

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY
ORDINANCE 2021-12**

**AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF CRANFORD, CHAPTER 255 LAND DEVELOPMENT,
REGARDING AFFORDABLE HOUSING OVERLAY DISTRICTS**

WHEREAS, in December 2018, the Township of Cranford adopted a Housing Element and Fair Share Plan, including a Master Plan Housing Element and Fair Share Plan to address the Township’s Third Round Affordable Housing Obligations; and

WHEREAS, in December 2018, the Township filed a declaratory judgment action, captioned *In re Application of Township of Cranford*, No. UNN-L-3976-18, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Fair Share Housing Center (“FSHC”) and the Township agreed to compromise certain positions regarding the Fair Share Plan such that each party agreed the Fair Share plan satisfies Cranford’s “fair share” of the regional need for low and moderate income housing subject to certain amendments to the Fair Share Plan; and

WHEREAS, Cranford had previously proposed affordable housing overlays for its Downtown and adjacent districts, which it now desires to amend to further the purposes of the Fair Share Plan.

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Cranford, Union County, State of New Jersey, as follows:

SECTION 1. Chapter 255, Article V. Zoning, Section 36 is hereby amended to add a new Subsection H. as follows:

H. Downtown Core Overlay District.

- (1) Purpose. The purpose of the Downtown Core Overlay District is to provide an opportunity downtown for the construction of multiple family housing in developments where not less than 20% of the units shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.
- (2) Permitted principal uses.
 - (a) Multifamily residential dwellings.
 - (b) Mixed use incorporating any of the permitted uses in the underlying district and multifamily residential dwellings.
- (3) Accessory uses.
 - (a) Parking garages ~~(other than podium parking) which are either wrapped by nonresidential/residential uses or below grade when wrapped by a building containing multifamily residential dwellings on at least three sides of the four-sided parking structure. Parking facilities may not front upon the street except for means of ingress or egress unless said frontage is upon a side street for a distance of less than 50 feet."~~
 - (b) Trash and garbage collection areas which are fully screened.
 - (c) Maintenance, leasing and administration offices and storage buildings, swimming pools and other noncommercial community recreational facilities associated with multifamily residential uses in all yards but the front yard.
 - ~~(d) Podium parking in multifamily residential structures.~~
 - ~~(e) Ground-level parking.~~
- (4) Yard and bulk regulations.
 - (a) Front yard setback: 5 feet
 - (b) Side yard setback: none
 - (c) Rear yard setback: minimum of 10 feet

- (d) Density. A maximum residential density of ~~35-40~~ dwelling units per acre of gross tract area is permitted for the construction of dwelling units, provided 20% of the units are deed restricted for occupancy by very-low, low- and moderate-income households in accordance with applicable affordable housing regulations.
 - (e) Parking requirements. As required per N.J.A.C. 5:21 Table 4.4 of the Residential Site Improvement Standards for residential development.
 - (f) Building height. The maximum height shall be four stories of residential units or three stories of residential units above a maximum of one level of parking. For purposes of this subsection, a story shall mean a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 55 feet to the mid-point of the roof.
 - (g) Multifamily residential building to multifamily residential building setback requirements: minimum of 25 feet.
- (5) Supplemental regulations.
- (a) Affordable units shall be allocated throughout the development and shall not be segregated within one building or portion of a building.
 - (b) Affordable units shall comprise at least 20% of the units in any application for development pursuant to these regulations.
 - (c) All affordable units shall be provided in accordance with the Uniform Housing Affordability Controls (UHAC), applicable rules of the Council on Affordable Housing and the Fair Housing Act.
- (6) General requirements.
- (a) Circulation.
 - [1] The design shall provide for pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. All efforts should be made to limit the number of ingress / egress points in order to minimize conflicts with pedestrians and vehicles.
 - [2] The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roadways shall be designed so as to interfere as little as possible with traffic flow and to minimize potential conflicts with pedestrian and non-motorized traffic. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
 - (b) Design and building layout.
 - [1] The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection and impact on and from surrounding development and contiguous and adjacent buildings and lands.
 - [2] - Standards established by §255-25 - Design Standards: General and §255-26 - Design Standards: Specific, shall be applied.
 - [3] - Design shall be consistent with §255-26H notwithstanding §225-26H(1) - Applicability.
 - ~~(b)~~(c) Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Lights shall be arranged so as to minimize glare and reflection on adjacent properties.
 - ~~(e)~~(d) Landscaping.
 - [1] Landscaping shall be provided as part of the overall development design to minimize headlight glare, noise, light from structures and the movement of people and vehicles and to shield activities from adjacent properties and shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.
 - [2] Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items.

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- [3] A landscape plan prepared by a certified or licensed landscape architect, building elevations and lighting and architectural plans shall be submitted as part of all applications for development in the D-C Zone.
- [4] In any D-C Zone District, it shall be the intent of the design guidelines to encourage streetscapes of the highest quality. For any such zone which abuts a residential zone, the D-C Zone development shall be designed to be compatible with the character of the adjacent residential area.

(7) Utilities.

- (a) Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
- (b) All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
- (c) Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
- (d) Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of ~~Chapter 232 of the Municipal Code~~Section 18-1 of the Revised General Ordinances of the Township of Cranford as well as the following:
 - [1] Each receptacle shall be located in a completely enclosed building.
 - [2] Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.
 - [3] Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(8) Developer's Obligation to Provide Affordable Housing.

- (a) Prior to the issuance of any construction permit, and as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct at least 20 percent of all dwelling units as low and moderate income housing units.
- (b) At least 50% of the affordable rental units shall be available to low income households with no less than 13% of all affordable units being affordable to very-low income households earning no more than 30% of the median income in the housing region (i.e. 37% of the total number of affordable units available to low-income households and 13% of the total number of affordable units available to very low-income households). The remaining 50% of the affordable units shall be available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units and the phasing of construction of market and affordable units shall provide for the construction of affordable units in tandem with the market units according to the requirements of N.J.A.C.5:93-5.6(d).
- (c) The required ~~minimum-maximum~~ residential densities and affordable housing set asides for multi-family housing, including apartments and condominiums shall be as follows:
 - [1] 40 dwelling units per acre with a 20% affordable housing set-aside.

SECTION 2. Chapter 255, Article V. Zoning, Section 36 is hereby amended to add a new Subsection I. as follows:

I. Downtown Business Overlay District.

- (1) Purpose. The purpose of the Downtown Business Overlay District is to provide an opportunity downtown for the construction of multiple family housing in developments

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where not less than 20% of the units shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.

(2) Permitted principal uses.

(a) Multifamily residential dwellings.

~~(a)(b) Mixed use incorporating any of the permitted uses in the underlying district and multifamily residential dwellings.~~

(3) Accessory uses.

(a) Parking garages (other than podium parking) which are either when wrapped by nonresidential/residential uses or below-grade a building containing multifamily residential dwellings on at least three sides of the four-sided parking structure. Parking facilities may not front upon the street and sidewalk except for means of ingress and egress.

(b) Trash and garbage collection areas which are fully screened.

(c) Maintenance, leasing and administration offices and storage buildings, swimming pools and other noncommercial community recreational facilities associated with multifamily residential uses in all yards but the front yard.

~~(d) Podium parking in multifamily residential structures.~~

(e)(d) Ground-level parking.

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(4) Yard and bulk regulations.

(a) Front yard setback: 5 feet.

(b) Side yard setback: none.

(c) Rear yard setback: minimum of 10 feet.

(d) Impervious coverage: Impervious coverage, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed 85%.

(e) Density. A maximum residential density of 30 dwelling units per acre of gross tract area is permitted for the construction of dwelling units, provided 20% of the units are deed restricted for occupancy by low- and moderate-income households in accordance with applicable affordable housing regulations.

(f) Parking requirements. As required per N.J.A.C. 5:21 Table 4.4 of the Residential Site Improvement Standards for residential development.

(g) Building height. The maximum height shall be four stories of residential units or three stories of residential units above a maximum of one level of parking. For purposes of this subsection, a story shall mean a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 55 feet to the mid-point of the roof.

(h) Multifamily residential building to multifamily residential building setback requirements: minimum of 25 feet.

(5) Supplemental regulations.

(d) Affordable units shall be allocated throughout the development and shall not be segregated within one building or portion of a building.

(e) Affordable units shall comprise at least 20% of the units in any application for development pursuant to these regulations.

(f) All affordable units shall be provided in accordance with the Uniform Housing Affordability Controls (UHAC), applicable rules of the Council on Affordable Housing and the Fair Housing Act.

(6) General requirements.

(a) Circulation.

[1] The design shall provide for pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. All efforts should be made to limit the number of ingress / egress points in order to minimize conflicts with pedestrians and vehicles.

[2] The Planning Board or Zoning Board of Adjustment shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to

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~~the site from adjacent roadways shall be designed so as to interfere as little as possible with traffic flow and to minimize potential conflicts with pedestrian and non-motorized traffic. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.~~

(b) Design and building layout.

[1] The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection and impact on and from surrounding development and contiguous and adjacent buildings and lands.

~~[2] - Standards established by §255-25 - Design Standards: General and §255-26 - Design Standards: Specific, shall be applied.~~

~~[3] - Design shall be consistent with §255-26H notwithstanding §225-26H(1) - Applicability.~~

~~(b)(c)~~ (c) Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Lights shall be arranged so as to minimize glare and reflection on adjacent properties.

~~(e)(d)~~ (d) Landscaping.

~~(d)(e)~~ (e) Landscaping shall be provided as part of the overall development design to minimize headlight glare, noise, light from structures and the movement of people and vehicles and to shield activities from adjacent properties and shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

[1] Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items.

[2] A landscape plan prepared by a certified or licensed landscape architect, building elevations and lighting and architectural plans shall be submitted as part of all applications for development in the D-B Zone.

[3] In any D-B Zone District, it shall be the intent of the design guidelines to encourage streetscapes of the highest quality. For any such zone which abuts a residential zone, the D-B Zone development shall be designed to be compatible with the character of the adjacent residential area.

(7) Utilities.

(a) Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.

(b) All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.

(c) Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.

(d) Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of ~~Chapter 232 of the Municipal Code Section 18-1 of the Revised General Ordinances~~ of the Township of ~~Cranford~~hatham as well as the following:

[1] Each receptacle shall be located in a completely enclosed building.

[2] Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.

[3] Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(8) Developer's Obligation to Provide Affordable Housing.

(a) Prior to the issuance of any construction permit, and as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of

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Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct at least 20 percent of all dwelling units as low and moderate income housing units.

- (b) At least 50% of the affordable rental units shall be available to low income households with no less than 13% of all affordable units shall be affordable to very low income households earning no more than 30% of the median income in the housing region (i.e. 37% of the total number of affordable units shall be available to low-income households and 13% of the total number of affordable units shall be available to very low-income households). The remaining 50% of the affordable units shall be available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units and the phasing of construction of market and affordable units shall provide for the construction of affordable units in tandem with the market units according to the requirements of N.J.A.C.5:93-5.6(d).
- (c) The required ~~maximum minimum~~ residential densities and affordable housing set asides for multi-family housing, including apartments and condominiums shall be as follows:

[1] 30 dwelling units per acre with a 20% affordable housing set-aside.

SECTION 3. Chapter 255, Article V. Zoning, Section 36 is hereby amended to add a new Subsection J. as follows:

J. Downtown Transition Overlay District.

- (1) Purpose. The purpose of the Downtown Transition Overlay District is to provide an opportunity downtown for the construction of multiple family housing in developments where not less than 20% of the units shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.
- (2) Permitted principal uses.
 - (a) Multifamily residential dwellings.
- (3) Accessory uses.
 - (a) Parking garages (other than podium parking) ~~when which are either wrapped by nonresidential/residential uses or below grade a building containing multifamily residential dwellings on at least three sides of the four-sided parking structure. Parking facilities may not front upon the street and sidewalk except for means of ingress and egress.~~
 - (b) Trash and garbage collection areas which are fully screened.
 - (c) Maintenance, leasing and administration offices and storage buildings, swimming pools and other noncommercial community recreational facilities associated with multifamily residential uses in all yards but the front yard.
 - (d) ~~Podium parking in multifamily residential structures.~~
 - (e) Ground-level parking.
- (4) Yard and bulk regulations.
 - (a) Front yard setback: 5 feet
 - (b) Side yard setback: none
 - (c) Rear yard setback: minimum of 10 feet
 - (d) Impervious coverage: Impervious coverage, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed 85%.
 - (e) Density. A maximum residential density of 25 dwelling units per acre of gross tract area is permitted for the construction of dwelling units, provided 20% of the units are deed restricted for occupancy by low- and moderate-income households in accordance with applicable affordable housing regulations.
 - (f) Parking requirements. As required per N.J.A.C. 5:21 Table 4.4 of the Residential Site Improvement Standards for residential development.
 - (g) Building height. The maximum height shall be three stories of residential units or two stories of residential units above a maximum of one level of parking. For purposes of this subsection, a story shall mean a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings

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- shall be 55 feet to the mid-point of the roof.
- (h) Multifamily residential building to multifamily residential building setback requirements: minimum of 25 feet.
- (5) Supplemental regulations.
- (a) Affordable units shall be allocated throughout the development and shall not be segregated within one building or portion of a building.
- (b) Affordable units shall comprise at least 20% of the units in any application for development pursuant to these regulations.
- (c) All affordable units shall be provided in accordance with the Uniform Housing Affordability Controls (UHAC), applicable rules of the Council on Affordable Housing and the Fair Housing Act.
- (6) General requirements.
- (a) Circulation.
- [1] The design shall provide for pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. All efforts should be made to limit the number of ingress / egress points in order to minimize conflicts with pedestrians and vehicles.
- [2] The Planning Board or Zoning Board of Adjustment shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roadways shall be designed so as to interfere as little as possible with traffic flow and to minimize potential conflicts with pedestrian and non-motorized traffic. ~~Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.~~
- (b) Design and building layout.
- ~~[1]~~ The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection and impact on and from surrounding development and contiguous and adjacent buildings and lands.
- ~~[2] - Standards established by §255-25 - Design Standards: General and §255-26 - Design Standards: Specific, shall be applied.~~
- ~~(b) [3] - Design shall be consistent with §255-26H notwithstanding §225-26H(1) - Applicability.~~
- (c) Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Lights shall be arranged so as to minimize glare and reflection on adjacent properties.
- (d) Landscaping.
- [1] Landscaping shall be provided as part of the overall development design to minimize headlight glare, noise, light from structures and the movement of people and vehicles and to shield activities from adjacent properties and shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.
- [2] Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items.
- [3] A landscape plan prepared by a certified or licensed landscape architect, building elevations and lighting and architectural plans shall be submitted as part of all applications for development in the D-T Zone.
- [4] In any D-T Zone District, it shall be the intent of the design guidelines to encourage streetscapes of the highest quality. For any such zone which abuts a residential zone, the D-~~TB~~ Zone development shall be designed to be compatible with the character of the adjacent residential area.
- (7) Utilities.
- (a) Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.

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- (b) All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
- (c) Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
- (d) Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of ~~Chapter 232Section 18-1~~ of the Municipal Code Revised General Ordinances of the Township of Cranfordhatham as well as the following:
 - [1] Each receptacle shall be located in a completely enclosed building.
 - [2] Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.
 - [3] Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

- (8) Developer’s Obligation to Provide Affordable Housing.
 - (a) Prior to the issuance of any construction permit, and as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct at least 20 percent of all dwelling units as low and moderate income housing units.
 - (b) At least 50% of the affordable rental units shall be available to low income households with no less than 13% of all affordable units affordable to very low income households earning no more than 30% of the median income in the housing region (i.e. 37% of the total number of affordable units shall be available to low-income families and 13% of the total number of affordable units shall be available to very low-income households). The remaining 50% of the affordable units shall be available to moderate-income households. The required agreement shall make provisions for the developer’s obligation to construct the affordable units and the phasing of construction of market and affordable units shall provide for the construction of affordable units in tandem with the market units according to the requirements of N.J.A.C.5:93-5.6(d).
 - (c) The required ~~minimum-maximum~~ residential densities and affordable housing set asides for multi-family housing, including apartments and condominiums shall be as follows:
 - [1] 25 dwelling units per acre with a 20% affordable housing set-aside.

SECTION 6. Chapter 255, Article V. Zoning, Section 36 is hereby amended to add a new Subsection K. as follows:

K. Park Street Overlay District.

- (1) Purpose. The Park Street Overlay District shall consist of the property identified on the Tax Map of the Township of Cranford (June 1977) as Block 555, Lots 1, 2, 3, and 7. The purpose of the Park Street Overlay District is to provide an opportunity for the construction of multiple family housing in developments where not less than 20% of the units shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.
- (2) Permitted principal uses.
 - a. Townhouse residential dwellings
- (3) Townhouse Development Standards.
 - a. Townhouse Lot Area. Each dwelling unit shall be constructed on an individual lot, and there shall be a minimum of 3,630 square feet of tract area per dwelling unit.
 - b. Individual lots.

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(1) Minimum width. The required average width of all individual lots shall be not less than 20 feet, and no individual lot shall have a width of less than 18 feet, said width to be measured at the actual building setback line for each individual lot. In addition, for each individual lot with a width less than the required average, there shall be not less than one individual lot with a width greater than the required average, and the deviation from the required average of the larger lot shall be at least equal to the deviation from the required average of the smaller lot.

(2) Minimum area. The required average area of all individual lots shall be not less than 1,600 square feet, and no individual lot shall have an area of less than 1,400 square feet.

(3) Front and rear yards. The required average for front and rear yards on all individual lots shall be not less than 25 feet, and no individual lot shall have a front or rear yard of less than 20 feet, except that where the front or rear property line of an individual lot abuts open space and which open space shall have a minimum dimension of 50 feet measured at right angles along the full length of the abutting property line, then the required average and minimum yard requirements set forth herein may be reduced by not more than 10 feet for the abutting yard. In addition, for each individual lot with a front or rear yard less than the required average, there shall be not less than one individual lot with corresponding yard greater than the required average, and the deviation from the required average of the larger yard shall be at least equal to the deviation from the required average of the corresponding smaller yard.

(4) Side yards. There shall be a single side yard of not less than 10 feet required only for each individual lot occupied by a semidetached dwelling unit.

(5) Multifamily residential building to multifamily residential building setback requirements: minimum of 25 feet.

(6) Impervious coverage: Impervious coverage, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed ~~75~~60%.

c Buildings.

(1) Design.

[a] Each dwelling unit shall have not fewer than two means of ingress and egress.

[b] Each dwelling unit shall have not fewer than two exposures.

[c] There shall be no more than eight dwelling units in any single group of dwelling units.

[d] No living space shall be permitted above the third story.

[e] No more than two adjacent dwelling units may be constructed without providing a front wall setback of not less than four feet.

(2) Siting.

[a] Each group of dwelling units shall set back not less than 25 feet from all streets, roads or ways, whether public or private.

[b] Each group of dwelling units within a tract shall be set back not less than 30 feet from any other group of dwelling units within the same tract and shall set back not less than 15 feet from the tract boundary line.

d. Garages.

(1) Design. All garages shall conform architecturally to, and be of similar materials as, the principal building in the development.

(2) Location. Garages may be built into townhouses or may be constructed on individual lots or on common areas, all subject to the approval of the Planning Board.

(3) Private garages. Garages constructed on individual lots under this article shall be subject to the following:

[a] A garage need not be set back from one side line of an individual lot and may be attached to a garage on an adjacent individual lot.

[b] No garage which is not attached to or part of a townhouse on the same individual lot shall be closer than 20 feet to said townhouse.

[c] Common garages shall meet the setback requirements for parking areas as set forth in Article IV, § 255-26G(3), except that the rear walls of such

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- garages may be situated as close as 25 feet to a peripheral public street subject to any greater existing setbacks and approval by the Planning Board.
- f. Density. A maximum residential density of 12 dwelling units per acre of gross tract area is permitted for the construction of townhouse dwelling units, provided 20% of the units are deed restricted for occupancy by very-low, low- and moderate-income households in accordance with applicable affordable housing regulations.
 - g. Parking requirements. As required per N.J.A.C. 5:21 Table 4.4 of the Residential Site Improvement Standards for residential development.
 - h. Building height. The maximum height shall be three stories. For purposes of this subsection, a story shall mean a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 55 feet to the mid-point of the roof.
 - i. Ownership 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, individual or individuals or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Township Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Township from harm. In any event, said agreement shall give the Township the right to perform maintenance and assess the cost to the property owners in the event that said property owners fail to maintain the property in accordance with the agreement.
- (4) Accessory uses. Permitted accessory uses for the Park Street Overlay District shall be the same accessory uses permitted in the R-5 District.
- (5) Supplemental regulations.
- (a) Affordable units shall be allocated throughout the development and shall not be segregated within one building or portion of a building.
 - (b) Affordable units shall comprise at least 20% of the units in any application for development pursuant to these regulations.
 - (c) All affordable units shall be provided in accordance with the Uniform Housing Affordability Controls (UHAC), applicable rules of the Council on Affordable Housing and the Fair Housing Act.
- (6) General requirements.
- (a) Circulation.
 - [1] The design shall provide for pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles.
 - [2] The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
 - (b) Design and building layout. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection and impact on and from surrounding development and contiguous and adjacent buildings and lands.
 - (c) Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Lights shall be arranged so as to minimize glare and reflection on adjacent properties.
 - (d) Landscaping.
 - [1] Landscaping shall be provided as part of the overall development design to minimize headlight glare, noise, light from structures and the movement of people and vehicles and to shield activities from adjacent properties and shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants,

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sculpture, art and the use of building and paving materials in an imaginative manner.

- [2] Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items.
- [3] A landscape plan prepared by a certified or licensed landscape architect, building elevations and lighting and architectural plans shall be submitted as part of all applications for development in the P-O Zone.
- [4] In the P-O Zone District, it shall be the intent of the design guidelines to encourage streetscapes of the highest quality. For any such zone which abuts a residential zone, the P-O Zone development shall be designed to be compatible with the character of the adjacent residential area.

(7) Utilities.

- (a) Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
- (b) All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
- (c) Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
- (d) Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of ~~Section-Chapter 232 of the Municipal Code~~~~18-1 of the Revised General Ordinances~~ of the Township of Cranford as well as the following:
 - [1] Each receptacle shall be located in a completely enclosed building.
 - [2] Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.
 - [3] Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(8) Developer's Obligation to Provide Affordable Housing.

- (a) Prior to the issuance of any construction permit, and as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct at least 20 percent of all dwelling units as low and moderate income housing units.
- (b) At least 50% of the ~~affordable~~ rental units shall be available to low income households with no less than 13% of all affordable units shall be affordable to very low income households earning no more than 30% of the median income in the housing region (i.e. 37% of all affordable units shall be affordable to low-income households and at least 13% of all affordable units shall be affordable to very low-income households). The remaining 50% of the ~~affordable~~ units shall be available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units and the phasing of construction of market and affordable units shall provide for the construction of affordable units in tandem with the market units according to the requirements of N.J.A.C.5:93-5.6(d).
- (c) The required ~~maximum~~~~minimum~~ residential densities and affordable housing set asides for multi-family housing, including apartments and condominiums shall be as follows:
 - [1] 12 dwelling units per acre with a 20% affordable housing set-aside.

SECTION 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

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SECTION 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Cranford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

SECTION 7. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Cranford for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 11. This Ordinance shall take effect immediately upon (1) adoption and publication in accordance with the laws of the State of New Jersey; (2) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Introduced: May 25, 2021
Adopted:

Approved:

Kathleen Miller Prunty
Chair, Township Committee

Attest:

Patricia Donahue, RMC
Township Clerk

| Recorded Vote | Introduced | Adopted |
|------------------------|------------|---------|
| Kathleen Miller Prunty | Aye | |
| Brian Andrews | Aye | |
| Jason Gareis | Aye | |
| Thomas H. Hannen, Jr. | Nay | |
| Mary O'Connor | Aye | |

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