

**TOWNSHIP OF CLINTON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**ORDINANCE
____-2026**

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY CREATING A NEW ZONING DISTRICT TO BE KNOWN AS THE “AH-11 AFFORDABLE HOUSING DISTRICT” AND ESTABLISH DEVELOPMENT REGULATIONS APPLICABLE THERETO, TO FACILITATE THE CONVERSION OF EXISTING COMMERCIAL SPACE INTO MULTI-FAMILY RESIDENTIAL UNITS, INCLUDING AFFORDABLE UNITS, ON PROPERTY LOCATED AT 9 WEST MAIN STREET AND DESIGNATED ON THE CLINTON TOWNSHIP TAX MAPS AS BLOCK 49, LOT 25, IN ACCORDANCE WITH THE TOWNSHIP’S FOURTH ROUND AFFORDABLE HOUSING ELEMENT AND FAIR SHARE PLAN, AND AMENDING CHAPTER 165, “LAND USE REGULATIONS” OF THE “CODE OF THE TOWNSHIP OF CLINTON” ACCORDINGLY

WHEREAS, in accordance with the New Jersey Supreme Court’s “Mount Laurel I” decision (*South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975)) and progeny, as well as the 1985 New Jersey Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 *et seq.*, the Township of Clinton (“Township”) has a constitutional obligation to provide for its fair share of its region’s need for low- and moderate-income housing; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, in accordance with the requirements of the Amended FHA, Clinton Township’s affordable housing planning consultant, Tom Behrens, PP/AICP, of the firm of Burgis Associates, Inc., prepared a fourth round housing element and fair share plan (“2025 HEFSP”) entitled “Housing Element & Fair Share Plan, Township of Clinton, Hunterdon County, New Jersey, June 19, 2025”; and

WHEREAS, on June 30, 2025 the Clinton Township Planning Board adopted, and the Clinton Township Mayor and Council endorsed, the 2025 HEFSP, finding that it will guide the use of lands in the Township in a manner that protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, is designed to achieve access to affordable housing to meet the Township’s Fourth Round Mount Laurel constitutional affordable housing obligations, and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the 2025 HEFSP includes among its compliance mechanisms rezoning a ±1.93-acre parcel located at 9 West Main Street (Block 49, Lot 25 on the Clinton Township tax maps) in order to facilitate the conversion of existing commercial space

into several new residential apartment units, including two low- and moderate-income units (see pp. 5, 37 and 50 of the 2025 HEFSP); and

WHEREAS, the Mayor and Council wish to create a new zoning district comprising the above-described parcel and establish regulations for said district, consistent with the 2025 HEFSP;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey as follows:

1. **Preamble.** The preamble to this ordinance is hereby incorporated as if fully restated herein.
2. **AH-11 Affordable Housing District created.** Section 165-85, "Establishment of districts" of the "Code of the Township of Clinton" ("Township Code") is hereby amended and supplemented to add thereto a new zoning district entitled the "AH-10 Affordable Housing District," and shall read as follows (additions are underlined thus; deletions are in brackets [thus]):

§ 165-85. Establishment of Districts.

For the purpose of this chapter, the Township of Clinton is hereby subdivided into [24]25 zone districts, known as:

RC	Rural Conservation District
RR-4	Rural Residential 4 District
RR-4S	Rural Residential District 4S
SR	Suburban Residential District
VR	Village Residential District
AH-1	Affordable Housing District
AH-2	Affordable Housing District
AH-3	Affordable Housing District
AH-4	Affordable Housing Redevelopment_District
AH-5	Affordable Housing District
AH-6	Affordable Housing District
AH-8	Affordable Housing District
AH-9	Affordable Housing District
AH-10	Affordable Housing District
AH-11	<u>Affordable Housing District</u>
C-1	Commercial District
C-ROM	Commercial – Research, Office and Manufacturing District
HC	Highway Commercial District
OB-1	Office Building District
OB-2	Office Building District
ROM-1	Research, Office and Manufacturing District
ROM-2	Research, Office and Manufacturing District

ROM-3	Research, Office and Manufacturing District
PUD	Planned Unit Development Overlay
PDO	Planned Development Overlay

3. **AH-11 zoning regulations established and new article created.** Part 7, “Zoning Regulations” in Chapter 165, “Land Use Regulations” of the Township Code is hereby amended by adding thereto new Article XXIIH, entitled “AH-11 Affordable Housing District,” which shall read as follows:

Article XXIIH
AH-11 Affordable Housing District

§165-155.79 Purpose.

The purpose of the AH-11 Zone is to establish development regulations to facilitate the conversion of several commercial spaces into multifamily units in an existing mixed-use development that is the subject of approvals granted by the Clinton Township Zoning Board of Adjustment in 2015. Twenty-six existing multifamily residential units, including four units that are affordable to low- and moderate-income households, will be retained, and up to eight new multifamily units, including two new units affordable to low- and moderate-income households, will be created, resulting in a maximum of thirty-four residential units, including a minimum of six affordable units. These affordable units will address a portion of the Township’s affordable housing obligation in accordance with the Township’s Fourth Round Housing Element and Fair Share Plan. All affordable units shall comply with applicable requirements of the New Jersey Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 *et seq.*, the New Jersey Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 *et seq.*, and all Township regulations pertaining to affordable housing. A maximum of two commercial spaces will be permitted to remain in accordance with the terms of this Article.

§165-155.80 Permitted principal uses.

- A. Up to two retail sales or service establishments as permitted in the C-1 Commercial District, not to exceed 1,750 square feet of gross floor area in the aggregate.
- B. Multifamily residential units.

§165-155.81 Permitted accessory uses.

- A. Private garages.
- B. Storage and maintenance sheds.
- C. Off-street parking as hereinafter regulated.
- D. Signs in accordance with the requirements of § 165-109.
- E. Private recreation buildings and facilities, including ancillary indoor and outdoor private recreational amenities, primarily intended for use by residents of the development.
- F. Community center/room serving the residents of the development.
- G. Gazebos, pergolas and similar outdoor landscape structures.
- H. Uses which are customarily incidental to the principal permitted uses in the zone, including, but not limited to, leasing, management, maintenance, and operations offices.
- I. Employee/superintendent occupied dwelling unit.
- J. Dumpster enclosures.
- K. Green infrastructure and stormwater infrastructure.
- L. Other accessory uses customarily incidental to the permitted principal uses set forth in this Article.

§165-155.82 Area and bulk requirements.

All development in the AH-11 District shall comply with the following bulk requirements:

Requirement	AH-11
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Min. Lot Area	75,000 sf
Max. Density	34 units
Min. Number of Affordable Housing Units	6
Min. Lot Width at East Street	200 ft
Min. Lot Width at Main Street	46 ft
Min. Front Yard Setback	2 ft
Min. Side Yard Setback	0 ft
Min. Rear Yard Setback	N/A
Max. Impervious Coverage	90%
Max. Building Coverage	25%
Max. Building Height	2 sty/35 ft

§165-155.83 Supplemental regulations.

- A. Surface parking areas shall have a minimum front yard setback of twenty-five feet, a minimum side yard setback of five feet and a minimum setback of zero feet from buildings walls.
- B. Driveways shall be allowed in the front yard to the extent they provide access from a public road to a permitted parking area in the side or rear yard. Driveways shall be set back at least one foot from building walls and five feet from side lot lines.
- C. The two new affordable units created for the Fourth Round will consist of one 1-bedroom low income unit and one 3-bedroom moderate income unit. Provided the unit complies with UHAC, the 3-bedroom unit may be a conversion of an existing market rate unit, and is not required to be a newly constructed unit.
- D. To ensure efficient and timely production of affordable housing, no more than fifty percent of the new market rate units can receive a temporary or permanent certificate of occupancy until at least fifty

percent of the new low- or moderate-income units have received their temporary or permanent certificate of occupancy.

4. **Zoning map amended.** The map entitled "Zoning Map, Clinton Township, Hunterdon County, NJ," as most recently amended pursuant to Ordinance No. 1215-2025 adopted on August 13, 2025, is hereby further amended by removing Block 49, Lot 25 from the OB-2 Office Business District and placing it in the new AH-11 Affordable Housing District created by this ordinance, as shown on Exhibit A attached hereto.
5. **Reference to zoning map and schedule of zoning requirements in Code section 165-86 amended; schedule of zoning requirements updated.** Section 165-86 of the Township Code, entitled "Zoning Map and Schedule of Zoning Requirements," is hereby amended and supplemented to read as below (new text is underlined thus; deleted text is in brackets [thus]), and the "Schedule of Zoning Requirements" referenced in said section is hereby updated consistent with the provisions of this ordinance, as shown on Exhibit B attached hereto:

§ 165-86. Zoning Map and Schedule of Zoning Requirements.

The map entitled, "Zoning Map, Clinton Township, Hunterdon County, N.J.," dated [June 26, 2024]February 11, 2026, and the Schedule of Zoning Requirements, revised through [June 26, 2024]February 11, 2026 (Chapter 165, Attachment 3), which accompany and are referenced in this Part 7 are hereby declared to be a part hereof.

6. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.
7. **Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.
8. **Referral to Planning Board.** Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Clinton Township Planning Board for review pursuant to N.J.S.A. 40:55D-26.
9. **Effective date.** This ordinance shall take effect 20 days after its final passage in accordance with N.J.S.A. 40:69A-181 and upon filing with the Hunterdon County

Planning Board.

Jeffrey J. Jotz, Acting Township Clerk

Hon. Brian K. Mullay, Mayor

Introduced: February 11, 2026

Public hearing:

Adopted:

The foregoing ordinance was introduced on first reading at the February 11, 2026 meeting of the Mayor and Council of the Township of Clinton. It will be further considered for final passage following a public hearing thereon to be held on

, 2025 at 7:00 p.m., on the third floor of the Clinton Township Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801, at which time and place anyone from the public wishing to be heard will be permitted to ask questions or offer comments regarding the ordinance. During the week prior to and up to and including the date of such meeting and public hearing, copies of the full ordinance will be available at no cost during regular business hours in the Office of the Township Clerk for members of the public who shall request a copy of same. The ordinance will also be available on the Township's website at <https://clintontwpnj.gov>.

The purpose of the ordinance is to create a new affordable housing district—the AH-11 District—to facilitate the conversion of existing commercial space into multi-family residential units, including affordable units, on property located at 9 West Main Street and designated on the Clinton Township tax maps as Block 49, Lot 25, in accordance with the Township's Fourth Round Affordable Housing Element and Fair Share Plan.