BOROUGH OF ALPINE
ORDINANCE #848

AN ORDINANCE AMENDING CHAPTER 220, ZONING, OF THE CODE OF THE BOROUGH OF ALPINE, BY CREATING A NEW AH-1 AFFORDABLE HOUSING OVERLAY DISTRICT TO PERMIT INCLUSIONARY TOWNHOUSE DEVELOPMENT ON THE DRIVING RANGE PORTION OF BLOCK 11 LOT 2, IN ACCORDANCE WITH THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

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.*, Alpine Borough (the "Borough") 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, the Alpine Borough Planning Board adopted a Housing Element and Fair Share Plan to address its Fourth Round affordable housing obligation adopted February 24, 2026; and

WHEREAS, the Borough's Housing Element and Fair Share Plan includes as a plan mechanism to address a portion of the Borough's affordable housing obligation rezoning Block 11 Lot 2 to permit inclusionary townhouse development; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Alpine, Bergen County, New Jersey as follows:

Section 1. §220-3, Zone districts, of Chapter 220, Zoning, of the Borough of Alpine Code shall be amended and supplemented to read as follows (additions are underlined thus; deletions are indicated with ~~strikethroughs~~):

§220-3 Zone districts.

A. Districts established. For the purposes of this chapter, the Borough of Alpine is divided into the following districts:

R-R District
R-A District
R-AA District
R-1 District

R-2 District
R-2A District
R-2B District
R-2C District
R-3 District
R-4 District
P District
B (Buffer) District
COAH-1
COAH-2
COAH-3
COAH-4 Overlay
AH-1 Overlay

Section 2. Chapter 220, Zoning, of the Borough of Alpine Code shall be amended and supplemented by creating a new §220-25, AH-1 Affordable Housing Overlay District, establishing development regulations for Block 11 Lot 2, which shall read as follows:

§220-25 AH-1 Affordable Housing Overlay District

A. Purpose. The purpose of the AH-1 Affordable Housing Overlay District is to address a portion of the Borough's affordable housing obligation in accordance with the Borough's Housing Element and Fair Share Plan and Mediation Agreement with Fair Share Housing Center executed on January 28, 2026. The AH-1 Overlay Zone is designed to permit inclusionary townhouse development on the driving range portion of Block 11 Lot 2, as depicted in the site aerial attached as Exhibit A, to include up to 150 total units with a 20% affordable housing set-aside to create up to 30 affordable housing units.

B. Permitted principal uses. No building or land shall be used and no building or other structure shall be built, altered or erected to be used for any other purpose than those specified as follows:

(1) Townhouses.

C. Permitted accessory uses. Uses customary and incidental to the principal use, including but not limited to meeting rooms, gyms, and other amenities for the sole use of residents and their guests, shall be permitted.

D. Bulk requirements.

All development in the AH-1 Overlay Zone shall comply with the following bulk requirements:

(1) Min. lot area: 6.0 ac
(2) Min. lot frontage: 100ft
(3) Max. unit count: 150 units
(4) Min. affordable housing set-aside: 20%
(5) Min. front yard setback: 60 ft
(6) Min. setback from North lot line: 100 ft
(7) Min. setback from all other side and rear lot lines: 50 ft
(8) Max. building coverage: 20%
(9) Max. impervious coverage: 55%
(10) Max. building height: 2 ½ stories / 35 feet

E. Parking and circulation.

(1) The minimum required parking for the townhouse use shall comply with Residential Site Improvement Standards requirements.

(2) Vehicular site access shall be provided by a single two-way driveway on Montammy Drive.

(3) Parking areas are prohibited in the front yard.

(4) Driveways and parking areas shall have a minimum setback of 15 feet from side and rear lot lines excluding lot lines interior of the tract.

(5) Garages must face the interior of the tract.

F. Supplementary regulations.

(1) Stormwater basins are permitted in front, side and rear yard areas.

(2) There shall be a landscape buffer of at least 75 feet around the perimeter of the lot.

(3) Street trees shall be planted along frontage on Montammy Drive at a spacing of no more than 40 feet on center with spacing and species to be approved by the Planning Board.

(4) Exterior lighting shall be shielded to prevent glare or illumination on adjacent properties and residential uses. Exterior freestanding and wall mounted lighting

fixtures shall have a maximum mounting height of 12 feet and maximum color temperature of 3,000 Kelvin.

(5) One ground identification sign shall be permitted at the driveway entrance on Montammy Drive not to exceed 24 square feet in area and maximum height of 4 feet. Freestanding signs shall be externally illuminated. Non-illuminated wayfinding or directional signage shall be permitted not to exceed 2 square feet each.

(6) The developer shall also comply with all affordable housing requirements as set forth in Chapter 60 in the code of the Borough of Alpine.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 4. 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.

Section 5. Following introduction and prior to adoption, the Borough Clerk shall cause a copy of this ordinance to be referred to the Alpine Borough Planning Board for review pursuant to N.J.S.A. 40:55D-26.

Section 6. 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 Bergen County Planning Board.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

EXHIBIT A

Aerial of subject site

