

Draft Amendments to Ordinance

12/14 1983

● Morris Twp.

ML000216T

21 pgs.

12/14/83

SUGGESTED AMENDMENT TO ORDINANCES FOR NEW ZONING DISTRICTS

NEW PART 8 OF CHAPTER 57

I. Purpose

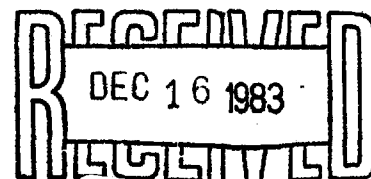
The purpose of this Part 8 establishing procedures for approving development in two new zoning districts, RH-5 and RH-16, is to comply with the provisions of Mt. Laurel II. The regulations and controls contained in this amendment shall be interpreted to assure the construction of lower income housing which meets the standards and guidelines set forth in Mt. Laurel II. Any provisions of any other ordinances in conflict with this Part 8 and which imposes restrictions or limitations not related to health and safety shall be inapplicable.

II. Regulations Applicable to RH-5 and RH-16 Zones

A. Application Procedure

1. Applicant shall submit required plans and documents to the Planning Board for review and recommendation. The Planning Board shall distribute the plans to those agencies required by law to review and/or approve development plans and to Township agencies which normally review development plans.

2. The Planning Board shall hold a public hearing in accordance with N.J.S.A. 40:55D-46.1 on the application. The hearing shall be held not less than thirty (30) days nor more than forty-five (45) days from the date of submission of a complete application.



ML000216T

3. Applicants with 10 or more acres may elect to submit a General Development Plan (GDP) as part of a planned development application in any RH-5 or RH-16 zone. In the alternative, applicant may follow procedures for subdivision and site plan approval set forth elsewhere in this ordinance. Once a GDP is approved, applicant shall proceed as provided in this ordinance for subdivision and/or site plan approval.

B. Details Required

The following details shall be submitted as part of the GDP. If the GDP option is not selected, the information required in Articles X and XVII of Chapter 57 shall be submitted.

1. Title Sheet. A title sheet shall be submitted containing the following information:

- a. Name of the project, Morris Township, Morris County.
- b. Existing Lot and Block numbers of the application.
- c. Name and address of the owner, if different from the applicant.
- d. Name and address of the applicant.
- e. Key map showing the entire tract and its relationship to the surrounding area, at a scale of one (1) inch equals 2,000 feet.
- f. Date of original submission and each subsequent revision thereof.
- g. Total tract area.
- h. Approval signatures for:

- (1) Chairman;
- (2) Secretary; and
- (3) Township Engineer.

i. Name, address and telephone number of the professional(s) preparing the submission.

2. Land Use Plan. Prepared at a scale of not smaller than one (1) inch equals 200 feet, the Land Use Plan shall contain the overall tract and illustrate:

- a. Total number of dwelling units.
- b. The specific land areas to be devoted to the specific land uses.
- c. The acreage of each land use area.
- d. The net density range of each residential land use area.
- e. The type(s) of proposed dwelling units for each residential land use area.
- f. The area designated for lower income housing.

3. Traffic and Circulation Plan. Prepared at a scale of not smaller than one (1) inch equals 200 feet, the traffic and circulation plan shall show:

- a. The general location of all existing and proposed collector streets.
- b. Typical road cross section.
- c. The general location of non-vehicular pathways.

4. Utility Plan. Prepared at a scale of not smaller than one (1) inch equals 200 feet, the Utility Plan shall show:

a. The general location and extent of existing and proposed sewer and water lines.

b. The general location of pump stations, if required.

5. Drainage Plan. Prepared at a scale of not smaller than one (1) inch equals 200 feet, the drainage plan shall contain:

a. The location of drainage areas and direction of run-off flow.

b. The size in acres of the drainage areas.

c. The general location and size of detention and/or retention basins.

6. Open Space Plan. Prepared at a scale of not smaller than one (1) inch equals 200 feet, the open space plan shall indicate:

a. The location and size of open space areas.

b. The proposed use of open space areas as it relates to open space, conservation or recreation purposes.

C. Action by the Township

The Board shall take action upon a GDP application as provided for under the time requirements for preliminary plans.

D. Findings of Fact

In the case of a GDP application, the Board shall make findings of fact in conformance with the requirements of N.J.S.A. 40:55D-45.

E. Effect of GDP Approval

A GDP approval shall confer upon the applicant the following rights for a period of time determined by the Board in accordance with N.J.S.A. 40:55D-49.

1. The submitted land use plan shall not be changed with regard to the total number of dwelling units and the size, location, density, ranges and use of the various land use areas.

2. The general location and specifications for the approved collector roads shall not be changed.

3. Sections may be subdivided from property receiving GDP approval without regard to setback, side yard, area or other applicable standards for the purpose of selling to a builder, homeowners association, or utility.

4. If construction and engineering plans for site improvements have been submitted and approved as part of the GDP application, construction of the approved improvements may commence.

NEW ARTICLE XI OF CHAPTER 95

I. Purpose

It is the intent of the RH-5 and RH-16 zone regulations to provide a realistic opportunity for the construction of a variety of housing types and income levels in the Township, including housing for lower income households; and to encourage the development of such lower income housing, and other housing, by providing specific land use regulations addressing those needs. These regulations are designed to meet the mandate of Mt. Laurel II. Any provisions of this or any other ordinance in conflict with the RH-5 and RH-16 zoning regulations and which imposes higher standards not related to health and safety shall be inapplicable.

II. Use Regulations

	<u>RH-5</u>	<u>RH-16</u>
A. Permitted Uses		
1. Dwelling, One-Family	X	
2. Townhouse	X	
3. Dwelling, Two-Family	X	
4. Dwelling, Multi-Family	X	X
5. Public parks, playgrounds, conservation areas, and municipal facilities	X	X
6. Common Open Space	X	X
7. Planned Development	X	X
B. Accessory Uses		
1. Personal recreational fa- cilities (95-36B)	X	X
2. Accessory buildings (95-36A)	X	X

3. Off-street parking and garages (95-36A)	X	X
4. Fences (95-36D)	X	X
5. Signs (Article VI)	X	X

C. Conditional Uses

1. Essential Services (95-37A)	X	X
2. Nursery schools (95-37F)	X	X
3. Private recreation uses with lights (95-37M)	X	-

III. Minimum Tract Size and Gross Density

1. Minimum Tract Size. The minimum tract size for other than single or two-family development in either zone shall be 5 acres.

2. The maximum number of units shall be as follows:

RH-5: 5 X total tract area in acres

RH-16: 16 X total tract area in acres

The Planning Board may increase the number of total dwelling units by 10 percent if such increase is needed to achieve the purposes set forth in Section I. above and further provided that the increase would not adversely affect health, safety, and encroach on environmentally sensitive land.

IV. Minimum Tract Setback

All development shall maintain a 50-foot minimum buffer to all exterior property lines. Said buffer shall be bermed or landscaped and remain unoccupied except for entrance roads or utilities. Buffers may include minimum yard requirements for all single-family, two-family and townhouse development.

V. Schedule of Area, Bulk and Yard Requirements

Permitted Uses	Maximum Net Density (du/acre)	Minimum Lot Area (sq.ft.)	Minimum Lot Width	Minimum Yards			Maximum Building Coverage	Maximum Height
				Front	Side one/both	Rear		
Dwelling, One-Family	N/A	5,000	50'	25'	10'/15'	25'	20%	35'
Townhouse	10	1,200	16'	20'	N/A	20'	60%	35'
Dwelling, Two-Family (horizontally separated)	N/A	6,000	60'	25'	10'/15'	25'	20%	35'
Dwelling, Two-Family (vertically separated)	N/A	3,000/ unit	30'	25'	0/10'	25'	40%	35'
Dwelling, Multi-Family	16	N/A	N/A	N/A	N/A	N/A	35%	35'

VI. Distance Between Buildings

The minimum distance between townhouses and multi-family buildings shall be as follows:

- | | |
|--|---------|
| A. End wall to end wall | 20 feet |
| B. Window wall to end wall | 30 " |
| C. Window wall to window wall | |
| Front to front | 75 " |
| Rear to rear | 50 " |
| End to end | 30 " |
| D. Any building face to local street curb
or right-of-way | 20 " |

- E. Any building face to collector street curb 40 "
- F. Any building face to arterial street curb 50 "
- G. Any building face to common parking area 12 "

(Note: End walls shall have no windows in any habitable room.)

The Planning Board may reduce the above distances by not more than one-third if there is an angle of 20 degrees or more between buildings and if extensive landscaping or buffers are placed between buildings.

VII. Minimum Off-Street Parking Requirements

1. Each dwelling unit shall provide off-street parking in the following manner:

Dwelling units with one (1) bedroom or less: 1.5 spaces

Dwelling units with two (2) bedrooms or more: 2.0 spaces

2. All common off-street parking shall be located within 300 feet of the dwelling unit served.

3. Parking may be permitted in all required minimum yard areas.

VIII. Minimum Floor Area for Dwelling Units

1 bedroom: 550 square feet

2 bedroom: 660 square feet

3 bedroom: 850 square feet

IX. Lower Income Housing Requirements

A. Number of Lower Income Dwelling Units Required

All developments in the RH-5 and RH-16 zones shall be required to provide twenty (20) percent of all dwelling units to be affordable for lower income households. The minimum number of lower income units required for each development shall be as follows:

RH-5: . 5 X area of tract in acres X 0.20

RH-16: 16 X area of tract in acres X 0.20

B. Eligibility Standard

1. One-third of all lower income units shall meet HUD Section 8 eligibility requirements for very low income; two-thirds shall meet HUD eligibility requirements for lower income.

2. Applicant may substitute alternate standards (other than HUD) where appropriate and to the satisfaction of the Planning Board.

C. Housing Cost Component

In computing eligibility, not more than 25 percent of the family income may be used for housing, as follows:

Rental Units: Gross Rent

Sales Units: Principal and Interest

Insurance

Taxes

Condominium or homeowners association fees

D. Subsidies

Government subsidies may be used at the discretion of the applicant to fulfill the requirements of the section. The lack of said subsidies shall in no way alter or diminish the lower income requirements of this ordinance.

E. Resale and Rental of Lower Income Housing

1. All lower income dwelling units within the RH-5 and RH-16 zones shall be required to have covenants running with the land to control the resale price of for-sale units or to employ other legal mechanisms which may be approved by the Township Attorney and will, in his opinion, ensure that such housing will remain affordable to persons of lower income.

2. The owner of all rental units shall provide legal documentation to be approved by the Township Attorney to assure that rental units will remain affordable to persons of lower income.

3. The Township and the applicant may develop reasonable qualifications for occupants of lower income housing and may arrange for third party administration of tenant selection.

4. Sales prices and rents may be increased in accordance with the annual Metropolitan New York Regional Consumer Price Index for Housing of the Department of Labor. After 20 years, all such units may be sold or rented without restrictions.

F. Phasing of Lower Income Housing

Lower income housing shall be phased in accordance with the following schedule:

<u>Percentage of Total Dwelling Units</u>	<u>Minimum Percentage of Lower Income Dwelling Units</u>
25	0
50	25
75	50
100	100

The above percentages shall refer to the percentage of total dwelling units having final site plan or subdivision approval and the percentage of lower income dwelling units completed and certificates of occupancy issued.

G. Waiver of Fees

Notwithstanding any ordinance requirement of the Township of Morris, the applicable approving agency shall waive the following fees for every unit designated as lower income housing:

- a. Subdivision and site plan application fees;
- b. Building permit fees, except State and third party fees;
- c. Certificate of occupancy fees;
- d. Sewer connection and application fees;
- e. Engineering fees applicable to lower income housing;
- f. The Township shall endorse and support any application or waiver of water connection and application fees.

X. Common Open Space Requirements

- A. A minimum of twenty (20) percent of the land area of any development other than single or two-family housing and which may include environmentally restricted land, shall be designated for conservation, open space, recreation and/or other common open space.
- B. All property owners and tenants shall have the right to use the common open space.
- C. Common open space may be deeded to the Township, if accepted by the Governing Body, or to an open space organization or trust, or to a private non-profit organization, charged with the provision of recreation activities for the residents of the development.
- D. All common open space deeded to an open space organization, trust, or private organization, shall be owned and maintained as provided for in N.J.S.A. 40:55D-43.

XI. Engineering and Construction Design

A. Drainage

1. Where non-structural means of controlling surface runoff, such as swales, is feasible and adequate such non-structural means shall be preferred.
2. The system shall be adequate to carry off the storm water and natural drainage water which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in their current state of development.

No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

3. Techniques for computing water runoff shall be as follows:

a. Collection Systems; Rational Method.

b. Detention Systems: "U.S.D.A. Soil Conservation Service, Technical Release #55." Determination of the "R" factors shall be as contained in the ACE Manual #37, latest edition.

4. Storm sewers, open channels, bridges and culverts shall be designed from minimum flow capacities as follows:

	<u>Design Capacity - Frequency of Storm</u>
Collection Systems	15 years
Culverts	25 years
Detention Systems	25 years
Emergency Spillway System from Detention System	100 years

5. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with the specifications of the "Standard Specifications for Road and Bridge Construction of the New Jersey Highway Department," current edition, and any supplements, addenda and modifications

thereof unless otherwise specified by the reviewing municipal agency. Lesser specifications may be approved by the reviewing authority.

6. Lots and buildings shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow.

7. Detention or retention basins shall be required to hold storm water runoff such that discharge will not exceed pre-development rates. A waiver of this provision may be granted only when the applicant shows that the additional runoff resulting from the proposed development will not exceed four (4) cubic feet per second. Where detention or retention basins are required, they shall be designed in accordance with the "U.S.D.A. Soil Conservation Service, Technical Release #55," using the routing procedure, and where feasible, the outlet from the detention facility must require that 90 percent of the runoff from one and one-fourth inches of rainfall, falling in two hours, be retained, so that not over 90 percent will be evacuated prior to 36 hours. The following exceptions to this provision will be acceptable in any case:

a. Retention will not be required to an extent which would reduce the outlet size to a diameter less than three inches;

b. Dry basins serving residential projects may allow evacuation of 90 percent in 18 hours.

8. Approval of drainage structures shall be obtained from the appropriate municipal, county, State and Federal agencies and offices.

9. Where required by the Township and as indicated on an improved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any official map and/or master plan.

B. Lighting

1. Street lighting shall be provided for all street intersections and along all collector and local streets, parking areas and anywhere else deemed necessary for safety reasons.

2. Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads, and traffic safety from glare, reflection, and overhead sky glow in order to recommend steps needed to minimize these impacts.

3. Specific lighting requirements:

a. The maximum intensity of lighting permitted on roadways shall be as follows:

Average Maintained Horizontal Illumination
for Residential Areas

Collector	0.6 footcandles
Local	0.4 footcandles

C. Sanitary Sewers

Where required and where a public or private treatment and collection system is provided, the developer shall design and construct such facilities in accordance with the N.J.D.E.P. permit requirements and in such a manner as to make adequate sewage treatment available to each lot and structure within the development from said treatment and collection system. If a public or private treatment and collection system is included as part of a development application, the developer shall install sewers, including connections to each home to be constructed.

D. Streets

1. All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan, all such streets shall have adequate drainage.

2. Local streets shall be planned so as to discourage through traffic.

3. The minimum public street right-of-way and cartway and the minimum private street cartway shall be in accordance with the following schedule:

	R.O.W.	Cartway
a. Collector Street	50'	26'
b. <u>Local Street</u> serving single or two-family detached with no parking on one side	40'	22'*
c. <u>Local Street</u> serving townhouses with attached garages or off-street parking with no on-street parking	40'	20'*
d. <u>Local Street</u> serving multi-family or townhouses with common or on-street parking	40'	30'

*Where perpendicular parking is proposed adjacent to the cartway, the minimum cartway width shall be 24 feet.

4. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 80 degrees. Approaches to all intersections shall follow a straight line for at least 100 feet or a curve with a radius of not less than 600 feet. No more than two streets shall meet or intersect at any point and the centerlines of both intersecting streets shall pass through a common point.

5. A tangent of at least 100 feet shall be provided between reserve curves on collector streets.

6. Cul-de-sacs shall be no more than 1,250 feet in length and shall provide access to no more than 80 dwelling units. A turnaround shall be provided at the end of the cul-de-sac with a paved turning radius of 40 feet and a R.O.W. in the case of public streets of 100 feet.

7. The pavement standard for all roads shall be a base course of four (4) inches of Bituminous Stabilized Base, Stone Mix No. 1 placed on a compacted, unyielding subgrade, with a surface course of two (2) inches of Bituminous Concrete, type F.A.B.C. - 1, Mix #5 applied in accordance with State highway specifications.

E. Water Supply

Where public water is available, water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development. The system shall be designed and constructed in accordance with the requirements and standards of the agency or authority having water supply jurisdiction.

XII. Waivers

Notwithstanding any provisions set forth elsewhere in this ordinance, the Planning Board may waive any engineering and construction design requirements contained in this ordinance, in order to achieve the objectives of the RH-5 and RH-16 zones, provided that the Planning Board shall be satisfied that such a waiver does not jeopardize the public health and safety.

AMENDMENTS TO SECTION 57-3B OF CHAPTER 57

TO ADD THE FOLLOWING DEFINITIONS

Density

Gross Density: The total number of dwelling units on the tract divided by the total area of the tract, including environmentally sensitive or restricted areas. The result is expressed as dwelling units per acre (du/ac).

Net Density: The total number of dwelling units within a designated residential land use parcel divided by the total land area of the designated residential land use parcel less major recreational facilities, collector streets and public facilities within the parcel. The result is expressed as dwelling units per acre (du/ac).

Lower Income Household: The income eligibility limits for a household designated as low and very low contained in H.U.D. Section 8 Rental Assistant Program Income by Family Size for the appropriate housing region for various size households, or other generally accepted state or federal agency standards.

Lower Income Housing: Those dwelling units which are affordable to purchase or rent by a lower income household using not more than 25 percent of the family income.

Planned Residential Development: An area with a specified minimum contiguous acreage of ten (10) acres or more to be devel-

oped as a single entity according to a plan containing one or more residential clusters, which may include public or quasi-public uses, all primarily for the benefits of the residential development. Several proximate non-contiguous tracts may be included in a planned residential development, provided a single General Development Plan application is filed for all the tracts and further provided that all such non-contiguous parcels are connected by Township, county or other public land available for use by the residents of the development.

Reviewing Body: The Planning Board, except where otherwise required by the N.J.S.A. 40:55 D-1 et seq.

Tract: An area of land composed of one or more lots having sufficient dimension and area to make one development meeting the requirements of this ordinance for the use(s) intended. It may include environmentally sensitive lands.