



**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2020-01**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, AMENDING AND SUPPLEMENTING CHAPTER 295, ENTITLED “ZONING”, TO CHANGE THE BOROUGH ZONING MAP AND TO ESTABLISH A NEW R-MF-10 MULTI-FAMILY RESIDENCE 10 DISTRICT, AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Borough of Lebanon has a constitutionally mandated requirement to provide affordable housing; and

**WHEREAS**, the Borough Council desires to create additional opportunities for the creation of affordable housing with the Borough; and

**WHEREAS**, the Borough Council has determined that certain lands known as 135 Main Street, identified as Block 13.02, Lot 22 are suitable for inclusionary development: and

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Lebanon that a new multi-family residence district shall be established and designated as R-MF-10 Multi-Family Residence District, with the zoning map to be changed to reflect the new district, and to set forth standards and criteria in the district as follows:

**SECTION 1.**

Chapter 295 entitled “Zoning”, Subsection 295-101 is hereby deleted and replaced with the following new text:

**§295-101. Zone Districts.**

A. Designation of zoning districts. For the purposes of this Chapter, the Borough of Lebanon is hereby divided into the following districts or zones, which terms may be used interchangeably, to be designated as follows:

One-Family Residence (20,000 square feet)	R-1-20
One-Family Residence (15,000 square feet)	R-1-15
One-Family Residence (professional)	R-1-15P

Multifamily Residence	R-MF
Multifamily / Affordable Housing Element	R-MF/AH
Local Business	C-LB
Research-Office-Manufacturing	ROM-100,000
Research-Office-Manufacturing/Commercial	ROM-C-200,000
Research-Office-Manufacturing/Commercial	ROM-C-100,000
Multifamily Residence 10	R-MF-10

B. Zoning Map. The location and boundaries of the above districts are hereby established on the Zoning Map of the Borough of Lebanon in Hunterdon County, which is attached hereto and made a part of this Article. The Zoning Map is on file in the office of the Borough Clerk. Said map or maps and all notations, references and designations shown thereon shall be a part of this Article as if the same were all fully described and set forth herein, and accordingly are adopted as the March 2020 Lebanon Borough Zoning Map.

C. Designation of zone boundaries.

- (1) Unless otherwise noted, the district boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; and the municipal boundary lines. However, where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.
- (2) In the event that a district boundary line divides one or more lots, then the zone boundary line shall be considered the lot limit for computing all area, bulk, yard, buffer and any other dimension requirements specified in this Article, unless a zone district boundary line falls within 20 feet of a lot line existing at the time of passage of this Article, then the lot line shall be considered the zone boundary line.
- (3) In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination shall be made by the Board of Adjustment.

**SECTION 2.**

Chapter 295 entitled “Zoning”, Subsection 295-114 is hereby deleted in its entirety and replaced as follows:

**§ 295-114. Multifamily Residence 10, R-MF-10 Zone**

A. Permitted Principal Uses.

- (1) Two-family dwellings.
- (2) Multi-family dwellings.

B. Permitted Accessory Uses.

- (1) Public or private recreation facilities.

- (2) Fences and walls.
- (3) Off-street parking and garages.
- (4) Trash enclosures.
- (5) Signs.
- (6) Public and private utilities.

C. Area, Bulk and Yard Requirements.

- (1) Minimum lot size - 3 acres.
- (2) Minimum front yard setback - 30 feet.
- (3) Minimum side yard setback - 20 feet.
- (4) Minimum rear yard setback - 30 feet.
- (5) Density. Maximum density of the site shall not exceed ten (10) units per acre.
- (6) Minimum distance between buildings:
  - (a) Front to front - 60 feet.
  - (b) Side to side - 25 feet.
  - (c) Rear to rear - 50 feet.
  - (d) Other configuration - 30 feet.
- (7) Maximum building length - 100 feet.
- (8) Maximum building coverage - 45%.
- (9) Maximum impervious coverage - 60%.
- (10) Maximum building height - 2 stories and 35 feet.

D. Affordable Housing Requirements.

- (1) Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households regardless of tenure. The units shall meet the low-/moderate-income split required by the Uniform Housing Affordability Controls (“UHAC”) except in lieu of ten (10%) percent of units at thirty-five (35%) percent of median income, the developer shall provide at least thirteen (13%) percent of the units as very-low income units at thirty (30%) percent of median income within each bedroom distribution.

- (2) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (3) The units shall meet the bedroom distribution required by the UHAC.
- (4) The developer shall be responsible for retaining the Borough's Administrative Agent, or an approved equivalent as approved by the Borough, at the developer's sole cost and expense.
- (5) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
- (6) The affordable units shall be dispersed throughout the site and be designed to be architecturally consistent with the market-rate units.

E. Lighting.

- (1) Parking lot lighting shall be no more than twenty (20) feet in height.
- (2) A minimum average of one-half (0.5) footcandle shall be maintained within parking lots. A minimum average of 0.3 footcandle shall be maintained over all pedestrian walkways.
- (3) Parking lot fixtures shall be full cut off.
- (4) Footcandles at the tract boundary shall not exceed one (1) footcandle, except where there are entrance/exit driveways.

F. Off-Street Parking Requirements.

- (1) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
- (2) Off-street parking shall be provided in accordance with RSIS.
- (3) There shall be no parking of recreational vehicles, trailers, or boats.
- (4) Hairpin striping shall be utilized to delineate parking spaces.

G. Building Design.

- (1) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than thirty (30) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.

- (2) The maximum spacing between such offsets shall be thirty-five (35) feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1) foot.
- (3) Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in façade materials and balconies.
- (4) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors, and details.
- (5) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (6) Roofline offsets shall be provided along any gable roof measuring more than forty (40) feet in length. The maximum spacing between such offsets shall be forty-five (45') feet.
- (7) Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
- (8) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

#### H. Landscaping.

- (1) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
- (2) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.
- (3) There shall be a minimum ten- (10) foot-wide landscaped buffer adjacent to any existing single-family properties. The only improvements that are permitted to encroach on this buffer are utilities and driveways.
- (4) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees, and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.

- (5) Buffer plants shall include, at a minimum, the following:
    - (a) One shade tree for every seventy-five (75) linear feet of buffer;~~;~~
    - (b) One evergreen tree for every forty (40) linear feet of buffer; ~~and~~
    - (c) Ten (10) shrubs for every fifty (50) linear feet of buffer.
  - (6) Buffer plants shall be the following size at the time of planting:
    - (a) Shade trees shall be planted at a minimum three (3") inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.
    - (b) Evergreen trees shall be planted at a minimum height of seven (7') feet, balled and burlapped.
    - (c) Shrubs shall be planted at a minimum of three (3') feet in height. All shrubs shall be evergreen.
  - (7) Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
  - (8) Street trees.
    - (a) Street trees shall be provided along all public streets, planted at an average of fifty (50) feet on center.
    - (b) The following species are permitted: October Glory Maple, Greenspire Linden, Village Green Zelkova, Red Sunset Maple, ~~London Plane~~.
    - (c) Street trees shall be a minimum three (3") inch caliper.
- I. Signs. The following types of signs shall be permitted:
- (1) Monument sign.
    - (a) One monument sign per street frontage.
    - (b) The maximum sign area (excluding the base) shall be thirty (30) square feet per side.
    - (c) The maximum sign height shall be five (5') feet.
    - (d) Monument signs shall be setback a minimum of ten (10') feet from any property line.

(e) Monument signs may be illuminated.

J. Refuse.

- (1) Trash and recycling receptacles shall not be visible from the public street and shall be located in the rear or side yard.
- (2) All trash and recycling receptacles shall be screened by a solid fence or decorative masonry wall on three sides and a heavy-duty gate on the fourth.

K. Utilities. All utilities shall be underground.

L. Fences and walls.

- (1) Fences and walls within the front yard shall be a maximum of four (4') feet in height.
- (2) Fences and walls within the side and rear yards shall be a maximum of six (6') feet in height.

**SECTION 3. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 4. Repealer.**

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 5. Effective Date.**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST

BOROUGH OF LEBANON

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Karen Romano, Administrator/Clerk

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Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Junge 1

Saharic 1

Harris 1

Baldinger 1

Ordinance approved by the Governing Body and presented  
To the Mayor on \_\_\_\_\_, 2020

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
James P. Pittinger, Mayor

Date:

\_\_\_\_\_  
James P. Pittinger, Mayor

Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2020.

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 19, 2020 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 18, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

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Karen M. Romano, RMC, CMR  
Administrator/Borough Clerk

**COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE 2020- 01**

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AMENDING AND SUPPLEMENTING CHAPTER 295, ENTITLED “ZONING”, TO  
CHANGE THE BOROUGH ZONING MAP AND TO ESTABLISH A NEW R-MF-10  
MULTI-FAMILY RESIDENCE 10 DISTRICT, AND TO SET FORTH THE  
STANDARDS AND CRITERIA APPLICABLE THERETO**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 19th day of February 2020, and the same came up for final passage at a meeting of the said Borough Council on the 18<sup>th</sup> day of March, 2020 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC  
Borough Administrator/ Clerk

**INTRODUCED: February 19, 2020**  
**ADOPTED: March 18, 2020**

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