

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. 2019:55

**AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED "ZONING" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-3 OVERLAY
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 overlay district as follows:

OVL-3 Overlay District.

Section 2. Section 430-5, Zoning Map. The Township of Parsippany-Troy Hills Zoning Map shall be amended to include a new Overlay Zone, which shall be shown to encompass Block 392 Lots 1 and 2, and which shall retain the underlying ROL Research Office and Laboratory Zone designation for these parcels, as shown on the accompanying Map.

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

Section 4. Chapter 430 shall be amended and supplemented by the insertion of a new Article XLXV entitled “OVL-3 Overlay District.” This new article shall read as follows:

Article XLXV. OVL-3 Overlay District.

§ 430-391. Purpose.

The purpose of the OVL-3 Overlay 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 OVL-3 Overlay District encourages the development of low- and moderate-income housing by allowing for a mixed use inclusionary multifamily residential; however, developers shall also have the option of developing in accordance with the underlying B-1 Zone standards.

§ 430-392. Definitions.

- A. FRONT LOT LINE: The front lot line shall be as determined by the development plan with appropriate consideration for location on Lanidex Plaza and integration with any redevelopment plan.
- B. TOWNHOUSE BUILDING: Building containing attached townhouse dwellings.
- C. TOWNHOUSE BUILDING GROUP: Individual lot or designated area containing townhouse dwellings.

- D. TRACT: For purposes of this section, the word or phrase “tract” or “tract lot line” shall be synonymous with the OVL-3 District itself. Since development of the tract is intended to be planned as an integrated whole, the bulk requirements as noted in the OVL-3 district are to apply to either the tract or internal lot or lot line as identified herein.
- E. Refer to §430-8 for additional applicable definitions.
- F. Interpretation. To the extent existing Zoning Ordinance Definition or provision conflicts with this Ordinance, this Ordinance shall prevail.

§ 430-393. Overlay provisions.

The principal permitted uses in the OVL-3 Overlay Zone shall be identical to those uses permitted in the ROL Research Office and Laboratory Zone as set forth at §430-178; provided, however, that any developer that elects to develop in accordance with the OVL-3 Overlay Zone standards as set forth herein shall be required to provide multi-family dwellings as noted herein

§ 430-394. Permitted uses.

- A. The following residential unit types are permitted in the OVL-3 Overlay District, provided that 20 percent of all units created in the overlay district must be affordable to low- and moderate income households in accordance with all applicable regulations of the Council on Affordable Housing (COAH), the Fair Housing Act (N.J.S.A. 52-27D-301 et seq.) and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) as noted herein:

- (1) Townhouse dwellings.
- (2) Multifamily dwellings, shall be located at least 250 feet north of the south tract line.

- B. Other principal permitted uses:

- (1) Active and passive recreation and open space areas, such as parks, plazas, and promenades accessible to the general public, whether publicly or privately owned.
- (2) Nonresidential uses located on the ground level of multifamily buildings, permitting any combination of the principal nonresidential uses listed as follows:
 - (a) Civic facilities directly serving the public such as municipal uses including; offices, community centers, post office, and library; but excluding facilities such as public works yards, garages, and treatment plants.

- (b) Retail establishments such as stores, shops, and services, including academic tutoring and arts instruction.
- (c) Restaurants, cafés, and other eating and drinking establishments.
- (d) Art galleries.
- (e) Multifamily residential entrances and service spaces, including leasing offices on ground floor for residential units as permitted.
- (f) Banks and financial institutions, without drive-through features.
- (g) Offices, including general, professional and governmental.
- (h) Indoor health and fitness facilities limited to a maximum square footage of 5,000 square feet.
- (i) Recreation indoor or outdoor facilities publicly or privately operated.
- (j) Pet retail stores including grooming. Excluding animal kennels or animal day or night boarding facilities.
- (k) Dry cleaning and laundry establishments (cleaning and laundry must be conducted off-site).
- (l) Pharmacies without drive-through features.

C. Accessory uses. The following accessory uses are permitted in the OVL-3 Overlay District:

- (1) Off-street parking, including surface parking, under-building parking, and parking garages. Structured parking garages required to be architecturally screened so that no vehicle can be seen from a public street except for the vehicular or pedestrian entrance/exits and located at least 250 feet north of the south tract line.
- (2) Fences and walls.
- (3) Signs.
- (4) Buildings for storage of maintenance equipment.
- (5) Private recreation buildings and facilities, including swimming pools, workout rooms, common areas and the like, intended for use by residents of the premises.
- (6) Trash and recycling facilities intended for use by residents of the premises.
- (7) Other accessory uses normally incidental to the principal permitted use.

§ 430-395. Prohibited uses.

Uses prohibited in the OVL-3 Overlay District shall include the following:

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

§ 430-396. Affordable housing requirements.

- A. All multifamily residential developments constructed in the OVL-3 Overlay 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. The Developer shall provide a preference for low- and moderate-income households of which a member of that household is a veteran as permitted under N.J.S.A. 52:27D-311.
- (2) All said affordable housing units shall be constructed on site and located in the multifamily residential buildings so that such buildings contain a mix of affordable and market rate units. Affordable housing units shall also be constructed to be indistinguishable from market rate units from the exterior of the building. Each phase of development shall provide 60 affordable housing units.
- (3) Bedroom Mix: Shall comply with the UHAC (N.J.A.C. 5:80-26.1 et seq.) requirements shall apply in the OVL-3 Overlay District.
- (4) 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.
- (5) Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
- (6) 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.

§ **430-397. Development standards.**

A. Area and bulk requirements. The area and bulk requirements for the uses permitted in the OVL-3 Overlay District are set forth below. The area and bulk regulations of the underlying zoning district shall remain in full force and effect for development devoted exclusively to uses permitted in the underlying zoning district.

- (1) Minimum tract area: 23.7 acres.
- (2) Minimum lot area: No minimum lot size or dimension shall be required for any lots that may result from subdivision of the tract. Should further subdivision of the tract occur, rights shall be provided to all lots in the tract for access, parking use, open space use and the like as established herein provided by instruments such as covenants, reciprocal or cross access agreements or deed restrictions which form shall be subject to the approval of the applicable Township authority.
- (3) Maximum building tract coverage: 35 percent
- (4) Maximum impervious tract coverage: 60 percent
- (5) Minimum open space or landscaped areas on tract: 40 percent. In computing the open space requirement, common recreation areas accessory to the residential use, public recreation areas, required buffer areas, environmentally sensitive lands and stormwater facilities shall be included.
- (6) Minimum buffer width to residential zone or use: 50 feet
- (7) Maximum tract non-residential floor area for ground floor of multifamily buildings: 16,000 square feet
- (8) Maximum number of residential units: 600 units, consisting of 550 residential rental units and 50 townhouses, which may be adjusted to provide 75 townhouses with a proportionate reduction of the market rate rental units.
 - (a) Maximum number of units per townhouse building group: 8 units.
 - (b) Minimum tract setbacks:
 1. From residential zone district lot line: 50 feet
 2. From nonresidential zone district lot line: 50 feet
 - (c) Minimum front building setback from a public or private street: 15 feet from public right-of-way or private roadway street line.
 - (d) Minimum distance between townhouse buildings:
 1. Side-to-side units: 25 feet.
 2. Setback between a townhouse building group as defined herein: 10 feet.
 3. Interior driveway area setback between townhouse buildings: 60 feet.
 - (e) Maximum building height: 3 stories and 35 feet
 - (f) Maximum building façade length in townhouse building group: 120 feet.
 - (g) No more than two adjacent townhouse units shall be constructed without providing a staggered front building wall offset of no less than three feet.
 - (h) Each townhouse unit shall have no less than two means of ingress and egress.
 - (i) Each townhouse unit shall have no less than two walls with window exposures.
 - (j) Each townhouse shall have a minimum width of 22 feet.
 - (k) Each townhouse may be provided with a patio or deck. The patio or deck may extend a maximum 12-foot distance from the rear wall of the townhouse structure.

(9) Multifamily and mixed-use multifamily buildings

- (a) Maximum building height: 65 feet
- (b) Multifamily buildings shall be setback a minimum of 15 feet to internal tract public rights-of-way or private streets.
- (c) Minimum multifamily dwelling unit sizes permitted are as follows:
 - a. Studio units: 500 square feet
 - b. One bedroom units: 700 square feet
 - c. Two-bedroom units: 900 square feet
 - d. Three bedroom units: 1,000 square feet
- (d) Minimum multifamily resident amenity space shall be 100 square feet per unit. Such space shall include no less than 70 square feet per unit as resident outdoor open space including semi-private or private recreational courtyards, rooftop amenities, private terraces or patios. The remainder can be met with such resident amenity space as clubhouse facilities, fitness centers or lounge and meeting rooms.

(10) Commercial space shall not exceed a total of 16,000 square feet.

B. Parking and Loading. Development within the OVL-3 Overlay District shall conform to the off-street parking and loading requirements as specified in Article XXXVII, except that use and minimum space requirements under Section 430-276 shall be applied in the OVL-3 Overlay District as follows:

- (1) If the development plan for a Phase or construction of Phases meets the statutory criteria, the Developer may apply to obtain a “de minimis” exception or waiver from the RSIS parking requirements pursuant to N.J.A.C. 5:21-3.1 or 2, if the phase(s) meet the criteria of either regulation. If the Township agrees to the request, it will join and support the application to the Site Improvement Advisory Board.
- (2) Residential uses, not including mixed-use residential buildings: Conformance with latest standards of the New Jersey Residential Site Improvement Standards (R.S.I.S.) with the provision that the guest parking requirement shall be permitted to be shared in accordance with a specific shared parking requirement as outlined below resulting in a parking ratio of no less than 1.7 spaces per dwelling unit.
- (3) Mixed-use building residential uses: Conformance with latest standards of the New Jersey R.S.I.S. with the provision that the guest parking requirement shall be permitted to be shared in accordance with a specific shared parking requirement as outlined below resulting in a parking ratio of no less than 1.7 spaces per dwelling unit.
- (4) Commercial / Nonresidential Uses: One space per 200 square feet of gross floor area.
- (5) Restaurants. One space per 3 seats provided for patron use or one space for each 75 square feet of retail space excluding kitchens and utility rooms and bartender serving areas whichever is greater. There shall be no additional parking required for outdoor dining.

- (6) 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.
- (7) All off-street parking and drive aisles shall be located a minimum of 10 feet from property lines.
- (8) 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.
- (9) Off-street parking shall not be provided for any use or to any party other than a resident or visitor of the site, unless a shared parking arrangement has been approved by the reviewing board, nor shall parking areas be used for any purpose other than parking.
- (10) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.

C. Shared parking. For mixed-use residential buildings, a shared parking approach to the provision of off-street parking shall be permitted where feasible, as determined by the approving agency. The methodology used by the developer to calculate the number of shared parking spaces permitted shall be in conformance with applicable sections of 430-275 and those recommended in the Urban Land Institute "Shared Parking Standards for a Mixed-Use Center" latest edition or later or similar nationally recognized standard. The shared parking study should be provided to the Board for approval, outlining minimally the following:

- (1) The recommended parking needs of the mixed-use project.
- (2) The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
- (3) Similar mixes of uses in other areas of the community or of a similar project operated by the developer.
- (4) Degree of variability of parking for individual uses (average, range, and standard deviation).
- (5) If shared parking is approved by the Board, future change of tenancy will be subject to the review and approval of the changes to the shared parking approval. Such change in tenancy review shall be undertaken by the Minor Site Plan and Subdivision Committee of the Planning Board as deemed appropriate in accordance with § 225-44.

D. Parking structures.

1. Parking structures shall be screened with principal building use structures or shall be screened by architectural treatments as provided on adjacent principal buildings to sufficiently disguise the structure.
2. Architectural treatments shall include such features as; compatible façade materials, building openings or window arrangement and detailing, gratings artistic panels and green wall treatments to disguise or screen the parking or structure. Such features shall not represent a sign as defined in § 430-279.

3. Parking structure entrances shall be accentuated by the architectural detailing and to provide visual identification to safeguard pedestrian movement and crosswalks where appropriate.
 4. Provisions for a living wall system, civic art and/or decorative lighting is permitted to maximize the visual quality from residential units facing and adjacent public roadways to the parking structure as well as elevations facing the surrounding community.
 5. Ramps to such a garage structure shall be internal to the structure or screened.
- E. Service access and deliveries. Service access for all commercial and multifamily residential facilities shall be provided via open air and enclosed entranceways at each building designed to be isolated from primary pedestrian circulation areas and screened from view to the extent practical.
- F. Signage. Signage requirements for the OVL-3 Overlay Zone shall be consistent with the signage requirements in 430-286, as set forth in XXXVIII, Signs.
- G. Design Standards. The design standards of the OVL-3 Overlay Zone shall be consistent with the standards of 430-350D but only to the extent appropriate for the site and only if not inconsistent with the express standards of this ordinance.
- H. 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.

§ 430-398. Development/Phasing.

- A. The development plan may be approved in whole or in phases by the approving Board, provided each phase is self-sufficient with regards to parking, access, utilities, buffering, and other site plan items. Such phasing plan shall be approved by the respective approving Board during site plan review and approval.
- B. Subject to the Developer's obligations of the Settlement Agreement. Phases I and II may be included in a Redevelopment Plan, a general development plan, or similar type plan for the development of the Property. Alternatively, the Developer may subdivide Phases I and II and implement reciprocal easement agreements. In such event, the area of Phases I and II shall be included in determination of the density for the entirety of the Property.

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.