



ORDINANCE #2026-04

**AN ORDINANCE OF THE BOROUGH OF LEBANON, HUNTERDON
COUNTY, NEW JERSEY ESTABLISHING AN AFFORDABLE HOUSING
OVERLAY, AHO-1 ZONING DISTRICT**

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 there is established an Affordable Housing Overlay-1 Zoning District and regulations as follows:

SECTION 1. Affordable Housing Overlay-1 Zone (AHO-1)

- a. Purpose. The AHO-1 zoning district is intended to promote development to accommodate multi-family housing in a location that can address the housing needs and preferences of market rate and affordable households.
- b. Location. The AHO-1 is a multi-family overlay option on Block 4, Lots 1.01, 1.02 and 1.05 located in the Commercial/Research/Office/Manufacturing 200,000 zoning district. Within the overlay zone district, the development of a new multi-family development, with a required on-site affordable housing component, is permitted as an option to the uses otherwise permitted in the C/R/O/M 200,000 zoning district.
- c. Permitted uses. The following uses shall be permitted in the AHO-1 District:
 1. Single family detached homes.
 2. Single family attached homes.
 3. Townhomes.
 4. Apartments.
 5. Supportive and Special Needs.
- d. General Requirements.
 1. Density: The maximum density for a multi-family development shall not exceed eight (8) dwelling units per acre.
 2. Bulk Standards
 - i. Maximum building height shall not exceed 35 feet in height and 2 ½ stories.
 - ii. Minimum lot size:
 - a) Single family detached: 5,000 square feet
 - b) Single family attached: 2,500 square feet
 - c) Townhomes not to exceed more than 6 units in one structure: 2,000 square feet
 - iii. Maximum building coverage: 40%
 - iv. Maximum impervious coverage: 60%
 - v. Minimum front yard setback: 15 feet
 - vi. Minimum side yard setback: 10 feet
 - vii. Minimum rear yard setback: 50 feet
 - viii. Lots with frontage on Corporate Drive and Route 22 shall provide access only from Corporate Drive and a 25 foot landscaped buffer shall be provided along Route 22.
 - ix. Minimum attached garage setback from front facade: 15 feet

- x. No more than six (6) townhomes shall be in one building.
 - xi. Parking. Parking spaces shall be provided for all residential dwellings according to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).
3. Design Standards shall comply with the AH-4 district standards Sections 165-144 E through P.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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. Inconsistencies. 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