

BOROUGH OF MIDDLESEX

ORDINANCE NO. 2162-26

**AN ORDINANCE AMENDING CHAPTER 420, ZONING, OF THE ORDINANCES OF
THE BOROUGH OF MIDDLESEX, TO CREATE AFFORDABLE HOUSING
OVERLAY ZONES**

WHEREAS, the Municipal Land Use Law (“MLUL”) of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Borough desires to create additional zones in which inclusionary set-aside of housing units affordable to low and moderate income households in order that Middlesex may satisfy its constitutional obligation to create such affordable housing;

WHEREAS, the Borough finds that the areas on the map appended hereto that are proposed to be rezoned, are available, suitable, developable, and approvable, as those terms have been defined at N.J.A.C. 5:93-1, et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

SECTION ONE. Chapter 420, Zoning, of the Ordinances of the Borough of Middlesex and the Zoning Map, shall be amended to create a new Article VI-420-57 as follows:

§ 420-57 Affordable Housing Overlay Zones.

- A. Purpose. The purpose of this section is to establish overlay zones so as to provide opportunity to develop multifamily residential housing units which are affordable to low- and moderate- income families. Development is to be limited in height, density, and development coverages, with adequate space provisions comparable with the suburban character of the Borough of Middlesex. This ordinance preserves the right to use the subject property in accordance with existing zoning and creates an option to develop with another use at an increased intensity that includes affordable housing.

- B. Permitted principal uses. Apartment development on upper floors of buildings subject to the specific conditions and limitations as set forth in this chapter.
- C. Required affordable housing set-aside. Any residential development within the option created in the AHO zones must provide a minimum of 20% of the total number of units on-site to be constructed as affordable to low- and moderate-income eligible families. All affordable units provided in the AHO zone shall be subject to the regulations as set forth in Section 420-69, entitled "Mandatory Affordable Housing Set-aside."
- D. Permitted accessory uses. Within the AHO Districts, the following accessory uses shall be permitted:
 - (1) Laundry rooms, recreational rooms and other similar such accessory uses which are for the common benefit of all residents of the multifamily development.
 - (2) Outdoor recreational facilities including but not limited to a swimming pools, tennis courts, basketball courts and playground equipment.
 - (3) Fences, garden walls and other landscape features, including decorative pools, fountains, statuary, terraces, steps, benches.
- E. Minimum lot size requirements. The minimum lot size within the AHO zones shall be not less than the minimum lot size for the district in which they are located.
- F. Dwelling unit density. Dwelling density shall not exceed:
 - (1) AHO-1 District: 20 dwelling units per acre.
 - (2) AHO-2 District: 115 dwelling units per acre.
 - (3) AHO-3 District: 50 units per acre.
- G. Impervious coverage. The sum of the area of all principal and accessory buildings shall not exceed:
 - (1) AHO-1 District: 95 percent
 - (2) AHO-2 District: 90 percent
 - (3) AHO-3 District: 90 percent
- H. Yard requirements.
 - (1) The following minimum yard requirements shall apply:

AHO Zone	Front (feet)	Side (each) (feet)	Rear (feet)
AHO-1	15	10	15 or existing setback
AHO-2	10	½ Building Height	15
AHO-3	5-9	½ Building Height	20

I. Open space.

- (1) Any premises used for multifamily dwelling purposes shall contain a minimum of 10% of the lot area as open space. Roof area when improved and available to the public may be used to satisfy up to 5% of this requirement.
- (2) Required open space shall be easily accessible to the occupants of all of the dwelling units on the premises, which is allocated to individual dwelling units, as hereinabove provided, shall be easily accessible to the occupants of the units to which such space is allocated.
- (3) No portion of any required front yard or any required planting area shall be used for required open space.
- (4) No portion of any required open space shall be used for driveways or parking spaces.
- (5) No structure of any kind shall be permitted within any required open space, except for swimming pools, outdoor sport structures or playgrounds, or other common outdoor amenities such as courtyards, provided that not more than 25% of any structure shall be covered by a roof.
- (6) Required open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall not exceed a grade of 5% and shall be of a design to accommodate the needs of the occupants or contemplated occupants of the dwelling units it is designed to serve.
- (7) Roof space on accessory buildings or structures, including roof space on parking facilities, may be used as required open space, provided that:
 - (a) Such space shall be accessible to occupants of the dwelling units it is designed to serve, by pedestrian means of access other than stairs.
 - (b) Such space shall, on at least one side, be at the same grade as the land abutting it.
 - (c) Such space shall, on all sides, be not more than 12 feet above the grade of the land abutting it.
 - (d) Such space shall contain railings, fencing or similar treatment to make it safe

and suitable for recreational use.

- J. Buffer requirements. A landscaped buffer area shall be required and consist of planted materials intended to provide an attractive visual screen within all of the following described areas adjacent to each side lot line and the rear lot line of each lot:
 - (1) When adjacent to property used or zoned for residential purposes: 10 feet.
 - (2) When adjacent to property used for nonresidence purposes: 6 feet.
- K. Design standards. All overlay districts except the AHO-1 district is subject to Section 10 in the Lincoln Boulevard Redevelopment Plan. Where there is an overlap of standards, this ordinance shall prevail when developing in accordance with the overlay incentives.
- L. Regulations concerning yards, planting areas, fences, etc.
 - (1) Within a required front yard, no accessory building or structure shall be permitted, except for walls or fences not more than 4 1/2 feet high.
 - (2) Notwithstanding any of the foregoing restrictions:
 - (a) Cornices and cantilevered roofs may project into any required yard a distance of not more than 24 inches.
 - (b) Belt courses, windowsills and similar ornamental features may project into any required yard a distance of not more than 12 inches, and chimneys may so project a distance of not more than 18 inches.
 - (c) A required open fire escape or fireproof stairway may project into any required yard a distance of not more than eight feet.
 - (3) Chain-link material used for any fence within a multiple-residence district shall be of dark-colored material, and the posts and other framework forming part of such fence shall be the same color as the chain-link material.
 - (4) Accessory buildings and structures may be erected in side or rear yards, provided that they do not encroach on any required planting area.
 - (5) Any fence which is designed or constructed so as to have a front side and a rear side shall be erected so that the front side faces abutting streets or abutting premises and the rear side faces the premises on which the fence is erected.
 - (6) Except as otherwise permitted by this chapter, no fence or wall in a multiple-residence district shall exceed 6 feet in height.
- M. Height limitations.
 - (1) The following maximum height requirements shall apply:

AHO Zone	Feet	Stories
AHO-1	40	3
AHO-2	60	5
AHO-3	48 (South Side of Lincoln Boulevard)	4
	40 (All other locations)	3

- (2) No accessory building shall exceed a height of 20 feet.
- (3) Chimneys, flues, towers, bulkheads, spires, and similar decorative features may exceed the aforesaid height limitations if the total area of all such features on any single building does not exceed 20% of the area of the roof of such building.

Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Effective Date

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

ATTEST:

BOROUGH OF MIDDLESEX

Kelsey Meixner, Municipal Clerk

John Mikolajczyk, Mayor

INTRODUCED: February 10, 2026

DATE OF PUBLICATION:

OF INTRODUCTION February 24, 2026

ADOPTED: March 10, 2026

DATE OF PUBLICATION

OF ADOPTION:

March 11, 2026