ORDINANCE #26-05
AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 "LAND DEVELOPMENT," TO ADD THE AFD-5 AFFORDABLE HOUSING DISTRICT

WHEREAS, in consultation with the Borough's legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, "Land Development Regulations," to add a new zoning district to be known as the Affordable Housing 5 (AFD-5) Zoning District; and,

WHEREAS, unless otherwise indicated, the regulations and standards contained in this Ordinance shall be the only standards that shall apply within the Affordable Housing 5 (AFD-5) Zone.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

Section 1:
A new Section 165-35.5, entitled "Affordable Housing District 5 (AFD-5)," shall be added to Chapter 165 of the Code of the Borough of Chatham, "Land Development Regulations," and shall read as follows:

§ 165-35.5 **Affordable Housing 5 (AFD-5) Zoning District.**

A. The purpose of this Ordinance is to establish regulations and standards for Block 29, Lot 2 on the tax map of the Borough of Chatham (589 Main Street). Unless otherwise indicated, these regulations and standards are the only standards that shall apply in the Affordable Housing 5 (AFD-5) District. Any other sections of the Borough's Land Development Regulations which are in conflict with the standards and requirements set forth herein shall not apply and are superseded by the standards and requirements set forth herein. The development layout shall be substantially consistent with the attached concept plans.

B. Principal permitted uses. The following principal uses shall be permitted in the Affordable Housing 5 (AFD-5) District:

   1. Multi-family residential inclusionary units

   2. Supportive and special needs housing.

C. The maximum number of units permitted within the Affordable Housing 5 (AFD-5) District is as follows: Up to nine (9) family rental units, provided that two (2) of those units are set aside for low and moderate income households in accordance with the Borough's Affordable Housing Ordinances.

D. The maximum building coverage in the Affordable Housing 5 (AFD-5) District is 35%.

E. The maximum impervious coverage in the Affordable Housing 5 (AFD-5) District is 90%

F. The maximum gross floor area ratio in the Affordable Housing 5 (AFD-5) District is 0.85.

G. The minimum setbacks within the Affordable Housing 5 (AFD-5) District are as follows:

1. Any building face to front property line: 10 feet

2. Any building face to street curb face or edge of pavement: 20 feet

3. Any building face to any property side line: 3 feet

4. Parking area or internal roadway to building face: 2 feet

5. Any building face to any rear property line: 8 feet

H. Building height: No building shall be more than three (3) stories, excluding basements used solely for parking, storage, utilities, landlord offices, common areas and related uses, or 42 feet.

I. Parking requirements for the Affordable Housing 5 (AFD-5) District shall be in conformance with the Residential Site Improvement Standards, except that only one (1) parking space shall be required for each low- and moderate-income housing unit and visitor parking may take place on Borough parking lots located within 200 feet of the site, in accordance with Borough public parking requirements.

J. No rooms intended for human habitation shall be located in a basement or attic, except for storage, utilities, landlord offices, common areas and related uses. However, all buildings should, where feasible, have basements and attics. Common recreational areas may be located in the basement of a building.

Section 2:
All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

Section 3:
Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

Section 4:
Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5:
Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining

sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:
Codification. This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 7:
This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove			X			
Gilmore			X			
Hay		X	X			
Koronkiewicz			X			
Mathiasen			X			
Strickland	X		X			

Introduced: February 23, 2026
Passed and Approved: March 9, 2026

Attest:

Vanessa L. Nienhouse, RMC, CMC
Borough Clerk

BOROUGH OF CHATHAM

Carolyn Dempsey
Mayor

CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

Vanessa L. Nienhouse, Borough Clerk