

**Borough of Highland Park
Ordinance No. 19-_____**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX
COUNTY CREATING A MULTI-FAMILY RESIDENTIAL-OVERLAY ZONE.**

BE IT ORDAINED, by the Highland Park Borough Council, Middlesex County as follows:

The "Code of the Borough of Highland Park, 2010" is amended by adding thereto a new section of Chapter 230 Land Use creating a new multi-family residential-overlay zone, as new §230-134.1 and shall read as follows:

Section 1. Chapter 230 is hereby amended by adding the following:

Section 230-134.1. MFAH Multi-Family Residential-Overlay Zone.

- A. Purpose of MFAH Multi-Family Residential Overlay Zone. This residential overlay district is established in order to potentially address the Borough's future Fair Share Obligation, and for the following general purposes and is located in Block 47 Lots 27-75:
- B. Permitted principal uses.
- (1) Multi-family dwelling units.
- C. Permitted accessory uses.
- (1) Surface parking areas.
 - (2) Fences, walls and hedges.
 - (3) Storm-water structures and facilities.
 - (4) Refuse and recycling area.
 - (5) Temporary sales and construction trailers.
 - (6) Temporary marketing signs as per §230-115 of this chapter.
- D. Prohibited uses.
- (1) All nonresidential uses, such as but not limited to professional offices, institutional, commercial, industrial and educational uses, including signs.
 - (2) All residential uses not specifically permitted in this zone.
- E. Number of buildings and dwelling units. There shall be one (1) multi-family building with an interior courtyard, sitting directly over a podium parking structure. There shall be no greater than 75 dwelling units on the tract. Two-story units within the building shall be permitted.
- F. Bulk regulations.
- (1) Minimum Lot Area 4 acres
 - (2) Minimum Lot Width 200 feet
 - (3) Minimum Lot Depth 500 feet
 - (4) Minimum Setback (from the southern tract boundary) 200 feet
 - (5) Minimum Setback (from the northern tract boundary):
 - (a) 75 feet to the northwest corner of the building
 - (b) 125 feet to the northeast corner of the building
 - (6) Minimum Setback (from the eastern tract boundary) 30 feet

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| (7) | Minimum Setback (from the western tract boundary) | 50 feet |
| (8) | Maximum Lot Coverage | 30% |
| | (a) The interior courtyard shall be exempt from the calculation of lot coverage. | |
| (9) | Maximum Impervious Coverage | 50% |
| (10) | Minimum GFA/DU | 650 square feet |

G. Affordable Housing. A specific affordable housing set-aside of 15% (for rental units) or 20% (for for-sale units) of all residential units created within this zone shall be made available for very low-, low- and moderate-income families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing (COAH) or any duly authorized successor entity of the State of New Jersey.

- (1) Affordable units shall be interspersed uniformly throughout the development.
- (2) Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. The split between very low, low and moderate-income housing shall provide the following:
 - (a) At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;
 - (b) At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and
 - (c) The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.
- (3) Bedroom Distribution. A minimum of 20% of the affordable units shall be three-bedroom units and the combined number of efficiency and one-bedroom units shall be no greater than 20% of the affordable units. The remaining bedroom distribution shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
- (4) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
- (5) Affordable housing units shall be affordable family units and shall not be age-restricted or supportive housing units.
- (6) The Borough designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

H. Height.

- (1) There shall be a maximum of four (4) stories over the podium parking structure.

- (2) The fourth story shall be confined to the area contained under a sloping roof, such that it would appear to be a 3 ½ story building, which may contain dormers.
 - (3) The highest point of the building shall be no greater than an assumed elevation of 110 feet.
 - (4) The finish floor elevation of the podium parking structure shall be no greater than an assumed elevation of 50 feet.
 - (5) Assumed elevations shall be relative to the benchmark established in a concept plan entitled “Gabrielle Estates, LLC”, prepared by EP Design Services, LLC dated November 29, 2018.
- I. Podium parking structure. The podium parking structure shall be designed to be a less obvious feature as viewed from adjacent properties and South Sixth Avenue public right-of-way, as follows:
- (1) The podium parking structure shall not be exposed on the north and west sides of the building, except for the garage entry at the northeast corner of the building as required in subsection K.
 - (2) The podium parking structure may be exposed on the east and south sides of the building in order to take advantage of natural ventilation.
 - (3) Any portion of the podium parking structure that is exposed shall be designed to utilize materials to match the remainder of the building above and shall be provided with landscaping as required in subsection N.
- J. Utilities and aging infrastructure. To accommodate the proposed development and to ensure that the building is lower in elevation to the extent practical, the developer shall be required to remove the existing utilities that are presently located through the center of the tract and replace them with new utilities located along the west side of the building.
- K. Access and Parking.
- (1) A texture-paved motorcourt shall be provided at the terminus of the existing South Sixth Avenue right-of-way at the northern tract boundary.
 - (2) The texture-paved motorcourt shall connect to a speed ramp that provides access to the garage entry to the podium parking structure at the northeast corner of the building.
 - (3) Parking shall be required in accordance with Residential Site Improvement Standards. All parking shall be located in the podium parking structure under the building. Up to five (5) parking spaces may be provided within the texture-paved motorcourt.
 - (4) Indoor bicycle storage closets, rooms and/or bicycle racks shall be provided to accommodate a minimum of one (1) bicycle for each dwelling unit.
- L. Fire protection and emergency access.
- (1) The building shall be in compliance with NFPA 13.
 - (2) The developer shall provide and maintain emergency access to the building to ensure proper fire protection throughout all phases of construction.
 - (3) The multi-use trail as required in subsection M. shall be of such design that it accommodates emergency access, including stabilization of and turnaround movements for fire apparatus. This may include the use of

pavers or other driving surface capable of supporting the imposed load of fire apparatus on either side of the paved multi-use trail.

M. Open space.

- (1) A minimum of 35% of the tract shall be devoted to open space. To qualify as open space, the minimum horizontal dimension shall be 50 feet. Permitted projections in accordance with subsection S. shall be permitted to encroach into the open space.
- (2) A multi-use trail at least six (6) feet and no greater than 12 feet in width and designed to provide public access and accommodate emergency access from South Sixth Avenue, around the west side of the building and to the southern tract boundary shall be required. The multi-use trail shall be considered as part of the open space requirement and may be excluded from the calculation of impervious coverage at the sole discretion of the approving authority.
- (3) The developer may dedicate, and the Borough of Highland Park and/or County of Middlesex may accept, the open space for public use.
- (4) If the open space is not dedicated to the Borough of Highland Park and/or County of Middlesex, the developer shall grant a public access easement to permit the public to access and utilize the required multi-use trail such that the public is able to traverse the tract from the South Sixth Avenue public right-of-way to the southern tract boundary. Additionally, the developer shall create a homeowners' association for the ownership and maintenance of the open space for the benefit of the owners and residents of the development. Such association shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the Borough of Highland Park and/or County of Middlesex.

N. Landscaping. The landscaping plan shall be designed with a goal of returning those portions of the tract not improved with the building, retaining walls and the texture-paved motorcourt to a wooded, park-like landscape. In general, proposed trees shall be planted in natural patterns and groupings on the southern portion of the site, on sloping terrain along site boundaries, and adjacent to the multi-use trail. Landscaping may be more regular in pattern in along retaining walls. Foundation plantings at the base of the building shall utilize varied patterns designed in a coordinated manner with the footprint stepping, projections and massing of the adjacent portion of the building. Long, continuous plantings of a single species in linear repetition shall be avoided through the design of patterns utilizing multiple species. All landscaping shall be native species and shall be approved by the Shade Tree Advisory Committee (STAC). Landscaping shall be regulated as follows:

- (1) The base of the building shall be provided with intensive and extensive foundation plantings consisting of evergreen and deciduous shrubs. Such plantings shall be a minimum of 30 inches tall at time of planting and spaced an average of three (3) feet on center. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire facade. A variety of

plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required plantings, no greater than 33% shall be of one species.

- (2) The visibly-exposed portions of the podium parking structure shall be provided with additional foundation plantings, including evergreen trees a minimum of six (6) feet tall at time of planting and spaced an average of three (3) feet on center.
 - (3) Shade trees shall be provided along the perimeter of the texture-paved motorcourt. Such trees shall be a minimum size of 3 ½ inches in caliper at time of planting and be spaced at least 25 feet and no greater than 35 feet on center.
 - (4) Buffer landscaping. Development within this zone shall comply with §230-95 of this chapter. An existing and/or planted buffer shall be provided along the exterior tract line. The buffer shall be a minimum width of 20 feet. Planting material shall consist of a continuous screen of evergreen trees a minimum of six (6) feet tall at time of planting and spaced three (3) feet on center. Buffer landscaping may contain replacement trees.
 - (5) Wherever possible, natural features shall be preserved.
- O. Tree replacement. Trees removed as a result of environmental testing and any further development within this zone shall comply with the Highland Park Tree Removal and Protection Ordinance (Chapter 388 of the Code). As many replacement trees shall be located within the required open space area at the southern portion of the tract to the extent practical, with the remainder to supplement the required landscaping and buffer as permitted in subsection N. All replacement trees shall be native species. Additionally, the Planning Board, in consultation with the Shade Tree Advisory Committee (STAC), may require up to 25% of the replacement trees to be provided on the tract within the required open space at the southern portion of the tract be at least eight (8) inches in caliper. These replacement trees shall be located within the area disturbed for environmental testing and near or within the steep slopes for stabilization of the tract and adjacent properties. Those replacement trees that are at least eight (8) inches in caliper shall count as four (4) replacement trees and any replacement trees that are at least 10 inches in caliper shall count as six (6) replacement trees. In no case, however, shall the value of the replacement trees exceed that required under Chapter 388 of the Code.
- P. Fences, walls, hedges. Development within this zone shall comply with §230-100 of this chapter and shall be designed with a goal of avoiding the appearance of a gated community, but this shall not prohibit providing secure access at the garage entry to the podium parking structure at the northeast corner of the building. No fence or gate shall be permitted along the northern tract boundary or located between the building and the northern tract boundary. Fences may be located at the sides and rear of the building and provided they are set back at least 10 feet from any tract boundary. Fences may be located within the open space area at the southern portion of the tract only if required by code or outside agency having jurisdiction and shall be the minimum permitted height as permitted by such code or outside agency having jurisdiction. Additionally, no non-structural walls shall be permitted except for decorative purposes, which shall be limited to two (2) feet in height and located at the sole discretion of the approving authority.

- Q. Retaining walls. To accommodate the proposed development, retaining walls shall be exempt from the setback and height limitations imposed by §230-100 of this chapter, provided that retaining walls shall be no closer than 10 feet to any tract boundary. To assure stabilization of the tract and adjacent properties, the final number, location, length and height of retaining walls shall be subject to site plan review. Additionally, the base and the top of retaining walls shall be provided with landscaping as required in subsection N.
- R. Steep slopes. To accommodate the proposed development, the steep slope provisions of §230-122 shall only apply to the required open space area. To assure stabilization of the tract and adjacent properties, any disturbance as a result of any retaining walls as required in subsection Q. and the multi-use trail as required in subsection M. within the required open space area shall be exempt from the steep slopes provisions.
- S. Building massing and design.
- (1) Architectural style.
 - (a) The building shall be designed to reflect the Tudor or Arts and Crafts design character found in the community or another style that is compatible with the required massing and deemed to be appropriate at the approval of the Planning Board.
 - (b) The massing, fenestration, materials, colors and details of the building shall reflect the defining characteristics and identifying features of the architectural style selected for such building.
 - (2) Exterior massing and wall lengths.
 - (a) The north side of the building shall conform to the following:
 - [1] “Main Entry Body” massing. The portion of the wall fronting on the multi-use trail and texture-paved motor-court containing the building entrance shall be composed of at least three (3) projecting gable or bay elements with a hierarchy of size and scale where the building entrance is the most prominent and the others vary in scale and articulation. Any gable element shall project a minimum of four (4) feet and any bay element shall project a minimum of two (2) feet from the exterior building wall. This wing shall allow the portion of the building fronting on the texture-paved motor-court to be more prominent and the primary focus of the building as viewed from the access point on South Sixth Avenue.
 - [2] “Secondary Wing” massing. The portion of the wall containing the garage entry to the podium parking structure shall be designed with a goal of making this portion of the building a less visually prominent secondary wing on the eastern side of the building. This wing shall be recessed by providing an offset that steps inward by a minimum distance of four (4) feet. This wing shall incorporate one (1) bay element situated on the second and third floors (and may include the fourth floor) and shall be centered over the garage entry. The bay element shall project two (2) feet from the wing. The width of the bay element shall extend a

- minimum distance of 12 feet and a maximum distance of 24 feet.
- (b) On all other sides of the building, the outer corner wall lengths as measured from the outside corner of the building shall extend a minimum distance of 50 feet and a maximum distance of 75 feet, after which such wall shall be recessed by providing an offset that steps inward by a minimum distance of four (4) feet. There shall be a minimum distance of 25 feet and a maximum distance of 100 feet between required minimum offsets.
 - (c) For the purposes of this subsection, the outer corner walls shall be considered Façade Type A while offset recessed walls shall be considered Façade Type B.
 - (d) Within the wall area of each Façade Type A, at least two (2) bay elements shall be provided. Within the wall area of each Façade Type B, at least one (1) bay element shall be provided for every 50 feet or part thereof.
 - (e) Each bay element shall be regulated as follows:
 - [1] Each bay element shall project two (2) feet from an exterior building wall, which may extend a maximum of two (2) feet into any setback requirement.
 - [2] The width of each bay element shall extend a minimum distance of 10 feet and a maximum distance of 30 feet.
 - [3] No bay element shall be closer than four (4) feet to another bay element or other façade type.
 - [4] The height of each bay element shall be a minimum of two (2) stories.
 - [5] Those bay elements that engage the fourth story shall interrupt the roofline of the main roof so that the façade of the bay element is continuous.
 - (f) There shall be no restriction on exterior wall lengths in the interior courtyard of the building.
- (3) Roof massing.
- (a) The roof associated with Façade Type A may be up to two (2) feet higher than the roof associated with Façade Type B. The taller roof requirement shall not be required for the roof associated with the secondary wing containing the garage entry to the podium parking structure at the northeast corner of the building.
- (4) Cross gables, projecting bay elements and dormers.
- (a) Cross gables, projecting bay elements and dormers shall generally take the form of either a jerkinhead (a front-facing gable peak which is partially clipped with a hip roof) design in order to reduce the height and scale of such taller projecting elements.
 - (b) There shall be a diversity of dormer types composed in a pattern appropriate to the style of the building, including jerkinhead and shed dormers.
- (5) Permitted projections.
- (a) Cornices, eaves and roof overhangs shall project a minimum distance of two (2) feet and a maximum distance of four (4) feet from an exterior building wall and bay element, which may extend a maximum distance of four (4) feet into any setback requirement.

- (b) Gutters and downspouts may project a maximum distance of one (1) foot from an exterior building wall and bay element, which may extend into any setback requirement.
 - (c) Balconies shall be permitted on the north and south sides of the building and may project a maximum distance of 18 inches from an exterior building wall and bay element, which may extend into any setback requirement.
 - (d) Balconettes shall be permitted on the east and west sides of the building and may project a maximum distance of six (6) inches from an exterior building wall and bay element, which may extend into any setback requirement.
 - (e) There shall be no restriction on balconies and balconettes located in the interior courtyard of the building.
- (6) Mechanical equipment.
- (a) All mechanical equipment shall be located on the roof. No mechanical equipment shall be permitted on the ground.
 - (b) The parapet wall associated with the roof shall be of such design and height to visually screen any rooftop mechanical equipment from adjacent properties and South Sixth Avenue public right-of-way.
- (7) Materials.
- (a) Permitted building materials for exterior wall surfaces facing adjacent properties shall include brick and fiber cement siding.
 - (b) Trim materials may consist of precast stone, wood, fiber cement panels and PVC.
 - (c) Vinyl, cultured stone, stucco and EIFS shall not be permitted on exterior wall surfaces facing adjacent properties.
 - (d) There shall be no restriction on materials for wall surfaces in the interior courtyard of the building.
- T. Accessory structure for refuse and recycling area.
- (1) One (1) accessory structure may be permitted as an enclosure for trash and recyclables with access from the texture-paved motorcourt in a location determined by the Planning Board to provide sufficient setback, screening and buffering from neighboring properties.
 - (2) Such accessory structure shall be a brick structure designed to complement the architecture of the principal building.
 - (3) The design of the accessory structure shall incorporate a sloped roof that is hipped along the sides facing the neighboring property lines and windows, with blacked-out or frosted glass that are complementary to the primary structure, located on the three sides of the structure that do not have the access door for the trash removal.
 - (4) Access doors or gates shall completely shield from view trash and recycling bins and/ or receptables.
- U. Permitted signs.
- (1) One non-internally illuminated, residential development sign situated within the tract and not exceeding twenty-four (24) square foot on any surface. Such sign shall be permitted to have exterior illumination, provided that such sign illumination shall be directed downward (or

- shielded to minimize upward light pollution), projected primarily on the sign and shall be subject to site plan review.
- (2) One non-flashing, nonilluminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding six square feet in area on any one side. The sign must be removed from the premises within two days after the property has been leased or sold.
 - (3) One non-flashing, nonilluminated temporary sign pertaining to a particular event, purpose or occasion, including electoral. Said sign must be removed within one day after the occurrence of the event and within 60 days of the posting of the sign, whichever comes first.
 - (4) Any permitted freestanding sign shall be located no closer than 10 feet and no greater than 60 feet from the existing South Sixth Street public right-of-way as it intersects with the northern tract boundary.

Section 2. If there are any conflicts between this zoning section of the Code and the standards for the MFAH Zone, the standards for the MFAH Zone shall apply. If there are conflicts between the Highland Park Land Development Ordinance and the New Jersey Residential Site Improvement Standards (RSIS), the RSIS shall apply.

Section 3. If any section, paragraph, subparagraph, clause or provision of Section 230-134.1 shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect after final passage and publication and with the filing of a copy of the ordinance with the Middlesex County Planning Board, all of which as required by law.

INTRODUCED AND PASSED
ON FIRST READING: _____, 2019

ADOPTED:

ATTEST:

APPROVED: _____, 2019

Joan Hullings
BOROUGH CLERK

Gayle Brill Mittler,
MAYOR