

**TOWNSHIP OF UPPER DEERFIELD**

**ORDINANCE 882**

**ORDINANCE MODIFYING CHAPTER 405, ENTITLED, ZONING AND DEVELOPMENT", TO REVISE THE R-3A, RESIDENTIAL INCLUSIONARY ZONING DISTRICT, AND ADD THE SIH, SENIOR INCLUSIONARY HOUSING ZONE DISTRICT, IN FURTHERANCE OF THE FAIR HOUSING ACT OF 1985**

**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) and the New Jersey Legislature in P.L. 2024, c. 2, 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 recognizes the need to modify the R-3A Residential Zoning District for the Fourth Round of affordable housing obligations; and

**WHEREAS**, the Township Committee further recognizes the need to establish special standards to work in concert with the establishment of a Senior Inclusionary Residential District within the Town Center Redevelopment Area (Rt. 77) of the Township of Upper Deerfield; and

**WHEREAS**, the Township Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26.

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Upper Deerfield, Cumberland County, New Jersey, as follows:

**Section 1.** §405-4, Districts Enumerated, shall be modified by adding, the SIH, Senior Inclusionary Housing, zone district to the list of districts so enumerated.

**Section 2.** §405-55, Townhouses and Multifamily Dwellings, shall be revised to read as follows (strike through is to be eliminated and underline is to be added):

§ **405-55.** Townhouse, Multifamily Dwellings and Senior Housing.

Townhouse or multifamily dwelling projects shall be permitted when, besides complying with the provisions of this section and the Schedule of District Regulations, the proposed project meets an affordable housing obligation as identified in the current adopted Housing Element and Fair Share Plan or other otherwise in the Land Use Plan Element of the Master Plan. All such projects shall comply with the following:

- A. The gross density for any townhouse, multifamily dwellings and/or senior housing development shall not exceed four units per acre, unless the development is 100% affordable or inclusionary development as defined in Chapter 108. One hundred percent affordable or inclusionary development shall be permitted a gross density of ~~six~~ six and one-half units per acre.

**Section 3.** The Schedule of District Regulations R-3A, Inclusionary Residential District, shall be revised to read, “Schedule of District Regulations R-3A and SIH, Inclusionary Residential Districts”.

**Section 4.** The SIH, Senior Inclusionary Housing, zone district shall be applied to Block 1208, Lot 1 as indicated in the attached Exhibit F Enlargement: Senior Inclusionary Housing, and labeled as “Senior Inclusionary Housing”.

**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 Chapter 108 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.

Moved By: William Whelan

Seconded By: Thomas Speranza

VOTING

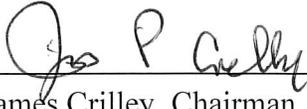
James P. Crilley  
 Anthony Lamanteer  
 Thomas Speranza  
 Joseph Spoltore  
 William Whelan

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
			X
X			

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the Ordinance adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held March 5, 2026.

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 Roy J. Spoltore, Township Clerk



James Crilley, Chairman

Adopted: March 5, 2026

Finally Attested:



Roy J. Spoltore, Township Clerk

First Reading: February 19, 2026

Publication: February 25, 2026

Publication of Final Adoption: March 11, 2026