a diversity of uses that enables a transition from conventional strip highway commercial zoning along the Route 12 corridor to a "center-based" zoning approach. This zoning district includes an inclusionary affordable housing development requirement on Block 15, Lot 8 within the Mixed-Use Core subdistrict, and Block 21, Lot 1 within the Artisan and Commercial subdistrict at fixed densities and affordable housing set-asides that may be stand-alone residential development or mixed-use development. However, all mixed use and non-residential development on Block 15, Lot 8 and Block 21, Lot 1 is permitted only in conjunction with inclusionary affordable housing development at the minimum density and affordable housing set-asides prescribed below.

B. Amend and supplement §132-40 C. (1) and (2), “Permitted uses.”, to read in their entirety, as follows.

(1) Mixed Use Core Subdistrict.

(a) Block 15, Lot 8 – Mixed Use Core AH Overlay:

[1] Inclusionary residential development affordable housing in the form of townhouses or multi-family housing,

such as garden apartments, in accordance with the density and set-aside standards identified at 132-40.E.1.

[2] All other permitted uses in the Mixed Use Core Subdistrict below (§132-40 C. (b) – (e)), only when developed with inclusionary residential development with affordable housing at the density and set-aside standards identified at 132-40.E.1.

(b) All uses permitted in the Village Commercial (VC-1) Zone, except that supermarkets are also permitted.

(c) Multifamily units aboveground-level retail (mixed-use).

(d) Townhomes, with or without co-housing units.

(e) Multifamily residential buildings, with or without co-housing units, on sites served by a centralized wastewater collection system.

(f) Planned unit development, inclusive of all uses permitted in Subsection **C(1)(a)** through **(e)** above, on tracts of 10 acres or greater served by a centralized wastewater collection system.

(2) Commercial and Artisan Subdistrict.

(a) Block 21, Lot 1 – Commercial and Artisan AH Overlay:

[1] Inclusionary residential development affordable housing in the form of townhouses or multi-family housing, such as garden apartments, in accordance with the density and set-aside standards identified at 132-40.E.1.

[2] All other permitted uses in the Commercial and Artisan Subdistrict below (§132-40 C. (b) – (e)), only when developed with inclusionary residential development with affordable housing at the density and set-aside standards identified at 132-40.E.1.

(b) All uses permitted in Business Park (BP) except for warehousing, manufacturing and lumber yards.

(c) Live-work dwelling units.

(d) Artisan loft buildings.

(e) Planned unit development, inclusive of all uses permitted in Subsection C(2)(a) through (d) above, on tracts of 10 acres or greater served by a centralized wastewater collection system.

C. Amend and supplement §132-40 by adding and inserting the following new subsection §132-40 E.1. “Supplemental development standards for Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay.” between §132-40 E.(4)(d) and §132-40 F., to read as follows.

E.1. Supplemental development standards for Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay.

(1) The required minimum residential densities and affordable housing set asides within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall be as follows:

(a) Townhouse development: 12 dwelling units per acre with a 20% affordable housing set-aside; and/or.

(b) Multi-family housing, such as garden apartments: 16 dwelling units per acre with a 15% affordable housing set-aside.

(c) Townhouse and multi-family at the prescribed densities and set-asides identified above may be mixed on single parcel of land.

(2) Minimum lot size: 10-acres.

(3) Public water and sewer service: The developer shall provide public water and sewer service (or alternative wastewater treatment facilities). (4) No non-residential development shall be permitted within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay unless developed with residential development at the prescribed densities and affordable housing set-asides identified in §132-40 E.1. (1) (a), (b) and (c) above.

(5) All development within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall conform to the provisions and development standards set forth in §132-40 A. – G.

(6) Affordable housing development within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall comply with the standards and requirements for inclusionary zoning set forth in Chapter 83, Article II, Affordable Housing Regulations and the applicable provisions of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

(7) Whenever non-residential or mixed-use development is included in an inclusionary affordable housing development, the applicant shall provide a development phasing plan to ensure that the required affordable housing receives certificates of occupancy prior to the receipt of a certificate of occupancy for any non-residential or mixed-use included in the development. The Planning Board shall condition approval upon the development and occupancy of affordable housing prior to occupancy of non-residential or mixed-use development.

Section 4. Appeals. Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

Section 5. This ordinance may be renumbered for codification purposes.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Richard Dodds, Mayor

Attest: April 5, 2018

**Cynthia L. Keller, RMC
Township Clerk**

Introduction: March 1, 2018

Publication: March 8, 2018

Final Adoption:

Publication By Title Only:

ROLL CALL VOTE	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
T. Ciacciarelli						
M. Syrnick						
R. Dodds						

I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 19-08-2018 adopted by the Kingwood Township Committee on March 1, 2018.

**Cynthia L. Keller, RMC
Township Clerk**

