



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ORDINANCE # 18-1

AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF FLORHAM PARK IN ORDER TO CREATE A MF-7 MULTIFAMILY RESIDENTIAL ZONE, AND IN ORDER TO RE-ZONE CERTAIN PROPERTIES TO THE MF-7 MULTIFAMILY RESIDENTIAL ZONE.

WHEREAS, it is the intent and purpose of the Municipal Land Use Law (the “MLUL”) to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, pursuant to MLUL N.J.S.A. 40:55D-62(a), reasonable consideration must be given to the character of each district and its suitability to particular uses, and appropriate uses must be encouraged; and

WHEREAS, on or about July 6, 2017, the Borough of Florham Park (“Florham Park”) entered into a settlement agreement in an action captioned In the Matter of the Application of the Borough of Florham Park for A Determination of Mount Laurel Compliance (Docket No. MRS-L-1698-15), with Fair Share Housing Center, Alfieri-Florham Park, LLC, the Sisters of Charity of Saint Elizabeth, Palmont Associates, LLC, Ridgedale Plaza Associates, LLC, Braemar Homes, LLC, and B&B Associates, LLC, which outlines provisions for the inclusion of affordable housing on certain parcels located within the Borough of Florham Park; and

WHEREAS, the general purpose of the MF-7 Multifamily Residential Zone is to establish low and moderate income housing units in conjunction with market rate units; and

WHEREAS, the principal permitted use in the MF-7 Multifamily Residential Zone allows townhouses and multi-family dwellings between three and ten dwellings per building, attached side-by-side, including those multifamily dwellings designated as affordable housing units on minimum lots of 45,000 square feet; and

WHEREAS, in furtherance of the aforementioned purposes of the MLUL, and in order to encourage appropriate uses in the MF-7 Multifamily Residential Zone, the Florham Park Borough Council finds and declares that it would be beneficial to create the MF-7 Multifamily Residential Zone with bulk criteria and conditional use criteria applicable said zones; and

WHEREAS, Florham Park has undertaken an examination of bulk criteria in its other residential zones and has concluded that the creation of a MF-7 Multifamily Residential Zone with updated bulk criteria would give reasonable consideration to the character and appropriate uses of said zones, and would encourage new residential development that contributes to Florham Park’s affordable housing obligation; and

WHEREAS, certain property identified as Block 1906, Lots 12 and 13 on Florham Park’s official Tax Map, and located at 165 Ridgedale Avenue and 167 Ridgedale Avenue (the “Ridgedale Avenue Property”), is currently located in the PB-2 Professional and Business Office Zone; and

WHEREAS, in order to preserve the character of the Ridgedale Avenue Property and promote said property’s suitability for the development of multi-family residential housing that contributes to Florham Park’s affordable housing obligation, the Florham Park Borough Council finds and declares that said property should be re-zoned in the MF-7 Multifamily Residential Zone.

NOW, THEREFORE, it is hereby duly ordained by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, that the following amendments and revisions are made to the General Ordinances of the Borough of Florham Park, Chapter 250, entitled “Zoning”:

Section 1. § 250-3, Zones established and enumerated, is hereby amended and supplemented as follows:

The land of the Borough is hereby divided into the following zones:

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| R-88 | One-Family Residence Residential Zone |
| R-44 | One-Family Residence Residential Zone |
| R-25 | One-Family Residence Residential Zone |
| R-15 | One-Family Residence Residential Zone |
| B-1 | Business Zone |
| PB-1 | Professional and Business Office Zone |
| PB-2 | Professional and Business Office Zone - Residential Appearance Required |
| C-1 | Office and Manufacturing Zone |
| C-1MF | Multifamily Residential Housing |

C-1MFAR	Multifamily Age Restricted Housing
C-2	Office and Manufacturing Zone
C-3	Office, Research and Laboratory Zone
C-4	Mixed Office, Research, Laboratory and Multifamily Residential Zone
MF-1	Multifamily Residential Zone
MF-2	Multifamily Residential Zone
MF-3	Multifamily Residential Zone
MF-4	Multifamily Residential Zone
MF-5	Multifamily Residential Zone
MF-6	[Reserved]
MF-7	Multifamily Residential Zone
OSR	Open Space Recreation Zone
OSM	Open Space Municipal Zone
POD-N	Planned Office District - North
POD-S	Planned Office District - South

Section 2. Chapter 250, Zoning, Part 3, Zoning, Article XX, MF-7 Multifamily Residential Zone, is hereby created as follows.

§ 250-129, Permitted uses.

- A. Townhouses and garden apartments, consisting of a maximum of ten and a minimum of three dwellings in a building, attached side-by-side or arranged in flats. This zone is specifically for establishment of low and moderate income multifamily housing units in conjunction with market rate units.
- B. All uses permitted in the PB-2 Professional and Business Office Zone in conformity with the regulations of that zone.

§ 250-130, Permitted accessory uses.

- A. Uses customary, incidental and subordinate to the permitted uses shall be permitted accessory uses.
- B. Accessory uses permitted in the PB-2 Professional and Business Office Zone when the principal use is a use permitted in that zone.

§ 250-131, Area, yard and building coverage requirements

- A. Minimum Lot Area: 45,000 Square Feet.
- B. Maximum Density: Seven (7) dwelling units per acre.

- C. Minimum Lot Width: 125 feet.
- D. Minimum Lot Depth: 250 feet.
- E. Minimum Front Yard Setback: 30 feet.
- F. Minimum Side Yard Setback: 20 feet.
- G. Minimum Rear Yard Setback: 30 feet.
- H. Maximum Building Height: 35 feet / 2 ½ stories.
- I. Maximum Building Coverage: 20%.
- J. Maximum Improved Lot Coverage: 60%.
- K. Minimum Distance between buildings: 30 feet.
- L. Parking requirements shall be pursuant to the New Jersey Residential Site Improvement Standards (RSIS).
- M. Buffer Requirements: There shall be a minimum landscaped buffer of thirty (30) feet from residentially developed property and ten (10) feet from non-residentially developed property.

§ 250-132, General provisions and requirements

- A. All development within the MF-7 Multifamily Residential Zone shall provide for an affordable set-aside of 14.2 percent of the total number of dwelling units proposed within the development, and said affordable unit shall be reserved for a moderate-income household.
- B. All affordable housing controls and standards are subject to the rules of the Council on Affordable Housing (COAH) or any subsequent state agency. The development, marketing and sale of the affordable units shall be pursuant to applicable state regulations and sections 250-84 through 250-90 of this Chapter, and any subsequent amendments thereto.

Section 4. § 250-4, Zoning Map, is hereby amended and supplemented as follows:

- a. Rezone the following property from the PB-2 Professional and Business Office Zone to the Mf-7 Multifamily Residential Zone: Block 1906, Lots 12 and 13.

Section 5. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

Section 6. Repealer. All ordinances or parts of ordinances of the Borough of Florham Park which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Prior actions. All actions of the Borough of Florham Park taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 8. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED: January 18, 2018

ADOPTED: February 15, 2018

Mark Taylor, Mayor

ATTEST:

Sheila A. Williams, R.M.C., Municipal Clerk

Certified to be a true and correct Ordinance adopted on February 15, 2018

Sheila A. Williams, R.M.C.

