

ORDINANCE NO. 11-2022

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION WITH THE ADOPTION OF A NEW ARTICLE XXIXF ENTITLED "AH-2 AFFORDABLE HOUSING OVERLAY DISTRICT," AMENDING THE TOWNSHIP'S ZONING MAP TO INCLUDE THE AH-2 OVERLAY DISTRICT, AND AMENDING THE STANDARDS FOR THE I-P2 ZONE

WHEREAS, the Township adopted a Redevelopment Plan for Block 8803, Lot 17 & Block 4001, Lots 10, 11, 12, 13, 14 and a portion of Lot 9 in the Township of Hanover, New Jersey," dated April 2020 and prepared by Phillips Preiss Grygiel Leheny Hughes, and subsequently amended the aforesaid plan on October 8, 2020 by Ordinance 26-2020; and

WHEREAS, the aforesaid plan amendment required the construction of sixty (60) age-restricted affordable housing units at an off-site location in order to help address the inclusionary affordable housing component of the redevelopment plan; and

WHEREAS, the Township Committee has identified an area particularly suited to accommodate these affordable housing units; and

WHEREAS, the Township Committee recognizes that in order to provide for such off-site affordable units in this area, the zoning map and regulations must be amended to permit the development of such units with appropriate regulations;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover, County of Morris, State of New Jersey, as follows:

Section 1. Section 166-107, "*Enumeration of districts*," in Article XVIII shall be amended to read as follows:

§ 166-107 Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

- R-40 Single Family Residence District
- R-40N Single Family Residence District
- R-30 Single Family Residence District
- R-25 Single Family Residence District
- R-21 Single Family Residence District
- R-15 Single Family Residence District
- R-10 Single Family Residence District

R-10A Residence District
R-M Residence District
RM-2 Residence District
RM-3 Residence District
RM-4 Residence District
RM-5 Residence District
RM-6 Residence District
RM-7 Residence District
AH-1 Affordable Housing Overlay District
AH-2 Affordable Housing Overlay District
B Business District
B-P2 Business and Professional District
B-10 Highway Commercial District
WC Whippany Center District
D-S Designed Shopping Center District
O-S Office-Services District
OB-RL Office Building and Research Laboratory District
OB-DS Office Building - Designed Shopping Center District
OB-RL3 Office Building and Research Laboratory District
I Industrial District
I-2 Industrial District
TC Town Center District
I-4 Industrial District
I-5 Industrial District
I-P Industrial Park District
I-P2 Industrial Park District
I-B2 Industrial-Business District
I-B3 Industrial-Business District
I-R Industrial - Recreation District
I-7 Industrial Overlay District
A Airport District
PU Public Use District

Section 2. The zoning map referenced in Subsection A of Section 166-108, “Zoning map,” in Article XVIII, “Districts and Zoning Map,” shall be amended to include a new AH-2 Overlay Zone District, the boundaries of which are described as follows:

- (1) Beginning at a point where the front lot line on North Jefferson Road of Block 9102, Lot 5 intersects the side lot line of Block 9202, Lot 14, as depicted on the official tax maps of the Township; thence

- (2) Along a line extending along the common boundary between Block 9102, Lot 5 and Block 9202, Lots 14 and 14.01 to a point 350 feet, measured perpendicularly, from the front lot line of Block 9102, Lot 5; thence
- (3) Along a line parallel to and at a distance of 350 feet from the front lot line of Block 9102, Lot 5, to a point within the New Jersey Power and Light Company easement, said point being located 130 feet, measured perpendicularly and in a southerly direction, from the northerly boundary of said easement; thence
- (4) Along a line parallel to and at a distance of 130 feet, measured perpendicularly and in a southerly direction from the northerly boundary of the New Jersey Power and Light Company easement, to the front lot line of Block 9102, Lot 5, coterminous with the easterly boundary of the right-of-way of North Jefferson Road; thence
- (5) Along the front lot line of Block 9102, Lot 5 in a northeasterly direction to the point of beginning as set forth in Subsection A above.

Section 3. Subsection C of Section 166-115, "*Multiple principal buildings on the same lot; multiple principal uses within the same building,*" in Article XIX, "*General Provisions,*" shall be amended to include a new Paragraph (23), which shall read as follows:

- (23) In the AH-2 Overlay Zone District as set forth in Article XXIXF.

Section 4. Section 166-143, "*Signs in the RM, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, and AH-1 Zone Districts,*" in Article XX, "*Signs,*" is hereby amended to change the title to "*Signs in the RM, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, AH-1, and AH-2 Zone Districts,*" and Subsection A of said Section is hereby amended to read as follows:

§ 166-143 Signs in the RM, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, AH-1, and AH-2 Zone Districts.

- A. In the RM, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7, AH-1, and AH-2 Zone Districts, each multifamily or townhouse development shall be entitled to one freestanding sign at each vehicular entrance to the development, provided that such signs comply with the following requirements; provided, further, that if the RM or RM-2 Zone is developed for residential use other than multifamily housing, the provisions of § 166-142 shall apply.
 - (1) The area of each sign shall not exceed eight square feet.
 - (2) The height of each sign shall not exceed six feet.
 - (3) All such signs shall be set back at least 10 feet from any street right-of-way.
 - (4) Said sign shall be an identification sign only, limited to the name of the development or project on site.

- (5) The design and location of all such signs shall be subject to the review and approval of the Planning Board.

Section 5. Chapter 166 shall be amended and supplemented by the insertion of a new Article XXIXF entitled, "*AH-2 Affordable Housing Overlay District*," consisting of Sections 166-180.25 through 166-180.32, to read as follows:

Article XXIXF

AH-2 Affordable Housing Overlay District

§ 166-180.25. Purpose and intent.

The purpose and intent of the AH-2 Overlay District is to provide an option for the development of age-restricted affordable housing. The AH-2 District is an overlay district in that the district regulations only apply in the case of affordable housing development, and only within that portion of the district developed for affordable housing. The regulations of the I-P2 Zone District, which underlies the AH-2 Overlay District as depicted on the Zoning Map, shall apply to all development other than affordable housing development.

§ 166-180.26. Boundaries of district.

The AH-2 Overlay District boundaries are described as follows:

- A. Beginning at a point where the front lot line on North Jefferson Road of Block 9102, Lot 5 intersects the side lot line of Block 9202, Lot 14, as depicted on the official tax maps of the Township; thence
- B. Along a line extending along the common boundary between Block 9102, Lot 5 and Block 9202, Lots 14 and 14.01 to a point 350 feet, measured perpendicularly, from the front lot line of Block 9102, Lot 5; thence
- C. Along a line parallel to and at a distance of 350 feet from the front lot line of Block 9102, Lot 5, to a point within the New Jersey Power and Light Company easement, said point being located 130 feet, measured perpendicularly and in a southerly direction, from the northerly boundary of said easement; thence
- D. Along a line parallel to and at a distance of 130 feet, measured perpendicularly and in a southerly direction from the northerly boundary of the New Jersey Power and Light Company easement, to the front lot line of Block 9102, Lot 5, coterminous with the easterly boundary of the right-of-way of North Jefferson Road; thence
- E. Along the front lot line of Block 9102, Lot 5 in a northeasterly direction to the point of beginning as set forth in Subsection A above.

§ 166-180.27. Permitted principal uses and structures.

The permitted principal uses in the AH-2 Overlay District shall be limited to age-restricted units, as defined in § 72-3 of the Township Code that are affordable to very low-, low- and moderate-income households, as defined in § 72-3 of the Township Code and which are located within a multifamily building or buildings, and as regulated by 166-180.31.

§ 166-180.28. Permitted accessory uses.

The permitted accessory uses in the AH-2 Overlay District shall be limited to the following:

- A. Surface parking areas and driveways.
- B. Recreational facilities for the use of residents of the development and their guests.
- C. Garages attached to or detached from a principal building.
- D. Signs accessory to the principal use.
- E. Other accessory uses and structures that are customarily incidental to the permitted principal use, unless specifically prohibited by this chapter or other applicable law.

§ 166-180.29. Prohibited uses.

Uses prohibited in the AH-2 Overlay District shall include the following:

- A. Any principal use not specifically permitted by this chapter or other applicable law.
- B. Any use prohibited in all zone districts of the Township of Hanover.

§ 166-180.30. Lot, bulk, and intensity of use standards.

The lot, bulk, and intensity of use standards for the AH-2 Overlay District shall be as set forth below:

- A. Minimum lot area: 3 acres.
- B. Minimum and maximum number of dwelling units: 60 dwelling units.
- C. Maximum building coverage: 20% of the gross lot area.
- D. Maximum improvement coverage: 55% of the gross lot area.
- E. Maximum building height: four stories and 60 feet.

F. Minimum yard depths/setbacks.

(1) Buildings.

- (a) 75 feet from all front lot lines.
- (b) 75 feet from all lot lines abutting an adjacent residential zone district.
- (c) 40 feet from all other lot lines.

(2) Parking areas, driveways, and outdoor recreation areas.

- (a) 75 feet from all front lot lines.
- (b) 50 feet from all lot lines abutting an adjacent residential zone district.
- (c) 15 feet from all other lot lines.

G. Minimum distance between principal buildings: 30 feet.

H. Minimum distance between buildings and vehicular use areas (e.g., parking and loading areas and driveways): 10 feet, except that this requirement shall not apply to driveways designed and intended to provide direct access to garages or other buildings.

§ 166-180.31. Affordable housing requirements.

A. All dwelling units constructed in the AH-2 Overlay District shall be required to be age-restricted affordable rental units.

B. All affordable units to be produced pursuant to this article shall comply with the Township's Affordable Housing Ordinance at Chapter 72 of the Township Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, the Township's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including a judgment of compliance and repose order. This includes, but is not limited to, the following requirements for all affordable units:

- (1) Low-moderate-income split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very-low-income units, which shall be counted as part of the required number of low-income units within the development.
- (2) Bedroom mix: Irrespective of any bedroom distribution requirements to the contrary, all dwelling units shall contain one bedroom. No dwelling unit shall contain more than one bedroom.

- (3) Deed restriction period. Each affordable rental unit shall remain subject to these affordability controls, covenants, conditions, deed restrictions, and the applicable affordable housing regulations for a minimum period of at least 30 years. At the conclusion of the thirty-year term, the affordability controls, covenants, conditions, and deed restrictions shall not automatically expire. At the conclusion of the thirty-year term, the Township reserves the right to exercise the option to extend the affordability controls, covenants, conditions and deed restrictions for an additional period of time by formal adoption of a resolution; or exercise any other option(s) available to the Township to preserve the affordability controls as set forth in UHAC or any other applicable statute, regulation or law that may be in effect at that time. At the conclusion of the thirty-year term, the Township shall be afforded a reasonable amount of time not to exceed 120 days to exercise this option to preserve and extend the affordability controls, covenants, conditions and deed restrictions; or to release the affordable unit from such requirements by formal adoption of an ordinance taken in compliance with N.J.A.C. 5:80-26.11(e) or any other applicable statute, regulation or law that may be in effect at that time.
- (4) Administrative agent: All affordable units shall be administered by a qualified administrative agent paid for by the developer.
- (5) Other affordable housing unit requirements: Developers shall also comply with all of the other requirements of the Township's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements; and (3) unit phasing requirements, unless specifically modified by order of the Court.

§ 166-180.32. Other requirements.

In addition to all other applicable requirements of this article, Chapter 166 and any other applicable law, rule or regulation, development within the AH-2 Overlay District shall comply with the following requirements:

- A. Recreational facilities. There shall be provided as part of any residential development recreational facilities suitable for the use of the intended residents of the development. Such facilities shall include, as a minimum, an outdoor recreation area of suitable size and location.
- B. Buffer requirements.
 - (1) A planted buffer area at least 25 feet in depth shall be planted along the frontage with North Jefferson Road.
 - (2) A planted buffer area at least 50 feet in depth shall be planted along any property line(s) which abut an adjacent residential zone boundary.

- (3) A planted buffer area at least 15 feet in depth shall be planted between the age-restricted housing development and any property in the underlying I-P2 zone which is not developed for residential use.
 - (4) The buffer plantings shall be located within the AH-2 Overlay District.
 - (5) All required buffer areas shall be designed in accordance with § 166-125D. and E.
- D. Signage. Signage requirements for the AH-2 Overlay District shall be consistent with the requirements for signs as set forth in § 166-143.
- E. Exemption from tree removal replacement requirements. Notwithstanding the provisions of § 166-131., Tree preservation, removal and planting, affordable housing developments in the AH-2 Overlay District shall be exempt from the requirement to replace trees that must be removed as part of the development process, subject to review and approval of the tree removal by the Planning Board or Board of Adjustment, as applicable. The foregoing shall not be construed to exempt such developments from all other requirements to provide landscaping, including the planting of trees, on portions of the site not developed with buildings, pavement or other structures.
- F. All other applicable requirements of this chapter, and of other chapters of the Township Code, shall apply to development within the AH-2 Overlay District unless specifically superseded by the regulations of this article.

Section 6. Section 166-207.12, "*Required conditions,*" in Article XXXVIID, "*I-P2 Industrial Park District,*" is hereby amended by adding and inserting a new Subsection M, to read as follows:

- M. Intensity of development bonus for affordable housing. For any property in the I-P2 zone that is subdivided for affordable housing development located within and permitted by the AH-2 Overlay Zone District regulations, the following requirements shall apply to the remaining portion of the property that is not developed for affordable housing; provided that such provisions shall apply only at such time that the Township acquires the portion to be subdivided through eminent domain:
- (1) The maximum permitted floor area and improvement coverage on the remaining portion shall be the same as was permitted prior to such subdivision, based upon the area of the property prior to such subdivision.
 - (2) The requirement for a planted buffer pursuant to §166-125 shall not apply to the portion of the I-P2 zone adjacent to the AH-2 overlay zone district; provided, however, that all setback requirements from a residential zone district shall continue to apply.
 - (3) All other requirements applicable to development in the I-P2 zone district shall continue to apply to the remaining portion.

Section 7. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 8. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hanover, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Hanover are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 9. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

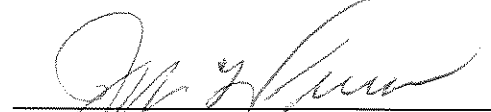
Section 10. This ordinance shall take effect upon publication and in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:



Krista M. DiGiorgio, Township Clerk



John L. Ferramosca, Mayor

Date of Introduction: March 10, 2022
Date of Adoption: April 14, 2022