

**BOROUGH OF RARITAN**  
**ORDINANCE NO. 2026-07**

**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 207-126.4 “AH-3 Affordable Housing Overlay Zone”***

**A.** An Affordable Housing Overlay Zone (AH-3) is hereby created for Block 80, Lots 17-20, 20.01 and 20.02. The AH-3 Zone will permit the option for new inclusionary townhouse dwellings not to exceed a total of 21 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, including parking on the ground floor underneath a building.

**(2)** Customary accessory uses and structures approved as part of the site plan for the development, including utility structures, 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)** Stormwater management facilities.

**(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 twenty-one (21). 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:

<b>Part of Building</b>	<b>Minimum Distance (feet)</b>
Windowless wall to windowless wall	30
Window wall to windowless wall	30
Window wall to window wall:	
Front to front	50
Rear to rear	50
End to end or end to rear	30

(2) Required yards. A front yard setback of 10' shall be provided to First Avenue and a front yard setback of 15' shall be provided to Burns Street. The side or rear setback for the portion of the tract parallel to First Avenue on the west side shall be 20' and the side or rear setback for the portion of the tract parallel to Burns Street on the north side shall be 25'.

(3) Coverage. The maximum coverage by buildings shall not exceed 65%. The maximum coverage by all impervious surfaces, including buildings and public and private roads, shall not exceed 70%.

(4) Yard and buffer areas. All required yard areas shall be suitably landscaped and include a mixture of lawn areas, planting beds, evergreen and deciduous trees, shrubs and perennials. At least the first 10' of required yard areas that directly abut existing residential uses shall include evergreen trees at least 8' tall at time of planting to provide screening to adjacent uses.

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

(6) Required parking. Parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards. An adequate number of spaces accessible to handicapped individuals shall be included based on the total number of parking spaces provided and shall count towards the total number of parking spaces required.

**G.** Design standards for townhouses.

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

(2) Accessory buildings shall meet the setbacks required for principal buildings.

(3) 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. Where calculation of the required affordable housing setaside results in a fractional unit of 0.49 or less, a payment-in-lieu of providing the affordable unit may be

provided; any fractional unit of 0.5 or more shall be rounded up to the next whole number. Determination of the amount of the payment-in-lieu shall be by multiplying the resulting fractional unit that is less than 0.49 by \$340,000, which represents the cost to construct an affordable housing unit within the region.

**(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.

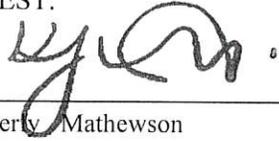
**NOTICE**

**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:

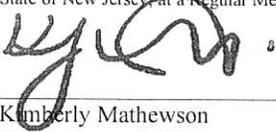


\_\_\_\_\_  
Kimberly Mathewson  
Acting Borough Clerk



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Don Tozzi  
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.



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Kimberly Mathewson  
Acting Borough Clerk