

ORDINANCE NO. 16-2024

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY, AMENDING CHAPTER 166 OF THE TOWNSHIP CODE, ENTITLED LAND USE AND DEVELOPMENT, IN ORDER TO DELETE REFERENCES TO AND REGULATIONS FOR THE TC – TOWN CENTER ZONE DISTRICT

WHEREAS, the T-C - Town Center zone district was established on July 22, 2004 by Ord. No. 19-2004, which ordinance simultaneously repealed the former I-3 Industrial District;; and

WHEREAS, the T-C Town Center zone district regulations were subsequently amended on December 11, 2014 by Ordinance No. 44-14; and

WHEREAS, on March 14, 2019, the Hanover Township Committee authorized the Planning Board to conduct a preliminary investigation to determine if Block 3801, Lot 2; Block 4101, Lots 1 and 23 and Block 4301, Lot 6, as identified on the Township's tax maps, containing the entirety of the T-C Town Center zone district, qualified as an "area in need of redevelopment" pursuant to the State of New Jersey's Local Redevelopment and Housing Law (LRHL) N.J.S.A. 40A:12A; and

WHEREAS, on July 23, 2019 the Hanover Township Planning Board conducted a public hearing on the findings in the study and upon completion of the hearing recommended the area as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, the Township Committee on August 8, 2019 considered the recommendation of the Planning Board and formerly designated the area a Non-Condemnation Area in Need of Redevelopment, and authorized the preparation of a redevelopment plan for the property; and

WHEREAS, the preparation of a redevelopment plan was also agreed to by the Township pursuant to a Settlement Agreement between the Township of Hanover and River Park Business Center, LLC ("River Park"), executed February 19, 2019, which Settlement Agreement resolved River Park's intervention in the Township of Hanover's Declaratory Judgment Action, Township of Hanover, Docket No. MRS-L-1635-15 which sought partial compliance with the Mt. Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. for the Prior Round (1987 – 1999) and the Third Round (1999 – 2025); and

WHEREAS, on October 22, 2019, the Planning Board adopted an amended land use element of the master plan, which eliminated the TC – Town Center zone from the master plan; and

WHEREAS, on December 12, 2019 the Township Committee adopted Ordinance No. 58-2019, which established a redevelopment plan for a portion of the property identified as "Area A", which redevelopment plan stated that the remainder of the redevelopment area would be addressed in a future redevelopment plan amendment; and

WHEREAS, Section 3 of Ordinance No. 58-2019 stated that all ordinances or parts of ordinances inconsistent with the provisions of Ordinance No. 58-2019 were, to the extent of such inconsistency, repealed; and

WHEREAS, on May 15, 2020, the Township entered into an amended settlement agreement with River Park Business Center, LLC, which agreement required that the Township adopt an amended redevelopment plan for a mixed-use development on the property, including a specified number of affordable housing units; and

WHEREAS, the amended settlement agreement stated concerning the portion of the property located on Legion Place, identified as area "Area C" in the redevelopment plan, that the respective parties reserve their rights to rezone or develop the property; and

WHEREAS, the Planning Board adopted an amended housing element and fair share plan to address its affordable housing obligations on September 15, 2020, which plan noted the 2019 redevelopment plan adoption and stated that the Township would be adopting an amended redevelopment plan in the fall of 2020; and

WHEREAS, on October 8, 2020 the Township Committee adopted Ordinance No. 27-2020, which ordinance established an amended redevelopment plan for most of the property, identified as Areas A and B, which redevelopment plan replaced the prior redevelopment plan in its entirety; and

WHEREAS, the redevelopment plan adopted by Ordinance No. 27-2020 stated that the redevelopment plan for portion of the property outside Areas A and B, identified as Area C in the plan would be addressed in a subsequent redevelopment plan or plan amendment; and Ordinance No. 27-2020; and

WHEREAS, Section 3 of Ordinance No. 27-2020 stated that all ordinances or parts of ordinances inconsistent with the provisions of Ordinance No. 27-2020 were, to the extent of such inconsistency, repealed; and

WHEREAS, the amended redevelopment plan states on Page 66: "The Land Use Plan was amended to effectuate the proposed Redevelopment Plan to replace the existing TC zone designation for the redevelopment area in accordance with the Housing Element and Settlement Agreement. This Plan implements this recommendation and is consistent with this designation in the Land Use Plan;" and

WHEREAS, on May 3, 2021, the Superior Court of New Jersey, Law Division, Morris County issued a Final Judgment of Compliance and Repose to the Township of Hanover, accepting the Township's affordable housing obligations and compliance mechanisms, which included the master plan amendments and the adopted redevelopment plan for the property; and

WHEREAS, the redevelopment area designation and the amended redevelopment plan remain in force and effect; and

WHEREAS, the zoning map no longer includes the TC zone district, but the text of Chapter 166, *Land Use and Development*, still contains regulations for and references to the TC – Town Center zone district; and

WHEREAS, the regulations for the TC zone district are inconsistent with the aforesaid current redevelopment plan, the land use and housing plan elements of the master plan, the settlement agreement, and the Final Judgment of Compliance and Repose issued by the Court;

WHEREAS, the Township Committee desires to eliminate these inconsistencies;

NOW, THEREFORE, BE IT ORDAINED by Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

Section 1. Section 166-107, *Enumeration of districts*, in Article XVIII, *Districts and Zoning Map*, is hereby amended to read as follows:

§ 166-107. Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

- R-40 Single Family Residence District
- R-40N Single Family Residence District
- R-30 Single Family Residence District
- R-25 Single Family Residence District
- R-21 Single Family Residence District
- R-15 Single Family Residence District
- R-10 Single Family Residence District
- R-10A Residence District
- R-M Residence District
- RM-2 Residence District
- RM-3 Residence District
- RM-4 Residence District
- RM-5 Residence District
- RM-6 Residence District
- RM-7 Residence District
- AH-1 Affordable Housing Overlay District
- AH-2 Affordable Housing Overlay District
- B Business District
- B-P2 Business and Professional District
- B-10 Highway Commercial District
- B-10W Highway Commercial District
- WC Whippany Center District
- D-S Designed Shopping Center District
- O-S Office-Services District
- OB-RL Office Building and Research Laboratory District
- OB-DS Office Building - Designed Shopping Center District

OB-RL3 Office Building and Research Laboratory District
I Industrial District
I-2 Industrial District
I-4 Industrial District
I-5 Industrial District
I-P Industrial Park District
I-P2 Industrial Park District
I-B2 Industrial-Business District
I-B3 Industrial-Business District
I-R Industrial - Recreation District
I-7 Industrial Overlay District
A Airport District
PU Public Use District

Section 2. Subsections C and D of Section 166-115, *Multiple principal buildings on the same lot; multiple principal uses within the same building; multiple drive-in or drive-through uses on the same lot*, in Article XIX, *General Provisions*, are hereby amended to read as follows:

- C. More than one principal building is permitted on a lot in each of the zones as follows, except as may be specifically provided otherwise by this chapter:
- (1) In the R-M Zone as set forth in § 166-180.
 - (2) In the R-10A Zone as set forth in Article XXVIII.A.
 - (3) In the D-S Zone as set forth in § 166-188D.
 - (4) In the OB-RL Zone as set forth in § 166-192L.
 - (5) In the OB-DS Zone as set forth in § 166-193.3J.
 - (6) In the I Zone as set forth in § 166-196J.
 - (7) In the I-2 Zone as set forth in § 166-199.
 - (8) In the I-P Zone as set forth in § 166-206K.
 - (9) (Reserved)
 - (10) In the RM-2 Zone for multifamily and townhouse development only, as set forth in Article XXIXB.
 - (11) In the RM-3 Zone for townhouse development only, as set forth in Article XXIXC.
 - (12) In the RM-4 Zone as set forth in Article XXIXD.
 - (13) In the B-P2 Zone for multifamily and single-family attached dwellings only, as regulated by § 166-186.11B.
 - (14) In the WC Zone for planned commercial development only.
 - (15) In the I-B3 Zone as set forth in Article XXXVIB.
 - (16) In the AH-1 Overlay Zone District as set forth in Article XXIXE.

- (17) In the PU Zone District as set forth in §§ 166-211.1 through 166-211.4.
 - (18) In the OB-RL3 Zone as set forth in §§ 166-193.7O and 166-193.8A.
 - (19) In the B-10 Zone as set forth in Article XXXA.
 - (20) In the O-S Zone as set forth in Article XXXIIB.
 - (21) In the RM-6 Zone as set forth in Article XXIXD1.
 - (22) In the RM-5 Zone as set forth in Article XXIXD2.
 - (23) In the AH-2 Overlay Zone District as set forth in Article XXIXF.
 - (24) In the B-10W Zone as set forth in Article XXXB.
- D. The principal building on a lot in any B, B-10, B-10W, B-P2, WC, D-S, O-S, OB-RL, OB-DS, OB-RL3, I, I-2, I-P, I-B3, and I-4 Zone District may be divided to accommodate different operations or tenants within the principal building, subject, however, to the provisions of Subsection F below.

Section 3. Article XXXVIIA, *T-C Town Center District*, containing Sections 166-207.1, *Purpose*, 166-207.2, *Planned commercial development — mixed-use town center*, and 166-207.3, *Alternative development option*, is hereby repealed and deleted in its entirety.

Section 4. 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 5. 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 6. 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. 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.

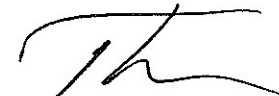
Section 7. This ordinance shall take effect upon publication and in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:



Krista M. DiGiorgio, Township Clerk



Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: June 13, 2024
DATE OF ADOPTION: July 11, 2024