

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII, ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” OF THE TOWNSHIP OF SPARTA CODE TO AMEND SECTION 18-8.5 ENTITLED “INCENTIVE ZONING AND MANDATORY SET ASIDES” TO ADD ADDITIONAL INCENTIVE ZONING AND MANDATORY SET ASIDE PROVISIONS TO THE TCC, TCCO, TCLC AND TCPB ZONES

WHEREAS, the Township of Sparta Planning Board adopted the Housing Element and Fair Share Housing Plan of the Township of Sparta Master Plan, dated March 14, 2016 in November 2016;

WHEREAS, the Township of Sparta entered into a Settlement Agreement between the Township of Sparta (“Sparta”), the Planning Board of the Township of Sparta, the declaratory judgment petitioners (“Sparta” or “Petitioners”), and Fair Share Housing Center (“FSHC”), dated September 9, 2016.

WHEREAS, the Township of Sparta was issued a Judgment of Compliance and Repose (“JOR”) in September 2016;

WHEREAS, the Housing Element and Fair Share Plan adopted in November 2016 recognizes the existing zoning of the Town Center Professional Business (TCPB) Zone as providing a realistic opportunity to produce inclusionary, affordable housing;

WHEREAS, Paragraph 8 of the Settlement Terms included that, “In addition, in an effort to satisfy its unmet need that is the subject of a durational adjustment, Sparta...will update and continue to implement its incentive zoning, density and intensity bonuses and mandatory set aside ordinances set forth in Code Section 18-8.5 to require a 15 percent set-aside for all new rental housing constructed in the Township and 20 percent set-aside for all new for-sale housing constructed in the Township in developments of more than four residential lots.

WHEREAS, Chapter 18, Section 8.5 of the Township of Sparta Code provides for “Incentive Zoning and Mandatory Set-Asides”, which apply to “all residential construction in all zones, mixed use residential and nonresidential construction, in the TCC Town Center Commercial Zone, TCPB Town Center Professional Business Zone, TCCO Town Center Commercial Office Zone, TCLC Town Center Limited Commercial Zone, C-2 Commercial Office and Service Zone, R-4, and C-1 Community Commercial Zone and all nonresidential zones and developments”;

WHEREAS, in order to create future opportunities for affordable housing, implement, and remain in compliance with the Township’s JOR, *The Revised General Ordinances of the Township of Sparta* shall be amended to add additional incentive zoning and mandatory set aside provisions to the Town Center Commercial Zone (TCC), Town Center Commercial Office Zone (TCCO), Town Center Limited Commercial Zone (TCLC) and Town Center Professional Business (TCPB) zones as a mechanism to address the unmet need that is the subject of a durational adjustment in accordance with N.J.A.C. 5:93-4.2(h);

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Sparta, Sussex County, New Jersey as follows:

Section 1. Chapter XVIII entitled “Comprehensive Land Management Code”, Section 2 entitled “Definitions” of *The Revised General Ordinances of the Township of Sparta*, as heretofore supplemented and amended, is hereby supplemented and amended by the addition of a new Definition for “Apartment/Multifamily Unit Building” as follows:

“Apartment/Multifamily Unit Building shall mean a building or buildings containing a minimum of ten (10) or more “for sale” or “rental” dwelling units, together with common elements including, but not limited to, community rooms, exercise facilities, terraces, pergolas, indoor and outdoor passive and/or active

recreational areas, surface parking, structured and underground garage parking and related improvements.”

Section 2. Chapter XVIII, entitled “Comprehensive Land Management Code”, Section 18-4.24b entitled “Principal Permitted Uses” is amended to add the following:

“11. Apartment/Multifamily Unit Buildings or units in accordance with Section 18-8.5 of the Code entitled ‘Incentive Zoning and Mandatory Set Asides’.”

Section 3. Chapter XVIII, entitled “Comprehensive Land Management Code”, Section 18-4.25b entitled “Principal Permitted Uses” is amended to add the following:

“7. Apartment/Multifamily Unit Buildings or units in accordance with Section 18-8.5 of the Code entitled ‘Incentive Zoning and Mandatory Set Asides’.”

Section 4. Chapter XVIII, entitled “Comprehensive Land Management Code”, Section 18-4.26b entitled “Principal Permitted Uses” is amended to add the following:

“(h) Apartment/Multifamily Unit Buildings or units in accordance with Section 18-8.5 of the Code entitled ‘Incentive Zoning and Mandatory Set Asides’.”

Section 5. Chapter XVIII, entitled “Comprehensive Land Management Code”, Section 18-4.28 is amended to add the following:

“(k) Apartment/Multifamily Unit Buildings or units in accordance with Section 18-8.5 of the Code entitled ‘Incentive Zoning and Mandatory Set Asides’.”

Section 6. Chapter XVIII, entitled “Comprehensive Land Management Code”, Section 8.5 entitled “Incentive Zoning and Mandatory Set-Asides” of *The Revised General Ordinances of the Township of Sparta*, is hereby amended to add Paragraph L at the end of the section to add Additional Incentives and Set Aside Requirements and Standards in the TCC, TCCO, TCLC and TCPB Zone Districts.

The new Section 18.5(l) shall read and be enumerated as follows:

18-8.5 – Incentive Zoning and Mandatory Set Asides.

Subsections a through k remain as stated in the Code.

I. Additional Incentives and Set Aside Requirements and Standards in the TCC, TCCO, TCLC and TCPB Zone Districts

1. Intent and Purpose. As additional incentives to encourage apartment/multifamily units and buildings and mixed-use buildings with commercial and offices with apartment/multifamily units in the TCC, TCCO, TCLC, TCPB Zones, the following incentives and standards shall apply.
 - (a) Mixed use buildings with commercial and/or office uses that include apartments/multifamily units (“Mixed-use”) and apartment/multifamily unit buildings are permitted in the TCC, TCCO, TCLC and TCPB Zones, provided they comply with the standards of this Section 8.5 entitled “Incentive Zoning and Mandatory Set Asides” and the other requirements of the respective zones, including the design standards for the Town Center set forth in 18-4.2e(10).
 - (b) The incentives shall include the following for lots greater than two (2) acres in size:
 - i. Apartment/multifamily unit buildings and mixed-use buildings that include apartments/multifamily units (“mixed-use”) with a

height up to four (4) stories and sixty-two (62) feet, including up to two (2) stories of underground or basement parking shall be permitted.

- ii. The maximum impervious coverage for lots dedicated specifically to an apartment/multifamily use or mixed-use development as described in this ordinance may be increased as follows:

1. Maximum impervious coverage for three (3) story buildings shall be seventy percent (70%).
2. Maximum impervious coverage for four (4) story buildings shall be eighty percent (80%), with the condition that fifteen percent (15%) of the total units in any four (4) story building shall be for-sale units that are voluntarily offered as part of any application to a Township Land Use Board, and confirmed by the Applicant in the development agreement.
3. In the TCLC Zone, the increase in the permitted impervious coverage as described in this Section shall be calculated based only on the lot(s) devoted solely to the apartments/multifamily or mixed-use buildings and structures. The overall coverage provisions of the TCLC Zone shall continue to apply to the overall site plan for the entire site.
4. In the TCPB Zone, the increase in the permitted impervious coverage as described in this Section shall be calculated based only on the lot(s) devoted solely to the apartments/multifamily or mixed-use buildings and structures. The overall impervious coverage provisions of the TCPB Zone shall continue to apply to the overall site plan for the entire site.

- iii. The maximum density permitted for apartment/multifamily unit buildings and mixed-use developments shall be as follows:

1. Thirty (30) dwelling units per acre for four (4) story buildings.
2. Twenty-two (22) dwelling units per acre for three (3) story buildings.
3. In the TCPB Zone, the maximum number of apartment/multifamily units shall continue to be one hundred (100) units with a minimum of twenty-five (25) affordable units. The incentive standards under Section 18-8.5.1(b).i regarding building height and underground parking and Section 18-8.5.1(b).ii regarding impervious coverage shall apply the TCPB Zone.

- (c) The following standards shall apply to apartment/multifamily unit buildings and mixed-uses:

- i. Setbacks:

1. A minimum side yard setback of 10 feet shall be required.
2. A minimum rear yard setback of 20 feet shall be required.

3. For front yard setbacks of twenty-five (25) feet or less, the maximum permitted building height shall be forty (40) feet and three (3) stories.
 4. For minimum front yard setbacks of fifty (50) feet, the maximum permitted building height shall be sixty-two (62) feet and four (4) stories.
- ii. For all apartment/multifamily uses or mixed-use developments, the mandatory affordable set aside shall be fifteen percent (15%) for rental units and twenty percent (20%) for sale units.
 - iii. No three-bedroom market rate units shall be permitted. Affordable three-bedroom units shall be permitted, as required by COAH rules and the Township Code.
 - iv. Sidewalks shall be provided to connect the apartment, multifamily building or mixed-use buildings to at least one public street in the Town Center Zones.
 - v. Streetscape improvements along the street (or any other public right-of-way that property may contain frontage) shall be improved to the standards recommended in the Township Town Center Development Design Guidelines and Main Street Improvements, which include sidewalk replacement of at least six feet in width with decorative paving, Belgian block curbs, and patterned crosswalks; decorative street lighting; ornamental and shade trees; planters; benches; trash receptacles; and other typical street furniture at the direction of the approving Land Use Board.
 - vi. Signage.
 1. One (1) freestanding sign at each driveway to a public roadway shall be permitted and shall not exceed twelve (12) square feet in area.
 2. No façade signs are permitted, except façade signs for the commercial or office portion of the mixed-use buildings, as allowed under the ordinances for the commercial or office use in the respective zones.
 - vii. Professional property managers shall maintain the development and shall be on-call twenty-four (24) hours a day, seven (7) days per week.
 - viii. All apartment/multifamily developments or mixed-use developments shall include an amenities package as part of any application to a Township Land Use Board. The amenities package shall include at a minimum, but not be limited to, the following examples: a community room; exercise facility; storage/delivery area; and terraces, patios, and indoor and outdoor passive and active recreations area.
 - ix. The architectural design and building materials shall be built to same standards for all building façades and elevations.
 - x. Parking requirements shall conform to the New Jersey Department of Community Affairs' ("NJDOA") Residential Site Improvement Standards ("RSIS") for all residential uses. The off-street parking requirements shall conform to the Township ordinances for all commercial and office portions of any mixed-use buildings. The reviewing board may authorize shared parking exceptions where

the record demonstrates that the mixture of uses will have adequate parking as a result of a shared parking approach.

- xi. Structured Parking shall be wrapped to partially enclose any parking level with the same architectural design and building materials as the main portion of the building.

Section 7. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be deemed to be invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 8. All ordinances, or parts thereof, that are inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

Section 9. This Ordinance shall take effect upon adoption and publication according to law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on February 11, 2020 and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on February 25, 2020 at 7:30 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta held at the Municipal Building at 65 Main Street, Sparta, New Jersey, on February 11, 2020. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta held on February 25, 2020 and was subsequently tabled. The same came up for final passage and adoption at a meeting on March 10, 2020 at 7:30 p.m. at the Municipal building, 65 Main Street, Sparta, NJ and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

