

LEGAL NOTICE

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MUNICIPAL ORDINANCES**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the following Ordinance was submitted in writing at a Meeting of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, held on **September 3, 2019** introduced and passed on first reading and the governing body will further consider the same for second reading and final passage thereof at a Meeting to be held on **October 1, 2019** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township at which time and place a Public Hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning same. A copy of this ordinance has been posted on the Bulletin Board in the Municipal Building. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

KHALED MADIN
Township Clerk

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2019:52

**AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED "ZONING" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-7
AFFORDABLE HOUSING DISTRICT ZONE**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that amendments set forth below are made to the Revised General Ordinances of the Township of Parsippany-Troy Hills, Chapter 430 entitled "Zoning."

Section 1. Section 430-4, "Districts established," of the Code of the Township of Parsippany-Troy Hills shall be amended to include a new district as follows:

AHD-7

Affordable Housing District.

Section 2. Section 430-5, Zoning Map. The Township of Parsippany-Troy Hills Zoning Map shall be amended to include a new AHD-7 Affordable Housing District, which shall be shown to encompass Block 136, Lot 44 & 76, as shown on the accompanying Map.

Section 3. Section 430-35, Schedule of Area and Bulk Requirements shall be amended to include a new ‘AHD-7’ row, within which the phrase ‘See Article XLXII’ shall be inserted.

Section 4. Chapter 430 shall be amended and supplemented by the insertion of a new Article XLXII entitled “AHD-7 Affordable Housing District” This new article shall read as follows:

Article XLXII. AHD-7 Affordable Housing District.

§ 430-376. Purpose.

The purpose of the AHD-7 Affordable Housing District is to create a realistic opportunity for the construction of low- and moderate-income housing in a suitable portion of the Township of Parsippany-Troy Hills, and thereby help to address the fair share housing obligation of the Township of Parsippany-Troy Hills under the New Jersey Fair Housing Act (“FHA”), applicable Council on Affordable Housing (“COAH”) regulations, the settlement agreement entered into between the Township and Fair Share Housing Center (“FSHC”) on April 11, 2019, and the Township’s Housing Element and Fair Share Plan. The AHD-7 Affordable Housing District encourages the development of low- and moderate-income housing by allowing for an inclusionary multifamily residential development.

§ 430-377. Permitted uses.

The uses set forth below shall be permitted as a development.

A. Principal uses. The following principal uses are permitted in the AHD-7 Affordable Housing District:

- (1) Multifamily residential dwellings.

B. Accessory uses. The following accessory uses are permitted in the AHD-7 Affordable Housing District:

- (1) Off-street loading and parking, including surface parking, under-building parking, and parking garages.
- (2) Fences and walls.
- (3) Signs.
- (4) Open space and outdoor amenity space.
- (5) Buildings for storage of maintenance equipment.
- (6) Private amenity and recreation buildings and facilities including swimming pools, workout rooms, lobby, leasing office, clubroom, coworking space, common areas and the like, intended for use by residents of the premises and their guests.
- (7) Trash and recycling facilities intended for use by residents of the premises.
- (8) Other accessory uses normally incidental to the principal permitted use.

§ 430-378. Prohibited uses.

Uses prohibited in the AHD-7 Affordable Housing District shall include the following:

- A. Any principal use not specifically permitted herein or permitted by other applicable law.

§ 430-379. Affordable housing requirements.

- A. All multifamily residential developments constructed in the AHD-7 Affordable Housing District shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be twenty percent (20%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
- B. All affordable units to be produced pursuant to this section shall comply with the Township's Affordable Housing Ordinance at Article XLXIX of the Township Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, the Township's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including

a Judgment of Compliance and Repose Order. This includes, but is not limited to, the following requirements for all affordable units:

- (1) **Low/Moderate Income Split:** A maximum of fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (13%) of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
- (2) **Bedroom Mix:** The UHAC (N.J.A.C. 5:80-26.1 et seq.) requirements shall apply in the AHD-7 Affordable Housing District.
- (3) **Deed Restriction Period:** All affordable units shall be deed restricted for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit (the “Deed-Restriction Period”). The affordability controls shall expire only after they are properly released by the Township and/or the Township’s Administrative Agent at the Township’s sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 for for-sale units.
- (4) **Administrative Agent:** All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
- (5) **Other Affordable Housing Unit Requirements:** Developers shall also comply with all of the other requirements of the Township’s Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between the buildings on its site and shall identify the exact location of each affordable unit at the time of site plan application.

§ 430-380. Development standards.

A. Area and bulk requirements. The area and bulk requirements for the uses permitted in the AHD-7 Affordable Housing District are set forth below.

Criteria	AHD-7 Requirements Block 136, Lot 44 & 76
Max. Number of Dwelling Units	325
Minimum. Tract Lot Area (ac)	25
Minimum. Front Yard Setback (ft)	100

Criteria	AHD-7 Requirements Block 136, Lot 44 & 76
Minimum. Side Yard Setback Each (ft)	50
Minimum. Rear Yard Setback (ft)	50
Maximum Percent Lot Coverage by Buildings (%)	30
Maximum Percent Lot Coverage by all Buildings and Pavement. (%)	70
Maximum. Bldg. Sty/Height (ft)	5/60
Minimum Buffer:	
-Front Yard (ft)	50
-Side Yard (ft)	25
-Rear Yard (ft)	25
Maximum Length of Bldg. w/o 2-foot jog in the front facade (ft)	75
Minimum Setback: Building. to Building: (ft)	80

B. Off-street parking and loading requirements.

- (1) Off-street parking spaces and loading areas shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).
- (2) All off-street parking and drive aisles shall be located a minimum of 10 feet from buildings, except for parking and drive aisles which extend continuously into or under a building from outside the building.
- (3) All off-street parking and drive aisles shall be located a minimum of 10 feet from property lines.
- (4) Under-building parking and parking garages shall be permitted.

(5) All parking areas shall be designed in accordance with the applicable provisions of Article XXXVI of this Chapter; however, in the event of a conflict between Article XXXVI and this Article, this Article shall govern.

(6) Off-street parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.

(7) Signage shall be provided where parking spaces are to be reserved for residents.

C. Signage. The following sign types are permitted for the AHD-7 Affordable Housing District:

(1) Monument signs, subject to the below standards:

- i. Maximum number: one (1) per driveway entrance, but no more than three (3) signs total.
- ii. Maximum sign face area: 40 square feet on each side, not including the area of supporting structures.
- iii. Maximum height from grade: 8 feet.
- iv. Minimum setback from property lines: 10 feet.
- v. Such sign shall not be internally illuminated but may be illuminated by shielded LED Halo Lighting or shielded landscape lighting, either directly or indirectly.

(2) Building mounted signs, either wall mounted or canopy mounted, subject to the below standards:

- i. Maximum number: two (2) signs total, one (1) sign per building.
- ii. Maximum sign face area: 1.5 square feet in area for each one foot of linear width of the building wall on which the sign is to be located, provided that no sign may exceed 40 square feet.
- iii. Maximum projection from surface of building: 18 inches, provided that where a sign extends more than 3 inches from the face of the wall, the bottom edge of the sign shall not be less than 10 feet from the ground or have a vertical dimension in excess of 5 feet.
- iv. Maximum height from grade: 25 feet.
- v. Such sign shall not be internally illuminated but may be illuminated by shielded LED Halo Lighting or shielded landscape lighting, either directly or indirectly.
- vi. Wayfinding signs for entrance, parking, emergency access, etc., which shall not count as monument signs or building mounted signs, subject to the below standards.
- vii. Maximum sign face area: 12 square feet on each side, not including the area of supporting structures.
- viii. Such sign shall not be internally illuminated, but may be illuminated by shielded LED Halo Lighting or shielded landscape lighting, either directly or indirectly.

D. Design Standards. The design standards of section 430-350D are applied to the AHD-7 Affordable Housing District but only to the extent appropriate for the site and only if not inconsistent with the express standards of this ordinance.

E. Accessory buildings and structures: All accessory buildings and structures shall be subject to the standards set forth at § 430-13. Architectural design and materials used in the

construction of accessory buildings and structures shall conform to those used in the construction of principal buildings.

- F. **Building Height Exceptions.** Notwithstanding Code section 430-19, height limits in this zone shall not apply to transmission or aerial towers, masts, flagpoles or chimneys, provided that the horizontal area of such parts does not exceed 5% of the roof area wherein the proposed exception is located, nor shall the limits apply to parapet walls not over 4 feet high, and further provided that height limits shall not apply to roof-mounted heating, air conditioning or other mechanical equipment, or to elevator or stair bulkheads (including shafts; and vestibules not larger than 100 square feet in area providing access to a roof), or other rooftop appurtenances. Such equipment shall not exceed 12 feet in height above the roof surface, and when visible when standing at ground level, shall be screened by a wall, cover or by other means that shall be in keeping with the architectural motif of the building.
- G. **Critical Slope Areas.** Permitted levels of disturbance and development in critical slope areas as defined in § 430-345A shall be modified as follows:

<u>Slope Category (percent)</u>	<u>Max. Area of Disturbance/Development</u>
15% to 19.99%	60% based on current topography
20% to 24.99%	55% based on current topography
25% or greater	45% based on current topography

H. **Fences and Walls.**

- (1) Notwithstanding Code section 430-11 or 225-61, necessary retaining walls required for site grading shall be permitted in side yards. Retaining walls in side yards shall be a maximum of 11 feet in height with a maximum average height of 8 feet, provided that.
- i. No section of wall greater than 6 feet in height shall extend for more than 250 feet in length; and
 - ii. Landscape planting consisting of evergreen and deciduous trees and shrubs shall be required at the top and bottom of the wall to reduce the appearance of height and mass.

Section 5. If any article, 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 and they shall remain in full force and effect.

Section 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Parsippany-Troy Hills, the provisions

hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Parsippany-Troy Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 7. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Morris 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).

Section 8. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Parsippany-Troy Hills for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 9. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 10. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

