

ORDINANCE NO. 21 -2014

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" TO PROVIDE FOR THE FOLLOWING: (1) THE ESTABLISHMENT OF A NEW SECTION 13-5.6.5 ENTITLED "R-7 APARTMENT/MULTI-FAMILY RESIDENTIAL"; (2) THE REZONING OF LOT 1 IN BLOCK 171 TO THE NEW R-7 APARTMENT/MULTI-FAMILY RESIDENTIAL ZONE DISTRICT; (3) THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION 13-4.14C(2.2)(d)(ii), "SCHEDULE 'A', MINIMUM DISTANCES IN FEET FOR LOCATION OF PARKING AND LOADING AREAS WITH THE ADDITION OF THE R-7 APARTMENT/MULTI-FAMILY RESIDENTIAL ZONE DISTRICT; (4) THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION 13-5.1D "SCHEDULE 'D', SCHEDULE OF ZONING REQUIREMENTS WITH THE ADDITION OF THE R-7 APARTMENT.MULTI-FAMILY RESIDENTIAL ZONE DISTRICT; (5) THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION 13-5.1C, "SCHEDULE 'C' SCHEDULE OF PERMITTED USES, WITH THE ADDITION OF THE NEW R-7, APARTMENT/MULTI-FAMILY RESIDENTIAL ZONE DISTRICT; AND (6) AMENDING SECTION 13-5.1B, "ZONING MAP," CONSISTENT WITH THE FOREGOING R-7 ZONE DISTRICT DESIGNATION.

WHEREAS, the Morris Plains Planning Board adopted an Amendment to the Master Plan recommending the a new land use classification to provide for multi-family apartment housing and the reclassification of property to the new zone district;

WHEREAS, the Borough Council is desirous of amending "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" (hereinafter ("Chapter 13")) to establish a new R-7 Apartment/Multi-Family Residential District consistent with the requirements of the Municipal Land Use Law.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Chapter 13 is hereby amended and supplemented with the addition of a new Section 13-5.6.5, entitled "R-7 - APARTMENT/MULTI-FAMILY RESIDENTIAL DISTRICT," which shall read as follows:

§13-5.6.5 R-7 APARTMENT/MULTI-FAMILY RESIDENTIAL DISTRICT

Apartment/Multi-Family Residential Development in the R-7 District shall comply with all of the following requirements:

- A. **PERMITTED PRINCIPAL USES.** The R-7 District is intended to provide for apartment/multi-family residential dwelling units.
- B. **PERMITTED ACCESSORY USES.** Apartment/Multi-family

residential developments, constructed in accordance with this section, shall be permitted the following accessory uses to be used solely by the residents of the development and their guests:

- (1) Private swimming pools
 - (2) Administrative offices
 - (3) Recreation and social activity rooms
 - (4) Multi-purpose rooms
 - (5) Uses customarily incidental to multi-family development
- C. **MINIMUM LOT AREA.** There shall be a minimum lot area of 15 acres.
- D. **MAXIMUM DENSITY.** The residential density shall not exceed 13 units per acre, not to exceed 197 units. There shall be a minimum of twenty (20) dwelling units within a single building.
- E. **MINIMUM SETBACKS.** All principal buildings shall meet the following setbacks:
- (1) Front Yard: Sixty (60) feet
 - (2) Rear Yard: Forty (40) feet
 - (3) Side Yard: Fifty (50) feet
- F. **MAXIMUM BUILDING COVERAGE.** The total lot coverage by all principal and accessory buildings shall not exceed thirty (30) percent of the lot area. There shall be a minimum of three (3) buildings.
- G. **MAXIMUM IMPERVIOUS COVERAGE.** The total lot coverage by all impervious surfaces shall not exceed fifty (50) percent of the lot area.
- H. **MAXIMUM BUILDING HEIGHT.** No principal building shall exceed a height of 3 stories and 45 feet.
- I. **MINIMUM DISTANCE BETWEEN BUILDINGS.** No buildings shall be located closer than seventy (70) feet to another residential building on the same site.
- J. **ACCESSORY BUILDINGS AND STRUCTURES.** Accessory buildings and structures shall be subject to the following requirements:
- (1) Maximum Height. No accessory building and structure shall exceed a height of 16 feet, except for parking decks in accordance with Section K below.
 - (2) Setbacks. Accessory buildings and structures shall meet the property line setback requirements applicable to the principal buildings.
 - (3) Free Standing Signs. Notwithstanding the provisions of Section 13-5.8B(2), a total of two freestanding identification signs are permitted. Each sign shall not exceed an area of thirty-five (35) square feet on each side. Each such sign shall be located in the front yard, at least 5 feet from the street right-of-way and at

least twenty-five (25) feet from an adjoining property line. Said signs shall not extend more than 8 feet above ground level and may be illuminated as specified in Section 13-5.8A(5.3).

- (4) Internal directory signs shall be permitted provided that they meet the following standards:
 - (a) Minimum setback from street right-of-way: 20 feet
 - (b) Maximum Area: 6 square feet
 - (c) Maximum height: 4 feet.
 - (d) Maximum number of directory signs: 10 units
- (5) Building mounted signs shall be permitted provided that they meet the following standards:
 - (a) Maximum number of signs per building: one
 - (b) Maximum area: 10 square feet

K. **PARKING DECKS.** Parking decks are permitted and shall be considered accessory structures or buildings whether attached to or detached from a principal building. A parking deck shall be limited to two levels of parking in addition to ground level parking. The maximum height of a parking deck shall be 26 feet. Any parking deck shall be constructed with a parapet wall having a height of at least 3 feet and not more than 4 feet above the deck surface. A parking deck shall be wrapped by a residential building on three sides such that only one façade is exposed to the public viewshed. The exposed parking façade shall be of similar or complementary type and quality of materials as the residential building. The exposed parking deck façade shall be articulated and screened through architectural detailing using any or all of the following techniques:

- (1) The façade should be broken down vertically into a series of bays. Bays should be defined through elements such as changes in façade plane, changes in the size and rhythm of window openings, and/or variation in material, color and pattern.
- (2) The upper level of the façade should be distinguished from the ground floor by either a shallow juliet balcony; changes in material or fenestration pattern; and/or other appropriate means.
- (3) The roof should be emphasized with a parapet wall and/or balustrade or cornices.
- (4) Large areas of blank, solid walls are discouraged.
- (5) Glazing and/or decorative metal grilles are encouraged in window openings. If used to screen any parking, glazing of window opening areas should be translucent (allowing for shadows and silhouettes behind the glass). Transparent, clear-tinted, or reflective glazing are discouraged within window openings. Decorative metal grilles may take the form of an ornate pattern or may mimic the muntins of traditional windows.

- (6) The size, spacing and framing of garage window openings should be similar to those of any windows within the residential building above the parking levels. Furthermore, the pattern of garage window openings should generally align vertically with the pattern of non-parking windows of the residential building.
- (7) Any garage doors should be compatible with the building façade design, and should include decorative metal mesh, solid and/or glazed paneling.

L. **SURFACE OFF-STREET PARKING AND LOADING REQUIREMENTS.** Surface off-street parking and loading facilities shall satisfy the following requirements:

Minimum distance from building: 10 feet
 Minimum distance from street right-of-way: 70 feet
 Minimum distance from property line: 25 feet

M. **DWELLING UNIT REQUIREMENTS.** Residential dwelling units shall satisfy the following requirements:

- (1) No market dwelling unit shall contain more than two (2) bedrooms and affordable units shall comply with COAH requirements. Any room in a dwelling unit other than a kitchen, living room, bathroom, or dining room shall be considered a bedroom. No den shall be permitted in any two-bedroom market dwelling.

- (2) Individual market dwelling unit shall meet the following minimum floor area sizes:

One-Bedroom: 800 sq. ft.
 Two-Bedroom: 1,100 sq. ft.

- (3) Individual affordable dwelling units shall meet the following minimum floor area sizes:

One-Bedroom: 600 sq. ft.
 Two-Bedroom: 850 sq. ft.
 Three-Bedroom: 1,150 sq. ft.

N. **BUILDING ARTICULATION AND MASSING.** Development shall comply with the following building articulation and massing requirements:

- (1) Multi-family residential building façade bulk shall be broken down vertically and differentiated horizontally to avoid monotonous and repetitive facades through any or all of the following: vertical changes in the façade plane; changes in material, color, pattern and/or texture; use of columns, pilasters, balustrades or similar ornamental features; changes in the size and rhythm of fenestration; use of design features such as balconies and terraces, changes in the roof line via coping, parapet, cornice or similar ornamental features.
- (2) The top and roof of multi-family residential buildings shall be defined and differentiated with multi-faceted roof shapes where appropriate to break up the roof line.

O. **BUILDING FAÇADE DETAILING.** Development shall comply with the following building facade requirements:

- (1) Windows should occupy at least 25 percent of the façade area.
- (2) A change in plane and variation in materials and/or detailing should be provided for any windowless wall area in excess of 20 feet in length.
- (3) Preferred materials for facades are brick, cultivated stone or other masonry facing; fiber cement siding or backboard; metal panels; metal, and glass. No more than three different materials should be employed as primary materials on a building façade. Within the chosen primary materials, variation in color, texture and/or pattern may be employed to create further distinctions. The level of materials, detailing and articulation should be consistent along all facades. Materials should be extended around corners and extensions in order to avoid a “pasted on” appearance.
- (4) All major mechanical equipment located on any roof of a building should be screened from view from all vantage points with a material harmonious to that used on the façade of the structure.

P. **LANDSCAPING REQUIREMENTS.** All development within the district shall comply with the following minimum landscaping requirements:

- (1) Provide minimum width of landscaped buffers within the following yards:
 - (a) Front Yard: 35’
 - (b) Rear Yard: 20’
 - (c) Side Yard: 25’
- (2) No use or structure shall be permitted within the required buffer area, except for the following, and only when it is demonstrated by the developer that such use and/or structure must be located within the buffer area in order to reasonably accommodate the permitted development. The Planning Board/Board of Adjustment may in its review require supplemental planting or screening methods within or outside of the required buffer area.
 - (a) Fences, freestanding walls, retaining walls, signs and trails.
 - (b) Driveway and other access improvements providing direct access to the tract from an exterior roadway.
 - (c) Detention, retention and similar drainage facilities and utility structures.
- (3) Within the landscape buffer area, the developer shall maintain a landscaped screen containing a mix of deciduous and coniferous trees and shrubs of sufficient density to provide adequate year-round screening. Landscape buffers within the front yard shall also provide for berming where appropriate.
- (4) Except for existing preserved or transplanted vegetation, evergreen trees shall be a minimum of eight (8) feet in height above the root ball when installed. All deciduous trees shall be two and one-half (2½) inch caliper and at least twenty-five (25%) of all all deciduous trees shall be of a species native and indigenous to the area. Shrubs used as foundation and screen

plantings shall be at least two (2') feet in height above the root ball when installed.

- Q. **CONSTRUCTION.** All buildings shall be constructed in accordance with the most recent version of the International Building Code, as amended from time to time, unless other standards are mandated by law.
- R. **NOISE.** At all property lines adjoining residential zones, sound levels from HVAC units shall comply with the NJ Noise Code limits, as may be amended from time to time, which limits are presently sixty-five (65) decibels during daytime and fifty (50) decibels at night.
- S. **EMERGENCY FACILITIES.** Any apartment/multi-family residential development shall be suitably designed to facilitate emergency access by police, fire and first-aid service vehicles and personnel.
- T. **ACCESSIBILITY FOR THE HANDICAPPED.** Any apartment/multi-family residential development shall be designed in accordance with the applicable standards for accessibility and/or occupancy by handicapped persons promulgated by the Federal government and/or the State of New Jersey or through their respective departments or agencies having jurisdiction in such matters.
- U. **UTILITY AND DRAINAGE IMPROVEMENTS.** Any apartment/multi-family residential development shall be served by public water and public sanitary sewerage systems. All utility improvements, including, but not necessarily limited to storm drainage collection and conveyance systems, stormwater management systems/facilities, sanitary sewerage collection and disposal systems, water supply, gas, electric, telephone and cable television utilities shall be subject to review and approval by the Planning Board/Board of Adjustment in accordance with the standards and procedures established at N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards), the New Jersey Department of Environmental Protection and appropriate County and other State agencies, where applicable.
- V. **LOW AND MODERATE AFFORDABLE HOUSING.** Prior to, or as a condition of any approval of a development application by the Planning Board or Board of Adjustment, as applicable, the developer shall be required to comply with the requirements of this section and to enter into an agreement with the Borough Council, in order to address the effect of the development upon the Borough's affordable housing obligation, in accordance with the following requirements:
 - (1) A minimum of Fifteen (15%) percent of the residential units constructed shall be affordable housing. Fifty (50%) percent of the required affordable housing units shall be low-income housing and fifty (50%) percent shall be moderate income housing.
 - (2) Affordable units shall be integrated throughout the multi-family buildings.
 - (3) The provision of low- and moderate-income housing shall be subject to all other applicable regulations of the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.)

Section 2:

Section 13-5.1A(1) of Chapter 13 is hereby amended, supplemented and revised with the addition of the R-7 Residence District to the list of Basic Zone Districts.

Section 3:

Section 13-4.14C(2.2)(d)(ii), Schedule “A”, MINIMUM DISTANCES IN FEET FOR LOCATION OF PARKING AND LOADING AREAS, of Chapter 13 is hereby amended, supplemented and revised with the following additions: (a) Insertion of a line item for the R-7 Zone and the following minimum setbacks: From Buildings – 10 feet (8); From Street R.O.W – 70 feet; From Property Lines – 30 feet (8).

Section 4:

Section 13-5.1C, Schedule “C”, SCHEDULE OF PERMITTED USES, of Chapter 13 is hereby amended, supplemented and revised with the following additions: (a) Insertion of a R-7 column for Permitted Uses, Accessory Uses and Conditional Uses; (b) Insertion of “Apartment/Multi-Family Residential Development” as permitted Principal Uses in the R-7 zone district; (c) Insertion of “Private Swimming Pools Sec. 13-5.2B(9), Administrative Offices, Recreation and Social Activity Rooms, Multi-purpose Rooms, and Other Accessory Uses Customarily Incidental to Multi-Family Development as permitted Accessory Uses in the R-7 zone district.

Section 5:

Section 13-5.1D, Schedule “D”, SCHEDULE OF ZONING REQUIREMENTS, of Chapter 13 is hereby amended, supplemented and revised with the following additions: (a) Insertion of a line item for the R-7 Zone, whose Primary Use shall be designated as “Apartment/Multi-Family Residential” with the phrase “See §13-5.6.5 For Development Requirements”

to be included in the area for all zoning requirements.

Section 6:

The Zoning Map entitled, "Zoning Map, Borough of Morris Plains", adopted pursuant to Section 13-5.1B of Chapter 13 is hereby amended, supplemented and revised so that the following described properties as shown on the Official Tax Map of the Borough of Morris Plains, be and they are hereby rezoned to place the same in the R-7 Apartment/Multi-Family Residential District:

Block 171, Lot 1, which is presently in the Office, L-2, Zone District.

Section 7:

All other provisions of "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" shall be unaffected and are hereby continued.

Section 8:

All other Ordinances, parts of Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 9:

This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 10:

The Borough 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 to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-62.1 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Borough 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 Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 11:

This Ordinance shall take effect immediately after final passage and publication and upon thirty (30) days from the receipt of the ordinance by the County Planning Board.

Introduced: December 4, 2014

Adopted: December 18, 2014

/s/ Frank J. Druetzler