

BOROUGH OF RARITAN
ORDINANCE NO. 2026-06

AN ORDINANCE AMENDING CHAPTER 207 “LAND USE AND DEVELOPMENT”, PART 6 “ZONING”, ARTICLE XV “DISTRICT REGULATIONS” TO INCLUDE NEW SECTION 207-126.3 ENTITLED “AH-2 AFFORDABLE HOUSING OVERLAY ZONE”

WHEREAS, the Borough, as part of its fourth round Housing Element and Fair Share Plan, has identified property appropriate for rezoning to provide the opportunity for the construction of new townhouse dwellings, including a setaside of units affordable to low and moderate income households; and

WHEREAS, the Mayor and Council have endorsed the fourth round plan adopted by the Planning Board and is desirous of implementing the mechanism identified in that fourth round, which requires rezoning of the property with an overlay to permit a development option that helps meet the Borough’s Unmet Need.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Raritan, in the County of Somerset and State of New Jersey as follows:

Section I. The following section shall be added to the Code, to read as follows:

Section 207-126.35 “AH-2 Affordable Housing Overlay Zone”

A. An Affordable Housing Overlay Zone (AH-2) is hereby created for Block 116.01, Lot 26. The AH-2 Zone will permit the option for new inclusionary attached townhouses not to exceed a total of 30 units requiring an affordable housing set-aside of 20% of the total number of units constructed.

B. Permitted uses. Permitted principal uses shall be:

(1) Townhouses.

C. Permitted accessory uses and structures. Permitted accessory uses and structures shall be as follows:

(1) Private garages and off-street parking facilities.

(2) Customary accessory uses and structures approved as part of the site plan for the development, including refuse enclosures, fences, walls, lampposts, trellises and other similar structures.

(3) Private swimming pools, clubhouses, tennis courts and other recreational facilities for resident use.

(4) Signs.

(5) Detention basins and pump stations.

(6) Storage and maintenance buildings.

(7) Patio areas.

(8) Electric vehicle charging infrastructure and electric vehicle charging stations.

(9) Solar panels mounted to the roof of a townhouse.

D. Permitted conditional uses. Permitted conditional uses shall be as follows:

(1) Home occupations.

(2) Public utility facilities.

E. Density. The total number of units on the site shall not exceed thirty (30). The site shall

be developed pursuant to the requirements of Articles **XVII** and **XVIII**.

F. Bulk requirements.

(1) There shall be the following minimum distances between buildings:

Part of Building	Minimum Distance (feet)
Windowless wall to windowless wall	20
Window wall to windowless wall	25
Window wall to window wall:	
Front to front	50
Rear to rear	50
End to end or end to rear	30
Any building face to collector street curb	30
Any front or rear building face to noncollector curb face or edge of pavement	20
Any side building face to any noncollector street curb	10
Any building face to common parking area, except garage	10
Garage face to common parking area	5

(2) Coverage. The maximum coverage by buildings shall not exceed 50%. The maximum coverage by all impervious surfaces, including buildings and public and private roads, shall not exceed 75%.

(3) Yard and buffer areas. No building, deck, patio or part thereof, driveway or parking area shall be located within 5 feet of any property boundary line.

(4) Building height. No building shall contain more than three stories, nor shall any building exceed 40 feet in height.

G. Design standards for townhouses.

(1) No building or group of attached buildings shall contain more than 8 individual townhouse units.

(2) Townhouses shall have a minimum width of 18 feet per unit and shall have an offset of two feet between every two units.

(3) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement or attic, except that a cellar or basement in a townhouse dwelling unit may contain a family room or recreation room.

(5) Townhouses should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc.

(6) Accessory buildings shall meet the property line setbacks of the principal buildings.

(7) Accessory buildings may have a maximum height of 16 feet, except that recreational buildings and facilities shall be governed by the height limitations for principal buildings.

(8) Garages may be built into the principal structure or separately constructed to the following standards:

(a) Each garage space shall be at least 10 feet in width and 20 feet in depth.

(b) Each group of attached garages shall have a joint capacity of not more than 12 automobiles arranged in a row, and there shall be a minimum

distance of 10 feet end to end between structures.

(9) Exterior television antennas or satellite dishes are prohibited.

H. Affordable housing requirements.

(1) All developments are required to set aside at least 20% of the units proposed and deed restrict them for occupancy by low and moderate income households.

(2) Affordable housing units shall comply with Affordable Housing Requirements as outlined in §207-139 of the Borough Code, the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq. and the statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97.

(3) The developer shall be responsible for the administration and affirmative marketing of the affordable housing units in accordance with the Borough’s Affordable Housing Requirements. The developer shall cooperate with the Municipal Housing Liaison to provide any and all documentation required for the Borough to comply with reporting requirements.

Section II. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Raritan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section III. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

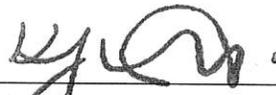
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was finally Adopted by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, following a Second Reading and Public Hearing that took place in the Meeting Room of the Municipal Building, 9 West Somerset Street, Raritan, NJ 08869 on Friday, March 13, 2026, at 7 p.m. This Ordinance shall take effect upon proper publication, as required by law.

ADOPTION:

MOTION	SECOND	MEMBER	YEA	NAY	ABSTAIN	ABSENT	RECUSED
		Agrawal		✓			
✓		DiGraziano	✓				
		Fritzinger	✓				
		Giraldi	✓				
		Harwood				✓	
	✓	Martinez	✓				

ATTEST:



Kimberly Mathewson
Acting Borough Clerk



Don Cozzi
Mayor

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey, at a Regular Meeting held in Borough Hall, 9 West Somerset Street, Raritan, NJ 08869 on Friday, March 13, 2026.



Kimberly Mathewson
Acting Borough Clerk