

ORDINANCE NO. 26-2011

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS OF THE PU ZONE DISTRICT SO AS TO PERMIT AND REGULATE DEVELOPMENT FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY HOUSING

WHEREAS, the Township's Land Use Ordinance permits within the PU-Public Use Zone District independent/assisted living facilities; and

WHEREAS, pursuant to N.J.S.A 45:22A-46.3. through -46.16., the developer of an age-restricted housing development has a limited right to convert an approved age-restricted housing development into a non-restricted housing development; and

WHEREAS, the Township Committee desires to permit a lower density housing alternative to that currently permitted in the PU zone district and by the aforesaid statute.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter 166 of the Code of the Township of Hanover, Land Use and Development Legislation, is hereby amended as follows:

Section 1. Subsection A of Section 166-115., *Second principal building on the same lot; multiple principal uses within the same building*, is hereby amended to read as follows:

- A. No building to be used as a dwelling shall be constructed, altered or moved to the rear of a building situated on the same lot , nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot, except as regulated for single-family attached and multifamily housing developments, where permitted by this Chapter.

Section 2. Subsection B. of Section 166-115., *Second principal building on the same lot; multiple principal uses within the same building*, is hereby amended by adding and inserting a new Paragraph (17), to read as follows:

(17) In the PU Zone District as set forth in § 166-211.1. through -211.4.

Section 3. Section 166-211.1., *Permitted principal uses*, in Article XXXVIII, *PU – Public Use District*, is hereby amended to read as follows:

§ 166-211.1. Permitted principal uses.

The PU Public Use District is intended to recognize and accommodate various large-scale public or quasi-public uses in the Township, including county and Township buildings, schools, parks and open space and major utility operations, as well as certain

quasi-public, institutional and similar uses. In addition, the district is designed to permit multi-family housing development under certain circumstances. The following principal uses shall be permitted in the PU Zone District, except as may be otherwise prohibited by this Chapter:

- A. Offices of municipal, county and federal government.
- B. Governmental public order and safety establishments, including but not limited to police, fire and first-aid establishments.
- C. Governmental facilities designed for the installation, maintenance and repair of public improvements, including but not limited to roadways and bridges, utilities, buildings, parks, athletic facilities and other open space improvements, etc.
- D. Facilities of the United States Postal Service.
- E. Utility facilities of the Hanover Sewerage Authority, Southeast Morris County Municipal Utilities Authority, Town of Morristown and other public utility facilities.
- F. Parks, arboreta, athletic fields and open space facilities.
- G. Institutional uses as defined by § 166-4.A. and as permitted by § 166-138.4.
- H. State-licensed nursing homes and independent/assisted living facilities as defined by § 166-4.A.
- I. Child-care centers.
- J. Single-family attached and multifamily housing units, developed separately or in combination with each other.

Section 4. Section 166-211.4., *Required conditions*, in Article XXXVIII, *PU – Public Use District*, is hereby amended by adding and inserting a new Subsection C., to read as follows:

- C. Single-family attached and multi-family housing units shall comply with the following requirements, in addition to all other applicable provisions of this Chapter:
 - (1) Minimum tract area. The minimum tract area shall be 18 acres. For purposes of administering this requirement, the tract area shall include any contiguous property located in the PU District in the Township that is owned by the housing unit developer or proposed to be dedicated to the Township and which is restricted in perpetuity for open space use, whether or not such property is located on the same lot as the dwelling units.
 - (2) Maximum tract density. The maximum density shall be 3.25 dwelling units per acre of the tract. For purposes of administering this requirement, the tract area shall include any contiguous property located in the PU District in the

Township that is owned by the housing unit developer or proposed to be dedicated to the Township and which is restricted in perpetuity for open space use, whether or not such property is located on the same lot as the dwelling units.

- (3) Maximum building coverage: 25% of the lot area.
- (4) Maximum improvement coverage: 55% of the lot area.
- (5) Maximum height of principal buildings: 3 stories and 48 feet. Any equipment mounted on the roof shall not be permitted to exceed a height of 48 feet above the average ground level at the base of the building, or to exceed 12% of the actual building height, whichever is less. Such equipment shall be screened from the view of streets and residential properties.
- (6) Minimum depth of front yard: 50 feet.
- (7) Minimum depth of side and rear yards: 15 feet.
- (8) Minimum distance of principal building from single-family residential zone district property line: 50 feet.
- (9) Minimum buffer depth: When the subject property abuts a single-family residential zone district, the buffer requirements applicable to a multifamily housing development in the R-M Zone, as set forth in § 166-125., shall apply.
- (10) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings; in case of uncertainty as to the definition of "front," "rear," or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply:
 - (a) Front wall facing front wall: 65 feet.
 - (b) Front wall facing rear wall: 50 feet.
 - (c) Front wall facing end/side wall: 40 feet.
 - (d) End/side wall facing end/side wall: 25 feet.
 - (e) End/side wall facing rear wall: 30 feet.
 - (f) Rear wall facing rear wall: 50 feet.
- (11) Minimum distance between buildings and roadways, driveways and parking areas: 12 feet between buildings and roadways and driveways, and 10 feet between buildings and parking areas; provided, however, no separation shall be required between a garage and a driveway that provides direct access to

the garage. If said driveway is designed or intended for parking of motor vehicles, the length of the driveway between the garage and the adjacent roadway shall be at least 20 feet.

(12) Minimum dwelling unit gross floor area:

Efficiency unit	600 square feet
One bedroom unit	750 square feet
Two bedroom unit	900 square feet
Three bedroom unit	1,050 square feet

(13) Parking areas in the front yard shall be located at least 50 feet from any street right-of-way, and at least 10 feet from any other lot lines and at least 25 feet from any residential zone district property line. For purposes of administering this requirement, the setbacks shall be measured from the tract boundary, including any contiguous property located in the PU District in the Township that is owned by the housing unit developer or proposed to be dedicated to the Township and which is restricted in perpetuity for open space use, whether or not such property is located on the same lot as the dwelling units.

(14) Signs shall be subject to the provisions of § 166-143. In addition, all other provisions of this chapter applicable to signs shall be complied with.

(15) Affordable housing obligation. At least two affordable units shall be provided as part of any single-family attached and/or multifamily housing development regulated by this subsection. Alternatively, at the developer's option, the developer shall make a payment in lieu of constructing such affordable units in the amount of one hundred and fifty thousand dollars (\$150,000), which payment shall be deposited in the Township's affordable housing trust fund. All affordable housing units shall be required to comply with all applicable rules of the New Jersey Council on Affordable Housing and all other applicable rules governing inclusionary developments addressing municipal affordable housing obligations.

Section 5. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

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

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

DATE OF INTRODUCTION: August 11, 2011
DATE OF ADOPTION: September 8, 2011

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 11th day of August, 2011, 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 8th day of September, 2011, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, 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.

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

DATED: August 18, 2011