

ZONING ORDINANCES INTRODUCED: AUGUST 2020

Municipality: TOWNSHIP OF HANOVER

Ordinance: 22-2020

Public Hearing Date: 9/10/20

Summary: Amend the Land Development Regulations to clarify the regulations applicable to the expiration of variances if such variances are not pursued in a timely manner. For example, variances granted by the Planning Board or Zoning Board of Adjustment shall expire unless the development that was the subject of the variance is substantially commenced. This is clarified by adding a definition for “substantial commencement” as follows: “actual material construction and/or alteration of the improvements, or the issuance of a certificate of occupancy and/or habitability in the case of changes of use, that were the subject of the variance application, but shall not include demolition of existing structures, removal of debris, clearing, tree removal, installation of silt fencing or other such pre-construction activities that would be permitted without such variance.”

Municipality: BOROUGH OF MADISON

Ordinance: 26-2020

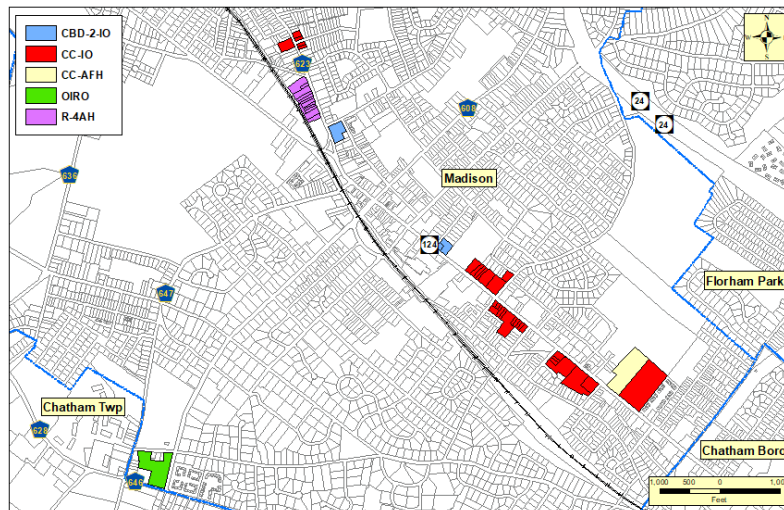
Public Hearing Date: 9/14/20

Summary: Amend the Land Development Regulations to make various changes related to affordable housing, including the establishment of new inclusionary housing districts. This ordinance replaces Ordinance 24-2020, which was introduced in July 2020 but then withdrawn. Examples of the changes introduced by Ordinance 26-2020 include the following:

- Add Inclusionary Multi-Family as a permitted use in the CBD-2 District.
- Establish a new inclusionary overlay district, the CBD-2-IO - Inclusionary Overlay District, at Block 1501, Lot 1 (in the R-5 District on the corner of Park Ave. and Ridgedale Ave., largely wooded, but with two small barns) and Block 2001, Lots 14 and 15 (in the CBD-1 District, site of an office building and transmission repair shop, on the corner of Main St. and Alexander Dr.). Inclusionary multi-family development shall be the permitted use under CBD-2 standards, except for Block 1501, Lot 1, for which maximum impervious coverage and height shall be increased by 10% and 5 feet respectively.
- Establish a new inclusionary overlay district, the CC-IO - Inclusionary Overlay District, on 31 parcels along the Park Ave. / Main St. retail / commercial corridor. The vast majority of these parcels are in the CC District. Inclusionary multi-family development shall be the permitted use with a maximum density of 18 du/ac for lots under 100,000 sq. ft. and 20 du/ac for lots over 100,000 sq. ft., a minimum lot area of 10,000 sq. ft., and a maximum height of 3 stories / 38 feet.
- Establish a new inclusionary zoning district, the CC-AFH - Affordable Housing District, and rezone Block 2208, Lot 26 (site of the 64-unit Madison Mall Apartments on Main St.) from the CC District to the newly established CC-AFH District. Multiple-family dwellings and garden apartments shall be the permitted uses. A maximum of 40 additional units shall be permitted, 25% of which must be affordable.
- Establish a new inclusionary overlay district, the OIRO - Optional Inclusionary Residential Overlay District, at Block 4501, Lot 3, site of a church on Green Ave. and Shunpike Rd. in the P - Professional Office Zone / Residential District. Permitted uses shall include inclusionary development in attached single-family

homes, townhouses, two-family homes, garden apartments and patio homes with a maximum density of 12 du/ac, a minimum lot area of 80,000 sq. ft.

- Require the housing permitted in the R-SH - Senior Citizen Housing District and R-PH - Residential Public Housing District to be 100% affordable.
- Remove age-restricted multi-family and senior citizen multi-family as permitted uses in the Gateway Districts. Replace them with multi-family inclusionary development. Restrict offices to those in existence at the time of adoption of this ordinance.
- Establish a new overlay district, the R-4AH - Optional Overlay District, on 13 parcels on Park Ave. just south of Elm St. Twelve of these parcels are single or two family homes. One is an industrial use. Permitted uses shall include attached single-family homes, townhouses, two-family homes, garden apartments, multiple-family dwellings, and patio homes with a maximum density of 14 du/ac, a minimum lot area of 15,000 sq. ft., and a maximum height of 2.5 stories / 38 feet.



Ordinance 26-2020 replaces withdrawn Ordinance 24-2020. Examples of the new changes include the following:

- CC-IO - Inclusionary Overlay District: Reduce the minimum lot size from 15,000 sq. ft. to 10,000 sq. ft. and increase the maximum impervious coverage from 65% to 70%.
- Gateway Districts: Restrict offices to those in existence at the time of the adoption of this ordinance.
- Establish a new overlay district, the R-4AH - Optional Overlay District.

Municipality: BOROUGH OF MADISON

Ordinance: 27-2020

Public Hearing Date: 7/27/20

Summary: Amend the Land Development Regulations 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.

This ordinance replaces Ordinance 25-2020, which was introduced in July 2020 but then withdrawn. Examples of the new changes include the addition of annual reporting requirements for trust fund and affordable housing activity and the removal of a provision that would have permitted rent increases for affordable units to track the Housing Consumer Price Index for the Northeast Urban Area.

Municipality: TOWNSHIP OF ROCKAWAY

Ordinance: O-20-18

Public Hearing Date: 9/8/20

Summary: Amend the Land Use and Development Regulations to permit the following uses in the I - Industrial District and the PED - Planned Economic District:

- Medical Cannabis Alternative Treatment Centers, defined as including the following:
 - Medical Cannabis Clinical Registrants
 - Medical Cannabis Cultivators
 - Medical Cannabis Dispensaries
 - Medical Cannabis Manufacturers
- Cannabis Research and Development Facilities

Examples of the standards imposed on such uses include the following:

- A license for such use must be obtained from the State of New Jersey and the Township of Rockaway.
 - Such use shall operate in complete compliance with the terms and conditions of its license.
 - Such use shall have equipment to mitigate cannabis-related odor.
 - All facilities associated with cannabis shall be secured and shall have fulltime security protocols.
-

ZONING ORDINANCES ADOPTED: AUGUST 2020

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2020-13

Date Adoption Filed: 8/17/20

Summary: Ordinance 2020-11, adopted last month (July 2020), created a new zoning district, the R-3 AH - Affordable Housing Residence District, for Block 67, Lots 17 and 17.01. The new R-3 AH District permits single-family homes, with at least 20% of the total number of lots created through subdivision conveyed to either the Township or a qualified group home developer or operator for the construction of affordable housing in the form of a group home. Ordinance 2020-13 clarifies that the group home lot will be cleared and leveled to prepare it for the construction of a group home.

Municipality: TOWN OF DOVER

Ordinance: 07-2019

Date Adoption Filed: 3/31/20

Summary: Amend the Land Use and Development Regulations as follows:

- There shall be no more than one curb cut providing access for a driveway or parking area per residential property.
- In residential zoning districts where there exists less than 10 feet of clear width from the side property line to any structure or other inhibiting site feature, front yard off-street parking shall be permitted within the area of the front yard that is not the projection of the side yards provided there is no other means of providing a parking area that conforms to all other regulations. In such a case, various other requirements must be met, such as the parking area being no wider than 11 feet.

Municipality: TOWN OF DOVER

Ordinance: 08-2019

Date Adoption Filed: 3/31/20

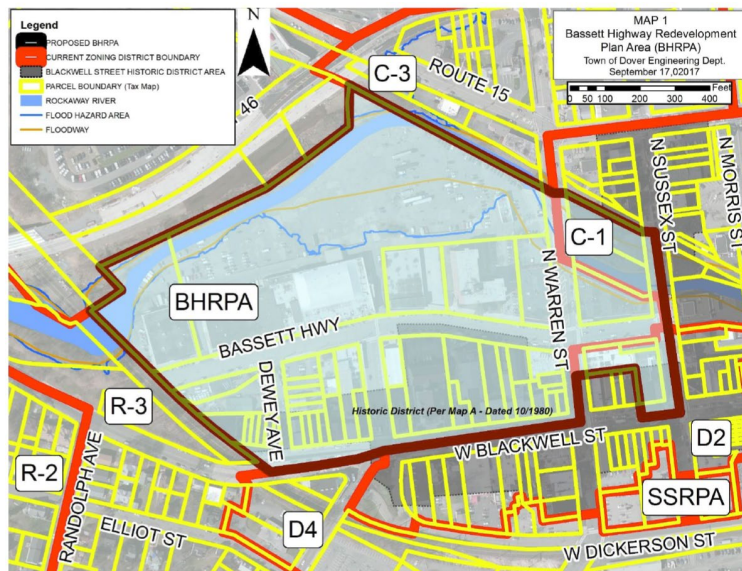
Summary: Amend the Land Use and Development Regulations so that the off-street parking requirements for residential uses with 20 or fewer units of no more than two bedrooms located in the Downtown Special Residential Parking District may be satisfied through the purchase of overnight parking permits in the Town of Dover public parking lots.

Municipality: TOWN OF DOVER

Ordinance: 12-2019

Date Adoption Filed: 3/31/20

Summary: Amend the Town of Dover Rehabilitation Area: Bassett Highway Redevelopment Plan, dated September 27, 2017. This Redevelopment Plan permits mixed-use retail, office, townhome and apartment development in the BHRPA - Bassett Highway Redevelopment Plan Area, located in the vicinity of Bassett Highway, with total build-out to be determined by a developer's agreement.



Ordinance 12-2019 amends this Plan as it applies to 24 listed parcels, representing more than half of the BHRPA. For these parcels, the following shall apply:

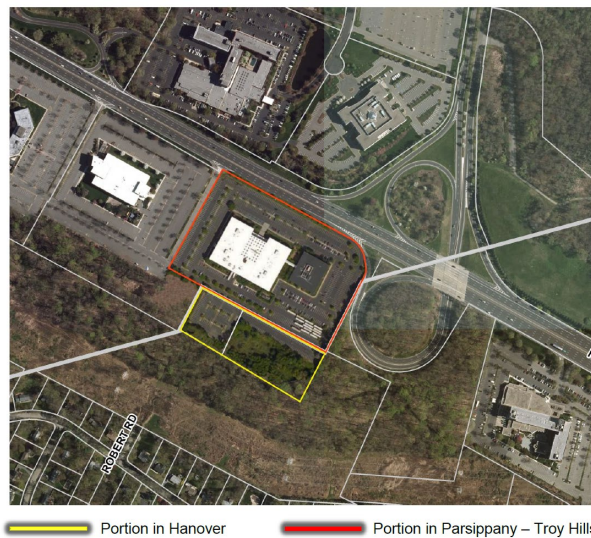
- Any portion of a building or structure that is situated within 50 feet of the Blackwell Street right-of-way shall be no taller than five stories or 60 feet in height above the grade of the street line.
- Any portion of building or structure that is not situated in the areas as governed above shall be no taller than nine stories or 100 feet in height above the grade of the street line.
- All buildings in the BHRPA may be attached; however, in the event that the buildings are not attached, the separation between buildings shall be a minimum of 10 feet in order to provide access to the rear of the property by fire apparatus.

Municipality: TOWNSHIP OF HANOVER

Ordinance: 21-2020

Date Adoption Filed: 8/14/20

Summary: This ordinance adopts a revised version of the Redevelopment Plan for the Hanover portion of the property known as 1515 Route 10. This revision is necessitated by the recent revision to the municipal boundaries for Hanover and Parsippany through this property, which results in newly created / revised Lots 13.01 and 14.01 in Block 303. The newly annexed portion of the property, formerly located in Parsippany, but now located in Hanover, was designated an Area in Need of Redevelopment by Hanover on July 9, 2020 (the rest of the property having earlier been so designated). Lots 13.01 and 14.01 are located just south of the main portion of the larger property (in same ownership). The main portion of the property, which features two office buildings on eastbound Route 10, is targeted for mixed-use redevelopment by Parsippany. The Hanover portion contains parking, a detention basin, a stream and wetlands. The Dryden Way jughandle is to the immediate east. Offices and hotels are located along Route 10. To the immediate south is Southeast Morris County MUA property. Further south are single-family homes.



The Redevelopment Plan for Lots 13.01 and 14.01 functions as an overlay zone and a development alternative to the underlying I-P - Industrial Park District. The uses and standards in this Plan shall only be applicable if the redevelopment described in both this Plan as well as the redevelopment plan for the TC-1 - Town Center Redevelopment Area Overlay Zone in Parsippany are undertaken.

The new Development Plan is largely the same as the previous Plan for the Hanover portion of the property, which was adopted in December 2018, but for the adjustment to the municipal boundary, which results in a change to the area involved. The primary permitted uses (a mix of retail and office uses) and the permitted accessory uses (such as surface and structured parking and outdoor dining) remain unchanged. The primary change to the Plan involves a decrease in the maximum building coverage from 55% to 30% and a decrease in the maximum improvement coverage 85% to 50%. The Hanover portion of the Plan area no longer contains the building called for in the Parsippany concept plan.

Municipality: BOROUGH OF MENDHAM

Ordinance: 06-2020

Date Adoption Filed: 8/17/20

Summary: Amend the Borough 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.

Municipality: BOROUGH OF MENDHAM

Ordinance: 07-2020

Date Adoption Filed: 8/17/20

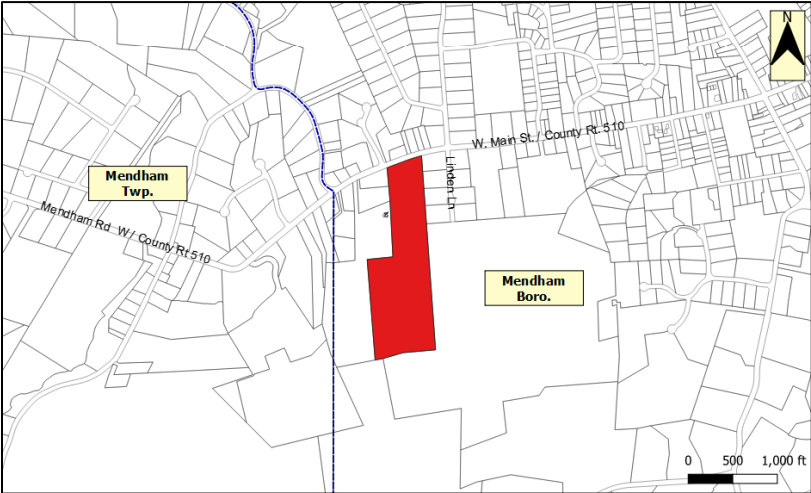
Summary: Amend the Land Use Regulations to add a new section providing for the collection of development fees and the establishment of an Affordable Housing Trust Fund to be funded by such fees.

Municipality: BOROUGH OF MENDHAM

Ordinance: 08-2020

Date Adoption Filed: 8/17/20

Summary: Amend the Land Use Regulations to establish a new inclusionary overlay zone, the AHO - Affordable Housing Overlay Zone, for Block 1801, Lot 5. This 26.8-acre parcel at 80 W. Main St. / County Rt. 510 is the site of the Daytop residential substance abuse treatment center for youth and young adults whose closing has been recently announced. Wooded and farmland assessed land is to the south and southeast. The Community of St. John Baptist and Schiff Natural Land Trust properties are to the southwest. Single-family homes are to the north. The underlying 3-AC - 3-Acre Residence Zone shall remain unchanged.



Standards for the new AHO Overlay Zone include the following:

- **Permitted Uses:** Townhouses and multi-family.
- **Maximum Density:** 17.5 units per acre
- **Maximum Height:** 3 st. / 40 ft. (multi-family) or 2.5 st. / 35 ft. (townhouses)
- **Min. Active Recreation Area:** 20%
- **Affordable Set-Aside:** 20%

Staff Comments: At 17.5 du/ac, the 26.8-acre AHO Overlay could accommodate a maximum of 469 units, pending potential reductions for other physical or environmental constraints.

Municipality: BOROUGH OF MENDHAM

Ordinance: 09-2020

Date Adoption Filed: 8/17/20

Summary: Amend the Zoning Regulations to establish a mixed-use inclusionary district at the site of the Kings Shopping Center. Block 801, Lot 20 is to be rezoned from the EB - East Business District to the newly created EB-AH - East Business Zone - Affordable Housing District. This 12.8-acre parcel, on E. Main St. / County Rt. 510, is the site of a supermarket, a strip mall and a tennis club. Commercial and retail uses are to the immediate east, offices are to the southeast, a Borough owned senior housing complex is to the immediate west, with single-family housing further west. Borough owned woodland is to the north.



The standards applicable to the newly created EB-AH District include the following:

Permitted Uses:

- Any use permitted in any residential district.
- Any use permitted in the Historic Business District.
- Various listed retail and service uses, examples including auto sales and services, gas station, auto service station, medical clinic, Planned Commercial Development, and health clubs and recreation facilities.
- Multi-family dwellings

Development Standards:

The standards that apply to the EB District shall apply to all permitted uses in the EB-AH District, except for multi-family dwellings, whose standards shall include the following:

- Maximum Units: 75
- Minimum Lot: 3 acres
- Maximum Height: 4 stories over parking / 60 feet
- Maximum Impervious Coverage: 80%
- Minimum Recreation Area: 5,000 feet
- Affordable Set-Aside: 20%

Municipality: **BOROUGH OF WHARTON**

Ordinance: O-13-20

Date Adoption Filed: 8/27/20

Summary: This ordinance adopts the 170 North Main Street Redevelopment Plan in order to permit mixed-use inclusionary development for Block 301, Lot 1, which is part of a larger designated Redevelopment Area. Block 301, Lot 1, together with Block 801, Lot 3 to the south, was the subject of a Redevelopment Plan adopted in 2015 that permitted commercial, but not residential uses. Because the contract purchaser for this parcel has submitted a concept plan for mixed-use development, and because the new N. Main St. Extension, under construction by the County of Morris, splits these two properties, the Borough Council decided that the best approach was to introduce a Redevelopment Plan for Block 301, Lot 1 alone. This three-acre parcel, at the intersection of N. Main St. / County Rt. 634 and the N. Main St. Extension, is the site of a warehouse. Vacant land is to the south and east. Commercial uses and single-family homes are to the north. The underlying I-1 - Planned Industrial District will remain while a new overlay district, the 170 N. Main Street District Overlay, will be established for this site.



Standards for development under this overlay include the following:

- **Permitted Uses:** Retail trade and services, restaurants, catering, microbreweries, offices, light industrial, banks, indoor recreation, and apartments (in conjunction with one or more additional permitted uses).
- **Maximum Residential Density:** 35 units per acre
- **Minimum Lot:** 2 acres
- **Maximum Height:** 4 stories / 55 feet
- **Maximum Building Coverage:** 50%; **Maximum Impervious Coverage:** 85%
- **Affordable Set-Aside:** 15% of rental units / 20% of for-sale units

ZONING ORDINANCES WITHDRAWN: AUGUST 2020

Municipality: BOROUGH OF MADISON

Ordinance: 24-2020

Date Filled: 8/11/20

Summary: This ordinance was introduced in July 2020 but has been withdrawn and replaced by introduced Ordinance 26-2020 (reviewed in this report). It would have amended the Land Development Regulations to make various changes related to affordable housing, including the establishment of new inclusionary housing districts.

Municipality: BOROUGH OF MADISON

Ordinance: 25-2020

Date Filled: 8/11/20

Summary: This ordinance was introduced in July 2020 but has been withdrawn and replaced by introduced Ordinance 27-2020 (reviewed in this report). It would have amended the Land Development Regulations to add a new chapter regulating and establishing requirements for affordable housing.

PROPOSED ORDINANCES RECEIVED: 4

ADOPTED ORDINANCES RECEIVED: 10

ORDINANCES WITHDRAWN: 2

TOTAL ORDINANCES PROCESSED: 16