

ORDINANCE NO. 54-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE XIX, "GENERAL PROVISIONS" OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION WITH THE INCLUSION OF A NEW SECTION 166-138.5.2 BY ESTABLISHING REGULATIONS FOR "ACCESSORY APARTMENTS"

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

Section 1. Chapter 166, Article XIX, of the Code of the Township of Hanover, entitled "General Provisions," is hereby supplemented to include a new Section 166-138.5.2., which shall be entitled "Accessory Apartments," and which shall read as follows:

§166-138.5.2. Accessory apartments.

- A. Purpose. This section is intended to provide opportunities for the creation of up to 10 affordable accessory apartments within Hanover Township to fulfill the Township's affordable housing obligation.
- B. Definition. The term "accessory apartment", as used in this section, shall be defined as a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.
- C. Where permitted. Accessory apartments shall be permitted in principal or accessory buildings in all R and RM Residential Zones on lots developed with a detached single family dwelling according to the area, yard, and bulk requirements set forth at subsection G. below.
- D. Affordability. Each new accessory apartment created under the terms of this section shall be an affordable rental unit in accordance with the terms of Chapter 72, Affordable Housing, of the Code of the Township of Hanover.
- E. Applicability. This section shall only apply to the development and continued operation of the first 10 creditable affordable accessory apartments created in the Township following the adoption of this section, unless a higher number of affordable accessory apartment units are permitted to be applied toward the Township's Fair Share Obligation of low- and moderate-income housing.
- F. Number of dwelling units. No lot shall contain more than two dwelling units. A lot shall contain a principal dwelling unit and not more than one affordable

accessory apartment which may be located in the principal residence or in an accessory structure. The accessory apartment shall be exempt from the density requirements of the zone district in which the unit is located; however, this density exemption shall only apply to one unit above the maximum density.

G. Area and bulk standards. An affordable accessory apartment shall only be permitted if it complies with the following lot and bulk standards:

- (1) The lot to be used for the accessory apartment shall comply with the minimum area, width and depth requirements applicable to single family detached dwellings in the zone district.
- (2) The building within which the accessory apartment is located shall comply with all requirements applicable to principal buildings used as detached single family dwellings in the zone district, except for requirements that limit the lot to only one dwelling or dwelling structure.
- (3) The cumulative building coverage, improvement coverage and floor area ratio of all buildings and other improvements on the lot shall comply with the standards applicable to single family dwellings on the lot.

H. Design standards. An affordable accessory apartment shall be subject to the following design standards:

- (1) Minimum unit floor area. Each accessory apartment unit shall contain a minimum habitable gross floor area of 450 square feet, plus 150 square feet for each bedroom in the unit.
- (2) Maximum unit floor area. The habitable gross floor area of any accessory apartment shall not exceed the lesser of: a) the habitable gross floor of the primary dwelling unit on the lot, or b) 1,000 square feet.
- (3) Access to any affordable accessory apartment shall be provided with an exterior entrance separate from the principal dwelling entrance.
- (4) The exterior design of any accessory apartment shall be consistent with the design of the existing dwelling structure, utilizing the same or similar materials, colors, and architectural style. In applying this standard, the intent shall be to maintain the appearance of the property as a single family dwelling and related structures.
- (5) Off-street parking shall be provided for any vehicles used by the occupants of the affordable accessory apartment. The requirements of the New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21-4.14 shall apply. All parking and driveways serving accessory apartments shall comply with the standards for parking and driveways for detached single family dwellings in the district, provided that one off-street parking space shall be provided for any efficiency or one-bedroom accessory apartment.

- I. Water and sewer. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
- J. Existing accessory apartments. Existing unauthorized accessory apartments may be legalized under this section without Township subsidy, provided all of the foregoing criteria as well as the following criteria can be met:
 - (1) The unit is currently vacant or is occupied by a qualified very-low, low- or moderate-income household unrelated to the owner.
 - (2) If the unit is currently in substandard condition, it shall be brought up to standard condition before a Certificate of Occupancy is issued in accordance with all of the requirements and procedures of Chapter 72, Affordable Housing, of the Code of the Township of Hanover, except that no Township subsidy shall be required to be paid to the owner to bring the unit up to standard condition.
 - (3) The unit will be affirmatively marketed pursuant to the Township's affirmative marketing plan. If the unit is currently occupied by a qualified very low-, low- or moderate-income household unrelated to the owner, it shall be affirmatively marketed when the current tenant vacates the unit.
 - (4) The unit will be deed restricted for occupancy by and will remain affordable to a qualified very low-, low-, or moderate-income household for a period of 10 years from the date a Certificate of Occupancy is issued for it, consistent with the requirements of Chapter 72, Affordable Housing, and the rules of the Council on Affordable Housing, except that no Township subsidy shall be required to be paid to the owner for the creation of the affordable accessory apartment.


Section 2. 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 3. 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.

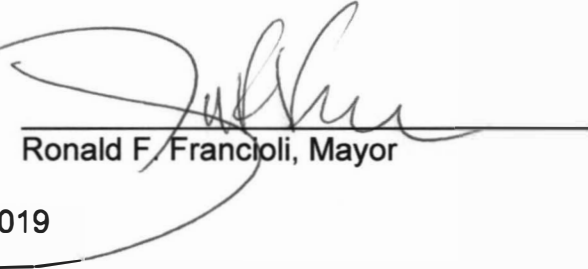
Section 4. This Ordinance shall take effect in accordance with law.

ATTEST:

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


Joseph A. Giorgio, Township Clerk

By:


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: November 14, 2019

DATE OF ADOPTION: December 12, 2019

I hereby certify the foregoing to be a true copy of a
Resolution/Ordinance adopted by the Township Committee
of the Township of Hanover at a Regular/Special Meeting
held on the 12th day of DECEMBER, 2019.


Joseph A. Giorgio, Township Clerk, R.M.C.