ORDINANCE NO. 24-2025

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY, AMENDING SECTION 166-125, BUFFER REQUIREMENTS, SECTION 166-154, REQUIREMENTS FOR RESIDENTIAL USES, AND 166-186.11, REQUIRED CONDITIONS, IN CHAPTER 166 OF THE TOWNSHIP CODE, ENTITLED LAND USE AND DEVELOPMENT, IN ORDER TO AMEND THE REGULATIONS FOR MULTIFAMILY HOUSING DEVELOPMENT IN THE B-P2 ZONE TO BE SUBSTANTIALLY CONSISTENT WITH EXISTING MULTIFAMILY HOUSING DEVELOPMENT IN THE ZONE

WHEREAS, the B-P2 zone was created by Ordinance 31-06, replacing the B – Business and I – Industrial zoning that had existed in the area for many years; and

WHEREAS, in 2009, the standards for multifamily housing in the B-P2 zone were amended by Ordinance 18-09; and

WHEREAS, as part of the Township's effort to address the state-mandated affordability housing obligation, the Township subsequently reached a settlement agreement with an intervenor in the Township's third-round affordable housing plan to allow a density of 11 units per acre, resulting in 129 rental units, including 20 affordable rental units at Block 4204, Lot 1 (street address 26 Parsippany Road), located in the B-P2 zone; and

WHEREAS, in October 2018, the Planning Board amended the land use plan element of the master plan to recommend a density of 11 dwelling units per acre for multifamily residential development in the B-P2 zone district; and

WHEREAS, by resolution adopted February 21, 2019, the Hanover Board of Adjustment granted a variance pursuant to N.J.S.A. 40:55D-70d(5) to permit a density of 11 dwellings per gross acre for a proposed development of 129 multifamily residential units; and

WHEREAS, by resolutions adopted November 5, 2019 and April 21, 2022, the Board of Adjustment granted preliminary and final site plan approval and bulk variances for the same development; and

WHEREAS, the development has been constructed and is now occupied; and

WHEREAS, subsequent to the site plan approval, Morris County acquired land from the property for the Parsippany Road right-of-way, reducing the lot area and increasing the density to more than 11 dwelling units per acre; and

WHEREAS, the Township has discussed with the developer of the property the acquisition of 1.32 acres for a small public park, which acquisition would also affect the development's compliance with the zoning regulations; and

WHEREAS, the current land use element of the Township's master plan, adopted in 2021, acknowledges the site plan approval granted by the Board of Adjustment and recommends that the zoning regulations be amended to be substantially consistent with the site plan approval;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Paragraph (1) in Subsection C of Section 166-125, *Buffer requirements*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

(1) Minimum depth of a buffer adjacent to residential zone districts. The minimum depth of the buffer adjacent to residential zone districts required by § 166-125A(1) and (2) shall be as set forth in the following table. The buffer depth shall be measured from and perpendicular to the property line of the property located in the zone within which the buffer is required.

Zone District	Minimum Buffer Depth
R-10A	10 feet
R-M, RM-2, RM-3, B-P2	20 feet
B, B-10	25 feet
D-S	50 feet
O-S, OB-RL, I, I-2, I-P and PU	Five (5) feet for each acre of lot area, excluding from said lot area any state open waters, wetlands and wetland transition areas to remain after development, as approved by the New Jersey Department of Environmental Protection, provided that no buffer shall have a depth of less than fifty (50) feet, and no buffer shall be required to have a depth that exceeds one-hundred fifty (150) feet.

Section 2. Subsection B of Section 166-154, *Requirements for residential uses*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

B. Minimum number of garage parking spaces. In all zones except the RM Zone Districts, there shall be at least one parking space in a private garage for each new dwelling unit, and no conversion or other alteration of an existing garage shall be permitted which would result in fewer than one parking space in a private garage for each dwelling unit; provided, however, that this requirement shall not apply in the following circumstances:

(1) where the requirements for the zone district or redevelopment area differ from the foregoing requirements;

(2) developments wherein all of the dwelling units are affordable; and

(3) community residences and shelters, independent/assisted living facilities, and nursing homes.

Section 3. Paragraph (13) in Subsection A of Section 166-186.11, *Required conditions*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

(13) Riparian buffer. All development shall comply with the requirements of the New Jersey Department of Environmental Protection for riparian zones at N.J.A.C. 7:13-1.1 et seq., as may be amended.

Section 4. Subsection B of Section 166-186.11, *Required conditions*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

B. Multifamily and single-family attached residential dwellings. The development of multifamily and single-family attached residential dwellings shall be subject to the following requirements:

(1) Minimum tract area: 10 acres, with at least six contiguous acres located outside of wetland areas or wetland transition areas as determined by a letter of interpretation and as may be determined by the issuance of a permit or permits under the Freshwater Wetlands Protection Act from the New Jersey Department of Environmental Protection.

(2) Maximum tract density: 12.5 dwelling units per gross acre of the tract, but not to exceed 129 dwelling units.

(3) Minimum front yard, buildings: 45 feet from Parsippany Road and 50 feet from Whippany Road, measured to the exterior walls of the buildings.

(4) Minimum side and rear yards: 40 feet; but 50 feet from any lot used primarily for a detached single-family dwelling, unless a greater dimension is required for a buffer as required by this section.

(5) Minimum distance between buildings. The following minimum dimensions, measured between exterior walls, shall separate principal buildings:

(a) Between front or rear wall facing front or rear wall: 50 feet.

(b) Between front or rear wall facing side wall: 45 feet.

(c) Between side wall facing side walls: 20 feet.

(d) In case of uncertainty regarding the definition of "front," "rear," and "side" walls, or if the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of the possible interpretations shall apply.

(6) Maximum height of principal buildings. No building shall exceed 48 feet in height or three and one-half stories.

(7) Accessory buildings. Accessory buildings shall comply with the applicable provisions of § 166-114; provided, however, that a building designed and used as a community center, meeting rooms, indoor recreational facilities, etc., shall comply with the following requirements:

(a) The height of such buildings shall not exceed 30 feet.

(b) Such buildings shall comply with the required setbacks from property lines applicable to principal buildings.

(c) Such buildings shall be prohibited in the front yard.

(d) Such buildings shall be located at least 28 feet from the front or rear wall of any principal building, and 20 feet from any side wall of any principal building.

(8) Maximum coverage by buildings and other roofed structures. The coverage by buildings and other roofed structures shall not exceed 20% of the tract area.

(9) Maximum coverage by all improvements. The coverage by all improvements, including buildings, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 50% of the tract area.

(10) Buffer requirements. All of the applicable requirements of § 166-125 shall be complied with.

(11) Riparian buffer. The riparian buffer requirements of § 166-186.11A(13) above shall apply to multifamily and single-family attached residential developments.

(12) Open space, recreation, common areas. At least three percent (3%) of the area of the tract shall be reserved for open space and active and passive recreationuse. Included within this area, there shall be at least 7,500 square feet of land improved for these uses, which improvements may include a clubhouse/community center, pool, playground, sport or game areas, sitting areas, etc. The following locations and improvements shall not be credited toward the foregoing requirements:

(a) Water areas and areas within wetlands or wetland transition areas.

(b) Areas within 50 feet of Parsippany Road and Whippany Road.

(c) Areas within 25 feet of side or rear lot lines.

(d) Areas which are not reasonably accessible by pedestrians or which pedestrians are not permitted to enter.

(e) Areas within 10 feet of dwellings, parking areas, roadways and driveways.

(f) Buildings, parking areas, driveways and other paved areas used for nonrecreational purposes.

(13) Building design.

(a) Building dimension. The horizontal dimension of buildings shall not exceed 200 feet on any facade.

(b) Front wall horizontal projection. The front wall of all principal buildings shall provide horizontal projections and/or recesses designed to provide visual interest and avoid large blank walls as viewed from the street or internal roadways.

(c) Front wall material. The front wall of all principal buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each of the two required materials shall comprise at least 25% of the front wall surface area.

(d) Roof pitch. The minimum roof pitch of all buildings shall be at least 33% (i.e., 1:3).

(e) Windows and doors. At least 15% of the surface area of the exterior wall on the front and rear of all principal buildings shall be comprised of windows and doors. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.

(14) Access, circulation and parking. The design and amount of site access, circulation and parking shall be in accordance with the requirements of the New Jersey

Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:

(a) Parking areas shall not be located in the front yard between principal buildings and any improved public street. Individual driveways providing access to garage parking spaces shall not have direct access to a public street but may have direct access to an internal roadway.

(b) Buildings shall be located at least 10 feet from internal roadways, driveways and access aisles, except for driveways located in front of garage doors.

(c) Parking areas and driveways shall be set back at least 20 feet from all property lines abutting a residential zone or property developed with a residential use, and at least 10 feet from all other property lines, except when more stringent requirements may apply pursuant to this chapter.

(d) Parking areas shall be set back at least 10 feet from building walls, except garage parking and parking spaces in driveways located in front of garage doors.

(e) Parking areas shall be set back at least 10 feet from the traveled way of internal roadways, except that parking spaces adjacent to the traveled way and which use the traveled way for direct access to the space shall be exempt from this requirement.

(f) There shall be at least one parking space located in a private garage for each single-family attached dwelling unit (townhouse, stacked-townhouse, or similar) and one parking space located in a private garage for each two dwelling units (0.5 space per unit) in a multifamily apartment building. Such parking shall count toward the number of parking spaces required by § 166-154A.

(15) Landscaping.

(a) Attractive landscape plantings shall be provided as required by all applicable laws and regulations and approved during the site plan review process.

(b) Existing trees shall be retained wherever possible. Removal and preservation of trees shall comply with all applicable regulations of the Township of Hanover and any other entity having jurisdiction.

(c) Shade trees shall be evenly distributed within and/or around the perimeter of parking areas at a ratio of at least one tree for each 10 parking spaces, exclusive of spaces located within garages, beneath buildings or within driveways providing direct access to garages.

(16) Signs. Signs shall be required to comply with the provisions of § 166-143 and all other applicable provisions of Article XX, Signs.

(17) Affordable housing requirements. Any development of multifamily and single-family attached dwellings containing at least five dwelling units shall be required to include as part of the development affordable housing, which shall comply with the following requirements unless superseded by Court order or other applicable law or regulation:

(a) If the affordable units are rental units, at least 15% of the total number of housing units shall be affordable. If the affordable units are for-sale units, at least 20% of the total number of housing units shall be affordable.

(b) All applicable requirements of Chapter 72, *Affordable Housing,* of the Township Code, as may be amended.

(c) All applicable requirements of the State of New Jersey, including but not limited to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing and Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

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. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 8. 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

Thomas "Ace" Gallagher, Mayor

ATTEST:

Krista M. DiGiorgio, Township Clerk

DATE OF INTRODUCTION: September 11, 2025
DATE OF ADOPTION: October 9, 2025