

**AMENDED AND RESTATED
SUPPLEMENT TO THE KIRBY AVENUE
VISION & REDEVELOPMENT PLAN**

DEVELOPMENT REGULATIONS FOR BLOCK 50, LOT 3

April 29, 2014

**BOROUGH OF SOMERVILLE
SOMERSET COUNTY, NEW JERSEY**



XVII. Development Regulations for Block 50, Lot 3

1. Introduction.

1.1 Background. On November 17, 2010, the Somerville Borough Council, by Ordinance No. 2345 adopted the Kirby Avenue Vision & Redevelopment Plan – Planning Board Recommended Changes, dated October 27, 2010 (the “Redevelopment Plan”). On March 4, 2013, the Borough Council adopted an Ordinance (No. 2409-13-0204) “Amending the Kirby Avenue Redevelopment Plan for the Kirby Avenue Redevelopment Area Pursuant to N.J.S.A. 40:12A-1, et. seq. Specifically to Include a Supplement to the Kirby Avenue Vision & Redevelopment Plan Development Regulations for Block 50, Lot 3” (the “Redevelopment Plan Supplement,” and, together with the Redevelopment Plan, the “Kirby Avenue Redevelopment Plan”). The Borough’s Block 50, Lot 3 is among those properties for which the Kirby Avenue Redevelopment Plan acts as overlay zoning. Block 50, Lot 3 is located in the Kirby Area Redevelopment Area, at the corner of Fairview Avenue and Haynes Street.

1.2 Purpose. Notwithstanding anything in the Kirby Avenue Redevelopment Plan or the Borough’s Land Development Ordinance (the “LDO”) to the contrary, development on Block 50, Lot 3 is governed by the standards and guidelines set forth in this Section XVII. This Ordinance No. _____ is intended to amend and restate the Redevelopment Plan Supplement and shall replace the Redevelopment Plan Supplement in its entirety upon adoption.

2. Bulk, Use, Intensity of Use, and Other Development Standards.

2.1 General Standards. The following standards apply to Block 50, Lot 3:

(A) *Principal and accessory uses permitted:*

(1) Principal Permitted Uses:

- (a) One (1) and two (2) bedroom apartment units in mid-rise residential buildings;
- (b) One (1) and two (2) bedroom condominium units in mid-rise residential buildings;
- (c) Single-family townhouses.

(2) Permitted Accessory Uses:

- (a) For any townhouse units, those accessory uses that are permitted by the Borough’s Planning Board at the time of site plan review.

- (b) For any mid-rise residential buildings, the following accessory uses are permitted, so long as they are integrated within the buildings and not developed as separate structures:
 - (i) private gyms (for use by residents of the mid-rise buildings),
 - (ii) maintenance facilities,
 - (iii) community/common room(s),
 - (iv) coin-operated laundry facilities, and
 - (vi) any accessory uses permitted by the Borough’s Planning Board at the time of site plan review.

- (B) *Maximum permitted density:* 24 units per acre.

- (C) *Open space requirement:* Block 50, Lot 3 must include a public park for active and passive recreation that will be dedicated to the Borough. The public park must be of an area equal to not less than 3% of the total area of Block 50, Lot 3. The layout and use of the park (i.e. playgrounds, bike paths, etc.) will be conceptually depicted on the site plan submitted by the redeveloper of Block 50, Lot 3 at the time of site plan review. The final layout and use of the park will be specified in a redevelopment agreement between the redeveloper of Block 50, Lot 3 and the Borough.

- (D) *Development guidelines:* Sections XIV, XV, and XVIA-K of the Kirby Avenue Redevelopment Plan govern development on Block 50, Lot 3 with respect to Building Design Guidelines; Streets, Parking, and Landscape Requirements; and Supplemental Requirements, respectively, except that:
 - (1) Notwithstanding anything to the contrary contained within Section XIV-A of the Kirby Avenue Redevelopment Plan, any residential units developed on Block 50, Lot 3 may contain, one (1), and two (2) bedrooms.
 - (2) Notwithstanding anything to the contrary contained within Section XV-A of the Kirby Avenue Redevelopment Plan, parking on any new streets or drives to be developed on Block 50, Lot 3 (whether publicly-dedicated or private) need only be provided on one (1) side of the street or drive.
 - (3) Any requirement set forth in Section XV-B of the Kirby Avenue Redevelopment Plan regarding “parking islands” is not applicable to Block 50, Lot 3.

- (E) *Residential Site Improvement Standards Apply.* Development on Block 50, Lot 3 must conform with the New Jersey Residential Site Improvement Standards, N.J.A.C. § 5:21-1.1, *et. seq.* (“RSIS”), unless the Borough’s Board grants the redeveloper of Block 50, Lot 3 a *de minimis* exception to the RSIS as authorized by N.J.A.C. § 5:21-3.1, *et. seq.*
- (F) *Emergency Management Plan.* The Planning Board may require submission of an Emergency Management Plan. The Planning Board will make the final determination as to the adequacy of the Emergency Management Plan based upon input from the Office of Emergency Management.

2.2 Townhouse Development. For any townhouse unit developed on Block 50, Lot 3, the following standards apply:

- (A) *Permitted Accessory Structures:* For any townhouse unit developed on Block 50, Lot 3, those accessory structures permitted by the Planning Board at the time of site plan review.
- (B) *Bulk Standards:*
 - (1) *Maximum Building Height:* 40 feet or 2.5 stories. The height of any townhouse unit is to be measured based on the average grade two (2) feet from the edge of the building envelope or foundation to the tallest roof peak.
 - (2) *Minimum Side Yard:* 0 feet. Townhouses may be clustered and there is no required setback between adjoining buildings.
 - (3) *Minimum Front Yard:* 18 feet
 - (4) *Minimum Rear Yard:* 19 feet

2.3 Mid-Rise Development. For any mid-rise residential buildings developed on Block 50, Lot 3 (containing either apartment units, condominium units, or both), the following standards apply:

- (A) *Number of units:* The total number of units in all mid-rise buildings constructed on Block 50, Lot 3 must include a mix of unit types within the following parameters:
 - (1) Not less than 50% and not more than 60% of the total number of units located in mid-rise buildings must be one (1) bedroom units.
 - (2) Not less than 40% and not more than 50% of the total number of units located in mid-rise buildings must be two (2) bedroom units.

(B) *Bulk Standards.*

- (1) *Maximum Building Height:* 50 feet or 4 stories
- (2) *Minimum Side Yards:* 34 feet
- (3) *Minimum Front Yard:* 2 feet
- (4) *Minimum Rear Yard:* 32 feet

(C) *Design Standards.*

- (1) Flat roofs are permissible, so long as articulated parapets (of a minimum of three feet in height) that screen any HVAC equipment located on the roof of the mid-rise building from public view from Trinity, James, or Haynes Street are incorporated.
- (2) Roof height for any mid-rise building will be measured from the average Trinity Street curb height in front of the respective building to the tallest roof peak.

3. Conflict.

This Section XVII governs development of Block 50, Lot 3. In the event of a conflict between this Section XVII, the Kirby Avenue Redevelopment Plan, or the LDO, the terms of this Section XVII control.