

# Ordinance 2016-18

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 28-3-11, ENTITLED “AA  
ACTIVE ADULT AGE-RESTRICTED HOUSING,”  
OF SECTION 28-3, “DISTRICTS ESTABLISHED; ZONING MAP,”  
OF CHAPTER 28, “ZONING,” OF THE “REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, the “Enchantment at Hightstown” (also referenced as the “Enchantment”) is an 88-unit, age restricted, single family residential community located on property known as Block 1, Lots 1, 5, 6 and 7; Block 10, Lots 10, 11 and 12; and Block 11, Lots 1, 21 and 22 (collectively referenced as the “Development”) in the Borough of Hightstown; and

**WHEREAS**, the Development is located within the “AA Active Adult Age-Restricted Housing” Zoning District within the Borough, and comprises all of the real properties located within said Zoning District; and

**WHEREAS**, the regulations associated with the “AA Active Adult Age-Restricted Housing” Zoning District are located in Subsection 28-3-11 of the Borough Code; and

**WHEREAS**, at the request of the Enchantment Homeowner’s Association, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That Subsection 28-3-11, entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

**28-3-11 AA Active Adult Age-Restricted Housing**

a. Minimum Tract Size.

Active Adult Age-Restricted Housing developments are permitted on tracts of land at least thirty (30) acres in size within the “AA” zoning district.

b. Age Restrictions.

1. ~~All dwelling units within an age-restricted housing development shall be deed restricted for occupancy by households with at least one (1) person fifty five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period. The use and occupancy of all dwelling units within an age-restricted housing development shall comply in all respects with the requirements of the Federal "Housing for Older Persons Act" of 1995 ("HOPA"), the Federal Fair Housing Act, and the New Jersey Fair Housing Act of 1985, as said statutes exist now or as they may be amended in the future.~~
2. ~~The form and wording of the proposed deed restrictions shall be submitted to the Planning Board for review as part of the application for Preliminary Site Plan and/or subdivision approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Planning Board, and incorporated within a Developer's Agreement between the developer and the Borough Council as a condition of any approval granted by the Planning Board for an active adult age-restricted housing development.~~
3. ~~The wording of the deed restrictions as approved by the Planning Board shall be recited in the Master Deed and the Homeowners Association by laws.~~

[NO FURTHER REVISIONS TO BE MADE TO THE EXISTING LANGUAGE OF SUBSECTION 28-3-11.]

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

3. That in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

4. That this Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced: June 6, 2016

Adopted:

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Debra L. Sopronyi  
Municipal Clerk

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Lawrence D. Quattrone  
Mayor