

ORDINANCE 365-17

AN ORDINANCE SUPPLEMENTING AND AMENDING ARTICLE III OF CHAPTER XXVI, LAND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO PERMIT AFFORDABLE ACCESSORY APARTMENTS IN THE OFFICE/SERVICES OVERLAY ZONE

BE IT ORDAINED by the Mayor and Council of the Borough of Sayreville, in the County of Middlesex and the State of New Jersey, as follows:

SECTION 1. Section 26-84, SUPPLEMENTAL ZONING REGULATIONS, of Chapter XXVI, LAND DEVELOPMENT, of the revised General Ordinances of the Borough of Sayreville, is hereby amended and supplemented to add new Sections 26-84.6.i., j. and k. following the existing Section 26-84.6.h., to read as follows:

- i. The following accessory apartment regulations are hereby enacted for the purpose of providing additional opportunities for affordable housing in the Borough. All accessory apartment units shall meet the following conditions:
1. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to local building codes;
 2. The accessory apartment shall, for a period of at least 10 years from the date of the issuance of the certificate of occupancy for the unit, be rented only to a duly qualified (at the time of initial occupancy) very low, low or moderate income household based upon a rent level calculated to be affordable to such household in accordance with the criteria set forth in the Borough's Affordable Housing Ordinance;
 3. Affordable rent levels for accessory apartments shall be calculated to include a deduction for tenant paid utilities (a utility allowance);
 4. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental in accordance with the foregoing requirements for the entire term of the deed restriction;
 5. Each accessory apartment shall have living/sleeping space, a complete kitchen and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
 6. The accessory apartment shall have a separate door with direct access to the outdoors;
 7. The potable water supply and sewage disposal system for the accessory apartment shall be demonstrated to be adequate;
 8. The accessory apartment shall be affirmatively marketed throughout the Borough's housing region; and
 9. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this ordinance, all of the requirements of this ordinance shall apply, except that no subsidy shall be provided by the Borough.

INTRO & PASSED 1st READING 5/22/17 WITHDRAWN Re-introduced 9/25/17
ADVERTISED ACCORDING TO LAW 5/26/17 8/21/17 Re-advertised 9/29/17
ADOPTED ON 2nd & FINAL READING 10/10/17
ADVERTISED ACCORDING TO LAW 10/13/17
BOROUGH CLERK
Shirley A. Farlane

Re-Intro Ord 365-17
9-25-17

Intro: 5/22/17
Re-Intro: 9/25/17
Passed: 10/10/17

j. The Borough shall designate an Administrative Agent to administer the accessory apartment program.

1. The Administrative Agent shall administer the accessory apartment program including advertising, income qualifying prospective tenants, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;

2. The Administrative Agent shall only deny an application for an accessory apartment if the project is not in conformance with all of the requirements of the municipal development ordinance, including this Section, or the Borough's Affordable Housing Ordinance. All denials shall be in writing with the reasons clearly stated; and

3. The Borough shall provide at least \$10,000. to subsidize the physical creation of an accessory apartment conforming to all applicable requirements. Prior to the grant of any subsidy, the property owner shall enter into a written agreement with Sayreville Borough insuring that (i) the subsidy shall be used only to create the accessory apartment and (ii) the apartment shall meet all applicable requirements of the Borough of Sayreville.

k. Applications for the creation of an accessory apartment shall be submitted to the Administrative Agent and shall include the following:

1. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and primary dwelling or use within the building;

2. Rough elevations showing the modification of any exterior building façade to which changes are proposed; and

3. A site development sketch showing the location of the existing dwelling and other existing structures; all property lines; proposed addition if any, along with minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect the proposal.

SECTION 2. SEVERABILITY CLAUSE

If any article, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. REPEALER

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

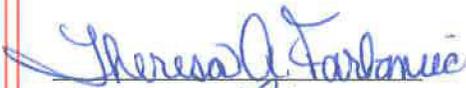
SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.



Pasquale Lembo, Councilman
Planning & Zoning Committee

ATTEST:



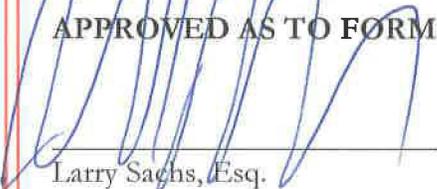
Theresa A. Farbaniec, R.M.C.
Municipal Clerk

APPROVED:



Kennedy O'Brien
Mayor

APPROVED AS TO FORM:



Larry Sachs, Esq.
Special Counsel - COAH