



ORDINANCE #2026-03

AN ORDINANCE OF THE BOROUGH OF LEBANON, HUNTERDON COUNTY, NEW JERSEY TO ESTABLISH THE AH-5 DISTRICT AND LAND USE REGULATIONS PROVIDING FOR THE DEVELOPMENT OF MULTI-FAMILY HOUSING TO SUPPORT THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING

WHEREAS, as part of the continuing Mt. Laurel process, the Borough of Lebanon filed a Declaratory Judgment Action in the Superior Court of New Jersey, Law Division, Hunterdon County on January 26, 2025 under Docket #HNT-L-25-25, captioned “In the Matter of the Application of the Borough of Lebanon, Hunterdon County”; and

WHEREAS, the Fair Share Housing Center has filed a Resolution of Participation in the Affordable Housing Dispute Resolution Program in Lebanon Borough’s Declaratory Judgment Action; and

WHEREAS, the Court, after evaluation and monitoring of the cooperative actions taken by the parties, has entered a Consent Order Conditional Compliance Certification dated January 21, 2026; and

WHEREAS, in furtherance of such Order, the Borough of Lebanon is adopting and/or amending its Ordinances to advance compliance with the Consent Order, as well as adopting an amended Fourth Round Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Lebanon, Hunterdon County, New Jersey, that an Affordable Housing District – 5 (AH-5) and regulations are hereby established as follows:

SECTION 1. Affordable Housing-5 (AH-5) District

A. Applicability.

The use, bulk, design and performance standards of the District shall supersede the zoning provisions of the Borough of Lebanon General Ordinances and the Zoning Ordinance (Chapter 165). However, where the regulations and standards of the AH-5 District are silent the standards of the General Ordinances and Chapter 165 shall apply.

B. Purpose.

The AH-5 District provides land use regulations for the development of the site where specific site elements are incorporated that limit the impact to the surrounding parcels through the requirement of adequate development setbacks and sufficient buffering. The AH-5 District is intended to provide for the development of multi-family housing to support the development of low- and moderate-income housing on Block 6, Lot1 and Block 2, Lot 13.

C. Permitted Uses. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the AH-5 District.

1. Multi-family residential units.
2. Supportive and Special Needs.

D. Accessory Uses Permitted. The following accessory uses and structures shall be permitted in the AH-5 District:

1. Private community spaces and amenities (e.g., multipurpose room, laundry facilities, mail rooms, fitness studios, etc.) for the sole use and enjoyment of residents and their guests;
2. Refuse and recycling areas;
3. Onsite surface, covered, and structured parking including electric vehicle supply/service equipment as required pursuant to NJSA 40:55d-1 et seq;
4. Outdoor recreation areas (e.g., tot lots and playground, gazebos, picnic areas);
5. Signage;
6. Temporary construction trailers, the location to be shown on the approved site plan, which shall be removed within 30 days after the final Certificate of Occupancy is issued;
7. Utility installations;
8. Maintenance facilities within an enclosed structure;
9. Storage facilities within an enclosed structure;
10. Onsite professional management and leading office, provided that it is not located within a dwelling unit; and,
11. Other uses normally subordinate and incidental to a principal permitted use.

12. Such other uses and structures that are customary and incidental to the principal use as permitted by the Planning Board and shown on the approved site plan.

E. Maximum Density.

1. Maximum density shall not exceed twelve (12) units per acre.

F. Maximum Building Height.

1. Maximum building height shall not exceed 40 feet in height and 3 stories.

G. Area and Yard Requirements.

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| 1. Maximum building coverage: | 30% |
| 2. Maximum impervious coverage: | 55% |
| 3. Minimum front yard setback to a principal building: | 30 feet |
| 4. Minimum side yard and rear yard setback: | 20 feet |
| 5. Minimum distance between a principal buildings: | 60 feet |
| 6. Minimum distance between a principal buildings (side to side): | 20 feet |
| 7. Not more than 24 units per building and building length shall not exceed 300 feet. | |

H. Design Standards shall comply with AH-4 district standards in accordance with Section 165-144 E through P.

I. Affordable Housing.

1. Affordable Housing Set-Aside: The development shall setaside 20% for very-low, low- and moderate income households. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), and New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

2. Income Distribution of Affordable Units: The income distribution for the affordable units in each project shall be as follows: no more than fifty percent (50%) within each bedroom distribution may be moderate income units, at least thirty-seven percent (37%) within each bedroom distribution shall be low income units and at least thirteen percent (13%) within each bedroom distribution shall be very low income units.

3. Affirmative Marketing of Affordable Units: The affordable units must be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.

4. Affordable Housing Ordinance Requirements: The provisions of the Borough's Affordable Housing Ordinance, shall apply to a multi-family affordable housing developments including, but not limited to, the UHAC required bedroom mix: At least twenty percent (20%) of the affordable units in each project shall be three bedroom units; at least, but not more than, twenty percent (20%) of the affordable units in each project shall be efficiency and one bedroom units; at least thirty percent (30%) of the affordable units in each project shall be two bedroom units; the balance may be two or three-bedroom units, at the discretion of the developer.

5. Deed Restriction of Affordable Units: The developer shall have an obligation to deed restrict the affordable units in any project as very low, low or moderate income affordable units for a period of at least thirty (30) years for for-sale units and forty (40) years for rental units, until such time and under such conditions as the Borough takes action to release the deed restriction, so that the Borough may count the affordable units against its affordable housing obligation.

SECTION 2. Severability. In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

SECTION 3. Inconsistency. All Ordinances or parts of Ordinances of the Borough of Lebanon heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its final adoption and publication as provided by law.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 18, 2026, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on March 11, 2026 at 7:00 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Administrator/Clerk

Vote after public hearing and upon final adoption:

RECORD OF COUNCIL VOTE

COMMITTEE	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Baldinger						
Berger						
Burton						
Durange						
Porcello						
Valliere						

Ordinance approved by the Governing Body
and presented to the Mayor on
_____, 2026

Approved:

James Pittinger, Mayor
Date: _____

Veto in Whole or Part:

James Pittinger, Mayor
Date: _____

Returned by Mayor to Borough Clerk with statement attached on _____, 2026