

Ordinance No. 0.12.06

TOWNSHIP OF DEPTFORD

COUNTY OF GLOUCESTER, STATE OF NEW JERSEY

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AN ORDINANCE OF THE TOWNSHIP OF DEPTFORD
IN GLOUCESTER COUNTY, NEW JERSEY,
IMPLEMENTING AN AFFORDABLE HOUSING
SETASIDE IN RESIDENTIAL DISTRICTS OF THE
MUNICIPALITY IN ACCORDANCE WITH THE
THIRD ROUND RULES OF COAH

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in this State (*N.J.S.A. 52:27D-304(a)*); and

WHEREAS, the Township of Deptford desires to implement policies promulgated and adopted by COAH in its Third Round Substantive Rules, effective December 20, 2004, in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through the third housing cycle which extends from 2000 to 2014 pursuant to *N.J.A.C. 5:94 et seq.* and *N.J.A.C. 5:95 et seq.*;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Deptford, County of Gloucester, New Jersey, that:

Section 1. §8, the R-40 Low Density Residential District, is hereby amended to modify or add the following provisions:

Note: Text in brackets [thus] is explanatory and is not intended to be enacted.

§8.B.1.c. Affordable housing. A minimum of fifteen percent (15%) of the total number of dwellings within any R-40 district shall be affordable to low and moderate income households in accordance with §38, excepting congregate care housing, assisted living. The housing type for low and moderate income households may be provided as single family semi-detached dwellings. A minimum of five percent (5%) of the total number of beds in congregate care housing, assisted living facility and nursing facility shall be affordable to low and moderate income households. Fractions of units shall be addressed through the provisions of §38.2.

P.M.

§8.C.4 Affordable single family semi-detached dwelling.

- a. Minimum lot size – Ten thousand (10,000) square feet.
- b. Minimum street frontage – Seventy-five (75) feet.
- c. Minimum lot width – Seventy-five (75) feet.
- d. Minimum lot depth – One hundred twenty-five (125) feet.
- e. Minimum front yard setback – Forty (40) feet.
- f. Minimum side yard setback, common wall – Zero (0) feet.
- g. Minimum side yard setback, other – Thirty-five (35) feet.
- h. Minimum rear yard setback – Forty (40) feet.
- i. Maximum permitted building coverage – Twenty percent (20%).
- j. Maximum permitted impervious coverage – Thirty percent (30%).
- k. Maximum permitted building height – Thirty-five (35) feet.
- l. Accessory buildings and structures shall conform to the requirements of §8.C.1.k.

Section 2. The R-20 Low Density Residential District is hereby amended to modify or add the following provisions:

§9.B. Uses. All principal, accessory, and affordable housing as permitted or required by right and conditionally in the R-40 zoning district.

[The bulk standards for permitted uses are being renumbered to be consistent with the UDO and add affordable housing standards]

§9.C. Bulk standards.

1. Lots with public sewer and water.
 - a. Minimum lot size – Twenty thousand (20,000) square feet.
 - b. Minimum street frontage – One hundred (100) feet.
 - c. Minimum lot width – One hundred twenty-five (125) feet.
 - d. Minimum lot depth – One hundred twenty-five (125) feet.
 - e. Minimum front yard setback – Thirty-five (35) feet.
 - f. Minimum side yard setback, one side – Twenty (20) feet.
 - g. Minimum aggregate side yard setback (both sides) – Fifty (50) feet
 - h. Minimum rear yard setback – Thirty-five (35) feet.
 - i. Maximum permitted building coverage – Twenty percent (20%).
 - j. Maximum permitted impervious coverage – Thirty percent (30%).
 - k. Maximum permitted building height – Thirty-five (35) feet.
 - l. Accessory buildings and structures shall not be located in a front yard nor within ten (10) feet of any property line, provided, however, that accessory structures that are One hundred (100) square feet of less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.
2. Affordable single family semi-detached dwelling.
 - a. Minimum lot size – Ten thousand (10,000) square feet.
 - b. Minimum street frontage – Sixty-five (65) feet.
 - c. Minimum lot width – Sixty-five (65) feet.
 - d. Minimum lot depth – One hundred twenty-five (125) feet.
 - e. Minimum front yard setback – Thirty-five (35) feet.

- f. Minimum side yard setback, common wall – Zero (0) feet.
 - g. Minimum side yard setback, other – Twenty (20) feet.
 - h. Minimum rear yard setback – Thirty-five (35) feet.
 - i. Maximum permitted building coverage – Twenty percent (20%).
 - j. Maximum permitted impervious coverage – Thirty percent (30%).
 - k. Maximum permitted building height – Thirty-five (35) feet.
 - l. Accessory buildings and structures shall conform to the requirements of §9.C.1.l.
3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

Section 3. The R-10 Medium Density Residential District is hereby amended to modify or add the following provisions:

§10.B. Uses. All principal, accessory, and affordable housing as permitted or required by right and conditionally in the R-40 zoning district.

§10.C. Bulk standards. [subparagraph 1 remains unchanged]

- 2. Affordable single family semi-detached dwelling.
 - a. Minimum lot size – Five thousand (5,000) square feet.
 - b. Minimum street frontage – Fifty (50) feet.
 - c. Minimum lot width – Fifty (50) feet.
 - d. Minimum lot depth – One hundred (100) feet.
 - e. Minimum front yard setback – Thirty (30) feet.
 - f. Minimum side yard setback, common wall – Zero (0) feet.
 - g. Minimum side yard setback, other – Twelve feet (12) feet.
 - h. Minimum rear yard setback – Thirty (30) feet.

- i. Maximum permitted building coverage – Thirty percent (30%).
 - j. Maximum permitted impervious coverage – Forty percent (40%).
 - k. Maximum permitted building height – Thirty-five (35) feet.
 - l. Accessory buildings and structures shall conform to the requirements of §10.C.1.I.
3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

Section 4. The R-10A Medium and Low Density Residential District is hereby amended to modify or add the following provisions:

§10.1-B. Uses. All principal, accessory, and affordable housing as permitted or required by right and conditionally in the R-40 zoning district.

§10.1-C. Bulk standards. [subparagraph 1 remains unchanged]

2. Affordable single family semi-detached dwelling.
 - a. Minimum lot size – Five thousand (5,000) square feet.
 - b. Minimum street frontage – Fifty (50) feet.
 - c. Minimum lot width – Fifty (50) feet.
 - d. Minimum lot depth – One hundred (100) feet.
 - e. Minimum front yard setback – Thirty (30) feet.
 - f. Minimum side yard setback, common wall – Zero (0) feet.
 - g. Minimum side yard setback, other – Twelve feet (12) feet.
 - h. Minimum rear yard setback – Thirty (30) feet.
 - i. Maximum permitted building coverage – Thirty percent (30%).
 - j. Maximum permitted impervious coverage – Forty percent (40%).
 - k. Maximum permitted building height – Thirty-five (35) feet.

1. Accessory buildings and structures shall conform to the requirements of §10.1-C.1.1.
3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

Section 5. The R-6 High Density Residential District is hereby amended to modify or add the following provisions:

§11.B.1 All principal, accessory, and affordable housing as permitted or required by right and conditionally in the R-40 zoning district.

§11.C. Bulk standards. [sub-paragraph 1 remains unchanged]

2. Affordable single family semi-detached dwelling.
 - a. Minimum lot size – Four thousand (4,000) square feet.
 - b. Minimum street frontage – Forty (40) feet.
 - c. Minimum lot width – Forty (40) feet.
 - d. Minimum lot depth – One hundred (100) feet.
 - e. Minimum front yard setback – Twenty (20) feet, except for attached or detached garages, which shall be set back thirty (30) feet.
 - f. Minimum side yard setback, common wall – Zero (0) feet.
 - g. Minimum side yard setback, other – Eight feet (8) feet.
 - h. Minimum rear yard setback – Twenty-five (25) feet.
 - i. Maximum permitted building coverage – Thirty-five percent (35%).
 - j. Maximum permitted impervious coverage – Fifty percent (50%).
 - k. Maximum permitted building height – Thirty-five (35) feet.
 - l. Accessory buildings and structures shall conform to the requirements of §11.C.1.a.12.
3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

Section 6. The Planned Unit Developments District is hereby amended to modify or add the following provisions:

§14. Planned Unit Development.

[Paragraphs A through B and D through G shall remain unchanged.]

C. Permitted uses and mix of uses.

1. Residential uses and their associated open space and buffer areas shall constitute a minimum of seventy-five percent (75%) of the land area of the entire PUD.
 - a. [remains unchanged]
 - b. [remains unchanged]
 - c. Multi-family dwellings may constitute up to thirty percent (30%) of the land area of the residential portion of the PUD. The dwellings may take the form of garden apartment dwellings, in combination with townhouse structures or as dwellings in combined buildings in accordance with sub-paragraph -3, herein. Structures containing both townhouses and multi-family dwellings shall count towards the multi-family portion of the residential part of the PUD.
2. [[Sub-paragraph 2 remain unchanged]
3. Combined residential and non-residential buildings shall be permitted provided that the ground level floor is a retail or office use, excepting means of access to upper floors. Such buildings shall be counted towards the non-residential land area of the PUD.

H. Affordable Housing Requirements.

1. Residential uses. A minimum of fifteen percent (15%) of the total number of dwelling units shall be affordable to low and moderate income households in accordance with §38.
2. Non-residential uses. Affordable housing units generated by non-residential development as determined by §38.2 shall be constructed within the PUD. If the non-residential use is a retail or office use, the required affordable housing dwellings may be constructed within the same building as permitted under paragraph -C.3, herein. Other required units generated by the non-residential

uses shall be integrated into the residential part of the PUD. The entire affordable housing obligation may also be constructed within the residential part of the PUD.

Section 7. Continuation, All Ordinances. In all other respects the Deptford Township Code of Ordinances, as amended and supplemented, shall remain in full force and effect.

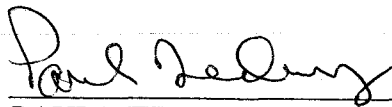
Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

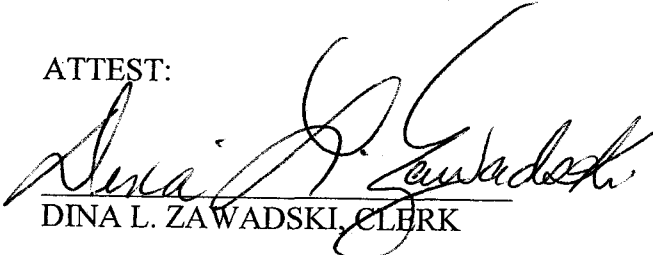
Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 11. Enactment. This Ordinance shall take effect twenty (20) days after final passage and publication pursuant to *N.J.S.A. 40:69A-181* and notice to the Gloucester County Planning Board within thirty (30) days pursuant to *N.J.S.A. 40:55D-15b*.

TOWNSHIP OF DEPTFORD

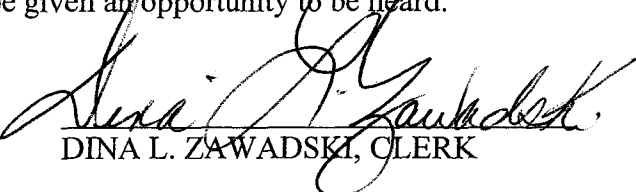
BY: 
PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, CLERK

CERTIFICATION

The above Amended Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the ~~2nd~~ *2nd* day of ~~October~~ *October*, 2006 and will be taken up for final consideration and passage at the Regular Meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey, Gloucester County, on the ~~13th~~ *13th* day of ~~November~~ *November*, 2006 at 7:00 P.M. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.


DINA L. ZAWADSKI, CLERK