

**TOWNSHIP OF HANOVER  
NOTICE OF INTRODUCTION**

**ORDINANCE NO. 32-2020**

**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 XXIXF ENTITLED “AH-2 AFFORDABLE HOUSING OVERLAY DISTRICT” AND ALL RELATED REGULATIONS AND AMENDING THE TOWNSHIP’S ZONE MAP TO INCLUDE THE NEW OVERLAY DISTRICT**

**WHEREAS**, there is presently pending before the Township Committee an ordinance that, if adopted, would amend the redevelopment plan, entitled “Redevelopment Plan for Block 8803, Lot 17 & Block 4001, Lots 10, 11, 12, 13, 14 & a Portion of Lot 9 in the Township of Hanover, New Jersey,” dated April 2020 and prepared by Phillips Preiss Grygiel Leheny Hughes, and amended October 8, 2020 by Ordinance 26-2020; and

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

**WHEREAS**, the Township Committee recognizes that in order to provide for such off-site affordable units, 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 in the County of Morris and State of New Jersey, as follows:

**Section 1.** Section 166-107., “*Enumeration of districts,*” in Article XVIII, “*Districts; Map and Schedule*” shall be amended to include a new zoning district identified as the “AH-2 Affordable Housing Overlay District.”

**Section 2.** Section 166-108., “*Map, schedule and appendices,*” in Article XVIII, “*Districts; Map and Schedule*” shall be retitled “*Zoning Map,*” and shall be amended to read as follows:

**§ 166-108. Zoning map.**

- A. The Zone Map delineating the zone districts within the Township, entitled “Zoning Map, Township of Hanover,” dated December 2020, is hereby declared to be a part of this chapter.
- B. On the Zoning Map, the district boundary lines generally coincide with lot lines or the center lines of streams, streets or rights-of-way as they existed at the time of

the adoption of this chapter or the present amendment thereto, or as designated on said map or in the text of Chapter 166 by figures or dimensions. In the case of uncertainty or disagreement concerning the true location of any zone district boundary line, the determination thereof shall lie with the Board of Adjustment, in accordance with the procedures set forth in § 166-21.

**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.** 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 in order to address the requirements of the redevelopment plan for Block 8803, Lot 17 & Block 4001, Lots 10, 11, 12, 13, 14 and a portion of Lot 9 as identified in that plan. 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, affordable to very low-, low- and moderate-income households and located within a multifamily building or buildings.

**§ 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 herein.

**§ 166-180.29. Prohibited uses.**

Uses prohibited in the AH-2 Overlay 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.

**§ 166-180.30. 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 parking areas and driveways: 10 feet, except that this shall not apply to driveways designed and intended to provide direct access to garages.

**§ 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 along all property lines which abut 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 5.** 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 6.** 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 7.** 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

DATE OF INTRODUCTION: November 12, 2020

DATE OF ADOPTION: December 10, 2020

### **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN,** That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 12<sup>th</sup> day of November, 2020, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 10<sup>th</sup> day of December, 2020, at 6:30 o'clock in the evening prevailing time via a ZOOM Webinar, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body, and all persons and citizens in interest shall have an opportunity to be heard concerning same.

During the remote meeting, members of the public wishing to speak during the designated public hearing will press 9 on their telephone or the “raise hand” icon on the ZOOM app and wait to be recognized by the host who will unmute each person to speak. Please be advised that there is a 5-minute time limit on all public comments.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: November 18, 2020

# ZONING MAP

TOWNSHIP OF

## HANOVER

MORRIS COUNTY, NEW JERSEY

DECEMBER 2020

