

**TOWNSHIP OF LONG HILL  
ORDINANCE # 413 -18**

**ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE  
TOWNSHIP'S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE  
HOUSING CENTER AND SUPPLEMENTING AND AMENDING SECTION 122 OF  
THE TOWNSHIP LAND USE ORDINANCE ENTITLED  
"ZONE DISTRICTS AND USE REGULATIONS"**

**WHEREAS**, the New Jersey Supreme Court in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)*, found that the COAH administrative process had become non-functioning and as a result, returned primary jurisdiction over affordable housing matters to the trial courts; and

**WHEREAS**, in doing so, the Supreme Court established a transitional process for municipalities, like Long Hill Township, that participated in the administrative process before COAH, to file a declaratory judgment action with the trial court seeking to declare their Housing Elements and Fair Share Plans as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before COAH; and

**WHEREAS**, Long Hill Township filed its declaratory judgment action in the Superior Court of New Jersey, Morris County, on July 6, 2015 at Docket No. MRS-L-1660-15; and

**WHEREAS**, the Township thereafter settled its declaratory judgment action with the Fair Share Housing Center ("FSHC") and the terms of that settlement were memorialized in an agreement dated September 27, 2017; and

**WHEREAS**, at the conclusion of the Fairness Hearing held on December 15, 2017, the Honorable Michael E. Hubner, J.S.C., found that the settlement agreement between the Township and FSHC is fair and adequately protects the interests of low- and moderate-income

persons within the Township’s housing region; under Mt. Laurel IV, subject to the Court’s approval by way of a final compliance hearing which has been scheduled for June 15, 2018; and

**WHEREAS**, the settlement agreement with FSHC provides that:

- “13. The Township . . . shall propose and adopt any new or modified ordinances required to implement this agreement . . .
- “14. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.”; and

**WHEREAS**, in accordance with the terms of the settlement agreement, the Township Planning Board has prepared and submitted to the Township Committee for its consideration ordinances creating a new R-MF 4 - Multi Family Residential Zone 4, R-MF4 O Multi Family Residential 4 Overlay Zone, RAHO Redevelopment Affordable Housing Overlay Zone and MU-O Mixed Use Overlay Zone;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that section 122 of the Township Land Use Ordinance entitled “Zone Districts and Use Regulations” be supplemented and amended as follows:

**Section 1.** There is hereby created a new section 122.3A entitled “R-MF 4 - Multi Family Residential Zone 4” which reads as follows:

**“122.3A R-MF 4 - Multi Family Residential Zone 4**

a. Purpose

The purpose of the R-MF 4 zone district is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the R-MF 4 zone applies to a lot on the south side of Valley Road, east of Mountain Avenue. This lot is known as Block 10801, Lot 3.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the R-MF 4 zone district.

d. Low and Moderate Income Housing Requirements

1. This property shall be used for inclusionary affordable housing multi-family dwelling units.
2. The minimum lot area shall be not less than five (5) acres.
3. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.
4. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
6. These bulk standards shall apply to development in the R-MF 4 zone:
  - a. Minimum lot size: 5 acres.
  - b. Minimum lot width: 250 feet.
  - c. Maximum building height: 3 stories or 45 feet.
    1. Buildings facing Valley Road may not exceed 2.5 stories or 35 feet.
  - d. Minimum front yard: 50 feet.
  - e. Minimum side yard: 30 feet.
  - f. Minimum rear yard: 50 feet.
  - g. Maximum building coverage: 20%.

- h. Maximum lot coverage: 40%.
- i. Floor Area Ratio: 0.5.
- j. Buffer: 10 feet.”

**Section 2.** There is hereby created a new section 122.15 entitled “Affordable Housing Overlay Zones” which reads as follows:

**122.15 AFFORDABLE HOUSING OVERLAY ZONES**

**“122.15.1 R-MF 4 O Multi Family Residential 4 Overlay Zone**

a. Purpose

The purpose of the R-MF 4-O Multifamily Residential 4 Overlay Zone is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the R-MF 4-O zone applies to lots on the east side of Warren Avenue, between the PSEG/JCPL transmission Right of Way and Morris Street, consisting of Block 11501, Lots 1 and 4, and Block 11502, Lots 1, 2, and 14.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the R-MF 4-O zone district in addition to those uses already permitted by the underlying zone district.

d. Zone Standards

1. The properties specified in this location shall be used for inclusionary affordable housing multi-family dwelling units.
2. The minimum lot area shall be not less than seven (7) acres.
3. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.
4. Not less than fifteen (15%) percent of the total number of units shall be affordable to low-and moderate-income households or twenty (20%) percent of any for sale units.

Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.

5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
6. These bulk standards shall apply to development in the R-MF 4O zone:
  - a. Minimum lot size: 7 acres.
  - b. Minimum lot width: 700 feet along Warren Ave.
  - c. Maximum building height: 3 stories or 45 feet.
  - d. Minimum front yard: 50 feet.
  - e. Minimum side yard: 30 feet.
  - f. Minimum rear yard: 50 feet.
  - g. Maximum building coverage: 20%.
  - h. Maximum lot coverage: 40%.
  - i. Floor Area Ratio: 0.5.
  - j. Buffer: 10 feet.

**122.15.2 RAHO Redevelopment Affordable Housing Overlay Zone**

a. Purpose

The purpose of the RAHO Redevelopment Affordable Housing Overlay Zone is to provide zoning for affordable housing which provides for the realistic opportunity for the construction of very low, low and moderate-income housing in the Valley Road Redevelopment Area.

b. Location

The RAHO Zone applies to the Valley Road Redevelopment Area located along Valley Road east of Main Avenue and comprising of Block 10401, Lots 1-4 and Block 11514, Lots 6, 31-32.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted

uses in the RAHO zone district in addition to those uses already permitted by the underlying zone district.

- d. Low and Moderate-Income Housing Requirements:
  1. If redevelopment is undertaken in this zone, the proposed development shall include inclusionary affordable housing.
  2. The minimum lot area shall be not less than two (2) acres.
  3. The maximum density for residential development shall not exceed fifteen (15) dwelling units per acre.
  4. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate-income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
  5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
  6. These bulk standards shall apply to development in the RAHO zone:
    - a. Minimum lot size: 2 acres.
    - b. Minimum lot width: 350 feet along Valley Road.
    - c. Maximum building height: 3 stories or 45 feet.
    - d. Minimum front yard: 20 feet.
    - e. Minimum side yard: 15 feet.
    - f. Minimum rear yard: 20 feet.
    - g. Maximum building coverage: 40%.
    - h. Maximum lot coverage: 60%.
    - i. Floor Area Ratio: 0.6.
    - j. Buffer: 10 feet.

### **122.15.3 MU-O Mixed Use Overlay Zone**

- a. Purpose

The purpose of the MU-O Overlay zone district is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the MU-O zone is at the corner lot on the north side of Stone House Road and the west side of Division Avenue extending north to the NJ Transit railroad. This property is known as Block 10100, Lot 7.01 and Block 12301, Lot 1.

c. Permitted Uses

Commercial uses consisting of retail, personal services, restaurants and offices and multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the Zone Standards below shall be permitted uses in the MU-O zone district in addition to those uses already permitted by the underlying zone district.

d. Zone Standards

1. The properties specified in this location shall be used for inclusionary affordable housing multi-family dwelling units.
2. A maximum of 10,000 SF of commercial space for retail, personal service, restaurant and office uses is allowed.
3. The minimum lot area shall be not less than eleven (11) acres.
4. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre.
5. Not less than fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate income households or twenty (20%) percent of any for sale units. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.
6. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3.
7. Commercial buildings may only face Division Avenue and the NJ Transit railroad right of way.
8. These bulk standards shall apply to development in the MU-O zone:
  - a. Minimum lot size: 11 acres.
  - b. Minimum lot width: 500 feet.

- c. Maximum building height:
  - 1. 2.5 stories or 35 feet for buildings facing Division Avenue (east boundary line) or the NJ Transit Railroad tracks (north boundary line).
  - 2. Maximum 3 stories or 45 feet for buildings facing Stone House Road (south boundary line) and in the interior of the property.
- d. Minimum front yard:
  - 1. 50 feet on Division Avenue.
  - 2. Commercial buildings facing Division Avenue shall have a 20 foot front yard setback.
  - 3. 30 feet on Stone House Road.
- e. Minimum side yard: 30 feet.
- f. Minimum rear yard: 50 feet.
- g. Maximum building coverage: 20%.
- h. Maximum lot coverage: 40%.
- i. Floor Area Ratio: 0.5.
- j. Buffer: 10 feet.”

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 5.** This ordinance shall take effect immediately upon final passage and publication as required by law.

## NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 11, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 9, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Deborah Brooks, RMC, CMR, Clerk

*1<sup>st</sup> Reading and Introduction:* April 11, 2018

*1<sup>st</sup> Publication:* April 19, 2018

*Referral to Planning Board:* April 12, 2018

*Notice to County Planning Board Prior to Adoption:* April 12, 2018

*Notice to Clerks of Adjoining Municipalities (if required):* April 12, 2018

*2<sup>nd</sup> Reading and Adoption:* May 9, 2018

*2<sup>nd</sup> Publication:* May 17, 2018

*Filing with County Planning Board:* May 10, 2018

