



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #24-14**

AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF FLORHAM PARK IN ORDER TO CREATE A MU MIXED-USE ZONE, AND IN ORDER TO REZONE CERTAIN PROPERTIES TO THE MU MIXED-USE ZONE

WHEREAS, it is the intent and purpose of the Municipal Land Use Law (the "MLUL") to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, pursuant to MLUL N.J.S.A. 40:55D-62(a), reasonable consideration must be given to the character of each district and its suitability to particular uses, and appropriate uses must be encouraged; and

WHEREAS, on or about July 6, 2017, the Borough of Florham Park ("Florham Park") entered into a settlement agreement in an action captioned In the Matter of the Application of the Borough of Florham Park for A Determination of Mount Laurel Compliance (Docket No. MRS-L-1698-15), with Fair Share Housing Center, Alfieri-Florham Park, LLC, the Sisters of Charity of Saint Elizabeth, Palmont Associates, LLC, Ridgedale Plaza Associates, LLC, Braemar Homes, LLC, and B&B Associates, LLC, which outlines provisions for the inclusion of affordable housing on certain parcels located within the Borough of Florham Park; and

WHEREAS, the general purpose of the MU Mixed-Use Zone is to permit comprehensive development containing a mix of retail uses consistent with the permitted uses in the B-1 Zone, office uses consistent with the permitted uses in the PB-2 Professional and also to establish very low, low and moderate income multifamily housing units in conjunction with market rate units; and

WHEREAS, the principal permitted uses in the MU Mixed-Use Zone allow for retail, office, and inclusionary multifamily residential uses; and

WHEREAS, in furtherance of the aforementioned purposes of the MLUL, and in order to encourage appropriate uses in the MU Mixed-Use Zone, the Florham Park Borough Council finds and declares that it would be beneficial to create the MU Mixed-Use Zone with bulk criteria and conditional use criteria applicable said zones; and

WHEREAS, Florham Park has undertaken an examination of bulk criteria in its other zones and has concluded that the creation of a MU Mixed-Use Zone with updated bulk criteria would give reasonable consideration to the character and appropriate uses of said zones; and



WHEREAS, Florham Park had previously re-zoned Block 801, Lot 4, otherwise known as 215 Ridgedale Avenue, to the MF-8 Zone by Ordinance No. 18 10 adopted May 17, 2018 to allow for 54 multi-family units, inclusive of a set-aside of 11 affordable units; and

WHEREAS, the property located at 215 Ridgedale Avenue has been determined to have environmental encumbrances that make the development of affordable housing not feasible; and

WHEREAS, the MF-8 zoning of Block 801, Lot 4, shall, upon passage of this Ordinance and approval by the Court, be rescinded and returned to its prior zone district; and

WHEREAS, certain property identified as Block 902, Lots 3, 4, 5, 6, and 7 on Florham Park's Official Tax Map, consisting of approximately 3.6 acres and located at 206 Ridgedale Avenue, 152 Columbia Turnpike, 1 Hanover Road, 5 Hanover Road and 7 Hanover Road, and currently located in the PB-2 Professional and Business Office Zone; and

WHEREAS, in order to create consistency with the neighboring PB-2 Zone and to promote said property's suitability for the development of multi-family residential housing that contributes to Florham Park's affordable housing obligation, the Florham Park Borough Council finds and declares that said property should be re-zoned in the MU Mixed-Use Zone.

NOW, THEREFORE, it is hereby duly ordained by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, that the following amendments and revisions are made to the General Ordinances of the Borough of Florham Park, Chapter 250, entitled "Zoning":

Section 1. § 250-3, Zones established and enumerated, is hereby amended and supplemented as follows:

The land of the Borough is hereby divided into the following zones:

R-88	One-Family Residence Residential Zone
R-44	One-Family Residence Residential Zone
R-25	One-Family Residence Residential Zone
R-15	One-Family Residence Residential Zone
R-7	One-Family Residence Residential Zone
B-1	Business Zone
PB-1	Professional and Business Office Zone
PB-2	Professional and Business Office Zone - Residential Appearance Required
C-1	Office and Manufacturing Zone
C-1MF	Multifamily Residential Housing
C-1MFAR	Multifamily Age Restricted Housing
C-2	Office and Manufacturing Zone



C-3	Office, Research and Laboratory Zone
C-4	Mixed Office, Research, Laboratory and Multifamily Residential Zone
MF-1	Multifamily Residential Zone
MF-2	Multifamily Residential Zone
MF-3	Multifamily Residential Zone
MF-4	Multifamily Residential Zone
MF-5	Multifamily Residential Zone
MF-6	Multifamily Residential Zone
MF-7	Multifamily Residential Zone
MF-8	Multifamily Residential Zone
MF-9	Multifamily Residential Zone
MU	Mixed-Use Zone
OSR	Open Space Recreation Zone
OSM	Open Space Municipal Zone
POD-N	Planned Office District - North
POD-S	Planned Office District - South
U	University/ College Zone

Section 2. Chapter 250, Zoning, Part 3, Zoning, Article XXVI, MU Mixed-Use Zone, is hereby created as follows.

§ 250-150, Permitted uses include any of the following uses, or combination thereof:

- A. Multifamily buildings with apartments. This zone is specifically for the establishment of very low, low and moderate income multi-family housing units in conjunction with market rate units.
- B. Any of the uses permitted in the B-1 Business Zone.
- C. Any of the uses permitted in the PB-2 Professional and Business Office Zone

§ 250-151, Permitted accessory uses.

- A. Surface and garage parking spaces
- B. Private recreation facilities for the use of the residents and their guests.
- C. Accessory home use offices.
- D. Uses customary, incidental and subordinate to the permitted uses shall be permitted accessory uses.
- E. Accessory uses permitted in the B-1 Business Zone



- F. Accessory uses permitted in the PB-2 Professional and Business Office Zone.

§ 250-152, Area, yard and building coverage requirements.

- A. Minimum Site Area: 2 Acres.
- B. Maximum Residential Units: 55 dwelling units.
- C. Minimum Front Yard Setback: Thirty (30) feet.
- D. Minimum Side Yard Setback: Twenty (20) feet.
- E. Minimum Rear Yard Setback: Twenty (20) feet.
- F. Maximum Building Coverage: Thirty (30%) percent.
- G. Maximum Improved Lot Coverage: Seventy (70%) percent.
- H. Maximum Building Height:
 - (i) Residential: Three (3) stories over podium parking and 55 feet.
 - (ii) Non-Residential: Thirty (30) feet, except that roof projections such as chimneys, spires, cupolas, towers, clocks and flagpoles shall be permitted to extend beyond the highest point of the roof, provided that such features do not exceed fifty (50) feet in height.
- I. Minimum Building Separation: Fifty (50) feet.
- J. Maximum Accessory Structure Height: Twenty-five (25) feet.

§ 250-153, General provisions and requirements.

- A. All development within the MU Mixed-Use Zone shall provide for low and moderate-income housing set-aside of twenty (20%) percent of the total number of units proposed within the development pursuant to the provisions of N.J.A.C. 3:97-6.4 (b) as may be amended and the requirements of Section 250-84-89 as may be amended. The affordable units shall be split with fifty (50%) percent affordable to moderate income families and fifty (50%) affordable to low income families of which thirteen (13%) percent shall be affordable to very low income families.
- B. The minimum building separation distances of the MU Zone shall apply whether buildings are in condominium ownership or on their own individual lots.



- C. Decks, overhangs, chimneys, bay windows, and other architectural features that do not increase the habitable floor area of a structure shall be permitted to protrude up to five (5) feet into required yard setbacks and building separation areas.
- D. Off-street parking for residential uses shall be provided in accordance with the following:

One Bedroom	1.8 spaces/Unit
Two Bedroom	2.0 spaces/Unit

- E. One off-street parking space per 200 square feet of gross floor area of office and/or retail use is required. Basement areas intended and used exclusively for heating and machinery need not be counted for purposes of this section. Notwithstanding the foregoing, off-street parking requirements may be reduced if found practicable by the Planning Board based on an adequate mixture of land uses within the development that permits the sharing of parking facilities, such that the particular combination of uses is likely to result in vehicles parking to visit more than one use during the same trip, or that the peak periods of demand for parking spaces are such that a lesser number of spaces are necessary to meet the total parking needs for the development.
- F. The residential uses may utilize tandem parking spaces (one vehicle directly behind the other) such that both spaces count towards the required number, so long as the tandem parking spaces are reserved only for residents of the two bedroom units, at least one parking stall per dwelling unit is individually and easily accessible, and that the tandem parking shall be limited to a maximum of two cars in depth.
- G. Make-ready Electric Vehicle ("EV") stalls shall be provided consistent with N.J.S.A. 40:55D-66.20.
- H. The minimum width of access drives and private roads shall be 24 feet.
- I. Parking spaces shall be a minimum of 9 feet in width by 18 feet in length.
- J. For the avoidance of doubt Section 250-17 does not apply in the MU Zone.
- K. Planning Board site plan review is required, as provided in Section 212-21. Such review will emphasize the objectives of site planning design compatibility with the adjoining areas, including visual harmony and appropriate variety in the configuration and arrangement of buildings, open spaces and circulation and parking facilities. Flat roofs on residential buildings are not permitted unless they are substantially concealed with decorative pitched architectural roof treatment.



Section 3. § 250-4, Zoning Map, is hereby amended and supplemented as follows:

- A. Re-zone the following property from the PB-2 Professional and Business Office Zone to the MU Mixed-Use Zone: Block 902, Lots 3, 4, 5, 6 and 7.

Section 4. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

Section 5. Repealer. All ordinances or parts of ordinances of the Borough of Florham Park which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Prior actions. All actions of the Borough of Florham Park taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 7. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law; provided, however that to the extent required, the effectiveness of this Ordinance shall be subject to approval by the Court.

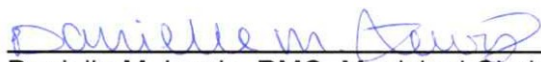
INTRODUCED: May 16, 2024

ADOPTED: June 13, 2024




Mark Taylor, Mayor

Attest:



Danielle M. Lewis, RMC, Municipal Clerk

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park, and adopted on June 13, 2024.



Danielle M. Lewis, RMC, Municipal Clerk