

EXPLANATION: This Ordinance establishes an affordable housing overlay zone to be known as the R-10 Affordable Housing Overlay (AHO) Zone for the properties identified as Block 8, Lots 1, 1.02 and 1.03, commonly known as 46 Peapack Road, for the purpose of the construction of new buildings and the adaptive reuse or reconstruction of the existing single-family dwelling for affordable housing development.

**BOROUGH OF FAR HILLS
ORDINANCE NO. 2019-07**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND MANAGEMENT ORDINANCE OF THE BOROUGH OF FAR HILLS TO ESTABLISH AN R-10 AFFORDABLE HOUSING OVERLAY (R-10 AHO) ZONE DISTRICT FOR THE PROPERTIES IDENTIFIED AS BLOCK 8, LOTS 1, 1.02 AND 1.03 IN THE BOROUGH OF FAR HILLS AND TO ESTABLISH USE, BULK AND DEVELOPMENT STANDARDS FOR MUNICIPALLY-SPONSORED AFFORDABLE HOUSING DEVELOPMENT.

WHEREAS, the Borough of Far Hills has entered into a settlement agreement on 15 October, 2018 with the Fair Share Housing Center and Melillo Equities that addresses Far Hills Borough's affordable housing obligations and resolves the Borough of Far Hill's Third Round Mt. Laurel litigation; and

WHEREAS, the Superior Court of New Jersey issued a Fairness Order on February 26, 2019 that found the Borough of Far Hills Housing Plan Element and Fair Share Plan to be fully responsive to the Borough's affordable housing obligations and fair to low- and moderate-income persons; and

WHEREAS, the Borough of Far Hills purchased Block 8 Lot 1 on April 20, 2010 for the purpose of affordable housing development and placed a deed restriction on the property that limits the use of the property to affordable housing purposes; and

WHEREAS, the Borough of Far Hills subsequently subdivided Block 8, Lot 1 to create two additional lots that are designated Block 8, Lots 1.02 and 1.03 for the construction of two (2) four-bedroom group homes by Matheny School and the Borough plans to utilize remainder Lot 1 for affordable housing;

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

Section 1. Section 601 entitled “Zoning Districts” of Article VII entitled “Zoning Districts and Zoning Map” is hereby supplemented and amended to read as follows: [New language in **bold and underlined**, deleted language in ~~double-strikethrough~~.]

Section 601. Zoning Districts

For the purpose of this Ordinance the Borough of Far Hills is hereby divided into districts as follows:

<u>Symbol</u>	<u>Name</u>
R-10	Low density residential
R-10A	
R-10 AHO	Affordable Housing Overlay
R-6	Moderate density residential
R-3	Intermediate residential
R-9	Suburban residential
R-5	Village residential
TH-6.5	Townhouse residential
VC	Village Commercial
NO	Neighborhood office

Section 2. Section 602 entitled “Zoning Map” of Article VII entitled “Zoning Districts and Zoning Map” is hereby supplemented and amended to amend the Borough Zoning Map to include the properties identified as Block 8, Lots 1.01, 1.02 and 1.03 (formally known as Block 8, Lot 1 before subdivision) in the R-10 AHO Zone District.

Section 3. Article VIII entitled “District Regulations” of The Land Management Ordinance of the Borough of Far Hills, Somerset County is hereby supplemented and amended to establish a new Section 7.03.2 to be entitled “Affordable Housing Overlay” to read as follows: [New language in **bold and underlined**, deleted language in ~~double-strikethrough~~.]

Section 703.2. R-10 AHO Affordable Housing Overlay Zone.

A. Purpose. The purpose of the R-10 AHO Affordable Housing Overlay Zone is to establish zoning that creates a realistic opportunity for the development of affordable housing in

accordance with Far Hills Borough's Third Round Mt. Laurel affordable housing obligations and Court-approved Third Round Housing Plan Element and Fair Share Plan.

B. Principal permitted uses. Subject to Site Plan approval, the following uses are principal permitted uses in the R-10 AHO Zone:

1. Municipally-sponsored affordable rental housing that may be provided as single-family detached dwellings, two-family attached dwellings, multi-family attached dwellings, including group homes for developmentally disabled persons or the elderly.

C. Permitted accessory uses. Subject to Site Plan approval, the following uses are permitted accessory uses in the R-10 AHO Zone:

1. Off street parking.
2. Storage buildings necessary and incidental to the function of the residence(s) in the R-10 AHO District.
3. A building, structure or use that is subordinate to and customarily incidental to the principal use of the lot.

D. Permitted conditional uses.

1. None.

E. Area and yard requirements and height limitations.

1. Lot area (minimum): 9,000 sq. ft.
2. Lot size (minimum): 75'
3. Maximum impervious Coverage: 60%
 - a. Yards¹:
 - i. Front: 25'
 - ii. Side (one/both): 10'/20'
 - iii. Rear: 10'
 - b. Building Height: 35'

F. Off-street Parking.

1. Parking shall be provided on site in accordance with the NJDCA Residential Site Improvements Standards (RSIS).
2. For group homes only, 2 parking spaces shall be provided on site, and compliance with the RSIS is not required.
3. Parking shall be appropriately landscaped to minimize off site headlight glare impacts to adjoining residential uses and to soften the view of parked vehicles from adjoining residential uses.

G. Landscaping.

¹ Not including covered porches, open decks, access ramps and steps.

1. Landscaping shall be provided that is appropriate to the residential neighborhood within which the affordable housing development is constructed.
 2. Efforts shall be made to reestablish significant stands of trees or hedgerows that are removed to construct municipally-sponsored affordable housing.
- H. Stormwater management shall be provided consistent with applicable local, county and State regulations.
- I. Municipally sponsored affordable housing shall be connected to and served by centralized wastewater collection and treatment facilities and public potable water facilities.
- J. All affordable units shall comply with the affordability controls and requirements of N.J.A.C. 5:93-1 et seq. (COAH's Chapter 93, Substantive Rules) and N.J.A.C. 5:80-26.1 et seq., the NJ Uniform Housing Affordability Controls (U.H.A.C.) as may be amended, supplemented or replaced by regulation or law.
1. Deed restrictions memorializing 30-year affordability controls shall be prepared on forms authorized in U.H.A.C. and submitted for Planning Board and Borough Attorney review and approval. Deed restrictions shall be recorded by the applicant as a condition of site plan approval and no certificate of occupancy shall be issued until affordability controls have been recorded.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Far Hills, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Far Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Far Hills for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit


to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with (a) the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 9. This Ordinance shall take effect immediately upon final passage and publication according to law.

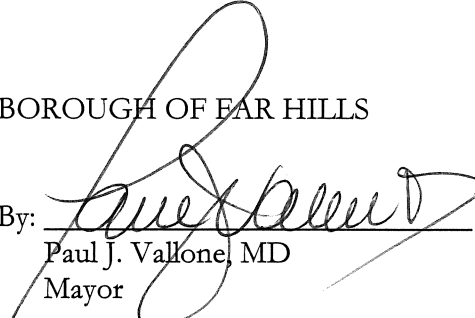
Introduced: October 28, 2019
Published: October 31, 2019
Adopted: November 12, 2019
Published: November 15, 2019

ATTEST:



Dorothy S. Hicks
Borough Clerk

BOROUGH OF FAR HILLS

By: 

Paul J. Vallone, MD
Mayor