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March 13, 2026

**Via eCourts**

Honorable William G. Mennen, J.S.C.  
Somerset County Superior Court  
20 North Bridge Street  
Somerville, New Jersey 08876

**Re: In The Matter Of The Application Of The Township Of Warren Fourth Round  
Affordable Housing Obligation and Housing Element and Fair Share Plan**

Docket No.: SOM-L-180-25

Dear Judge Mennen:

This office represents the Township of Warren in the above referenced matter. In accordance with the Decision and Order Approving Municipal Housing Element and Fair Share Plan entered by the Court and N.J.S.A. 52:27D-304.1f(2)(c), enclosed please find the following compliance documents:

- 1) Exhibit A - Ordinance 26-11 Creating New AH-9 Affordable Housing District (Toll Brothers Inclusionary Housing Project)
- 2) Exhibit B - Ordinance 26-07 Creating New AH-10 Affordable Housing District (Firewood/Silbert Inclusionary Housing Project)
- 3) Exhibit C - Ordinance 26-08 Creating New AH-11 Affordable Housing District (Bardy Farms Inclusionary Housing Project)
- 4) Exhibit D - Ordinance 26-09 Creating New AH-12 Affordable Housing District (Chua Property Inclusionary Housing Project)
- 5) Exhibit E - Ordinance 26-10 Amending AH-4 Affordable Housing District to Remove Hotel and Provide for Age Restricted Inclusionary Housing (Chase Inclusionary Housing Project)
- 6) Exhibit F- Ordinance 26-06 Affordable Housing and Development Fees Ordinance
- 7) Exhibit G - Resolution 2026-099 Adopting Spending Plan/Spending Plan
- 8) Exhibit H - Resolution 2026-100 Adopting Affirmative Marketing Plan

9) Exhibit I - Resolution 2026-104 Endorsing Amended Housing Element and Fair Share Plan/  
Amended HEFSP

10) Exhibit J - Resolution 2026-105 Authorizing Agreement and Deed Restrictions for Extension  
of Affordable Housing Controls/Agreement/Deed Restrictions (Cooperative Housing)

Respectfully submitted,

*William J. Willard*

William J. Willard

cc: Counsel (Via eCourts)

# EXHIBIT A

Explanation: This Ordinance amends Chapter 16 “Zoning” to create a new AH-9 Affordable Housing District (Block 82, Lot 12.02) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**TOWNSHIP OF WARREN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
ORDINANCE NO. 26-11**

**ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF  
THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY,  
TO CREATE A NEW AH-9 AFFORDABLE HOUSING DISTRICT**

**Whereas**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“Amended FHA”); and

**Whereas**, on January 31, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on April 23, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township’s Fourth Round Affordable Housing Obligation at 10 Present Need units and 262 Prospective Need units; and

**Whereas**, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township’s Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

**Whereas**, on June 27, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on August 31, 2025, Fair Share Housing Center filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on August 31, 2025, Avalon Bay Communities filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on December 21, 2025, the Township and Fair Share Housing Center entered into a Mediation Agreement Before The Affordable Housing Dispute Resolution Program resolving Fair Share Housing Center’s challenge to the Township’s Housing Element and Fair Share Plan; and

**Whereas**, on January 29, 2026, the Affordable Housing Program issued a Program Decision Recommendation - Housing Element and Fair Share Plan recommending approval of the Mediation Agreement and dismissal of the challenge filed by Avalon Bay Communities; and

**Whereas**, on February 3, 2026, the Honorable William Mennen entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan consistent with the Affordable Housing Program recommendation thereby approving the Mediation Agreement and dismissing the challenge filed by Avalon Bay Communities; and

**Whereas**, the Mediation Agreement, Decision and Order Approving Municipal Housing Element and Fair Share Plan and Amended FHA require the Township to adopt implementing ordinances that provide a realistic opportunity for development of affordable housing within the municipality to meet its Fourth Round Affordable Housing Obligation; and

**Whereas**, on February 11, 2026, the Planning Board approved and adopted a Master Plan Reexamination Report in accordance with N.J.S.A. 40:55D-89 addressing, amongst other things, the rezoning of property within the municipality to address its Fourth Round Affordable Housing Obligation; and

**Whereas**, the Township in compliance with the foregoing wishes to amend Chapter 16 “Zoning” of the Municipal Code to create a new AH-9 Affordable Housing District (Block 82, Lot 12.02) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, Count of Somerset, State of New Jersey, as follows:

**Section 1.** Chapter 16 “Zoning”, Section 16-2 “Establishment of Districts”, Subsection 16-2.1 “Districts” of the Municipal Code of the Township of Warren is hereby amended to create a new AH-9 Affordable Housing District as follows:

Affordable Housing Districts

AH-9 Affordable Housing

**Section 2.** Chapter 16 “Zoning”, Section 16-3 “Official Zoning Map and Interpretation”, Subsection 16-3.1 “Official Zoning Map” of the Municipal Code of the Township of Warren is hereby amended as follows:

A. Change the zoning district classification on the official zoning map from CR-130/65 to AH-9 Affordable Housing District for the following property:

Block 82, Lot 12.02

Boundaries of the rezoned area are indicated on Exhibit A attached to this Ordinance.

**Section 3.** Chapter 16 “Zoning” of the Municipal Code of the Township of Warren is hereby amended create a new AH-9 Affordable Housing District as follows:

## **§16-22F AH-9 AFFORDABLE HOUSING DISTRICT**

### **§16-22F.1 Purpose**

The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing and Fair Share Plan Element. The uses and standards for development are permitted only within the AH-9 zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.

The intent and purpose are to implement the Affordable Housing and Fair Share Plan Element of the adopted Master Plan of Warren Township. This zone district and its regulations are intended to provide a realistic opportunity for the construction of a maximum of 176 townhouse units as part of an inclusionary development with a thirty-one percent (31%) set aside, with 121 market townhomes and 55 affordable units.

### **§16-22F.2 Development Standards and Requirements**

#### **A. Principal uses.**

1. Townhouse
2. Stacked townhouse, which shall be defined as, a structure containing two or more connected dwelling units stacked, at least in part, one dwelling unit above the other, which can include shared floors divided by walls and shared common party walls, with exterior private entrances shared by a maximum of three dwelling units.
3. There may be multiple principal buildings on a lot.

#### **B. Accessory uses and structures.**

1. Accessory uses customarily incidental to the above principal permitted uses
2. Recreational facilities for the sole use of the residents and their guests
3. Fences and walls
4. Storage building/ structure for indoor storage of pool and maintenance equipment
5. Stormwater basins and structures
6. Sanitary Pump Station and associated mechanical equipment
7. Mechanical equipment and enclosures required by Utility providers
8. Mail kiosk/cluster box unit
9. Screened storage areas for trash and recyclables
10. Entrance monument, signage, and decorative guard house with maximum height of 16 feet and maximum area of 60 square feet, and with no access barrier
11. Off-street parking subject to the Residential Site Improvement Standards (RSIS) New Jersey Administrative Code, Title 5, Chapter 21

#### **C. Area and Bulk Requirements**

1. Maximum density: No more than 176 total units, consisting of 121 market townhomes and 55 affordable units.
2. Units per structure: 8 units/structure, except up to 24 units/structure where there are stacked townhouse units in a structure
3. Maximum building height: 46 feet.

Building height for units designed with “walk-out” basements shall be measured from the front façade. Building Height shall be measured as the vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, the average distances between the eaves and the ridge level for gable, hip and gambrel roofs.

4. Maximum number of stories: 3 stories
5. Minimum Building Setbacks from tract boundary:
  - a. Principal Buildings
    - i. Front Yard (Mountain Avenue Right-of-Way): 150 feet
    - ii. Northern and Eastern Property Lines: 40 feet
    - iii. There shall be no setback requirement for the Southern Property Line.
  - b. Accessory Structures
    - i. Any Tract Boundary: 10 feet
    - ii. Accessory structures shall include utilities, pump station, stormwater management basins/structures, and retaining walls. building mechanical and utility equipment/enclosures. There shall be a 10-foot separation from any of these structures to a dwelling unit.

### **§16-22F.3 Market Rate and Affordable Housing Requirements**

- A. There shall be a minimum set-aside of 31% of the total units as affordable units, but not less than 55 affordable units.
- B. The developer shall have an obligation to deed restrict the Affordable Units as very low-income, low-income, or moderate-income affordable, for-sale units for a period of at least thirty (30) years or until such time and under the conditions that the Township elects to release the deed restriction, so that the Township may count the Affordable Units against

its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.

- C. The bedroom and income distribution of the affordable units shall be permitted an exception from the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4, as provided in the Decision and Order Approving Municipal Housing Element and Fair Share Plan entered by the Honorable William Mennen on February 3, 2026 as follows:

Income Distribution	Bedroom Distribution		
	1 BR	2 BR	3 BR
Very-Low Income	1	3	1
Low Income	4	11	4
Moderate Income	5	17	9

- D. Minimum Affordable Unit Size. Pursuant to the UHAC Regulations (NJAC 5:80-26.1 et seq.
- E. Occupancy standards. The affordable units shall be provided pursuant to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.5, and shall be complied with as follows: market-rate units provided as stacked and attached townhomes and affordable units provided as stacked townhomes.

#### **§16-22.F.4 Development standards**

- A. Roadways shall be designed in accordance with RSIS
- B. Sidewalks shall be provided along the main exterior loop roads of the development on both sides of the roadway. Interior alleys providing driveway access to rear-loaded dwelling units do not require sidewalks. Sidewalks shall be provided to the front entrance of all rear-loaded dwelling units and will connect to the walkways provided along the exterior loop roads.
- C. Off-street parking and parking design requirements.
1. Off-street parking shall be provided in accordance with RSIS. Visitor parking shall be provided at 0.25 spaces per the overall gross number of units.
  2. All dedicated surface parking shall be within 300-feet of unit served.
  3. Streets, intersections, sight triangles, curbs, sidewalks, driveways and other vehicular or pedestrian traffic circulation measures shall be governed by RSIS. Bicycle lanes and trails shall not be required.

- D. Lighting. Street lighting shall conform to the type and number supplied and approved by the local utility. Lighting shall be provided at all street intersections, parking stalls/areas and common use areas (such as community mailboxes, etc.). Lighting intensity measured at ground level shall be provided as set forth:
- |                                      |                             |
|--------------------------------------|-----------------------------|
| a) Street Intersections              | = 0.3 footcandles (average) |
| b) Parking Stalls (on or off-street) | = 0.5 footcandles (average) |
| c) Common Use Areas                  | = 0.5 footcandles (average) |
| d) All other areas                   | = 0.0 footcandles (average) |
- E. Open Space dedication. The developer of the property shall, prior to commencement of construction, dedicate approximately 50% of the overall original lot area to the Township of Warren for Open Space and Recreation purposes.

### **§16-22F.5 Design Standards**

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- A. Applicability. These guidelines and standards shall apply to all applications for development.
- B. General Design Standards.
1. All buildings should be designed with architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front façade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
  5. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.

6. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.

7. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

8. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.

9. Mechanical Screening and Buffering. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.

10. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.

11. Shutters. The use of shutters on building facades shall be encouraged.

12. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.

13. All units shall, at a minimum, be equipped with Energy Star certified appliances.

#### C. Parking Design Standards

1. Provision of parking spaces. The design and number of parking spaces required per this ordinance shall be provided in conformance with RSIS (NJAC 5:21-4.14 through 4.16).

2. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six (6) feet in height except and unless existing forested area exists and remains undisturbed.

3. Electric Vehicle (EV) parking spaces with charging stations shall be provided, or constructed to be Make-Ready, in compliance with the requirements for parking facilities of any multifamily development that includes more than five (5) units according to State law P.L. 2021, c. 171.

D. Streetscape/Landscape Design Standards.

1. Interior roadway shall provide streetscape elements including sidewalks and lampposts.

2. Street trees shall be provided in accordance with all applicable Township Code requirements. Street trees will be provided every 40 feet along the roadway where the site can physically accommodate such plantings. Trees are not required at this spacing where other site features restrict available space, such as utilities, stormwater management, sidewalks, signage, and driveways.

**§16-22F.6 Applicability**

The standards provided herein shall supersede all existing standards and are the only standards that apply to the AH-9 Affordable Housing District. All other standards within Chapter 16 “Zoning” of Township Code that are not covered herein shall not apply.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 5.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 6.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

**Section 8.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and

summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

**Section 9.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 10.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

**Section 11.** In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website; and

**Section 12.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**Attest**

  
\_\_\_\_\_  
Donna Hands, Clerk

**Township of Warren**

  
\_\_\_\_\_  
Shaun Fine, Mayor

INTRODUCED: February 19, 2026

ADOPTED: March 12, 2026

EFFECTIVE:

# EXHIBIT B

Explanation: This Ordinance amends Chapter 16 “Zoning” to create a new AH-10 Affordable Housing District (Block 75, Lot 1) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**TOWNSHIP OF WARREN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
ORDINANCE NO. 26-07**

**ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF  
THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY,  
TO CREATE A NEW AH-10 AFFORDABLE HOUSING DISTRICT**

**Whereas**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“Amended FHA”); and

**Whereas**, on January 31, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on April 23, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township’s Fourth Round Affordable Housing Obligation at 10 Present Need units and 262 Prospective Need units; and

**Whereas**, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township’s Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

**Whereas**, on June 27, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on August 31, 2025, Fair Share Housing Center filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on August 31, 2025, Avalon Bay Communities filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on December 21, 2025, the Township and Fair Share Housing Center entered into a Mediation Agreement Before The Affordable Housing Dispute Resolution Program resolving Fair Share Housing Center’s challenge to the Township’s Housing Element and Fair Share Plan; and

**Whereas**, on January 29, 2026, the Affordable Housing Program issued a Program Decision Recommendation - Housing Element and Fair Share Plan recommending approval of the Mediation Agreement and dismissal of the challenge filed by Avalon Bay Communities; and

**Whereas**, on February 3, 2026, the Honorable William Mennen entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan consistent with the Affordable Housing Program recommendation thereby approving the Mediation Agreement and dismissing the challenge filed by Avalon Bay Communities; and

**Whereas**, the Mediation Agreement, Decision and Order Approving Municipal Housing Element and Fair Share Plan and Amended FHA require the Township to adopt implementing ordinances that provide a realistic opportunity for development of affordable housing within the municipality to meet its Fourth Round Affordable Housing Obligation; and

**Whereas**, on February 11, 2026, the Planning Board approved and adopted a Master Plan Reexamination Report in accordance with N.J.S.A. 40:55D-89 addressing, amongst other things, the rezoning of property within the municipality to address its Fourth Round Affordable Housing Obligation; and

**Whereas**, the Township in compliance with the foregoing wishes to amend Chapter 16 “Zoning” of the Municipal Code to create a new AH-10 Affordable Housing District (Block 75, Lot 1) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, Count of Somerset, State of New Jersey, as follows:

**Section 1.** Chapter 16 “Zoning”, Section 16-2 “Establishment of Districts”, Subsection 16-2.1 “Districts” of the Municipal Code of the Township of Warren is hereby amended to create a new AH-10 Affordable Housing District as follows:

Affordable Housing Districts

AH-10 Affordable Housing

**Section 2.** Chapter 16 “Zoning”, Section 16-3 “Official Zoning Map and Interpretation”, Subsection 16-3.1 “Official Zoning Map” of the Municipal Code of the Township of Warren is hereby amended as follows:

A. Change the zoning district classification on the official zoning map from BR-40 to AH-10 Affordable Housing District for the following properties:

Block 75, Lot 1

Boundaries of the rezoned area are indicated on Exhibit A attached to this Ordinance.

**Section 3.** Chapter 16 “Zoning” of the Municipal Code of the Township of Warren is hereby amended create a new AH-10 Affordable Housing District as follows:

**§16-22G AH-10 AFFORDABLE HOUSING DISTRICT**

**§16-22G.1 Purpose.** The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing and Fair Share Plan Element. The uses and standards for development are permitted only within the AH-10 zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.

The intent and purpose are to implement the Affordable Housing and Fair Share Plan Element of the adopted Master Plan of Warren Township. This zone district and its regulations are intended to provide a realistic opportunity for the construction of a maximum of 69 units as part of an inclusionary development with a 25% affordable housing set aside, with no more than 52 market rate residential units.

- A. Provisions Related to Off-Site Improvements. The extent of the developer's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a developer's agreement with the Township Committee. Off-site responsibility for properties not covered under the developer's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state, and federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in the Township's Zoning Code. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- B. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Housing Element and Fair Share Plan of the Master Plan. The uses and standards for development are permitted only within the AH-10 Zone as shown on the revised Official Zoning Map.

**§16-22G.2 Permitted uses.**

- A. Principal uses.
1. Multifamily dwelling units, including, but not limited to, buildings with apartment flats with common stairways or corridors.
  2. There may be multiple principal buildings on a lot.
- B. Accessory uses and structures. The following accessory uses and structures shall be permitted:
1. Parking spaces, driveways, attached or detached individual parking garages;
  2. Refuse and recycling building and/or structure;

3. Clubhouse for use by residents and their guests, such as, but not limited to, a club room, fitness room, conference/work areas, a model residential unit - which shall not be used for employee or residential occupancy and which shall be utilized solely for prospective residents to view, and/or leasing and maintenance office;
4. Active and passive recreation areas, which may include amenities such as, but shall not be limited to, a pool, grilling/barbeque areas, a tot lot, a dog run, and a walking trail or sidewalks.
5. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

**§16-22G.3 Area and bulk requirements.**

- A. Minimum lot area: 3 acres
- B. Maximum number of residential units: 69 units, inclusive of required affordable unit set-aside.
- C. Minimum number of affordable units provided on-site: 25% of total units, pursuant to the standards under Section 16-22G.3.K.
- D. Maximum height:
  1. Principal Buildings – Principal buildings containing residential units shall not exceed 3 stories and forty-two (42), as defined under Section 16-4.2 of the Township Zoning Ordinance, with an additional 20% allowance for the roof design. Notwithstanding any contrary definition or provision of the Ordinance, basements, below-grade parking garages, including associated entrance/exit ramps, and cellar levels shall not be considered a story for purposes of this section.
    - a. Exposed building foundation shall be screened with landscaping, with a landscape plan to be prepared by a Licensed Landscape Architect (LLA).
  2. Accessory Buildings - No accessory building or accessory structure shall exceed the height of the principal building or structure or twenty (20) feet whichever results in the lesser height.
- E. Maximum impervious coverage: (60%) of total lot area.
- F. Maximum building coverage: (30%) of total lot area.
- G. Minimum building setback: 25 feet from all property lines.

H. Minimum Open Space and Amenity Requirement. The following open space and amenity requirements shall apply:

1. A minimum of 10% of the total lot area shall be provided as common open space, inclusive of any outdoor amenity areas.
  - a. The required open space may be provided as courtyards furnished with a combination of elements such as hardscape areas, internal walking paths/sidewalks, benches, gazebos, landscaping, appropriate lighting, or similar elements, and may include outdoor amenity areas such as dog runs and areas furnished with a pool.

I. Signage Requirements

1. One (1) freestanding, double-sided sign shall be permitted per property frontage.
  - a. Sign Area. Maximum of 32 square feet in sign area on each side
  - b. Sign Setback. Minimum setback of 10 feet from a property line.
  - c. Sign Height. Maximum height of 10 feet.
2. Façade Signs. Façade signs shall be permitted on each residential building as regulated in Township Code Section 15-43.5.
3. Internal Directional Signs. Any signs reasonably necessary to direct residents, visitors and guests within the development shall be permitted as set forth in the site plan approval. Directional signs shall have a uniform appearance. Directional signs shall not exceed 10 square feet in sign area and shall not exceed 4.5 feet in height.
4. Temporary signage to advertise the initial lease-up period shall be permitted on a sign with a maximum area of twenty-four (24) square feet and twelve (12) feet in height. One (1) such sign shall be permitted on each frontage providing public access to the development. Temporary signage shall not exceed one year from the initial occupancy date of the first unit leased.

J. Off-street parking and parking design requirements:

1. Parking shall comply with Residential Site Improvement Standards (“RSIS”) New Jersey Administrative Code, Title 5, Chapter 21 as minimum parking requirements.
2. Parking may be permitted in all required minimum yard areas.

3. Electric Vehicle (EV) parking spaces with charging stations shall be provided, or constructed to be Make-Ready, in compliance with the requirements for parking facilities of any multifamily development that includes more than five (5) units according to State law P.L. 2021, c. 171, and any EV Ordinance requirements specific to the Township of Warren.
  4. Parking Setbacks
    - a. Principal building face to interior street curb – 10 feet
    - b. Any principal building face to common parking area – 10 feet
- K. Market Rate and Affordable Housing Requirements
1. There shall be a set-aside of 25% of the total units as affordable unit credits, which may be rounded down to the next whole affordable unit.
  2. The developer shall have an obligation to deed restrict the Affordable Units as very low-, low-, or moderate-income affordable, for-sale units for a period of at least thirty (30) years and affordable, rental units for a period of at least forty (40) years, so that the Township may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
  3. The bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4 and the Township of Warren Affordable Housing Ordinance under Section 16-6, *et. seq.*, and bedroom distributions may be rounded down to the next whole affordable unit.
  4. The bedroom and income distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4, and shall also provide for a 13% set-aside of very-low income units as part of the income distribution, which may be rounded down to the next whole affordable unit.
  5. The affordable housing units shall be located in buildings containing market rate units.
- L. Lighting. Street lighting shall conform to the type and number supplied and approved by the local utility. Lighting shall be provided at all street intersections, parking stalls/areas and common use areas (such as a clubhouse, community mailboxes, etc.). Lighting intensity measured at ground level shall be provided as set forth:

a) Street Intersections	= 0.3 footcandle (average)
b) Parking Stalls (on or off-street)	= 0.5 footcandles (average)
c) Common Use Areas	= 0.5 footcandles (average)
d) All other areas	= 0.0 footcandles (average)

#### §16-22G.4 Design Standards

- A. The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.
- B. General Design Standards.
1. All buildings should be designed with architectural detailing that can be unique, and complement the appearance of adjacent structures. The overall design of the building shall be complementary to other building design along Mountain Boulevard by utilizing similar high quality building materials, demonstrate similar architectural style and design, and include similar elements
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front façade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
  5. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
  6. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building. Nothing herein is intended to limit the height of the roof to only 20% of the building height.
  7. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

8. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
9. Mechanical Screening and Buffering. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.
10. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
11. Shutters. The use of shutters on building facades shall be encouraged.
12. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
13. All units shall, at a minimum, be equipped with Energy Star certified appliances and utilities.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 5.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 6.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

**Section 8.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

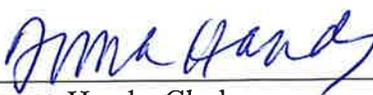
**Section 9.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 10.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

**Section 11.** In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website; and

**Section 12.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

Attest

  
\_\_\_\_\_  
Donna Hands, Clerk

Township of Warren

  
\_\_\_\_\_  
Shaun Fine, Mayor

INTRODUCED: February 19, 2026

ADOPTED: March 12, 2026

EFFECTIVE:

# EXHIBIT C

Explanation: This Ordinance amends Chapter 16 “Zoning” to create a new AH-11 Affordable Housing District (Block 70.03, Lots 24, 25.01) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**TOWNSHIP OF WARREN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
ORDINANCE NO. 26-08**

**ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF  
THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY,  
TO CREATE A NEW AH-11 AFFORDABLE HOUSING DISTRICT**

**Whereas**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“Amended FHA”); and

**Whereas**, on January 31, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on April 23, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township’s Fourth Round Affordable Housing Obligation at 10 Present Need units and 262 Prospective Need units; and

**Whereas**, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township’s Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

**Whereas**, on June 27, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on August 31, 2025, Fair Share Housing Center filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on August 31, 2025, Avalon Bay Communities filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on December 21, 2025, the Township and Fair Share Housing Center entered into a Mediation Agreement Before The Affordable Housing Dispute Resolution Program resolving Fair Share Housing Center’s challenge to the Township’s Housing Element and Fair Share Plan; and

**Whereas**, on January 29, 2026, the Affordable Housing Program issued a Program Decision Recommendation - Housing Element and Fair Share Plan recommending approval of the Mediation Agreement and dismissal of the challenge filed by Avalon Bay Communities; and

**Whereas**, on February 3, 2026, the Honorable William Mennen entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan consistent with the Affordable Housing Program recommendation thereby approving the Mediation Agreement and dismissing the challenge filed by Avalon Bay Communities; and

**Whereas**, the Mediation Agreement, Decision and Order Approving Municipal Housing Element and Fair Share Plan and Amended FHA require the Township to adopt implementing ordinances that provide a realistic opportunity for development of affordable housing within the municipality to meet its Fourth Round Affordable Housing Obligation; and

**Whereas**, on February 11, 2026, the Planning Board approved and adopted a Master Plan Reexamination Report in accordance with N.J.S.A. 40:55D-89 addressing, amongst other things, the rezoning of property within the municipality to address its Fourth Round Affordable Housing Obligation; and

**Whereas**, the Township in compliance with the foregoing wishes to amend Chapter 16 “Zoning” of the Municipal Code to create a new AH-11 Affordable Housing District (Block 70.03, Lots 24, 25.01) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, Count of Somerset, State of New Jersey, as follows:

**Section 1.** Chapter 16 “Zoning”, Section 16-2 “Establishment of Districts”, Subsection 16-2.1 “Districts” of the Municipal Code of the Township of Warren is hereby amended to create a new AH-11 Affordable Housing District as follows:

Affordable Housing Districts

AH-11 Affordable Housing

**Section 2.** Chapter 16 “Zoning”, Section 16-3 “Official Zoning Map and Interpretation”, Subsection 16-3.1 “Official Zoning Map” of the Municipal Code of the Township of Warren is hereby amended as follows:

A. Change the zoning district classification on the official zoning map from BR-40 to AH-11 Affordable Housing District for the following properties:

Block 70.03, Lots 24 and 25.01

Boundaries of the rezoned area are indicated on Exhibit A attached to this Ordinance.

**Section 3.** Chapter 16 “Zoning” of the Municipal Code of the Township of Warren is hereby amended create a new AH-11 Affordable Housing District as follows:

## **§16-22H AH-11 AFFORDABLE HOUSING DISTRICT**

**§16-22H.1 Purpose.** The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing and Fair Share Plan Element. The uses and standards for development are permitted only within the AH-11 zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.

The intent and purpose are to implement the Affordable Housing and Fair Share Plan Element of the adopted Master Plan of Warren Township. This zone district and its regulations are intended to provide a realistic opportunity for the construction of a maximum of 115 units as part of an inclusionary development with a 25% set aside, with 87 market residential units and 28 affordable units.

- A. Provisions Related to Off-Site Improvements. The extent of the developer's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a developer's agreement with the Township Committee. Off-site responsibility for properties not covered under the developer's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state, and federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in the Township's Zoning Code. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- B. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Housing Element and Fair Share Plan of the Master Plan. The uses and standards for development are permitted only within the AH-11 Zone as shown on the revised Official Zoning Map.

### **§16-22H.2 Permitted uses.**

- A. Principal uses.
1. Townhouse units;
  2. Stacked flats;
  3. Multifamily dwelling units, including, but not limited to, buildings with apartment flats with common stairways or corridors.
- B. Accessory uses and structures. The following accessory uses and structures shall be permitted:
1. Parking spaces, driveways, attached or detached individual parking garages;
  2. Refuse and recycling building and/or structure;

3. Indoor amenities for use by residents and their guests, such as, but not limited to, a club room, fitness room, conference/work areas, a model residential unit - which shall not be used for employee or residential occupancy and which shall be utilized solely for prospective residents to view - and/or leasing and maintenance office;
4. Active and passive recreation areas, which may include amenities such as, but shall not be limited to, a pool, grilling/barbeque areas, a tot lot, a dog run, and a walking trail or sidewalks.
5. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

**§16-22H.3 Area and bulk requirements.**

- A. Minimum lot area: 3 acres
- B. Maximum number of residential units: 115 units, inclusive of required affordable unit set-aside.
- C. Number of affordable units provided on-site: 28 affordable units
- D. Maximum height:
  1. Principal Buildings – Principal buildings containing residential units shall not exceed 3.5 stories and forty-two (42) feet, as defined under Section 16-4.2 of the Township Zoning Ordinance.
    - a. Exposed building foundation shall be screened with landscaping, with a landscape plan to be prepared by a Licensed Landscape Architect (LLA).
    - b. Chimneys, parapets, and appurtenances up to 10% or 10 feet in height, whichever is greater, shall be excluded from height calculations.
  2. Accessory Buildings - No accessory building or accessory structure shall exceed the height of the principal building or structure or twenty (20) feet whichever results in the lesser height.
- E. Maximum impervious coverage: (50%) of total lot area.
- F. Maximum building coverage: (30%) of total lot area.
- G. Minimum building setbacks as set forth below:
  1. Principal Buildings –

Front Yard (North Road)

30 Feet

Front Yard (Washington Valley Road)	35 Feet
Setbacks from all other Property Lines	35 Feet

2. Stoops, porches, overhangs, bay windows and other similar architectural features less than 4 +/- shall not count towards the setback requirements.
- H. Maximum Retaining Wall Height: 6 feet. Maximum height shall be calculated per wall if included as part of a tiered wall system.
- I. Minimum Open Space and Amenity Requirement. The following open space and amenity requirements shall apply:
1. A minimum of 10% of the total lot area shall be provided as common open space, inclusive of any outdoor amenity areas.
    - a. The required open space may be provided as courtyards furnished with a combination of elements such as hardscape areas, internal walking paths/sidewalks, benches, gazebos, landscaping, appropriate lighting, or similar elements, and may include outdoor amenity areas such as dog runs and areas furnished with a pool.
- J. Signage Requirements
1. One (1) freestanding, double-sided sign shall be permitted per property frontage.
    - a. Sign Area. Maximum of 32 square feet in sign area on each side.
    - b. Sign Setback. Minimum setback of 10 feet from a property line.
    - c. Sign Height. Maximum height of 10 feet.
  2. Internal Directional Signs. Any signs reasonably necessary to direct residents, visitors and guests within the development shall be permitted as set forth in the site plan approval. Directional signs shall have a uniform appearance. Directional signs shall not exceed 10 square feet in sign area and shall not exceed 4.5 feet in height.
  3. Temporary signage to advertise the initial lease-up period shall be permitted on a sign with a maximum area of twenty-four (24) square feet and twelve (12) feet in height. One (1) such sign shall be permitted on each frontage providing public access to the development. Temporary signage shall not exceed one year from the initial occupancy date of the first unit leased.
- K. Off-street parking and parking design requirements:

1. Parking shall comply with Residential Site Improvement Standards (“RSIS”) New Jersey Administrative Code, Title 5, Chapter 21 as minimum parking requirements.
  2. Parking may be permitted in all required minimum yard areas.
  3. Electric Vehicle (EV) parking spaces with charging stations shall be provided, or constructed to be Make-Ready, in compliance with the requirements for parking facilities of any multifamily development that includes more than five (5) units according to State law P.L. 2021, c. 171, and any EV Ordinance requirements specific to the Township of Warren.
  4. Parking Setbacks
    - a. Principal building face to interior street curb – 10 feet
    - b. Any principal building face to common parking area – 10 feet
    - c. From any property lot line – 10 feet
- L. Market Rate and Affordable Housing Requirements
1. There shall be a minimum set-aside of 25% of the total units as affordable unit credits which may be rounded down to the nearest whole unit number.
  2. The developer shall have an obligation to deed restrict the Affordable Units as very low-, low-, or moderate-income affordable, for-sale units for a period of at least thirty (30) years and affordable, rental units for a period of at least forty (40) years,, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
  3. The bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4.
  4. The bedroom and income distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4, and shall also provide for a 13% set-aside of very-low income units as part of the income distribution.
  5. Design of developments. The design of the market and affordable units shall be as required or permitted by the Uniform Housing Affordability Controls, N.J.A.C.

5:80-26.5, and Section 16-6.5, “New Construction” of the Township of Warren Affordable Housing Ordinance.

6. The market rate and affordable unit distribution requirements for the project shall be as follows:
  - a. Maximum of 87 market rate units
  - b. Minimum of 28 affordable units.
  
- M. Lighting. Street lighting shall conform to the type and number supplied and approved by the local utility. Lighting shall be provided at all street intersections, parking stalls/areas and common use areas (such as a clubhouse, community mailboxes, etc.). Lighting intensity measured at ground level shall be provided as set forth:
 

a) Street Intersections	= 0.3 footcandle (average)
b) Parking Stalls (on or off-street)	= 0.5 footcandles (average)
c) Common Use Areas	= 0.5 footcandles (average)
d) All other areas	= 0.0 footcandles (average)

#### **§16-22H.4 Design Standards**

- A. The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.
  
- B. General Design Standards.
  1. All buildings should be designed with architectural detailing that can be unique, and complement the appearance of adjacent structures. The overall design of the building shall be complementary to other building design along Mountain Boulevard by utilizing similar high quality building materials, demonstrate similar architectural style and design, and include similar elements
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front façade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.

5. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
6. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
7. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
8. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
9. Mechanical Screening and Buffering. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls, parapet, or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen. Such screening shall not be included in the overall height of any building provided such screening shall not exceed 5 feet in height above the roof line.
10. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
11. Shutters. The use of shutters on building facades shall be encouraged.
12. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
13. All units shall, at a minimum, be equipped with Energy Star certified appliances and utilities.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 5.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 6.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

**Section 8.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

**Section 9.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 10.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

**Section 11.** In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website; and

**Section 12.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**Attest**



Donna Hands, Clerk

**Township of Warren**



Shaun Fine, Mayor

INTRODUCED: February 19, 2026

ADOPTED: March 12, 2026

EFFECTIVE:

# EXHIBIT D

Explanation: This Ordinance amends Chapter 16 “Zoning” to create a new AH-12 Affordable Housing District (Block 88.08, Lot 4) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**TOWNSHIP OF WARREN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
ORDINANCE NO. 26-09**

**ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF  
THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY,  
TO CREATE A NEW AH-12 AFFORDABLE HOUSING DISTRICT**

**Whereas**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“Amended FHA”); and

**Whereas**, on January 31, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on April 23, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township’s Fourth Round Affordable Housing Obligation at 10 Present Need units and 262 Prospective Need units; and

**Whereas**, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township’s Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

**Whereas**, on June 27, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on August 31, 2025, Fair Share Housing Center filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on August 31, 2025, Avalon Bay Communities filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on December 21, 2025, the Township and Fair Share Housing Center entered into a Mediation Agreement Before The Affordable Housing Dispute Resolution Program resolving Fair Share Housing Center’s challenge to the Township’s Housing Element and Fair Share Plan; and

**Whereas**, on January 29, 2026, the Affordable Housing Program issued a Program Decision Recommendation - Housing Element and Fair Share Plan recommending approval of the Mediation Agreement and dismissal of the challenge filed by Avalon Bay Communities; and

**Whereas**, on February 3, 2026, the Honorable William Mennen entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan consistent with the Affordable Housing Program recommendation thereby approving the Mediation Agreement and dismissing the challenge filed by Avalon Bay Communities; and

**Whereas**, the Mediation Agreement, Decision and Order Approving Municipal Housing Element and Fair Share Plan and Amended FHA require the Township to adopt implementing ordinances that provide a realistic opportunity for development of affordable housing within the municipality to meet its Fourth Round Affordable Housing Obligation; and

**Whereas**, on February 11, 2026, the Planning Board approved and adopted a Master Plan Reexamination Report in accordance with N.J.S.A. 40:55D-89 addressing, amongst other things, the rezoning of property within the municipality to address its Fourth Round Affordable Housing Obligation; and

**Whereas**, the Township in compliance with the foregoing wishes to amend Chapter 16 “Zoning” of the Municipal Code to create a new AH-12 Affordable Housing District (Block 88.08, Lot 4) to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, Count of Somerset, State of New Jersey, as follows:

**Section 1.** Chapter 16 “Zoning”, Section 16-2 “Establishment of Districts”, Subsection 16-2.1 “Districts” of the Municipal Code of the Township of Warren is hereby amended to create a new AH-12 Affordable Housing District as follows:

Affordable Housing Districts

AH-12 Affordable Housing

**Section 2.** Chapter 16 “Zoning”, Section 16-3 “Official Zoning Map and Interpretation”, Subsection 16-3.1 “Official Zoning Map” of the Municipal Code of the Township of Warren is hereby amended as follows:

A. Change the zoning district classification on the official zoning map from RBLR to AH-12 Affordable Housing District for the following properties:

Block 88.08, Lot 4

Boundaries of the rezoned area are indicated on Exhibit A attached to this Ordinance.

**Section 3.** Chapter 16 “Zoning” of the Municipal Code of the Township of Warren is hereby amended create a new AH-12 Affordable Housing District as follows:

## **§16-22I AH-12 AFFORDABLE HOUSING DISTRICT**

**§16-22I.1 Purpose.** The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing and Fair Share Plan Element. The uses and standards for development are permitted only within the AH-12 zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.

The intent and purpose are to implement the Affordable Housing and Fair Share Plan Element of the adopted Master Plan of Warren Township. This zone district and its regulations are intended to provide a realistic opportunity for the construction of a maximum of 64 units as part of an inclusionary development with a 30% set aside, with 44 market residential units and no less than 20 affordable units.

- A. Provisions Related to Off-Site Improvements. The extent of the developer's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a developer's agreement with the Township Committee. Off-site responsibility for properties not covered under the developer's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state, and federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in the Township's Zoning Code. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- B. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Housing Element and Fair Share Plan of the Master Plan. The uses and standards for development are permitted only within the AH-12 Zone as shown on the revised Official Zoning Map.

### **§16-22I.2 Permitted uses.**

- A. Principal uses.
1. Multifamily dwelling units, including, but not limited to, buildings with apartment flats with common stairways or corridors.
- B. Accessory uses and structures. The following accessory uses and structures shall be permitted:
1. Parking spaces, driveways, attached or detached individual parking garages;
  2. Refuse and recycling building and/or structure;
  3. Indoor amenities for use by residents and their guests, such as, but not limited to, a club room, fitness room, conference/work areas, a model residential unit - which

shall not be used for employee or residential occupancy and which shall be utilized solely for prospective residents to view - and/or leasing and maintenance office;

4. Active and passive recreation areas, which may include amenities such as, but shall not be limited to, a pool, grilling/barbeque areas, a tot lot, a dog run, and a walking trail or sidewalks.
5. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

**§16-22I.3 Area and bulk requirements.**

- A. Minimum lot area: 3 acres
- B. Maximum number of residential units: 64 units, inclusive of required affordable unit set-aside.
- C. Number of affordable units provided on-site: no less than 20 affordable units
- D. Maximum height:
  1. Principal Buildings – Principal buildings containing residential units shall not exceed 3 stories and forty (40) feet, as defined under Section 16-4.2 of the Township Zoning Ordinance.
    - a. Exposed building foundation shall be screened with landscaping, with a landscape plan to be prepared by a Licensed Landscape Architect (LLA).
  2. Accessory Buildings - No accessory building or accessory structure shall exceed the height of the principal building or structure or twenty (20) feet whichever results in the lesser height.
- E. Maximum impervious coverage: (50%) of total lot area.
- F. Maximum building coverage: (30%) of total lot area.
- G. Minimum building setback:
  1. Principal Buildings –
 

Front Yard (Mountain Boulevard)	30 feet
Front Yard (Primrose Way)	40 Feet
From all other property lines	25 feet
- H. Minimum Open Space and Amenity Requirement. The following open space and amenity requirements shall apply:

1. A minimum of 10% of the total lot area shall be provided as common open space, inclusive of any outdoor amenity areas.
  - a. The required open space may be provided as courtyards furnished with a combination of elements such as hardscape areas, internal walking paths/sidewalks, benches, gazebos, landscaping, appropriate lighting, or similar elements, and may include outdoor amenity areas such as dog runs and areas furnished with a pool.
2. Separate from the outdoor open space requirement, the requirement for indoor amenity facilities shall be satisfied by the following:
  - a. An indoor amenity package of no less than 2,500 square feet shall be provided, which may, but is not required to include some combination of amenities such as a lobby area, a leasing office, a fitness room, club or common room, yoga studio, co-working space, and/or similar elements that serve as common areas of the development, including common restrooms.

I. Signage Requirements

1. One (1) freestanding, double-sided sign shall be permitted per property frontage.
  - a. Sign Area. Maximum of 32 square feet in sign area on each side.
  - b. Sign Setback. Minimum setback of 10 feet from a property line.
  - c. Sign Height. Maximum height of 10 feet.
2. Internal Directional Signs. Any signs reasonably necessary to direct residents, visitors and guests within the development shall be permitted as set forth in the site plan approval. Directional signs shall have a uniform appearance. Directional signs shall not exceed 10 square feet in sign area and shall not exceed 4.5 feet in height.
3. Temporary signage to advertise the initial lease-up period shall be permitted on a sign with a maximum area of twenty-four (24) square feet and twelve (12) feet in height. One (1) such sign shall be permitted on each frontage providing public access to the development. Temporary signage shall not exceed one year from the initial occupancy date of the first unit leased.

J. Off-street parking and parking design requirements:

1. Parking shall comply with Residential Site Improvement Standards (“RSIS”) New Jersey Administrative Code, Title 5, Chapter 21 as minimum parking requirements.
  2. Parking may be permitted in all required minimum yard areas.
  3. Electric Vehicle (EV) parking spaces with charging stations shall be provided, or constructed to be Make-Ready, in compliance with the requirements for parking facilities of any multifamily development that includes more than five (5) units according to State law P.L. 2021, c. 171, and any EV Ordinance requirements specific to the Township of Warren.
  4. Parking Setbacks
    - a. Principal building face to interior street curb – 10 feet
    - b. Any principal building face to common parking area – 10 feet
    - c. From any property lot line – 10 feet
- K. Market Rate and Affordable Housing Requirements
1. There shall be a minimum set-aside of 30% of the total units as affordable unit credits, and in no case less than 20 affordable credits provided on-site regardless of the number of market-rate units provided.
  2. The developer shall have an obligation to deed restrict the Affordable Units as very low-, low-, or moderate-income affordable, for-sale units for a period of at least thirty (30) years and affordable, rental units for a period of at least forty (40) years,, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
  3. The bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4.
  4. The bedroom and income distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.4, and shall also provide for a 13% set-aside of very-low income units as part of the income distribution.

5. The affordable housing units shall be located in buildings containing market rate units.
  6. The market rate and affordable unit distribution requirements for the project shall be as follows:
    - a. Maximum of 44 market rate units
    - b. Minimum of 20 affordable units.
- L. Lighting. Street lighting shall conform to the type and number supplied and approved by the local utility. Lighting shall be provided at all street intersections, parking stalls/areas and common use areas (such as a clubhouse, community mailboxes, etc.). Lighting intensity measured at ground level shall be provided as set forth:
- |                                      |                             |
|--------------------------------------|-----------------------------|
| a) Street Intersections              | = 0.3 footcandle (average)  |
| b) Parking Stalls (on or off-street) | = 0.5 footcandles (average) |
| c) Common Use Areas                  | = 0.5 footcandles (average) |
| d) All other areas                   | = 0.0 footcandles (average) |

#### **§16-22I.4 Design Standards**

- A. The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.
- B. General Design Standards.
  1. All buildings should be designed with architectural detailing that can be unique, and complement the appearance of adjacent structures. The overall design of the building shall be complementary to other building design along Mountain Boulevard by utilizing similar high quality building materials, demonstrate similar architectural style and design, and include similar elements
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front façade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.

5. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
6. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
7. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
8. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
9. Mechanical Screening and Buffering. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.
10. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
11. Shutters. The use of shutters on building facades shall be encouraged.
12. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
13. All units shall, at a minimum, be equipped with Energy Star certified appliances and utilities.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 5.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 6.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

**Section 8.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

**Section 9.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 10.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

**Section 11.** In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website; and

**Section 12.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**Attest**



---

Donna Hands, Clerk

**Township of Warren**



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Shaun Fine, Mayor

INTRODUCED: February 19, 2026

ADOPTED: March 12, 2026

EFFECTIVE:

# EXHIBIT E

Explanation: This Ordinance amends Chapter 16 “Zoning”, Section 16-22A “AH-4 Affordable Housing District” (Block 85.01, Lots 1, 2, 3 and 4) to remove hotel as a principal permitted use and provide a realistic opportunity for development of age restricted inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**TOWNSHIP OF WARREN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
ORDINANCE NO. 26-10**

**ORDINANCE AMENDING CHAPTER 16 “ZONING”, SECTION 16-22A “AH-4 AFFORDABLE HOUSING DISTRICT” OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO REMOVE HOTEL AREA AS A PERMITTED USE IN THE DISTRICT AND PROVIDE FOR AGE RESTRICTED INCLUSIONARY HOUSING**

**Whereas**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“Amended FHA”); and

**Whereas**, on January 31, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on April 23, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township’s Fourth Round Affordable Housing Obligation at 10 Present Need units and 262 Prospective Need units; and

**Whereas**, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township’s Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

**Whereas**, on June 27, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

**Whereas**, on August 31, 2025, Fair Share Housing Center filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on August 31, 2025, Avalon Bay Communities filed a challenge to the Township’s Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**Whereas**, on December 21, 2025, the Township and Fair Share Housing Center entered into a Mediation Agreement Before The Affordable Housing Dispute Resolution Program resolving Fair Share Housing Center’s challenge to the Township’s Housing Element and Fair Share Plan; and

**Whereas**, on January 29, 2026, the Affordable Housing Program issued a Program Decision Recommendation - Housing Element and Fair Share Plan recommending approval of the Mediation Agreement and dismissal of the challenge filed by Avalon Bay Communities; and

**Whereas**, on February 3, 2026, the Honorable William Mennen entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan consistent with the Affordable Housing Program recommendation thereby approving the Mediation Agreement and dismissing the challenge filed by Avalon Bay Communities; and

**Whereas**, the Mediation Agreement, Decision and Order Approving Municipal Housing Element and Fair Share Plan and Amended FHA require the Township to adopt implementing ordinances that provide a realistic opportunity for development of affordable housing within the municipality to meet its Fourth Round Affordable Housing Obligation; and

**Whereas**, on February 11, 2026, the Planning Board approved and adopted a Master Plan Reexamination Report in accordance with N.J.S.A. 40:55D-89 addressing, amongst other things, the rezoning of property within the municipality to address its Fourth Round Affordable Housing Obligation; and

**Whereas**, the Township in compliance with the foregoing wishes to amend Chapter 16 “Zoning”, Section “AH-4 Affordable Housing District” of the Municipal Code to remove hotel area as a permitted use in the District and provide a realistic opportunity for development of age restricted inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, Count of Somerset, State of New Jersey, as follows:

**Section 1.** Chapter 16 “Zoning”, Section 16-22A “AH-4 Affordable Housing District” of the Municipal Code of the Township of Warren is hereby amended as follows: **New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.**

## **§16-22A AH-4 AFFORDABLE HOUSING DISTRICT**

### **§16-22A.1 Purpose and Intent; Applicability**

- a. The objectives and standards set forth hereafter are designated to implement the Housing and Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-4 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A. <sup>[1]</sup>  
<sup>[1]</sup> *Editor's Note: Said exhibit in on file in the Township offices.*
- b. The intent and purpose is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act.
- c. Third Round Housing Element and Fair Share Plan. Consistent with and pursuant to the Court-approved settlement agreement, dated October 12, 2018 (as amended)

("settlement agreement") by and among the parties in the Township of Warren's declaratory judgment Mount Laurel action captioned IMO Warren Township, Docket No. SOM-L-000904-15 ("DJ Action"), this section creates the AH-4 Affordable Housing Zone District, which is comprised of Block 85.01, Lots 1, 2, 3 and 4, as shown on the Tax Map of the Township of Warren (the "tract"). The AH-4 Zone District shall be developed with an inclusionary development (the "inclusionary development") component comprised of the following three components and accessory structures: (a) the townhouse component comprised of 115 residential units (the "townhouse areas"); and (b) the multifamily rental component comprised of 220 residential rental units (the "multifamily housing area"); and (c) ~~the hotel component comprised of a hotel with approximately 130 guest rooms/guest suites and restaurant(s), with or without a liquor license, that is either within, connected to or stand alone and separate from the hotel structure (the "hotel area").~~ The inclusionary development shall include an overall 22.4% set-aside of affordable rental units that will be governed by controls on affordability and comply with all other Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") requirements as of the date of the adoption of this section. The total number of residential units between the townhouse component and the multifamily rental component shall not exceed 335 units, of which 75 units shall be deed restricted as affordable units (the "Affordable Units"), all of which shall be developed as follows:

Component	Market Rate	Affordable	Total
Townhouse areas	107	8	115
Multifamily housing area	153	67	220
Maximum total residential units	260	75	335

- d. Third Round Housing Element and Fair Share Plan Phasing. The inclusionary development may be developed in up to three phases. The residential components of the inclusionary development, however, shall be treated as a single development for the purposes of the requirements of N.J.A.C. 5:93-5.6(d); however, the townhouse component can be fully constructed as a single construction phase consistent with N.J.A.C. 5:93-5.6(d). A plan showing the various components of the inclusionary development is attached hereto as Exhibit B<sup>[2]</sup> and made a part hereof.

<sup>[2]</sup> *Editor's Note: Said exhibit is on file in the Township offices.*

- e. Fourth Round Housing Element and Fair Share Plan. Consistent with and pursuant to the Decision and Order Approving Municipal Housing Element and Fair Share Plan, dated February 3, 2026, entered by the Honorable William Mennen in the Township of Warren's Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan, Docket No.: SOM-L-180-25, an age-restricted inclusionary housing development of 140 total units inclusive of a 25% affordable housing set-aside of no less than 35 age-restricted affordable units shall be permitted.

**§16-22A.2 (Reserved)****§16-22A.3 Land Use Plan**

The permitted uses and design standards within the AH-4 Affordable Housing Zone District are as set forth below:

- a. Minimum Tract Area: 40 acres
- b. Maximum Tract Lot Coverage: 40%. Any one subdivided lot may exceed 40% so long as the Tract lot coverage does not exceed 40%.
- c. Utilities and stormwater management basins and structures (including fences and/or retaining walls) shall be five (5) feet from any Tract boundary line or from any other right-of-way line of a dedicated municipal roadway (excluding permitted accessory uses at roadway intersections), and permitted within any yard and any buffer areas.
- d. Minimum Open Space. An overall 40% of the total Tract shall be open space. For the purposes of calculating open space, the following shall be included: (a) lots specifically designated as open space; (b) open space buffer area, (c) stormwater management facilities, and (d) designated wetlands and transition buffer.
- e. Permitted Uses
  1. Townhouse Areas:
    - (a) Two and three story townhouse units.
    - (b) Multi-family dwelling units.
    - (c) Combination of townhouse and multi-family units.
  2. Multi-family Housing Area:
    - (a) Multi-family dwelling units.
  3. ~~Hotel Area.~~
    - (a) ~~Hotels which, for the purposes of this section, shall permit hotels as defined in § 16-4 of this chapter to include guest rooms or guest suites which contain more than two rooms and may include kitchenettes to accommodate occupants on a day-to-day or extended stay basis.~~
    - (b) ~~Restaurant(s), with or without a liquor license, either within, connected to or stand alone and separate from the hotel structure notwithstanding § 16-5.15 permitting only one principal structure. For the purpose of this subsection, the term "restaurant" shall mean an establishment where food and drink are prepared and/or served and consumed at tables within the principal building~~

~~without facilities for drive-through order or drive-through pickup.~~

3. Age-restricted, multi-family residential dwelling units. An age-restricted unit means a housing unit designed to meet the needs of and exclusively for, the residents of an age-restricted segment of the population: 55 years of age or older as permitted by the Fair Housing Act, 42 U.S.C. § 3607. No person less than 18 years of age shall be a permanent resident.

f. Permitted Accessory Buildings

- ~~1. Townhouse Areas: Accessory buildings and uses customarily incidental to the above permitted uses.~~

- ~~2. Multifamily Housing Area:~~

~~(a) Accessory building and uses customarily incidental to the above permitted uses, including but not limited to those listed.~~

~~—(b) Clubhouse parking;~~

~~—(c) Parking deck;~~

~~—(d) Swimming pool for community use;~~

~~—(e) Trash/Recycling enclosures;~~

- ~~3. Hotel Area.~~

~~(a) Accessory building and uses customarily incidental to the above permitted uses, including but not limited to those listed;~~

~~(b) Swimming pool for hotel.~~

1. Accessory building and uses customarily incidental to the above permitted uses, including but not limited to those listed. Townhouse Areas: Accessory buildings and uses customarily incidental to the above permitted uses.

(a) Clubhouse parking;

(b) Parking deck;

(c) Swimming pool for community use;

(d) Trash/Recycling enclosures.

## §16-22A.4 Development Standards and Requirements

### a. Townhouse Areas.

- |  |  |
|--|--|
| 1. Maximum Number of Units:<br>of  | No more than 115 units shall be permitted, which 107 shall be market rate for- sale units and 8 shall be affordable units  |
| 2. Minimum Percentage of Market Rate Units with Master Bedrooms on Ground Level  | Ten (10%) percent  |
| 3. Maximum Building Height   | 3 stories/40 ft. (whichever is less) as measured from average finished grade<br>If all units within a building contain a walk-out or day-light rear basement or cellar wall with a minimum four-foot exposure above finished grade, the height of that building may be increased to 48 ft. |
| 4. Minimum Habitable Space for Income Restricted Affordable Units*   | 1 bedroom-600 square feet<br>2 bedroom-750 square feet<br>3 bedroom-850 square feet  |
| *Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3. |  |
| 5. Maximum Units per Building footprint  | 6 units-except that a townhouse unit can be replaced with two (2) stacked multi-family units to a maximum of 12 units  |
| 6. Maximum No. Bedrooms/Unit   | 4/unit   |
| 7. Maximum Average* Market-Rate Habitable Unit Floor Area  | Townhome Unit- 2,800 s.f.<br>Multi-family Dwellings, which shall include stacked townhouses in Unit 1 – 1,850 s.f.   |

\*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions.

8. Townhouse and Multi-family

Dwellings shall comply with the following:

(a) Minimum Building Setback 50 feet from any Tract Boundary Line, except Minimum Building Setback from Block 5, Lot 85.01 shall be 20 feet.

9. Townhouse and Multi-family Dwelling Units shall be zero lot line and without additional setback requirements.

10. Parking

(a) Minimum Parking Setback 15 feet from any Tract boundary line

(b) Parking spaces may be provided as surface parking or within a building in accordance with RSIS.

b. Multi-Family Housing Area.

- |  |  |
|--|--|
| 1. Maximum Number of Units:  | No more than 220 shall be permitted, of which 153 shall be market rate rental units and 67 shall be affordable units                       |
| 2. Maximum Building Height   |  |
| (a) Multi-Family Buildings   | 4 stories/52 ft. (whichever is less) as measured from average finished grade<br>Basement parking, if any, shall not be considered a story. |
| (b) Clubhouse Building:  | 35 feet  |
| (c) Parking Deck:  | 40 feet to the parapet wall  |
| 3. Minimum Habitable Space for Income Restricted Affordable Units* | 1 bedroom-600 square feet<br>2 bedroom-750 square feet<br>3 bedroom-850 square feet  |

\*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per

UHAC regulations Section 5:80-26.3.

4. Maximum Units per Building 125 units
5. Maximum No. Bedrooms/Unit 3/unit
6. Maximum Average\*  
Habitable Unit  
Floor Area 1,650 s.f.
7. Multi-Family Buildings (excluding  
accessory structures and buildings)  
shall comply with the following:
  - (a) Minimum building setback 50 feet  
from any Tract boundary line
  - (b) Minimum building setback 10 feet  
from the curb line or edge of  
pavement of any internal street,  
parking space or other vehicular  
area, except at entrances to  
underbuilding parking
8. Parking
  - (a) Minimum Parking Setback 15 feet  
from any Tract boundary line
  - (b) Parking spaces shall be provided in accordance with RSIS.
  - (c) Buildings within a Multi-Family Housing Area shall be zero lot line and  
without additional setback requirements.
  - (d) Parking may be permitted in the front yard provided landscaping and/or  
fencing is provided between the parking area and street.

e. ~~Hotel Area~~

- ~~1. Maximum number of hotel guest rooms/guest  
suites 130~~
- ~~2. Maximum restaurant building area 8,000 square feet~~
- ~~3. Maximum building height~~
  - ~~(a) Hotels 4 stories/52 feet~~
  - ~~(b) Restaurant 1 story/35 feet~~

4. ~~Minimum building setback from any tract boundary (hotel and restaurant)~~ 50 feet

5. ~~Parking~~

(a) ~~Minimum parking setback from any tract boundary line~~ 15 feet

(b) ~~Parking may be permitted in the front yard provided landscaping and/or fencing is provided between the parking area and street.~~

(c) ~~Parking spaces shall be provided as surface parking at a minimum of 1 space for each guest room/guest suite, plus 1 space per 300 gross floor area of restaurant area~~

c. Age-Restricted Multi-Family Development (Block 85.01, Lot 2).

1. Maximum number of age-restricted multi-family residential dwelling units 140 Units including 35 affordable rental units that will be governed by controls on affordability and comply with all UHAC requirements. All affordable units will be restricted to residents aged 55 or older. No person under 18 shall reside in an age restricted unit.

2. Maximum Building Height

(a) Multi-Family Residential 5 stories/55 ft. as measured from grade. Any basement and/or cellar shall not be considered a story.

3. Minimum Building Setback 40 feet-from any external lot lines (tract boundary/age-restricted development)

4. Minimum Building Setback 10 feet-from any Internal lot lines (the boundaries between individual lots within the tract/age-restricted development)

5. Parking

(a) Minimum Parking Setback 10 feet-from any external lot line (tract boundary)

(b) Minimum Parking Setback 5 feet-from any internal lot lines (The boundaries between individual lots within the tract)

- (c) Parking may be permitted in the front yard provided landscaping and/or fencing is provided between the parking area and street.
- (d) Parking spaces for age-restricted multi-family residential development, which shall include surface, basement, or subsurface parking, shall be provided in accordance with RSIS requirements.

### **§16-22A.5 Signage**

Signage shall be permitted as set forth below:

a. Identification Signs along King George Road.

- 1. Maximum of two double-sided identification ground (a.k.a. freestanding) signs and two identification wall signs shall be permitted along the King George Road frontage.
- 2. Each sign attached to a wall shall not exceed five feet in height and 30 feet in length.
- 3. Signs attached to a wall of a building shall not exceed 10% of the area of wall.
- 4. Ground signs shall not exceed 50 square feet in area per face.
- 5. The maximum height of any ground sign shall not exceed 10 feet.
- 6. No ground sign shall be located closer to any right-of-way or tract boundary line than 10 feet.
- 7. Identification signs may be located in a required buffer area.

b. Identification Signs along Mountain Avenue.

- 1. Maximum of two double-sided identification signs shall be permitted along the Mountain Avenue frontage. Signs shall be ground signs.
- 2. Signs shall not exceed 25 square feet in area per face.
- 3. The maximum height of any ground sign shall not exceed 10 feet.
- 4. No ground sign shall be located closer to any right-of-way or tract boundary line than 10 feet.
- 5. Identification signs may be located in a required buffer area.

c. Other Permitted Identification Signs.

- 1. Maximum of one double-sided identification sign, in addition to the standards set forth above, shall be permitted to identify the townhouse area that is located adjacent to the multifamily housing area. Said sign shall meet the standards per § 16-22A.5.b above.

d. Directional signs.

- 1. Directional signs shall be permitted, provided that such signs are no greater than two feet by three feet and do not exceed four feet in height.

### **§16-22A.6 Buffer**

~~The settlement agreement requires that the development of the AH-4 Zone District as set forth herein be appropriately buffered. Adequate buffering from Mountain Avenue and King George Road shall consist of landscaping, fencing, walls or a combination of same.~~

### **§16-22A.7 Appliances**

All units shall be equipped with ENERGY STAR®-certified kitchen appliances, if applicable and to be provided by the developer.

**Section 3.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 4.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 5.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 6.** After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

**Section 7.** After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

**Section 8.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper

published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

**Section 9.** Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

**Section 10.** In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website; and

**Section 11.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**Attest**



Donna Hands, Clerk

**Township of Warren**



Shaun Fine, Mayor

INTRODUCED: February 19, 2026

ADOPTED: March 12, 2026

EFFECTIVE: