

**Please take notice that the following Ordinance was adopted on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, at a meeting held on the 1st day of March 2018. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage after a public hearing to be held on the 5th day of April, 2018 at a meeting beginning at 7:00 PM at the Municipal Building located on the corner of County Road 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested parties will be heard.**

**ORDINANCE NO. 19- 06 -2018**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER CXXXIII, AFFORDABLE HOUSING, ARTICLE III, ACCESSORY APARTMENTS, UPDATING THE PROVISIONS FOR ACCESSORY APARTMENTS IN ACCORDANCE WITH KINGWOOD TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, in order to establish zoning provisions that provide a realistic opportunity for development of affordable housing in response to Kingwood Township's Third Round affordable housing obligations and consistent with Kingwood Township's Third Round settlement agreement by and between Kingwood Township and Fair Share Housing Center, dated November 2, 2018, recommended by the Superior Court Special Master and approved by Honorable Thomas C. Miller, P.J.S.C., Superior Court of New Jersey; and

**WHEREAS**, Kingwood Township's Third Round Housing Plan Element and Fair Share Plan for addressing its Prior Round and Third Round obligations includes a variety of affordable housing types, including affordable accessory apartments; and

**WHEREAS**, Kingwood Township's existing accessory apartment regulations require updating to reflect current conditions for consistency with Kingwood Township's Court-approved Third Round Housing Plan Element and Fair Share Plan; which has identified two parcels of land determined to be appropriate for development of high-density inclusionary residential development in the Township located on New Jersey State Route 12 within the Eastern Gateway Village Center Overlay Zone, specifically Block 15, Lot 8 within the Mixed Use Core Subdistrict and Block 21, Lot 1 within the Artisan and Commercial Subdistrict, which together possess sufficient land area to accommodate inclusionary zoning at accepted inclusionary zoning densities to fully address the Township's Third Round affordable housing obligation of 103 affordable units;

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Kingwood, County of Hunterdon as follows:

**§ 83-13Purpose.**

An Accessory Apartment Ordinance is hereby enacted for the purpose of providing additional opportunities for low- and moderate-income housing in Kingwood Township.

**§ 83-14Definition.**

**A.** An accessory apartment is a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low- or a moderate-income household. The accessory apartment may be created within an existing dwelling unit, may be created within an existing structure on the lot or be an addition to an existing home or accessory building.

**B.** All accessory apartment units shall meet the following conditions:

**(1)** The bulk requirements of the zone in which the accessory apartment is created shall be met;

**(2)** Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes;

**(3)** The accessory apartment shall be rented only to a household which is either a low- or moderate-income household at the time of initial occupancy of the unit:

(4) The accessory apartment shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to a low- or moderate-income household;

(5) Rents of accessory apartments shall be affordable to low- or -moderate income households as per the Council on Affordable Housing (COAH) regulations and shall include a utility allowance;

(6) No more than 10 accessory apartments shall be used to address Kingwood's second cycle fair-share obligation unless a waiver is granted by COAH;

(7) 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 or sale within the requirements of Subsection **B(3)** and **(4)** above;

(8) Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink 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;

(9) The accessory apartment shall have a separate door with direct access to the outdoors;

(10) The potable water supply and sewage disposal system for the accessory apartment shall be adequate; and

(11) The accessory apartment shall be affirmatively marketed to the housing region.

**C.** 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 article, all of the requirements of this article in addition to meeting COAH criteria shall apply, except that no subsidy need be provided by the municipality.

#### **§ 83-15 Creation of accessory apartments; limitations.**

**A.** Accessory apartments can only be created in one of two ways as delineated in § **83-14**:

(1) New construction of an accessory apartment.

(2) The conversion of illegally created accessory apartments.

**B.** Upon satisfaction of the ten-unit second cycle limitation placed on accessory apartments by COAH, as set forth in Subsection **B(6)** of § **83-14**, whether by new construction or conversion or a combination thereof, the Township shall have the discretion to decide whether to continue to fund accessory apartments through the mechanism of new construction as well as the discretion to decide whether to repeal the new construction portion of this article.

#### **§ 83-16 Administration of accessory apartment program.**

The Township of Kingwood shall designate its COAH Affordable Housing Coordinator to administer the accessory apartment program.

**A.** The Affordable Housing Coordinator shall administer the accessory apartment program, including advertising, income qualifying prospective renters, 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.

**B.** The COAH Affordable Housing Coordinator shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements, the municipal development ordinance or this article. All denials shall be in writing with the reasons clearly stated.

**C.** In accordance with COAH requirements, Kingwood Township shall provide, except for conversion of illegal accessory apartments, at least \$10,000 to subsidize the physical creation of an accessory apartment conforming to the requirement of this section and COAH requirements. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with Kingwood Township insuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this article and COAH regulations.

#### **§ 83-17 Applications.**

Applicants for the creation of an accessory apartment shall submit to the Affordable Housing Coordinator:

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

**B.** Rough elevations showing the modification of any exterior building facade to which changes are proposed; and

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

**TOWNSHIP COMMITTEE OF  
TOWNSHIP OF KINGWOOD**

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**Richard Dodds, Mayor**

**ATTEST: April 5, 2018**

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**Cynthia L. Keller, RMC  
Township Clerk**

**Introduction: March 1, 2018**

**Publication:**

**Final Adoption:**

**Publication By Title Only:**

| <b>ROLL CALL<br/>VOTE</b> | <b>MOVED</b> | <b>SECONDED</b> | <b>AYE</b> | <b>NAY</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|---------------------------|--------------|-----------------|------------|------------|----------------|---------------|
| T. Ciacciarelli           |              |                 |            |            |                |               |
| M. Syrnick                |              |                 |            |            |                |               |
| R. Dodds                  |              |                 |            |            |                |               |

**I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 19-06-2018 adopted by the Kingwood Township Committee on April 5, 2018.**

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**Cynthia L. Keller, RMC  
Township Clerk**