

**BERNARDSVILLE BOROUGH  
ORDINANCE #2018-1778**

**AN ORDINANCE ADDING TEN UNITS TO THE BOROUGH'S SENIOR CITIZEN  
AFFORDABLE HOUSING SITE ON NORTH FINLEY AVENUE AND AMENDING  
VARIOUS SECTIONS OF THE BOROUGH LAND USE ORDINANCE**

**WHEREAS**, the Borough entered into a November 22, 2017 agreement (the "Agreement") with Fair Share Housing Center to settle its Mt. Laurel obligations; and

**WHEREAS**, the Agreement provided that the Borough would meet its affordable housing obligation utilizing a number of different mechanisms including 17 units through the extension of affordability controls; and

**WHEREAS**, 11 of those 17 units were ineligible during this round of Mount Laurel because the deeds for those units were recorded shortly after the July 1, 1995 deadline; and

**WHEREAS**, the Borough Planning Board has recommended making up that 11-unit shortfall by adding 10 additional units for a total of 30 units at the North Finley Avenue (100% affordable senior rental) – Block 125, Lot 25 site – and adding one additional unit to the Market to Affordable Program thereby increasing the number of units from three to four; and

**WHEREAS**, the governing body agrees with the recommendations of the Planning Board;

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Bernardsville, County of Somerset, State of New Jersey, as follows:

**Section 1.** The Zoning Map of the Borough of Bernardsville is amended to change the zoning designation of Block 125, Lot 25 fronting on North Finley Avenue to AH-2 Affordable Housing District from R-3 Residence District.

**Section 2.** Subsections 12-20.4 through 12-20.6 in Section 12-20 of the Borough Land Ordinance entitled "AH-2 AFFORDABLE HOUSING 2 DISTRICT" are amended to read as follows:

**12-20 AH-2 AFFORDABLE HOUSING 2 DISTRICT**

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**12-20.4 Primary Intended Use**

- a. Affordable family rental multi-family dwellings:
  1. Townhouses
  2. Apartments
- b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential

- c. Site Improvement Standards as deemed appropriate by the local approving Board,
- d. Other accessory uses customarily incident to the above uses provide they not include any activity commonly conducted for gain unless specifically permitted by this Article.

**12-20.5 Required Conditions**

The following requirements must be complied with in the AH-2 Affordable Housing Districts:

- a. *Height.* No building shall exceed a maximum of three (3.0) stories or thirty-five (35) feet in height, whichever is the lesser,
- b. *Front Yard.* There shall be a front yard of not less than twenty-five (25) feet,
- c. *Side Yards.* There shall be two (2) side yards, and no side yard shall be less than twenty (20) feet,
- d. *Rear Yards.* There shall be a rear yard of at least twenty (20) feet,
- e. *Building Envelope.* The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate permits having been issued by the NJDEP.
- f. *Minimum Floor Area.* Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted

- g. The maximum number of dwellings shall not exceed 30 rental age-restricted affordable dwellings.
- h. At least one-third of the affordable dwelling units shall be for very low-income households as defined in the definitions.
- i. Minimum distance between buildings is twenty (20) feet.

## 12-20.6 Design Standards

- a. The design standards contained herein shall supplement the design and performance standards contained in Article 9-10 of Borough of Bernardsville Regulations. If there is a conflict, Article 9-10, as amended from time to time, shall apply
- b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- e. The appearance of the side and rear elevations of buildings is important. Therefore, guidelines for the fronts of buildings shall also apply to the rear and sides where visible at street level from a public right-of-way.
- f. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.
- g. The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details.
- h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- i. All open space shall be designed and landscaped in a way to allow for easy maintenance and limited encroachment onto any public right of way. Additionally, all private open space shall be designed in a way that allows for a reasonable level of enjoyment by residents.
- j. Green building strategies are encouraged in the AH-2 Zone

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

**Section 5.** This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

ATTEST:

/s/ \_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Kevin Sooy, Mayor

Introduction:

1<sup>st</sup> Publication:

Dates referred to Planning Board:

Response Received:

Public Hearing and Adoption:

2<sup>nd</sup> Publication: