

**TOWNSHIP OF LONG HILL  
ORDINANCE 463-20  
CREATING A NEW R-MF5 ZONE AND SUPPLEMENTING AND AMENDING SECTION 122 OF THE  
TOWNSHIP LAND USE ORDINANCE ENTITLED  
“ZONE DISTRICTS AND USE REGULATIONS”**

**Statement of Purpose:** *To rezone lot 22 in block 11001 to permit the construction of 15 affordable housing units to make up for the loss of 10 units at the Valley Road redevelopment area which were part of the Township's settlement with the Fair Share Housing Center.*

**WHEREAS**, Long Hill Township filed an affordable housing 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 which were incorporated in a Final Judgment of Compliance and Repose entered by the Court on 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 Committee adopted an ordinance creating an R-MF 4 - Multi Family Residential Zone 4, an R-MF4 O Multi Family Residential 4 Overlay Zone, an RAHO Redevelopment Affordable Housing Overlay Zone and a MU-O Mixed Use Overlay Zone; and

**WHEREAS**, it has now been determined that 10 affordable units at the Valley Road redevelopment area that were included in the Township's settlement with FSHC cannot be built; and

**WHEREAS**, the Township Committee recognizes that it has a constitutional obligation to make up the 10 affordable units lost as a result of the redevelopment area property not being developable because of environmental constraints; and

**WHEREAS**, the Township has entered into a settlement agreement with Elite Properties at Long Hill, LLC in which the Township agreed to rezone property known as Block 11001, Lot 22 to permit the construction of 100 rental units, including 15 affordable units, to replace the residential units that cannot be developed in the Valley Road redevelopment area;

**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 122.3A of the Township Land Use Ordinance entitled “Zone Districts and Use Regulations” is hereby amended as follows:

**Section 1.** There is hereby created a new Section 122.3B entitled “R-MF 5 - Multi Family Residential Zone 5” which reads as follows:

**"122.3B R-MF 5 - Multi Family Residential Zone 5**

a. Purpose

The purpose of the R-MF 5 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 5 zone applies to a lot on the north side of Valley Road, east of Mountain Avenue. This lot is known as Block 11001, Lot 22.

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 5 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 seven (7) acres.
3. The maximum number of residential units shall be 100.
4. Not less than fifteen (15) units or fifteen (15%) percent of the total number of units shall be affordable to very low-, low- and moderate-income households for rental units and not less than twenty (20) units or twenty (20%) percent of any for sale units shall be affordable to very low-, low- and moderate-income households. 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. No more than fifteen (15) units, inclusive of affordable units, shall be three (3) bedroom units.
7. These bulk standards shall apply to development in the R-MF 5 zone:
  - a. Minimum lot size: 7 acres.
  - b. Minimum lot width: 200 feet.
  - c. Structure shall be a pitched roof structure. Maximum building height for pitched roof structure: 3 residential stories over parking or 50 feet, whichever is less. "Height" shall mean the vertical distance from a plane representing the average ground elevation around the foundation to a point 1/2 the distance between the top of the uppermost plate and the highest point of a pitched roof.
  - d. Minimum front yard: 30 feet.
  - e. Minimum side yard: 20 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.
- k. Parking: 1.5 spaces per unit.

**Section 2.** 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 3.** 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 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST

\_\_\_\_\_  
Megan Phillips, RMC  
Township Clerk

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Brendan Rae, Mayor

*1st Reading and Introduction: September 9, 2020*

*1st Publication: September 17, 2020*

*Referral to Planning Board: September 10, 2020*

*Notice to County Planning Board Prior to Adoption: September 10, 2020*

*Notice to Clerks of Adjoining Municipalities (if required): September 10, 2020*

*Notice to Affected Property Owners: September 11, 2020*

*2nd Reading and Adoption: October 14, 2020*

*2nd Publication: October 22, 2020*

*Filing with County Planning Board: October 15, 2020*