

**ORDINANCE # 18 -\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO IMPLEMENT SETTLEMENT AGREEMENTS WITH RAM ASSOCIATES AND GLENMONT COMMONS CONNECTION WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION**

**BE IT ORDAINED** by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey as follows:

**SECTION 1.** Chapter 19, Land Use, Article 5, Zone Regulations, §19-5.5A, Zoning Map Amendments, is hereby amended and supplemented to include the following zone changes designated by block and lot:

<b>Block</b>	<b>Lot</b>	<b>Change</b>
10002	3	T-5 Zone
40001	4	T-5 Zone
40203	1	T-5 Zone
10002	2	POS Zone

**SECTION 2.** Chapter 19, Land Use, Article 1, General Provisions, § 19.1.2, Definitions, is hereby amended and supplemented to incorporate the following changes:

1. Amend "Building Height" to read as follows:

**"BUILDING HEIGHT**

The vertical distance from the mean finished grade (measured along the perimeter of the building, measured at a minimum of four (4) corners of the structure) of the ground adjoining the building to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. In multifamily buildings, the building height shall be calculated for each vertical unit."

2. Delete the following definition in its entirety:

**"HEIGHT OF BUILDING**

The vertical distance from the average ground elevation around the foundation to the level of the highest point of the roof surface.”

3. Add the following definitions to be placed in alphabetical order with the existing definitions:

**“INTERLOCKING DWELLINGS**

A multiple story residential dwelling unit that shares vertical space within another residential dwelling unit.”

**“VERTICAL FLATS**

At least two single story residential dwellings with direct and individualized access to the ground floor.”

**SECTION 3.** Chapter 19, Land Use, Article 5, Zone Regulations, § 19-5.721, Yards, is hereby amended to establish new paragraph “c” to read as follows:

“c. Projections into yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

Architectural features such as bay windows, cornices, eaves, window sills or other architectural features provided that said feature does not project more than twenty four (24) inches.”

**SECTION 4.** Chapter 19, Land Use, Article 5, Zone Regulations, is hereby amended to establish a new § 19-5.2E, T-5 Multi-Family Zoning, to read as follows:

**“19-5.25E. T-5 Multi-Family Zoning.**

**19-5.2501E. Principal permitted uses.**

The following uses shall be principal permitted uses in the T-5 Zone:

- a. Single family homes.
- b. Townhouses.
- c. Vertical Flats.
- d. Interlocking dwellings.

**19-5.2502E. Permitted accessory uses.**

Any and all uses of land that are customarily, habitually, and by long practice, as established by reasonable association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

- a. Decks.
- b. Patios/Terraces.
- c. Gate House/Guard Booth/Welcome Booth.
- d. Club House.
- e. Maintenance Building.
- f. Pool.
- g. Passive and active recreation.
- h. Open space.
- i. Off street parking.
- j. Private Garages.
- k. Signs.
- l. Retaining Walls/Fences.
- m. Utilities and other essential services.

**19-5.2503E. Bulk Standards.**

- a. For single-family residential development, the bulk standards found in the R-3 Zone shall apply.
- b. For multifamily dwellings the following bulk standards shall apply:
  - 1. Minimum residential building setbacks from external property lines: 50 feet.
  - 2. Minimum accessory buildings from external property lines.
    - a. From residential zoned land: 50 feet.
    - b. From POS zoned land: 20 feet.
  - 3. Minimum front yard.
    - a. 25 feet from any internal cartway.
    - b. 8 feet from parking field.
  - 4. Minimum distance between buildings.

For the purpose of this section of the ordinance, the front of a multifamily building shall be defined as that portion of the structure that has access to the driveway and the rear shall be that portion of the structure that contains a patio/deck. Any other side of the building shall be a side.

- a. 25 feet between side and side.
- b. 35 feet between rear and rear.
- c. 40 feet between side and rear.
- d. 60 feet between side and front.
- e. 75 feet between front and rear.
- f. 80 feet between front and front.

5. Minimum distance between residential building and retaining walls.

- a. From the closest point of the structure (which included decks) : 14 ft.
- b. From the closest wall of the dwelling unit: 3 vertical feet for each foot of wall height.

6. Allowable projections into yards or building envelope.

If no separate lots are created, architectural features such as bay windows, cornices, eaves, window sills, steps, overhangs, other building protrusions or architectural features, provided that said feature does not project more than 24 inches. Ramps designed in accordance with the Americans with Disabilities Act are not considered a building appurtenance and are not regulated by this section.

c. Coverage.

1. Maximum Building coverage: 25%.
2. Maximum Impervious coverage: 65%.
3. Minimum open space or landscaped areas: 25%.

- a. In computing the open space requirement, common recreation areas accessory to the residential use and required buffer areas, environmentally sensitive lands and stormwater facilities shall be included.
- b. Any open space as provided herein shall be owned and maintained by the homeowners association or condominium association in accordance with the provision of N.J.S.A. 40:55D-43.
- d. Maximum Building Height.
  - 1. 3 ½ stories.
  - 2. 45 feet.
- e. Maximum Units per building:
  - 1. Townhouses: 8 per building.
  - 2. Vertical flats / Interlocking Apartments: 12 per building.
- f. Maximum Length of building: 190 feet.
- g. Maximum Density: 5 Units per acre.

**19-5.2504E. Design Standards.**

- a. Buildings shall have architectural features, finishes and patterns that provide visual interest.
- b. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, cultured stone and wood.
- c. Trash. Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility. If there is no interior trash storage provided for, said external facility shall be constructed in such a way as to be a part of the building with no distinction between construction material, shall be designed for the trash of a single unit, and designed in such a way as to prevent wildlife from gaining

access. In no instance shall trash be stored outside and in no case shall dumpsters be permitted.

- d. Mailboxes. Mailboxes must be provided in either gang mailboxes or located in a club house, or other type of facility.
- e. Lighting. The lighting requirements shall comport with § 19-5.731, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- f. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.
- g. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.
- h. Signage.
  - 1. With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign, a freestanding sign or, if an accessory building is utilized for a guard booth/welcome booth, a wall sign may be permitted.
  - 2. A proposed monument or freestanding sign shall be located on the property, but outside any required sight triangle area, and shall contain no more than 24 square feet per side and no more than two sides. A proposed monument or freestanding sign shall not exceed 3 feet in height from the base of the sign and may be externally lit.

3. A proposed wall sign may be permitted if a guard booth/welcome booth is proposed, or if a retaining wall is proposed, where said sign is incorporated into this accessory structure. This wall sign shall contain no more than 24 square feet and may be externally lit. No development identification may be permitted on any building that houses a dwelling unit, garage or club house.
- i. Fences and walls. Fences, walls, and retaining walls shall be permitted provided that no fence or freestanding wall shall exceed 6 feet in height, unless located in the front yard between a principal building and any street or roadway, in which case no fence or freestanding wall shall exceed 4 feet in height. Retaining walls may exceed 6 feet in height, where the Approving Board finds that the additional wall height outweighs the amount of disturbance a tiered or multiple-tiered wall would require. The Approving Board may, in appropriate situations, require such walls to provide landscaping to be planted in front of or atop such walls in order to reduce their visual impact. In no case shall a retaining wall exceed 8 feet in height. For the purpose of applying height limits, multiple, staggered or tiered walls, and/or wall/fence combinations shall be considered single units unless the horizontal distance between the top of any section or tier shall meet or exceed 5 feet.
  - j. Access.
    1. If only one permanent point of access is proposed, an emergency access points must be provided through the use of grass pavers or other suitable methods or a boulevard access point must be utilized. If a second point of access is not available, no guard house or restricted access is permitted.
    2. If gates or other methods of excluding the vehicular traffic are proposed, the application must provide adequate provisions for emergency vehicles as well as turnaround provisions for visitors who have been refused entry.

**19-5.2505E. Buffer Areas.**

- a. The applicant shall provide and maintain a landscaped buffer area within the T-5 Townhouse Zone which shall be no less than 25 feet in width from all exterior lot lines of the tract. Where said buffer abuts land in the POS zone or another inclusionary development site, said buffer can be reduced to a minimum of 20 feet. When natural vegetation within the buffer is sparse or non-existent, the landowner shall be required to provide a year-round visual screen as determined by the Planning Board.
- b. No use or structure, including parking or loading areas but excluding fences, retaining walls, detention, retention and drainage facilities and utility structures, shall be permitted within the required buffer area.
- c. Regrading within the buffer area. Every effort shall be made to minimize the amount of regrading within the buffer area.

**19-5.2506E. Steep Slope Disturbance.**

- a. The Maximum Permitted Disturbance of Slope Areas as defined in § 19-5.729.f.1 shall be modified to allow for the following:

<b>Slope</b>	<b>Maximum Permitted Disturbance of Slope Area (Entire Lot(s))</b>
Less than 15%	100%
15% to 19.9%	50%
20% to 24.9%	25%
25% to 29.9%	10%
30% or more	0%

The column entitled "Permitted Development Activity" from the table in § 19-5.729.f.1 is not included in, and is not applicable to, this Section because this Section regulates all development activities equally per slope classification.

- b. Should the applicant prove that it is not possible to achieve the maximum density (or 120 units whichever is achieved first) on the subject property without receiving a



variance from this section of the ordinance, the approving board shall grant, as minimally invasive as possible, variances to achieve the maximum density. This relaxation of standards shall only be available for a maximum of 65 percent of the subject property or properties. Any further variance request for incursion into steeply sloping lands must follow the traditional variance procedures afforded by the Municipal Land Use Law.

**19-5.2507E. Circulation, parking, utilities, planning and staging.**

- a. Street requirements. The requirements of N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) shall govern the design of streets unless a de minimus exception from such requirements is approved by the Board.
- b. Off-street parking requirements.
  1. Parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 (Residential Site Improvement Standards).
  2. Each townhouse dwelling unit shall include one garaged parking space which is assigned to said unit.
  3. Each pair of affordable interlocking dwelling unit shall include one garaged parking space which is assigned to one of the two affordable housing units. A surface parking space shall be dedicated and assigned to the remaining affordable housing unit from the interlocking pair.
  4. Parking for handicapped persons shall be provided as required by state and federal law.
  5. All parking shall be adequately landscaped, lighted and conveniently located relative to the housing to be served. Under no circumstances shall parking be more than 300 feet from the housing to be served.
- c. Utility improvements.

1. All developments shall be served by public water and public sanitary sewerage systems.
  2. All utility improvements shall be located within a street right of way or within a utility easement, including storm drainage systems, sanitary sewerage collection and disposal systems and water supply and distribution systems, and shall be subject to review and approval by the Township in accordance with the standards and procedures established at N.J.A.C. 5-21 et seq. (Residential Site Improvement Standards) and subject to review and approval by the New Jersey Department of Environmental Protection as well as appropriate county and other state agencies, where applicable. Water supply and sanitary sewer collection and distribution facilities shall also be subject to review and approval by the Township Engineer and Fire Department and the Denville Water and Sewer Department.
  3. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system and shall be located within a street right of way or within a utility easement. If such underground facilities cannot reasonably be provided throughout the development due to topographic or geological conditions of the land or due to technical circumstances, and if the landowner shall adequately demonstrate the lack of feasibility of such undertaking, an exception to this requirement may be granted by the Planning Board.
- d. Emergency facilities. All housing developed within the T-5 Townhouse Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.

- e. Sidewalks. Sidewalks shall be provided within the development in accordance with the RSIS except that the Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate.

**19-5.2508E. Applicability.**

To the extent that any provisions found in § 19-26 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

**19-5.2509E. Affordable Housing Requirements.**

- a. Development must provide affordable housing consistent with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).
- b. All said affordable units shall be constructed on site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units. Affordable units shall also be constructed to be indistinguishable from market rate units from the exterior of the building.
- c. Twenty percent (20%) of all for sale residential units developed with the T-5 Townhouse Zone shall be reserved for occupancy by very low income, low income and moderate households.
- d. Fifteen percent (15%) of all rental residential units developed with the T-5 Townhouse Zone shall be reserved for occupancy by very low income, low income and moderate households (hereinafter “Affordable Units”)
- e. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income

households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

- f. Bedroom distribution:
  - 1. In any multifamily development there shall be the following distribution of bedrooms in affordable units:
    - a. One bedroom: a maximum of 20% of the affordable units.
    - b. Three bedrooms: a minimum of 20% of the affordable units.
    - c. Two bedrooms: the balance of the affordable units.
- g. The phasing applicable to the affordable units shall follow regulations established at N.J.A.C. 5:93-5.6(d).

**SECTION 5.** The Township 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 thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township 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 Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 6.** All ordinances of the Township of Denville, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 7.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 8.** This Ordinance may be renumbered for purposes of codification.

**SECTION 9.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL  
OF THE TOWNSHIP OF DENVILLE

ATTEST:

APPROVED:

\_\_\_\_\_  
KATHRYN BOWDITCH-LEON, RMC  
MUNICIPAL CLERK

\_\_\_\_\_  
MAYOR THOMAS W. ANDES  
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on \_\_\_\_\_, 2018

Dated: \_\_\_\_\_

\_\_\_\_\_  
KATHRYN BOWDITCH-LEON, RMC