BOROUGH OF CHATHAM
MORRIS COUNTY

ORDINANCE #26-02
AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 "LAND DEVELOPMENT", TO ADD THE AH-1 AFFORDABLE HOUSING 1 ZONE

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 (AH-1) Zone; 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 (AH-1) 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 165-35.2, entitled "Affordable Housing-1 (AH-1) Zone," shall be added to Chapter 165 of the Code of the Borough of Chatham, "Land Development Regulations," and shall read as follows:

§ 165-35.2 **Affordable Housing-1 (AH-1) Zone.**

a. Purpose. The AH-1 Zone is intended to provide for the development of 100% affordable dwelling units. The AH-1 Zone shall provide for four (4) non-age-restricted rental units.
b. Location. The AH-1 Zone is applicable to Block 56, Lot 14 on the Tax Map of the Borough of Chatham.
c. Permitted uses. The following principal uses shall be permitted:
   1. Multi-family rental housing within one or more buildings.
   2. Supportive and special needs housing.

d. Accessory uses permitted. The following accessory uses and structures shall be permitted, provided they are located on the same premises as the principal use or structure to which they are accessory, and are located in the rear or side yard:
   1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
   2. Surface parking area and garages.
   3. Active and passive recreational amenities.

e. The following development standards shall apply in the AH-1 Zone:
   1. Minimum lot size: The lot size of Block 56, Lot 14.
   2. Maximum height: 2½ stories or 35 feet.
   3. Maximum building coverage: 40%.
   4. Maximum Lot Coverage: 80%.
   5. Minimum front yard setback: 25 feet.
   6. Minimum side yard setback: 6 feet.
   7. Minimum rear yard setback: 30 feet.
   8. Lighting for parking areas and driveways shall not exceed 12 feet in height.
   9. All refuse and recycling storage shall be fully enclosed and screened within a masonry refuse enclosure that is a minimum of six (6) feet in height on all sides and shall contain façade materials that are consistent with the materials used for the principal structures or stored in the principal structures.

10. Minimum parking: 1.5 parking spaces per unit.
11. Building standards.
    a. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the residential zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
    b. All HVAC and mechanical equipment shall be adequately screened from view from the public right-of-way or residential dwellings.

13. Affordable housing provisions.
    a. The AH-1 Zone shall provide a minimum of four (4) rental units. Affordable units in any project within the AH-1 Zone must be affordable to very low, low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance; the Borough's Housing Element and Fair Share Plan; any applicable Court Order (including a Judgment of Compliance and Repose Order); the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"); and applicable New Jersey Council on Affordable Housing ("COAH") Prior Round regulations, N.J.A.C. 5:93-1 et seq.
    b. Rental affordable housing shall include standards for the split between very low, low and moderate income housing, providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with respect to all legal requirements relating to the pricing and rent of units, the affirmative marketing of those units, and the at least 30-year minimum affordability controls set by deed restriction, in accordance with UHAC and the Borough's Affordable Housing Ordinances.
    c. The Borough's designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site affordable unit, in accordance with the Borough's affirmative marketing plan and applicable law, including the posting of all affordable units on the online New Jersey Housing Resource Center website, with all administrative costs to be paid by the Developer.

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	X			
Mathiasen			X			
Strickland				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