

ORDINANCE NO. 02-2026

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 “LAND USE AND ZONING”, ARTICLE VII “ZONING” TO ADD A NEW SUBSECTION 53.11 “RESIDENTIAL MULTI-FAMILY 5 OVERLAY DISTRICT REGULATIONS” AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Township of East Hanover has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed P.L.2024, c.2 into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) (hereinafter “Amended FHA”); and

WHEREAS, the Township of East Hanover filed a Declaratory Judgment Action on January 29, 2025 seeking a certification of compliance with the Fair Housing Act; and

WHEREAS, the East Hanover Land Use Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 24, 2025, which was duly endorsed by the Township Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

WHEREAS, the Township has entered into a Mediation Agreement with Fair Share Housing Center that requires an inclusionary housing overlay zone to be placed upon Block 1.01, Lot 54.01; and

WHEREAS, the East Hanover Land Use Planning Board is scheduled to hear the Amended 2025 Housing Element & Fair Share Plan on February 24, 2026, which recommends creating an inclusionary overlay zone on Block 1.01, Lot 54.01; and

WHEREAS, the Township Council seeks to effectuate the recommendations of the Amended 2025 Housing Element & Fair Share Plan and comply with the terms of the Mediation Agreement by amending the zoning ordinance to create a realistic opportunity for the creation of affordable housing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that:

SECTION 1. The Township Code, Chapter 95 “Land Use and Zoning”, Article VII “Zoning”, Section 44 “Establishment of Zones.” is hereby amended and supplemented to with the following underlined text:

1 Adoption Ordinance No. 02-2026
 March 2, 2026
 Article VII “Zoning” Multi-Family 5

RMF-4 Residential Multi-Family 4 Overlay
RMF-5 Residential Multi-Family 5 Overlay
SED (Special Economic Development) Industrial District

SECTION 2. The Township Code, Chapter 95 “Land Use and Zoning”, Article VII “Zoning”, is hereby amended and supplemented with a new subsection 53.11 entitled “RMF-5 Residential Multi-Family 5 Overlay District regulations.”, which shall read as follows:

§95-53.11 **RMF-5 Residential Multi-Family 5 Overlay District regulations.**

A. Uses. In the Residential Multi-Family 5 Overlay District, no lot shall be used, and no building shall be erected, altered, or occupied for any purposes other than the following:

(1) Permitted principal uses.

- (a) Multifamily dwellings.
- (b) Townhouse dwellings.
- (c) Stacked townhouse dwellings.
- (d) Public or private open space and recreation areas.

(2) Permitted accessory uses.

- (a) Fences and walls, including retaining walls.
- (b) Off-street parking and garages incorporated into the building design.
- (c) Clubhouses.
- (d) Public or private recreational facilities, including, but not limited to, community pools, tennis courts, and playgrounds.
- (e) Lounge, mail room, and similar interior common residential amenities incorporated into a larger building design.
- (f) Trash enclosures and compactors.
- (g) Common or centralized mailboxes.
- (h) Public and private utilities.

B. Bulk standards.

- (1) Minimum lot size: eight acres
- (2) Minimum tract setback:
 - (a) Front yard setback (Eagle Rock Avenue): 50 feet.
 - (b) Side yard setback (each): 50 feet.
 - (c) Rear yard setback: 40 feet.
- (3) Minimum distance between buildings:
 - (a) Front-to-front: 75 feet.
 - (b) Side-to-side: 30 feet.
 - (c) Rear-to-rear: 50 feet.
 - (d) Other configuration: 40 feet.
- (4) Dimensional requirements:
 - (a) Maximum townhouse and stacked townhome length: 160 feet.
 - (b) Maximum multifamily building length: 200 feet.
 - (c) Maximum number of units before vertical break: two units.
 - (d) Minimum front of townhome building to inside of sidewalk along a public or private street: 18 feet.
 - (e) Minimum building to off-street parking spaces: 10 feet. (This standard does not apply to a façade that contains garage doors.)
- (5) Maximum building coverage: 50%.
- (6) Maximum impervious coverage: 65%
- (7) Maximum density: 16 units to the acre.
- (8) Maximum building height: four stories and 48 feet; however, when a structure is within 100 feet of any single-family residence boundary line, buildings shall be no taller than three stories and 38 feet.

C. Affordable housing requirements.

- (1) A minimum of 20% of all units shall be set aside for low- (including very-low- and moderate-income) income households, regardless of tenure, for all new multi-family residential developments of five units or more.
- (2) Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Article XII “Affordable Housing Regulations” of this Chapter.
- (3) The development, unit distribution, income distribution, bedroom distribution, phasing, and marketing of all affordable units shall be undertaken consistent with Article XII “Affordable Housing Regulations” of this Chapter, and all other applicable law, rules, and regulations, including applicable COAH regulations, the Fair Housing Act, and the Uniform Housing Affordability Controls in effect at the time of application.
- (4) Affordable unit shall comply with the Uniform Housing Affordability Controls in effect at the time of application.
- (5) The developer shall be responsible for all costs as permitted by law associated with the initial rental and/or sale of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.
- (6) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law for purposes of addressing the Township's affordable housing obligation.

D. Parking.

- (1) Off-street parking shall be provided and designed in accordance with the Residential Site Improvement Standards, except that the specified required parking spaces shall be minimums.
- (2) Parking spaces shall measure no less than nine feet wide by 18 feet long.
- (3) There shall be no parking of recreational vehicles, trailers, or boats.
- (4) Hairpin striping shall be utilized to delineate parking spaces in a parking lot.

E. Tract buffer.

- (1) Where the site adjoins single-family detached homes, a minimum twenty-foot-wide landscaped buffer shall be provided. Within this buffer area no existing tree shall be cut or removed unless the tree is diseased or dead or necessary for the installation of driveways, streets, or utilities.

- (2) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees, and shrubs to provide a natural looking buffer while providing a visual screen.
- (3) Buffer plantings shall be a mixed planting and shall include the following:
 - (a) One shade tree for every 50 linear feet of buffer;
 - (b) One evergreen tree for every 25 linear feet of buffer; and
 - (c) Ten shrubs for every 50 linear feet of buffer.
- (4) Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.
- (5) Buffer plants shall be the following size at the time of planting:
 - (a) Shade trees shall be planted at a minimum three-inch caliper and shall be a minimum of 12 feet in height, balled and burlapped.
 - (b) Evergreen trees shall be planted at a minimum height of six to eight feet, balled and burlapped.
 - (c) Shrubs shall be planted at a minimum of 24 inches in height. However, a minimum of 50% of the shrubs shall be taller than 24 inches at installation. 50% of shrubs shall be evergreen.
 - (d) Shade trees shall be considered deciduous trees that mature to a height of 50 feet or greater. Evergreen trees shall be considered trees which mature to a height of 30 feet. Should narrower varieties of evergreens be proposed for buffer plantings, additional plants shall be required to achieve a visual screen.
 - (e) No more than 25% of the plantings shall be of the same species and/or variety of plant.
 - (f) Proposed buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

F. Signs. The following types of signs are permitted in the Residential Multi-Family 5 Overlay District:

- (1) Monument signs.
 - (a) One sign per street frontage is permitted.
 - (b) The maximum sign area, excluding the base, shall be 40 square feet per side.

- (c) The maximum sign height shall be six feet above grade.
- (d) Monument signs shall be set back a minimum of 10 feet from any property line and located outside of any sight triangles.
- (e) Monument signs may be externally illuminated.

(2) Street address and building signs.

- (a) Street address or building signage is required on each building or individual unit.
- (b) Numbers on townhouses and stacked townhouses shall be a maximum of 1.5 feet in height.
- (c) Numbers or letters on the multifamily dwellings shall be a maximum of three feet in height.

G. Utilities. All utilities shall be underground.

H. Architectural standards.

- (1) Building facades visible from a public street shall consist of brick, stone, cast stone, cementitious plank siding or other high-quality material.
- (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- (3) The maximum spacing between building wall offsets shall be 30 feet.
- (4) The minimum projection or depth of any individual vertical offset shall not be less than one and one-half feet.
- (5) Roofline offsets, which include dormers and gables, shall be provided to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum spacing between roof offsets shall be 40 feet.
- (6) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details.
- (7) Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot

beyond the building wall. Flat roofs are permitted provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

- (8) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned.
- (9) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (10) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (11) All rooftop mechanical equipment shall be screened from view.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 5. This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER

Felicia A. McDonald, RMC
Deputy Township Clerk

Joseph Pannullo, Mayor

Introduced: February 19, 2026
Adopted: March 2, 2026