



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

ORDINANCE # 18-11

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-6 MULTIFAMILY RESIDENTIAL ZONE, AND IN ORDER TO RE-ZONE CERTAIN PROPERTIES TO THE MF-6 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-6 Multifamily Residential Zone is to establish very low, low and moderate income multi-family housing units in conjunction with market rate units, and inclusive of the uses permitted in the B-1 Business Zone; and

WHEREAS, the principal permitted use in the MF-6 Multifamily Residential Zone allows multi-family buildings with apartments, in conjunction with market rate units; and

WHEREAS, in furtherance of the aforementioned purposes of the MLUL, and in order to encourage appropriate uses in the MF-6 Multifamily Residential Zone, the Florham Park Borough Council finds and declares that it would be beneficial to create the MF-6 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-6 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 consisting of approximately 5.35 acres identified as Block 1903, Lot 5 on Florham Park’s official Tax Map, and located at 147 Columbia Turnpike (the “Columbia Turnpike Property”), is currently located in the B-1 Business Zone; and

WHEREAS, in order to preserve the character of the Columbia Turnpike 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-6 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 |
| R-7 | 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	Multifamily Residential Zone
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
U	University/College Zone

Section 2. Chapter 250, Zoning, Part II, General Legislation, Article XXIII, MF-6 Multifamily Residential Zone, is hereby created as follows.

§ 250-138, Permitted uses.

- A. Multi-family buildings with apartments. This zone is specifically for the establishment of very low, low and moderate income multi-family housing units in conjunction with market rate units.
- B. All of the uses permitted in the B-1 Business Zone. The uses permitted in the B-1 Business Zone shall be subject to the parameters and standards of the B-1 Business Zone.

§ 250-139, Permitted accessory uses.

- A. Surface and garage parking spaces
- B. Private recreation facilities for the use of the residents and their guests.
- C. Uses customary, incidental and subordinate to the permitted uses shall be permitted accessory uses.

- D. Accessory uses permitted in the B-1 Business Zone when the principal permitted use is pursuant to the B-1 Business Zone.

§ 250-140, Area, yard and building coverage requirements.

- A. Minimum site area: 5 Acres.
- B. Maximum gross density: 23.68 dwelling units per acre and a maximum of 126 dwelling units.
- C. Minimum setback from existing public street: Twenty (20) feet.
- D. Minimum setback from other tract boundaries: Thirty (30) feet.
- E. Maximum Building Coverage: Thirty (30%) percent.
- F. Maximum Improved Lot Coverage: Sixty (60%) percent.
- G. Maximum Building Height: Three (3) stories over podium parking and 55 feet.
- H. Minimum Building Separation: Fifty (50) feet.

§ 250-141, General provisions and requirements

- A. All development within the MF-6 Multifamily Residential Zone shall provide for low and moderate-income housing set-asides of twenty percent (20%) of the total number of units proposed within the development pursuant to the provisions of N.J.A.C. 3:97-6.4(b) as may be amended and the requirements of §250-84 through §250-89 as may be amended. The affordable units shall be split with fifty percent (50%) affordable to moderate income families and fifty percent (50%) affordable to low income families of which thirteen percent (13%) shall be affordable to very low income families.
- B. The Minimum Building Separation distances of the MF-6 Multifamily Residential Zone shall apply whether buildings are in condominium ownership or on their own individual lots.
- C. Decks, overhangs, Chimneys, bay windows, and other architectural features that do not increase the habitable floor area of a structure shall be permitted to protrude up to five (5) feet into required yard setbacks and building separation areas.
- D. Off-street parking shall be provided in accordance with N.J.A.C. 5:21, Residential

Site Improvement Standards (RSIS), and any subsequent amendments thereto.

- E. The minimum width of access drives and private roads shall be 24 feet, and shall be in accordance with RSIS.
- F. Appropriate facilities shall be specifically developed for recreation of the residents of the development, subject to Planning Board approval, based on the projected needs of the residents for such facilities and consistent with the overall design and appearance of the development.
- G. Planning Board site plan review is required, as provided in §212-21 of the Borough Code. Such review will emphasize the objectives of site planning design compatibility with the adjoining areas, including visual harmony and appropriate variety in the configuration and arrangement of buildings, open spaces and circulation and parking facilities. Flat roofs on residential buildings are not permitted unless they are substantially concealed with decorative pitched architectural roof treatment.

Section 3. §250-9, Schedule of Area, Yard and Building Requirements, is hereby amended and supplemented to reflect the area, yard and building requirements of the MF-6 Multifamily Residential Zone, as the same are set forth in this Chapter at § 250-140.

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

The Zoning Map of the Borough of Florham Park is hereby amended such that a new MF-6 Multifamily Residential Zone is added to the Zoning Map. The Zoning Map of the Borough of Florham Park is hereby further amended such that the following block and lot number, previously designated as B-1 Business Zone, is hereby rezoned to the MF-6 Multifamily Residential Zone:

Block 1903, Lot 5.

Section 5. § 250-14(D), Accessory buildings, is hereby amended as follows:

- D. The footprint of such buildings shall not exceed 600 square feet in area in a residential zone. The height of an accessory building shall not exceed fifteen (15) feet or be more than one story high.

Section 6. 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 7. 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 8. 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 9. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on April 19, 2018 and will be further considered for adoption after Public Hearing held on May 17, 2018 at 6:30 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: April 19, 2018

ADOPTED: May 17, 2018

Mark Taylor, Mayor

ATTEST:

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

CERTIFICATION

I hereby certify this to be a true and exact copy of an Ordinance adopted by the Governing Body of Florham Park Borough on May 17, 2018

Sheila A. Williams, R.M.C.