

**ORDINANCE 2016-27**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**AN ORDINANCE TO REPEAL SECTION 2, SECTION 3, SECTION 4 AND SECTION 5 OF ORDINANCE NO. 2016-19, ENTITLED “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF METUCHEN TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS,” TO AMEND SUBSECTION 1 OF §110-95.10 (CONTROL PERIODS FOR RESTRICTED RENTAL UNITS, AND SUBSECTION 2 OF §110-95.20 AFFIRMATIVE MARKETING REQUIREMENTS) AND TO ENACT §110-74.1 (R-8 OVERLAY RESIDENTIAL DISTRICT) AND §110-76.1 (R-9 OVERLAY RESIDENTIAL DISTRICT) IN ARTICLE 7 (PERMITTED USES) IN CHAPTER 110 (LAND DEVELOPMENT) OF THE CODE OF THE BOROUGH OF METUCHEN TO FURTHER ADDRESS COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, in order to comply with a certain judgment of compliance and repose entered in favor of the Borough of Metuchen in an action entitled, In the Matter of the Application of the Borough of Metuchen, Docket No. MID-L-4012-15, certain changes are required to be made to the land use regulations enacted in Ordinance No. 2016-19; the Borough was required to change certain uses from conditional uses to permitted uses, and to make certain other procedural changes; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen, in order to comply with said certain requirements enacts this ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Metuchen:

**SECTION 1.** Subsection 1 of §110-95.10 (Control Periods for Restricted Ownership Units and Enforcement Mechanisms) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

**§ 110-95.10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Metuchen takes action to release the unit from such requirements. Prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, provided that for any

development of five units or more for which an application for development was not filed as of August 18, 2016, the initial control period shall be 50 years.

**SECTION 2.** Subsection 1 of §110-95.15 (Control Periods for Restricted Rental Units) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

**§ 110-95.15. Control Periods for Restricted Rental Units**

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Metuchen takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, except that for any development of five units or more for which an application for development was not filed as of August 18, 2016, the initial control period shall be 50 years.

**SECTION 3.** Subsection 2 of §110-95.20 (Affirmative Marketing Requirements) in Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

**§ 110-95.20 Affirmative Marketing Requirements**

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction. At the request of Fair Share Housing Center, the following five organizations have been added to be the Affirmative Marketing Plan: Fair Share Housing Center, New Brunswick NAACP, Plainfield NAACP, Metuchen NAACP and Latino Action Network.

**SECTION 4.** An Overlay Zoning District, entitled “R-8 Overlay Residential District” is hereby established within the R-2 Residential District on Block 132, Lots 10-27, 42-46, 49-51 and 52. The Zoning Map of the Borough of Metuchen established by §110-65 of the Code of the Borough of Metuchen is hereby amended to provide for the establishment of the R-8 Overlay Residential District with respect to said lots. The Borough Engineer is hereby authorized and directed to make said changes to the Zoning Map.

**SECTION 5.** §110-74.1. (R-8 Overlay Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby enacted to read as follows:

**§ 110-74.1. R-8 Overlay Residential District**

Principal and accessory uses shall be permitted and regulated in the R-8 Overlay Residential District as follows, on the following lots only: Block 132, Lots 10-27, 42-46, 49-51 & 52.

- A. Permitted principal uses: Townhouses
- B. Permitted accessory uses: Any accessory use permitted in the R-2 Residential District
- C. Bulk regulations for townhouses:
  - 1. Minimum tract area shall be 20,000 square feet. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract.
  - 2. Minimum frontage on Safety Place: two hundred fifty (250) feet.
  - 3. The design of the townhouse structures shall be oriented to front toward Safety Place and back toward the Northeast Corridor Railroad right-of-way.
  - 4. Townhouse structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.
  - 5. Parking for the townhouses may be located both on Safety Place and on portions of the tract located across Safety Place from the townhouse structures.
- D. All such uses shall comply with the affordable housing requirements of Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen.

**SECTION 6.** An Overlay Zoning District, entitled “R-9 Overlay Residential District” is hereby established within the B-2 Neighborhood Business District on Block 158, Lot 2. The Zoning Map of the Borough of Metuchen established by §110-65 of the Code of the Borough of Metuchen is hereby amended to provide for the establishment of the R-9 Overlay Residential District with respect to said lot. The Borough Engineer is hereby authorized and directed to make said changes to the Zoning Map.

**SECTION 7.** § 110-76.1. (R-9 Overlay Residential District) in Article 17 (Permitted Uses) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby enacted to read as follows:

**§ 110-76.1. R-9 Overlay Residential District**

Principal and accessory uses shall be permitted and regulated in the R-9 Overlay Residential District as follows, on the following lot only: Block 158, Lot 2

- A. Permitted principal uses: Courtyard Apartments

B. Permitted accessory uses: Any accessory use permitted in the B-2 Neighborhood Business District

C. Bulk regulations:

Courtyard Apartments shall meet the following specific conditions:

1. Minimum tract area shall be 20,000 square feet.
2. Minimum frontage: one hundred twenty five (125) feet on Main Street and frontage on any other street shall not be permitted.
3. The design of the courtyard apartment structure shall be oriented to front internally on the site and frame a courtyard space oriented away from any adjacent lot occupied by a single-family home.
4. Courtyard apartment structures shall have a minimum setback of 25 feet from any adjacent lot occupied by a single-family home.

D. All such uses shall comply with the affordable housing requirements of Article 21 (Affordable Housing) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen.

**SECTION 8.** Section 2, Section 3, Section 4 and Section 5 of Ordinance No. 2016-19, entitled “An ordinance amending the zoning ordinance of the Borough of Metuchen to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding compliance with the Borough’s affordable housing obligations,” are hereby repealed.

**SECTION 9.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 10.** If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

**SECTION 11.** This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: October 17, 2016

Date of Publication: October 21, 2016

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED	X				MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON			SECOND			LEIBFRIED		
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on October 17, 2016

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

Adopted:  
Date of Publication of Adoption:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED					MULDOON				
GRAYZEL					RASMUSSEN				
INSERRO					WALLACE				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 7, 2016

\_\_\_\_\_  
Susan D. Jackson, RMC  
Borough Clerk

**BOROUGH OF METUCHEN**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Susan Jackson, Borough Clerk

\_\_\_\_\_  
Peter Cammarano, Mayor