

TOWN OF MORRISTOWN

ORDINANCE O-2-2024

ORDINANCE AMENDING THE TOWN OF MORRISTOWN MUNICIPAL CODE BY REPEALING, IN ITS ENTIRETY, CHAPTER 30 ENTITLED “LAND DEVELOPMENT ORDINANCE” AND REPLACING IT, IN ITS ENTIRETY, WITH CHAPTER 30 TO BE ENTITLED “LAND DEVELOPMENT ORDINANCE”

WHEREAS, the Town of Morristown Planning Board (the “Planning Board”) adopted a comprehensive Master Plan entitled “Morristown Moving Forward, a Mobility and Community Form Plan” dated March 31, 2014 (the “Master Plan”); and

WHEREAS, the Master Plan was the culmination of an extensive and interactive community engagement process, and the overarching intent of the Master Plan was to balance the location, intensity, scale of development and future land use patterns with the Town’s transportation capacity and infrastructure addressing elements N.J.S.A. 40:55D-28b(1), (2), and (4); and

WHEREAS, thereafter the Planning Board adopted the Housing Plan element of the of the Master Plan dated August 23, 2018 in accord with N.J.S.A. 40:55D-28b(3) to provide opportunities for the development of affordable housing within the Town; and

WHEREAS, following the adoption of the Master Plan, the Town advanced several recommendations of the Master Plan, including but not limited to drafting a new zoning ordinance, adoption of the Housing element, and the adoption of several redevelopment plans, which warranted a re-examination of the Master Plan given the activities that had occurred within the Town since 2014, and prior to the adoption of the new zoning ordinance to ensure it met the current goals and policies; and

WHEREAS, the Planning Board did so cause to have prepared and adopted a Master Plan Re-Examination Report, dated May 31, 2018 in accordance with N.J.S.A. 40:55D-89 (the “2018 Re-Examination Report”); and

WHEREAS, on July 12, 2018, the Town Council of the Town of Morristown adopted Chapter 30 entitled “Land Use Ordinance”, which was the first comprehensive update to the Morristown Land Use Ordinance since 1979 to address the recommendations in the Master Plan and the 2018 Re-Examination Report (the “2018 LDO”); and

WHEREAS, to promote new development that reinforces the unique character of Morristown’s diverse neighborhoods, the 2018 LDO incorporated for the first-time form-based zoning techniques along with traditional zoning to regulate physical building form and characteristics among other things; and

WHEREAS, since the adoption of the 2018 LDO, the Town has gained significant working experience in administrating and implementing the provisions of the 2018 LDO, while largely achieving the goals behind its implementation, the Town has identified several significant ways the 2018 LDO could be improved; and

WHEREAS, additionally since the adoption of the 2018 LDO, the world experienced a global pandemic that significantly shifted market preferences and conditions, including

exacerbating housing affordability and inequality from a population shift to suburban centers, changes to commute and travel patterns and an increase in telecommuting, new interest in outdoor public spaces and outdoor dining, and risk to brick-and-mortar retail and active streetscapes from a renewed emphasis on e-commerce., thus requiring the Town to revisit its land use policies in an effort to continue to accommodate development in a manner consistent with both new market trends and the Town’s existing character; and

WHEREAS, for these reasons the Planning Board caused to be prepared and adopted a Master Plan Re-Examination Report dated May 11, 2022 (the “2022 Re-Examination Report”); and

WHEREAS, the 2022 Re-Examination Report recommended a number of amendments to the 2018 LDO to better effectuate the goals and objectives for land development, including but not limited to restructuring the 2018 LDO to better align with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. definitions and framework and to prioritize building standards over zoning district standards; to refine the permitted use categories throughout the Town and within specific zoning districts to better reflect anticipated development and conditions; to refine permitted building types to ensure consistency between permitted uses, desired character, and building types; to refine intensity controls including reductions to height, density and floor area ratio in the TC District and to clarify how the floor area ratio exemption is applied throughout the Town; assign missing frontage types to rights-of-way in the Town and review existing frontage type designations to ensure consistency with existing conditions and objectives; assign zoning designations to parcels that currently have no designation; continue to develop local housing policies to provide a variety of housing types within the Town including workforce housing, and accessory dwelling units; and to continue to monitor areas of concern related to historic preservation, climate change, and mobility planning; and

WHEREAS, the Town Council has considered the Planning Board’s recommendations as more fully detailed in the 2022 Re-Examination Report, and has determined to repeal the 2018 LDO in its entirety, and replace it, in its entirety with the adoption new Chapter 30 of the Municipal Code to be entitled the “Land Development Ordinance” (the “2024 LDO”), attached hereto as **Exhibit A**, inclusive of a revised Zoning Map; and

WHEREAS, prior to its adoption the Town Council shall be transmitted the 2024 LDO to the Planning Board for review and preparation of a report including identification of any provisions within the 2024 LDO that are inconsistent with the Master Plan/2022 Re-Examination Report and its recommendations concerning any inconsistencies along with any other matters the Planning Board deems appropriate consistent with N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a; and

WHEREAS, the Town Council finds that the provisions of the 2024 LDO are substantially consistent with the Land Use and Housing elements of the Master Plan/2022 Re-Examination Report and/or designed to effectuate such elements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, COUNTY OF MORRIS, STATE OF NEW JERSEY, THAT:

Section 1. The Town Council hereby repeals, in its entirety, Chapter 30 entitled “Land Development Ordinance” and replaces it, in its entirety, with Chapter 30 entitled “Land Development Ordinance”.

Section 2. 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 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Town of Morristown, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Town of Morristown are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. After introduction, the Town Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Town of Morristown 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 Town Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan/2022 Re-Examination Report and recommendations concerning any inconsistencies and any other matter as the Planning Board deems appropriate.

Section 5. The Town Clerk is hereby directed to place three copies of this Ordinance along with Exhibit A (new Chapter 30 of the Municipal Code to be entitled the "Land Development Ordinance") in the office of the Clerk for public inspection until final action is taken on the Ordinance, and at least one copy of this Ordinance along with Exhibit A shall be maintained in the Office of the Town Clerk following adoption.

Section 6. The Town Clerk is hereby directed to publish notice of the Town Council's consideration of this Ordinance prior to final adoption, and upon passage in accordance with N.J.S.A. 40:49-2.1.

Section 7. The Town Clerk is hereby directed to filing a copy of this Ordinance along with Exhibit A with the Morris County Planning Board upon passage in accordance with N.J.S.A. 40:55D-16.

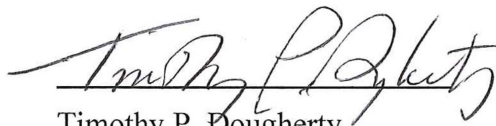
Section 8. This Ordinance shall take effect in accordance with the law of the State of New Jersey after final passage.

ATTEST:

ADOPTED:



Margot G. Kaye,
Town Clerk



Timothy P. Dougherty,
Mayor

Date: 2/13/2024