

**TOWNSHIP OF UPPER DEERFIELD
ORDINANCE 811**

MODIFYING THE TOWNSHIP OF UPPER DEERFIELD REDEVELOPMENT PLAN (RT. 77), TO ADD A SENIOR RESIDENTIAL INCLUSIONARY ZONING DISTRICT IN FURTHERANCE OF THE FAIR HOUSING ACT OF 1985 AND TO ELIMINATE THE ENTERTAINMENT OVERLAY DISTRICT

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the Township Committee of the Township of Upper Deerfield are desirous of ensuring the proper implementation of the Fair Housing Act and associated rules through the adoption of land use regulations by the governing body; and

WHEREAS, the Township of Upper Deerfield desires to implement policies established by the New Jersey Supreme Court in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) to foster affordable housing opportunities for the production of dwellings and their occupancy by low and moderate income households.

WHEREAS, the Township Committee of the Township of Upper Deerfield recognize the need to modify the existing Township of Upper Deerfield Redevelopment Plan for the Rt. 77 highway corridor, dated November 2005, to create a new housing opportunity for senior housing with an inclusionary component; and

WHEREAS, the Planning Board of the Township of Upper Deerfield has reviewed and made recommendations on this ordinance to the governing body.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield, Cumberland County, New Jersey, that the Redevelopment Plan (Rt. 77) dated November 2005 shall be modified as follows:

Section 1. Section V, Statement of Purpose and Intent, shall be modified by adding language supportive of senior housing to the document as follows:

B. PUBLIC POLICY GOALS

1. [Unchanged]

a-d. [Unchanged]

e. To development new forms of senior housing, restricted to persons 55 years and older as permitted by federal statute, and within a comprehensively planned development of diverse housing types, provide for low and moderate income households in accordance with the municipality's housing element and fair share plan.

C. REDEVELOPMENT PLAN OBJECTIVES

1-20. [Unchanged]

21. To provide for senior housing with an affordable housing component located within close proximity to shopping and services that will also provide new customers for the Township's retail areas.

Section 2. Exhibit E to the Redevelopment Plan, entitled, Recommended Land Use and Bulk Regulations, as amended, shall be further modified by eliminating the Entertainment District Overlay on the Town Center District.

Section 3. Exhibit E to the Redevelopment Plan shall be further modified by adding a Senior Inclusionary Housing District as attached as Appendix A to this Ordinance.

Section 4. Exhibit F to the Redevelopment Plan, entitled, Redevelopment Area Zone Plan, shall be modified by adding, Exhibit F Enlargement: Senior Inclusionary Housing, depicting the lower portion of the Rt. 77 Redevelopment Area roughly from Love Lane south to the limits of the redevelopment area designation wherein the elimination of the Entertainment District – Overlay, the Senior Inclusionary Housing District and the reduction in the Town Center District are graphically shown in Appendix B, attached hereto.

Section 5. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any other part thereof.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Cumberland County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Upper Deerfield in the manner prescribed by law.

James Crilley, Chairman

Adopted: September 5, 2019

Finally Attested:

Roy J. Spoltore, Township Clerk

First Reading: August 15, 2019

Publication: August 22, 2019

Publication of Final Adoption: September 11, 2019

APPENDIX A

Permitted Uses Site plan review as per §405-69A(2) is required of all new and expanded uses	Minimum Lot Sizes		Minimum Yard			Maximum	
	Area (sf. or acres)	Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Height (feet)	Lot Coverage (percent)
(1) Principal uses ⁽¹⁾ :							
(a) Single-family, detached dwelling – fee simple	6,000 sf.	60	30	10	20	35	40%
(b) Two-family dwelling - fee simple	4,000 sf. each dwelling	40	30	Common wall, 0 Other side 8	15	35	60%
(c) Townhouse dwelling – fee simple	2,000 sf. each dwelling	20	20	Common wall, 0 Other side 8		35	75%
(d) Townhouse dwelling – not fee simple	10 acres	500	See §405-55 for building separation requirements			35	50% (Tract Area)
(e) Quadraplex dwelling – not fee simple	10 acres	500				28	50% (Tract Area)
(2) The following conditional use in accordance with §405-70 is permitted:							
(a) Home occupations as per §405-26	N/A ⁽²⁾	N/A	N/A	N/A	N/A	N/A	2% ⁽³⁾
(3) Accessory uses, located on the same lot with a permitted principal or conditional use:							
(a) In connection with a permitted residential use, accessory uses customarily incidental to residential uses, including garages, garden and storage sheds and swimming pools on fee simple lots as per § 405-32	N/A	N/A	Not a permitted location	10	15	35	2%
(b) Community center for the use of residents and their guests (fee simple)	20,000 sf.	100	50	20	25	30	25%
(c) Common open space and active recreation, including indoor recreation, for common use of residents and guests	2 acres	200	50	50	50	35	15%
(d) Management and sales/rental office (fee simple)	15,000 sf.	100	50	20	25	30	50%

SENIOR INCLUSIONARY HOUSING

(e) Maintenance building (fee simple)	20,000 sf.	100	50	20	25	30	25%
(b) Accessory uses and structures customarily incidental to any other permitted principal use	N/A	N/A	N/A	10	15	35	5%
(c) Signs as per § 405-31	N/A	N/A	N/A	10	10	N/A	N/A
(d) Communication facilities as per § 405-34	N/A	N/A	N/A	N/A	N/A	15	N/A
(e) Bus shelters as per § 405-54	N/A	N/A	N/A	10	15	10	1%
(f) Yard sales as per § 405-58	N/A	•	N/A	N/A	N/A	10	0%

- NOTES: 1 Direct lot access to an arterial roadway, as classified in the Township's adopted Master Plan, shall be prohibited
- 2 N/A = Not applicable; however, check chapter text if cited with use.
- 3 The coverage limitation for a particular accessory use shall be the same as that cited for the permitted use, which it is an accessory use thereto. In the case of the maximum percentage of coverage for an accessory use, the percentage shall be in addition to that allowed for the permitted principal use, except where such accessory use to the development as a whole is placed on an individual lot. In that instance, the percent of coverage allowed pertains to the individual lot and not an addition to the percent otherwise allowed.
- 4 Additional standards and requirements for a given conditional use may be specified by reference of the Planning Board as part of site plan review. All uses must conform to county, state and federal laws.

APPENDIX B

[Insert Exhibit F Enlargement]