

EXPLANATION: This Ordinance establishes an affordable housing overlay zone to be known as the NO AHO – Mixed Use Affordable Housing Overlay Zone for the properties identified as Block 13, Lots 2 and 3, commonly known as 8 and 10 Peapack Road and 3 DeMun Place, for the purpose of the development and adaptive reuse for five (5) affordable rental apartments.

**BOROUGH OF FAR HILLS
ORDINANCE NO. 2020-03**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND MANAGEMENT ORDINANCE OF THE BOROUGH OF FAR HILLS TO ESTABLISH A “NO AHO - NEIGHBORHOOD OFFICE MIXED-USE AFFORDABLE HOUSING OVERLAY” ZONE DISTRICT FOR THE PROPERTIES IDENTIFIED AS BLOCK 13, LOTS 2 AND 3 IN THE BOROUGH OF FAR HILLS, AND TO ESTABLISH USE, BULK AND DEVELOPMENT STANDARDS FOR MUNICIPALY-SPONSORED AFFORDABLE RENTAL APARTMENT DEVELOPMENT ADDRESSING A PORTION OF FAR HILLS BOROUGH’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), on or about July 2, 2015, the Borough of Far Hills (“Borough”) filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Borough of Far Hills, County of Somerset, Docket No. SOM-L-903-15, seeking a Judgment of Compliance and Repose approving its Fair Share Plan, in addition to related reliefs (the “Compliance Action”); and

WHEREAS, the Borough and Fair Share Housing Center (“FSHC”) entered into a settlement agreement, dated October 15, 2018, that addressed the Borough’s affordable housing obligations and resolves the Borough’s Third Round Mt. Laurel litigation (the “Settlement Agreement”); and

WHEREAS, the Superior Court of New Jersey issued a Fairness Order on February 26, 2019, which has subsequently been amended, that found the Borough’s proposed affordable housing compliance developments set forth in the Settlement Agreement to be fully responsive to the Borough’s affordable housing obligations and fair to low- and moderate-income persons; and

WHEREAS, at a duly noticed public hearing on July 1, 2019, the Planning Board of the Borough of Far Hills (“Planning Board”) adopted a Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), which was endorsed by the Mayor and Borough Council at its July 8, 2019 public meeting, and which is in compliance with the terms of the Court-approved Settlement Agreement; and

WHEREAS, the Borough’s Fair Share Plan identifies the development of Block 13, Lots 2 and 3 to address a portion of the Borough’s affordable rental apartment obligations; and

WHEREAS, the Borough of Far Hills negotiated and entered into an agreement with William Hotz Development Group, Inc., to development the property identified as Block 13, Lots 2 and 3 as affordable rental apartments, which shall include not less than five (5) affordable rental apartments;

WHEREAS, the Mayor and Borough Council of the Borough of Far Hills have conducted public outreach, including presentations of the proposed development for public review and comment, and determine it is in the best interest of the Borough to adopt the appropriate zoning ordinance to establish the zoning for the development on this property.

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	<u>Residential</u>
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
TH-6-IAR	Township Inclusionary Age-restricted Residential
VC	Village Commercial
NO	Neighborhood office
NO AHO	Neighborhood office Mixed-use Affordable Housing Overlay

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 13, Lots 2 and 3 within the NO AHO Neighborhood Office Mixed-use Affordable Housing Overlay 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 7.10.1 to be entitled “NO AHO - Neighborhood Office Mixed-use Affordable Housing Overlay” to read as follows:

Section 710.1 NO AHO Neighborhood Office Mixed-use Affordable Housing Overlay Zone.

A. Purpose. The purpose of the NO AHO Affordable Housing Overlay Zone is to establish zoning for municipally sponsored affordable rental 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. The NO AHO includes Lot 2 including a single-story commercial office building and Lot 3 that contains a two-story, two-unit apartment building and a one-story commercial building. Second story additions shall be permitted on the two existing office/retail buildings at #8 & #10 Peapack road, however, it is anticipated that existing building footprints shall remain essentially unchanged with the exception of access improvements required for the development permitted in this ordinance for Lots 2 & 3.

1. The NO AHO will permit connected additions across lots lines to the two single-story buildings on Lots 2 & 3 (#8 & #10 Peapack Road) to create three (3) affordable rental apartments and a business office on Lot 2; and one (1) affordable rental apartment and one leasable retail/service rental space on Lot 3. No setback between buildings shall be required.

2. The existing two-story rental apartment building will remain essentially unchanged from its existing configuration, however, one of the existing market-rate apartments will be converted to an affordable rental apartment through municipal subsidy.
 3. A portion of the parking requirement for the additional residential development on the two lots will be designated by municipal ordinance on DeMun Place.
- B. Principal permitted uses. Subject to Site Plan approval, the following uses are principal permitted uses in the NO AHO:
1. Market-rate and municipally sponsored affordable rental apartments that may be provided as two-family dwellings, or mixed-use rental apartment buildings.
 2. Up to 1,700 square feet of business and professional office (not including doctor's offices or medical related uses) and/or retail and local service shops where the nonresidential use is limited to first floor areas of a mixed-use building containing municipally sponsored affordable rental apartments.
- C. Permitted accessory uses. Subject to Site Plan approval, the following uses are permitted accessory uses in the NO AHO Zone:
1. Off street parking.
 2. On-street parking when authorized by municipal ordinance.
 3. Detached garages.
- D. Permitted conditional uses.
1. None.
- E. Area and yard requirements and height limitations.
1. Lot area (minimum): 3,000 sq. ft.
 2. Maximum impervious Coverage: 90%
 - a. Yards¹:
 - i. Front: 0'
 - ii. Side (one/both): 0'
 - iii. Rear: 0'
 - b. Building Height: 40'
 3. One building may contain more than one use and more than one building may be permitted per lot, provided, however, that all nonresidential uses shall be limited to the first floor of a building.
 4. The two-family apartment building existing at 3 DeMun Place as of (date of adoption of this ordinance) shall conform to the Maximum building height and setback requirements in the Area and Yard Requirements for the NO District found at Sections 710.D & F.

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

F. Permitted configuration of development.

1. Maximum number of residential rental apartments: 6
2. Minimum number of affordable rental apartments: 5
3. Maximum number of non-residential leasable spaces: 2
4. Maximum square feet of non-residential uses: 1,700

G. Off-street Parking.

1. Parking for residential uses shall be provided on- or off-site in accordance with the NJDCA Residential Site Improvements Standards (RSIS). Off-site parking for residential uses to satisfy residential parking requirements shall require authorization by municipal ordinance.
2. Non-residential uses, shall provide parking at a ratio of one (1) space per two hundred and fifty (250) square feet of gross floor area.
 - i. Non-residential parking may be off-site when it is demonstrated to the satisfaction of the Planning Board that adequate on-street parking exists to accommodate the parking requirement.
3. To the extent feasible and reasonable, on-site parking shall be appropriately screened with fencing, landscaping or a combination of the two, to minimize off site headlight glare impacts to adjoining residential uses and to soften the view of parked vehicles from adjoining residential uses.
4. The Board shall consider reasonable requests for de minimus exceptions from parking requirements.

H. Landscaping.

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 shade trees that may be removed to construct municipally sponsored affordable housing.

I. Stormwater management shall be provided consistent with applicable local, county and State regulations.

J. Municipally sponsored affordable housing shall be connected to and served by centralized wastewater collection and treatment facilities and public potable water facilities.

K. 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 (10) 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).

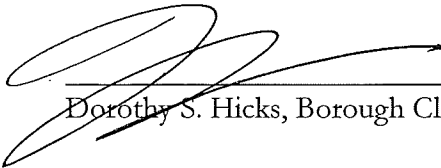
Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Far Hills for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough 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. Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 9. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d); (3) publication in accordance with the laws of the State of New Jersey; and (4) 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.

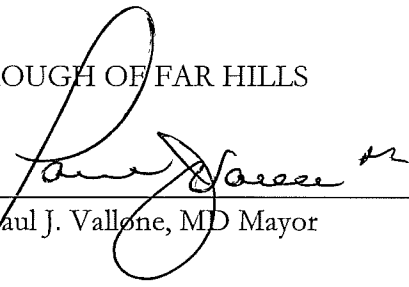
Introduced: February 24, 2020
Published: February 27, 2020
Adopted: May 26, 2020
Published: May 29, 2020

ATTEST:



Dorothy S. Hicks, Borough Clerk

BOROUGH OF FAR HILLS

By: 

Paul J. Vallone, MD Mayor