

**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE 12-15**

**ORDINANCE AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF MOUNTAIN LAKES  
BY CREATING A NEW RESIDENTIAL – AFFORDABLE HOUSING 2 (R-AH2) ZONE**

**TAKE NOTICE** that **Ordinance 12-15** regarding the RC-1 Residential – Single Family Clustering Option zoning district, which consists of a portion of property located at 145 Route 46, shown as Block 116, Lot 3.01 on the current tax duplicate in the Borough Tax Assessor’s Office, was introduced at a Regular meeting of the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, held on **September 14, 2015**, and passed its first reading; and that said Ordinance will be considered for final passage at a meeting of the Borough Council of said Borough, to be held on **November 23, 2015 at 8 P.M.** or soon thereafter, in the Mountain Lakes High School Auditorium, 96 Powerville Road, Mountain Lakes Borough, at which time and place all persons who may be interested will be given an opportunity to be heard. Copies of said Ordinance are available at the office of the Borough Clerk during regular office hours. Proposed Ordinance 12-15 reads in full as follows:

**WHEREAS**, the Borough Council of the Borough of Mountain Lakes desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough Council has determined that there is very little vacant and developable land in the Borough suitable for affordable housing; and

**WHEREAS**, the Borough Council has determined that certain lands within the RC-1 Residential – Single Family Clustering Option Zone commonly referred to as Block 116, portion of Lot 3.01 are suited for inclusionary development; and

**WHEREAS**, said lands abut the RC-3 Residential Zone, where townhouses are permitted as a conditional use; and

**WHEREAS**, the Borough Council has determined that said lands are partially encumbered with slopes in excess of 15% and that limited disturbance of such slopes is necessary to foster development that provides an affordable housing set aside.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Mountain Lakes in the County of Morris and the State of New Jersey that under Chapter 245, Zoning, of the General Code the Zoning Map be changed for Block 116, portion of Lot 3.01, as depicted on the attached Exhibit A, from RC-1 Residential Zone – Single Family Residential Clustering to R-AH2 Residential Zone – Affordable Housing 2 and that the following section be added:

**§ 245-9.1. Residential — Affordable Housing 2 (R-AH2) Zone.**

**Section 1.** The purpose of the R-AH2 Zone is to provide a realistic opportunity for the construction of affordable housing as part of a comprehensively planned housing development, in conformance with the regulations of this chapter governing affordable housing. In the R-AH2 Zone, the following uses shall be permitted:

A. Permitted principal uses. Townhouses and multi-family dwellings in accordance with the provisions below and the development standards enumerated in Subsection C:

- (1) All of the market rate dwellings shall be townhouse units.
- (2) Affordable dwellings may be either townhouse or multi-family units.
- (3) Fifteen (15) percent of all dwelling units shall be set aside as affordable housing.
- (4) Dwellings constructed for low- and moderate-income households shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Article VI of this chapter.
- (5) The development, unit distribution and marketing of all housing constructed for low- and moderate-income households shall be undertaken consistent with the rules and regulations of the New Jersey Council on Affordable Housing and the provisions of Article VI of this chapter, except that the construction of affordable housing shall be required to be undertaken upon completion and issuance of certificates of occupancy for fifty percent (50%) of the market rate units within the development.

B. Permitted accessory uses. Same as in § 245-7B, except that all accessory structures shall be designed to serve or be developed in relation to the entire development and shall be subject to site plan approval.

C. Development standards.

<b>Type</b>	<b>Requirement</b>
Minimum tract size	7 acres
Minimum frontage on a public or private street or other right-of-way providing access to the tract	50 feet
Minimum setbacks (principal buildings) <sup>1</sup>	
From RC-3 zone boundary	50 feet
From any other tract boundary	25 feet
From internal access road	25 feet with sidewalks 22 feet without sidewalks
Minimum setbacks (accessory buildings)	Same as for principal buildings
Maximum height	3 stories/35 feet
Maximum density	5.5 dwelling units per gross acre; however in no event shall the total number of dwellings exceed 40.
Parking requirements	See N.J.A.C. 5:21-1.1 et seq. (Statewide Residential Site Improvement Standards) for total number of spaces to be provided. A minimum of one space per unit shall be provided in an enclosed garage for market rate units.
On-site rights-of-way (ROW) and pavement widths	See N.J.A.C. 5:21-1.1 et seq.
Maximum improved coverage	45%

<sup>1</sup> Dwelling unit patios, decks, elevated decks, appurtenances such as railings or stairs, privacy fencing, HVAC units and pedestrian entrance structures such as stairs, pads, roof overhangs, walkways, and railings shall be permitted to extend no more than 10 feet into any required minimum setback. No such area shall be enclosed except for overhead decks, pedestrian entrance roof overhangs and safety railings. Extensions into required minimum setbacks shall be effectively buffered by landscaping.

D. Permitted slope disturbance. For the purpose of ensuring that there is sufficient area to reasonably accommodate the construction of townhouses/multi-family units while at the same time limit the level of disturbance within areas with slopes in excess of 15%, a proposed “building area” shall be depicted on the plans as part of the required submission. The proposed “building area” shall be inclusive of any proposed building as well as the area extending twenty (20) feet from the front of said building and ten (10) feet from the side and rear of said building.<sup>2</sup>

The maximum allowable disturbance within the “building area” shall be as follows (i.e., as a percentage of land area within the respective slope category)

<u>Slope Category</u>	<u>Maximum Allowable Disturbance</u>
0 - 14.99%	100%
15% - 24.99%	30%
25% - 34.99%	10%
35% or greater	5%

<sup>2</sup> § 245-20C. shall not apply to development in the R-AH2 Zone

- E. Homeowners' association. If a homeowners' association is formed, it shall be approved in the manner stipulated in § **245-16H(7)**.
- F. Affordable Housing 2 Zone shall be exempt from measuring to existing (original) grades as defined in Chapter **40**, § **40-3** under definitions for "Building height (residential zones)," "grade plane," and "story above grade." Measurements shall be from the first floor elevation at the front door entrance of each market rate or affordable townhouse unit to the mid-point of a sloped roof. If the affordable dwellings are multi-family units and not townhouses, then the measurement shall be from the average first floor elevation at the front of the building to the mid-point of a sloped roof.
- G. Affordable Housing 2 Zone shall be exempt from the "three-foot maximum change in average grade as measured along any wall of a building" requirement, as defined in Chapter **245** under Footnote 17 of Schedule I.
- H. Multiple principal buildings are permitted, except that no more than six units shall be permitted within any building. Buildings shall be separated from other buildings by a minimum of 50 feet, except that side to side orientations of buildings shall be separated a minimum of 25 feet and side to rear orientations of buildings shall be separated by a minimum of 40 feet.
- I. § **245-15.N** shall not apply to development in the R-AH2 Zone.
- J. § **245-15.P(2)** shall not apply to development in the R-AH2 Zone.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**Michele Reilly, RMC, Borough Clerk**

**G. Douglas McWilliams, Mayor**