

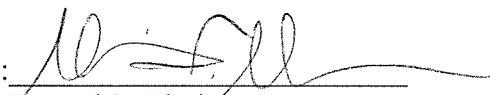
Ord.#24-2017 An Ordinance of the Township Council of the Township of Mount Olive,
County of Morris, State of New Jersey to Amend and Supplement Chapter
550 "Land Use" to Establish Definitions and Standards for a Planned Unit
Residential Development for the FTZ-4 Zone District.

CLERK:

Delivered to Mayor:

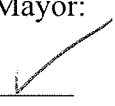
Date: 12/20/2017

Time: 1:15pm

Signed: 
Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:


Approved: 

Date: 12/20/2017

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 
Mayor

CLERK:

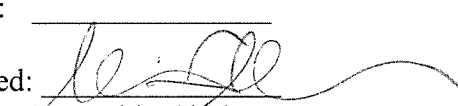
Returned:

Date: 12/20/17

Time: 1:35 pm

Not returned with in (10) days

Date: _____

Signed: 
Township Clerk

Ord.#24-2017

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 550 "LAND USE"
TO ESTABLISH DEFINITIONS AND STANDARDS FOR A PLANNED UNIT
RESIDENTIAL DEVELOPMENT FOR THE FTZ-4 ZONE DISTRICT AND TO REZONE
LOT 2 IN TAX BLOCK 106 FROM GI-GENERAL INDUSTRIAL TO FTZ-4**

WHEREAS, the Mount Olive Township Planning Board adopted an amendment to the Land Use Plan Element of the 2003 Master Plan on December 17, 2015 the purpose of which was to establish the planning foundation to modify the existing permitted uses applicable to the FTZ-4 zone district in order to permit residential use, specifically in the form of planned residential development; and

WHEREAS, the 2015 Land Use Plan Amendment did recommend the expansion of the principal permitted uses in the FTZ-4 district to include residential so as to create opportunities for the repurposing of the former BASF complex and to provide opportunities to develop remaining undeveloped parcels within the district at appropriate scale and densities with the inclusion of affordable housing to address the Township's prospective need obligation; and

WHEREAS, notwithstanding the 2015 Land Use Plan Amendment recommendation to permit residential use for selected parcels in the FTZ-4 district, the Planning Board Master Plan Committee and their professional staff, upon further consideration, support the inclusion of all properties situate in the FTZ-4 district to maximize opportunities for revitalization of the district; and

WHEREAS, the December 17, 2015 Amendment to the Land Use Plan Element of the Master Plan did also recommend the rezoning of Lot 2 in Block 106 from GI-General Industrial to FTZ-4; and

WHEREAS, the Mayor and Township Council of the Township of Mount Olive have determined that the recommendation set forth in the 2015 Land Use Plan Amendment with respect to permitting residential use in the FTZ-4 represents sound planning policy and will provide an essential component in addressing the Township's prospective affordable housing obligation, and does further acknowledge the wisdom of including all parcels within the FTZ-4 to maximize revitalization opportunities; and

WHEREAS, the Mayor and Township Council do also agree with the recommendation set forth in the December 17, 2015 Amendment to the Land Use Plan Element of the Master Plan to rezone Lot 2 in Tax Block 106 from GI-General Industrial to FTZ-4 as said property is contiguous with Lot 3 in Tax Block 106 which is situate in the FTZ-4 zone district and by such action will enhance the options for a Planned Unit Development.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Mount Olive that Chapter 550 entitled "Land Use" of the Township Code shall be revised and amended to establish planned unit residential development as a permitted principal use in the FTZ-4 zone district subject to the standards and requirements set forth herein.

Section 1.

Article II, "Definitions" § 550-5 shall be amended to include the following definitions:

GENERAL DEVELOPMENT PLAN – A comprehensive plan for the development of a planned development, as provided in Section 4 of P.L. 1987, c.129 (C.40:55D-45.2).

PLANNED UNIT RESIDENTIAL DEVELOPMENT - An area with a minimum contiguous or noncontiguous area of 50 acres to be developed as a single entity according to a plan, containing one or more contiguous clusters or noncontiguous clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

Section 2.

Article VII, “Zoning District Use and Bulk Regulations”, § 550-103 “Nonresidential districts”, Section G. FTZ: Foreign Trade Zone Special District, subsections (1) “Permitted principal uses shall be as follows” (b) “FTZ-4 District” shall be amended to add new category number (b) [2] to read as follows:

(1) Permitted principal uses shall be as follows:

(b) FTZ-4

[1] The principal uses permitted in the G-1, C-1 and C-2 Zones.

[2] Planned Unit Residential Development in accordance with the standards in subsection (7)

Section 3.

Article VII, “Zoning District Use and Bulk Regulations”, § 550-103 “Nonresidential districts”, Section G. FTZ: Foreign Trade Zone Special District shall be amended to add a new subsection (7) to read as follows:

(7) Planned Unit Residential Development

- (a) A planned unit residential development is intended to provide a range of residential uses on a single tract in accordance with a comprehensive plan with regard to the location of uses, buildings, parking, open space, vehicle and pedestrian circulation and related site improvements, and to further encourage creative and innovative design while also providing flexibility in terms of how uses/buildings shall visually relate to each other as well as the overall landscape.
- (b) The minimum tract area for a planned unit residential development shall be 50 acres and may contain contiguous or non-contiguous lands.
- (c) Any developer seeking approval of a planned unit residential development may, but is not required to, submit a general development plan to the Planning Board. If a developer files a general development plan, then the Planning Board shall approve such plan prior to the filing of an application seeking preliminary major subdivision or preliminary site plan approval pursuant to this chapter. A general development plan submission shall be in accordance with the requirements established herein.

(d) Permitted principal residential uses within a planned unit residential development shall be as follows:

[1] Single-family detached dwellings

[2] Townhouses

[3] Stacked townhouses/flats

[4] Apartment/multi-dwelling units

(e) Permitted accessory uses within a planned unit residential development shall be as follows:

[1] Recreational, social and communal facilities for the exclusive use of residents and guests.

[2] Active and passive outdoor recreation facilities

[3] Off-street parking areas

[4] Gatehouses

[5] Individual and common mailboxes

[6] Signage

[7] Enclosed trash and recycling storage areas

[8] Patios and decks

(f) Conditional uses within a planned unit residential development shall be as follows:

[1] None

(g) Mandatory affordable housing provision.

[1] A planned unit residential development shall be required to provide 20% of the total residential dwelling units to households of low- and moderate-income with at least one-half ($\frac{1}{2}$) the total number of such units available to low-income households and thirteen (13) percent shall be for very low income.

[2] The applicant/developer may elect to locate the required low-and moderate-income units on a separate lot or lots pursuant to site plan and subdivision approval by the Planning Board.

(h) Overall development standards.

[1] Residential density. Residential density, inclusive of both market and low- and moderate- income units, shall not exceed six (6) units per gross acre. For purposes of computing residential density, all lands within the planned unit residential development tract area shall be counted, including any lands set aside as open space, whether dedicated to public use or not.

[2] A required buffer of no less than 100 feet shall be provided to the Morris Canal. No disturbance shall be permitted within said buffer area, except for open space use and/or utilities, including sub-surface stormwater management facilities, necessary to serve the development subject to Planning Board review and approval.

[3] Open space shall comprise at least 40% of all lands within the planned unit residential development tract area. Open space may be set aside as common property for the benefit of the residents or may be dedicated to the municipality. Open space may include athletic fields, other active recreational facilities, walking and/or biking trails and passive recreation designed to the extent practical to preserve and enhance natural site features. Access drives, parking areas and any other facilities customarily incidental to open space use are permitted as part of the required open space component subject to Planning Board review and approval.

[4] Infrastructure improvements. The Planning Board shall reserve the right to require on-tract and off-site road improvements to ensure safe and efficient ingress and egress to the planned unit residential development. All internal residential streets shall be designed in accordance with N.J.A.C. 5:21-1.1 et seq. (Residential Site Improvement Standards)

[5] Utilities. A planned unit residential development shall be served by a central water and sanitary sewerage system. All utility lines shall be installed underground in accordance with this chapter.

[6] Phasing. Nothing contained herein shall preclude the phasing of any section of the planned unit residential development which shall include phasing plan for affordable units as established herein.

[7] Subdivision. Nothing contained herein shall preclude a developer from seeking subdivision approval for purposes of allowing separate ownership and/or financing of lands within the planned unit residential development.

[8] There shall be no required lot area dimensional requirements and no required internal setback requirements to lot lines in connection with any future subdivision within the planned unit residential development other than as may be established herein.

[9] The Planning Board may reduce any tree replacement requirements pursuant to § 550-75 as a means of reducing costs for inclusionary housing

development consistent with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-311.

(i) Residential development standards

[1] The planned unit residential development shall contain a mix of two or more of the following unit types: single-family detached dwellings, townhouses, stacked townhouses/flats and apartments/multi-dwelling units. The coverage requirements established below shall apply to the land area within the planned unit residential development devoted to each residential type, except that for single-family detached dwellings such coverage requirements shall apply to individual lots. Townhouses may be developed on a fee simple basis, in which case there shall be no separate dimensional, setback or coverage requirements for individual lots.

[2] Single-family detached dwellings

[a] Minimum lot area: 6,000 square feet

[b] Minimum lot width and frontage: 55 feet

[c] Minimum lot depth: 100 feet

[d] Minimum front yard setback: 20 feet; with open porch permitted within 15 feet of the front lot line.

[e] Minimum Side yard (each): 7.5 feet

[f] Minimum rear yard: 25 feet

[g] Maximum building coverage: 35%

[h] Maximum lot coverage: 60%

[i] Maximum building height: 40 feet

[3] Townhouse dwellings

[a] Townhouse dwellings shall not exceed eight units in one overall structure.

[b] Minimum setback to Continental Drive: 50 feet

[c] Minimum setback to internal street: 15 feet

[d] Minimum setback to other tract boundaries: 30 feet

[e] Maximum building height: 50 feet

[f] Maximum building coverage: 25%

[g] Maximum lot coverage: 60%

[h] Minimum distance between end unit to end unit: 20 feet

[i] Minimum distance between rear of unit to rear of unit: 50 feet, exclusive of rear decks/patios which may extend into this area

[j] Minimum distance between front of unit to front of unit: 50 feet

[4] Stacked flats/townhouses

[a] Stacked flats/townhouses shall not exceed twenty-four (24) units in one overall structure

[b] Minimum setback to public street: 50 feet

[c] Minimum setback to internal street: 25 feet

[d] Minimum setback to other tract boundary: 30 feet

[e] Maximum building height: 50 feet

[f] Maximum building coverage: 25%

[g] Maximum lot coverage: 60%

[h] Minimum distance between end unit to end unit: 20 feet

[i] Minimum distance between rear of unit to rear of unit: 50 feet, exclusive of rear decks/patios which may extend into this area

[j] Minimum distance between front of unit to front of unit: 50 feet

[5] Apartment/multi-dwelling unit buildings.

[a] Apartment/multi-dwelling unit buildings shall not exceed thirty-six (36) units in one overall structure. Existing buildings within the FTZ-4 District as of November 2017 may have more than 36 units within one

overall structure subject to compliance with gross density standards of the district.

[b] Minimum setback to public street: 50 feet

[c] Minimum setback to internal street: 25 feet

[d] Minimum setback to other tract boundaries: 30 feet

[e] Maximum building height: 50 feet excluding existing buildings within the FTZ-4 District as of November 2017

[f] Maximum building coverage: 25%

[g] Maximum lot coverage: 60%

[h] Minimum distance between rear of unit to rear of unit: 50 feet.

[6] Setbacks from tract boundaries for accessory buildings and structures. The minimum setbacks for accessory buildings and structures shall be as follows:

[a] Recreation facilities shall maintain a minimum distance of 50 feet from all tract boundaries.

[b] Individual or group mailboxes may be permitted within one foot of the curb

[c] Signage as established below.

[d] A gatehouse shall maintain a minimum distance of 40 feet from a public street.

[7] Minimum off-street parking requirements. The number and design of parking spaces for the residential dwellings shall conform to the requirements of Section 5:21-4.14 and design standards of Sections 5:21-4.15 and 5:21-4.16 of the Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.)

[8] Pedestrian circulation network. All sidewalks shall be provided with appropriately scaled lighting to ensure public health and safety. Separate walking trails may be permitted as a component of the open space requirement but shall not serve as a substitute for sidewalks.

[9] Landscaping, street trees, and buffers. A landscape plan, prepared by a certified landscape architect, shall be required and shall provide for the following:

[a] Street trees shall be installed on both sides of all streets planted at an average distance not to exceed 40 feet on-center.

[b] The interior and perimeter edge of stormwater basins shall be suitably planted with trees and shrubbery. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

[10] Development signs. Development signage may be permitted subject to the following standards:

[a] Development identification signs shall be limited to no more than three monument signs. The maximum height of an entire monument sign structure shall not exceed 12 feet from grade. The maximum sign area shall not exceed 60 square feet. No part of the sign shall have internal illumination. A development identification sign shall maintain a minimum setback of 10 feet from a public street or tract boundary.

[b] A maximum of six directional signs may be permitted within the planned unit residential development. The maximum sign area per sign shall not exceed four square feet and shall not exceed a mounting height of four feet. Directional signs shall have no internal or external means of illumination. Directional signs shall not be located in any public right-of-way. The location shall be subject to Planning Board approval.

[11] Trash storage area. Trash and recycling receptacles shall be stored internally within all residential and recreational buildings except for the time period necessary to make such containers available for collection. Trash and recycling receptacles are permitted to be located outside the building(s), provided that suitable enclosures are provided to completely screen such receptacles from view. Screening materials may include solid wood or synthetic material, brick or solid block. Chain link fence enclosures, with or without privacy slats, shall be prohibited.

[12] Phasing plan.

[a] A phasing plan for the low- and moderate income units shall be provided at the time of preliminary site plan and/or subdivision approval in accordance with the following schedule:

Percentage of Market Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0
25% plus 1	10%
50%	50%
75%	75%
90%	100%

[13] Compliance with affordable housing standards. The developer shall provide the Planning Board with appropriate documentation at the time of application for preliminary site plan and/or preliminary major subdivision to demonstrate compliance with the requirements for the low- and moderate-income units as set forth in this chapter.

(j) Findings for planned unit residential development

Prior to approving a planned unit residential development, the Planning Board shall render the following findings and conclusions pursuant to N.J.S.A. 40:55D-45:

[1] That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to N.J.S.A. 40:55D-65;

[2] That the proposals for maintenance and conservation of the common open space, and the amount, location and purpose of such open space, are adequate;

[3] That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

[4] That the proposed planned unit residential development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

[5] In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupant and owners of the

proposed development in the total completion of the development are adequate.

(k) General development plan

[1] Contents

If the developer chooses to submit a general development plan to the Planning Board, said general development plan (exclusive of required reports and other written documentation) shall be submitted at a scale of approximately 1':200 feet, or such scale permitting the entire tract to be shown on a single sheet not larger than 30" by 42". Enlargement of portions of the general development plan may be submitted on separate sheet of the same size.

A general development plan shall include the following:

[a] A general land use plan indicating the tract area and locations of the land uses to be include in the planned unit residential development. The total number of dwelling units permitted and proposed and proposed land area to be devoted to residential and open space use shall be set forth. In addition, the land area to be occupied by each proposed use shall be estimated. The density of the entire planned unit residential development shall be provided;

[b] A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned unit residential development and any proposed improvements to the existing transportation system outside the planned unit residential development;

[c] An open space plan showing the proposed land area and location of land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan of the operation and maintenance of such lands;

[d] A utility plan indication the need for and showing the proposed location of sewage and water lines, and drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;

[e] A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;

[f] An environmental inventory, including a general description of the vegetation, soils topography, geology, surface hydrology, climate and cultural resources of the site, existing manmade structures or features and the probable impact of the development on the environmental attributes of the site;

[g] A community facility plan indicating the scope and type of supporting community facilities;

[h] A housing plan outlining the number of housing units to be provided and the extent to which any affordable housing obligation assigned to the municipality pursuant to the New Jersey Fair Housing Act of 1985 (as amended) will be fulfilled by the development.

[i] A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.

[j] A fiscal report describing the anticipated demand on municipal services and the school district to be generated by the planned unit residential development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under subsection [xi] below, and following the completion of the development in its entirety.

[k] A proposed timing scheduling in the case of a planned unit residential development whose construction is contemplated over a period of years, including the number of market and affordable dwelling units to be included in each development phase, and any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned unit residential development prior to the completion of the development in its entirety; and

[l] A written agreement between the developer and the Township relating to the planned unit residential development.

[2] Effect and duration of approval

[a] The planned unit residential development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of N.J.S.A. 40:55D-1 et seq., or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval. The general terms and conditions upon which the general development plan was granted, including but not limited to on-site or off-site requirements, shall not be changed, unless application for modification is made by the developer and approved by the Planning Board pursuant to the requirements of this section.

[b] The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in subsection [c] below, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer received final approval of the first section of the planned unit residential development.

[c] In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider: the number of dwelling units to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

[3] Modification of Proposed Schedule

In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.

[4] Variations in Location of Land Uses or Increase in Density

The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned unit residential development or to increase the density of

residential development in any section of the planned unit residential development.

[5] Amendment or Revision of General Development Plan; Allowable Reductions within Original Approval

[a] Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer and approval by the Planning Board.

[b] A developer, without violating the terms of the General Development Plan approval, may, in undertaking any section of the planned unit development, reduce the number of residential units by no more than 15% or reduce the residential density floor area ratio by no more than 15% provided, however, that a developer may not reduce the number of residential units to be provided pursuant to P.L. 1985, c. 222 (C. 52:27D-301 et al.) without prior approval.

[6] Notice of Completion of Section of Development; Notice by Municipality of Nonfulfillment; Hearing, Termination of Approval; Causes

[a] Upon completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of the State Uniform Construction Code Statute (C. 52:57D-133). If the Township does not receive such notification at the completion of any section of the development, the Township shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

[b] If at any time the Township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the Township finds good cause

to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

[c] In the event that a developer who has general development plan approval does not apply for preliminary site plan approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the Township shall have cause to terminate the approval.

[7] Termination of Approval upon Completion of Development

In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

Section 4.

The Zoning Districts and Map entitled 2016 Zoning Map Township of Mount Olive, Morris County, New Jersey as revised through November 1, 2016 and prepared by Van Cleef Engineering Associates, as established in Chapter 550, Land Use, Article VI, Zoning, § 550-78, Interpretation and General Provisions, subsection F, Zoning districts and map, shall be amended to incorporate the following change:

Lot 2 in Tax Block 106 shall be reclassified from the GI-General Industrial zone district to the FTZ-4 zone district.

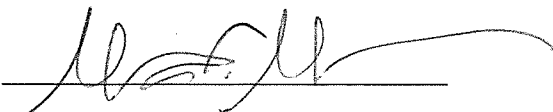
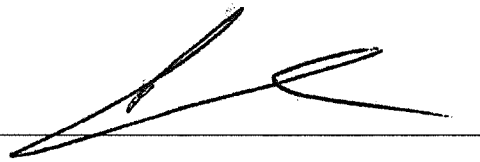
Section 5.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

Section 6.

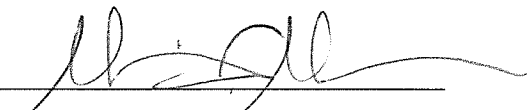
This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

ATTEST: 12/19/2017


Michelle Masser, Township Clerk
Joe Nicastro, Council President

CERTIFICATION

I, Michelle Masser, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on November 21, 2017 and adopted by the Township Council at a regular meeting of the Township held on December 19, 2017.


Michelle Masser, Township Clerk