

ORDINANCE NO. 03-2026

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 53.10 “RESIDENTIAL MULTI-FAMILY 4 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 East Hanover Land Use Planning Board adopted the Amended 2025 Housing Element & Fair Share Plan on February 24, 2026, which was endorsed by the Township Council on March 2, 2026, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Amended 2025 Housing Element & Fair Share Plan recommends creating a mixed-use inclusionary overlay zone on Block 129, Lots 1, 2, 4, 5, 7.01, 8.02, and 9.01; and

WHEREAS, the Township Council seeks to effectuate the recommendations of the 2025 Housing Element & Fair Share Plan 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:

RMF-2 Residential Multi-Family
RMF-4 Residential Multi-Family 4 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 53.10 entitled “RMF-4 Residential Multi-Family 4 Overlay District regulations.”, which shall read as follows:

§95-53.10 **RMF-4 Residential Multi-Family 4 Overlay District regulations.**

A. Uses. In the Residential Multi-Family 4 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) Mixed-use building consisting of multi-family dwellings and non-residential uses as permitted in (b) below. Multi-family dwellings on the upper floors, except that a residential lobby may be located on the ground floor. Non-residential uses shall be permitted on the first floor. Sites that exhibit a topographic change that result in a walk-out downhill level will have the uphill ground floor treated as a first floor and the downhill walk-out level treated as a first floor.

(b) Uses permitted in the Business B-2 Zone as set forth in §95-55A.(1).

(2) Permitted accessory uses.

(a) Accessory uses permitted in the Business B-2 Zone as set forth in §95-55A.(3).

(b) Fences and walls, including retaining walls.

(c) Lounge, fitness center, mail room, and similar common residential amenities incorporated into a larger building design.

(d) Trash and recycling facilities, which may be located on the site or within the building.

(e) Public and private utilities.

(3) Bulk standards.

(a) Minimum Lot Area – 30,000 square feet.

(b) Minimum Lot Frontage – 100 feet.

(c) Minimum Front Yard Setback – 40 feet.

(d) Minimum Side Yard Setback (one) – 5 feet.

(e) Minimum Side Yard Setback (total) – 25 feet.

- (f) Minimum Rear Yard Setback – 30 feet.
 - (g) Maximum Building Height – 3 stories and 38 feet. Roof-mounted equipment, elevator shafts, and parapet walls may project up to five feet about the maximum building height.
 - (h) Maximum Building Coverage – 50%.
 - (i) Maximum Impervious Coverage – 80%.
 - (j) Maximum Density – 16 units per acre.
- (4) Affordable housing requirements.
- (a) 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.
 - (b) Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with Article XII “Affordable Housing Regulations” of this Chapter.
 - (c) The development, unit distribution, income distribution, 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.
 - (d) 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.
 - (e) 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.
- (5) Parking.
- (a) Off-street parking for residential uses shall be provided and designed in accordance with the Residential Site Improvement Standards (RSIS), except that the specified required parking spaces shall be minimums.
 - (b) Parking for non-residential uses shall comply with §95-54C(2), except for retail uses, which shall provide 1 parking space per 300 square feet of floor area. However, if an

applicant can demonstrate to the Board's satisfaction that the proposed development can share parking spaces because of the mixture of uses, the total required parking (residential plus non-residential) may be reduced by up to 20%.

- (c) Parking spaces shall measure no less than nine feet wide by 18 feet long.
 - (d) Hairpin striping shall be utilized to delineate parking spaces in a parking lot.
- (6) Architectural standards.
- (a) Building facades visible from a public street shall consist of brick, stone, cast stone, cementitious plank siding or other high-quality material.
 - (b) 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.
 - (c) The maximum spacing between building wall offsets shall be 40 feet.
 - (d) The minimum projection or depth of any individual vertical offset shall be six inches.
 - (e) 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.
 - (f) Flat roofs are permitted, but shall include parapets to screen any roof-mounted equipment.
 - (g) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned.
 - (h) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
 - (i) 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.
 - (j) All rooftop mechanical equipment shall be screened from view.

(k) Packaged terminal air-conditioner units within the facade shall blend in with the color of the surrounding facade materials.

(7) Signs.

(a) Signs for non-residential uses shall be permitted subject to the requirements of §95-118.

(b) Multi-family residential uses shall be permitted to have one wall sign no greater than 10 square feet to identify the development.

(c) All signs shall comply with the requirements of Article XI “Signs”.

(8) Trash.

(a) Exterior trash enclosures shall not be visible from any public street and shall be located to the rear or side of the building.

(b) All trash enclosures shall be screened by a six-foot-tall solid fence or solid decorative masonry wall on three sides and heavy-duty gate closures on the fourth side.

(c) The trash enclosure and/or compactor shall be surrounded and screened on three sides by a mixture of deciduous and evergreen plant species.

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