ORDINANCE NO. 45-2019

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 ESTABLISHMENT OF A NEW ARTICLE XXIXD1 ENTITLED “RM-6 RESIDENCE DISTRICT” AND ALL RELATED REGULATIONS AND AMENDING THE TOWNSHIP’S ZONE MAP TO INCLUDE THE NEW RESIDENCE DISTRICT

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 166-108,. “Map, Schedule and Appendices,” Subsection A, of the Code of the Township of Hanover shall be amended to read as follows:

A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover," is on file in the Township Clerk’s office and is hereby declared to be a part of this Chapter. In the event of any discrepancy between the summary zoning schedule on the Zoning Map and the text of Chapter 166, the text of Chapter 166 shall supersede the table on the Zoning Map.

Section 2. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover," and referenced at Section 166-108., “Map, Schedule and Appendices,” of the Code of the Township of Hanover, shall be amended to rezone Block 4901 Lots 2, 17 and 19 from the O-S Offices & Services District to a new RM-6 Residence District, as shown on the accompanying Map.

Section 3. Section 166-107, “Enumeration of Districts,” of the Code of the Township of Hanover shall be amended to include a new zoning district known as follows:

RM-6 Residence District

Section 4. Section 166-115., “Multiple Principal Buildings on the Same Lot; Multiple Principal Uses Within the Same Building,” Subsection C, of the Code of the Township of Hanover shall be amended to include a new Subsection (21), which shall read as follows:

(21) In the RM-6 Zone as set forth in Article XXIXD1.

Section 5. Chapter 166 shall be amended and supplemented by the insertion of a new Article XXIXD1 entitled “RM-6 Residence District.” This new article shall read as follows:

Article XXIXD1 RM-6 Residence District

§166-180.18.1 Purpose and intent.

The purpose of the RM-6 Residence District is to promote and encourage the redevelopment of the zone for inclusionary multifamily rental development in accordance with the Township’s 2019 Housing Element and Fair Share Plan and the settlement agreement entered into between
the Township and 25-35 Airport Road and 45 Airport Road, LLC, last executed on April 5, 2019, and thereby help to address the fair share housing obligation of the Township of Hanover under the New Jersey Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, the settlement agreement entered into between the Township and Fair Share Housing Center ("FSHC") last executed on March 7, 2019, and the Township's Housing Element and Fair Share Plan.

§166-180.18.2 Permitted principal uses.

The following principal uses and structures shall be permitted in the RM-6 Zone District:

A. Multifamily residential buildings.

B. Any use permitted in all zone districts or in all residential zone districts by this chapter or by other applicable law.

§166-180.18.3 Permitted accessory uses.

Permitted accessory uses in the RM-6 Zone District shall be limited to those uses customarily incidental to the permitted principal use in the district. These may include, but are not limited to:

A. Surface parking areas and driveways.

B. Clubhouses.

C. Recreational facilities and other amenities for the sole use of residents of the development and their guests. Such uses may be included within a monthly fee or be offered on a fee-for-service basis.

D. Administrative offices and storage spaces necessary for the administration of a rental community. A full scale or reduced size model unit may be provided, which shall not count toward the total number of residential units, shall not be used for residential occupancy, and shall be utilized solely for prospective tenants to view.

E. Garages, attached to or detached from a principal building.

F. Storage buildings.

G. Signs.

H. Other accessory uses and structures that are customarily incidental to a permitted principal use, unless specifically prohibited herein, by this chapter or by other applicable law.

§166-180.18.4 Prohibited uses.

Uses prohibited in the RM-6 Zone District shall include the following:

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

§166-180.18.5 Affordable housing requirements.

A. All multifamily residential developments constructed in the RM-6 Zone District shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be fifteen percent (15%), which shall be provided as non-age-restricted affordable rental units and shall not be less than forty-two (42) such units regardless of the number of market rate units.

B. All affordable units to be produced pursuant to this section 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 fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (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: The following bedroom mix shall apply:

   a. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

   b. At least 30% of all low- and moderate-income units shall be two bedroom units;

   c. At least 20% of all low- and moderate-income units shall be three bedroom units; and

   d. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

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 30-year term, the affordability controls, covenants, conditions and deed restrictions shall not automatically expire. At the conclusion of the 30-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 30-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, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

§166-180.18.6 Density, tract, bulk and other regulations.

In addition to any other applicable requirements of this chapter, the following requirements shall apply to development within the RM-6 Zone District:

A. Minimum tract area: 25.45 acres.

B. Maximum unit density: 11 dwelling units per gross acreage of the tract.

C. Maximum building coverage: 20% of the gross lot area.

D. Maximum improvement coverage: 50% of the gross lot area.

E. Maximum building height.
   
   (1) Principal buildings: No principal building shall exceed a height of 60 feet and four stories.
   
   (2) Accessory buildings: Any permitted community center/clubhouse building shall not exceed two stories and 30 feet. Detached garages for the parking of motor vehicles, if provided, shall not exceed a height of 17 feet. All other detached accessory buildings shall comply with the height requirements for accessory buildings in § 166-114B.

F. Minimum tract boundary setbacks:
   
   (1) The minimum setback from a tract boundary for all principal and accessory buildings shall be 100 feet to a residential zone district, which setback shall be maintained as a buffer in accordance with the standards in §166-125D and E.
   
   (2) The minimum setback from a tract boundary for all principal and accessory buildings shall be 50 feet to a non-residential zone district and to any public street contiguous with the tract boundary.
G. Maximum number of principal buildings: no limit.

H. Maximum number of dwelling units within the same building: no limit.

I. Minimum distance between principal buildings. In the event of uncertainty as to the definition of "front," "rear" or "end/side" walls, or where the angle of the walls facing each other makes the interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.

(1) Front wall facing front wall: 50 feet at any point.

(2) Front wall facing rear wall: 50 feet at any point.

(3) Front wall facing end/side wall: 45 feet at any point.

(4) End/side wall facing end/side wall: 30 feet at any point.

(5) End/side wall facing rear wall: 45 feet at any point.

(6) Rear wall facing rear wall: 50 feet at any point.

J. Minimum distance between a principal building and any detached accessory building: 25 feet.

K. Minimum parking area setbacks from tract boundary.

(1) From residential zone district: 100 feet.

(2) From any other tract boundary: 20 feet.

L. Minimum distance between buildings and parking areas and driveways: 10 feet, except that no setback shall be required between garages and driveways designed and intended to provide direct access to said garages.

M. Bedroom distribution for market rate units. At least thirty percent (30%) of the market rate units will consist of studio or one (1) bedroom units. There shall be no three (3) bedroom market rate units. This standard shall not apply to the affordable units in the development, which instead shall be subject to the bedroom distribution requirements at §166-180.18.5.B.(2).

N. Off-street parking. The minimum number of off-street parking spaces shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).

O. Signage. Signage requirements for the RM-6 Zone District shall be consistent with the requirements for signs in the RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts, as set forth in § 166-143.

P. 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, a community building having a floor area of at least 1,500 square feet gross floor area and at least two improved outdoor recreation areas of a size and configuration suitable for their intended purpose. Each outdoor recreation area shall contain a contiguous area not less than 1,000 square feet and at least one common area, centrally located within the development, shall contain a contiguous area not less than 4,000 square feet and which shall have a horizontal dimension not less than 40 feet in any direction.

Q. All other applicable requirements of Chapter 166, Land Use and Development Legislation, shall apply to development within the RM-6 Zone District unless specifically superseded by the regulations of this article.

Section 6. 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 7. 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 8. This ordinance shall take effect in accordance with law.

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

ATTEST:

Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: October 10, 2019
DATE OF ADOPTION: November 14, 2019

Ronald F. Francioli, Mayor