



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

ORDINANCE # 18-21

AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTIONS 250-56 AND 250-58 OF THE ZONING ORDINANCE OF THE BOROUGH OF FLORHAM PARK.

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 was approved by the Court in the above-captioned matter on or about July 27, 2017 pursuant to the entry of an Order on Fairness and Preliminary Compliance; and

WHEREAS, the current permitted uses in the C-2 Office and Manufacturing Zone are municipal facilities or uses, general business offices, laboratories for non-hazardous research, and professional offices and medical clinics; and

WHEREAS, in furtherance of the aforementioned purposes of the MLUL, the implementation of the Court-approved settlement agreement and in order to encourage appropriate uses in the C-2 Office and Manufacturing Zone, the Florham Park Borough Council finds and declares that it would be beneficial to amend and supplement the C-2 Office and Manufacturing Zone to include multifamily rental housing, along with such primary and secondary uses that support said

multifamily rental housing; and

WHEREAS, Florham Park has undertaken an examination of bulk criteria in its other residential zones and has concluded that the supplementation of the C-2 Office and Manufacturing 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.

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. Chapter 250, Zoning, Part II, General Legislation, Article VIII, Office and Manufacturing Zones, § 250-56, Permitted Uses in C-2 Zones, is hereby amended and supplemented as follows.

The following uses are permitted in a C-2 Zone:

- A. Five Hundred and Sixty (560) multifamily units in an inclusionary development that may be provided either within a mixed-use development or in a stand-alone setting.
- B. Additional uses on the ground floor of buildings providing residential units:
 - (1) Amenities and administrative services for a rental community.
 - (2) Special Needs Housing.
 - (3) Uses which primarily serve the needs of community residents:
 - a. Professional offices and services, including medical.
 - b. Convenience retail.
 - c. Restaurants and food services.
 - d. Enclosed parking facilities.
- C. Conditionally Permitted Uses:
 - (1) Subject to the sole condition that a site plan approval for 560 multifamily units has been granted or shall be granted simultaneously:
 - a. All uses permitted in the B-1 Business Zone.

- b. Hotel with conference facilities designed in accordance with §250-119(A), which requirements shall not be considered conditions pursuant to that Section. Relief from any of those conditions shall be pursuant to N.J.S.A. 40:55D-70 (c).

Section 2. Chapter 250, Zoning, Part II, General Legislation, Article VIII, Office and Manufacturing Zones, § 250-58, Area, yard and building requirements, is hereby amended and supplemented as follows.

The area, yard, setback and building requirements in an office and manufacturing zone, including multifamily residential housing in the C-1MF Zone, and all development in the C-2 zone are as specified in § 250-9 the schedule of area, yard and building requirements. The criteria for office and manufacturing development in the C-1MF Zone are the same as in the C-1 Zone, and the criteria for retail and office development in the C-2 Zone are the same as in the C-1 Zone. Recreation use in the C-1 Zone that includes outdoor fields or courts requires a minimum lot size of six (6) acres.

Section 3. Chapter 250, Zoning, Part II, General Legislation, Article VIII, Office and Manufacturing Zones, § 250-58.3, General provisions and requirements for the C-2 Office and Manufacturing Zone, is hereby created as follows.

A. Coverage. The following maximum coverages shall apply within the C-2 Office and Manufacturing Zone regardless of the mix of uses within the overall development.

- (1) Improved lot coverage: sixty percent (60%).
- (2) Building coverage: thirty-five percent (35%).
- (3) Coverage calculations shall be based on the gross land area within the zone and shall not be affected by subdivision into sections or lots.

B. Building Height.

- (1) All non-residential buildings: As permitted in § 250-58.
- (2) All buildings containing residential units: Fifty-five feet (55') and no more than four (4) stories.
- (3) As an exception to the permitted number of stories for a residential building, a fifth (5th) level may be included in a building, to be used exclusively for parking, where entry to that level occurs below the grade of the front of the building and any exposed walls of such a level are opposite the façade facing towards Columbia Turnpike.

C. Perimeter Buffers.

- (1) All buildings shall be set back one hundred (100) feet from the right-of-way of Columbia Turnpike, excluding adjoining ramps.
- (2) All parking and circulation elements, other than those providing direct access to the site, shall be set back fifty (50) feet from the right of way of Columbia Turnpike, inclusive of adjoining ramps.
- (3) Within the setbacks in § 250-58.3(C)(1)-(C)2, above, there shall be a landscaped buffer of not less than twenty-five (25) feet.
- (4) The C-2 Office and Manufacturing Zone shall remain a non-residential zone regardless of the actual mix of uses in determining the appropriate perimeter buffer adjoining abutting residential uses under § 250-17.

D. Minimum Distance Between Residential Buildings.

- (1) Front/rear to front/rear: Sixty (60) feet.
- (2) Side to side: Thirty-five (35) feet.
- (3) Side to front/rear (within an angle of 75 to 105 degrees): Forty (40) feet.
- (4) Building to parking space or interior access lane (excluding access to within-building garages): Fifteen (15) feet.
- (5) Building to collector roadway (entrance road or access to non-residential areas): Twenty-five (25) feet.

E. Design Requirements for Residential Buildings.

- (1) The maximum number of units which may be located in a single building pod is twenty-four (24); however, two such pods may be combined into a single building through the use of a connecting corridor. Such connecting corridor, fire stair or elevator core shall be offset from the façade of the primary buildings by at least ten (10) feet, be no more than twenty-five (25) feet from side to side (width) and extend between the buildings a minimum of twenty (20) feet (length), and may not include any floorspace contained within the demised space of a residential unit.
- (2) Floor plans shall be provided for each of the buildings. Architectural designs shall be consistent with architect's project elevation provided.
- (3) The buildings shall include breaks in the facades with the use of different colors or materials to break up the building lengths.

- (4) All HVAC and mechanical equipment shall be inconspicuously placed or adequately screened from view.

F. Trash and Recyclable Materials.

- (1) Facilities, including commitment to management operations within the community, shall be provided to facilitate the collection of trash and recyclable materials in a safe, efficient and aesthetic manner.
- (2) Any community trash or recyclable material collection area shall be suitably screened and designed in coordination with the overall project. Any outdoor facilities shall be fully enclosed with materials consistent with the architectural design and materials of the principal buildings and shall provide gated access.

G. Recreation.

- (1) A clubhouse and pool shall be required for any portion of property serving at least two-hundred (200) units.
- (2) Additional recreational activities may be provided, including, but not limited to, bocce courts, pedestrian paths, bicycle paths, sitting areas or playground area.
- (3) All recreational facilities and activities shall be provided for residents, including non-residential users on-site and their guests, and the design and location shall be complimentary to and in accordance with the character of the development.
- (4) Tot lot and family gathering areas shall be provided in reasonable proximity to affordable housing units.

H. Affordable Housing.

- (1) All residential development within the C-8 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 (50%) percent affordable to moderate income families and fifty (50%) affordable to low income families, of which thirteen (13%) percent shall be affordable to very low-income families.
- (2) Special Needs Housing.
 - a. If provided, the number of special needs housing units will count toward the total number of units in the development, but shall provide credits toward the percentage of affordable housing in the development by the bedroom.

- b. All credits generated by special needs housing shall count as 1-bedroom units within the overall provision of a bedroom mix required of the development.
 - c. All special needs housing units must be provided on the ground floor of residential buildings.
- (3) Affordable units shall be developed and rented in accordance with the applicable provisions of N.J.A.C. 5:93-1, et seq. and UHAC regulations adopted as of the date of the adoption of this Ordinance, which requirements include, but are not limited to, distribution of low and moderate-income housing, bedroom distribution, range of affordability, rental rates, affirmative marketing, affordability controls, and construction phasing.
- (4) Design and Location of Affordable Units.
- a. Units may not be unduly concentrated in one building or area of the community and should be generally dispersed throughout the development.
 - b. Three (3) bedroom units shall be provided on ground floors where possible.
 - c. Two (2) and three (3) bedroom units shall be provided in reasonable proximity to tot lot and open space facilities.

Section 4. 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 5. 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 6. 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 7. 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 September 20, 2018 and will be further considered for adoption after Public Hearing held on October 18, 2018 at 6:30 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: September 20, 2018

ADOPTED:

Mark Taylor, Mayor

ATTEST:

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