

Explanation: This Ordinance amends Chapter 250, and adds new Article XVIII entitled “UMU-Overlay (University Mixed-Use Overlay) Zone” to apply to Block 1301, Lot 1 and add standards to permit uses that produce affordable housing.



**BOROUGH OF FLORHAM PARK  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
ORDINANCE #26-04**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 250 “ZONING” OF THE BOROUGH CODE OF ORDINANCES, TO ADD A NEW ARTICLE XXVIII ENTITLED “UMU-OVERLAY (UNIVERSITY MIXED-USE OVERLAY) ZONE”**

**WHEREAS**, the Amended Fair Housing Act (P.L. 2024), created a new process for municipalities to come into constitutional compliance with their affordable housing obligations, and which the Borough of Florham Park filed a Declaratory Judgement action, MRS-L-157-25, on January 21, 2025 to participate in that process; and

**WHEREAS**, the Borough has a Fourth Round obligation of 305, as set forth in the Order by the Hon. Janine M. Allen, JSC filed April 29, 2025;

**WHEREAS**, the Borough of Florham Park Planning Board adopted the Housing Element and Fair Share Housing Plan (HEFSP) of the Borough of Florham Park Master Plan, dated June 11, 2025, on June 23, 2025 and

**WHEREAS**, the Borough participated in Settlement hearings and Session hearings before the Affordable Housing Dispute Resolution Program (“the Program”) and the presiding Program judge over the case, the Hon. Menelaos W. Toskos, on November 13, 2025, December 19, 2025, and December 29, 2025; and

**WHEREAS**, as a result of the Program, the Borough worked in good faith and resolved the challenged issues with FSHC via a negotiated Mediation Agreement, which was fully executed by both parties on December 31, 2025; and

**WHEREAS**, as a term to that Mediation Agreement, the Borough has agreed to amend its HEFSP and to implement certain zoning and redevelopment plan ordinances to address its Fourth Round obligation, and more specifically, included this an overlay zone on this property as a mechanism to address 156 units of affordable housing towards its Fourth Round obligation; and

**WHEREAS**, Block 1301, Lot 1 has been identified as an available, approvable, developable, and suitable site, and which site has been proposed by the developer to provide a set-aside of affordable units; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Florham Park, Morris County, New Jersey, that the Land Development Regulations set forth in Chapter 250 entitled "Zoning", are amended as follows to add a new Article XXVIII entitled "UMU-Overlay (University Mixed-Use Overlay) Zone":

**Section 1. The UMU-Overlay Zone shall include the property known as Block 1301, Lot 1. The underlying University/College (UCZ) Zone shall remain.**

**Section 2. The requirements for the UMU-Overlay Zone shall be set forth as follows:**

**250-157. Purpose**

The University Mixed-Use Overlay is intended to promote the stability and growth of the Fairleigh Dickinson Campus and other educationally related uses in the area within its boundaries and continue the reinvestment into the area from private and public development to provide for usage of land that is compatible with and conducive to the growth of such uses, particularly for the construction of inclusionary residential housing that will create realistic opportunities for affordable housing under the Mount Laurel Doctrine. Unless specifically incorporated in this ordinance by reference, no other provision of the Florham Park zoning ordinance shall be applied to permitted uses in this zone.

**250-158. Definitions**

The following definitions shall apply to the UMU-Overlay (University Mixed-Use Overlay) Zone and no other zones within the Borough unless otherwise specified:

"Lot" shall mean any portion of the overall Tract area that is subdivided, either by deed or plat or by condominium, and is comprised of a minimum of 5 acres.

"Tract" shall mean the total area of Block 1301, Lot 1.

**250-159. Permitted Uses**

**A. Permitted Uses**

Within the University Mixed-Use District Overlay, in addition to the principal uses permitted within each underlying zoning district, a broad range of additional university and educationally related and ancillary or supportive principal uses, and inclusionary residential uses are permitted in the portions of each of the following zoning districts located within the University Mixed-Use Overlay, including, but not limited to:

- (1) In the overall campus Tract, the following shall be permitted and may include more than one of the following:

- (a) Educational institution facilities, including theatres, performance halls, lecture halls, practice rooms, exhibition space and other areas of public assembly customarily required to support an educational institution).
  - (b) Colleges and Universities.
  - (c) Single-family dwellings pursuant to the R-44 Zone.
  - (d) Churches and similar places of worship subject to the provisions of § 250-15.
  - (e) Public or private schools, municipal buildings, parks, playgrounds, or other municipal facilities as deemed necessary and appropriate by the Borough Council, or other recreational uses.
  - (f) Residences exclusively for the faculty, students and staff of any such institution, including their families, in multifamily houses and apartments and residences exclusively for students and assigned supervisory staff, including the families of assigned supervisory staff and in dormitories.
  - (g) Research laboratories.
  - (h) Office use
  - (i) Retail sales and service stores and other uses devoted primarily to the sale of educational or athletic supplies.
  - (j) Cafeteria and food services.
  - (k) Parking garages, provided that they are wrapped, when feasible, on at least 3 sides or otherwise constructed to be architecturally compatible with the surrounding area.
  - (l) Child-care facilities.
  - (m) Hotels and conference centers.
  - (n) Hospitals, Urgent Care, Surgical Centers and other similar uses.
  - (o) Medical and medical specialist uses, including doctors and dentist and any other health care professionals licensed by the State of New Jersey to practice a profession, clinical care facilities, medical offices, including diagnostic services, imaging, outpatient radiation and therapy, physical therapy and outpatient surgery uses, laboratory and testing facilities, medical support uses and all other uses ancillary or incidental thereto.
  - (p) Assisted living, Nursing Care, Congregate care and/or independent living units.
- (2) Inclusionary Residential Housing. In order to produce a realistic opportunity to create 156 non-age-restricted, affordable housing units that will contribute to the Borough's Fourth Round affordable housing obligation under the Mount Laurel Doctrine, inclusionary residential housing within the overall campus Tract will be permitted. This residential housing shall be permitted anywhere within the Tract, and may be concentrated within the Tract, on Lots or proposed Lots comprising a minimum of 5 acres ("Lot") and this residential housing does not exceed more than fifty percent (50%) of the overall 120-acre Tract area (meaning that residential housing should not exceed sixty (60) total acres of the Tract).

Each phase or proposed residential project shall include at least a twenty-percent (20%) set aside of affordable housing and comply with all affordable requirement herein. The residential uses shall be available to the general public, and not exclusively available (nor any preference given)

for the faculty, students, and staff, and may consist of any combination of the following permitted dwelling types:

- (a) Single-family dwellings pursuant to the University/College Zone requirements.
- (b) Attached or multi-family dwelling units.
- (c) Age-restricted dwelling units, with any affordable units within the same Lot or Tract being non-age-restricted and made available to families, pursuant to the requirements under 250-160.E.
- (d) Mixed-use buildings with first floor retail sales or services or non-residential uses, which may include the permitted uses above or any of the following:
  - [1] Restaurant (non-drive through) and limited food service establishments (such as coffee shops, smoothie, or fast-casual restaurants).
    - i. Retail and personal service uses.
    - ii. Health club gyms.
    - iii. Medical and Urgent Care type uses.
    - iv. Offices
  - [2] Amenities such as recreational areas, garbage and recycling facilities, and other uses and areas ancillary to the uses listed above.
  - [3] Shared amenity spaces open to faculty, students and staff as well as residents of the proposed residential and/or mixed use project.

#### **250-160. Bulk Requirements**

- A. The total tract area shall be 120 ("Tract") acres.
- B. The total permitted gross density for residential uses multi-family uses on up to fifty (50%) percent of the Tract (or not more than 60 total acres) shall allow 780 residential units for units which are not exclusively available for the faculty, students and staff. The permitted a dwelling units per acre shall be 13 units per acre across the overall Tract, of which density may be concentrated on part(s) of the property, via individual Lots.
- C. Building height shall not exceed 65 feet, measured from average finished grade, except that the building height may be increased to a maximum of 75 feet provided that the following standards are met:
  - (1) The portion of the building exceeding 65 feet in height is set back from any public street, in addition to the required setback, an additional two feet for every foot by which the building exceeds 65 feet.
- D. Setbacks:
  - (1) No building shall be erected closer to a public street line or property line external to the overall Tract than 25 feet.

(2) No building shall be erected closer to Park Avenue than 50 feet.

E. Age-restricted developments

(1) The affordable family units set aside associated with any age-restricted market rate units may be provided in a separate building located on the same Lot or Tract.

(2) Any mixture of age-restricted and family units located within the same building shall be developed in compliance with the Federal Fair Housing Act and the New Jersey Law Against Discrimination as applicable to the "housing for older persons" exemption to discriminate against families that allow age-restricted communities where 80% of the units have at least one resident who is 55 or older.

**250-161. Design Standards**

A. Architectural design.

(1) Buildings having a gross floor area greater than 40,000 square feet shall be required to use architectural features that provide variety and reduce the visual impact of the building mass, through the use of varied facade materials, facade projections and recesses, judicious use of windows, other openings in the facade, and other similar features.

B. All roof mounted HVAC and mechanical equipment shall be adequately screened from public view from the abutting street and the perimeter of the Tract.

C. Recreational/social amenities. Any attached or multi-family developments shall be encouraged and may include both interior and exterior common areas devoted to recreational, social and similar functions for residents and their guests.

**Section 250-162. Affordable Housing Requirements**

A. When a developer(s) for the inclusionary residential housing is identified on or before June 30, 2026, the developer(s) shall identify by September 30, 2026, the area of the Tract not exceeding 60 acres of the Tract that shall be used for the inclusionary residential housing, and any residential project within that portion of the Tract must comply with all requirements identified herein, including but not limited to ensuring a realistic opportunity for the affordable housing for very-low-, low-, and moderate-income persons. Inclusionary residential housing or mixed-use inclusionary residential housing shall be the only new permitted use(s) in that area designated by the developer consisting of up to 60-acre portion of the Tract.

B. All residential components shall have an on-Tract inclusionary non-age-restricted affordable housing requirement of twenty percent (20%) of the total units being developed.

- C. Each development shall comply with any applicable occupancy standards set forth in the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.5 as may be amended and applicable. This shall include:
- (1) Equal design element among market-rate units and affordable units within the same development in accordance with N.J.A.C. 5:80-26.5(a)(2)(i);
  - (2) Siting to avoid concentrating affordable units in undesirable locations in accordance with N.J.A.C. 5:80-26.5(a)(2)(ii);
  - (3) Interspersion of affordable units, equal access to communal amenities in accordance with N.J.A.C. 5:80-26.5(a)(2)(iii);
  - (4) Same access to communal amenities as residents of market-rate units within the same affordable development in accordance with N.J.A.C. 5:80-26.5(a)(2)(iv);
  - (5) Adequate heating-cooling, including the same type of heating source as market-rate units of the same type in accordance with N.J.A.C. 5:80-26.5(a)(2)(v);
  - (6) Each bedroom to have at least one window in accordance with N.J.A.C. 5:80-26.5(a)(2)(vi);
  - (7) Minimum square footage requirements in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii);
  - (8) Restricted units must be of the same type as market-rate units within the same building in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii).
- D. The developer shall have an obligation to deed restrict any for-sale Affordable Units as very low-income, low-income, or moderate-income affordable units for a period of at least thirty (30) years, and any rental Affordable Units as very low-income, low-income, or moderate-income affordable units for a period of at least forty (40) years, until such time and under conditions as the Borough elects to release or extend the deed restriction control period in accordance with applicable law, so that the Borough may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Borough Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
- E. Phasing. All inclusionary housing projects shall comply with the phasing schedule under UHAC (5:80-26.5(a)4).
- F. The bedroom distribution for affordable units shall comply with all Uniform Housing Affordability Controls ("UHAC") regulations for bedroom size and number, as well as all other applicable affordable housing regulations, any applicable order of the Court, and other applicable laws such as UHAC NJAC 5:80-26.1 et. seq., NJAC 5:99, and the Borough's Affordable Housing Ordinance.
- G. Pursuant to N.J.A.C. 5:80-26.4 and Section 250-7.5.D(5) of the Borough's Affordable Housing Ordinance, the affordable units are subject to the following requirements. In each affordable development, restricted units must be structured in conjunction with realistic market demands, such that:
- (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

- (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
  - (c) No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction are efficiency or one-bedroom units;
  - (d) At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction are two-bedroom units;
  - (e) At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction are three-bedroom units;
  - (f) Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households.
  - (g) The remainder of the restricted units, if any, are allocated at the discretion of the developer in accordance with the municipality's housing element and fair share plan.
- H. All of the affordable units shall be non-age-restricted, family units, of which at least 50% shall be affordable rental units.
- I. The developer shall also comply with all of the other requirements of UHAC and the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification screening requirements, (3) integrating the affordable units amongst the market rate units, (4) unit phasing requirements, and (5) occupancy standards.
- J. The developer shall contract with a qualified and experienced third party administrative agent, which may be the Borough's administrative agent (the "Administrative Agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with this Agreement for the Deed-Restriction Period. The developer and its Administrative Agent shall work with the Borough and the Borough's Administrative Agent, should the developer's and the Borough's Administrative Agent not be one in the same, regarding any affordable housing monitoring requirements required by the Amended Fair Housing Act. The developer shall provide, within thirty (30) days after written notice, detailed information reasonably requested by the Borough or the Borough's administrative agent, should the redeveloper's and the Borough's Administrative Agent not be one and the same, concerning the redeveloper's compliance with UHAC, the Borough's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws.

**SECTION 3. Severability.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction 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 and shall be deemed valid and effective.

**SECTION 4. Inconsistencies.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

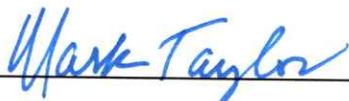
**SECTION 5.** Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

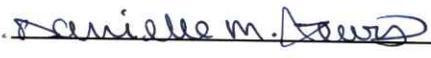
**SECTION 6.** Effective Date and Scope. This Ordinance shall immediately take effect upon its passage and publication, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted.

INTRODUCED: 02/19/2026

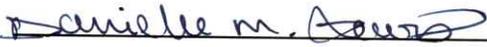
ADOPTED: 03/11/2026

ATTEST:

  
\_\_\_\_\_  
Mark Taylor, Mayor

  
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Danielle M. Lewis, RMC,  
Municipal Clerk

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park, and adopted on March 11, 2026.

  
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Danielle M. Lewis, RMC, Municipal Clerk