

CA - General

11/12/74

Appendix to Complaint, includes examples of munis
exclusionary zoning

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APPENDIX TO COMPLAINTExclusionary Zoning & Other Land Use Policies
and Practices of Defendant Municipalities1. BOROUGH OF CARTERET

Carteret prohibits mobile homes.

It permits multi-family dwelling construction only in areas zoned for commercial use, but there is virtually no land so zoned.

The Carteret ordinance prohibits construction of any apartment with more than four rooms and requires that at least 90 percent contain no more than three.

Although the town has available vacant developable acres to meet the low- and moderate-income housing needs of its present and potential residents, an excessive and unnecessary amount of its land is zoned for industrial use.

Carteret has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Carteret has a public housing authority, it has built only 36 units for families in the past decade.

2. TOWNSHIP OF CRANBURY

Cranbury prohibits mobile homes and forbids apartment construction.

Nearly all of its developable land zoned for single-family residences has minimum requirements such as lot area of 40,000 square feet, lot width of 170 linear feet, and floor area of 1,000 square feet.

There is a token amount of land open to houses on 10,000 square foot lots with minimum frontages of 100 feet, but these units must also have minimum floor areas of at least 1,000 square feet.

Cranbury has also zoned an excessive amount of its vacant land for industry.

Cranbury has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

3. BOROUGH OF DUNNELLEN

Dunnellen prohibits mobile homes and multi-family dwellings.

Dunnellen has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

4. TOWNSHIP OF EAST BRUNSWICK

East Brunswick prohibits mobile homes.

It provides little vacant land for multi-family use, prohibits the construction of apartments with more than two bedrooms, and requires that at least 80 percent of the units in any project have no more than one.

It subjects single-family dwellings to minimum floor area requirements ranging from 1,250 to 1,500 square feet with much of the land carrying requirements of 150 foot lot widths.

Most of the residential land is zoned for single-family homes on lots of more than one-third acre.

Excessive amounts of land are zoned for industrial and commercial use.

East Brunswick has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

5. TOWNSHIP OF EDISON

Edison prohibits mobile homes.

It permits multi-family use on only a small amount of land.

It requires minimum floor areas in single-family homes from 960 to 1,400 square feet.

Edison also has an excessive amount of land zoned industrial.

Edison has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Edison has a public housing authority, it has not constructed units for families since 1963.

6. BOROUGH OF HELMETTA

Helmetta prohibits mobile homes and apartments.

All of its land zoned single-family residential is subject to minimum frontage requirements of 100 feet and minimum floor area requirements of 1,000 square feet.

Helmetta has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

7. BOROUGH OF HIGHLAND PARK

Highland Park prohibits mobile homes.

It restricts the supply of apartments for households of three or more persons by limiting two bedroom apartments to 15 percent of each project and three bedroom apartments to five percent.

Highland Park has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Highland Park has a public housing authority, it has not built units for families since 1961.

8. BOROUGH OF JAMESBURG

Jamesburg prohibits mobile homes and only allows multiple dwellings by special permit.

It prohibits three or more bedroom apartments and requires that at least 70 percent of the units in each project or building contain no more than one bedroom.

It requires that all single-family residences have a minimum floor area of 1,000 square feet and a lot width of 100 feet.

Jamesburg has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

9. TOWNSHIP OF MADISON

Madison Township's zoning ordinance was struck down for the second time on April 29, 1974. An appeal has been taken. Its original ordinance prohibited mobile homes. It had an excessive amount of its residential acreage zoned with one and two acre lot requirements, with minimum lot widths of 160 and 200 feet.

It restricted higher density development by limiting the permissible dwelling units per acre ratios in its planned unit developments to 3.5, 4.25 and 5.0, limiting the minimum floor area of the dwelling in such areas to specified gross feet per acre, while at the same time limiting each housing type in the planned developments to maximum density levels of eight dwelling units per acre for townhouses, 10 dwelling units per acre for high density residentials, and minimum average lot sizes of 15,000 square feet for single-family homes.

The township zoning ordinance was originally held invalid in 1971 at 117 N.J. Super. 11 (1971). The Court stated that the township could not ignore the need for housing within its borders or within its region. The zoning restrictions complained of served to shunt aside those needs. On appeal the Supreme Court remanded that decision for trial to determine the effect of zoning ordinance amendments effective Oct. 1, 1973. The result of that trial was to strike down the amended ordinance as failing to provide housing for at least the low and moderate income resident population. The region which the township must reasonably provide for is "the area from which in view of available employment and transportation the population of the township would be drawn absent invalidly exclusionary zoning." Oakwood at Madison, Inc., v. The Township of Madison, Sup. Ct. of N.J., Middlesex County, Law Division, Docket No. L-7502-70 P.W., April 29, 1974 p.5.

Madison also required minimum floor areas for single-family units ranging from 1,100 to 1,600 square feet.

Madison had an excessive amount of land zoned commercial or industrial.

Madison has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

10. BOROUGH OF METUCHEN

Metuchen's zoning ordinance prohibits mobile homes and permits multi-family use on only an insignificant amount of land.

It subjects single-family detached units to minimum floor area requirements from 1,000 to 1,400 square feet.

Metuchen has not established a public housing authority.

11. BOROUGH OF MIDDLESEX

Middlesex, which prohibits mobile homes, has an inadequate amount of land zoned for multi-family dwellings.

It restricts occupancy by households with more than three persons by prohibiting apartments with more than two bedrooms and requiring that at least 85 percent of the units in new multi-family projects contain no more than one bedroom.

Middlesex has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

12. BOROUGH OF MILLTOWN

Milltown prohibits mobile homes and allows multi-family construction only by special permit.

It requires minimum floor areas for single-family homes ranging from 1,000 to 1,300 square feet.

Milltown has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

13. TOWNSHIP OF MONROE

Monroe Township prohibits mobile homes and bans all multi-family construction except in its planned retirement district, where occupancy is limited to households headed by people over 48 years old.

It subjects all single-family construction to minimum floor area requirements ranging from 1,200 to 1,500 square feet and minimum lot widths from 100 to 150 feet.

Nearly all vacant residentially zoned land requires minimum lots of more than one-half acre.

Monroe also has an excessive amount of land zoned industrial.

Monroe has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

14. TOWNSHIP OF NORTH BRUNSWICK

North Brunswick prohibits mobile homes and the construction of apartments larger than two bedrooms, with two bedroom units limited to 20 percent of the total of any single project.

North Brunswick requires that single-family detached homes have minimum floor areas from 1,400 to 1,800 square feet.

It requires minimum lot widths ranging from 100 to 150 feet, and minimum lot sizes of three-quarter acre for most single-family homes.

It also has an excessive and unnecessary amount of land zoned industrial.

North Brunswick has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

15. TOWNSHIP OF PISCATAWAY

Piscataway prohibits mobile homes.

It has an inadequate amount of land zoned for multi-family use.

It prohibits construction of any apartment with more than two bedrooms and requires that at least 75 per cent contain no more than one bedroom.

It requires minimum first floor areas ranging from 900 to 1,300 square feet.

It requires minimum lot widths of 100 and 150 feet for most new single family homes.

It has an excessive amount of land zoned one acre residential and industrial.

Piscataway has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

16. TOWNSHIP OF PLAINSBORO

Plainsboro prohibits mobile homes.

Multi-family units are limited to its planned unit development zones or service residential zones by special permit. In the former case 75 percent of the units can contain no more than one bedroom; in the latter, 90 percent.

Almost all of Plainsboro's residentially zoned vacant land requires minimum lot widths of 200 feet and lot sizes of one-half acre.

Plainsboro has an excessive and unnecessary amount of land zoned industrial.

Plainsboro has not established a public housing authority.

17. BOROUGH OF SAYREVILLE

Sayreville prohibits mobile homes.

It requires minimum floor areas of 1,000 square feet for each single-family detached home and each town-house.

It prohibits any two adjacent buildings in its planned unit development from having the same exterior and limits the maximum units per acre to 4 and 4.5 in the planned unit development. Public housing for the elderly is exempt from this density limit, but not housing for families.

Sayreville requires a minimum lot width of 100 feet for every single family detached dwelling.

The borough has also zoned an excessive amount of land for industrial use.

Sayreville has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

18. CITY OF SOUTH AMBOY

South Amboy prohibits mobile homes and allows apartments only by special permit.

It restricts multiple family dwellings to 20 percent of the units with more than one bedroom.

South Amboy has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although South Amboy has a public housing authority, it has not built units for families since 1952.

19. TOWNSHIP OF SOUTH BRUNSWICK

South Brunswick limits mobile homes to its three existing mobile homes parks.

It limits all multiple dwelling units to its planned residential district and requires insufficient units for low- and moderate-income occupancy.

It requires a minimum floor area of 1,000 square feet for single-family detached homes, with nearly all land so zoned requiring a one acre minimum lot area and a lot width of 150 feet.

It also has an excessive amount of land zoned industrial and commercial.

South Brunswick has not established a public housing authority.

20. BOROUGH OF SOUTH PLAINFIELD

South Plainfield prohibits mobile homes and multiple dwellings.

It requires minimum floor areas for single-family homes from 1,250 to 1,500 square feet, with lot widths of 100 to 150 feet and minimum lot sizes of 15,000 to 40,000 square feet for all but an insignificant amount of residentially zoned land.

South Plainfield also has an excessive amount of land zoned industrial and commercial.

South Plainfield has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

21. BOROUGH OF SOUTH RIVER

South River prohibits mobile homes and restricts multi-family dwelling units to 15 percent of the total number of single-family dwellings in the Borough.

It allows multi-family dwellings only by special permit on determination of the Board of Adjustment that the project "shall be economically stable and advantageous to the community."

It limits the maximum number of rooms in multi-family dwellings to four per apartment, with no more than 20 percent of the units exceeding three rooms each.

The Borough requires that single family dwellings have minimum lot widths of 100 feet and minimum floor areas of 1,250 square feet of which not less than 700 square feet shall be upon the ground floor.

South River has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

22. BOROUGH OF SPOTSWOOD

Spotswood limits licenses for mobile home parks to one for each 1,000 population and limits occupancy in such units to people over the age of 52 without children.

Its vacant land zoned for multi-family dwelling units is insignificant. Apartments larger than two bedrooms are prohibited, and 90 percent are limited to efficiency or one bedroom apartments.

It also requires that single-family detached homes have minimum lot widths of 100 feet and minimum floor areas of 1,300 square feet.

Spotswood has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

23. TOWNSHIP OF WOODBRIDGE

Woodbridge Township prohibits mobile homes and allows multi-family dwellings only by special permit, with the requirement that 80 percent of the multi-family units not exceed one bedroom.

It requires that single family dwellings have minimum floor areas from 900 to 2,000 feet.

It has an excessive amount of land zoned commercial and industrial.

Woodbridge has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Woodbridge has a public housing authority, it has not built units for families in over 20 years.