

## ZONING ORDINANCES INTRODUCED: NOVEMBER 2019

**Municipality:** TOWNSHIP OF CHATHAM

**Ordinance:** 2019-19

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Zoning Regulations to establish a new inclusionary overlay district, the PI-AHO - Professional and Institutional Affordable Housing Inclusionary Overlay District and amend the Zoning Map to place Block 128, Lot 9 within the new overlay. The PI-AHO Overlay is a 3.4-acre lot located at 466 Southern Blvd. / County Rt. 647. It is developed with three commercial buildings. The golf course of the Fairmount Country Club is to the east and south. A Township owned baseball field is to the west. A gym and fitness center is to the north. The Chatham Hill apartments are to the northwest. Development as permitted by the underlying PI-1 - Professional Institutional District shall remain as an option. The standards applicable to the new PI-AHO Overlay include the following:

- Permitted Uses: Apartments and Townhouses
- Minimum Lot: 3 acres
- Maximum Density: 12 units per acre
- Maximum Height: 2 ½ st. / 35 ft.
- Maximum Building Coverage: 30%; Maximum Impervious Coverage: 60%
- Minimum Open Space: 30%
- Affordable Set-Aside: 15% rental / 20% for-sale

**Staff Comments:** At 12 du/ac, the 3.4 acre PI-AHO Overlay could accommodate a maximum of 41 units, pending potential reductions for other physical or environmental constraints.



**Municipality: TOWNSHIP OF CHATHAM**

**Ordinance:** 2019-22

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Affordable Housing chapter of the Revised General Ordinances to set development fees and establish an Affordable Housing Trust Fund to collect and spend such fees. Developers shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. When an increase in residential density has been permitted via a “d” variance, the fee shall be 4%. Developers shall pay a fee of 2.5% of the equalized assessed value for nonresidential development.

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**Municipality: TOWNSHIP OF EAST HANOVER**

**Ordinance:** 16-2019

**Public Hearing Date:** 12/9/19

**Summary:** Amend the Zoning Regulations to permit multi-family mixed-use inclusionary development as a conditional use in the B-1 and B-2 Business Districts. If located in the B-1 District, the parcel shall have frontage on Ridgedale Ave. or Eagle Rock Ave. If located in the B-2 District, the parcel shall have frontage on Eagle Rock Ave. The standards applicable to this type of conditional use include the following:

- Minimum Lot: 30,000 sq. ft.
- Maximum Density: 15 units per acre
- Maximum Height: 3 st. / 38 ft.
- The first floor shall contain B-1 District permitted uses (if located in the B-1 District) or B-2 district permitted uses (if located in the B-2 District). The second and third floors may contain multi-family.
- Affordable Set-Aside: 15% rental / 20% for-sale
- Maximum Building Coverage: 50%; Maximum Impervious Coverage: 80%

**Staff Comments:** This ordinance is as called for by the June 3, 2019 Settlement Agreement between the Township and the Fair Share Housing Center.

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**Municipality: TOWNSHIP OF EAST HANOVER**

**Ordinance:** 17-2019

**Public Hearing Date:** 12/9/19

**Summary:** Amend the Zoning Regulations to set development fees and establish an Affordable Housing Trust Fund to collect and spend such fees. Developers shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. When an increase in residential density has been permitted via a “d” variance, the fee shall be 6%. Developers shall pay a fee of 2.5% of the equalized assessed value for nonresidential development.

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**Municipality: TOWNSHIP OF EAST HANOVER**

**Ordinance:** 18-2019

**Public Hearing Date:** 12/9/19

**Summary:** Amend the Township Code to add a new chapter regulating and establishing requirements for affordable housing. The new chapter addresses such matters as the maximum rents and sales prices for affordable units, buyer and tenant income eligibility, control periods, enforcement mechanisms, and affirmative marketing requirements.

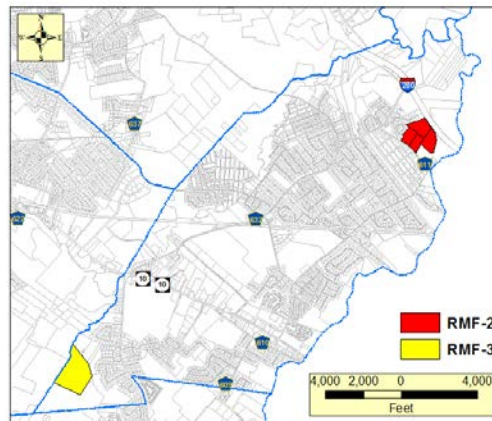
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**Municipality: TOWNSHIP OF EAST HANOVER**

**Ordinance:** 19-2019

**Public Hearing Date:** 12/9/19

**Summary:** Amend the Zoning Regulations to establish two new inclusionary overlay districts, the RMF-2 Residential-Multi-Family 2 Overlay District, and the RMF-3 Residential-Multi-Family 3 Overlay District. The RMF-2 Overlay consists of four lots off Eagle Rock Ave. / County Rt. 611 totaling 50.7 acres in size. Three of the lots are developed with office buildings while one is vacant. I-280 is to the immediate northeast. It is within the PB-3 Professional and Business Office District. The RMF-3 Overlay consists of a 63.1-acre lot with a driveway that leads south (off-site) to Columbia Tpke. / County Rt. 510 in Florham Park. It is the site of the VDM Metals facility and within the I-3 Light Industry District. The underlying zoning would remain as a development option in both overlays.



The standards applicable to the new overlays include the following:

**RMF-2 Overlay:**

- Permitted Uses: Multi-Family, Townhouses, Stacked Townhouses, Open Space and Recreation
- Minimum Lot: 8 acres
- Maximum Density: 10 units per acre
- Maximum Height: 4 st. / 48 ft. (3 st. / 38 ft. if within 100 ft. of single family)
- Affordable Set-Aside: 20%
- Maximum Building Coverage: 50%; Maximum Impervious Coverage: 65%

**RMF-3 Overlay:**

- Permitted Uses: Multi-Family, Townhouses, Stacked Townhouses, Open Space and Recreation

- Minimum Lot: 50 acres
- Maximum Density: 15 units per acre
- Maximum Height: 5 st. / 58 ft. (one story of parking with four residential floors above)
- Affordable Set-Aside: 20%
- Maximum Building Coverage: 50%; Maximum Impervious Coverage: 65%

**Staff Comments:** This ordinance is as called for by the June 3, 2019 Settlement Agreement between the Township and the Fair Share Housing Center. At 10 du/ac, the 50.7 acre RMF-2 Overlay could accommodate a maximum of 507 units while at 15 du/ac, the 63.1 acre RMF-3 Overlay could accommodate a maximum of 946 units, pending potential reductions for other physical or environmental constraints.

**Municipality: TOWNSHIP OF HANOVER**

**Ordinance:** 54-2019

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Land Use and Development Regulations to add a new section permitting and establishing regulations for affordable accessory apartments. Up to ten such apartments shall be permitted in the R and RM Residential Districts on lots developed with a single family detached dwelling. New accessory apartments shall be affordable rental units.

**Staff Comments:** This ordinance is as called for by the February 5, 2019 Settlement Agreement between the Township and the Fair Share Housing Center.

**Municipality: TOWNSHIP OF HANOVER**

**Ordinance:** 55-2019

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Land Use and Development Regulations to eliminate the existing prohibition on detached garages in residential districts, subject to appropriate height, area and setback requirements.

**Municipality: TOWNSHIP OF HANOVER**

**Ordinance:** 57-2019

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Land Use and Development Regulations to establish a new overlay district, the I-7 Industrial Overlay District, and amend the Zoning Map to place two lots in the new overlay. The two lots are located on both sides of Troy Hills Rd. / County Rt. 637, just north of the M & E Railroad. Small lot single family homes are to the north while industrial and commercial uses are to the south. The permitted uses in the I-7 Overlay shall be limited to those existing at the time of the adoption of this ordinance, which include an asphalt emulsion manufacturing facility on Block 7101, Lot 2, and a contractor for earthwork and installation of utility and drainage structures, and construction dumpster service on Block 7401, Lot 1. Minor changes to these existing uses shall be permitted, including additions to or changes to existing buildings or construction of new accessory buildings, subject to applicable standards, provided, however, that any such changes results in no intensification of the existing use. If the existing buildings are demolished and the properties are redeveloped, the underlying zoning district standards shall apply (R- 21 Single Family Residence District for

Block 7101, Lot 2 and R-10 Single Family Residence District for Block 7401, Lot 1). The standards applicable to the new I-7 Overlay include the following:

- Minimum Lot: 50,000 sq. ft.
- Maximum Height: 1 st. / 25 ft.
- Maximum FAR: 22%, Maximum Building Coverage: 25%; Maximum Impervious Coverage: 80%



**Municipality: TOWNSHIP OF HANOVER**

**Ordinance: 58-2019**

**Public Hearing Date: 12/12/19**

**Summary:** Block 3801, Lot 2, Block 4101, Lots 1 and 23, and Block 4301, Lot 6, site of the former Whippany Paper Board Company (closed since 1980), were designated a Non-Condemnation Area in Need of Redevelopment in August 2019. Ordinance 58-2019 adopts the River Park Redevelopment Plan: Area A, which applies to Block 4301, Lot 6, Block 4101, Lot 1 and the eastern portion of Block 3801, Lot 2. A mixed-use inclusionary development is planned for Area A. Area B will be the subject of a future redevelopment plan. The 83-acre Area A is located along and crossed by the Whippany River, between Parsippány Rd. / County Rt. 511 to the east, Eden Ln. to the south, and the M & E Railroad and Legion Pl. to the north. Block 4101, Lot 1 is the only portion of Area A north of the railroad. Most of the buildings have been demolished; however, an industrial building and a small office remain on the site. A cemetery, single family homes, the Metrowest senior housing site, and various office and industrial buildings are to the north. Township owned open space, the Arden Courts assisted living facility, and the Oak Ridge Condominiums are to the south. The majority of the site is owned by River Park Business Center, LLC and is in the TC Town Center District. The 6.5-acre Block 4301, Lot 6, at the eastern end of the site, is owned by the Morris County Park Commission and is in the PU Public Use District. River Park seeks to acquire this property from Morris County.



Area A shall be designated as the RP-A Town Center District. Standards for development in the RP-A District include the following:

- Permitted Uses: multi-family, townhouses, special needs homes, various non-residential uses on the ground level, examples of which include retail, banks, offices, emergent care, open space, restaurants, hotels / extended stay hotels, live work studios and transit station / stops.
- Minimum Tract: 55 acres / Minimum Lot: 1.5 acres
- Maximum Residential Units (excluding special needs units): 967 units, a minimum of 140 of which shall be affordable
- Maximum Special Needs Housing: 32 beds
- Maximum Retail: 80,000 sq. ft. (mezzanine levels of up to 30% of ground floor area not counted toward maximum)
- Hotel / Extended Stay Hotel: 250 rooms in two buildings
- Maximum Office: 10,000 sq. ft.
- Maximum Height: Varies by buildings on concept plan, ranging from 3 to 7 stories
- Maximum Building Coverage: 60%; Maximum Impervious Coverage: 75%
- Required Open Space Elements: Town Center Boulevard Green Space, Town Center Plaza, River Park Open Space, Patriot's Path

**Staff Comments:** This ordinance is as called for by the February 5, 2019 Settlement Agreement between the Township and the Fair Share Housing Center.

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**Municipality: BOROUGH OF MORRIS PLAINS**

**Ordinance:** 12-2019

**Public Hearing Date:** 12/19/19

**Summary:** The Land Development Regulations are subject to a variety of amendments. Examples of these amendments include:

- A new definition is added defining Lot Coverage as that portion of the total area of a lot covered by all impervious surfaces, including but not limited to all principal and accessory buildings and structures, accessory uses, or any other structure or similar improvements, expressed in square feet.
  - A new definition is added defining Lot Width as the horizontal distance in feet between side lot lines measured at the minimum building setback from the street.
  - An Applicant may request, but shall not be entitled to, a special meeting for the consideration of the application at other than a regular meeting of the Board.
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**Municipality: TOWN OF MORRISTOWN**

**Ordinance:** O-41-2019

**Public Hearing Date:** 12/17/19

**Summary:** Amend the Land Development Regulations to add a new section regulating short-term rentals. These are defined as the rental for compensation of a dwelling, or portion of a dwelling, for overnight lodging



for a period of not less than one night and not more than thirty consecutive days. This definition shall not include hotels, motels, and bed and breakfast inns. Examples of the new regulations include the following:

- Short-term rentals will be permitted in the following classifications of properties:
  - Units located in a condominium association, homeowners association or cooperative association, where the association's bylaws, master deed or other governing documents permit short-term rentals.
  - Any lawfully existing accessory structure for which a certificate of habitability has been issued and is located on the same property as an owner-occupied residence so long as the structure is not located within a single family home.
  - One unit within a two, three or four-family property, provided that the property is owner-occupied.
- An annual short-term rental license and six-month certificate of habitability are required.
- There shall be no sign identifying the short-term rental use.
- The short-term rental use shall be conducted in a manner that does not disrupt or adversely affect the residential character of the neighborhood.

**Staff Comments:** This ordinance was first introduced in October 2019. However, it has been re-introduced with several amendments. The definition of short-term rentals has been revised so that it no longer includes rentals of thirty or more consecutive days granted to the same renter for the same unit. Other changes amend the language for clarity.

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**Municipality:** BOROUGH OF NETCONG

**Ordinance:** 2019-17

**Public Hearing Date:** 12/12/19

**Summary:** Amend the Land Development Regulations to state that public notice must be provided for any application involving one or more of the following: extension of site plan or subdivision approval for five or more years; modification or elimination of a significant condition in a memorializing resolution in any situation wherein the original application required public notice; and for any application for development, including variances, conditional use approvals, site plans, subdivisions, requests for interpretation of the zoning ordinance or official map, direction for the issuance of a permit to construct a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area or for a permit to construct a building or structure not related to a street.

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## ZONING ORDINANCES ADOPTED: NOVEMBER 2019

**Municipality:** TOWNSHIP OF HANOVER

**Ordinance:** 42-2019

**Date Adoption Filed:** 11/19/19

**Summary:** Amend the Township Code to add a new chapter providing that when the Township enters into a financial agreement for the purposes of redevelopment, the payments in lieu of taxes (PILOT) that are received by the Township shall be dedicated as follows:

- Hanover Township: 35%
- Hanover Township Board of Education: 37%
- Regional School: 19%
- Fire District: 4%
- County of Morris: 5%

**Staff Comments:** According to an article posted on newjerseyhills.com on October 14, 2019, the Township Attorney indicates that this ordinance comes in response to concerns about certain entities not receiving their fair share of PILOT funds collected from the upcoming River Park inclusionary development.

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**Municipality:** TOWNSHIP OF HANOVER

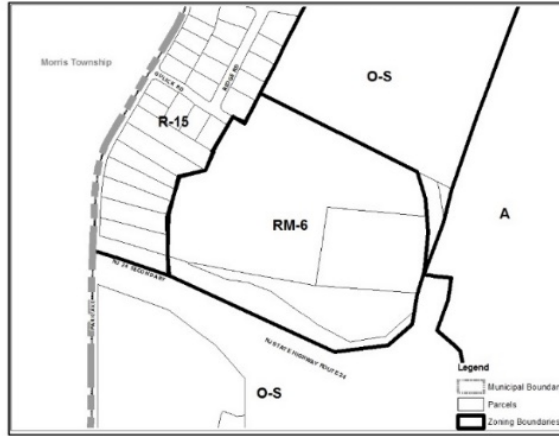
**Ordinance:** 45-2019

**Date Adoption Filed:** 11/19/19

**Summary:** Amend the Zoning Regulations to establish a new inclusionary zoning district, the RM-6 Residence District, and amend the Zoning Map to rezone Block 4901, Lots 2, 17 and 19 from the O-S Offices & Services District to the new RM-6 District. The three lots, totaling 25.8 acres, are located on Airport Rd., just west of the Morristown Airport, and are the site of an office building. Much of the western portion of the site is wooded and undeveloped. The State Hwy. 24 / Columbia Tpk. / County Rt. 510 interchange is just to the south. An Algonquin Gas Transmission Co. facility is to the north and small lot single family homes are to the west. Standards applicable to the RM-6 District include the following:

- **Permitted Uses:** 1) Multifamily; 2) Any use permitted in all zone districts or in all residential zone districts
- **Maximum Density:** 11 du/ac
- **Minimum Lot Area:** 25.45 acres
- **Maximum Improvement Coverage:** 50%; **Maximum Building Coverage:** 20%
- **Maximum Height:** 4 st. / 60 ft.
- **Affordable Set-Aside:** 15%, but not be less than 42 affordable units regardless of the number of market rate units





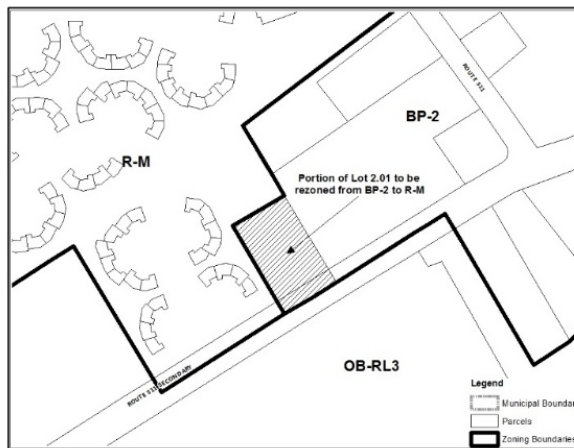
**Staff Comments:** This ordinance is as called for by the March 7, 2019 Settlement Agreement between the Township and the Fair Share Housing Center. At 11 units per acre, this 25.8-acre site could accommodate a maximum of 284 units, pending potential reductions for other physical or environmental constraints.

**Municipality:** TOWNSHIP OF HANOVER

**Ordinance:** 46-2019

**Date Adoption Filed:** 11/19/19

**Summary:** Amend the Zoning Map to rezone the western portion of Block 4301, Lot 2.01 from the B-P2 Business and Professional District to the R-M Residence District. Lot 2.01 is the site of the Our Lady of Mercy Church. The portion of the lot to be rezoned has a residential structure. The Metlife and Bayer offices are to the south and southeast. The Oak Ridge townhomes are to the north and west. The R-M District permits single-family, two-family, townhomes, multifamily, residences for the developmentally disabled or mentally ill, community shelters for victims of domestic violence, and community residences for persons with head injuries, all subject to affordable housing requirements.



**Staff Comments:** According to the March 7, 2019 Settlement Agreement between the Township and the Fair Share Housing Center, the Township proposes an affordable six-unit supportive housing group home on this property.

**Municipality: TOWNSHIP OF HANOVER**

**Ordinance: 47-2019**

**Date Adoption Filed: 11/19/19**

**Summary:** Amend the Land Use and Development Regulations so that any multi-family or single family attached residential development that is approved to contain five or more new dwelling units, shall be required to set aside 20% of units (if for-sale) or 15% of units (if for-rent) as affordable housing.

**Staff Comments:** This ordinance is as called for by the March 7, 2019 Settlement Agreement between the Township and the Fair Share Housing Center.

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**Municipality: TOWNSHIP OF HANOVER**

**Ordinance: 48-2019**

**Date Adoption Filed: 11/19/19**

**Summary:** Amend the Land Use and Development Regulations to set development fees and establish an Affordable Housing Trust Fund to collect and spend such fees. Developers shall pay a fee of 1.0% of the equalized assessed value for residential development, provided no increased density is permitted. When an increase in residential density has been permitted via a "d" variance, the fee shall be 6%. Developers shall pay a fee of 2.5% of the equalized assessed value for nonresidential development.

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**Municipality: TOWNSHIP OF HANOVER**

**Ordinance: 49-2019**

**Date Adoption Filed: 11/19/19**

**Summary:** Amend the Township Code to add a new chapter regulating and establishing requirements for affordable housing. The new chapter addresses such matters as the maximum rents and sales prices for affordable units, buyer and tenant income eligibility, control periods, enforcement mechanisms, and affirmative marketing requirements.

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**Municipality: TOWNSHIP OF HANOVER**

**Ordinance: 50-2019**

**Date Adoption Filed: 11/19/19**

**Summary:** This ordinance adopts a new zoning map incorporating the changes implemented by ordinances 45-2019 and 46-2019, both of which were introduced in October 2019.



**Municipality: BOROUGH OF MORRIS PLAINS**

**Ordinance:** 11-2019

**Date Adoption Filed:** 11/15/19

**Summary:** Amend the Land Development Regulations to allow the Borough Engineer to waive the requirement for a minor site plan review upon the request of a property owner. Such a request may be referred to the Planning Board by the Borough Engineer as well. The Borough Engineer or Planning Board may grant such a request upon a determination that the proposed development or change of use meets various conditions, examples of which include:

- Involves normal maintenance or replacement in kind such as a new roof, new siding or similar activity.
  - Does not significantly affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting or other considerations of site plan approval.
  - Involves a permitted use.
  - Does not affect parking requirements.
  - Does not involve variances.
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**Municipality: TOWN OF MORRISTOWN**

**Ordinance:** O-43-2019

**Date Adoption Filed:** 11/13/19

**Summary:** Amend the Land Use Regulations and the Licensing and Business Regulations to permit and regulate Bed and Breakfast Establishments as a conditional use. Such establishments are defined as a small lodging establishment with rooms available for guests for short-term overnight rental and a breakfast meal for compensation. Examples of the rules applicable to Bed and Breakfast Establishments include the following:

- The Bed and Breakfast shall contain no less than three bedrooms nor more than eight bedrooms.
  - No more than sixteen individuals over the age of six shall stay at a Bed and Breakfast any one time.
  - Owners must reside on the premises within the principal structure.
  - At all times when guests are staying, the owner shall remain within 15 minutes of the property.
  - Maximum Improved Coverage 60%, Maximum Building Coverage: 50%.
  - No more than four licenses for Bed and Breakfasts shall be outstanding at any one time.
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**Municipality: TOWNSHIP OF RANDOLPH**

**Ordinance:** 22-19

**Date Adoption Filed:** 11/22/19

**Summary:** Amend the Zoning Regulations to remove furniture and home furnishing stores, wallpaper and paint stores, garden shops, plant stores and nurseries, business supply stores and clothing stores as permitted uses in the B-4 General Commercial District and replace them with retail and service businesses.

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**Municipality: TOWNSHIP OF WASHINGTON**

**Ordinance:** RO-13-19

**Date Adoption Filed:** 11/19/19

**Summary:** This ordinance amends the Zoning Regulations for proposed new developments on existing developed lots within the ridgeline, mountainside, hillside and viewshed protection area. For proposed developments in these areas, an applicant may request, and the Township Engineer may grant an administrative approval for development without the need for a separate application to the Township Planning Board or Board of Adjustment for a Certificate of Compliance, provided certain listed conditions are met. Examples of these conditions include demonstration by the applicant that viewshed mitigation is provided and the visual impact of the proposed development does not rise to a level of concern such that review by the Township Planning Board or Board of Adjustment is required.

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<b>ZONING ORDINANCES WITHDRAWN: NOVEMBER 2019</b>
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**Municipality: TOWNSHIP OF HANOVER**

**Ordinance:** 43-2019

**Date Filled:** 11/19/19

**Summary:** This ordinance was introduced in October 2019 but was been withdrawn. It would have amended the Land Use and Development Regulations to establish a new age-restricted inclusionary overlay district, the AH-2 Affordable Housing Overlay District, and amended the Zoning Map to place Block 8503, Lots 3, 4, and 7 in the new overlay.

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**Municipality: TOWNSHIP OF HANOVER**

**Ordinance:** 44-2019

**Date Filled:** 11/19/19

**Summary:** This ordinance was introduced in October 2019 but was been withdrawn. It would have amended the Land Use and Development Regulations to establish a new inclusionary overlay district, the AH-3 Affordable Housing Overlay District, and amended the Zoning Map to place Block 8305, Lots 6, 7.01 and 8 in the new overlay.

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**PROPOSED ORDINANCES RECEIVED: 13**

**ADOPTED ORDINANCES RECEIVED: 11**

**ORDINANCES WITHDRAWN: 2**

**TOTAL ORDINANCES PROCESSED: 26**