

ORDINANCE

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOMERVILLE AMENDING THE KIRBY AVENUE REDEVELOPEMNT PLAN ADDING SECTION XVII. DEVELOPMENT REGULATIONS FOR BLOCK 50, LOT 4.01

WHEREAS, Tax Block 1, LOT 4.01 (the “Property”) are located in the Kirby Avenue Redevelopment Area (the “Redevelopment Area”); and

WHEREAS, the Borough of Somerville (the “Borough”) is desirous of the redevelopment of this 11.2 acre site for re-use consistent with the Borough’s Master Plan and the Redevelopment Plan for the Redevelopment Area, adopted on April 29, 2014 as amended; and

WHEREAS, the Property is privately owned and vacant; and

WHEREAS, Crusader Serving Corporation made a presentation to the Redevelopment Committee of the Borough regarding its concept proposal to develop a residential project for the Property; and

WHEREAS, the proposal has been found consistent with the Borough’s goals for redeveloping the area; and

WHEREAS, the planning board determined that the development regulations for Block 1 lot 4.01 in the redevelopment area are to be supplemented by a new section titled “XVII. Development Regulations”, and

WHEREAS, said development regulations are as follows:

XVII. Development Regulations for Block 50, Lot 4.01

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”). The Borough’s Block 50, Lot 4.01 is among those properties for which the Redevelopment Plan acts as overlay zoning. Block 50, Lot 4.01 is located in the Kirby Area Redevelopment Area, is approximately 11.23 acres and bounded by the Kirby Avenue and the NJ Transit rail road tracks. .

1.2 Purpose. Notwithstanding anything in the Redevelopment Plan or the Borough’s Land Development Ordinance (“the LDO”) to the contrary,

development on Block 50, Lot 4.01 is governed by the standards and guidelines set forth in this Section XVII.

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

2.1 General Standards. The following standards apply to Block 50, Lot 4.01:

(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:* 20 units per acre.

(C) *Open space requirement:* Block 50, Lot 4.01 shall include a minimum of 3% of open space.

(D) *Development guidelines:* Sections XIV, XV, and XVIA-K of the Redevelopment Plan govern development on Block 50, Lot 4.01 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 Redevelopment Plan, any residential units developed on Block 50, Lot 4.01 shall contain either one (1) or two (2) bedrooms.
- (2) Notwithstanding anything to the contrary contained within Section XV-A of the 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.

(E) *Residential Site Improvement Standards Apply.* Development on Block 50, Lot 4.01 shall conform with the New Jersey Residential Site Improvement Standards, N.J.A.C. § 5:21-1.1, *et. seq.* (“RSIS”) with respect to the number of onsite parking spaces provided (an exception or variance will be not granted). The development must conform to all other RSIS requirements unless the Borough’s Board grants the redeveloper of Block 50, Lot 4.01 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 4.01, the following standards apply:

(A) *Permitted Accessory Structures:* For any townhouse unit developed on Block 50, Lot 4.01, those accessory structures permitted by the Planning Board at the time of site plan review.

(B) *Bulk Standards:*

(1) *Maximum Building Height:* 35 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 4.01 (containing either apartment units, condominium units, or both), the following standards apply:

(A) *Bulk Standards.*

(1) *Maximum Building Height:* 50 feet or 4 stories

(2) *Minimum Side Yards:* 30 feet

(3) *Minimum Front Yard:* 20 feet

(4) *Minimum Rear Yard:* 30 feet

(B) *Design Standards.*

- (1) Flat roofs are permissible, so long as articulated parapets (of a minimum of three feet in height) screen any HVAC equipment (located on the roof of the mid-rise building) from public view.
- (2) Roof height for any mid-rise building will be measured from the from the edge of the building envelope or foundation to the tallest roof peak.
- (3) The architectural requirements for the mid -rise residential buildings is that the horizontal and vertical differentiation of the façade shall be broken down so as to appear as a series of different buildings, each building façade should be of scale of buildings found in Somerville. The horizontal façade shall be spaced a maximum of 50 feet. The design and dimensions of bays shall be varied to create visual interest. A repetitive pattern of the façade shall not be used. The base (lower one level), middle and top of the buildings shall be distinguished from one another by changes its material, masonry, fenestration pattern, trims cornices, etc. The building facades should have a similar alignment of window sills, building lines, floor line, cornice, rooflines and floor to floor spacing.

The architecture style of the buildings shall be varied so that a repetitive pattern is not used throughout the development. The buildings shall not appear as “boxes”. Upon review of the site plans and architectural elevations of the buildings, the Planning Board shall determine whether the proposed architectural style of the buildings is repetitive.

If the architecture style of the buildings is found to be repetitive or not in conformance of the above stated requirements, the architectural elevations shall be modified (as necessary) to the satisfaction of the Planning Board. A variance for not conforming to the architectural requirements will not be granted.

3. Conflict.

This Section XVII governs development of Block 50, Lot 4.01. In the event of a conflict between this Section XVII, the Redevelopment Plan, or the LDO, the terms of this Section XVII control.

BE IT RESOLVED, that The Borough Council approves the amendment to add the new section XVII to the Kirby Avenue Redevelopment Plan contained herein and that this Ordinance shall take effect immediately.