

ORDINANCE NO. 05-26

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 T-8 MULTIFAMILY ZONE DISTRICT AND REZONE CERTAIN PROPERTY KNOWN AS BLOCK 62101, LOT 2.02 (370 MORRIS AVENUE) AND BLOCK 20801, LOT 35 (3176 ROUTE 10) TO THE T-8 MULTIFAMILY 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:

T-8 Multifamily Zoning 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 changes designated by Block and Lot:

Block	Lot	Change
62101	2.02	T-8 Zone
20801	35	T-8 Zone

SECTION 3. Chapter 600, Land Use, Part 4, Zoning, of the Township Code is hereby amended to establish a new Article LIII.I, T-8 Multifamily Zoning, to read as follows.

ARTICLE LIII.I T-8 MULTIFAMILY ZONE DISTRICT

§ 600-358.60. Principal permitted uses.

The following uses are principal permitted uses in the T-8 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. Stacked Flats
- b. Low Rise Multi Family Buildings

§ 600-358.61. 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 houses/guard booths/welcome booths

- d. Club houses, including sales and leasing offices
- e. Maintenance buildings
- f. Pools
- g. Passive and active recreation
- h. Open space
- i. Off-street parking
- j. Private garages
- k. Signs
- l. Retaining walls/fences
- m. Utilities, pump stations and other essential services
- n. Model homes, including sales and leasing offices
- o. Temporary trailers for construction, sales and leasing
- p. Roof-mounted solar panels

§ 600-358.62. Bulk Standards.

- a. For multifamily dwellings the following bulk standards shall apply:
 - 1. Minimum principal and accessory building setbacks from external property lines: 50 feet.
 - (a) Minimum may be reduced to no less than 35 feet if sufficient landscaping is provided.
 - 2. Minimum front yard
 - (a) 25 feet from any internal cart way back of curb for units fronting on sidewalks; 20 feet from any internal cart way back of curb for units with no sidewalks in front.
 - (b) 8 feet from parking field
 - 3. 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) 60 feet between front and front
 - 4. Minimum distance between residential building and retaining walls
 - (a) From the closest point of the structure: 14 feet.
 - (b) From the closest wall of the dwelling unit: 3 horizontal feet for each foot of wall height.

5. 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. Utility closets may project up to 36 inches. Ramps designed for the Americans with Disabilities Act are not considered a building appurtenance and is not regulated by this section.

b. Coverage:

1. Maximum Tract Building coverage: 25%
2. Maximum Tract Impervious coverage: 65%
3. Minimum Tract 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 provisions of N.J.S.A. 40:55D-43.

c. Maximum Building Height:

1. 3 ½ stories
2. 45 feet

d. Maximum Units per building:

1. 25 units per building

e. Maximum length of building: 200 feet

f. Maximum Density:

- (1) For Lot 35 in Block 20801: 25 units on the entire tract of which 5 will be affordable to very-low-, low- and moderate-income households.
- (2) For Lot 2.02 in Block 62101: 50 units on the entire tract of which 10 will be affordable to very-low-, low- and moderate-income households.

§ 600-358.63. Design Standards.

Buildings shall have architectural features, finishes and patterns that provide visual interest.

- a. 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.

- b. Trash. Each dwelling unit must be designed 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 to be a part of the building with no distinction between construction material, and designed in such a way as to prevent wildlife from gaining access. If there is no interior trash storage provided for, said external facility shall be constructed in an enclosure with a roof using compatible construction material, and designed in such a way as to prevent wildlife from gaining access.
- c. Mailboxes. Mailboxes must be either provided in cluster mailboxes or located in a clubhouse, or other type of facility.
- d. Lighting. The lighting requirements shall comport with § 600-177, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- e. 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.
- f. 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 impact to surrounding land uses.
- g. 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 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 or freestanding sign shall not exceed eight 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 clubhouse.
 - 4. 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.

- h. 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 height in wall outweighs the amount of disturbance a tiered or multiple- tiered wall would require. Any residential building rear yard that faces a down sloping retaining wall shall provide a 6-foot fence at the top of the retaining wall. 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 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.
- i. 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. If a second point of access is not available, no guardhouse 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.

§ 600-358.64. Buffer Areas.

- a. The development shall provide and maintain a landscaped buffer area within the T-8 Multifamily Zone, which shall be no less than 15 feet in width from all exterior lot lines of the tract. 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 Approving 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.

§ 600-358.65. 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 Belgium 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. (Residential Site Improvement Standards) inclusive of statutory credit for electric vehicle parking spaces pursuant to N.J.S.A. 40:55D-66.20.
 2. Parking for handicapped persons shall be provided as required by State and federal law.
 3. 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 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 Approving Board.
- d. Emergency facilities. All housing developed within the T-8 Multifamily 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. The Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate.

§ 600-358.66. 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. Twenty percent (20%) of all residential units developed with the T-8 Multifamily Zone shall be reserved for rental 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 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.
- d. 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.
- e. The phasing applicable to the Affordable Units shall follow regulations established at N.J.A.C. 5:93-5.6(d)."

SECTION 4. To the extent that any provisions found in Chapter 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