

Explanation: This Ordinance amends Article XIII entitled “MF-4 Multifamily Residential Zones” by amending section 250-78 to re-zone Block 4201, Lot 31 to the MF-4 Zone, add standards for one-bedroom townhomes, and to permit Cellular (Wireless) Telecommunications Antenna as a conditional use.



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #26-05**

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, ARTICLE XIII, MF-4 MULTIFAMILY RESIDENTIAL ZONES TO ADD STANDARDS FOR ONE-BEDROOM TOWNHOMES AND TO PERMIT CELLULAR (WIRELESS) TELECOMMUNICATIONS ANTENNA AS A CONDITIONAL USE

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 the rezoning of this property as a mechanism to address 3 units of affordable housing towards its Fourth Round obligation; and

WHEREAS, Block 4201, Lot 31 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.

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", Article XIII entitled "MF-4 Multifamily Residential Zones" and Chapter 227 "Telecommunications Antennas, Cellular (Wireless)", are hereby amended, modified, and supplemented as follows:

SECTION 1. The MF-4 Zone shall be amended to include the property known as Block 4201, Lot 31, which shall be re-zoned from its present C-1 Zone.

SECTION 2. Section 250-78 shall be amended to add Item B, Conditional use and to read as follows:

A. Principal Permitted Uses

- (1) Townhouses and multifamily apartments or condominium developments shall be permitted in the MF-4 Zones in accordance with the requirements of this section and such other forms of residential housing as may be established by way of conditional use. This zone is specifically for establishment of low- and moderate-income multifamily housing units in conjunction with multifamily market units.

B. Conditional Uses

- (1) One (1) Cellular (Wireless) Telecommunications Antenna shall be permitted as a conditional use, subject to the requirements set forth under Section 227-2 of the Borough Code.

SECTION 3. Section 250-81 shall be amended to add (1)(a) and (2)(a) as follows:

(1)(a) Minimum lot size (Block 4201, Lot 31): 1 acre

(2)(a) Maximum gross density (for Block 4201, Lot 31): 12 total one-bedroom townhome units

SECTION 4. Section 250-81 shall be amended to add Item C as follows:

C. The affordable housing set-aside for Block 4201, Lot 31 shall be 3 units.

1. The affordable unit set-aside may be permitted to be provided by converting existing market rate units within the adjacent Sun Valley buildings to affordable units via deed restriction. Three market rate units at the adjacent Sun Valley buildings shall be deed restricted prior to construction of 50% percent of the 12 market-rate one-bedroom townhomes.
2. The income and bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3. Section 250-7.5.D.(5) of the Affordable Housing Ordinance. The income-bedroom distribution shall be comprised of two 2-bedroom units and one 3-bedroom unit. Of those three (3)

affordable units, one (1) shall be one very-low income 2-bedroom unit, one (1) shall be a low-income 3-bedroom unit, and one (1) shall be a moderate-income 2-bedroom unit.

3. The developer shall have an obligation to deed restrict the Affordable Units as very low-income, low-income, or moderate-income affordable rental units for a period of at least forty (40) years, until such time and under conditions as the Borough elects to release the deed restriction, 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.
4. The Borough's administrative agent shall affirmatively market the units in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.16, and the Borough's Affordable Housing Ordinance, Section 250-7.5.H. The administrative agent shall use a random selection process to select occupants of the affordable units in accordance with Section 250-7.5.I of the Borough's Affordable Housing Ordinance, and the affordable units shall be marketed on an equal basis to all those working or living in the Housing Region.

The affordable units shall satisfy the applicable occupancy standards set forth in N.J.A.C. 5:80-26.5.

SECTION 5. 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 6. 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 7. 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 8. 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.

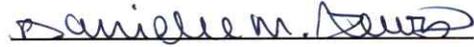
INTRODUCED: 02/19/2026

ADOPTED: 03/11/2026

ATTEST:

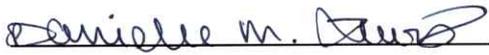


Mark Taylor, Mayor



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.



Danielle M. Lewis, RMC, Municipal Clerk