

ORDINANCE NO. 04-26

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 600, LAND USE, TO ESTABLISH THE ARMF AGE RESTRICTED MULTIFAMILY ZONE DISTRICT AND REZONE THE VISION PROPERTY, BLOCK 20801, LOTS 3 & 4 (381 FRANKLIN ROAD AND 385 FRANKLIN ROAD) TO THE ARMF ZONE DISTRICT

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 600, Land Use, Part 4, Zoning, Article XXV, Zone Regulations, § 600-143, Zones established, of the Township Code is hereby amended and supplemented by the addition of the following:

ARMF Age Restricted Multifamily Zone District

SECTION 2. Chapter 600, Land Use, Part 4, Zoning, Article XXV, Zone Regulations, § 600-145, Zoning Map amendments, of the Township Code is hereby amended to include the following zone change designated by Block and Lot:

Block	Lot	Change
20801	3 & 4	ARMF

SECTION 3. Chapter 600, Land Use, Part 4, Zoning, of the Township Code is hereby amended to establish new Article LIII.H, ARMF Age Restricted Multi Family Zone District, to read as follows:

ARTICLE LIII.H ARMF AGE RETRICTED MULTIFAMILY ZONE DISTRICT

§ 600-358.50. Principal permitted uses.

The following uses are principal permitted uses in the ARMF Zone provided that a mandatory 20% of all units are set aside for very-low-, low- and moderate-income households. Affordable units shall be integrated with the market rate units throughout the development.

- A. Age restricted multifamily buildings

§ 600-358.51. 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. Passive and active recreation. Such as:
- i. Courtyard
 - ii. Outdoor BBQ facilities

- iii. Pool
- B. Residential amenities. Such as:
 - i. Club Room
 - ii. Fitness Room
 - iii. Lobby
 - iv. Work room
 - v. Lounge
 - vi. Open space
 - vii. Storage areas
- C. Off-street parking.
- D. Under building parking
- E. Signs.
- F. Retaining walls/fences.
- G. Utilities, pump stations, transformers, and other essential services.
- H. Temporary trailers for construction, sales and leasing.
- I. Roof-mounted solar panels.

§ 600-358.52. Bulk Standards

- A. Minimum building setbacks from external property lines: 130 feet
 - B. Allowable projections into yards or building envelope. If no separate lots are created, architectural features such as bay windows, cornices, eaves, windowsills, steps, overhangs, other building protrusions or architectural features, provided that said feature does not project more than 24 inches. Ramps designed for Americans with disabilities are not considered a building appurtenance and are not regulated by this section.
 - C. Coverage.
 - i. Maximum tract building coverage: 10 %.
 - ii. Maximum tract impervious coverage: 30%.
- Minimum tract open space or landscaped areas: 55%.

(1) 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.

(2) Any open space as provided herein shall be owned and maintained by the homeowners' association or condominium association in

accordance with the provisions of N.J.S.A. 40:55D-43.

D. Maximum building height. (NOTE: Utilizing the definition for "building height" and not "height of building").

i. Four Stories of Residential Dwellings over One story of Parking

ii. Fifty-five feet.

iii. Non habitable building elements located above the roofline of the highest floor that constitute, contain or screen mechanical equipment, that do not in the aggregate, exceed 20% of the roof area of the building shall be excluded from the calculation of the building height.

iv. Elevator penthouses, staircases and mechanical equipment located on the rooftop shall be screened or located in such a manner as minimize its visibility.

E. Maximum length of building: 400 feet.

F. Maximum density: 112 units on the entire tract, of which 23 will be affordable to very-low, low- and moderate- income households.

§ 600-358.53 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, vinyl, cultured stone and wood.

C. Trash. Each dwelling unit must be designed to have a dedicated location for the interior storage of trash, within the underbuilding parking area, or designed in such a way that said trash shall be stored in a dedicated exterior storage facility. Said refuse storage shall be accessed from within the underbuilding parking structure.

D. Mailboxes. Mailboxes must be provided in the main building. No outdoor mailboxes shall be permitted.

E. Lighting. The lighting requirements shall comport with § 600-177, 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. All utility meters shall be accessed from within the underbuilding parking structure.

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, landscaping or buffer areas so as to reduce its visual, audio, and other impacts 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.

Commented [KG1]: What if there is not under building parking?

Said identification sign shall be a ground-mounted monument sign.

(2) A proposed monument sign shall be located on the property, but outside of 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 sign shall not exceed eight feet in height from the base of the sign and may be externally lit.

(3) Temporary signs. Temporary signs shall be permitted and may include "For Sale," "Open House" and related sale advertising, and construction activity directional signage. Said signs must meet the provisions of § 600-188.

(4) A maximum of two façade signs shall be permitted to identify the building. Façade signs shall be placed either with a band extending across a section of the first level façade (preferably near or above a door or window), pin mounted as individual channel-cut letters at the building roof cornice or mounted as individual channel-cut letters at the front edge of an entrance canopy. The area of a façade sign shall not exceed (30) square feet. If a facade sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content), halo -lit with shielded back glow illumination, or side-lit.

I. Fences and walls. Fences, walls, and retaining walls shall be permitted provided that no fence or freestanding wall shall exceed six 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 four feet in height. Retaining walls may exceed six feet in height, where the approving board finds that the additional height in wall 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 of such walls in order to reduce their visual impact. In no case shall a retaining wall exceed eight 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 five feet.

J. Access.

(1) If only one permanent point of access is proposed, an emergency access point must be provided through the use of grass pavers or other suitable methods or a boulevard access point must be utilized.

(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.

§ 600-358.54 Buffer Areas

A. The development shall provide and maintain a landscaped buffer area within the ARMF Zone which shall be no less than 40 feet in width from all exterior lot lines of the tract. When natural vegetation within the buffer is sparse or nonexistent, the development 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.

§ 600-358.55 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 minimis exception from such requirements is approved by the Board. No Belgian block curbing is required unless necessary for stormwater control.

B. Off-street parking requirements.

(1) Parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) inclusive of statutory credit for electric vehicle parking spaces pursuant to N.J.S.A. 40:55D-66.20.

(2) Each dwelling unit must include one parking space which is assigned to said unit.

(3) Parking for handicapped persons shall be provided as required by state and federal law.

(4) Parking shall comport to the Electrical Vehicle Requirements found in the MLUL.

(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 200 feet from an entrance to the building.

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 ARMF Zone shall be suitably designed to facilitate emergency access by police, firefighting and ambulance service vehicles.

E. Sidewalks. Sidewalks shall be provided within the development in accordance with the RSIS, on one side of cartway only. The Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate. Sidewalks shall be provided on one side of the internal road system.

§ 600-358.56 Affordable housing requirements.

A. The 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 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. Twenty percent of all residential units developed within the ARMF Zone shall be reserved for occupancy by very-low-income, low-income and moderate-income households (hereinafter "affordable units").

C. At least 50% of the affordable units will be available to very low-income and low-income households, and the remainder will be available to moderate-income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of thirteen percent (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.

SECTION 4. To the extent that any provisions found in section 600 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

SECTION 5. The Municipal 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-62 (if required). Upon the adoption of this Ordinance after public hearing thereon, the 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 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:

MATTHEW N. BANSCH
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 March 3, 2026.

Matthew N. Bansch, Municipal Clerk