

THE TOWN OF MORRISTOWN
NEW JERSEY

LAND DEVELOPMENT ORDINANCE

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This document establishes development standards in Morristown and contains all items within the Morristown Land Development Ordinance.

February 13, 2024

Acknowledgments

Special thanks to those who took the time to review this ordinance during its development.

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Land Development Ordinance



This document establishes development standards for Morristown and contains all items within the Morristown Land Development Ordinance.

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30-1 INTRODUCTION TO THE CODE

30-1.A. Overview

1. Residents Introduction

a. The Code and You

In this document, you will find rules to govern the use and design of buildings in Morristown and standards for the design of improvements such as parking, landscaping, fencing, signage and environmental standards. This code is the first comprehensive update to the Morristown Land Development Ordinance since the previous ordinance was adopted in 1979. The standards in this document are intended to better capture the existing character and development patterns of the Town, while guiding future development in Morristown. Wherever possible, these regulations simplify the treatment of uses, buildings and site improvements in the Town and eliminate, consolidate or amend out-of-date requirements.

The standards in this code include practical and context-sensitive standards for what uses are permitted in the Town's neighborhoods and how buildings are designed in the Town. These concepts are rooted in the 2014 Morristown Moving Forward Master Plan, which focused on circulation and community form, and proposed a form-based land use code that respects the Town's existing character and its historic assets.

This code marks a shift forward in the future of zoning in Morristown. The provisions of this ordinance regulate use, intensity and bulk as in the previous ordinance, but provide further guidelines to help ensure that new development strengthens long-established neighborhood character. Further, this code governs development in Morristown not only by district but also by street frontage, to ensure that the nature of new uses and buildings is consistent with that of Morristown's established neighborhoods.

2. Morristown's Authority to Zone: The Municipal Land Use Law

a. Purposes of Zoning

In addition to separating inherently incompatible uses, zoning is used to ensure the orderly development of neighborhoods, create a level of predictability, and promote a city's policy goals. Per the New Jersey Municipal Land Use Law (MLUL), the purposes of zoning in New Jersey are as follows:

- i. Purpose A: To promote the public health, safety and general welfare.
- ii. Purpose B: To secure safety from flood, fire, panic and other disasters.
- iii. Purpose C: To provide adequate light and air.
- iv. Purpose D: To ensure development of a municipality does not interfere with the development of other municipalities or the State.
- v. Purpose E: To promote appropriate residential densities.
- vi. Purpose F: To coordinate land development and public development.
- vii. Purpose G: To provide sufficient space for a variety of uses.
- viii. Purpose H: To encourage efficient transportation.
- ix. Purpose I: To promote a positive visual environment.
- x. Purpose J: To promote conservation of historic and natural resources.
- xi. Purpose K: To encourage planned developments.

- xii. Purpose L: To encourage senior citizen housing.
- xiii. Purpose M: To encourage coordination of public and private procedures for land development.
- xiv. Purpose N: To promote renewable energy resources.
- xv. Purpose O: To promote recycling.

b. Statutory Authority

The MLUL also regulates the permissible scope and contents of municipal zoning regulations, which guide the approach and contents of this ordinance. The contents of this Code conform with the limits of the MLUL enumerated in N.J.S.A. 40:55D-65, of which selected components are restated here:

- i. Limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes;
- ii. Regulate the bulk, height, number of stories, orientation, and size of buildings and the other structures; the percentage of lot or development area that may be occupied by structures; lot sizes and dimensions; and for these purposes may specify floor area ratios and other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air, including, but not limited to the potential for utilization of renewable energy sources;
- iii. Provide districts for planned developments; provided that an ordinance providing for approval of subdivisions and site plans by the planning board has been adopted and incorporates therein the provisions for such planned developments in a manner consistent with article 6 of P.L.1975, c.291 (C.40:55D-37 et seq.);
- iv. Establish, for particular uses or classes of uses, reasonable standards of performance and standards for the provision of adequate physical improvements including, but not limited to, off-street parking and loading areas, marginal access roads and roadways, other circulation facilities and water, sewerage and drainage facilities; and
- v. Provide for conditional uses pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67).

3. Local Policy Objectives

a. Master Plan Objectives

In 2014, the Town of Morristown overhauled its Master Plan through a robust civic engagement process that culminated in the Morristown Moving Forward Master Plan. Many of the comments received during that process emphasized a very specific vision for Morristown's future that was largely defined in terms of the character, appearance and intensity of development and how those things came to define neighborhoods. As a result, the first recommended next step to implement the contents of the 2014 Master Plan was to overhaul the Town's zoning ordinance to leverage current best practices and techniques and to reflect the Town's current vision for itself. The community form element of the Master Plan was crafted to serve as the basis for a design-oriented zoning ordinance, and that was the starting point for the updated regulations contained herein.

This updated zoning ordinance also advances several other recommendations contained in Chapter 3 of the 2014 Master Plan, specifically:

- i. Goal 1: Healthy Residential Neighborhoods
 - (1) Objective 1.1: Preserve the physical character and fabric of existing neighborhoods. (P. 60)
 - (2) Objective 1.2: Promote healthy, complete neighborhoods, where residents have safe and convenient access to the goods, services and institutions they require every day. (P. 60)
 - (3) Objective 1.3: Balance the provision of "inherently beneficial uses" with a need to protect residential neighborhoods from significant and unreasonable impact. (P. 61)
 - (4) Objective 1.4: Continue to preserve and create a range of housing choices that are affordable to low-, middle, and moderate-income households. (P. 63)
- ii. Goal 2: Economic Resilience and Prosperity
 - (1) Objective 2.1: Preserve and enhance the downtown experience to support economic development and residential growth. (P. 64)

- (2) Objective 2.2: Support continued growth of downtown residential population, including areas proximate to the train station. (P. 66)
- (3) Objective 2.3: Continue to support the growth and development of commercial uses in appropriate locations. (P. 67)
- iii. Goal 3: Sustainable, Pedestrian-Friendly Building and Site Design
 - (1) Objective 3.1: Promote walkable, human-scale design that respects Morristown’s historic character. (P. 68)
 - (2) Objective 3.2: Promote sustainable building practices. (P. 69)
- iv. Goal 4: Active, Connected Streets and Public Places
 - (1) Objective 4.1: Create attractive, lively streetscapes that promote socializing, walking, biking and accessibility. (P. 70)
- v. Goal 6: Open and Efficient Government
 - (1) Objective 6.2: Streamline and strengthen the permitting compliance review and code enforcement process. (P. 74)

4. About the Code

- a. Code Framework + Components: As described above, this code was crafted to ensure new development strengthens the most beloved aspects of Morristown’s neighborhoods. Unlike conventional zoning ordinances, the provisions contained herein create a holistic framework for new development in Morristown that looks beyond land uses, or even beyond individual buildings, to create high-functioning and visually attractive districts, corridors, and neighborhoods. The following section is not merely informational but has been created to define code’s respective components and the legal mechanics by which they are intended to function.

The framework upon which this code is organized is more expansive than that which underlies the Town’s prior zoning codes. The metrics and standards contained herein result in more nuanced code, capable of responding to the characteristics of existing properties and their context. To that end, this chapter is divided into five substantive sections: (1) District Standards, (2) Building Standards, (3) Design Standards, (4) Additional Standards, and (5) Appendices, all of which are described below:

- i. **District Standards** serve as the primary set of regulations for any property in Morristown. Contained within the District Standards are two key maps – the Zone Regulation Map (Section 30-2.C) and Frontage Regulation Map (Section 30-2.D). Taken together, these maps designate a zoning district and frontage type for every piece of property in Morristown. This is the starting point that defines the basic set of regulations imposed upon parcels. Each district contains a standard series of regulations that address the following:

- Permitted and Conditional Uses
- Residential Density
- Permitted Building Types
- Lot Standards (area and dimensions)
- Building Form and Placement
- Standards for Conditional Uses

The District Standards specify the uses, intensities, and building types that may be developed in each district. As described below, proposals must comply with a set of standards unique to each Building Type (see below for description of “Building Standards”). When making application to construct or modify any structure, Applicants must first select a Building Type. In doing so, Applicants shall select the Building Type that most closely reflects the proposed principal structure. All Building Standards associated with the selected Building Type shall govern the proposal.

There are, however, certain intended exceptions to this rule. In limited circumstances (as defined in subsection ii below), the lot standards and regulations impacting building form/placement contained in the District Standards may be applied in lieu of Building Standards. Typically, each district defines unique lot standards and regulations impacting building form/placement. In some cases, however, such standards associated with a specific Building Type may be incorporated by reference as a District Standard.

Notwithstanding the above, District Standards regulating floor-area ratio (“FAR”) and residential density standards (including any associated bonuses or exemptions) shall apply to all applications, regardless of the proposed Building Type.

The District Standards also contains a number of “overlay districts.” These zoning overlays govern portions of zoning districts, adjusting the District Standards to the unique conditions of a given neighborhood. These overlay standards supersede the underlying District Standards, thereby replacing any conflicting parameters. In other words, if a property lies within an overlay, an applicant may not elect to apply the underlying District Standards instead of the overlay standards.

Finally, the District Standards contain standards applicable to all zoning districts, including regulations impacting:

- Uses Prohibited in All Zones
- Standards Applicable to Conditional Uses
- Performance Standards
- Parking and Loading Standards
- Short Term Rentals; Licensing
- Residential Unit Requirements, including standards for habitation of basements and attics

- ii. **Building Standards** define several Building Types and provide standards for their development. The twelve (12) defined Building Types encompass the nature and character of development desired in Morristown.

As noted above in subsection (i), applicants are required to specify a proposed Building Type, and the regulations associated with that Building Type shall apply to the proposed project. However, in the following limited circumstances, District Standards shall be applied, and a Building Type does not need to be selected:

- 1) A proposed project does not meet the minimum requirements of the Building Types in the Building Standards section;
- 2) Development in the Hospital Districts;
- 3) Development of, or modifications to, houses of worship and critical infrastructure; and
- 4) Modifications to pre-existing nonconforming structures for which no applicable Building Type exists (e.g. gas stations).

In the event the proposed structure is not permitted in the district (either because the Building Type is undefined in the code or is only permitted in other districts), it shall be considered a non-permitted structure, and the applicant shall require use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1). In such cases, lot standards and regulations impacting building form/placement defined in the District Standards shall apply.

Similarly, expansion of a pre-existing non-conforming structure pursuant to item 4 above shall be adjudicated under N.J.S.A. 40:55D-70(d)(2).

If there is disagreement between the Administrative Officer and an applicant regarding the nature of a proposed building type, the matter shall be resolved by the Zoning Board of Adjustment under its interpretation powers (see N.J.S.A. 40:55D-70(a)). In such cases, the Board shall be guided by the intent section of the Building Types, including the minimum Building Type requirements, the descriptive language, and example imagery (see Section 30-3.B of this ordinance).

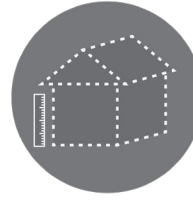
- iii. **Frontage Standards** defines additional parameters regulating building placement, form, and design requirements based on the street type along which a property is located, further tailoring development to the local context for a consistent streetscape.
- iv. **Design Standards** are included in later chapters. This includes standards for site design, public space improvements, landscaping and lighting, parking, signage, and sustainable site design.
- v. **Additional Standards** address all other requirements, including requirements of environmental regulations, affordable housing, subdivision of land, and standards for administration for land use applications, including zoning permits, subdivision review, site plan review, or variance review.
- vi. **Appendices** are included at the end, which include definitions, application forms and worksheets, and submission checklists.

b. Regarding Variances and Design Waivers

- i. The standards in this Ordinance were drafted to protect the general welfare of the Town of Morristown. However, there may be specific instances where the enforcement of this ordinance may result in undue hardship to the property owner or prevent development that advances the general welfare. As a result, the MLUL establishes a process for a property owner to request variance relief and to develop a property in a way not permitted under the ordinance. There are two general types of variance relief that may be granted: “C” and “D” Variances,
- ii. A “C” variance relates to development that does not conform to dimensional requirements such as lot size, required yards, and lot coverage. These variances are permitted under standards in Section 70(c) of the MLUL. This type of variance relief can be granted for any standard that does not meet the definition of a use variance. Bulk variances may be granted by the Planning Board (in cases where a site plan or subdivision is proposed) or the Zoning Board of Adjustment (in cases where neither a site plan or subdivision is proposed or if a “D” variance is proposed). As enumerated below, deviation from dimensional requirements specified by permitted Building Types shall constitute require bulk relief (also referred to as a bulk variance).
- iii. A “D” variance (also referenced herein as a “use” variance) generally relates to the use of a property and the intensity of development or uses on the property. There are six types of D variances as enumerated in Section 70(d) of the MLUL: non-permitted use or structure, expansion of existing non-permitted use, conditional use, excessive floor area ratio, excessive density, and – in certain cases – excessive height. Use variances are subjected to higher scrutiny and may only be granted by the Zoning Board of Adjustment.
- iv. Lastly, there are instances in this Ordinance where certain deviations constitute as a design waiver rather than a variance:
 - Variance: Deviations from 30-2 District Standards, 30-5 Environmental Regulations, 30-6 Affordable Housing, and 30-7 Subdivision shall constitute a variance.
 - Design Waiver: Deviations from 30-4 Design Standards, unless otherwise directly expressed as a variance in the subchapter, shall be design waivers.In [Section 30-3](#) (Building Standards), deviations from lot regulations, building regulations, building height, and accessory standards shall require variance relief. Deviations from all other Building Standards shall require a design waiver.

c. What's the Process in Morristown?

- i. A property owner wants to build something. They submit application forms and drawings of what they want to build.



- ii. The property owner files for approval. If the proposal requires a site plan application and is generally consistent with the ordinance or only requires bulk variances, it goes before the Planning Board. If the building departs from the ordinance without requiring a site plan or requires use variances, it goes before the Board of Adjustment. In either case, the proposed building is reviewed for completeness and may undergo a Technical Review Committee (TRC) meeting per Section 30-8.



- iii. Once the application is considered complete, it is scheduled for a hearing before the Planning Board or Board of Adjustment. Advance notice of the hearing must be sent by mail to property owners within 200 feet, and the notice must be published in the newspaper as required by the State at least 10 days before the hearing.



- iv. At the public hearing, the property owner, architect, engineer, and legal counsel for the property owner present the proposed building plans, and members of the public may comment on the proposal. The Board approves or denies the proposed building after considering the testimony of the applicant's and the Town's professionals.



- v. If an application is approved, the applicant may be required to revise submissions or provide additional documents as conditions of approval. Compliance with these conditions is required for the Board and its professionals to sign off on the plans for building permit and for the applicant to receive a certificate of occupancy.



- vi. When the property owner applies for a building permit from the Town Building and Construction Office, the plans are reviewed against the approved plans from the land use boards. If the plans are consistent and meet building codes, a building permit is issued.

d. Where to go for help

- i. If in reviewing this document you have any questions as to the meaning or applicability of the requirements, these questions may be directed to the Zoning Officer of the Town of Morristown.

30-2 DISTRICT STANDARDS

30-2.A. Introduction to District Standards

This chapter establishes the zoning districts and standard for the Town of Morristown. Included in this chapter are the following:

1. Zoning and Overlay Districts - This section defines each zoning and overlay district into which the Town of Morristown is divided for the purposes of this Code.
2. Zoning District Map - This map establishes the boundaries of zoning districts introduced in the following sections.
3. Frontage Map - This map defines frontage types along all streets in the town referenced in frontage-based standards (Sec. 30-3C and 30-4) and frontage-based zoning regulations (Sec. 30-2).
4. District Standards - Land use regulations for each zone are set forth in district regulations herein and shall govern development throughout Morristown except where other applicable regulations supersede the zone standards in this section.
5. Use Regulations Applicable to All Zones: This section outlines use regulations that apply to all zones including prohibited uses, exceptions and conditions for those uses, performance parking and loading standards, and utilities standards.

30-2.B. Zoning and Overlay Districts

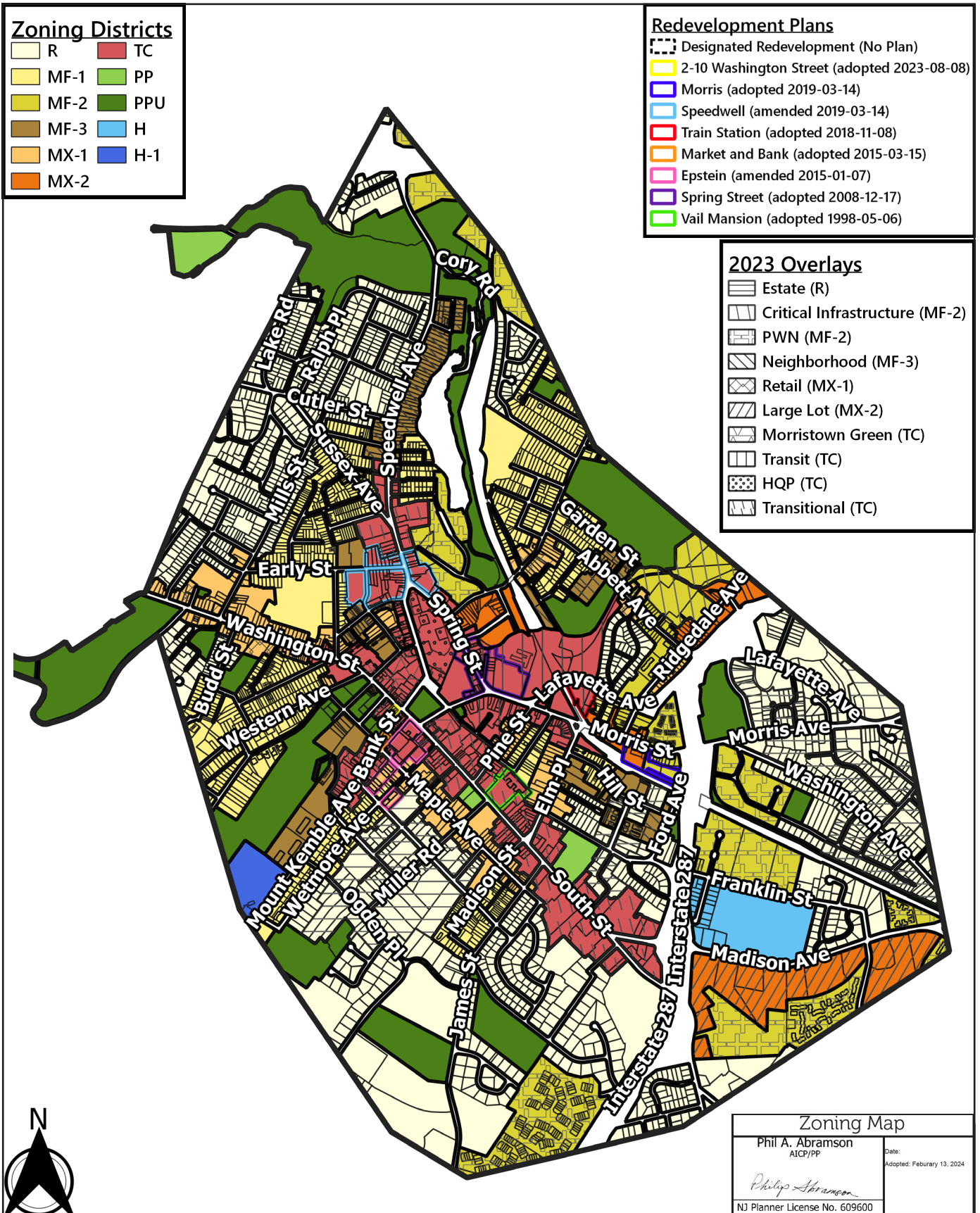
1. Residential Detached (R): The R district primarily designates neighborhoods with low to moderate density single-family detached residential development. This district is intended to preserve the existing character of low-intensity residential neighborhoods through flexible standards that regulate buildings based on lot dimensions to reinforce established patterns of residential development in Morristown. Buildings in the R district are primarily limited to low-rise detached buildings.
2. Estate Overlay (E): The Estate Overlay designation recognizes, preserves, and promotes areas known for their large, architecturally and historically significant structures. Single family dwellings in this area are relatively large for the parcels in which they are located. Development in these areas should be reviewed with the strictest scrutiny, and new development or modification to existing structures must support the existing character of the district. Generally, buildings should be constructed from the highest quality materials and incorporate a variety of historically appropriate façade elements. Front yards should be sizable with high quality landscaping.
3. Single- and Two-Family Residential (MF-1): The MF-1 zone creates a transition between higher (MF-2, MF-3, TC, H) and lower density areas (R). While these areas are composed largely of single- and two-family housing built before 1920, they contain a mixture of low-scale residential structures of various architectural styles. Front yards are common in these areas, and a consistent setback lends some uniformity to the streetscape in these areas that reinforces the district's distinct character. Parking is most appropriate behind or alongside buildings in this district.
4. Multifamily Residential (MF-2): MF-2 district designates concentrations of moderate-intensity residential development. MF-2 areas are generally located well outside the Downtown and

encompass a majority of the Town's Planned Unit Developments (PUDs), although those generally fall under the PWN Overlay described below. MF-2 areas are characterized by low-scale multifamily development ranging from two-family homes to garden apartments. Parking in these areas should be located behind or alongside buildings, and a visual connection between the development itself and the public right-of-way should be maintained to better integrate these communities into the fabric of the town.

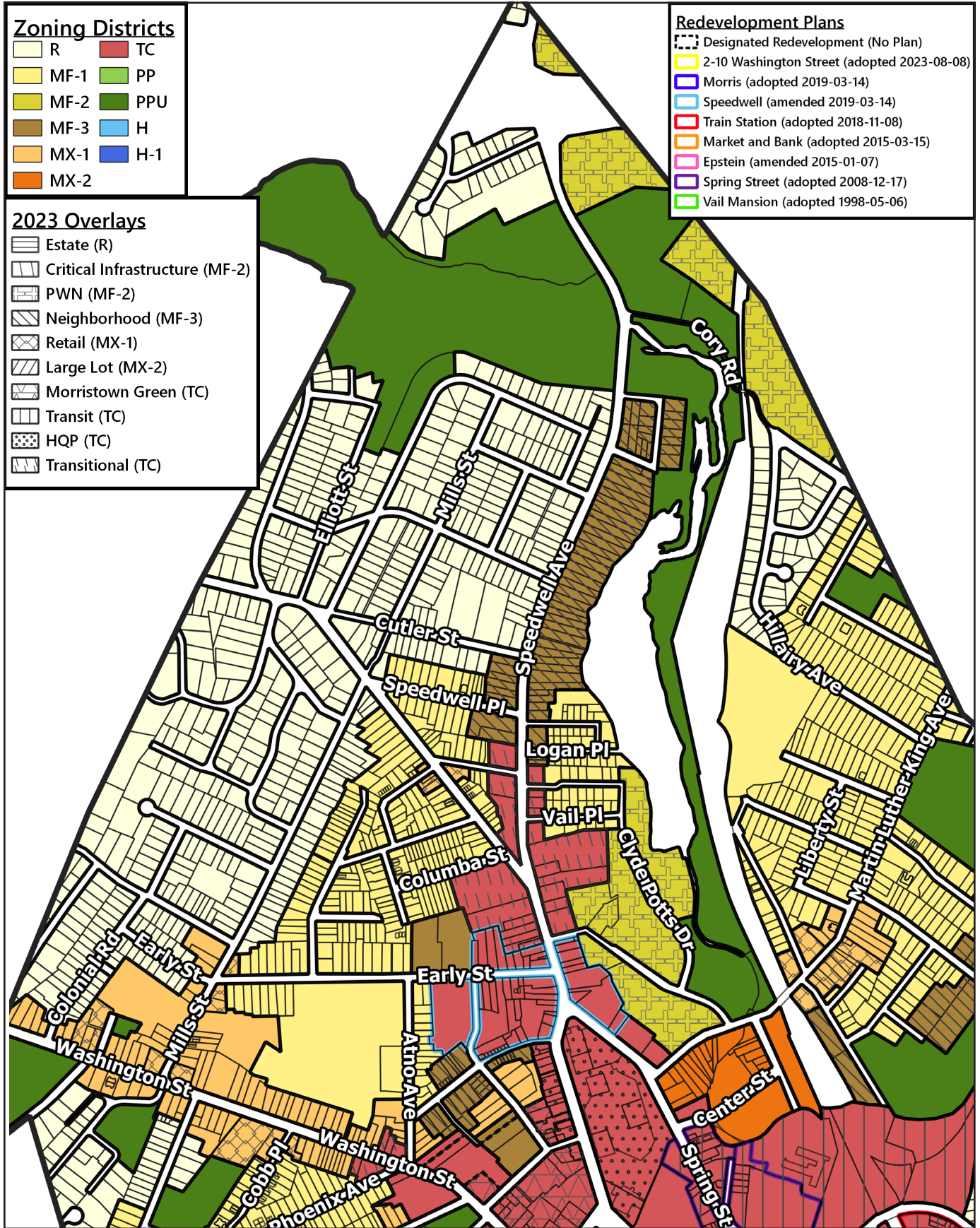
5. **Planned Walkable Neighborhood Overlay (PWN):** The PWN Overlay designates areas that provide for a concentration of high-density single-family attached and/or multifamily residential buildings that are constructed as part of a planned development together with limited commercial structures. Buildings generally create enclaves of housing, such as a townhouse development or apartment complex, and while older communities have a tendency to be somewhat isolated and disconnected from the surrounding neighborhoods, new development is encouraged that will create a seamless connection to the established neighborhood context. Internal sidewalk networks should be connected to the public sidewalk system. Building heights are typically similar within a single development, but variation is permitted.
6. **Critical Infrastructure Overlay (CI):** The Critical Infrastructure Overlay serves to provide for limited continual use and expansion of existing critical infrastructure while imposing buffer requirements to protect surrounding residential properties.
7. **Multifamily, Moderate Intensity (MF-3):** The MF-3 district is characterized by moderate intensity residential development typically situated along heavily trafficked corridors or just outside of the town center. A mixture of multifamily residential buildings is expected in this district, but low-rise (3 stories or fewer) should be the dominant type and scale of buildings in this district. Somewhat higher density is envisioned within these areas, and thus it is important to ensure safe and comfortable streetscapes to link these areas with the downtown.
8. **Neighborhood Overlay (N):** The Neighborhood Overlay of the MF-3 district allows for residential development at lower intensity, which creates flexibility for smaller lots that may not be able to accommodate the building types typical of the larger MF-3 district. As lot dimensions are generally more constrained in these areas, additional lot coverage and shallower setbacks are permitted and residential buildings have a lower-scale neighborhood character.
9. **Mixed Use Detached Neighborhood (MX-1):** MX-1 districts line Morristown's thoroughfares outside of the downtown. These districts are characterized by low-intensity single- and multi-family residential development with limited low-scale commercial and mixed use development. While the district incorporates a mixture of uses, buildings containing a single use are not uncommon. Building types are varied; however, converted residential building types are most prevalent. As a result, buildings are generally set back from the sidewalk, with the exception of front façade additions. Consistency in building placement and streetscape design are critical to tie these areas together and connect to the Town Center.
10. **Retail Overlay (R):** The R Overlay of the MX-1 zone recognizes, preserves, and promotes lower-intensity mixed-use development at key intersections and nodes of higher activity within predominantly residential neighborhoods. Sections of the MX-1 district with this overlay consist primarily of retail and commercial uses serving the surrounding neighborhood, but low-intensity destination commercial uses, as well as residential uses, are also appropriate. These areas have a variety of lower-scale building types, but mixed-use/commercial and mixed-use conversions are prevalent. Typically, buildings in these sections of MX-1 are built to the sidewalk, or are set back a short distance. Maintaining a consistent residential scale in commercial or mixed-use structures, with adequate buffering, is important to minimize impacts on adjacent residential uses. Parking in these local centers should be located behind or along the side of buildings.
11. **Mixed Use, Moderate Intensity (MX-2):** The MX-2 district includes areas along Morris Street and Lafayette Avenue that bring highway traffic from Route 287 interchanges into the Downtown. This district is characterized by moderate intensity mixed-use development with structures that contain strictly residential or commercial uses. This district serves as the northern gateway to the train station, and the intensity and permitted uses reflect its unique position as a transition to higher-intensity commercial areas in the Town Center. Because of the district's close proximity to regional highways, these areas tend to be more auto-oriented in character and are suited to larger commercial uses.

12. Large Lot Overlay (L-L): The L-L overlay for the MX-2 District straddles Madison Avenue east of Route 287 and primarily contains high and moderate intensity mixed-use development oriented toward the healthcare industry. Standards for these specific areas are intended to reduce conflicts with and impacts from more intense office and hospital uses. This overlay is further intended to enhance the pedestrian experience while calming highway-related vehicular traffic. Any new development should be oriented toward Madison Avenue in order to create a well-defined street wall.
13. Town Center (TC): The TC district encompasses Morristown's downtown and transition areas to surrounding lower-scale residential neighborhoods. Buildings in this district vary widely in form, scale and age, including historic estates that have been converted to office or a mixture of office and residential uses. The inclusion of residential and mixed-use transition areas is important to minimize the creep of commercial and office uses into adjacent neighborhoods and to maintain activity in the Town Center throughout the day.
14. Transitional Overlay (T): The Transitional Overlay regulates areas of the Town Center further afield of the downtown core that necessitate lower-intensity development due to their location on the edges of the Town Center Zone, existing conditions, and/or proximity to lower-intensity residential areas. Uses are similar to those in the Town Center Zone, but permitted building height is reduced to a maximum of 3 stories, with equivalent reductions in density and FAR.
15. Morristown Green Overlay (MG): This zone overlay in the TC district provides for higher intensity mixed-use development in the Downtown and is centered around the Morristown Green. The MG Overlay represents the heart of Morristown and the center of activity. Mixed-use and commercial buildings dominate this area. Buildings are pedestrian-oriented and situated close to sidewalks, which are typically wider than in other districts and have a more urban streetscape treatment. Retail and similar interactive uses are encouraged at ground level in this area to promote active street life. Uses complementary to retail, including multi-family residential, are encouraged on upper levels. While permitted building heights vary based on lot size, the MG Overlay area allows for buildings at a higher scale downtown. Parking should be concentrated within structures not visible from the public realm, with short-term convenience parking located on-street.
16. Transit Overlay District (TOD): The TOD Overlay of the TC district is a high intensity mixed-use area directly around the Morristown Train Station. This district is the entryway to the Town for many visitors, and it is indented to create stronger pedestrian connections between the Morristown Green and the Morristown Train Station. Building design in this area should prioritize the pedestrian realm, and incorporate human-scale architectural elements to create a comfortable and welcoming pedestrian environment. A diverse mix of uses is permitted at higher intensities in this overlay to complement the surrounding residential districts while supporting a vibrant public life around the train station.
17. Headquarters Plaza Overlay (HQP): The Headquarters Plaza Overlay allows for the highest intensity commercial and office uses in the Town. Located between the Town Green and the Spring Street Redevelopment Area, the HQP Overlay comprises the area of the Headquarters Plaza urban renewal project, which opened in 1982 and includes most of the Town's Class A office space. The overlay is characterized by a series of mixed-use office towers 12-14 stories in height with retail uses at the ground level, located in a single story 'shopping center' that runs between the Towers.
18. Hospital District (H): The H District encompasses the Morristown Medical Center campus and is largely composed of clustered moderate-intensity medical buildings with large setbacks.
19. Hospital District (H-1): The H-1 District encompasses the Atlantic Health System's Mt. Kemble campus which is occupied by multiple buildings on the border with Morris Township.
20. Public Purpose (PP) and Public Purpose Undevelopable (PPU) districts consist of government owned (municipal, County, State and Federal but not Morristown Parking Authority) land including parks, buildings and other facilities.
21. RDV districts are marked for properties that are regulated by an adopted Redevelopment Plan pursuant to NJSA 40A:12A-1 et. al. When a zoning district is defined within a RDV district, the zoning district shall be treated as underlying zoning. Underlying zoning shall only take effect in the case that the Redevelopment Plan regulations reference the underlying zoning or in the case that the Redevelopment Plan is repealed.

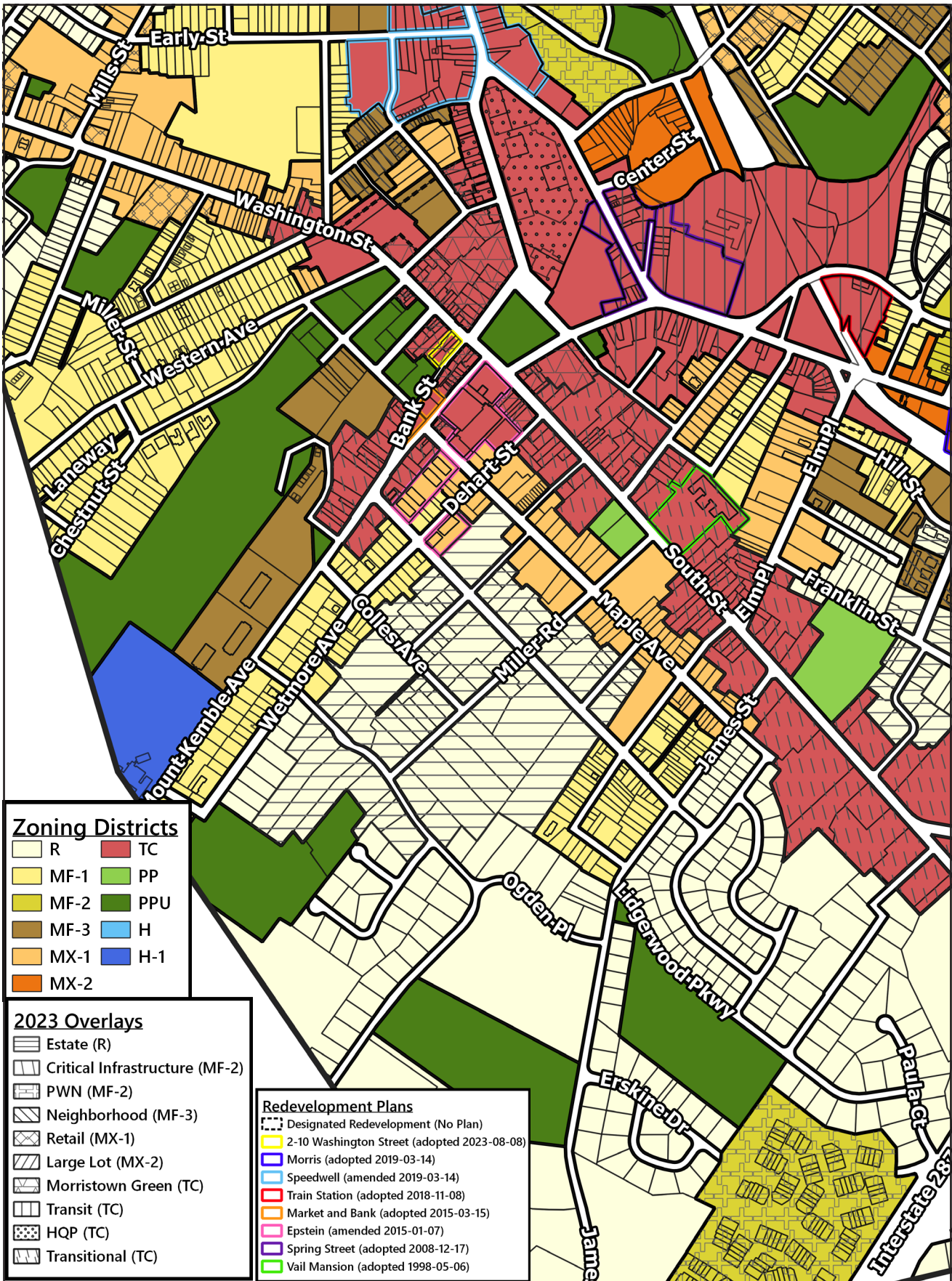
30-2.C. Zone Regulation Map



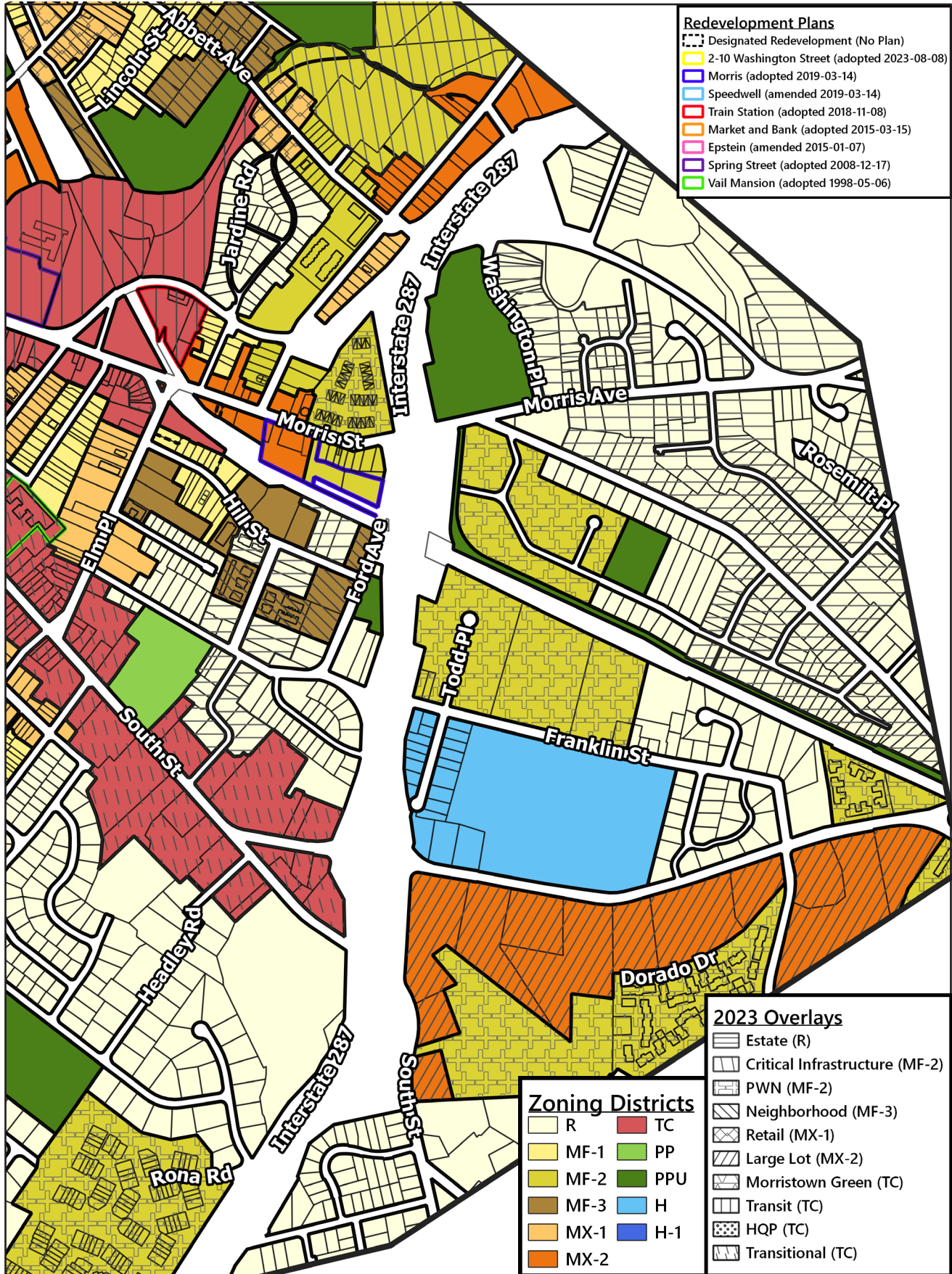
ZONE REGULATION MAP: NORTH



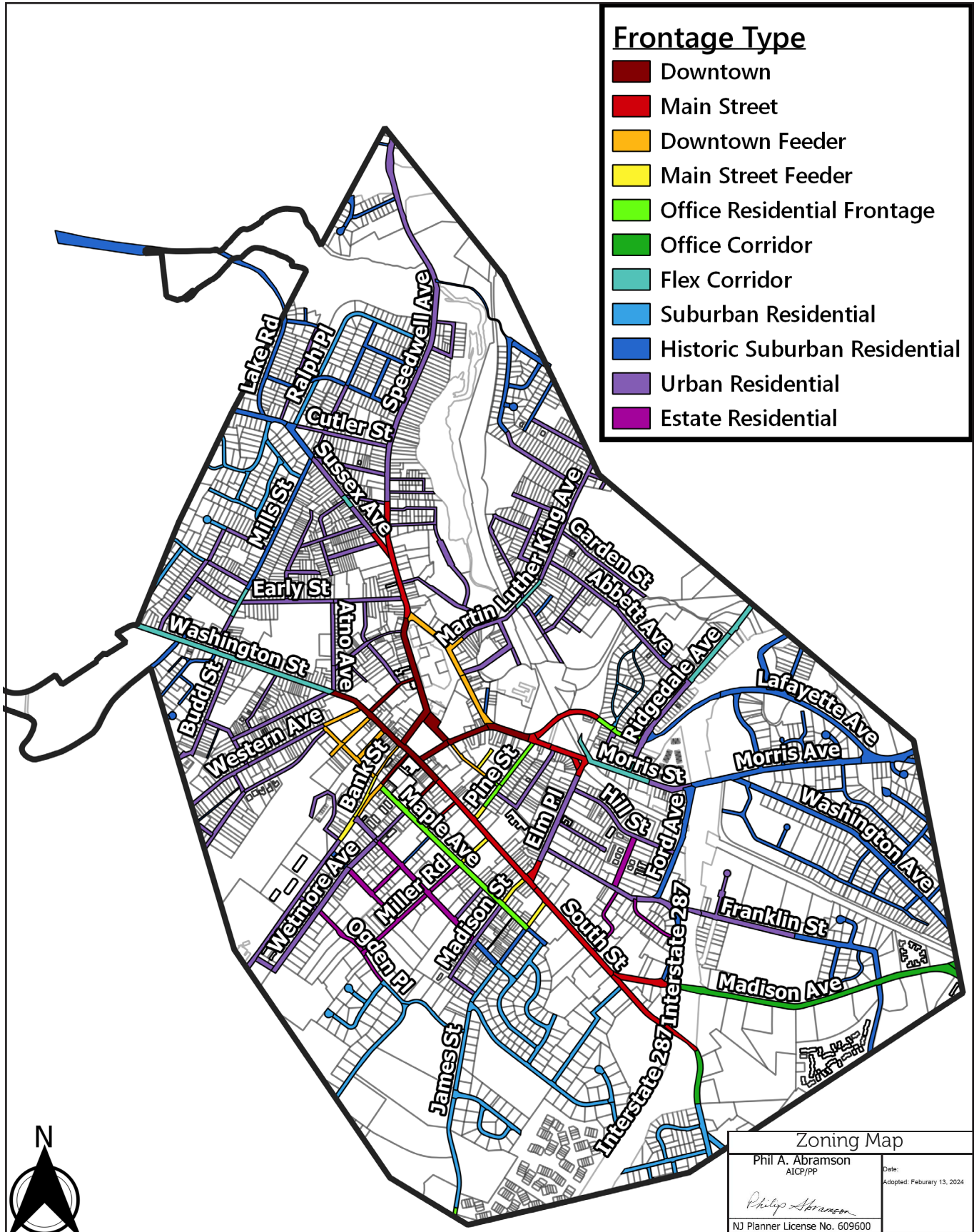
ZONE REGULATION MAP: SOUTHWEST



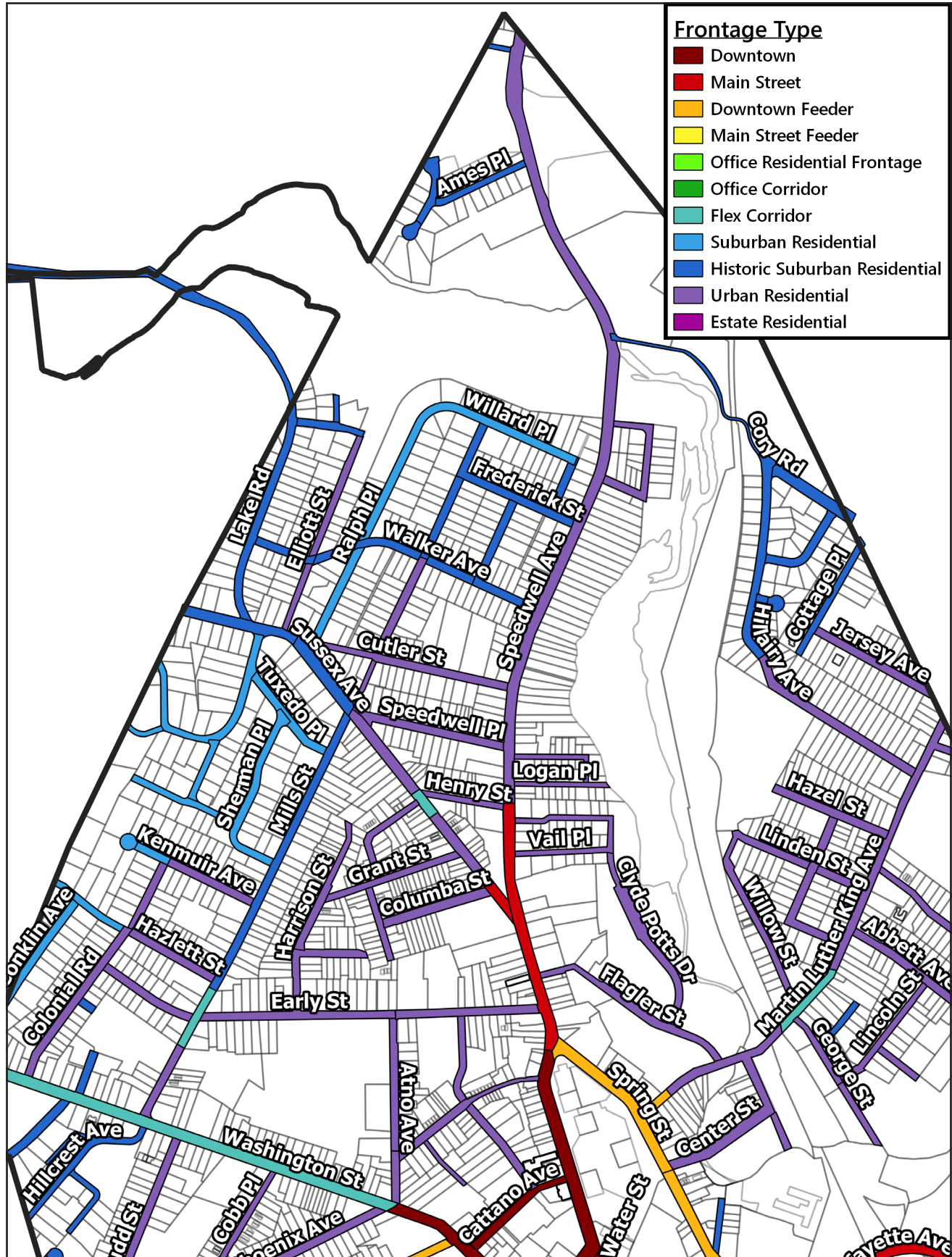
ZONE REGULATION MAP: SOUTHEAST



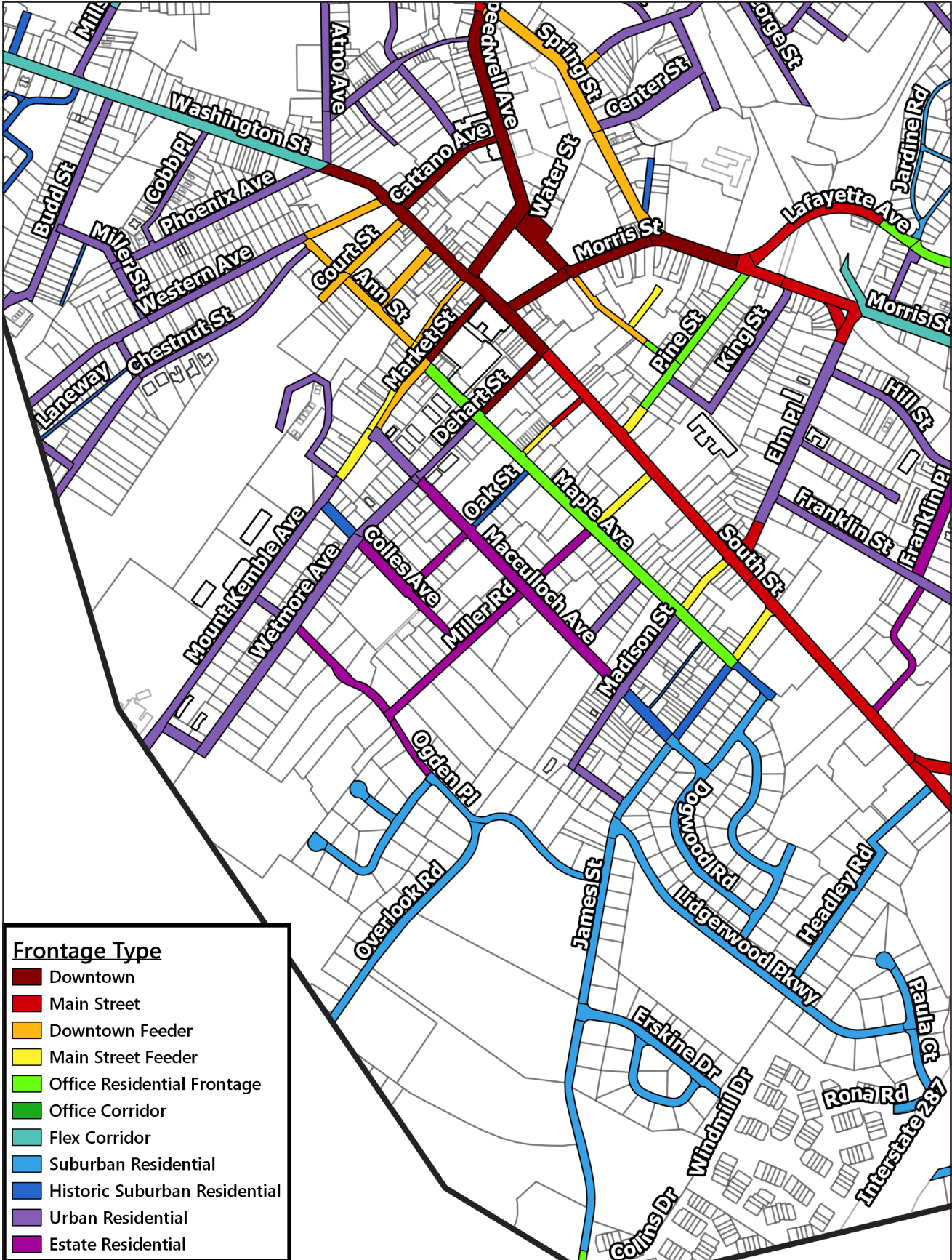
30-2.D. Frontage Regulation Map



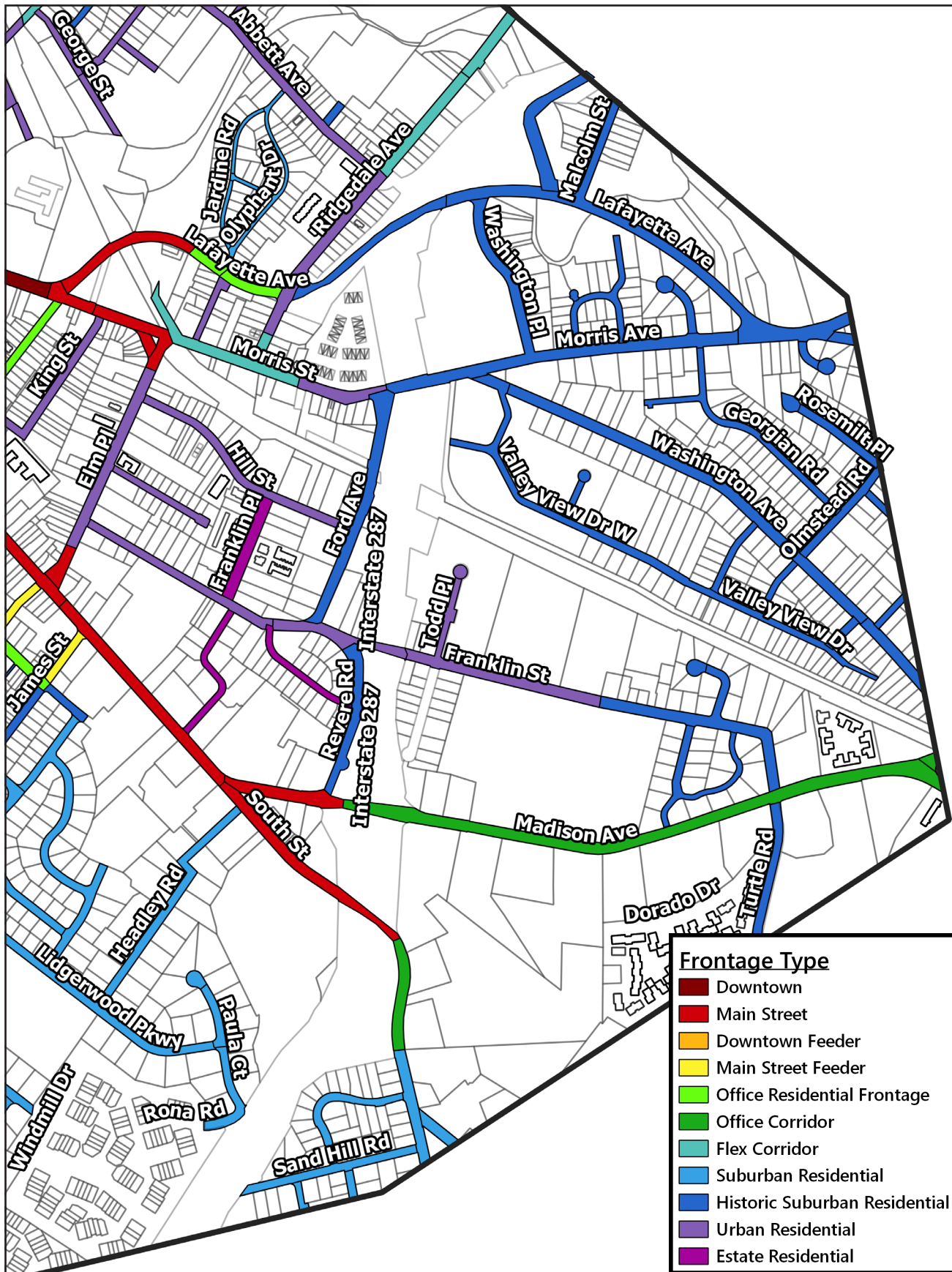
FRONTAGE REGULATION MAP: NORTH



FRONTAGE REGULATION MAP: SOUTHWEST



FRONTAGE REGULATION MAP: SOUTHEAST



30-2.E. **Zoning Districts**1. **R: Residential Detached**

DISTRICTS

**R: DETACHED
RESIDENTIAL**MF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

**A. District Intent**

The overarching objective of the R district is to preserve and strengthen quality of life in Morristown's residential neighborhoods. A flexible zoning mechanism has been developed to balance two often competing goals: (1) to preserve existing neighborhood identity and development patterns while (2) permitting homeowners to improve and modernize their homes. The flexible mechanism balances these goals by significantly reducing the number of pre-existing non-conforming parcels and, in most cases, streamlines permitting for minor modifications to existing dwellings while also establishing design standards to guard against common concerns.

B. District Identity

Morristown's single family housing stock is diverse and varies in age, size, and facade materials. Typically, many commonalities exist between neighborhoods developed during the same period in history. Single-family neighborhoods range from compact neighborhoods characteristic of the 1930's to larger-lot subdivisions with split-level homes built in the 1980's. Each neighborhood has a discrete character defined by lot size, proximity of buildings to one another, and the nature of the streets along which those buildings are situated.

C. District Overlays

- i. Estate (E): The Estate Building overlay permits estate developments, which were created to accommodate the unique development patterns of certain historic neighborhoods in Morristown. These developments exhibit a combination of lot size, building character, and frontage type. As such, there is an estate building type, estate lot type, and estate frontage type, each regulating their respective aspect. The Estate Building Type overlay is characterized by large homes on relatively small parcels. This is a pattern that defines certain picturesque neighborhoods, but would be wholly inappropriate in other locales. This overlay accommodates and strengthens existing fabric while allowing non-overlay parcels to be appropriately regulated.

D. Permitted + Conditional Uses

i. USE	R	E Overlay
a. Single Family	P	P
b. Park or Playground	P	NP
c. Home Occupation	C	C

P: Permitted, NP: Not Permitted, C: Conditional

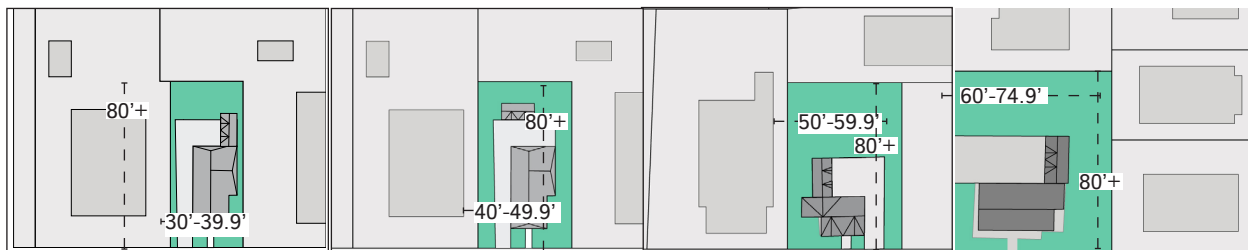
E. Permitted Building Types

i. BUILDING TYPE	R	E Overlay
a. Detached (all widths)	P	P
b. Estate	NP	P

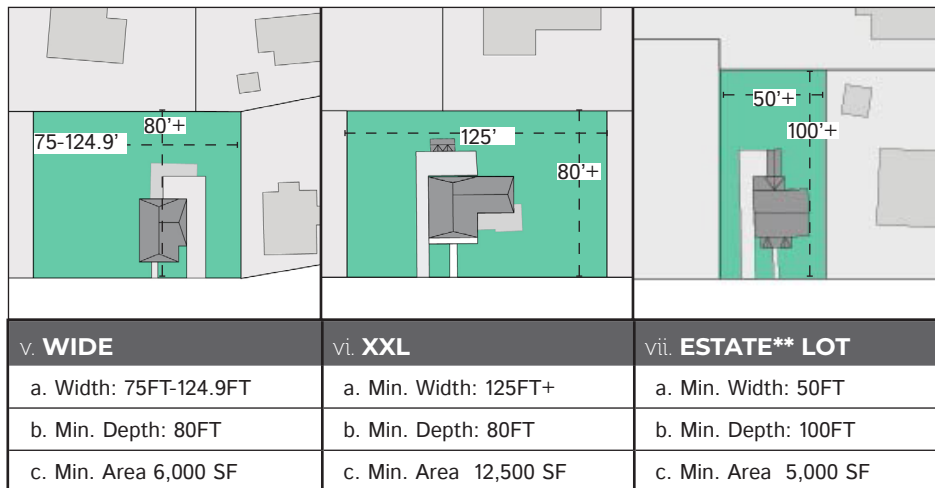
P: Permitted, NP: Not Permitted

F. Lot Standards*

Residential lots in Morristown vary in width, length and land area. This code incorporates a more flexible approach to residential zoning. Building and setback standards are scaled to the size of existing parcels, which allows for uniform regulations applicable to all single family residential zoning districts across the Town. Flexibility in yard and coverage standards helps to ensure that the majority of existing properties in the Town, even those with irregular dimensions, can be improved by their owners without excessive process. The width of the lot shall dictate the standards applicable to a given parcel (e.g. a 40' wide parcel is considered "small" and thus all standards for a "small" lot shall be applicable). In cases of corner lots, the frontage width shall be considered the width of the lot line parallel to the front door facing a street. If frontage width on a corner lot cannot be determined based on unique site circumstance, the Zoning Officer shall make a determination.



i. NARROW	ii. SMALL	iii. MEDIUM	iv. LARGE
a. Width: Parcels up to 39.9'	a. Width: 40FT - 49.9FT	a. Width: 50FT - 59.9FT	a. Width: 60FT - 74.9FT
b. Min. Depth: 80FT	b. Min. Depth: 80FT	b. Min. Depth: 80FT	b. Min. Depth: 80FT
c. Min. Area 2,400 SF	c. Min. Area 3,200 SF	c. Min. Area 4,000 SF	c. Min. Area 4,800 SF



Notes:

*Flexible lot regulations above shall apply only to existing parcels. Subdivision of land shall be regulated in [Sec. 30-2.E.1.I](#) and [Sec. 30-7](#).

**Estate specifications only applicable to lots within the E Overlay Zone existing at the time of ordinance adoption.

DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

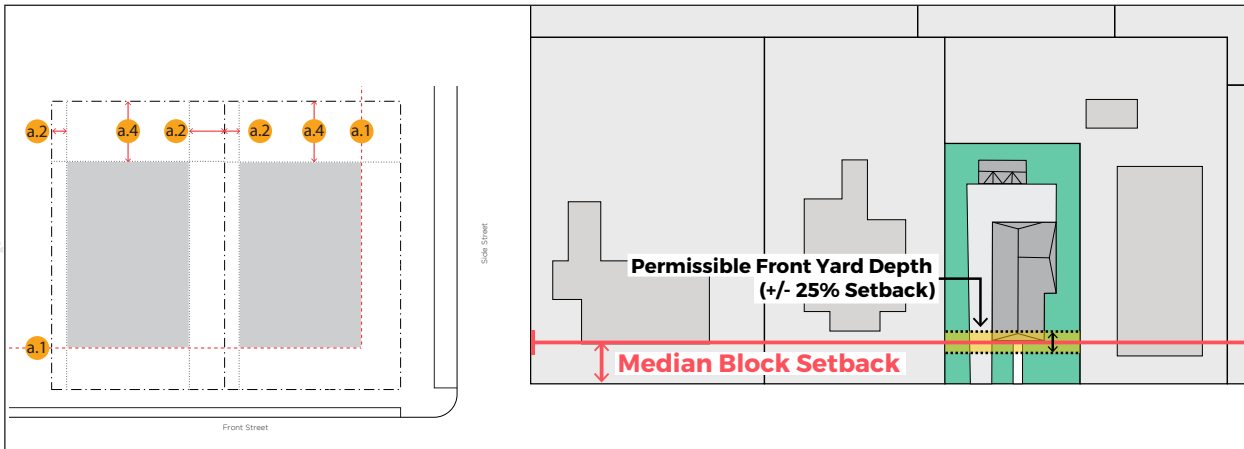
TC: TOWN CENTER

H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

G. Building Placement + Form

- DISTRICTS
- R: DETACHED RESIDENTIAL
- MF-1: SINGLE & TWO-FAMILY
- MF-2: MULTI-FAMILY LOW INTENSITY
- MF-3: MULTI-FAMILY MODERATE INTENSITY
- MX-1: MIXED USE DETACHED
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i. BUILDING PLACEMENT Narrow Small Medium Large Wide XXL Estate

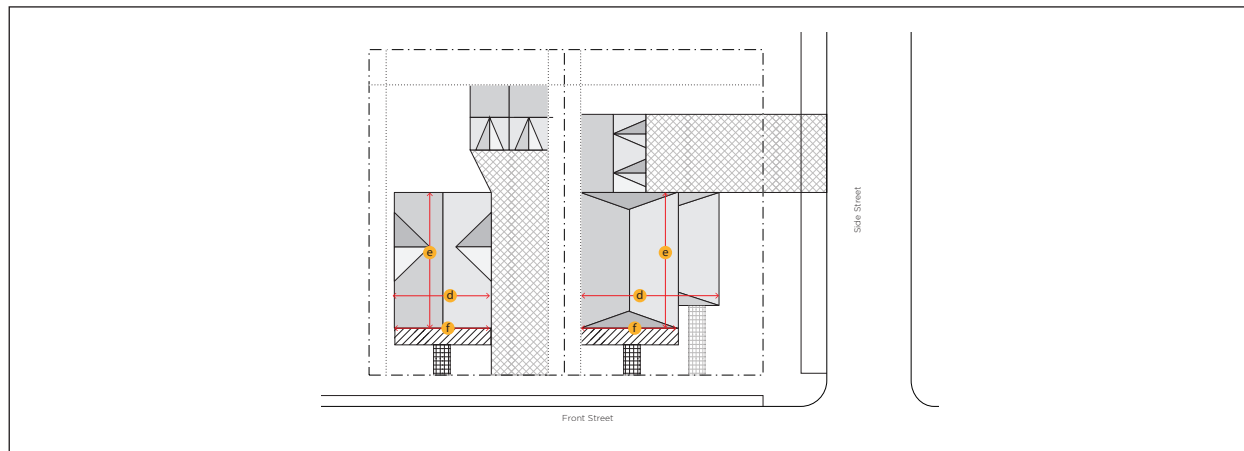
a. Setbacks

(1) Build-to-Line	- Prevailing Setback +/- 25% -						
(2) Side Yard (One) (Min.)	2FT	3FT	5FT	5FT	5FT	20FT	10FT
(3) Side Yard (Both) (Min.)	10FT	13FT	18FT	18FT	18FT	45FT	20FT
(4) Rear Yard (Min.)	20FT	20FT	20FT	20FT	20FT	20FT	30FT

b. Coverage

(1) Building Coverage (Max.)	35%	30%	25%	20%	20%	20%	20%*
(2) Improved Coverage (Max.)	45%	40%	35%	30%	30%	30%	30%

*Maximum building coverage upon existing parcels that are less than 5,000 SF may be increased to 25% building coverage.



ii. BUILDING STANDARDS Narrow Small Medium Large Wide XXL Estate

a. Building Height (Max.)	- 3 Stories / 35FT -																									
b. Accessory Structure Height (Max.)	- 15 FT -																									
c. Finished 1st Floor	18 IN to 24 IN (Visible from Right-of-Way)																									
d. Building Width (Max.)	27FT	27FT	35FT	60FT	60FT	80FT	100FT																			
e. Building Depth (Max.)	50FT	50FT	50FT	50FT	50FT	50FT	30FT - 175FT																			
f. Build-to-Line Occupancy	<table border="0"> <tr> <td>f</td> <td>Min</td> <td>80%</td> <td>80%</td> <td>60%</td> <td>45%</td> <td>40%</td> <td>35%</td> <td>50%</td> </tr> <tr> <td>d</td> <td>Max</td> <td>100%</td> <td>100%</td> <td>85%</td> <td>75%</td> <td>55%</td> <td>50%</td> <td>100%</td> </tr> </table>	f	Min	80%	80%	60%	45%	40%	35%	50%	d	Max	100%	100%	85%	75%	55%	50%	100%	80%	80%	60%	45%	40%	35%	50%
f		Min	80%	80%	60%	45%	40%	35%	50%																	
d	Max	100%	100%	85%	75%	55%	50%	100%																		
		100%	100%	85%	75%	55%	50%	100%																		

H. **Additional Standards**

ADDITIONAL BUILDING + LOT REGULATIONS

- a. Primary entrance shall face along “front” street.
- b. Street facing garage doors prohibited, with the exception of corner lots. Garages on corner lots may face the street along the side of larger frontage.
- c. Additional regulations relating to side yard setbacks:
 - (1) If side yards are not of equal size, buildings shall be oriented on parcel so that the wider side yard setback is created along property line shared with nearest adjacent building façade.
 - (2) If driveway is present on subject parcel or along adjacent parcel property line, building shall be located to create a minimum distance of 15ft between facades.
 - (3) If no driveway is present, buildings shall be configured to create a minimum of 10ft between facades.
 - (4) If any new construction creates a condition in which less than 10ft exist between adjacent building facades, a vegetative buffer shall be required and new facade shall be designed so window openings do not align with openings of existing adjacent facade.
- d. Permitted Yard Encroachments for Accessory Structures
 - (1) Deck / Patio: may encroach into rear yard a maximum of 10ft; no encroachment is permitted into side yard setbacks.
 - (2) A ground-mounted air conditioning compressor: may encroach up to 10ft into rear yard, so long as vegetative buffer or fence is provided and would not be located less than 10ft from existing adjacent facade.
 - (3) Exterior ramps installed for wheelchair access may encroach into all yard setbacks.
- e. Projections
 - (1) Balconies may project up to 6ft into required rear yard setback.
 - (2) Bay windows may project up to 4ft into any required side yard setback which is wider than 10ft and into any front or rear setback.

DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

TC: TOWN CENTER

H: HOSPITAL

I. **Subdivision Regulations**

SUBDIVISION REGULATIONS

- a. The minimum width and area for new lots created through subdivision shall match the prevailing neighborhood lot width and area as defined below.
- b. Prevailing neighborhood lot width and area shall mean the average of all existing parcels within the same district and within 200ft of the subject property. Lots divided by a municipal border shall use the calculation of the entire property on both sides of the municipal border.
- c. Minimum lot width may be reduced to 90% of the prevailing neighborhood pattern if the new parcel is accessed by a driveway shared with the adjacent property.
- d. All other bulk restrictions shall be governed by flexible lot standards within this section.

PP/PPU: Public Purpose/ Public Purpose Undevelopable

J. **Conditional Use Regulations**

CONDITIONAL USE STANDARDS

- a. Home Occupation: See [Section 30-2.F.2.d](#)

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

2. MF-1: Single- & Two-Family Residential

DISTRICTS

R: DETACHED
RESIDENTIAL

**MF-1: SINGLE &
TWO-FAMILY**

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable



A. District Intent

The MF-1 district is characterized by a development pattern common in several of Morristown's existing one-and-two-family neighborhoods. The MF-1 district boundaries largely follow those of the former RT-1 District, which was created in 2007 (per 2003 Master Plan). The RT-1 zone was created by splitting the former RT District (one-to-four-family) into two districts: RT-1, which was limited to two-family dwellings, and RT-2, which was limited to dwellings with a maximum of four units. The stated intent of the split was to prevent further congestion in these areas, to better protect the adjoining single-family neighborhoods, and to allow for redevelopment at an appropriate scale. Mixed-tenure neighborhoods and the dwellings within provide a variety of options for households of varying sizes, income levels, and preferences. This MF-1 Zone adds a "Courtyard" building type which creates a new housing product that will respond to the demand for smaller, more affordable stand-alone dwellings that create realistic ownership opportunities at a wider range of income-levels.

B. District Identity

MF-1 districts are dispersed throughout the Town. These neighborhoods were constructed primarily before 1920, and contain a mix of one-and-two-family dwellings, occupied in some cases by property owners and in other cases by tenants. Detached residential structures dominate the character of MF-1 Districts. Generally speaking, properties MF-1 are developed with reduced yard setbacks and larger structures relative to lot size as compared to most single-family neighborhoods in town. MF-1 districts are walkable, and connect to essential services and neighborhood amenities.

C. District Overlays

None

D. Permitted + Conditional Uses

i. USE	MF-1
a. Single Family	P
b. Two Family	P
c. Home Occupation	C
d. Human Habitation of Second Principal Structure	C

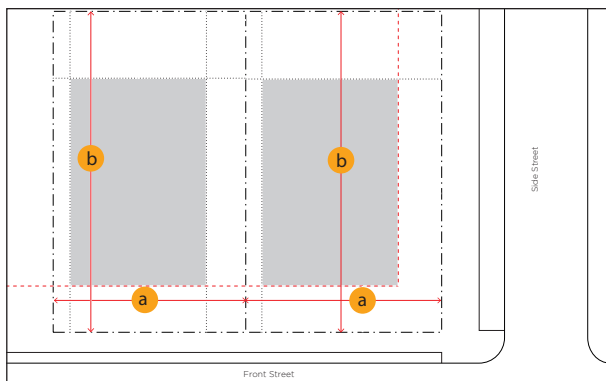
P: Permitted, NP: Not Permitted, C: Conditional

E. Permitted Building Types

i. BUILDING TYPE	MF-1	Building Standards
a. Detached	P	Sec. 30-3.B.1
b. Semi Attached	P	Sec. 30-3.B.3.
c. Courtyard	P*	Sec. 30-3.B.4

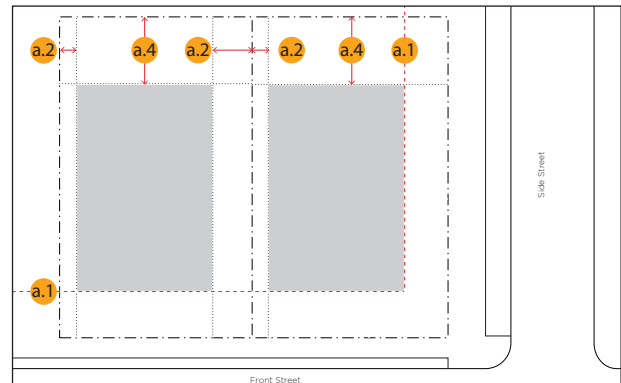
P: Permitted, NP: Not Permitted
*Not Permitted on Historic Suburban frontages

F. Lot Standards



i. LOT STANDARDS	
a. Lot Width (Min.)	Standard shall use Semi-Attached Building Type per Section 30-3. See Section 30-2.E.2.K for additional subdivision regulations.
b. Lot Depth (Min.)	
c. Lot Size (Min.)	

G. Building Placement



i. MF-1 STANDARDS	
a. Setbacks	
(1) Build-to-Line	Prevailing Setback +/-25%
(2) Side Yard (One) (Min.)	Standard shall use Semi-Attached Building Type per Section 30-3.
(3) Side Yard (Both) (Min.)	
(4) Rear Yard (Min.)	
b. Coverage	
(1) Building Coverage (Max.)	Standard shall use Semi-Attached Building Type per Section 30-3.
(2) Improved Coverage (Max.)	

H. Building Form



i. BUILDING HEIGHT	Min	Max
a. Principal Structure	-	3 ST/35 FT
b. Accessory Structure(s)	-	15 FT
c. Finished Ground Floor (Visible from Right-of-Way)	18 IN	24 IN

- DISTRICTS**
- R: DETACHED RESIDENTIAL
 - MF-1: SINGLE & TWO-FAMILY**
 - MF-2: MULTI-FAMILY LOW INTENSITY
 - MF-3: MULTI-FAMILY MODERATE INTENSITY
 - MX-1: MIXED USE DETACHED
 - MX-2: MIXED USE MODERATE
 - TC: TOWN CENTER
 - H: HOSPITAL
 - PP/PPU: Public Purpose/ Public Purpose Undevelopable

I. Conditional Use Standards

CONDITIONAL USE STANDARDS

- DISTRICTS**
- a. Home Occupation: See Section 30-2.F.2.d
 - b. Human Habitation of Second Principal Structure: See [Section 30-2.F.2.h](#)

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

J. Subdivision Regulations

SUBDIVISION REGULATIONS

- a. The minimum width and area for new lots created through subdivision shall match the prevailing neighborhood lot width and area as defined below.
- b. Prevailing neighborhood lot width and area shall mean the average of all existing parcels within the same district and within 200ft of the subject property. Lots divided by a municipal border shall use the calculation of the entire property on both sides of the municipal border.
- c. Minimum lot width may be reduced to 90% of the prevailing neighborhood pattern if the new parcel is accessed by a driveway shared with the adjacent property.
- d. All other bulk restrictions shall be governed by flexible lot standards within this section.

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

3.

MF-2: Multifamily, Low to Moderate Intensity**DISTRICTS**R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILY**MF-2: MULTI-
FAMILY
LOW
INTENSITY**MF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable**A. District Intent**

The MF-2 Zone includes most of the Town's existing "planned" multi-family communities. This includes existing garden apartment complexes and townhouse developments. It is recognized that redevelopment of these parcels is unlikely in the near term, given the level of existing improvement. In the event of redevelopment, the code creates for these parcels a development framework that would foster walkable, pedestrian-oriented communities taking inspiration from the New Urbanist movement and the LEED-ND program (Leadership in Energy and Environmental Design - Neighborhood Development).

B. District Identity

Existing improvements within the MF-2 District are campus style developments that are largely isolated from the surrounding neighborhood context and existing street network. The design and layout of these communities is

typically oriented toward automobile rather than pedestrian accessibility. Redevelopment that occurs pursuant to MF-2 standards will include a variety of building types and walkable streets that deemphasize the automobile. MF-2 standards incorporate standards to minimize the impacts of development upon adjacent property owners, while also allowing small-scale non-residential uses (i.e. retail) to create neighborhood amenity.

C. District Overlays

- i. Planned Walkable Neighborhood (PWN): provides option to develop multiple structures as part of a planned neighborhood development on a minimum of 3 acres. This overlay zone includes most lands previously zoned as RC (Residential Cluster).
- ii. Critical Infrastructure Overlay (CI): This overlay includes Block 701, Lots 1, 2, and 3; Block 702, Lots 5, 5.01, 5.02, 5.03; and Block 601, Lots 1 and 1.01.

D. Permitted + Conditional Uses

i. USE		MF-2	PWN	CI
a.	Single Family	P	P	NP
b.	Two Family	P	P	NP
c.	3-4 Family	P	P	NP
d.	5+ Family	NP	P	NP
e.	Home Occupation	C	C	NP
f.	Wireless Communication Antenna	NP	C	C
g.	Critical Infrastructure	NP	NP	C
h.	Human Habitation of Second Principal Structure	C	C	NP

P: Permitted, NP: Not Permitted, C: Conditional

ii. DENSITY	Permitted Density (Max.)	Incentive Density (Max.)*
a. MF-2	6 units/acre	25 units/acre
b. PWN	6 units/acre	16 units/acre

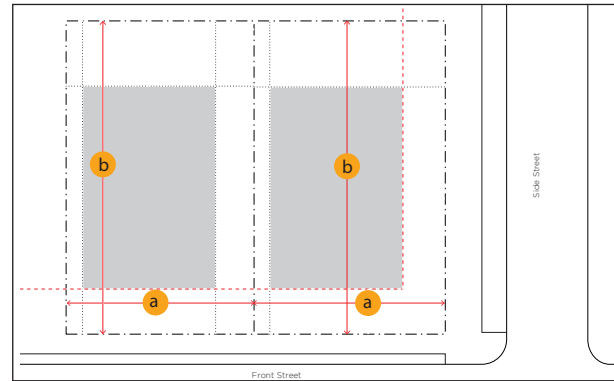
*Permitted Building Types that conform to the standards of Section 30-3.B, Section 30-3.C (Community Character Regulations only), and Section 30-3.D.1 to Section 30-3.D.6 may be permitted an increase in residential density as indicated above. PWN Overlay must also conform with Building Standards in Section 30-2.E.3.K.i. The aggregate density for proposals within the PWN that conform with design standards is 16 units/acre.

E. Permitted Building Types

BUILDING TYPE	MF-2	PWN	Building Standards
a. Detached House	P	P	Sec. 30-3.B.1
b. Semi-Attached	P	P	Sec. 30-3.B.3
c. Courtyard	P	P	Sec. 30-3.B.4
d. Townhome	P	P	Sec. 30-3.B.6
e. Apartment	NP	P	Sec. 30-3.B.7

P: Permitted, NP: Not Permitted

F. Lot Standards

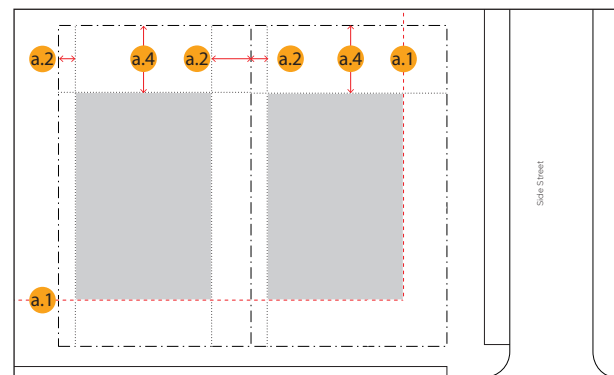


MF-2, PWN, CI STANDARDS

a.	Lot Width (Min.)	50 FT
b.	Lot Depth (Min.)	80 FT
c.	Lot Size* (Min.)	4,000 SF

*Projects in the Planned Walkable Neighborhood (PWN) overlay shall be at least 3 acres.

G. Building Placement



MF-2 STANDARDS

a.	Setbacks	MF-2, PWN, CI	
(1)	Build-to-Line	Prevailing Setback +/- 25%	
(2)	Side Yard (One) (Min.)	10 FT	
(3)	Side Yard (Both) (Min.)	20 FT	
(4)	Rear Yard (Min.)	30 FT	
b.	Coverage	MF-2, CI	PWN
(1)	Building Coverage (Max.)	20%	30%
(2)	Improved Coverage (Max.)	30%	70%

H. Building Form



i. HEIGHT*		Requirement
a.	Principal Structure (Max.)	3 ST / 40 FT
b.	Accessory Structure(s) (Max.)	15 FT
c.	Finished Ground Floor, (Visible from Right-of-Way)	18 IN - 24 IN

*Building height in the PWN may be measured from the finished grade as opposed to the grade prior to construction. Notwithstanding provisions that is contrary in this code.

DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

TC: TOWN CENTER

H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

I. Conditional Use Standards

CONDITIONAL USE STANDARDS

- a. Home Occupations: See Section 30-2.F.2.d
- b. Wireless Communication Antennas: See Section 30-2.F.2.e
- c. Critical Infrastructure: Any changes, modifications or intensification of existing critical infrastructure, or construction of new critical infrastructure, shall include a visual buffer at least 30 feet tall and 20 feet deep, which shall be constructed of both evergreen and deciduous plant material, and may at the discretion of the approving agency include masonry landscape walls as may be needed to effectively mitigate impacts to adjacent residences and public rights-of-way.
- d. Human Habitation of Second Principal Structure: See Section 30-2.F.2.h

J. Overlay Standards: Planned Walkable Neighborhood (PWN)

i. PWN OVERLAY BUILDING STANDARDS

- a. No more than three of the same building plan (i.e. façade design) shall be used along a block or opposing block face.
- b. A minimum of two different building plans shall be used in projects containing three or more buildings.
- c. Diversity in design may be achieved by variation in color, material, building elements, and differentiation in rooflines and massing.
- d. Regardless of facade color, identical building plans shall not be used across the street from one another.
- e. Townhouse building types are permitted on Urban Residential frontage type or any frontage 100 feet away from lower density district.
- f. Apartment Building building types are permitted on Urban Residential frontage type or any frontage 200 feet away from lower-density district.
- g. Townhome building types in the PWN Overlay may be permitted up to a maximum 200 feet wide.

ii. PWN OVERLAY FRONTAGE / STREET STANDARDS

- DISTRICTS**
- R: DETACHED RESIDENTIAL**
- MF-1: SINGLE & TWO-FAMILY**
- MF-2: MULTI-FAMILY LOW INTENSITY**
- MF-3: MULTI-FAMILY MODERATE INTENSITY**
- MX-1: MIXED USE DETACHED**
- MX-2: MIXED USE MODERATE**
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- PP/PPU: Public Purpose/ Public Purpose Undevelopable**
- a. Across the development, the applicant shall use no more than 20% of the site area for all new off-street surface parking facilities, and no individual surface parking lot shall be larger than 1.5 acres. Surface parking facilities include ground-level garages unless they are under habitable building space and separated from the street with habitable space and/or lobby areas. On-street parking spaces are exempt from this limitation.
 - b. On average, on-street parking shall be provided on a minimum of 70% of both sides of all new and existing streets, including the project side of bordering streets. The percentage of on-street parking is calculated by dividing the length of street designated for parking by the total length of the curb along each street, including curb cuts, driveways, and intersection radii. Space within the parking lane that is occupied by corner bulb-outs (within 24 feet or 7 meters of an intersection), transit stops, and motorcycle or bicycle parking may be counted as designated for parking in this calculation.
 - c. Off-street parking lots and garages shall not front a public street with the exception of corner parcels. On corner parcels, off-street parking lots and garages may face the street along the side of larger frontage. A minimum of 35 feet of landscaped buffer is required between the edge of any parking areas and the start of the pedestrian realm.
 - d. For 90% of new building frontages, the principal functional entry shall face a public space - such as a street, square, park, paseo, or plaza. In all cases, such entry must be connected to a sidewalk that is a minimum of 4 feet in width and is connected to the site wide pedestrian circulation system. No more than 10% of new building frontages may face onto a parking lot.

e. Connectivity

- (1) Applicants shall design and/or locate the project so that a through-street intersects or terminates at the project boundary at least every 400 feet, or at existing abutting street intervals and intersections, whichever is the shorter distance. Connections are not required when the project boundary cannot be made because of physical obstacles, such as prior platting of property, construction of existing buildings or similar barriers.
- (2) Cul-de-sacs are not permitted, unless accompanied by a pedestrian path that provides through connectivity.
- (3) All residential buildings must be accessed through a publicly accessible right-of-way or private access street; gated communities are prohibited.

f. Design

- (1) On average, streets shall provide street trees on both sides of at least 60% of new and existing streets within the project, and on the project side of bordering streets, at intervals averaging no more than 40 feet (12 meters).
- (2) Continuous sidewalks on both sides of 100% of new and existing street frontage shall be provided with minimum width of 4 feet, or 5 feet to 6 feet if adjacent to parking.

iii. PWN OVERLAY BICYCLE NETWORK STANDARDS

- a. In the event that a bicycle path, or a proposed bicycle path as outlined in the Morristown Bicycle Plan of 2013 developed by the Morristown Environmental Commission, passes within 1/4 mile of the project site boundaries, the applicant shall:
 - (1) Cooperate with the Town administration, boards and professionals to effectuate off-site connections to bicycle facilities.
 - (2) Ensure that all properties within the project have access to a bicycle path within 1/4 mile of their front door or the front door of their multi-family building.
- b. The applicant shall construct parking for bicycles:
 - (1) For all multi-family units, provide at least one secure enclosed bicycle storage per unit. These bicycle parking spaces do not have to be dedicated to each unit.
 - (2) Provision of unenclosed bicycle parking shall conform to the standards located in [Section 30-4.H](#).

iv. PWN OVERLAY OPEN SPACE/ LANDSCAPING /GARDEN STANDARDS

- a. Applicants shall locate and/or design the project such that a civic or passive-use space, such as a square, park, or plaza, at least 1/6 acre (7260 square feet) in area lies within a 1/4-mile walking distance of 90% of planned and existing dwelling units and nonresidential building entrances. Spaces less than 1 acres must have a proportion no narrower than 1 unit of width to 4 units of length. Open space located on the rear side of a building shall not count towards this requirement.
- b. Seating shall be provided at a rate of 1 linear foot of suitable surface for every 30 feet of open space.
- c. At least 25% of the total site shall be dedicated to common open space.
- d. Landscaping shall be located to provide effective climatic control. The walls of a building shall be heavily vegetated on the east and west walls to provide shade from the summer sun, and the north and northwest walls to protect from winter prevailing winds. The southerly facing side of a building shall be shaded from the summer sun but open for solar gain during the winter.
- e. To the greatest extent practicable all healthy existing trees 18 inches DBH (diameter-at-breast height, measured 4 feet above ground level) or more shall be preserved.
- f. Individual lot landscape plans (a.k.a. foundation planting plans) shall be prepared for all building types. The plans shall specify foundation plant materials as well as screening and additional tree plantings. The number of plantings shall be considered over and above street tree, buffer, and basin landscape requirements.
- g. The applicant shall use any combination of the following strategies for 50% of the non-roof site hardscape (including roads, sidewalks, courtyards, parking lots, parking structures, and driveways):
- (1) Provide shade from open structures such as those supporting solar photovoltaic panels; canopied walkways, and vine pergolas, all with a solar reflectance index (SRI) of at least 29;
 - (2) Use paving materials with an SRI of at least 29;
 - (3) Install an open-grid pavement system that is at least 50% pervious; and/or
 - (4) Provide shade from tree canopy (within ten years of landscape installation).
- h. The applicant shall not establish covenants, conditions, and restrictions or other forms of deed restrictions which state that the growing of produce is not prohibited in project areas, including greenhouses, any portion of residential front, rear, or side yards; or balconies, patios, or rooftops.
- i. Greenhouses (but not gardens) are prohibited in front yards that face the street.
- j. Applicants are encouraged to provide 100 square feet of community garden space for each dwelling unit constructed. Applicants who meet this requirement so that 90% of all units have community garden space within 1/8 mile of their front door shall be permitted to increase the Maximum Improved Coverage ratio of their building types by 5%.

DISTRICTS

R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable**QUICK REFERENCE**

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

4. MF-3: Multi-Family Moderate Intensity

DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

**MF-3: MULTI-
FAMILY
MODERATE
INTENSITY**

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable



A. District Intent

The intent of the MF-3 zone is to provide for targeted development and preservation of high-density residential properties. Borders largely reflect areas of existing high-density residential development in neighborhoods near the Town's core.

B. District Identity

The MF-3 zone consists primarily of properties that have been redeveloped for intense multi-family residential purposes. Generally, the properties in these districts are larger lots not directly adjacent to a commercial corridor. Development in this zone will be auto-oriented; however, the design of the properties will require special consideration to ensure that a pedestrian-friendly streetscape is created.

C. District Overlays

- i. Neighborhood Overlay (N): The Neighborhood Overlay Zone provides additional flexibility for smaller-sized lots. This flexibility allows for the construction of multi-family buildings scaled to fit the context of a lower-intensity neighborhood character.

D. Permitted + Conditional Uses

i. USE	MF-3	N Overlay
a. Single Family	NP	P
b. Two Family	NP	P
c. 3-4 Family	NP	c
d. 5+ Family	P	c
e. Home Occupation	C	C
f. Human Habitation of Second Principal Structure	C	C

P: Permitted, NP: Not Permitted, C: Conditional

ii. DENSITY	Permitted Density	Incentive Density*
MF-3	15 units/acre	45 units/acre
N	15 units/acre	N/A

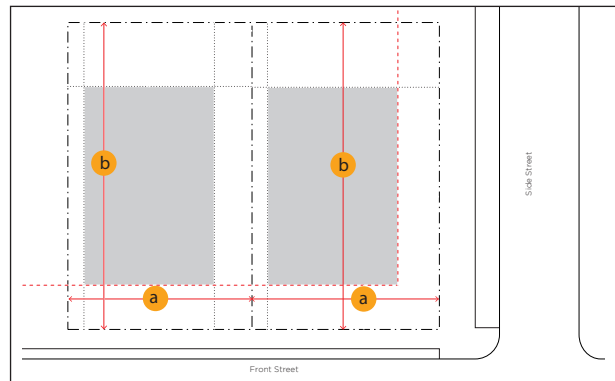
*Permitted Building Types that conform to the standards of Section 30-3.B, Section 30-3.C (Community Character Regulations only), and Section 30-3.D.1 to Section 30-3.D.6 may be permitted an increase in residential density as indicated above.

E. Permitted Building Types

i. BUILDING TYPE	MF-3	N Overlay	Building Standards
a. Detached House	NP	P	Sec. 30-3.B.1
b. Semi Attached	NP	P	Sec. 30-3.B.3
c. Courtyard	NP	P	Sec. 30-3.B.4
d. Townhome	P	P	Sec. 30-3.B.6
e. Apartment Building	P	NP	Sec. 30-3.B.7

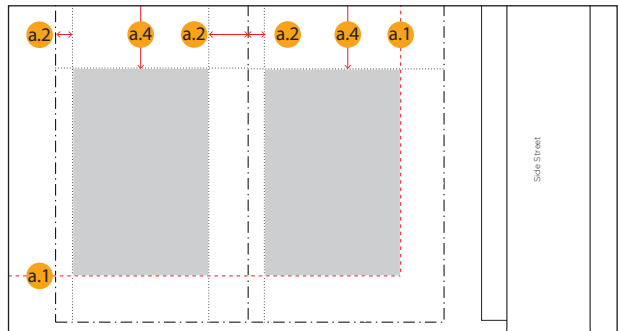
P: Permitted, NP: Not Permitted

F. Lot Standards



i. MF-3 STANDARDS	MF-3	N Overlay
a. Lot Width (Min.)	100 FT	60 FT
b. Lot Depth (Min.)	150 FT	100 FT
c. Lot Size (Min.)	15,000 FT	6,000 FT

G. Building Placement



i. MF-3 STANDARDS	MF-3	N Overlay
a. Setbacks		
(1) Build-to-Line	Prevailing Setback +/- 25%	
(2) Side Yard (One) (Min.)	20 FT	10 FT
(3) Side Yard (Both) (Min.)	50 FT	25 FT
(4) Rear Yard (Min.)	30 FT	20 FT
b. Coverage		
(1) Building Coverage (Max.)	25%	Standard shall use Semi-Attached Building Type per Section 30-3.
(2) Improved Coverage (Max.)	55%	

- DISTRICTS**
- R: DETACHED RESIDENTIAL
 - MF-1: SINGLE & TWO-FAMILY
 - MF-2: MULTI-FAMILY LOW INTENSITY
 - MF-3: MULTI-FAMILY MODERATE INTENSITY
 - MX-1: MIXED USE DETACHED
 - MX-2: MIXED USE MODERATE
 - TC: TOWN CENTER
 - H: HOSPITAL
 - PP/PPU: Public Purpose/ Public Purpose Undevelopable

H. Building Form



DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

i. MF-3 and MF-3 (N) HEIGHT		Requirement
a.	Principal Structure (Max.)	3 ST / 40 FT
b.	Accessory Structure(s) (Max.)	15 FT
c.	Finished Ground Floor (Visible from Right-of-Way)	18 - 24 IN

I. Conditional Use Standards

i. 3-4 Family Uses

- Must conform with design standards in [Section 30-3.B](#) and the Community Character Regulations in Frontage Standards per [Section 30-3.C](#).
- 3 Family uses shall be permitted in Courtyard building types only.
- 4 Family uses shall be permitted in Townhouse building types only.
- Units shall be a minimum of 800 SF in floor area.
- Shall only be permitted in conjunction with construction of new buildings.

ii. 5+ Family Uses

- Must conform with design standards in [Section 30-3.B](#) and the Community Character Regulations in Frontage Standards per [Section 30-3.C](#).
- Permitted in Townhouse Building building types only.
- Shall be permitted on Urban Residential and Downtown Feeder frontage types only.
- Density may only be calculated on lands containing slopes less than 25% or areas that are less than 25% but are separated from the public right of way by a slope of 25% or greater.
- Shall only be permitted in conjunction with construction of new buildings.

iii. Home Occupation

- See [Section 30-2.F.2.d](#)

iv. Human Habitation of Second Principal Structure

- See [Section 30-2.F.2.h](#)

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

5. MX-1: Mixed Use Detached Neighborhood



DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

**MX-1: MIXED
USE
DETACHED**

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

A. District Intent

The purpose of the MX-1 is to protect Morristown's architectural heritage by providing opportunities to repurpose old residential estates for a mix of residential and office uses. This district accommodates mixed use development at a lower intensity through the Retail Overlay, which preserves traditional neighborhood-scale commercial uses. Though commercial uses are permitted in this zone, the primary character is intended to be residential in appearance.

B. District Identity

The MX-1 zone can be identified primarily by the form of its constituent buildings. The dominant building type is the Estate Building, reflecting Morristown's residential heritage. In other areas, primarily in the Retail Overlay,

the Urban Small building type is more common. In both cases, the MX-1 reflects a mixed use neighborhood typical of a small town or neighborhood. The primary uses are residential and small-scale office. Retail and other services are intended primarily to serve a local customer base, and not intended for larger or more intense purposes.

C. District Overlays

- i. Retail Overlay (R): The retail overlay permits retail uses in building types permitted within the MX-1 zone, and conditionally permits a wider range of building types, while setting forth conditional use requirements for restaurants and dining on the ground floor of buildings in the district.

D. Permitted + Conditional Uses

	i. USE	MX-1	R Overlay
	a. Single Family	P	NP
DISTRICTS	b. Two Family	P	P
	c. 3-4 Family	C	C
R: DETACHED RESIDENTIAL	d. 5+ Family	C	C
	e. Art Gallery	P	P
MF-1: SINGLE & TWO-FAMILY	f. Artisan Workshop	P	P
	g. Childcare Center	P	P
MF-2: MULTI-FAMILY LOW INTENSITY	h. Market	NP	P
	i. Media Production*	P	P
	j. Office, General and Professional*	P	P
MF-3: MULTI-FAMILY MODERATE INTENSITY	k. Office, Medical*	P	P
	l. Services, Personal and General	NP	P
MX-1: MIXED USE DETACHED	m. Restaurant, Sit Down	NP	P
	n. Restaurant, Liquor Licensed	NP	C
MX-2: MIXED USE MODERATE	o. Restaurant, Café	NP	C
TC: TOWN CENTER	p. School	C	C
	q. House of Worship	C	C
H: HOSPITAL	r. Human Habitation of Second Principal Structure	C	C

P: Permitted, NP: Not Permitted, C: Conditional

* In building where at minimum 25% of floor area, excluding basement, is occupied by at least one residential dwelling unit.

ii. INTENSITY (MX-1 and R Overlay)	Permitted
a. Permitted Density (Max.)	6 units/acre
b. Incentive Density* (Max.)	20 units/acre
c. FAR**,** (Max.)	0.5

*Permitted Building Types that conform to the standards of [Section 30-3.B](#), [Section 30-3.C](#) (Community Character Regulations only), and [Section 30-3.D.1](#) to [Section 30-3.D.6](#) may be permitted an increase in residential density as indicated above, and shall be exempt from FAR as indicated above.

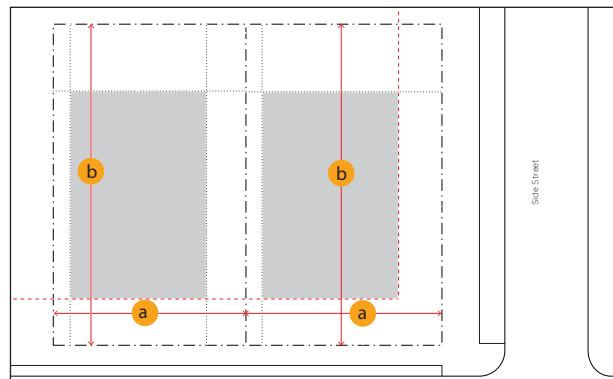
**Modifications to existing buildings that do not conform to applicable Lot Regulations and Building Regulations (of a Permitted Building Type), and building height of the district, arising from existing lot or building characteristics shall not be subject to maximum FAR standards based on the presence of lawfully preexisting nonconformities. This exemption shall not apply to any nonconformities resulting from modifications to existing lot characteristics (i.e. subdivision/merger).

E. Permitted Building Types

i. BUILDING TYPE	MX-1	R Overlay	Building Standards
a. Detached	P	P	Sec. 30-3.B.1
b. Estate	P	NP	Sec. 30-3.B.2
c. Semi-Attached	P	P	Sec. 30-3.B.3
d. Courtyard	P	P	Sec. 30-3.B.4
e. Townhome	P*	P*	Sec. 30-3.B.6
f. Urban Small	NP	P	Sec. 30-3.B.12

P: Permitted, NP: Not Permitted

*Not permitted on Flex Frontages or Office Residential Character Frontages.

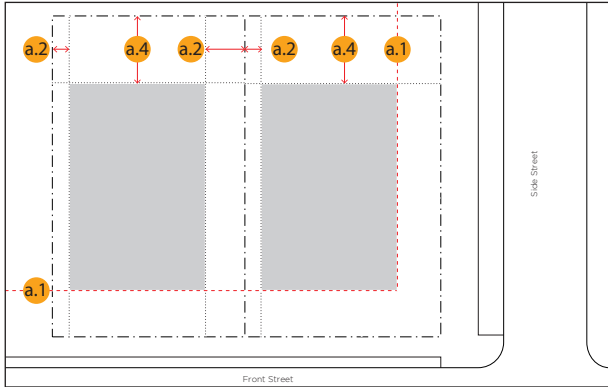
F. Lot Standards**i. MX-1 LOT STANDARDS**

a. Lot Width (Min.)	60 FT
b. Lot Depth (Min.)	65 FT
c. Lot Size (Min.)	3,900 SF

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

G. Building Placement



i. MX-1 STANDARDS

a. Setbacks

	Prevailing Setback +/-25%
(1) Build-to-Line	
(2) Side Yard (One) (Min.)	10 FT
(3) Side Yard (Both) (Min.)	25 FT
(4) Rear Yard (Min.)	30 FT

b. Coverage

c. Building Coverage (Max.)	20%
d. Improved Coverage (Max.)*	30%

*Properties within the MX-1 District may be improved to a maximum impervious coverage of 70% so long as such properties are improved with a permitted Building Type at the time of adoption of this ordinance. This additional coverage shall only be applicable to mixed-use structures, but shall not be applicable in cases where 25% or more of the gross floor area of any existing principal structure are (or are proposed to be) demolished. These standards shall supersede any conflicting regulations contained in Section 30-3.

H. Building Form



i. HEIGHT	Min	Max
a. Principal Structure	2 ST / 24 FT	3 ST / 36 FT**
b. Accessory Structure(s)	-	15 FT
c. Finished Ground Floor (Commercial 1st floor)	Grade Level	
d. Finished Ground Floor (Residential 1st floor visible from Right-of-Way)	18 inches	24 inches

Ground Floor use is proposed, an additional 1 foot of building height is permitted for every foot of ground story floor-to-ceiling height in excess of 12 feet. Bonus height shall not exceed 5 additional feet. Any deviation in height shall be calculated from the "base height" (i.e. maximum height permitted in the district without the application of any bonuses).

DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

TC: TOWN CENTER

H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

I. Conditional Use Standards**i. 3-4 Family Uses**

- a. Must conform with design standards in [Section 30-3.B](#) and the Community Character Regulations in Frontage Standards per [Section 30-3.C](#).
- b. 3 Family uses shall be permitted in Courtyard building types only.
- c. 4 Family uses shall be permitted in Townhouse building types only.
- d. Units shall be a minimum of 800 SF in floor area.
- e. Shall only be permitted in conjunction with construction of new buildings.

ii. 5+ Family Uses

- a. Must conform with design standards in [Section 30-3.B](#) and the Community Character Regulations in Frontage Standards per [Section 30-3.C](#).
- b. Permitted in Townhouse building types only.
- c. Shall be permitted on Urban Residential and Downtown Feeder frontage types only.
- d. Density may only be calculated on lands containing slopes less than 25% or areas that are less than 25% but are separated from the public right of way by a slope of 25% or greater.
- e. Shall be located on lots with a total area of 12,500 sf or more.
- f. Shall only be permitted in conjunction with construction of new buildings.

iii. RESTAURANT, CAFE

- a. Cafe shall not exceed 1,000 square feet.
- b. Total area of all signage may not exceed six square feet.
- c. Deliveries shall be made in a vehicle no larger than a full-size passenger van.
- d. Shall not require exterior alterations to buildings constructed before 1950.
- e. Shall not require changes to the finished floor elevation.
- f. Parking shall be located in the rear of the property and screened from view of the general public.
- g. Required ADA ramps and other ADA improvements shall be located in the rear of the building and provide direct access to the parking area.

iv. RESTAURANT, LIQUOR LICENSED

- a. Shall conform with conditional use standards for Liquor Licensed Restaurants contained in [30-2.F.2.a](#).

DISTRICTS

R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

v. HOUSES OF WORSHIP

- a. May only be permitted as an expansion of a larger House of Worship campus where the use is permitted and where campus connects to a street frontage on which the use is permitted.
- b. A minimum 50% of all required parking shall be under ownership of the religious organization and shall be within 200 feet of the church.
- c. Houses of worship shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder, Office Corridor or Flex Corridor.
- d. The application shall be accompanied by the existing or proposed charter, by-laws of the organization and other documentation necessary to show that the organization:
 - (1) Is a registered non-profit religious organization.
 - (2) Has been granted an exemption from taxation under the laws of both the State of New Jersey and the United States.
- e. The organization shall not engage in sales of products or materials to the general public, or engage in commercial activity except for the following cases:
 - (1) Rental of premises for meetings of other groups and events.
 - (2) Fundraisers occurring over no more than 4 weekends per year
 - (3) Sale of religious articles, books and items.

DISTRICTSR: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITY**MX-1: MIXED
USE
DETACHED****vi. SCHOOLS**

- a. All parking shall be provided on-site.
- b. Schools shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder Office Corridor, or Flex Corridor.

MX-2: MIXED
USE
MODERATETC: TOWN
CENTER**viii. HUMAN HABITATION OF SECOND PRINCIPAL STRUCTURE**

- a. See [Section 30-2.F.2.h](#)

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable**QUICK REFERENCE**

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

6. MX-2: Mixed Use Moderate Density

DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

**MX-2: MIXED
USE
MODERATE**

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable



A. District Intent

The MX-2 zone encompasses mixed use neighborhoods located on corridors outside of and disconnected from the downtown area. These neighborhoods will be more auto-oriented, but still provide a pedestrian friendly experience. Neighborhoods in the MX-2 district are better suited for larger format commercial uses.

B. District Identity

The MX-2 zone is concentrated along Madison Avenue and Ridgedale Avenue. Ridgedale consists of a variety of multi-story building types and uses. Madison Avenue, located in the Large Lot Overlay, is dominated by large office buildings ranging from four to six stories. Larger setbacks provide an additional buffer from the higher speeds of the local streets.

C. District Overlays

- i. Large-Lot Overlay (L-L): The Large Lot Overlay provides for higher-intensity uses along Madison Avenue, which is consistent with the current pattern of development. The principal uses along this corridor are offices and medical offices.

D. Permitted + Conditional Use

i. USE	MX-2	L-L
a. Single Family	P	NP
b. Two Family	P	NP
c. 3-4 Family	P	NP
d. 5+ Family	P	NP
e. Art Gallery	P	NP
f. Artisan Workshop	P	NP
g. Brewery/Brewpub	C	NP
h. Childcare Center	P	P
i. Convenience Store	P	NP
j. Funeral Homes	C	NP
k. Supermarket	C	NP
l. Market	P	NP
m. Laboratory (medical/dental)	NP	P
n. Media Production	P	P
o. Offices, General and Professional	P	P
p. Office, Medical	NP	P
q. Parking	C	NP
r. Services, Business or Personal	P	NP
s. Restaurant (carry out/fast food)	C	NP
t. Restaurant (coffee shop/cafe)	P	NP
u. Restaurant (full service/sit down)	P	NP
v. Restaurant (liquor licensed)	C	NP
w. Retail	P	NP
x. Club, lodge, Fraternal Organization	P	NP
y. Community Center	P	NP
z. House of Worship	C	C
aa. Nightclub or Bar	C	NP
ab. Nursing /Convalescent Home	NP	P
ac. School	C	C
ad. Wireless Communication Antennas	C	C
ae. Medical Cannabis Dispensaries and Cannabis Dispensaries	C	C
af. Human Habitation of Second Principal Structure	C	NP
ag. Coworking Facilities	P	NP

P: Permitted, NP: Not Permitted, C: Conditional

ii. INTENSITY	Permitted*
a. Permitted Density (Max.) (MX-2 Only)	15 Units/Acre
b. Incentive Density* (Max.) (MX-2 Only)	20 Units/Acre
c. Floor Area Ratio (Max.)*,**	1

*Permitted Building Types that conform to the standards of Section 30-3.B, Section 30-3.C (Community Character Regulations only), and Section 30-3.D.1 to Section 30-3.D.6 may be permitted an increase in residential density as indicated above, and shall be exempt from FAR as indicated above.

**Modifications to existing buildings that do not conform to applicable Lot Regulations and Building Regulations (of a Permitted Building Type), and building height of the district, arising from existing lot or building characteristics shall not be subject to maximum FAR standards based on the presence of lawfully preexisting nonconformities. This exemption shall not apply to any nonconformities resulting from modifications to existing lot characteristics (i.e. subdivision/merger).

E. Permitted Building Types

i. BUILDING TYPE	MX-2	L-L Overlay	Building Standards
a. Detached	P	NP	Sec. 30-3.B.1.
b. Semi-Attached	P	NP	Sec. 30-3.B.3.
c. Courtyard	P	NP	Sec. 30-3.B.4.
d. Townhome	P	NP	Sec. 30-3.B.6.
e. Suburban Office	NP	P	Sec. 30-3.B.10.
f. Suburban Small	P	P	Sec. 30-3.B.8.
g. Suburban Large	P	P	Sec. 30-3.B.9.
h. Urban Small	P	NP	Sec. 30-3.B.12

P: Permitted, NP: Not Permitted

DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

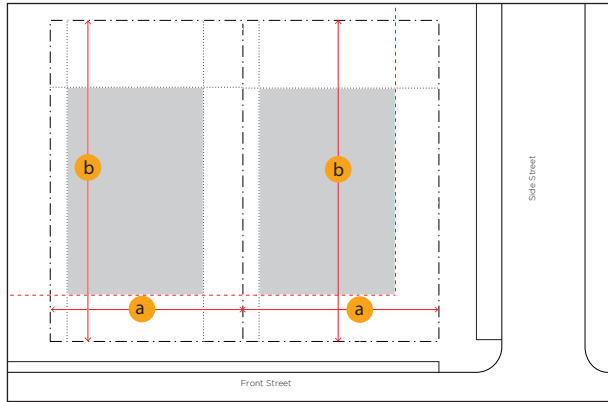
MX-2: MIXED USE MODERATE

TC: TOWN CENTER

H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

F. Lot Standards

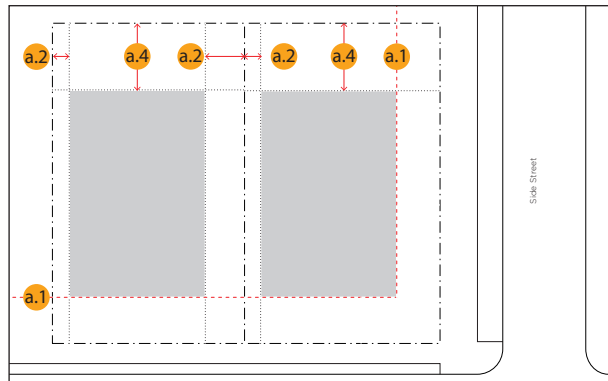


i. LOT CHARACTERISTICS*

a.	Lot Width (Min.)	60 FT
b.	Lot Depth (Min.)	65 FT
c.	Lot Size (Min.)	3,900 FT

*These lot standards shall only apply to the MX-2 (No Overlay) district. L-L Overlay shall defer to Suburban Small Building Type (Sec. 30-3.B.8) for lot standards.

G. Building Placement



i. MX-2 Standards	MX-2	L-L Overlay
a. Setbacks		
(1) Build-to-Line	Prevailing Setback +/-25%	100F -150FT
(2) Side Yard (One) (Min.)	10 FT	Refer to Suburban Small Building Type (Sec. 30-3.B.8)
(3) Side Yard (Both) (Min.)	25 FT	
(4) Rear Yard (Min.)	30 FT	
b. Coverage		
(1) Building Coverage (Max.)	Refer to Semi-Attached Building Type (Sec. 30-3.B.3)	Refer to Suburban Small Building Type (Sec. 30-3.B.8)
(2) Improved Coverage (Max.)		

H. Building Form



ii. HEIGHT	Min	Max
a. Principal Structure (MX-2) Principal Structure (L-L Overlay)	2 S /24 FT	3 ST/36 FT* 6 ST/72 FT*
b. Accessory Structure(s)	-	15 FT
c. Finished Ground Floor (Commercial 1st Floor)	Grade Level	
d. Finished Ground Floor (Residential 1st floor visible from Right-of-Way)	18 inches	24 inches

*Active Ground Floor Height Bonus (see definition): Where an Active Ground Floor use is proposed, an additional 1 foot of building height is permitted for every foot of ground story floor-to-ceiling height in excess of 12 feet. Bonus height shall not exceed 5 additional feet. Any deviation in height shall be calculated from the "base height" (i.e. maximum height permitted in the district without the application of any bonuses).

I. Conditional Use Standards

i. BREWERIES AND BREWPUBS

- a. Shall conform with requirements for Breweries and Brewpubs contained in [Sec. 30-2.F.2.c.](#)

ii. FUNERAL HOMES

- a. Funeral Home uses must submit a traffic management plan, particularly detailing the queuing of vehicles in procession from the funeral home to the cemetery as may be the case.

iii. SUPERMARKETS

- a. The street-facing ground floor shall be occupied by active uses.
- b. For the purpose of these conditions, the outdoor display and sale of fresh fruits and vegetables along the building frontage shall be considered an active use.
- c. Large grocery stores shall have at least one primary entrance located on the street front.
- d. Any required additional floors shall cover no less than 50% the linear frontage of the building. Uses in additional floors may be permitted to include cafes, office or other uses accessory to the grocery store use.
- e. A delivery and trash collection management strategy shall be presented to the Board for review and approval.
- f. Permitted in Suburban Large and Urban Large building types only.

iv. PARKING

- a. All structured parking and newly constructed surface parking shall be screened from the public right-of-way by a liner building. All other parking shall be screened from the public right-of-way through the use of walls, landscaping and other site design treatments.
- b. Parking facilities used to meet parking demand of off-site uses shall operate under an off-site agreement as contained in [Section 30-2.F.4.](#)
- c. All structured parking facilities used for public parking shall have separate pedestrian doors and a well-lit lobby that conforms to the design requirements of [Section 30-3.D.7.e.](#)
- d. All parking facilities used for paid public parking shall incorporate parking occupation sensors to alert drivers to the availability of spaces and payment-upon-departure systems to minimize the amount of on-street queuing.

v. RESTAURANT, LIQUOR LICENSED

- a. Shall conform with conditional use standards for Liquor Licensed Restaurants contained in [30-2.F.2.a.](#)

vi. HOUSES OF WORSHIP

- a. A minimum 50% of all required parking shall be under ownership of the religious organization and shall be within 200 feet of the church.
- b. Houses of worship shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder, Office Corridor or Flex Corridor
- c. The application shall be accompanied by the existing or proposed charter, by-laws of the organization and other documentation necessary to show that the organization:
- (1) Is a registered non-profit religious organization
 - (2) Has been granted a taxation exemption under the laws of both the State of New Jersey and the United States.
- d. The organization shall not engage in sales of products or materials to the general public, or engage in commercial activity except for the following cases:
- (1) Rental of premises for meetings of other groups and events.
 - (2) Fundraisers occurring over no more than 4 weekends per year
 - (3) Sale of religious articles, books and items.

DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose/
Undevelopable

vii. RESTAURANT, CARRY OUT / FAST FOOD

- a. Shall only be permitted in mixed use buildings.
- b. Shall be permitted only in Urban Small, Urban Large building types.

viii. NIGHTCLUB/BAR

- a. Shall conform with conditional use standards for Nightclub and Bar uses contained in [30-2.F.2.b](#).

ix. SCHOOLS

- a. All parking shall be provided on site.
- b. Schools shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder Office Corridor, or Flex Corridor.

x. WIRELESS COMMUNICATION ANTENNAS

- a. See [Section 30-2.F.2.e](#)

xi. MEDICAL CANNABIS DISPENSARIES AND CANNABIS DISPENSARIES

- a. See [Section 30-2.F.2.g](#)

xii. HUMAN HABITATION OF SECOND PRINCIPAL STRUCTURE

- a. See [Section 30-2.F.2.h](#)

DISTRICTS

R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable**QUICK REFERENCE**

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

7. TC: Town Center



DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

**TC: TOWN
CENTER**

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose/
Undevelopable

A. District Intent

The Town Center is the heart of Morristown and provides for the highest development intensity. Pedestrian activity is greatest in the core, and design should be most oriented to walkability. A thorough mix of residential, office and retail uses will promote a vibrant downtown and allow families to live comfortably without access to a car.

B. District Identity

The Town Center Zone consists of mixed use buildings typically ranging from two to four stories with a shallow setback from the public right of way. Buildings increase in height up to 5 stories in the Morristown Green and Train Station Overlays and up to 6 stories in the Headquarters Plaza Overlay, where some pre-existing towers range up to 14 stories.

C. District Overlays

- i. Transit Overlay District (TOD): The Transit Overlay directs development around the train station and is intended to create a stronger pedestrian connection between the

train station and the Morristown Green. The overlay allows additional height in an area suitable to higher intensity uses, given its proximity of the train station. A comfortable and welcoming pedestrian environment throughout the overlay is a priority.

- ii. Morristown Green Overlay District (MG): The Morristown Green Overlay allows for greater height and bulk in the traditional downtown Center of Morristown, which honors the character of existing development in this neighborhood. Buildings in the Overlay district range from four to five stories and have minimal setbacks.
- iii. Headquarters Plaza Overlay District (HQP): The Headquarters Plaza Overlay accommodates greater building height at Headquarters Plaza, reflecting current development patterns. Office and hotel uses above ground-floor retail uses are recommended in this location.
- iv. Transitional Overlay District (T): The Transitional Overlay regulates areas further from the downtown core that require lower-intensity development due to their location on the edges of downtown, existing conditions, and/or proximity to lower-intensity residential areas.

D. Permitted + Conditional Uses

	i. USE	TC, T	TOD	MG	HQP
	a. 3-4 Family	P	P	P	NP
	b. 5 + Family	P	P	P	NP
DISTRICTS	c. Art Gallery	P	P	P	P
	d. Artisan Workshop	C	NP	NP	NP
R: DETACHED RESIDENTIAL	e. Childcare Center	P	P	P	P
	f. Funeral Home	C	NP	NP	NP
MF-1: SINGLE & TWO-FAMILY	g. Live / Work	C	C	C	C
	h. Convenience Store	P	P	P	P
MF-2: MULTI-FAMILY LOW INTENSITY	i. Market	P	P	P	P
	j. Supermarket	C	C	C	C
	k. Hotel	C	C	C	C
MF-3: MULTI-FAMILY MODERATE INTENSITY	l. Theatre	C	C	C	C
	m. Gaming	P	P	P	P
	n. Media Production	P	P	P	P
MX-1: MIXED USE DETACHED	o. Offices, General and Professional	P	P	P	P
	p. Offices, Medical	P	P	P	P
MX-2: MIXED USE MODERATE	q. Coworking Facilities	P	P	P	P
	r. Parking	C	C	C	C
TC: TOWN CENTER	s. Services, Business or Personal	P	P	P	P
	t. Restaurant (carry out/fast food)	C	C	C	C
H: HOSPITAL	u. Restaurant (coffee shop/ cafe)	P	P	P	P
	v. Restaurant (full service/ sit down)	P	P	P	P
PP/PPU: Public Purpose/ Public Purpose Undevelopable	w. Restaurant (liquor licensed)	C	C	C	C
	x. Bar/Nightclub	C	C	C	C
	y. Breweries/Brewpubs	C	C	C	C
	z. Retail	P	P	P	P
	aa. Club / Lodge / Fraternal Organization	P	P	P	P
	ab. Community Center	P	P	P	P
	ac. Gov / Utility Offices	P	P	P	P
	ad. House of Worship	C	C	C	C
	ae. Park / Playground	P	P	P	P
	af. School	C	C	C	C
	ag. Outdoor Dining	C	C	C	C
	ah. Wireless Communication Antennas	C	C	C	C
	ai. Medical Cannabis Dispensaries and Cannabis Dispensaries	C	C	C	C
	aj. Valet Parking	C	C	C	C
	ak. Human Habitation of Second Principal Structure	C	C	C	NP

P: Permitted, NP: Not Permitted, C: Conditional
See [Sec. 30-2.E.7.1](#) for conditional use standards in the TC District

ii. DENSITY	TC	T	TOD, MG
a. Units per Acre (Max.)	30 units/ acre	20 units/ acre	50 units/acre

iii. FLOOR AREA RATIO (GROSS)	Permitted FAR*
a. Town Center (TC)	2.5 (Max.)
b. T Overlay	2.0 (Max.)
c. TOD Overlay	4.0 (Max.)
d. MG Overlay	4.0 (Max.)
e. HQP Overlay	2.0 (Max.)

*Permitted Building Types that conform to the standards of [Section 30-3.B](#), [Section 30-3.C](#) (Community Character Regulations only), and [Section 30-3.D.1](#) to [Section 30-3.D.6](#) (or any conflicting standards contained in [Section 30-2.E.7.J](#)) may be exempt from FAR as indicated above.

*Modifications to existing buildings that do not conform to the applicable Lot Regulations and Building Regulations (of a Permitted Building Type), and building height of the district, arising from existing lot or building characteristics shall not be subject to maximum FAR standards based on the presence of lawfully preexisting nonconformities. This exemption shall not apply to any nonconformities resulting from modifications to existing lot characteristics (i.e. subdivision/merger).

E. Permitted Building Types

i. BUILDING TYPE	TC, T, TOD, MG	HQP
a. Estate	P*	NP
b. Urban Small	P	P
c. Townhome	P**	NP
d. Urban Large	P***	P***
e. Mixed Use Tower / Complex	NP	P****

P: Permitted, NP: Not Permitted

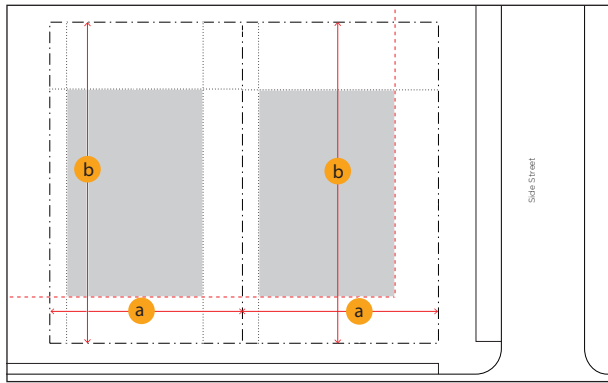
*Estate buildings are permitted only if such buildings were in existence at the time of this Code's adoption.

**Not permitted on Downtown, Downtown Feeder and Main Street Frontage Types

***Not permitted on Office Residential Frontage Type

****Only permitted on east side of Speedwell Avenue

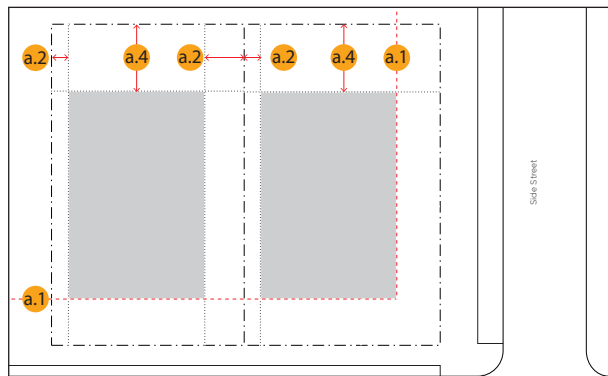
F. Lot Standards



i. LOT CHARACTERISTICS (ALL DISTRICTS)	
a.	Lot Width (Max.) 250 FT
b.	Lot Depth (Min.) 100 FT
c.	Lot Size (Max.) 25,000 SF

See Section 30-2.E.7.J for additional HQP standards.

G. Building Placement

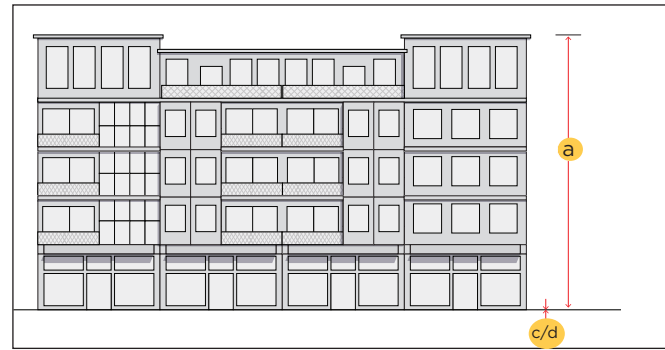


i. STANDARD (ALL DISTRICTS)	Requirement
a. Setbacks	
(1) Build-to-Line	0 FT - 10 FT*
(2) Side Yard (One) (Min.)	Refer to Urban Small Building Type (See Sec. 30-3)
(3) Side Yard (Both) (Min.)	
(4) Rear Yard (Min.)	
b. Coverage	
(1) Building Coverage (Max.)	Refer to Urban Small Building Type (See Sec. 30-3)
(2) Improved Coverage (Max.)	

See Section 30-2.E.7.J for additional HQP standards.

*In cases where existing principal buildings on adjacent parcels are set back 0' on Downtown and Main Street Frontage Types, the required setback shall be 0'. In cases where existing principal buildings on adjacent parcels are set back 0' on Downtown and Main Street Frontage Types, the required setback shall be 0'.

H. Building Form



i. BUILDING HEIGHT	Min*	Max**
a. TC Principal Structure	2 ST	4 ST / 48 FT
T Principal Structure	2 ST	3 ST / 40 FT
TOD Principal Structure	3 ST	5 ST / 60 FT
MG Principal Structure	3 ST	5 ST / 60 FT
HQP Principal Structure	5 ST	6 ST / 72 FT
b. Accessory Structure(s)	-	15 FT
c. Finished Ground Floor (Commercial 1st Floor)	Grade Level	
d. Finished Ground Floor (Residential 1st floor visible from Right-of-Way)	18 inches	24 inches

*Minimum building height shall comply with stories indicated above. Minimum feet shall comply with floor height standards contained in building type standards (See Sec. 30-3).

**Maximum building height shall comply with the following additional regulations / allowances:

- Active Ground Floor Height Bonus (see definition): Where an Active Ground Floor use is proposed, an additional 1 foot of building height is permitted for every foot of ground story floor-to-ceiling height in excess of 12 feet. Bonus height shall not exceed 5 additional feet. Any deviation in height shall be calculated from the "base height" (i.e. maximum height permitted in the district without the application of any bonuses).
- Variable Roof Bonus: An additional 1 foot of building height is permitted for every foot of top story floor-to-ceiling height in excess of 12 ft. Bonus height shall not exceed 5 additional feet and areas with floor-to floor height above 12ft. shall comprise no more than 20% of floor area on the top story. Any deviation in height shall be calculated from the "base height" (i.e. maximum height permitted in the district without the application of any bonuses).
- When any TC or Overlay abuts a residential only district, the portion of the building's permitted height within a 30 foot buffer from any such residential district shall be limited to 4 stories / 48 feet.

- DISTRICTS
- R: DETACHED RESIDENTIAL
 - MF-1: SINGLE & TWO-FAMILY
 - MF-2: MULTI-FAMILY LOW INTENSITY
 - MF-3: MULTI-FAMILY MODERATE INTENSITY
 - MX-1: MIXED USE DETACHED
 - MX-2: MIXED USE MODERATE
 - TC: TOWN CENTER
 - H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

I. Conditional Use Standards

i. ARTISAN WORKSHOP

- a. Shall not be permitted on Downtown or Main Street frontage types.

DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

ii. FUNERAL HOMES

- a. Funeral Home uses must submit a traffic management plan, particularly detailing the queuing of vehicles in procession from the funeral home to the cemetery as may be the case.

iii. LIVE/WORK

- a. Shall not be permitted on Downtown or Main Street street frontages.
- b. The residential portion of the unit shall be directly connected to the work portion of the unit.
- c. The work portion of the unit shall be no less than 30 feet in depth measured from the front of the building.
- d. A visual barrier shall separate the residential portion of the building from the work portion of the building.
- e. The residential portion may only be occupied by the owner, manager, or employee of the work portion of the unit and associated family members.
- f. The work portion of the unit shall be located along the street frontage and shall provide between 60% and 80% transparency.
- g. The residential portion of the unit may not front along the street front on the ground level.
- h. The work portion of the unit shall not exceed 50% of the unit's floor.

iv. SUPERMARKETS

- a. The street-facing ground floor shall be occupied by active uses.
- b. Large grocery stores shall have at least, one primary entrance located on the street front.
- c. Any additional floors shall cover no less than 50% of the linear frontage of the building. Uses on additional floors may include cafes, office or other uses accessory to the grocery store use.
- d. A delivery and trash collection management strategy shall be presented to the Board for review and approval.

v. HOTELS

- a. Food or alcohol service shall conform to the relevant conditions for Liquor Licensed Restaurant, Bar or Nightclub, or Breweries/Brewpubs.
- b. Off-site parking, if proposed, shall be managed through a valet service.

vi. THEATERS

- a. Where active ground floor use is required, no more than 25 feet of frontage may be dedicated to the theater.
- b. Any additional width of the theater shall be fronted either by an active ground floor use or by a public plaza.
- c. Use of public plaza to meet active ground floor use requirements shall incorporate the following standards:
 - (a). Be located along the street frontage requiring active ground floor uses.
 - (b). Be no less than 15 feet deep as measured from the edge of the sidewalk.
 - (c). Provide seating at a rate of one linear foot per 30 square feet of plaza area.
 - (d). Seating shall be no less than 18 inches high and no more than 24 inches high.
 - (e). Plaza area shall be open to and immediately accessible from the sidewalk for no less than 50% of the frontage.

vii. PARKING

- a. All structured parking and newly constructed surface parking shall be screened from the public right-of-way by a liner building. All other parking shall be screened from the public right-of-way through the use of walls, landscaping and other site design treatments..
- b. Parking facilities used to meet parking demand of off-site uses shall operate under an off-site agreement as contained in [Section 30-2.F.4.d.vi](#).
- c. All structured parking facilities used for public parking shall have separate pedestrian doors and a well-lit lobby that conforms to the design requirements of [Section 30-3.D.7.e](#).
- d. All parking facilities used for paid public parking shall incorporate parking occupation sensors to alert drivers to the availability of spaces and shall incorporate payment upon departure systems to minimize the amount of on-street queuing.

viii. RESTAURANT, FAST FOOD

- a. Shall only be permitted in mixed use buildings.
- b. Shall be permitted only in Urban Small, Urban Large, and Mixed Use Tower/Complex building types.

ix. RESTAURANT, LIQUOR LICENSED

- a. Shall conform with conditional use standards for Liquor Licensed Restaurants contained in 30-2.F.2.a.

x. NIGHTCLUB/BAR

- a. Shall conform with conditional use standards for Nightclub and Bar uses contained in 30-2.F.2.b.

xi. BREWERIES + BREWPUBS

- a. Shall conform with conditional use standards for Brewery and Brewpub uses contained in 30-2.F.2.c.

xii. HOUSES OF WORSHIP

- a. A minimum 50% of all required parking shall be under ownership of the religious organization and shall be within 200 feet of the church.
- b. Houses of worship shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder, Office Corridor or Flex Corridor.
- c. The application shall be accompanied by the existing or proposed charter, by-laws of the organization and other documentation necessary to show that the organization:
 - (1) Is a registered non-profit religious organization.
 - (2) Has been granted an exemption from taxation under the laws of both the State of New Jersey and the United States.
- d. The organization shall not engage in sales of products or materials to the general public, or engage in commercial activity except for the following cases:
 - (1) Rental of premises for meetings of other groups and events.
 - (2) Fundraisers occurring over no more than 4 weekends per year.
 - (3) Sale of religious articles, books and items.

xiii. SCHOOLS

- a. Schools shall be located along the following frontage types: Downtown Frontage, Main Street Frontage, Downtown Feeder, Main Street Feeder Office Corridor, or Flex Corridor.

xiv. OUTDOOR DINING

- a. Use of outdoor dining facilities shall not be permitted after 11pm nightly.
- b. All tables and chairs within the establishment shall be stationary during open operations. Exceptions for rearranging tables to accommodate larger groups are permitted. A seating plan shall be a component of the site plan approval.
- c. In addition, outdoor dining shall not be permitted upon parcels that have been rendered nonconforming with regard to Build-to-Line Occupancy resulting from the demolition of a conforming structure that exists at the time of adoption. For the purposes of this provision, the term "conforming" shall be limited to Build-to-Line Occupancy."
- d. Outdoor Dining shall be set back 10 feet from any residential property line and 15 feet from any residential district line.
- e. A landscaped buffer shall be provided along any residential property line or residential district line according to the following standards:
 - A fence or wall shall be provided along the property line pursuant to 30-4.C.2.
 - A vegetative buffer 5 feet in depth shall be provided between the fence and the outdoor dining area.
 - Trees shall be planted within the vegetative buffer at a height of 10 feet at planting.
- f. Outdoor Dining shall be limited to terraces and ground decks.

DISTRICTS

R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

xv. WIRELESS COMMUNICATION ANTENNAS

- a. See [Section 30-2.F.2.e](#)

xvi. MEDICAL CANNABIS DISPENSARIES AND CANNABIS DISPENSARIES

- a. See [Section 30-2.F.2.g](#)

xvii. VALET PARKING

- a. Valet Parking shall comply with the requirements of [Section 30-2.F.4.E.vii](#).

xviii. HUMAN HABITATION OF SECOND PRINCIPAL STRUCTURE

- a. See [Section 30-2.F.2.h](#)

J. Overlay Standards: Headquarters Plaza (HQP)**i. GENERALLY**

- a. Loading bays shall not be permitted to front on Downtown Frontage Types.
b. Active uses are required on the ground floor.

ii. MIXED USE TOWER/COMPLEX STANDARDS

- a. Building is permitted to exceed heights listed in this section for the HQP Overlay and build to a maximum of 14 stories and 182 feet as asterick under HQP building height. However, the maximum height of any new construction upon the undeveloped land along Spring Street shall be defined as the highest point of the parapet at the rear of the existing plaza fronting along Speedwell Avenue.”
b. Windows may not be obstructed through use of glazing, screens, or other visual impediments.
c. A minimum of 30 percent of the air rights parcel site area over the multi level parking facility shall be used for publicly accessible open space including, but not limited to, plazas, gardens, walkways, and playgrounds.

iii. URBAN LARGE

- a. Urban Large building type in the HQP Overlay is not required to provide a side yard and there is no minimum side yard requirement when a side yard is provided.
b. Urban Large building type in the HQP Overlay is not required to provide a minimum rear yard.
c. Urban Large building type in the HQP Overlay is permitted a maximum of 300 feet in frontage width and 300 feet in building width.
d. Urban Large building type in the HQP Overlay are not required to conform to the standards established in [Section 30-3.B.13.C.f](#).
e. Urban Large building type in the HQP Overlay may be permitted a maximum building coverage of 95%.
f. Urban Large building type in the HQP Overlay may be permitted a maximum lot coverage of 100%.
g. Urban Large building type in the HQP Overlay shall provide stepbacks as required per [Section 30-3.C](#) and [Section 30-3.D.4](#), except that stepback shall be at 6th story and shall only be required along 50% of street frontage.

K. Stepbacks in TC District

1. Stepbacks shall be required in the TC district and its overlays as detailed in the below table. Where the below standards conflict with those stepback standards contained in [Section 30-3.C](#), the below standards shall supersede.

Stepbacks	Stepback at Height
TC	4th Story
TOD and MG Overlays	5th Story
HQP Overlay	6th Story

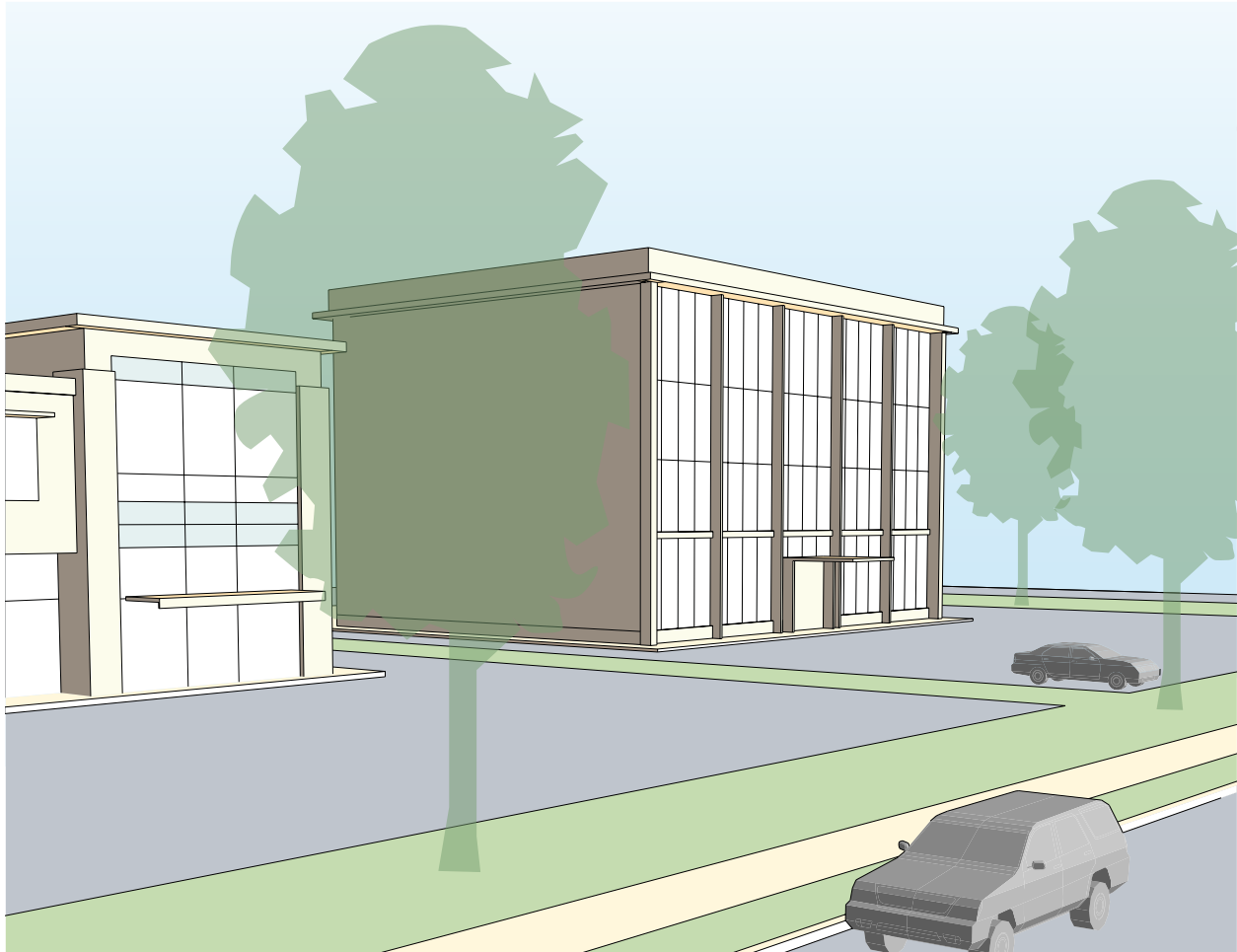
DISTRICTS

R: DETACHED
RESIDENTIALMF-1: SINGLE &
TWO-FAMILYMF-2: MULTI-
FAMILY
LOW
INTENSITYMF-3: MULTI-
FAMILY
MODERATE
INTENSITYMX-1: MIXED
USE
DETACHEDMX-2: MIXED
USE
MODERATETC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

8. H: Hospital



DISTRICTS

R: DETACHED
RESIDENTIAL

MF-1: SINGLE &
TWO-FAMILY

MF-2: MULTI-
FAMILY
LOW
INTENSITY

MF-3: MULTI-
FAMILY
MODERATE
INTENSITY

MX-1: MIXED
USE
DETACHED

MX-2: MIXED
USE
MODERATE

TC: TOWN
CENTER

H: HOSPITAL

PP/PPU: Public
Purpose/
Public Purpose
Undevelopable

A. District Intent

The H Zone serves as a place for the continued operation of the Morristown Medical Center. Given the cluster of buildings that occupies this site, the use of a Floor Area Ratio serves to regulate the intensity of development instead of a broad reliance on height, yard and coverage controls.

B. District Identity

The H Zone houses the Morristown Medical Center. It is composed of a cluster of medical buildings and related accessory structures. Buildings are permitted up to five stories, and taller buildings permitted with larger setbacks. Circulation through this zone is provided through private streets and cartways.

C. Permitted Uses

	i. USE	H
DISTRICTS	a. Hospital	P
	b. Medical Laboratories, rehabilitation centers, etc.	P
R: DETACHED RESIDENTIAL	c. Nursing Home	P
MF-1: SINGLE & TWO-FAMILY	d. Parking Garage	P

MF-2: MULTI-FAMILY LOW INTENSITY

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

TC: TOWN CENTER

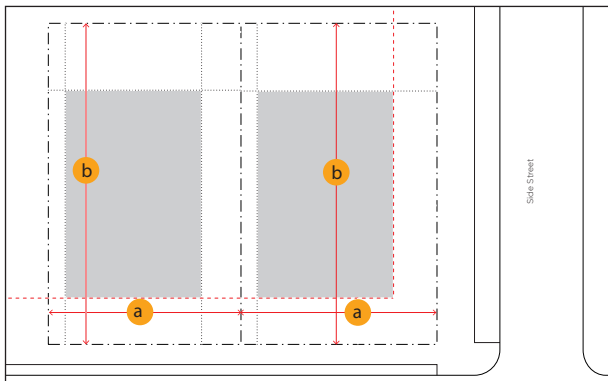
H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

iii. FLOOR AREA RATIO

a. Maximum FAR	1.07
Floor area of parking garages shall be excluded from calculations of FAR in the H District.	

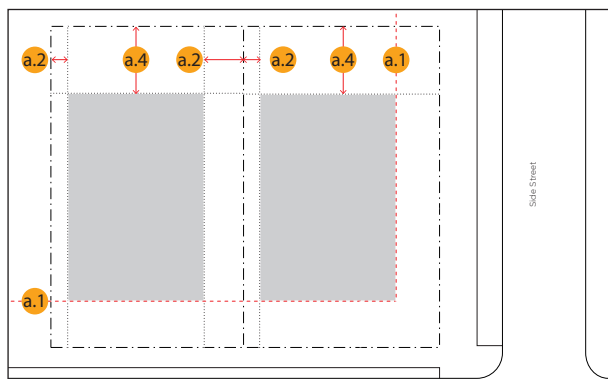
D. Lot Standards



i. H STANDARDS

a. Lot Width (Min.)	500 FT
b. Lot Depth (Min.)	500 FT
c. Lot Size (Min.)	300,000 FT

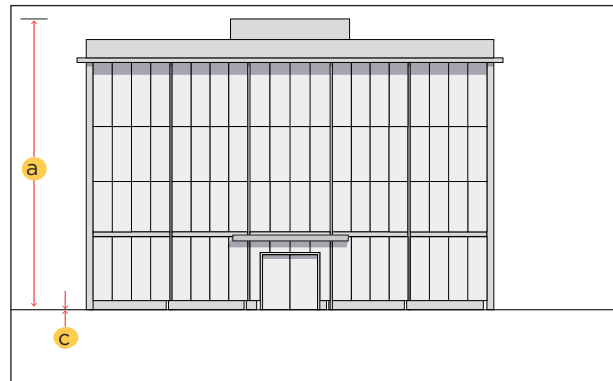
E. Building Placement



F. Building Form

i. H STANDARDS	Minimum
a. Setbacks	
(1) Build-to-Line (Min.)	85 FT + 1 additional foot for every foot building exceeds maximum building height
(2) Side Yard (One) (Min.)	40 FT
(3) Side Yard (Both) (Min.)	90 FT
(4) Rear Yard (Min.)	55 FT + 1 additional foot for every foot building exceeds maximum building height
b. Coverage	
(1) Building Coverage (Max.)	48.71%
(2) Improved Coverage (Max.)	80%

G. Quick Reference



i. HEIGHT	Min	Max
a. Principal Structure		5 ST / 55 FT
b. Accessory Structure(s)		15 FT
c. Finished Ground Floor		At Grade Level

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

9. H-1: Hospital



DISTRICTS

R: DETACHED RESIDENTIAL

MF-1: SINGLE & TWO-FAMILY

MF-2: MULTI-FAMILY LOW INTENSIT

MF-3: MULTI-FAMILY MODERATE INTENSITY

MX-1: MIXED USE DETACHED

MX-2: MIXED USE MODERATE

TC: TOWN CENTER

H: HOSPITAL

PP/PPU: Public Purpose/ Public Purpose Undevelopable

A. H-1 District Intent

The H-1 Zone serves as the zone for the Atlantic Rehabilitation Center.

B. District Identity

The H-1 Zone houses the Atlantic Rehabilitation Center. It is composed of a principal tower building and other outlying buildings. Buildings are permitted up to three stories.

C. Permitted + Conditional Uses

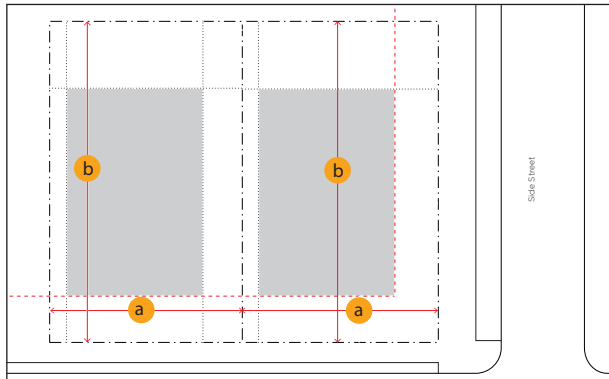
i. USE		H-1
DISTRICTS	a. Hospital	P
R: DETACHED RESIDENTIAL	b. Medical Laboratories, rehabilitation centers, etc.	P
MF-1: SINGLE & TWO-FAMILY	c. Nursing Home	P
	d. Parking Garage	P

iii. FLOOR AREA RATIO

a. Maximum FAR	1.0
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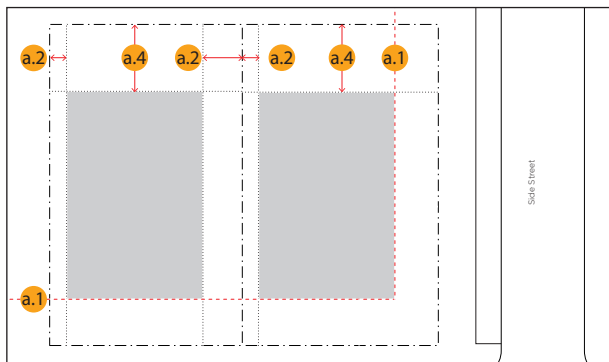
Floor area of parking garages shall be excluded from calculations of FAR in the H-1 District.

D. Lot Standards



E. Building Placement

i. H STANDARDS	
a. Lot Width (Min.)	500 FT
b. Lot Depth (Min.)	500 FT
c. Lot Size (Min.)	400,000 FT

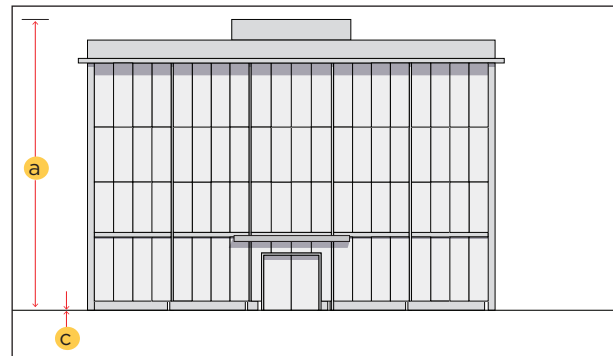


F. Building Form

i. H STANDARDS		Minimum
a. Setbacks		
(1) Build-to-Line (Min.)		85 FT + 1 additional foot for every foot building exceeds maximum building height
(2) Side Yard (One) (Min.)		40 FT
(3) Side Yard (Both) (Min.)		90 FT
(4) Rear Yard (Min.)		55 FT + 1 additional foot for every foot building exceeds maximum building height

Note: There shall be a 75' buffer on all sides of the property per [Sec. 30-2.F.6.2](#)

b. Coverage		
(1) Building Coverage (Max.)		20%
(2) Improved Coverage (Max.)		50%



i. HEIGHT		Min	Max
a. Principal Structure			3 ST / 35 FT
b. Accessory Structure(s)			15 FT
c. Finished Ground Floor		At Grade Level	

QUICK REFERENCE

Parking Standards	Sec. 30-2.F.4
Prohibited Uses	Sec. 30-2.F.1
Frontage Standards	Sec. 30-3.C
Signage Standards	Sec. 30-4.i
Accessory Structures	Sec. 30-3.E
Site Design Standards	Sec. 30-4.A

10. PP/PPU: Public Purpose/Public Purpose Undevelopable



- DISTRICTS**
- R: DETACHED RESIDENTIAL
 - MF-1: SINGLE & TWO-FAMILY
 - MF-2: MULTI-FAMILY LOW INTENSITY
 - MF-3: MULTI-FAMILY MODERATE INTENSITY
 - MX-1: MIXED USE DETACHED
 - MX-2: MIXED USE MODERATE
 - TC: TOWN CENTER
 - H: HOSPITAL
- PP/PPU: Public Purpose/
Public Purpose
Undevelopable**

A. PP / PPU District Intent

The PP (Public Purpose) and PPU (Public Purpose Undevelopable) districts consist of government owned (municipal, County, State and Federal but not Morristown Parking Authority) land including parks, buildings and other facilities.

B. Permitted Uses

i. USE	PP	PPU
a. All government owned (municipal, County, State and Federal but not Morristown Parking Authority) land including parks, buildings and other facilities which can be otherwise developed.	Permitted	Not Permitted
b. All government owned (municipal, County, State and Federal but not Morristown Parking Authority) land including parks, buildings and other facilities which cannot be otherwise developed.	Not Permitted	Permitted

30-2.F. Use Regulations Applicable to All Zones

1. Prohibited Uses in All Zones

- a. The Town Council finds and determines that the following uses will be undesirable incompatible with good planning, have a potential adverse effect on the environment and the well-being of the Town, and adversely affect the balanced zone plan and distribution of uses intended by this Part 30-2, to the extent that continued allowance of such uses would impair the intent and purpose of the zone plan and this Section and add potential for traffic congestion, blight and an undesirable visual environment:
 - i. Auto repairs, pursuant to [Section 30-2.F.1.b.i.](#)
 - ii. Auto sales, pursuant to [Section 30-2.F.1.b.ii.](#)
 - iii. Service or gas filling stations.
 - iv. Parking of commercial vehicles in any residential zoning district, pursuant to [Section 30-2.F.1.b.iii.](#)
 - v. Motor vehicle storage, pursuant to [Section 30-2.F.1.b.iv.](#)
 - vi. Rooming and boarding houses.
 - vii. Drive-in or drive-through establishments or facilities.
 - viii. Slaughtering businesses.
 - ix. Gun sales and shooting ranges.
 - x. Ground floor principal uses that do not meet the definition of an Active Use, located along a street frontage requiring an Active Ground Floor Use pursuant to [Section 30-3.C.](#) This restriction shall apply to all component principal uses sharing a ground floor area but shall not apply to parcels located in a zoning district in which Active Uses are not permitted.
 - xi. Commercial Rooftop Decks containing bars, nightclubs, and/or liquor-licensed restaurants.
- b. Exceptions and Conditions of Prohibited Uses
 - i. Motor Vehicle Repairs
 - (1) Motor vehicle repairs within residential areas shall be limited to minor repairs and maintenance, such as coolant and oil changes, headlight and tail light replacement, battery replacement, tire changes, windshield wiper replacement, and similar minor repairs. The vehicle must, at all times, be garaged during the repairs or physically placed or located on an improved surface. For the purposes of this section, the term "improved surface" shall be defined as any paved, gravel, concrete, brick or block surface. Motor vehicle repairs or maintenance of a major character, such as painting, body or frame work, any repairs requiring the removal of the engine from the vehicle, or any repairs or maintenance work requiring the use of an automated commercial hydraulic lift are hereby prohibited.
 - ii. Motor Vehicle for Sale
 - (1) Residential and Nonresidential Zones.
 - (A) For properties located in a residential zone, no property owner or occupant shall place or display "for sale" or similar signs on more than one vehicle at any one time while it is parked on-street or off-street in the Town of Morristown. Any such vehicle must have been owned for at least six months prior to the display of such "for sale" sign by the resident or member of his or her immediate family. Said vehicle must, at all times while such signs are displayed, be physically placed or located on an improved surface. For the purposes of this section, the term "improved surface" shall be defined as any paved, gravel, concrete, brick or block surface. The sale of motor vehicles acquired by junk title, i.e., vehicles acquired pursuant to the provisions of N.J.S.A. 39:10A-3 and N.J.S.A. 39:10A-9, N.J.S.A. 39:10-12, N.J.S.A. 39:10-15 and N.J.S.A. 39:10-16, more than once in any six month period is hereby prohibited in any residential zone.
 - (B) In nonresidential zones no person shall be permitted to place or display "for sale" or similar signs on more than one vehicle at any one time while parked on-street or off-street in the Town of Morristown unless such vehicle is placed or located on an improved surface. Such signs may be placed or displayed on such vehicle only during the hours of the day when the owner of the vehicle is employed by a nonresidential use located on the premises where the vehicle is located,

except that the owner of the nonresidential use may be permitted to display such signs overnight on a single vehicle located on an improved surface if it is owned by the property owner or a member of his or her immediate family. For the purposes of this section, the term "improved surface" shall be defined as any paved, gravel, concrete, brick or block surface.

- (2) No more than two "for sale" or similar signs shall be placed or displayed within or on any motor vehicle parked on-street or off-street in the Town of Morristown.
 - (3) "For Sale" or similar signs placed or displaced within or on motor vehicles parked on-street or off-street in the Town of Morristown shall be no taller or wider than 20 x 20 inches.
 - (4) "For Sale" or similar signs shall not stay on the motor vehicle for longer than three continuous months.
 - (5) This subsection shall not apply to any lawfully operated motor vehicle sales business.
- iii. **Parking of commercial vehicles in any residential zoning district.**
- (1) Up to two only commercial vehicles may be parked on one property in a residential zoning district, provided that:
 - (A) The property is the principal residence of each of the drivers of each commercial vehicle.
 - (B) Each commercial vehicle does not exceed 7,000 pounds in gross vehicle weight.
 - (C) The maximum length of a van shall not exceed 20 feet.
 - (D) The maximum length of the box in a pick-up truck shall not exceed eight feet.
 - (E) The maximum area on the entire vehicle which may contain advertising of any sort, including but not limited to the name of the business/business owner, business license number, telephone number, address, logo, shall not exceed forty square feet in area.
 - (F) The commercial vehicle shall not be parked in any front or side yard, but must be parked in the rear yard or garage on the property, and if the vehicle is not garaged, the parking area must meet all setback and coverage requirements of [Section 30-2](#) and [30-3](#), and be properly screened with shrubbery or fencing so that the vehicle is shielded from view from neighboring properties.
 - (G) A zoning permit has been obtained describing the commercial vehicle and its compliance with all of the preceding conditions applicable to the vehicle.
 - (H) Parking of commercial vehicles containing hazardous materials, perishable food, garbage, trash or live animals is prohibited in all residential zone districts.
- iv. **Motor Vehicle Storage**
- (1) Except at automobile service stations and garages and car dealerships, no more than one unregistered and/or uninspected motor vehicle shall be parked outside of the garage on any property, and such vehicle shall be parked on an improved surface maintained in a weed-free condition. The vehicle shall not be parked in any front or side yard, but must be parked in the rear yard or garage on the property, and if not garaged, the parking area must meet all setback and coverage requirements of this Chapter and be properly screened with shrubbery or fencing so that the vehicle is shielded from view from neighboring properties. Any such vehicle shall not be utilized for storage of any items and shall be subject to all property maintenance standards applicable to accessory structures. No such vehicle shall remain outside, whether covered or uncovered, in a state of partial disassembly or disrepair or be in the process of being stripped, dismantled or overhauled. For purposes of this section, the term "improved surface" shall be defined as any paved, graveled, concrete, brick or block surface.
 - (2) In no event may any unregistered and/or uninspected motor vehicle be parked outside:
 - (A) On any property utilized for nonresidential purposes; and
 - (B) Which property is located adjacent to a residential zone or residential use or across the street from a residential zone or residential use; and
 - (C) Without first obtaining an unregistered/non-operating vehicle permit from the Zoning Officer. To obtain a permit, a property owner must demonstrate:

- The vehicle is stored in accordance with all applicable laws, including [subsection 30-2.F.1.b.iv.1.](#) hereof.
- The vehicle is owned or leased by the business that owns/occupies the property on which the vehicle is parked.
- The vehicle, except for its non-registered or non-operating status, is suitable for use by the business that owns/occupies the property on which the vehicle is parked.
- The vehicle shall not be parked within thirty feet of any residential zone or property used for residential purposes.

(D) This subsection shall not apply to lawfully operated junkyards.

2. Standards Applicable to Conditional Uses, where permitted.

a. Liquor Licensed Restaurants

- i. **Applicability:** The following requirements apply to restaurants with liquor licenses as defined in the Definitions section in this appendices of the Code.
- ii. **Requirements**
 - (1) All tables and chairs within the establishment shall be stationary during open operations. Exceptions for rearranging tables to accommodate larger groups is permitted. A seating plan shall be a component of the site plan approval.
 - (2) Maximum occupancy calculations in conformance with the Morristown Construction Office and the New Jersey Uniform Construction Code shall be submitted to the approving entity, and no Certificate of Occupancy shall be granted in excess of calculations submitted to the approving entity.
 - (3) Daily cleaning of the sidewalk in front of each establishment is required. This cleaning should occur before 8:00 a.m. each day.
 - (4) Off street parking shall comply with parking requirements in Section 30-2.F.4.
 - (5) All outside areas used for drinking and/or eating shall open no earlier than 7:00 am and close no later than 11:00 pm. Patrons shall be asked to move to areas inside the establishment or to leave. Within thirty (30) minutes of the closing of the outside area, the establishment shall make sure that all furniture, apparatus, decorations and appurtenances, and any other items used in connection with the operation of the outside area, are stacked and stored in a safe and secure location.

b. Nightclubs and Bars

- i. **Applicability:** The following requirements apply to all nightclubs and bars as defined in the Definitions section in the appendices of this Code.
- ii. **Requirements**
 - (1) All garbage and recyclables shall be collected and stored in an enclosed area that contains refuse liquids and smells.
 - (2) Primary pedestrian entrances and exits shall be located on public streets. All doors at secondary and emergency entrances and exits not oriented toward commercial streets shall be closed by 11:00 p.m. except during bona fide emergencies.
 - (3) All tables and chairs within the establishment shall be stationary during open operations. Exceptions for rearranging tables to accommodate larger groups are permitted. A seating plan shall be a component of the site plan approval.
 - (4) Maximum occupancy calculations in conformance with the Morristown Construction Office and the New Jersey Uniform Construction Code shall be submitted to the approving entity, and no Certificate of Occupancy shall be granted in excess of calculations submitted to the approving entity.
 - (5) New facilities shall include sufficient space to accommodate queuing for patrons. This space should be provided on-site to the greatest extent possible. If the public right-of-way is proposed for queuing, a management plan to control crowds and litter as well as to ensure adequate pedestrian circulation shall be submitted to the approving entity.
 - (6) Daily cleaning of the sidewalk in front of each establishment is required. This cleaning should occur

before 8:00 a.m. each day.

- (7) In the event that the nightclub or bar for which site plan approval is sought has already received prior approval from the Town Council, sitting as the Alcoholic Beverage Control Board, any subsequent approval by the Morristown Planning Board or the Morristown Zoning Board of Adjustment shall be consistent with said prior approval by the Town Council.
- (8) Off street parking shall comply with parking requirements in Section 30-2.F.4.
- (9) All outside areas used for drinking and/or eating shall close at 11:00 pm. Patrons shall be asked to move to areas inside the establishment or to leave. Within thirty (30) minutes of the closing of the outside area, the establishment shall make sure that all furniture, apparatus, decorations and appurtenances, and any other items used in connection with the operation of the outside area, are stacked and stored in a safe and secure location.

c. Breweries and Brewpubs

- i. Applicability: The following requirements apply to all breweries and brewpubs as defined in the Definitions section in the appendices of this Code.
- ii. Requirements
 - (1) On-site production for all breweries and brewpubs shall not exceed 15,000 standard 31 U.S. gallon beer barrels annually.
 - (2) A minimum of one on-site loading area shall be provided for each brewery or brewpub. On-street loading in public loading or parking zones is not permitted.
 - (3) All tables and chairs within the establishment shall be stationary during open operations. Exceptions for rearranging tables to accommodate larger groups are permitted. A seating plan shall be a component of the site plan approval.
 - (4) Maximum occupancy calculations in conformance with the Morristown Construction Office and the New Jersey Uniform Construction Code shall be submitted to the approving entity and no Certificate of Occupancy shall be granted in excess of calculations submitted to the approving entity.
 - (5) A developer's agreement with the Town shall be obtained establishing hours of operation, waste management, and cleaning of outdoor areas prior to operation of the brewery or brewpub.
 - (6) Off street parking shall comply with parking requirements in [Section 30-2.F.4](#).

d. Home Occupations

- (1) Home Occupation to Be Incidental to Use of Dwelling. A home occupation is an accessory use of a service character conducted entirely within a dwelling, and must be clearly incidental to the use of the dwelling for dwelling purposes.
- (2) Persons Engaged in Home Occupation Must Reside on Premises. Persons engaged in the home occupation must actually reside in the dwelling to which the use is accessory, and must claim that dwelling as their principal residence for voter registration, all Federal and State tax purposes, mortgage financing purposes, driver's license and registration purposes and exhibit all other usual and customary incidents of principal residence use.
- (3) Number of Employees Limited. There shall be no more than two (2) principals who must reside in the premises, or more than one (1) on-premises agent, servant or employee who may reside elsewhere and no more than one (1) business visitor at any one time.
- (4) Manufacturing and Machinery Restricted. No manufacturing activity or process involving the use of machines of more than one (1) horsepower (whether gas or electric) or emitting noise audible off the premises or affecting or interfering with television, FM or radio reception off-site or producing any air or other pollutants shall be allowed.
- (5) Retail Sales or Sale of Products From Premises Prohibited. No retail store or shop shall be allowed nor shall products related to the home occupation be sold on the premises.
- (6) Storage or Display of Materials Prohibited. No storage or display of materials, goods, supplies or equipment visible from outside the principal building shall be allowed.
- (7) Percentage of Dwelling Used for Home Occupation Restricted. No home occupation shall utilize more than twenty-five (25%) percent of the total gross square footage of the dwelling,

not including the basement or cellar, attic, garage or any accessory building, or five hundred (500) square feet, whichever is less.

- (8) Parking Spaces Restricted. The home occupation shall not generate a demand for more than two (2) parking spaces in addition to the number of parking spaces required for the residents of the premises.
- (9) Sign. The home occupation shall show no exterior evidence of its existence, except that one (1) non-illuminated flat or window sign having an area not exceeding sixty (60) square inches shall be permitted, which sign shall not be freestanding.

e. Wireless Communications Facilities

- (1) Purposes. It is the overall purpose of these provisions to provide specific zoning conditions and standards for the location and operation of wireless communication antennas within the Town of Morristown, to recognize the need to safeguard the public good and preserve the intent and the purposes of the Morristown Town Master Plan and Zone Plan.
- (2) Overall Objective. The overall objective of these provisions is to enable the location within the Town of those antennas which are necessary to provide adequate wireless communication services while, at the same time, limiting the number of such locations to the fewest possible, and prohibiting the placement of any antennas on a tower or monopole.
- (3) Specific Goals.
 - (A) To minimize the total number of wireless communications antenna locations within the Town;
 - (B) To limit the impact of wireless communications antennas and related facilities upon the residences and the streetscapes throughout the Town;
 - (C) To safeguard the prevailing and historic character of development throughout the Town;
 - (D) To encourage the location of antennas upon, or within, existing structures, existing buildings, existing water towers or standpipes, and existing telephone and electric poles and towers, especially those existing structures situated on public property;
 - (E) To encourage as many antennas as possible, of as many of the wireless communication carriers as possible, to be collocated on the fewest number of existing structures within the Town;
 - (F) To encourage the communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes and vistas through careful design, siting, landscape screening and innovative camouflaging techniques;
 - (G) To formulate and maintain, for land use planning purposes, a complete inventory of all wireless communications antennas and related facilities within the Town, and others in the vicinity of the Town, which are capable of providing service within the Town;
 - (H) To enhance the ability of the carriers of wireless communications services who adhere to the letter and intent of these provisions to provide such services quickly, effectively and efficiently; and
 - (I) To comply with the mandate of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332 (c)(7), which preserves local government authority to enforce zoning requirements which protect public safety, public and private property and community aesthetics.
- (4) Overall Comprehensive Plan. In order to effectuate the purposes, objective and goals of these provisions as noted herein above, any applicant to the Town for approval to erect a wireless communication antenna, in addition to all other information required by this subsection, shall provide threshold evidence that the proposed location of the proposed antenna(s), and/or ancillary cabinets enclosing related electronic equipment, has been planned to result in the fewest number of antenna locations within the Town at the time full service is provided by the applicant throughout the Town.

Therefore, the applicant shall provide an overall comprehensive plan indicating how it intends to provide full service throughout the Town and, to the greatest extent reasonably possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Town.

More specifically, the overall comprehensive plan shall indicate the following:

- (A) How the proposed location of the proposed antenna(s) specifically relates to the suitability

- or unsuitability of such existing structures to be utilized to provide the intended wireless communication;
- (B) How the proposed location of the proposed antenna(s) specifically relates to the anticipated need for additional antennas and supporting structures within and near the Town of Morristown by the applicant and by other providers of wireless communication services within the Town;
- (C) How the proposed location of the proposed antenna(s) specifically relates to the objective of collocating the antennas of many different providers of wireless communication services on a single supporting structure; and
- (D) How the proposed location of the proposed antenna(s) specifically relates to the overall objective of providing full wireless communication services within the Town while, at the same time, limiting the number of such locations to the fewest possible, including alternate technologies which are capable of providing the same level of service.
- (5) Location Priorities. Based upon the overall comprehensive plan submitted by the applicant in accordance with paragraph D herein above, if the Town determines the proposed antenna(s) to be needed for the provision of full wireless communication services within the Town, utilizing the fewest number of towers as reasonably possible, Wireless Communication Antennas for telephone, radio, paging and/or television communication shall be permitted within the Town at the following prioritized locations:
- (A) The first priority location shall be on lands owned by the Town of Morristown utilizing an existing or approved building, a water tower or water standpipe, or an existing telephone or electric pole. Any application for use of such lands and structures must be accompanied by written consent from the Town Council of Morristown to the plan and shall be subject to a written lease with the Town.
- (B) The second priority location shall be any other existing approved wireless antenna communication location, water tower or water standpipe, telephone or electric pole or church steeple within or near the Town of Morristown.
- (6) Location and Number of Wireless Communication Antennas; Use of Towers Not Permitted.
- (A) Wireless communication antennas shall only be located per Exhibit A, adopted by Ordinance No. O-6-03, which may be found on file in the Office of the Town Clerk.
- (B) Wireless communication antennas shall only be located on existing nonresidential buildings, water towers or existing transmission towers.
- (C) There shall be a limit of no more than eighteen (18) antennas at any given location.
- (D) There shall be no freestanding poles or towers within the Town of Morristown.
- (7) Maximum Height. Notwithstanding any provisions of this subsection to the contrary, the following height restrictions shall apply for any wireless antenna and/or any related structure:
- (A) The proposed antenna shall not extend more than fifteen (15) feet above the roof of the structure upon which it is located; and
- (B) The height of any proposed new equipment cabinet and/or related structure shall not exceed ten and one half (10.5') feet above ground level or roof surface.
- (8) Design Details.
- (A) To the greatest extent possible, all cables shall be installed within underground conduits.
- (B) The color and camouflaging of a proposed antenna shall be proposed by the applicant in the context of the visibility of the antennas from different vantage points throughout the Town, and the existing land uses and vegetation in the vicinity of the subject site.
- (C) No lighting is permitted on antennas except lighting that is specifically required by the Federal Aviation Administration ("FAA"), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide all applicable FAA standards regarding lighting to the Planning Board.
- (D) Individual cabinets or shelters for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:
- Any proposed cabinet or shelters or combination of cabinets and/or shelters enclosing required electronic equipment shall not be more than ten and one half (10.5) feet in height above ground

level or roof surface, nor more than two hundred fifty (250) square feet in area, and only one (1) such area for the cabinet(s) and or shelters shall be permitted for each provider of wireless communication services located on the site.

- If the cabinet or equipment shelter is located on the roof of a building, the area of the equipment shelter and any other equipment and structures shall not occupy more than ten (10%) percent of the roof area and shall be screened from view utilizing architectural treatments and designs.
 - In the case of cabinets or equipment shelters to be located on the roof of a building, the applicant shall provide testimony from a professional engineer that the roof can support the weight of such cabinet or equipment shelter.
 - Cabinets or equipment shelters shall comply with all applicable building codes.
 - Cabinets or equipment shelters may have one (1) light per service provided at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned only when workers are at the building. The building may have a separate entrance for each service provider.
 - All of the electronic equipment shall be monitored and configured so that, to the greatest extent possible, the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized.
- (E) No signage is permitted, unless “warning” and/or equipment information signs are deemed necessary for safety purposes and are specifically approved by the Planning Board.
- (F) Antennas shall adhere to the following restrictions:
- Antennas shall not exceed eight (8) feet above the roof parapet of the building upon which the antenna(s) is located and in no event shall any antennas be higher than the lowest parapet of any penthouse.
 - Antennas shall comply with all applicable FCC and FAA regulations.
 - Antennas shall comply with all applicable building codes.
 - The antenna design shall minimize visual impact through the use of radio transparent screening designed to match the building facade to make the antenna(s) the least visually intrusive to adjacent properties. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - All new applicants shall be required to install radio transparent screening and shall provide engineering computations establishing engineering stability requirements to the satisfaction of the Town Engineer.
 - Cable design. Rooftop installations shall be designed to minimize tripping hazards on walking/working surfaces.
 - A certification by a qualified structured engineer of the building’s ability to support the weight of the antenna(s) and all accessory equipment and structures.
 - The design of ancillary equipment shall incorporate noise attenuation for noise produced by emergency generators installed to provide power to the facility in emergency situations.
- (9) Site Plan Submission and Approval Requirements.
- (A) The checklist for any application for approval of the construction or installation of Wireless Communications Antennas, pursuant to this section, shall contain all the documents required by this section.
- (B) The applicant shall specifically address each of the “Design Details” enumerated in this subsection, herein above.
- (C) Wireless Communication Antennas, and related electronic equipment, shall require Preliminary Major Site Plan approval and Final Major Site Plan approval in accordance with the Land Use Regulations of the Town of Morristown.
- (D) In addition to the applicable documentation and items of information required for site plans specified in this subsection, the following additional documentation and items of information

specific to Wireless Communication Antennas, are required to be submitted to the Planning Board for review and approval as part of the submission of the Preliminary Site Plan application:

- Documentation by a qualified expert that any existing structure proposed for the location of the antenna will have sufficient structural integrity to support the proposed antennas, and that the safety hazards resulting from ice falling from the structure and the antennas have been adequately mitigated.
 - Evidence from an independent expert to be presented by the Applicant, that all equipment will comply with the then current Federal Communications Commission (FCC) rules and regulations, including that Radio Frequency (RF) emissions will be within the FCC guidelines. Any approval shall contain a condition that the applicant shall provide a report to the Board Engineer from an independent expert that the RF emissions are within the FCC guidelines within ninety (90) days after installation is complete and that upon any change in FCC guidelines or regulations governing same the applicant shall within one hundred twenty (120) days of such change provide a report to the Board Engineer from an independent expert that the RF emissions are within the revised FCC guidelines or regulations. In the event that the Board retains the services of a radio frequency engineer pursuant to paragraph (c) below, then the Applicant's RF report shall be submitted to the board's radio frequency expert for review.
 - In addition to its normal professional staff; given the technical and specialized nature of the testimony by the applicant's radio frequency expert(s), the Planning Board may hire its own radio frequency expert to review and comment upon the testimony presented by the applicant. Additionally, based upon other testimony presented by the applicant, the Planning Board may hire other experts with specialized areas of expertise if deemed necessary.
- (10) Restoration Provisions. Except for proposals to locate antennas on lands owned by the Town of Morristown, the applicant (and the landowner in the instance of a leased property) shall provide a performance bond and/or other assurances satisfactory to the Planning Board and in a form approved by the Town Attorney that will cause the antennas, the electric equipment cabinets, any building enclosing the electronic equipment cabinets, and all other related improvements to the land to be removed, at no cost to the Town, when the antennas are no longer operative. Any Wireless Communication Antenna facility not used for its intended and approved purpose for a period of six (6) months shall be considered "no longer operative" and shall be removed by the responsible party within sixty (60) days thereof.
- (11) Other Requirements. All other applicable requirements of the Morristown Land Use Regulations not contrary to the specific conditions and standards specified herein shall be met, but waivers and/or variances of such other applicable requirements of this subsection may be granted by the Planning Board. Additionally, based upon the site specific information presented by the applicant during site plan review, the Planning Board may grant deviations from the literal requirements for Wireless Communication Antennas specified above, provided that the "Purposes," "Overall Objective" and "Specific Goals," respectively specified herein are advanced by the deviations."

f. **Bed and Breakfast**

- i. **Purpose and Intent.** The purpose of the provisions included in this Section are to provide specific conditions for the location and operation of bed and breakfasts within the Town of Morristown.
- ii. **Policy Basis.** The Town of Morristown is a historical Morris County community whose history dates back prior to the Revolutionary War. As such, the town has a singular historic charm that continues to attract both permanent residents and visitors to its nearby historic sites. The town enthusiastically promotes tourism as an economic opportunity for the community and is especially proud and protective of the many homes whose construction and architecture date back to Morristown's early and gilded years, when wealthy financiers and industrialists built mansions in Morristown and conveniently took the train between "the country" and their work or other homes in New York. Maintaining these large properties today as single-family residences, however, has become extremely difficult and impractical, whether because of the overall costs associated with maintaining such large homes, their architectural features, size, or configuration, and/or because

families have fewer children, thereby not needing such large homes. Nevertheless, the homes' architectural beauty and importance to Morristown's heritage has never been overlooked, with the town looking for practical ways to preserve the properties.

One suggested way to preserve these classic homes for the benefit of the community has been their adaptive reuse and preservation by licensing select properties that meet specific physical criteria as Bed & Breakfasts (B&Bs). This designation would allow properties to be maintained by an owner or manager occupant, while providing short-term lodging for a limited number of guests. By doing so, qualified property owners could have an added source of income that would enable them to purchase and live in the home and also offer a practical business component that would provide additional income needed to maintain the home and its historic charm, while also supporting Morristown's commitment to its heritage and interest in promoting Morristown as an historic destination. While Morristown has a core historic residential district, there are other properties scattered through the town that might also qualify for B&B licensing. However, it must be noted and emphasized that not every large or even historic home in every neighborhood in the community will meet the requirements to obtain B&B status, whether because of the lot size, number of bedrooms and baths, or availability of offstreet parking.

While Morristown has a core historic residential district, there are other properties scattered through the town that might also qualify for B&B licensing. However, it must be noted and emphasized that not every large or even historic home in every neighborhood in the community will meet the requirements to obtain B&B status, whether because of the lot size, number of bedrooms and baths, or availability of offstreet parking.

The proposed ordinance is intended to permit B&B's as a low-intensity hospitality use with minimal impact to traffic, the natural environment or nearby single-family residences. It is designed to be supportive of Morristown as a highly desirable residential community and also offer a practical business incentive that would provide the kind of financial support necessary to maintain both the town's residential character and historic charm, while at the same time recognizing that these goals cannot and must not be implemented at the expense or disregard of neighboring residences and the community as a whole.

- iii. Licensing. All bed and breakfast uses shall comply with applicable licensing requirements contained in Chapter 4 of the Town Code.
- iv. General Requirements.
 - (1) Licensed bed and breakfasts within the Town of Morristown shall contain no less than three (3) bedrooms and no more than eight (8) bedrooms available to guests for lodging. The maximum capacity of each bedroom shall be 2 adults and 2 children.
 - (2) No more than sixteen individuals including children over the age of six, shall stay at a licensed bed and breakfast at any one time.
 - (3) Bathrooms should be provided at a rate of 1 full bathroom per 2 rented bedrooms, exclusive of a dedicated bathroom for the owner.
 - (4) Bed and breakfast owners must reside on the premises within the principal structure.
 - (5) At all times when guests are staying in the licensed bed and breakfast, the Owner(s) shall remain within 15 minutes of the subject property and a sign will be posted with name and emergency phone number when owners are not on the immediate property, per State Fire Prevention regulations.
 - (6) Food service and preparation shall be limited to breakfast for guests currently staying on the premises and incidental refreshments for paying overnight guests, including but not limited to non-alcoholic beverages, cookies, crackers, cheese, crudités, etc. and not advertised to the general public as a restaurant.
 - (7) Detached secondary or accessory structures may not be used for guest rooms as a part of the bed and breakfast operation.
 - (8) No more than two non-resident employees may be employed for the regular operation of the bed and breakfast
 - (9) Rooms that constitute legal bedrooms below or partially below grade shall not be used for guest lodging.

- (10) No less than 1,000 linear feet from property line to property line shall be provided between separate B&B establishments.
 - (11) The site shall be able to provide 150 SF of common area for use of guests, per UFC Requirements. This can include porch, library, dining room, but cannot include the lobby. If more than 10 guests, the minimum requirement is 300 SF.
- v. Bulk Requirements.
- (1) On-site accessory uses or structures including parking areas, refuse enclosures, utilities, patios, sheds, etc., shall comply with all yard and buffer requirements for the zoning district in which the property is located. At a minimum, no such area or structure shall be closer than 5' to an adjacent commercial district or use, 10' to mixed-use with residential or multi-family use or district, and no closer than 15' to a residential use or district. A minimum of half of the width of the setback but no less than 5' width, shall be the required buffer which shall contain a combination of fences, walls, and/or evergreen trees a minimum of 6' tall to visually screen such areas or structures from all sides.
 - (2) One off-street parking space shall be provided for each guest bedroom. Tandem parking for guests is strictly prohibited.
 - (3) One dedicated off-street parking space shall be provided for each owner operator and 1 per each non-resident employee engaged in the regular operation of the bed and breakfast.
 - (4) All parking shall be located to the rear of the principal structure.
 - (5) Total improved coverage on the property shall not exceed 60% of overall land area.
 - (6) Building coverage on the property shall not exceed 50% of overall land area.
 - (7) Signage for the residence shall be restricted to a single ground or wall graphic, but not both, in the front yard or on the front wall of the residence. Ground signs shall be set back a minimum of five (5) feet from the sidewalk or right-of-way line, whichever is greater. Ground signs shall be a maximum of six (6) feet in height. Ground and wall signs shall be a maximum of eight (8) square feet in area.
 - (8) No sign may be illuminated by more than 2 fixtures. Fixtures shall be designed and located to shield neighboring properties and the public right of way from glare and light spillage. Internally lit or backlit signs are strictly prohibited.
 - (9) No signs shall display a telephone number or indication that the residence is full or vacant. Exterior lighting around the residence shall be shaded to prevent illumination off site. All exterior lighting, except for demonstrated security needs, shall be turned off by 9:00p.m. Footcandle levels must comply with the requirements of the zone, and color temperature shall not exceed 3,000°K if adjacent to any residential districts or permitted residential uses, or may not exceed 4,000°K elsewhere.
 - (10) All refuse storage will be enclosed by a visually solid fence or masonry wall which complements the building architecture.
 - (11) Perimeter buffers to residential uses shall contain a combination of fences, walls, and/or evergreen trees with a minimum planting height of 5'. Minimum required buffer widths are:
 - (A) 7.5' wide to a mixed-use with residential or multi-family use or district,
 - (B) 10' wide to a residential use or district.
 - (12) Site shall comply with all other bulk/design requirements of the zone.
- vi. Submission Requirements.
- (1) All bed and breakfast applications shall be subject to review by the Historic Preservation Commission.
- vii. Violations and Penalties.
- (1) On Any holder of a license for a bed and breakfast who violates any provision of this Chapter may be subject to forfeiture of the license issued by the Town of Morristown.
 - (2) Additionally, any property owner who violates any provision of this Chapter or who operates a bed and breakfast without a license, shall be subject to a fine of not more than \$1,250.00. Each day of illegal operation shall be considered a separate violation of this Chapter.
- g. Medical Cannabis Dispensaries and Medical Cannabis Dispensaries with approval to operate as cannabis retailer licenses or Class 5 Cannabis Licensed Retailers

- i. **Applicability:** The following requirements apply to all Medical Cannabis Dispensaries, Medical Cannabis Dispensaries with approval to operate as cannabis retailer licenses or Cannabis Licensed Retailers as defined in the Definitions section in the appendices of this Code.
- ii. **Requirements for Medical Cannabis Dispensaries, Medical Cannabis Dispensaries with approval to operate as cannabis retailer licenses or Cannabis Licensed Retailers:**
 - (1) Cannot be located within one thousand (1,000) feet of a elementary, middle or high school.
 - (2) A distance of no less than one thousand (1,000) feet from another Medical Cannabis Dispensary or Cannabis Licensed Retailers is permitted.
 - (3) Cannot be located within two hundred (200) feet of a house of worship.
 - (4) Distances are measured as line of site.
 - (5) There shall be no outside storage of any marijuana products and a Medical Cannabis Dispensary or Cannabis Licensed Retailers shall be prohibited from displaying any products within the public right of way.
 - (6) A floor plan shall be submitted showing the extent of the use contained in the enclosed building, location of products, storage of products, and all security measures in place.
 - (7) The consumption of marijuana, drugs and alcohol in the establishment shall be prohibited.
 - (8) Emissions/odors of materials and products shall be prohibited.
 - (9) Operational hours shall be restricted to no earlier than 9:00 a.m and no later than 8:00 p.m. on Monday through Saturday and no earlier than 12:00 p.m. and no later than 8:00 p.m. on Sunday.
 - (10) Security such as security cameras, required locks/safes, security officer on-site, emergency plan submission, etc. shall be required.
 - (11) Pedestrian queuing plan submission shall be required.
 - (12) Images of cannabis, related products, and specific words referring to marijuana (i.e. slang), or advertising targeting young adults shall be prohibited on all signage for the establishment.
 - (13) Any Medical Cannabis Dispensary or Cannabis Licensed Retailers may only be involved in the use specifically permitted by its definition.
 - (14) All licensing requirements shall be followed and any Medical Cannabis Dispensary or Cannabis Licensed Retailers shall be in compliance with any applicable State or Local laws, ordinances or codes.
 - (15) Parking and Loading Requirements shall require the greater of three (3) spaces per service/sale window or six (6) spaces per 1,000 square feet.
- h. **Human Habitation of Second Principal Structure**
 - i. **Applicability:** The following requirements apply to all human habitation of second principal structure.
 - ii. **Requirements**
 - (1) Must conform with design standards in [Section 30-3.B](#) and the Community Character Regulations in Frontage Standards per [Section 30-3.C](#).

3. Performance Standards

- a. **Live Entertainment**
 - i. **Applicability:** The following requirements apply to all structures incorporating Theater uses.
 - ii. **Requirements**
 - (1) Properties shall conform to Section 3-1 of the Town Ordinances.
- b. **Maintenance**
 - i. **Applicability:** The following regulations apply to all properties with three or more residential units.
 - ii. **Requirements**
 - (1) A maintenance plan shall be required subject to Board approval.

4. Parking and Loading Standards

a. The following table determines the parking standard (min/max) applicable to a property based on use.

Parking Category	R	EB Overlay (R)	MF-1	MF-2	PWN Overlay (MF-2)	CI Overlay (MF-2)	MF-3	N Overlay (MF-3)	MX-1	R Overlay (MX-1)	MX-2	L-L Overlay (MX-2)	TC and Overlays (T, TOD, MG, HQP)	H and H-1
Residential (per unit)	2/NA	1.5/NA	2/NA	1.5/2.5	1.5/3	NP	1.5/3	1.5/3	1.5/2.5	1.5/3	1.5/2.5	NP	1.5/2.5 (Not HQP)	NP
Bars, Taverns & Nightclubs (per 1,000 SF Gross Floor Area)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	20/30	NP	20/30	NP
Breweries and Brewpubs (per 1,000 SF Net Floor Area open to the public for drinking and congregating)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	20/30	NP	20/30	NP
Retail / Commercial (per 1,000 GFA)	NP	NP	NP	NP	1/2	NP	NP	NP	2.5/3.5	2.5/3.5	2.5/3.5	NP	2.5/3.5	NP
Restaurants, and Liquor Licensed Restaurants (per 2 seats and 2 linear feet of bar area)	NP	NP	NP	NP	NP	NP	NP	NP	NP	1/1.5	1/1.5	NP	1/1.5	NP
Restaurants, Coffee Shops/Cafe (per 100 GFA)	NP	NP	NP	NP	NP	NP	NP	NP	NP	1/1.25	1/1.25	NP	1/1.25	NP
Restaurant, Carry Out/Fast Food (per 100 GFA)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	1/1.5	NP	1/1.5	NP
Office (per 1,000 GFA)	NP	NP	NP	NP	NP	NP	NP	NP	2.5/3.5	2.5/3.5	2.5/3.5	3/5	2.5/3.5	NP
Office, Medical (per 1,000 GFA)	NP	NP	NP	NP	NP	NP	NP	NP	4/6	4/6	NP	5/7	5/7	NP
Theater (per 10 seats)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	1.6/3.3	NP
Hotel/Inn (per room)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	.5/1	NP
House of Worship (per 10 seats or 56 square feet of sanctuary space if worship does not utilize seating)	NP	NP	NP	NP	NP	NP	NP	NP	2/5	2/5	2/5	2/5	2/5	NP
Education / Library (per 1,000 GFA)	NP	NP	NP	NP	NP	NP	NP	1/3	1/3	1/3	1/3	1/3	1/3	NP
Hospital (per .4 beds, 200 SF administrative space, 3 seats in public assembly area)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	.75/1.25
Critical Infrastructure (per 1,000 GFA)	NP	NP	NP	NP	NP	3/4	NP	NP	NP	NP	NP	NP	NP	NP
Institutional / Civic Uses (per 1,000 GFA)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	1/3	NP	1/3	NP

Note: Where an Applicant before the Zoning Board is seeking a use variance and such parking ratio is not indicated in the chart above for their district, the most restrictive parking requirement for the use (if indicated in another district) shall be used in determining the parking requirement for application purposes.

QUICK REFERENCE

Parking Design Standards

[Sec. 30-4.F](#)

- b. Parking as a Bulk Standard
- i. The parking requirements of this section shall be deemed bulk requirements rather than use requirements unless the enabling legislation is construed to be contrary by binding decision of a court or competent jurisdiction.
- c. Compliance with Site Plan
- i. All parking areas shall comply with all site plan requirements of this chapter. No required parking area shall be encroached upon by storage or any other use.
- d. TC Exemption
- i. In the TC District, the parking requirements of this schedule shall not apply to a change of permitted use in any existing building or to any new building replacing an existing building and having a gross floor area equal to or smaller than the former building. This exemption shall not apply whatsoever in cases where the floor area of replacement building(s) exceeds the floor area of structure(s) to be replaced. Conditional uses in the TC District shall comply with this schedule, and are not permitted to use the TC Exemption. This exemption shall not apply in cases where any existing on-site parking is proposed to be removed or was removed within the preceding 5 years.
- e. Automotive Parking
- i. Single Use Parking Ratios
 - (1) The number of required spaces for a single use property shall be determined by the table in [Section 30-2.F.4.a](#). The minimum required parking spaces shall be the first number and the maximum permitted parking spaces shall be the last number.
 - (2) When a use is not permitted in a district, the largest minimum and maximum parking requirement for that use in any district shall apply.
 - ii. Shared Parking
 - (1) The number of required spaces for two or more land uses shall be determined by the following procedure:
 - (2) Establish Baseline: Determine the minimum and maximum amount of parking required for each individual use, as set forth in [Section 30-2.F.4.a](#).
 - (3) Factor in Occupancy Rates: For each of the six time periods in the table below, multiply the minimum and maximum and parking required for each individual use by the appropriate percentage indicated in the table below.

Shared Parking Occupancy Rates

	Monday-Friday			Saturday - Sunday		
	8 am - 6 pm	6 pm - Mid	Mid - 8 am	8 am - 6 pm	6 pm - Mid	Mid - 8 am
Education	100%	20%	5%	10%	10%	5%
Institutional	100%	20%	5%	10%	10%	5%
Office	100%	20%	5%	5%	5%	5%
Theater	40%	80%	10%	80%	100%	10%
Religious	10%	5%	5%	100%	50%	5%
Residential	80%	100%	100%	80%	100%	100%
Restaurant (including all uses serving alcohol)	70%	100%	10%	70%	100%	20%
Retail/Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Hospital	100%	100%	100%	100%	100%	100%

- (4) Add: Sums each of the six columns individually.
- (5) Determine minimum and maximum parking requirement: For both minimum and maximum parking requirements, the column with the highest value shall serve as the parking requirement.

iii. Example Shared Parking Calculation

- (1) The following is an example of how to calculate multi-use parking for three uses: residential apartments requiring 10 parking spaces, office space requiring 15 spaces, and a religious institution requiring 20 spaces.

Example Shared Parking Calculation

The following is an example of how to calculate shared parking for three properties: a residential building with 10 code required parking spaces, an office building requiring 15 spaces, and a religious institution requiring 10 spaces

Number of Space required if not using standard parking ratios						
Residential	10	10	10	10	10	10
Office	15	15	15	15	15	15
Religious	10	10	10	10	10	10

	Monday - Friday			Saturday & Sunday		
	8 am - 6 pm	6 pm - Mid	Mid - 8 am	8 am - 6 pm	6 pm - Mid	Mid - 8 am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Religious	20%	40%	5%	100%	50%	5%

	Monday - Friday			Saturday & Sunday		
	8 am - 6 pm	6 pm - Mid	Mid - 8 am	8 am - 6 pm	6 pm - Mid	Mid - 8 am
Residential	6	10	10	8	10	10
Office	15	3	1	1	1	1
Religious	2	4	1	10	5	1
TOTAL	23	17	12	19	16	12

The total number of space required in a shared lot to accommodate these three uses is 23.

iv. Parking Location

(1) Permitted Parking Locations

Zone	Permitted	Conditional
R	Rear	Front Yard Parking*
EB Overlay	Side, Rear	Front Yard Parking*
MF-1	Side, Rear	Front Yard Parking*
MF-2	Rear	
MF-2 (PWN)	Side, Rear	
MF-3	Side, Rear	
MF-3 (N)	Rear	
MX-1	Rear	Front Yard Parking*, Off-Site**
MX-1 (R)	Rear	Off-Site**
MX-2	Rear	Off-Site**
MX-2 (L-L)	Rear	Off-Site**
TC	Rear	Off-Site**
TC (T)	Rear	Off-Site**
TC (TOD)	Rear	Off-Site**
TC (MG)	Rear	Off-Site**
TC (HQP)	Rear	Off-Site**
H	Rear	Off-Site**

*subject to design standards of [30.2.f.4.e.vi](#)

**subject to conditions of [30-2.f.4.e.v](#).

(2) General Parking Location Requirements

- (A) Parking is prohibited in front and side yards unless otherwise noted in this code. Where side yard parking is allowed, parking areas, including portions of the driveway applied to the required parking standards, may not sit forward of the principal building façade.
- (B) Parking areas are not permitted to be located any closer to an adjacent property line than 1/2 the required setback or four (4) feet, whichever is larger.

v. Off-Site Parking

- (1) **Permissibility:** Up to 100% of parking space requirements may be met with off-site parking according to the table in [Section 30-2.F.4.a](#).
- (2) **Reduced Parking Requirement:** The number of parking spaces required to be provided as part of an off-site parking agreement provided by the Morristown Parking Authority or other similar professional parking organization may vary based on the six time periods of the shared parking calculation. During no time period shall the number of parking spaces reserved be less than the sum of parking spaces required by all proposed uses during that time period.
- (3) **Off-Site Location:** Parking requirements may be met through the provision of off-site parking locations so long as the access point to the off-site parking location is located within 400 feet (direct line measurement) of the subject property.
- (4) **Parking Agreement Requirements:**
- (A) Less than 10 years shall be permitted subject to Board's discretion and showing of banked parking plan on-site.
- (B) Off-site parking secured via recorded easement or agreement of 20 or more years in duration

may be considered by the Administrative Officer when granting approvals that are exempt from the Board's jurisdiction.

- (C) On-going Obligation: If at any time the off-site parking arrangement expires, the property owner shall provide the Administrative Officer notice as well as a plan to conform with on- or off-site parking standards. If the property owner fails to produce an alternative plan, the owner shall be required to seek variance relief from the Board.

vi. Front Yard Parking

- (1) **Applicability:** The following regulations apply to conditionally permitted driveways and parking areas that serve front yard parking facilities per [Section 30-2.F.4.e.iv](#).
- (2) Permitted when one of the following conditions are present:
- (A) The minimum side yard is less than 9 feet wide, rendering construction of a driveway infeasible
- (B) The construction of a driveway of a length necessary to provide parking in the side or rear yard is subject to a hardship caused by steep slopes. For the purpose of this section, a hardship can be shown through the lack of a pathway with the following characteristics:
- 10-foot-wide;
 - Relatively straight (no angles greater than 30%);
 - Slopes less than 15%;
 - 50% or more of the properties within the same district and within 200 linear feet from the property have exclusive front yard parking.
- (3) **Requirements**
- (A) Front yard parking shall be constructed of high quality materials such as bricks and pavers.
- (B) Asphalt shall not be permitted.
- (C) Concrete shall be permitted so long as it accounts for no more than 50 percent of the cross section of any portion of the driveway.
- (D) Front yard parking shall be buffered by planted areas, bioswales ([Per Section 30-4.J.3](#)), and / or walls and fences.
- (E) Front yard parking may be buffered by lawns only on the interior facing portion of the car court.
- (F) Parking areas shall be setback from the public sidewalk or right-of-way by a minimum of 10 feet.
- (G) No more than 1 vehicle may be parked within the front yard, with the vehicle parked perpendicular to the street.
- (H) No more than 2 vehicles may be parked within the front yard when vehicles are parked parallel to the street.
- (I) No more than 1 curb cut shall be permitted, except for properties within the EB Overlay, which shall be permitted two curb cuts, so long as they are connected by the same principal driveway.
- (J) Curb cuts shall be situated to minimize the removal of on-street parking.
- (K) No curb cut shall exceed 10 feet in width.

vii. Valet Parking

- (1) **Applicability:** The following regulations apply to any use that provides valet parking in conjunction with such use. The following regulations shall take effect at such a time that the Town has adopted a corresponding licensing program for valet parking operations under Chapter 4, Licensing and Business Regulations. Valet parking shall not be conditionally permitted in the TC district until such licensing program has been adopted.
- (2) **General Requirements**
- (A) Tandem parking operations, in which at least one parked vehicle must be moved to allow another vehicle to exit from another parking space, shall be subject to Board approval.
- (B) Pick-up/drop-off of vehicles may occur within an off-street loading space or driveway, or within an on-street loading space. In no case may valet pick-up/drop-off occur within an on-street travel lane or parking space, nor may queuing obstruct travel lanes or pedestrian walkways.

- (C) Valet parking that does not comply with the standards of this [Section 30-2.F.4.e.vii](#) shall not count towards satisfying off-street parking requirements pursuant to [Section 30-2.F.4](#).
- (3) Off-Site Valet Parking Requirements
- (A) Off-Site Valet Parking shall comply with the requirements for Off-Site Parking pursuant to [Section 30-2.F.4.e.v](#).
- (B) Off-site parking location:
- Off-site valet parking areas must be located within the TC District.
 - Off-site valet parking areas may not have frontage along Downtown or Main Street Frontage Types.
- (C) Surface valet parking areas shall cease operation at 11pm if such parking area is located within 200 feet of a residential zoning district or if the circulation route between the parking area and the pick-up/drop-off location passes through or abuts a residential zoning district.
- (D) No deviations from the approved circulation route are permitted except where road construction or other temporary circulation obstructions require deviation from the approved route.
- (4) Submission Requirements
- (A) A scaled drawing showing the location and limits of the proposed valet parking operation, including parking layout and dimensions, a circulation plan, and total number of parking spaces.
- (B) For principal valet operations, the circulation plan shall depict the proposed circulation route of vehicles in the custody of the valet parking operator between the pick-up/drop-off location and the parking area.
- (C) Details of any signage proposed in association with valet parking operation.
- (D) A written explanation for the need for valet parking.
- (E) The following shall be provided prior to commencement of valet parking operations:
- Proof of automotive liability insurance with a minimum of \$1 million in coverage for each occurrence.
 - An operation plan, including but not limited to rules and regulations, days and times of valet parking operations, and fees to be charged for use of valet parking.
 - Name, address, and telephone number of the valet owner/operator. If the valet owner/operator will not be reachable during valet operations, the name and telephone number of a valet manager or a manager of the associated use shall also be provided.
- f. Loading Requirements (See [30-4.G](#) for design standards)
- i. Loading spaces shall be provided according to the following table.
 - ii. Fractional loading spaces shall be rounded to the nearest whole pursuant to [Section 30-8.F.7](#).
 - iii. When a site contains multiple uses within the same loading type, calculation of loading requirements may be aggregated for all uses in that group.
 - iv. When a site contains uses within different loading types, minimum loading space requirements shall be calculated for each loading type.

Loading Type	L1	L2	L3
Uses	<ul style="list-style-type: none"> • Residential with 5 or more units • Art Gallery • Artisanal Workshop • Child Care Center • Media Production • Offices, General and Professional • Club, Lodge, Fraternal Organization • Community Center • Government Building or Public Utility Office • House of Worship • School 	<ul style="list-style-type: none"> • Bars, Taverns, Nightclubs • Convenience Store • Funeral Homes • Gaming (Billiards, Arcades) • Hotel • Laboratory (medical/dental) • Offices, Medical Services, Business or Personal • Restaurant (all types) • Retail • Cultural Uses (museum/library) • Nursing Home, Convalescent 	<ul style="list-style-type: none"> • Grocery Store (all) • Hospital/Medical Center • Theater
Loading Spaces*	Minimum 1, plus 1 additional loading space per each 50,000 SF.	Minimum 1, plus 1 additional loading space per each 20,000 SF.	Minimum 1, plus 1 additional loading space per each 10,000 SF.
Loading Berth	None	Minimum 0, plus 1 Per 100,000 SF	Minimum 1, plus 1 additional berth after the first 25,000 SF for each additional 25,000 SF
*The first two loading spaces shall be designed to be tandem in order to accommodate larger vehicles.			

g. Bicycle Parking Requirements (See 30-4.H for design standards)

- i. Bicycle parking shall be provided on-site at the following minimum rates on all properties with 5 or more residential units, commercial uses, or a mix of residential and commercial uses:
- (1) One bicycle parking space per residential unit,
 - (2) One bicycle parking space per 7,500 square feet of commercial use,
 - (3) One bicycle parking space per 10,000 square feet of civic or institutional use.

5. Utilities

a. Location of Utilities

i. Requirements

- (1) In general, all utilities shall be located in a way that is visually unobtrusive.
- (2) Utilities shall be placed to the rear of or within the interior of the principal structure wherever feasible. Otherwise, utilities shall be located to the side of the principal structure where such locations are feasible.
- (3) All utilities shall be screened so as to not be visible from the public right of way.
- (4) If the utilities are located on the interior of the building along a street-facing frontage, that portion of the building shall be designed to be visually unobtrusive and to conform to the general architectural character of the facade.
- (5) In cases where new construction, the developer shall arrange with the servicing utility for the underground installation of the utility's distribution supply lines and service connections.
- (6) In the case of new construction, the lots which abut existing streets where overhead utility lines and service connections have heretofore been installed may be supplied with service from those overhead lines, but the service connections from the overhead lines shall be installed underground. In the case of existing overhead utilities, should a roadway widening, or an extension of service, or other such condition occur as a result of the development and necessitate the replacement relocation or extension of such utilities, such replacement, relocation, or extension shall be underground.
- (7) If the developer of new construction considers it a hardship to comply with the provisions of this Section because of soil conditions, rock formations, wooded areas, or other special conditions of the land, the developer may apply to the approving authority for an exception from the terms of this Section in accordance with the provisions of N.J.S.A 40:55D-51. Where overhead lines

are permitted as the exception, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid the clearing of swaths through treed areas by selective cutting and a staggered alignment, by planting trees in open areas at key locations to minimize the views of the poles and alignments, by following rear lot lines and interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

b. Refuse Collection

- i. Applicability: The following regulations apply to all properties with 5 or more residential units, commercial uses, or a mix of residential and commercial uses.
- ii. Requirements
 - (1) All buildings subject to this requirement shall provide a dumpster or multiple dumpsters sufficient to accommodate all trash generated on site between collections.
 - (2) Dumpsters shall not be located in any required yard or buffer. No collection areas shall be permitted between a street and the front of a building.
 - (3) All outdoor dumpsters shall be visually screened within a durable, non-combustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or streets.
- iii. Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to screen these structures. No screening structure shall be less than six feet in height.
- iv. Residential and commercial uses shall have separate waste facilities.
- v. Restaurants and other retail food establishments shall meet the standards contained in N.J.A.C. 8:24-1.1 et, seq. as they apply to refuse collection and management.
- vi. All other uses shall comply with all applicable state and local standards in the design of their waste storage systems.

c. HVAC

- i. Requirements
 - (1) All HVAC and utility boxes shall be located in the side or rear yard, or roof mounted and screened or minimized from public view and from view of adjacent properties. Screening may be accomplished through the use of planting buffers, fences or walls, and shall be designed to be high enough to visually screen these structures. All HVAC and utility boxes shall not generate noise above 65db from 7am to 10pm and 50db from 10pm to 7am as measured from the property line.

d. Telecommunication Equipment

- i. Requirements
 - (1) Telecommunication equipment is permitted provided that it:
 - (A) is located on the roofs of buildings;
 - (B) does not to exceed in height 10 feet above a prescribed building height; and
 - (C) is incorporated into the architecture and screened from public view.
 - (2) All telecommunication systems shall be located in the side or rear yard and screened or minimized from public view and from view of adjacent properties. Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to visually screen these structures. Telecommunication systems shall not generate noise above 60 db as measured from the property line.

e. Generators

- i. Applicability: The following regulations apply to all permanent standby generators in the Town of Morristown.
- ii. Requirements
 - (1) A permanent standby generator may be located only in the rear or side yards of any property, except that on a corner lot a permanent standby generator may be installed only in the side yard farthest from the road.
 - (2) The generator shall be located in accordance with its manufacturer's installation instructions or the building codes adopted by the State of New Jersey, whichever is more stringent.

- (3) All such generators shall be placed so as to minimize the visual impact on adjacent properties, with the use of appropriate sound-attenuating architectural materials and landscape screening such as shrubbery or fencing. All architectural material, screening or fencing shall be placed in accordance with the generator manufacturer's recommendations, the requirements of the National Fire Protection Association and the zoning requirements of the Town of Morristown. All architectural material, screening or fencing shall be maintained as originally approved. If the architectural material, screening or fencing is not so maintained, the owner of the property in which the generator is located may be subject to violations or penalties including immediate revocation of the permit issued by the Town of Morristown for its use.
- (4) The noise level of any permanent standby generator, when in use for maintenance purposes, shall not exceed 65db from 7am to 10pm and 50db from 10pm to 7am, or create a nuisance as determined by the New Jersey State noise statutes and regulations and the Town Code. Per N.J.A.C. 7:29-1.5. Commercial properties are exempt from conforming with noise regulations only during an electrical power outage.
- (5) The exhaust of a generator shall, as much as feasible, be vented upwards or directed away from neighboring properties.
- (6) The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes. Maintenance operation shall take place not more than once a week during daylight hours between the hours of 10:00 a.m. and 5:00 p.m. and shall not exceed thirty minutes at a time.
- (7) A property owner seeking to install a permanent standby generator must file an application with the Zoning Officer prior to installation and receive permits as necessary before work can be commenced. Every application shall be accompanied by a survey prepared by a licensed land surveyor of the State of New Jersey, showing the property lines of the lot, the location of the building or structure, the front, side and rear yard dimensions and the proposed location, drawn to scale, of the generator. In the event the property owner is seeking to install a natural gas generator, the property owner shall also submit a letter from the natural gas supplier confirming that there is adequate gas pressure and volume supplied to the property to handle the proposed generator.
- (8) The application and survey for a residential property will be reviewed by the Zoning Officer for compliance with setback requirements. Commercial property applicants must also file a Minor Site Plan application with the Planning Board of the Town of Morristown. The Planning Board of the Town of Morristown will review and make a determination with respect to commercial applications.
- (9) Once an approval is granted from either the Zoning Officer or the Planning Board, the application will be sent to the Building Department for review by the various sub-code officials. Once approved by the Building Department, a permit will be issued and the generator may be installed. Any installation shall be in accordance with all municipal ordinances and state-adopted codes including, but not limited to, the Uniform Construction Code, the National Electric Code, the National Fire Protection Association Code, and the International Fuel Gas Code.
- (10) Every application for the installation of a permanent standby generator shall be accompanied by a fee in the amount of \$100.00. This application fee shall be separate and apart from any zoning or building permit fee required for the installation of the permanent standby generator.
- (11) Any person, firm, corporation or other entity who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$500.00, and each day that such violation shall continue shall be deemed a separate offense.

6. Buffer Requirements

i. Where Required

- (1) A yard buffer shall be provided in cases where a mixed use district abuts a residential only district, or wherever any use variance is granted within a residential only district.
- (2) A yard buffer shall be provided along all sides of any property within the H or H-1 districts.

ii. Dimensional Requirement

- (1) The yard buffer shall be a minimum of 10 feet in addition to any required side or rear yard setback along the length of the property or properties for which the yard buffer is required. No structure,

activity, storage of materials or parking of vehicles shall be permitted within a buffer.

- (2) A seventy-five (75) foot wide natural or landscaped buffer consisting of deciduous and evergreen material and designed by a landscape architect, shall be established and maintained on all sides of the property within the H-1 district.
- (3) A fifty-five (55) foot wide natural or landscaped buffer consisting of deciduous and evergreen material and designed by a landscape architect, shall be established and maintained along Madison Avenue and thirty-five (35) feet along all other sides of the property in the H district, with the exception of any boundary abutting any State highway other than Madison Avenue where no buffer shall be required. No building shall be permitted in the buffer area.

iii. Design Standards

- (1) Buffers shall consist of plantings, and fencing or masonry walls that create a visual buffer between properties. Fencing and masonry shall have a maximum height of 6 feet. Vegetation shall be designed to achieve 80% opacity within a height of 6 feet after a period of 5 years of growth. The fencing or masonry wall included as part of the yard buffer shall be located on the internal side of the buffer and that the vegetation shall be located on the external side of the buffer, facing the adjacent property.

iv. Submission Requirements

- (1) All applications requiring a yard buffer shall provide a landscaping plan showing the buffer landscaping and calling out the number and species of the plantings.

7. Short-term Rentals; Licensing

- a. The purpose of this Section is to regulate the accessory use of houses and apartment complexes for short-term rentals so as to ensure that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density.
- b. As used in this section, the term “short-term rental” shall mean the rental for compensation of a dwelling, or portion of a dwelling, for the purpose of overnight lodging for a period of not less than one night and not more than twenty-eight (28) consecutive days. This definition shall not include hotels, motels, bed and breakfast inns, or tenants that have month to month leases permitted by N.J.S.A. 46:8-1 et seq.
- c. As used in this section, the term “responsible party” shall mean the owner or lease-holder of the residence in which the short-term rental activity occurred, or a property manager designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property. Only a responsible party may arrange for a short-term rental.
- d. Short-term rentals will be permitted to be conducted only in the Town Core zoning district in the following classifications of property:
 - i. Units located in a condominium association, homeowners association or cooperative association, where the association’s Bylaws, Master Deed, or other relevant governing documents permits short-term rentals;
 - ii. Any lawfully existing accessory structure for which a certificate of habitability has been issued and is located on the same property as an owner-occupied residence; and
 - iii. One (1) unit within a two, three or four-family property, provided that the property is owner occupied at time of rental.
- e. Short-term rentals shall only be permitted in the Town Core zoning district. Short-term rentals shall be Prohibited uses in all other zoning districts of the Town of Morristown.
- f. Responsible parties offering a short-term rental shall be required to obtain a license from the Division of Property Maintenance to offer the short-term rental. The applicant for such license shall submit to the Division of Property Maintenance an application in a form to be determined by the Clerk, along with a non-refundable application/registration fee of \$200.00. Said license shall be valid for a period of one year from the date of issuance and shall be non-transferable. The Town shall have discretion to accept and reject such licenses. As part of the application for a license, the applicant will be required to demonstrate that the property for the short term rental is compliant with the off-street parking requirements of Morristown’s Land Development Ordinance.

- g. Responsible Parties, offering a dwelling unit for short-term rental use shall first be required to obtain a Certificate of Habitability from the Housing and Property Maintenance Department indicating that the dwelling unit conforms with the provisions of the Housing and Property Maintenance Code of the Town of Morristown, New Jersey. This Certificate of Habitability will be valid for six (6) months. The fee for the issuance of a Certificate of Habitability shall be \$60.00 and shall be payable to the Town of Morristown.
- h. There shall be no sign identifying the short-term rental use, and there shall be no identification of such short-term rental use upon any mailbox.
- i. The short-term rental use shall be conducted in a manner that does not materially disrupt or adversely affect the residential character of the neighborhood. In particular, the short-term rental shall not become a nuisance to adjoining residents and its impact should be no greater than that of a private home with guests.
- j. No equipment or process shall be used in such short-term rental which creates glare, fumes, odors, or other nuisance factors detectable to the human senses outside the lot on which the short-term rental is conducted. Both the owner of a short-term rental property and the short-term renters shall comply with all ordinances of the Town of Morristown including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of short-term renters to comply with all such ordinances shall subject the short-term renters and the owner of such short-term rental property to the issuance of fines and/or penalties, as set forth in Sub-Section Q below.
- k. Responsible parties shall limit short-term rentals to a maximum of sixty (60) days per year.
- l. Only one party of guests shall be permitted per short-term rental unit. The Housing and Property Maintenance Department shall determine and note the maximum number of guests permissible in the license.
- m. Responsible parties shall designate an in-town emergency contact for all short-term rentals, available at all times if the owner, leaseholder or property manager is out of town during the time of rental.
- n. Responsible parties shall post the following information in a prominent location within the short-term rental unit:
 - i. Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
 - ii. Leaseholder name.
 - iii. The name and phone number of the in-town emergency contact, should the owner or property manager be out of town during the time of rental;
 - iv. The phone numbers for the Town's Police Department, the Town's Fire Department, the Town's Code Enforcement Officer;
 - v. The maximum number of parking spaces available onsite;
 - vi. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
 - vii. A copy of this ordinance;
 - viii. A copy of the license issued by the Town of Morristown;
 - ix. A copy of the Certificate of Habitability issued pursuant to this Section; and
 - x. Notification that a short-term renter may be cited or fined by the Town for violations of, and in accordance with, any applicable ordinance(s) of the Town.
 - xi. A Daily Guest Register including the guest name, address, phone number, date and duration of stay, and the number of guests and guest vehicles (license plate and make). The guest register shall be available for inspection by Town officials upon request.
- o. Use of the short-term rentals for commercial events or social events with non-guests shall be prohibited.
- p. Responsible parties shall include a reference to the license number issued by the Town of Morristown in all advertising for any short-term rental.
- q. Responsible parties shall not rent a short-term rental property to anyone younger than 21 years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of 21, and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of 21 who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the owner of the short-term rental property shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of 21, during the term of the short-term rental.

- r. Responsible parties who violate this section may be subject to any remedy, legal or equitable, available to the Town. In addition to any monetary penalties imposed pursuant to Chapter 1, Section 5 of the Morristown Code (entitled General Penalty), remedies may include revocation of the short-term rental privilege as permitted under this ordinance.

8. Residential Unit Requirements

a. Use of Basement and Attic.

- i. Use of Basement and Attic Generally. An attic or basement may be a habitable room only in owner occupied single-family residences provided the requirements of this Section are met. It is prohibited for a residence to have both a habitable basement and a habitable attic. A deviation from this requirement requires an application for a use variance made to the Zoning Board of Adjustment, which shall be considered under the standards applicable to a variance under N.J.S.A. 40:55-70(d).

b. Attics.

- i. Attics shall only be used for storage and mechanical systems unless the requirements set forth in (ii) below are met.
- ii. An attic may be a habitable room only in owner-occupied single-family residences, provided the following requirements are met, in which case the attic shall be counted as a half (½) story. Should approval be sought of a habitable attic that does not meet the requirements below, an application for a variance will be made to the Zoning Board of Adjustment, which shall be considered under the standards applicable to a variance under N.J.S.A. 40:55-70(c):
 - (A) Provided no bedroom currently exists in the basement.
 - (B) Renovation of attics shall be restricted to one large habitable area and may not be divided into multiple rooms for habitation, with the exception of a bathroom. Storage or utility rooms may be erected, provided that they remain unfinished without locking doors or separate closets within.
 - (C) Notwithstanding any provisions to the contrary, attics shall have ceiling height of at least 7 feet covers a minimum of 120 contiguous square feet or an area equivalent to one-third (1/3) of the area of the floor below, whichever is greater.
 - (D) Ingress and egress to and from the attic is via a permanent interior stairwell a minimum 36 inches wide with head room meeting the New Jersey Uniform Construction Code. No exterior stairs or fire escapes shall be permitted.
 - (E) The attic shall be an integral part of the single-family home and shall be used by the household occupying the remainder of the house. The attic shall not be rented to any third party unaffiliated with the household or person not having access to and use of the remainder of the residence.
 - (F) The attic shall be sheet-rocked and insulated with finished walls and ceiling.
 - (G) Firestops shall be installed at the floor level of the attic.
 - (H) The attic shall have a hardwired smoke detector/CO detector.
 - (I) The attic shall not contain a kitchen, food preparation equipment or area, kitchen cabinets, countertops or any other furniture, fixtures or equipment that would facilitate the preparation of food.
 - (J) In the event the attic is to be used as a bedroom, the following requirements must be met:
 - (i) the attic shall contain a minimum of two operable windows that satisfy requirements for egress, which windows shall have a sill not higher than 30 feet from the ground immediately beneath;
 - (ii) the property is currently compliant with the parking provisions per Section 30-2.F.4.

c. Basements.

- i. Basements shall not contain a kitchen or kitchen facilities.
- ii. Renovation of basements shall be restricted to one large habitable area, with no other habitable rooms. Storage rooms may be erected, provided that they remain unfinished without locking doors or separate closets within.

- iii. Bedrooms shall not be permitted in basements or areas below the first-floor habitable area except in owner-occupied single-family residences where:
 - (1) There is sufficient light and ventilation as more particularly required by Section 13-40 and Section 13-41 paragraphs (a),(b), (c)(1) and(c)(2) and natural light and ventilation are not restricted by reason of walls or other obstructions located within six (6) feet of any window required pursuant to Chapter 13.
 - (2) There is a second means of egress conforming to the requirements of Section 13-46(f)(2).
 - (3) All furnaces or other heating facilities are so located, insulated and separated from living areas by fireproof partitions or walls necessary pursuant to the State Uniform Fire Safety Code adopted by the municipality, the regulations of this Code and all other applicable codes, that the same do not constitute an undue hazard to the safety and health of the occupants.
 - (4) The dwelling units and all walls and floors thereof are free of visible moisture and seepage at all times.
 - (5) A basement may only be converted to a bedroom if the property is currently compliant with the parking provisions per Section 30-2.F.4.
- iv. All basement areas must be attached directly to the dwelling unit above without passing through a common hallway, nor shall there be locking doors between the basement habitable area and the dwelling unit above.
- d. Exceptions, Pre-existing and Approved Dwellings.

All basement and attic spaces that were approved prior to the adoption of this section shall be allowed to continue in use and shall be considered pre-existing, nonconforming areas; provided, however, that this approval shall only be permitted if:

 - i. All required zoning and construction permits were obtained and complied with at the time of construction; and
 - ii. The Division of Building and Uniform Construction Code, the Division of Zoning and the tax assessment records confirm existence of this area.
- e. Order to Abate.

In no event shall a Certificate of Habitability, pursuant to Section 13-80 of this Code, be issued upon the transfer of title of any property if there are any violations of the above sections. In order to secure a Certificate of Habitability in order to effectuate transfer of title in accordance with the provisions of the Code of the Town of Morristown, all work which was installed or performed without the required permits and approvals must be removed.

30-3 BUILDING TYPE STANDARDS

30-3.A. Intent

This section provides building standards that regulate the form of buildings in which activities (or uses) occur. They dictate how structures and other key site elements should be located on a lot. Thus the standards serve to regulate the configuration, features, and - in some cases - functions of buildings.

Building types may include requirements to incorporate certain aesthetic and functional elements. These are necessary to ensure that buildings fit appropriately within the context they are built, and that development contributes to a safe, attractive, and vibrant public realm.

Defining a building type does not necessarily describe the use that will occur in that structure. There are many instances of buildings being adaptively repurposed for a use that they were not originally designed to serve. Two examples include a detached house being used as a doctor's office and a warehouse being converted into a loft.

Building types and uses are permitted by zone.

Development Types

Detached House	page 83
Estate	page 87
Semi-Attached	page 91
Courtyard	page 95
Townhome	page 100
Apartment Building	page 104
Suburban Flex, Small	page 108
Suburban Flex, Large	page 112
Suburban Office	page 116
Mixed Use Tower/Complex	page 120
Urban, Small	page 124
Urban, Large	page 128

30-3.B. Building Standards

1. Detached House (All Widths)

A detached single family unit on its own individual lot designed to be used exclusively by one family. There are six Detached House Development Types that are defined by the width of the lot on which they sit. The different lot sizes permit the bulk requirements of the different development types to respond to the unique conditions created by varying lot widths.

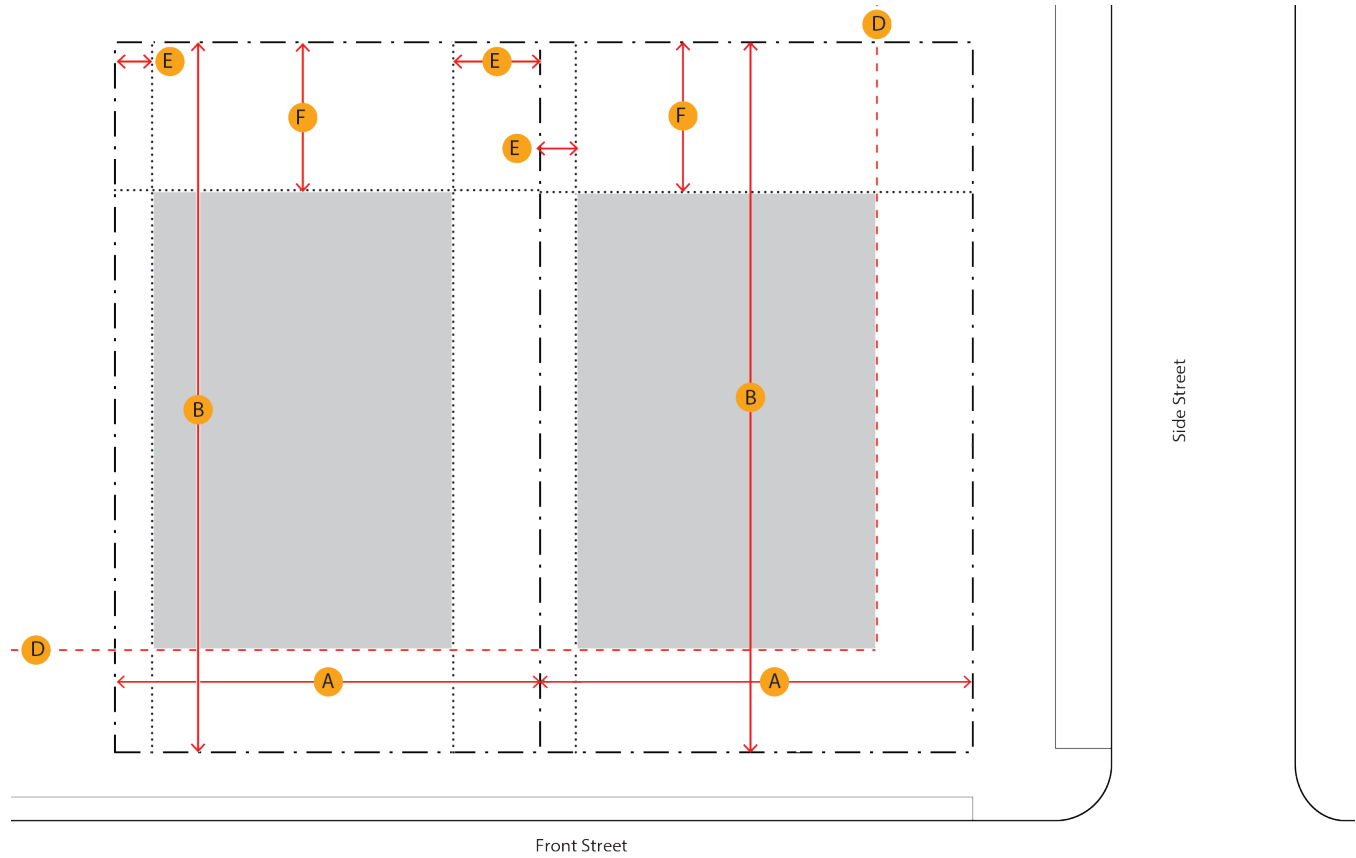
Minimum requirements for a Detached House are:

1. Principal Structure Quantity: One
2. Use: One unit, typically residential unless otherwise permitted in the district
3. Means of Pedestrian Access to Unit: Direct entry to unit at the ground floor
4. On-Site Parking Configuration: Provided as an attached garage, detached garage, or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)

A. Example Images



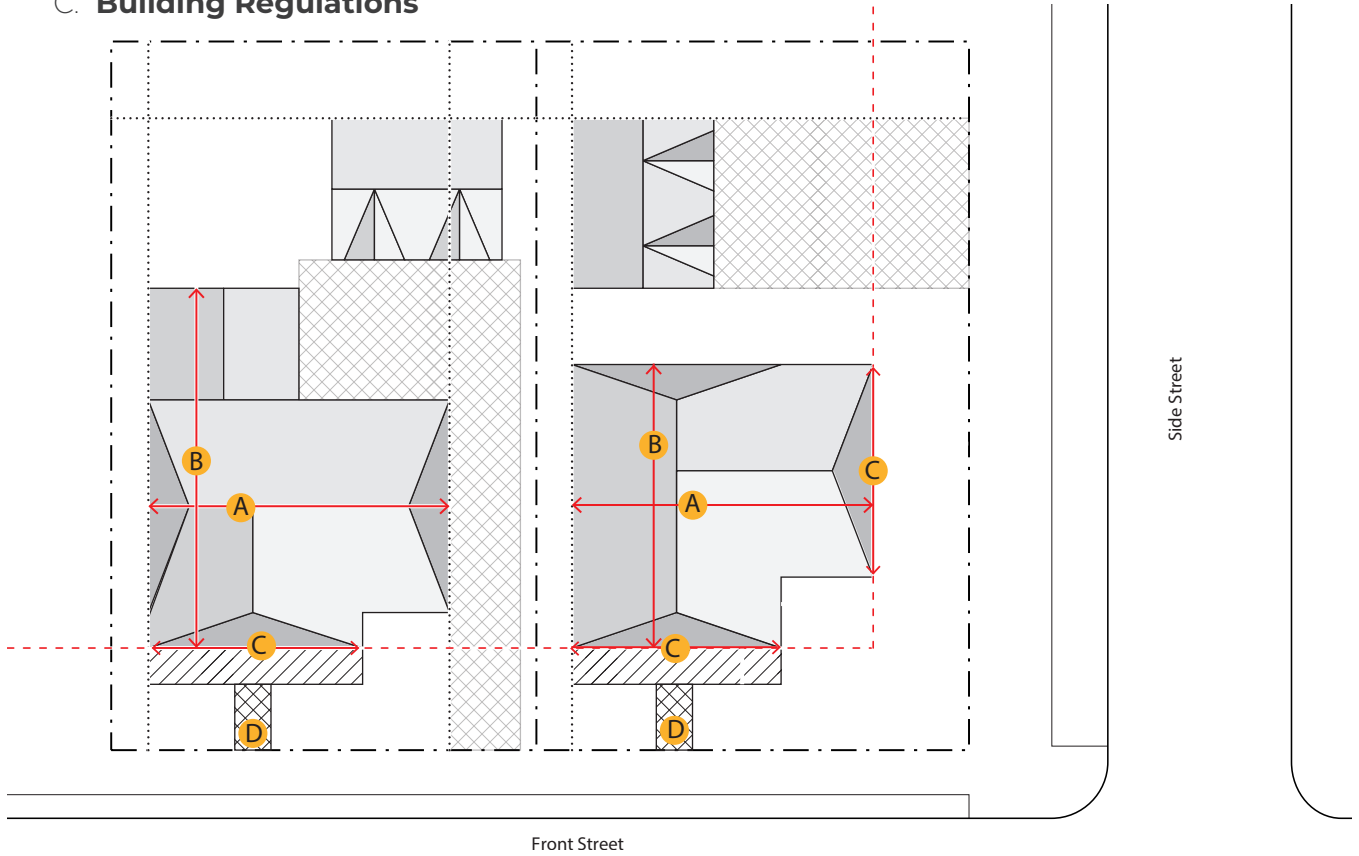
B. Lot Regulations



Size of Standard	Narrow	Small	Medium	Large	Wide	XXL
Lot Regulations						
A Frontage Width	Parcels up to 39.9'	40' - 49.9'	50' - 59.9'	60' - 74.9'	75' - 124.9'	125' +
B Minimum Lot Depth	80'	80'	80'	80'	80'	80'
C Minimum Lot Size (sq. ft)	2,400	3,200	4,000	4,800	6,000	12,500
Setbacks						
D Build-to-Line	See District Standards in Sec. 30-2					
E Minimum Side Yard (Individual)	2'	3'	5'	5'	5'	20'
Minimum Side Yard (Total)	10'	13'	18'	18'	18'	45'
F Minimum Rear Yard	20'	20'	20'	20'	20'	20'
Coverage						
G Maximum Building Coverage	35%	30%	25%	20%	20%	20%
H Maximum Improved Coverage	45%	40%	35%	30%	30%	30%

Note: The width of the lot shall dictate the standards applicable to a given parcel (e.g. a 40' wide parcel is considered "small" and thus all standards for a "small" lot shall be applicable). In cases of corner lots, the frontage width shall be considered the width of the lot line parallel to the front door facing a street. If frontage width on a corner lot cannot be determined based on unique site circumstance, the Zoning Officer shall make a determination.

C. Building Regulations



Size of Standard		Narrow	Small	Medium	Large	Wide	XXL	
Building Regulations								
A	Maximum Building Width	27FT	27FT	35FT	60FT	60FT	80FT	
B	Maximum Building Depth	50FT	50FT	50FT	50FT	50FT	50FT	
C	Build-to-Line Occupancy $\frac{C}{A}$	min.	80%	80%	60%	45%	40%	35%
		max.	100%	100%	85%	75%	55%	50%
D	Main Entrance	Front Street	Front Street	Front Street	Front Street	Front Street	Front Street	

D. Massing Regulations



Size of Standard		applies to all sizes	
		Min	Max
Main Body			
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	10'*	--
C	Upper Floor Height (floor to ceiling, feet)	9'*	--
D	Finished Floor Elevation (inches)	See District Standards in Sec. 30-2	
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	Flat or 4:12	18:12
	Ancillary Roof Pitch	No greater than Principal Roof Slope**	
F	Horizontal Articulation	N/A	
G	Transparency, Street Facing Facades	25%	--
H	Transparency, Non-Street Facing Facades (if visible from Right-of-Way)***	25%	--

*Existing structures adding an addition may maintain the existing floor to ceiling height.

**Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

2. Estate

Estate buildings are defined by their age, design, and size. Estates in Morristown were constructed in the late 19th and early 20th centuries, and generally have superb and often historically significant architecture and design. In addition, they are often significantly larger than most detached homes, frequently exceeding 5,000 square feet. Estates are designed to be occupied by a single family, although in certain instances office uses may be permitted within the structure.

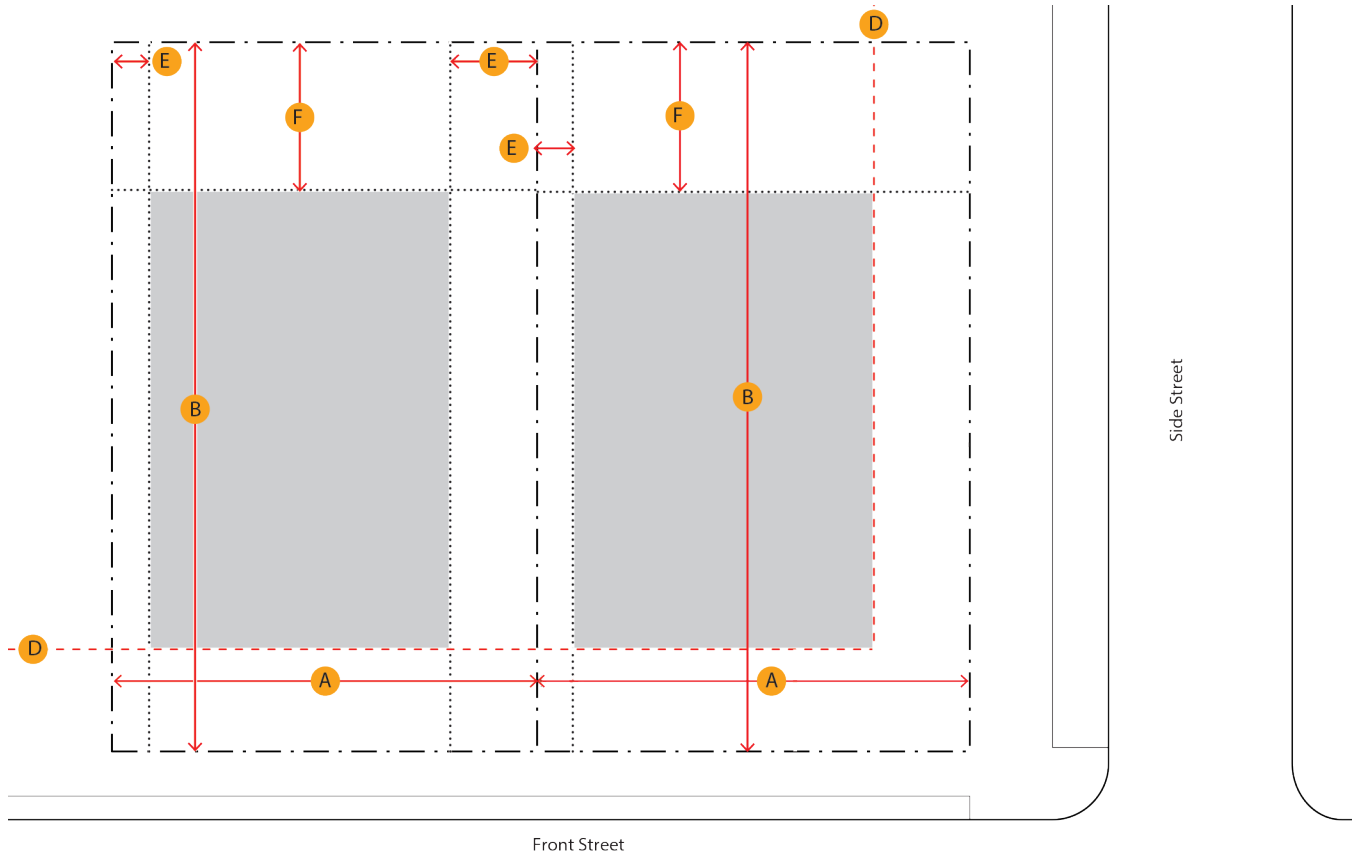
Minimum requirements for a Estate are:

1. Principal Structure Quantity: One
2. Use: Typically residential and/or office, unless otherwise permitted in the district
3. Means of Pedestrian Access to Units: Direct entry to unit(s) at the ground floor
4. On-Site Parking configuration: Provided as an attached garage, detached garage, or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)
5. Size: Typically between 2,500 SF and 8,500 SF
6. Building Design
 - New Buildings: consistent with the typology of various traditional and popular house types found in the Morristown district as identified in the physical appearance description of the 1986 Multiple Resource Area of the National Register of Historic Places (#64000494), consistent with established architectural vernacular within 200 feet, or - in the case of a demolition reconstruction - consistent with the architectural style of the existing structure
 - Additions to existing structures: in the architectural style of the existing structure and/or otherwise consistent with the Secretary of Interior Standards for New Exterior Additions to Historic Buildings and Related New Construction

A. Example Images



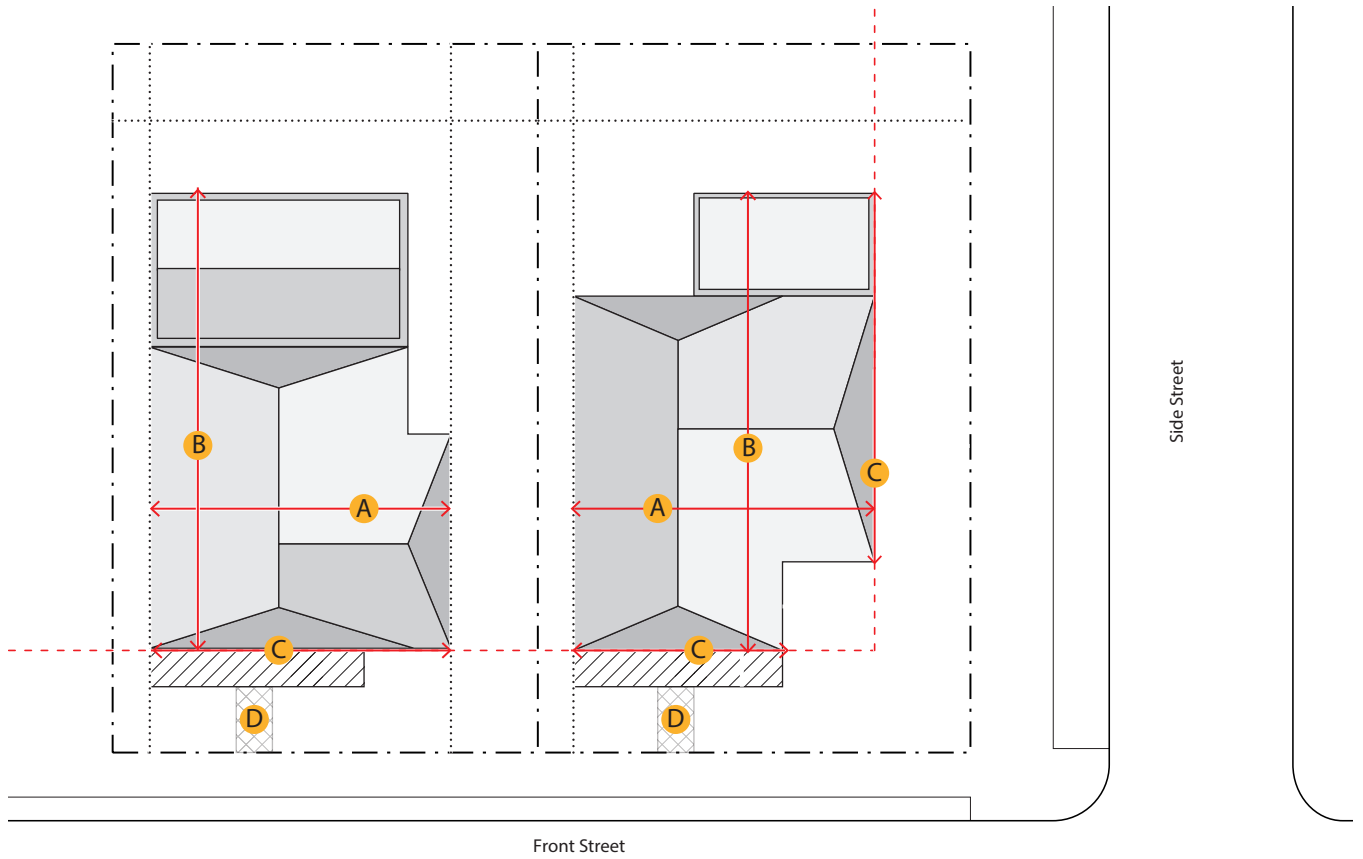
B. Lot Regulations



Size of Standard	Applies to all sizes	
	Min	Max
Lot		
A Frontage Width	50'	--
B Lot Depth	100'	--
C Lot Size (sq. ft)	5,000	--
Setbacks		
D Build-to-Line	See District Standards Sec. 30-2	
E Side Yard (Individual)	10'	--
E Side Yard (Total)	20'	--
F Rear Yard	30'	--
Coverage		
G Building Coverage*	--	20%
H Improved Coverage	--	30%

*Maximum building coverage upon existing parcels that are less than 5,000 SF may be increased to 25% building coverage.

C. Building Regulations



Size of Standard	Applies to all sizes	
	Min	Max
Building		
A Building Width	-	100'
B Building Depth	30'	175'
C Build-to-Line Occupancy $\frac{C}{A}$	50%	100%
D Main Entrance		Front
E Gross Floor Area	2,500	8,500

D. Massing Regulations



Size of Standard	Applies to all sizes	
	Min	Max
Main Body		
A Building Height (floors/feet)	See District Standards in Sec. 30-2	
B Ground Floor Height (floor to ceiling, feet)	10*	--
C Upper Floor Height (floor to ceiling, feet)	9*	--
D Finished Floor Elevation (inches)	See District Standards in Sec. 30-2	
Massing and Composition		
E Principal Roof Pitch (Rise: Run)	4:12	18:12
Ancillary Roof Pitch	No greater than principal roof slope**	
F Horizontal Articulation	N/A	
G Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H Transparency, Non-Street Facing Facades (if visible from Right-of-Way)***	25%	--

*Existing structures adding an addition may maintain the existing floor to ceiling height.

**Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements.

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

3. Semi-Attached (All Widths)

A residential building designed with two to four household units, each of which has direct access to the outside. Such structures shall have the exterior appearance of a single family detached house. There are six semi-attached development types that are defined by the width of the lot on which they sit.

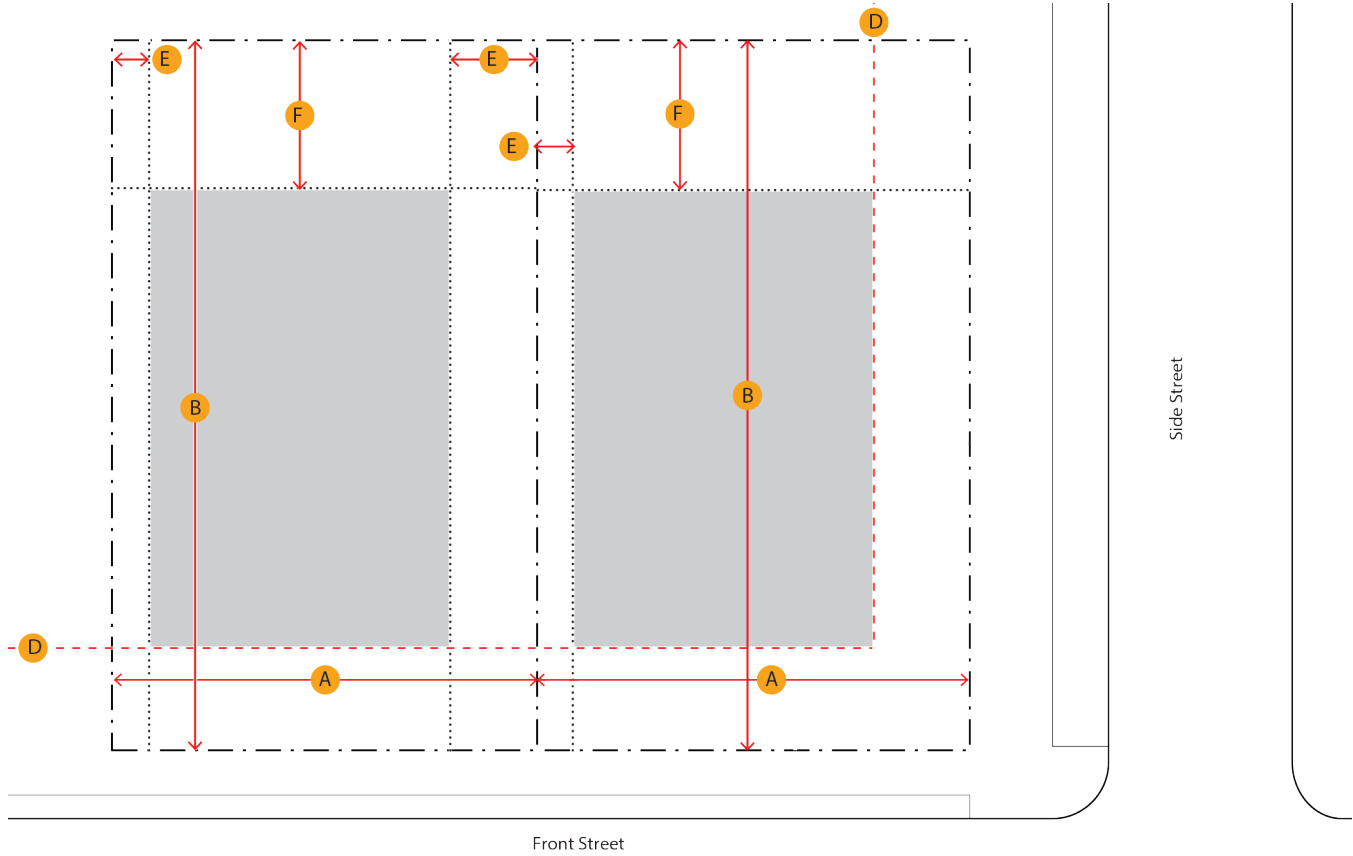
Minimum requirements for a Semi-Attached are:

1. Principal Structure Quantity: One
2. Use: Two to four units, typically residential unless otherwise permitted in the district
3. Means of Pedestrian Access to Units:
 - Direct entry to units at ground floor, or
 - Common access via shared foyer, stairwell, or similar entryway at the ground floor
4. On-Site Parking Configuration: Provided as an attached garage, detached garage, or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)

A. Example Images



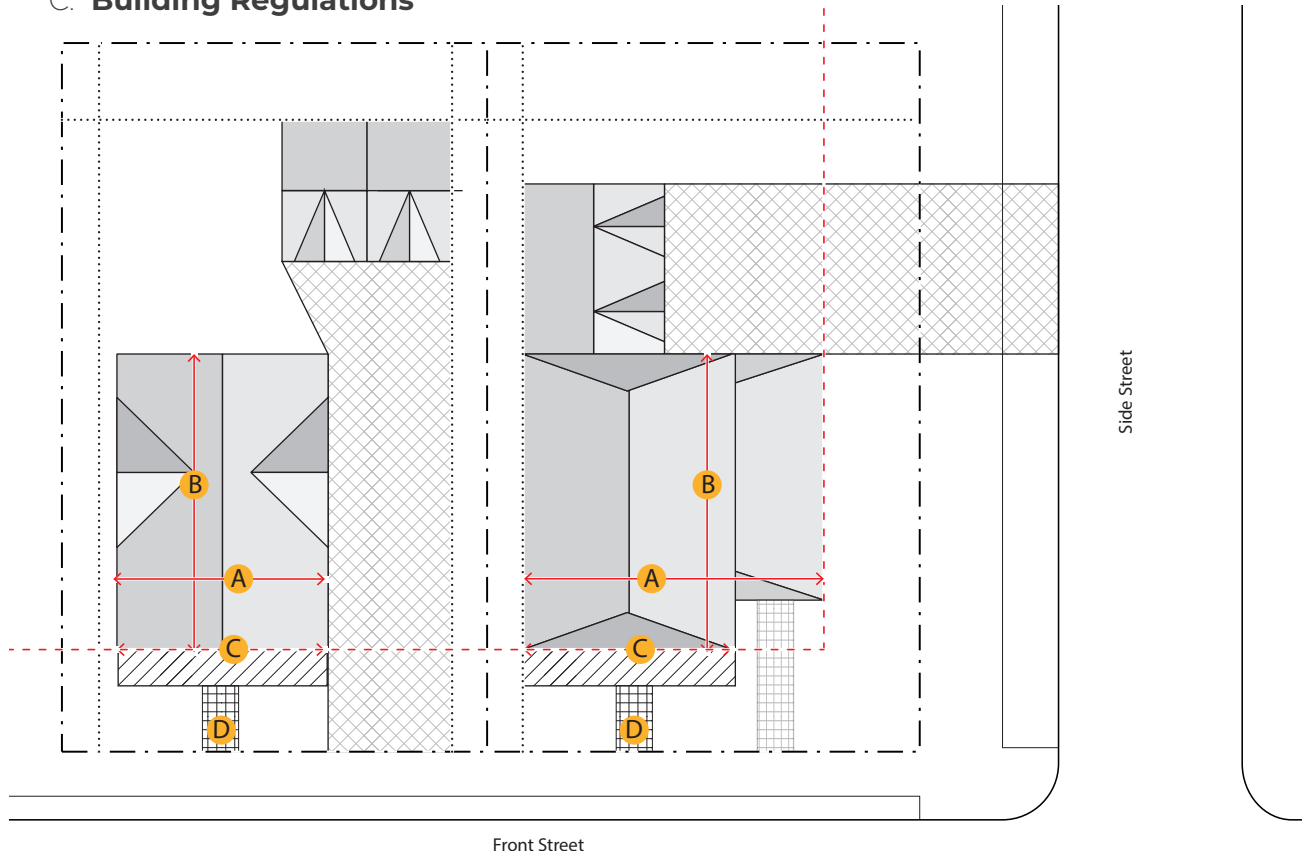
B. Lot Regulations



Size of Standard	Narrow	Small	Medium	Large	Wide	XXL
Lot Regulations						
A Frontage Width	Parcels up to 39.9'	40' - 49.9'	50' - 59.9'	60' - 74.9'	75' - 124.9'	125' +
B Minimum Lot Depth	80'	80'	80'	80'	80'	80'
C Minimum Lot Size (sq. ft)	2,400	3,200	4,000	4,800	6,000	12,500
Setbacks						
D Build-to-Line	See Building Placement Standards in your District Sec. 30-2					
E Minimum Side Yard (Individual)	1'	3'	5'	5'	5'	20'
Minimum Side Yard (Total)	8'	13'	18'	18'	18'	45'
F Minimum Rear Yard	20'	20'	20'	20'	20'	20'
Coverage						
G Maximum Building Coverage	30%	30%	30%	30%	20%	20%
H Maximum Improved Coverage	40%	40%	40%	40%	30%	30%

Note: The width of the lot shall dictate the standards applicable to a given parcel (e.g. a 40' wide parcel is considered "small" and thus all standards for a "small" lot shall be applicable). In cases of corner lots, the frontage width shall be considered the width of the lot line parallel to the front door facing a street. If frontage width on a corner lot cannot be determined based on unique site circumstance, the Zoning Officer shall make a determination.

C. Building Regulations



Size of Standard		Narrow	Small	Medium	Large	Wide	XXL	
Building								
A	Maximum Building Width	27'	27'	35'	45'	60'	80'	
B	Maximum Building Depth	50'	50'	50'	50'	50'	50'	
C	Build-to-Line Occupancy $\frac{C}{A}$	Min	80%	80%	60%	45%	40%	35%
		Max	100%	100%	85%	75%	55%	50%
D	Main Entrance	Front Street	Front Street	Front Street	Front Street	Front Street	Front Street	

D. Massing Regulations



Size of Standard	Applies to all sizes	
	Min	Max
Main Body		
A Building Height (floors/feet)	See District Standards in Sec. 30-2	
B Ground Floor Height (floor to ceiling, feet)	10*	--
C Upper Floor Height (floor to ceiling, feet)	9*	--
D Finished Floor Elevation (inches)	See District Standards in Sec. 30-2	
Massing and Composition		
E Principal Roof Pitch (Rise: Run)	Flat or 4:12	18:12
E Ancillary Roof Pitch	No greater than principal roof slope**	
F Horizontal Articulation	N/A	
G Transparency, Street Facing Facades	25%	--
H Transparency, Non-Street Facing Facades (if visible from Right-of-Way)***	25%	--

*Existing structures adding an addition may maintain the existing floor to ceiling height.

**Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

4. Courtyard

Two separate structures occupying the same lot, with one structure located at the front (primary building) of the lot and the other at the rear of the lot (courtyard building). The primary building may house one or two families and must be in an Attached, Estate or Detached building type per [Section 30-3.1-3](#), while the rear courtyard building is to be smaller and contain only one family. The street frontage is designed to reflect the scale of a single-dwelling house to blend with neighborhood context.

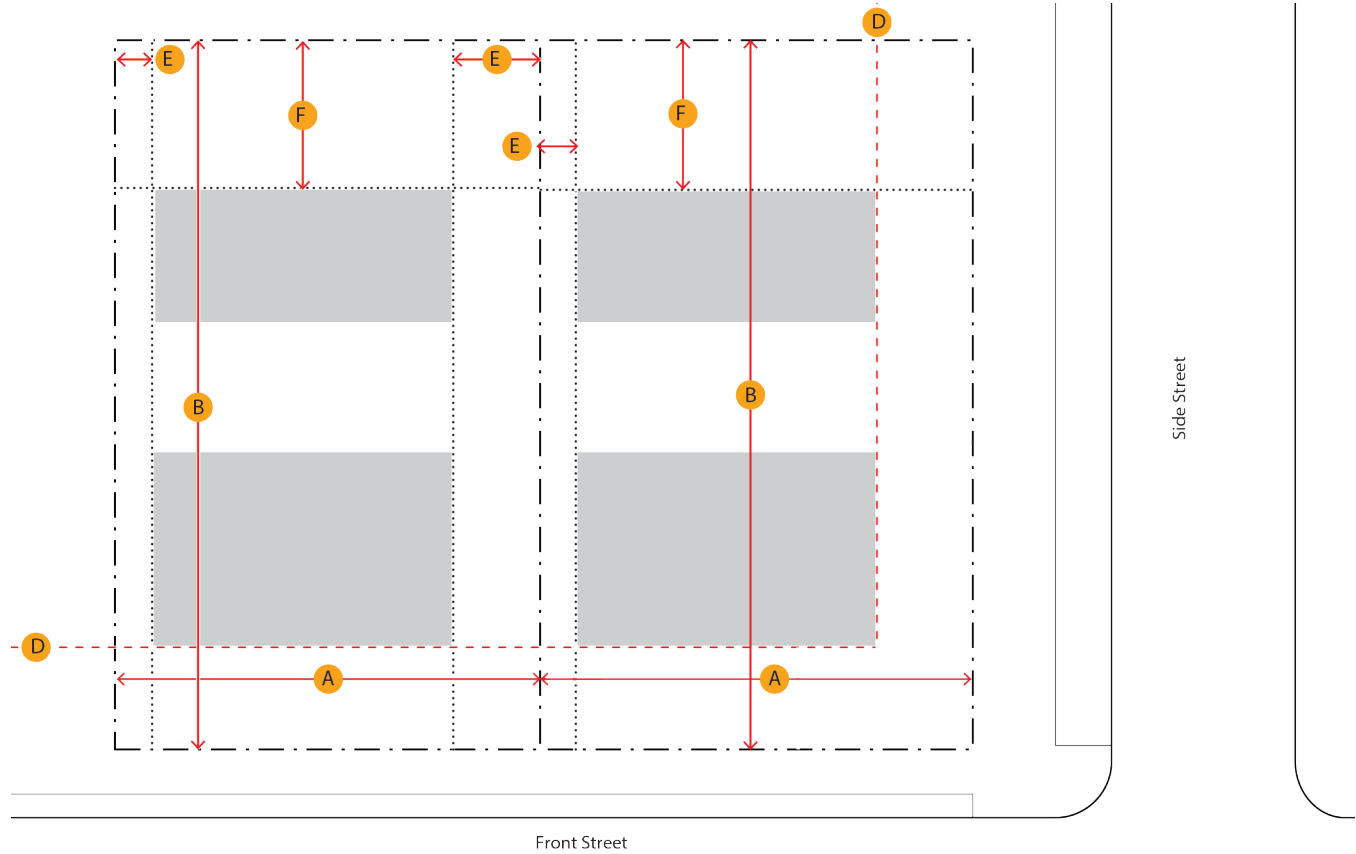
Minimum requirements for a Courtyard are:

1. Principal Structure Quantity: Two
2. Use: Two to three units, with one to two units in the primary building and one unit in the courtyard building. Courtyard building unit is always residential, and the primary building units are typically residential and/or office unless otherwise permitted in the district
3. Means of Pedestrian Access to Units:
 - Entry to primary building consistent with the definition associated with the building type of the primary building
 - Entry to courtyard building by direct entry at ground floor and/or foyer/stairwell shared with garage space
4. On-Site Parking Configuration: Provided as an attached garage, detached garage, or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)
5. Size: The habitable floor area of the courtyard building shall not exceed 50% of that which is contained in the primary building or 1,200 square feet, whichever is less
6. Primary building must be Detached, Semi-Attached, or Estate building type and comply with the definition of these Building Types
7. Courtyard building must be architecturally consistent with the primary building in style, as well as building materials and design quality

A. Example Images



B. Lot Regulations

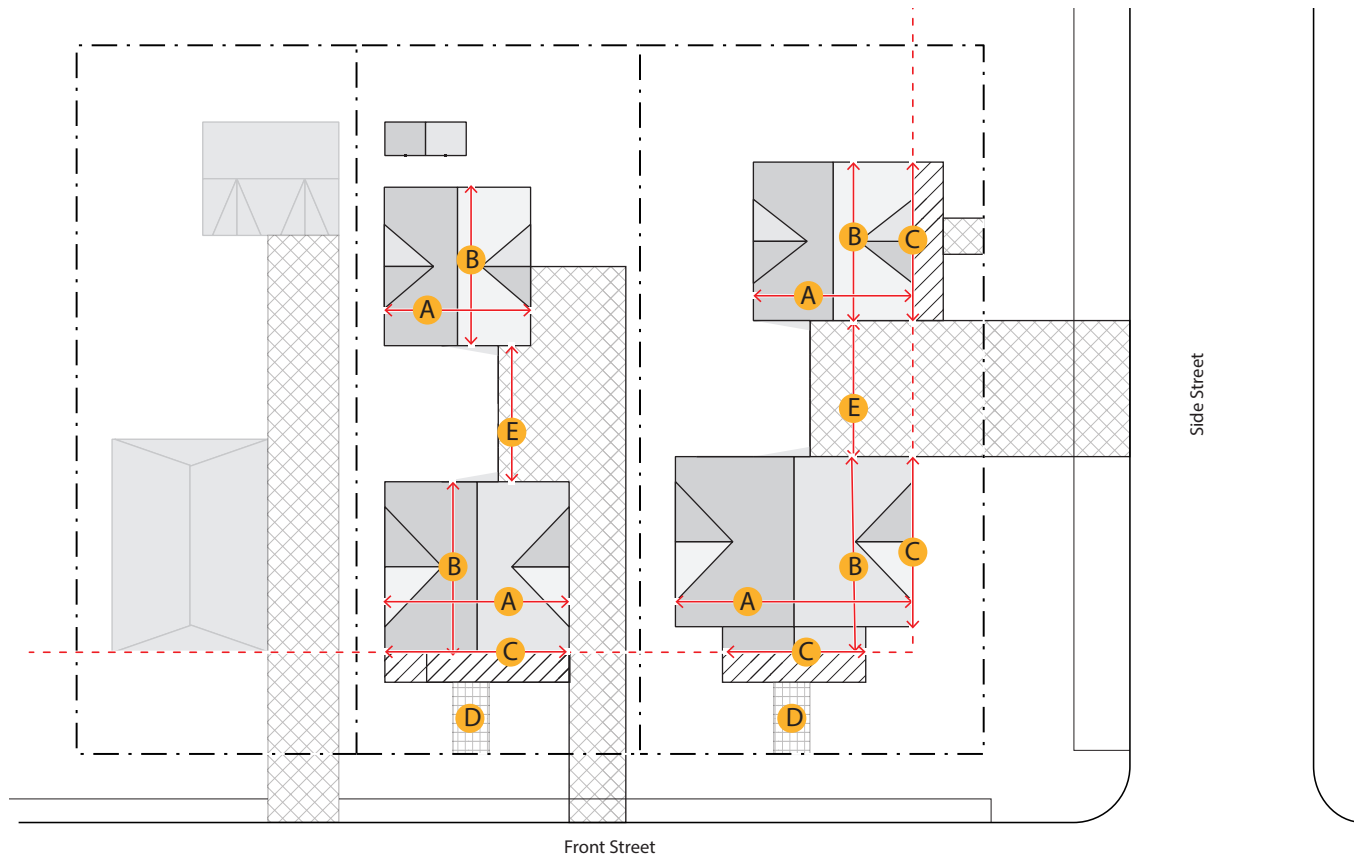



	Min	Max
Lot Regulations		
A Frontage Width	50'	--
B Minimum Lot Depth	125'	--
C Minimum Lot Size (SF)	6,250	--
Setbacks		
D Build-to-Line*	See District Standards in Sec. 30-2	
E Side Yard (Individual)	See Note**	
Side Yard (Total)	See Note**	
F Rear Yard	See Note**	
Coverage		
G Building Coverage	--	50%
H Improved Coverage	--	70%

*Applicable to the primary building only, unless the courtyard building is on a corner lot.

**Yard setbacks for both the primary building and courtyard building shall be regulated based on the category of Building Type of the primary building per [Section 30-3.1-3](#) (Detached, Estate or Semi-Attached).

C. Building Regulations



	Min	Max
General Building Standards		
A Building Width*	--	40'
B Building Depth*	--	50'
C Build-to-Line-Occupancy 		See Note**
D Main Entrance		See Note**
E Building Separation	24'	--

*Applicable to the courtyard building only. See Section 30-3.1 to Section 30-3.3 for such standard of the primary building.

**Applicable to the primary building only, unless on a corner lot, where such standard for the courtyard building is based on the category of Building Type of the primary building per Section 30-3.1-3 (Detached, Estate or Semi-Attached).

D. Additional Regulations

- Density and maximum unit count shall include dwelling units contained in both the courtyard building and the primary building. Under no circumstances shall any provision herein be interpreted to permit the number of dwelling units per parcel in excess of those permitted in the district.
- For the purposes of this provision, habitable floor area shall be defined as:
 - The sum of the gross horizontal areas of the floor or several floors of a dwelling, measured between the inside face of exterior walls or from the center line of walls separating two dwelling units, having a clear ceiling height of seven feet four inches or greater, but not including any unfinished cellar or basement or any garage space, breezeway, interior patios, enclosed porches or accessory building space.

E. Massing Regulations



	Min	Max
A Building Height (stories/feet)	Primary building: See District Standards in Sec. 30-2 Courtyard building: 2.5 stories / 25' (Max.)	
B Ground Floor Height (floor to ceiling, feet)	9'	--
C Upper Floor Height (floor to ceiling, feet)	8'	--
D Finished Floor Elevation*	See District Standards in Sec. 30-2	
Massing and Composition		
E Roof Pitch (Rise: Run)	See Note**	
Ancillary Roof Pitch	See Note**	
F Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3	
G Transparency, Non-Street Facing Facades (if visible from Right-of-Way)***	25%	N/A

*Finished floor elevation is applicable to the primary building only, unless the courtyard building is on a corner lot.

**Roof pitch for both the primary building shall be regulated based on the category of Building Type of the primary building per [Section 30-3.1-3](#) (Detached, Estate or Semi-Attached). Roof pitch for courtyard building shall match the primary building.

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

5. **[Removed]**

6. Townhomes

A Townhome is a series of adjoining one-family dwelling units each of which is separated from the adjacent dwelling unit by a wall extending from the foundation through the roof, and structurally independent of the corresponding wall of the adjoining unit. They shall have an unobstructed front and rear wall to be used for access, light and ventilation. Stacked Townhomes are not permitted (i.e. two similarly sized one-family dwelling units integrated into the footprint of a Townhome).

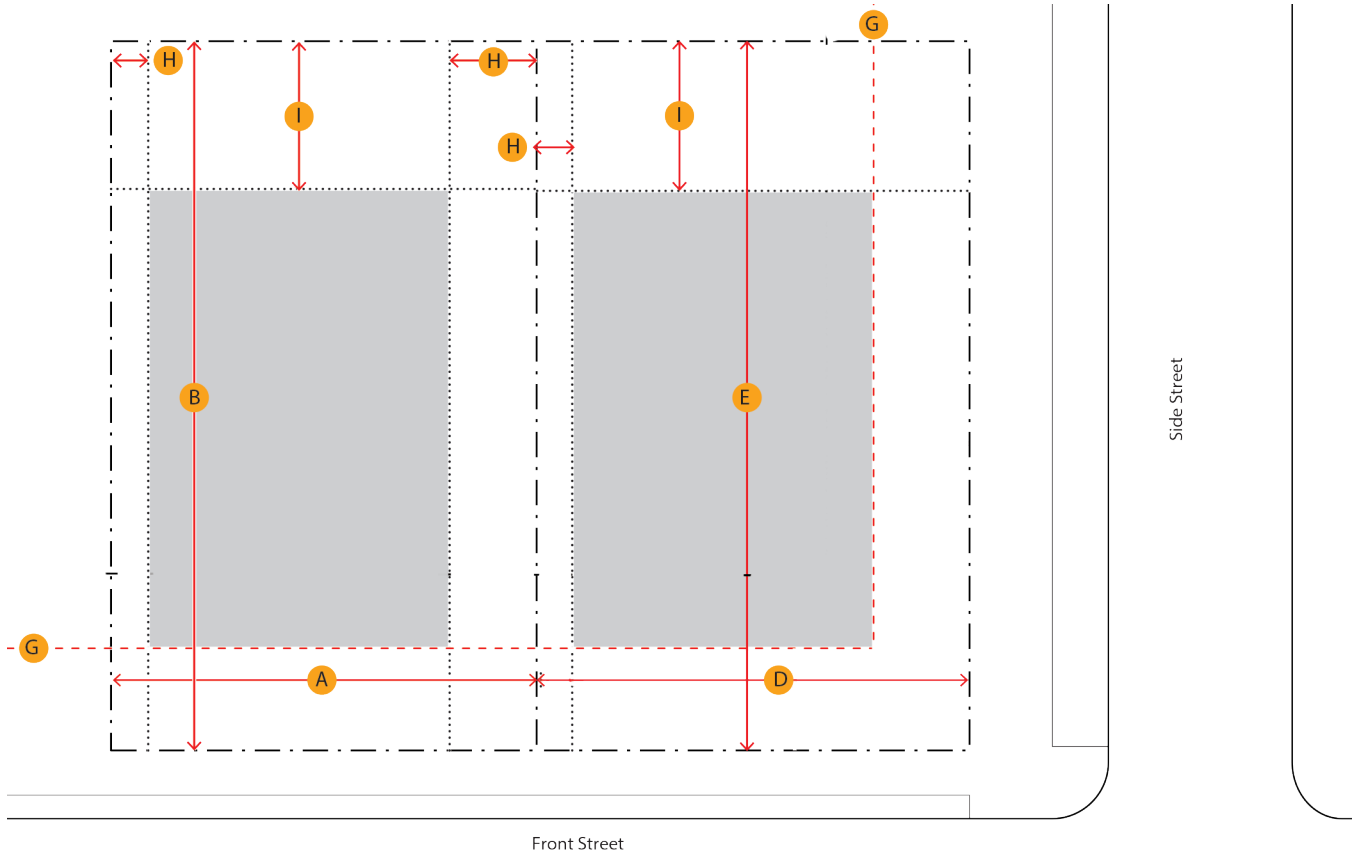
Minimum requirements for a Townhome are:

1. Principal Structure Quantity: One or more
2. Use: At least three units, typically residential
3. Primary Means of Pedestrian Access to Units: Direct entry to each unit at ground floor
4. On-Site Parking Configuration: Provided as an attached garage, detached garage, or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)
5. Building Design:
 - Each unit contains multiple stories
 - Units must be attached to adjacent unit by at least one wall
 - One unit shall comprise a space from the foundation to the roof, with no other unit occupying space above or below another unit
 - The front and rear of each unit must be unobstructed for access, light, and air

A. Example Images



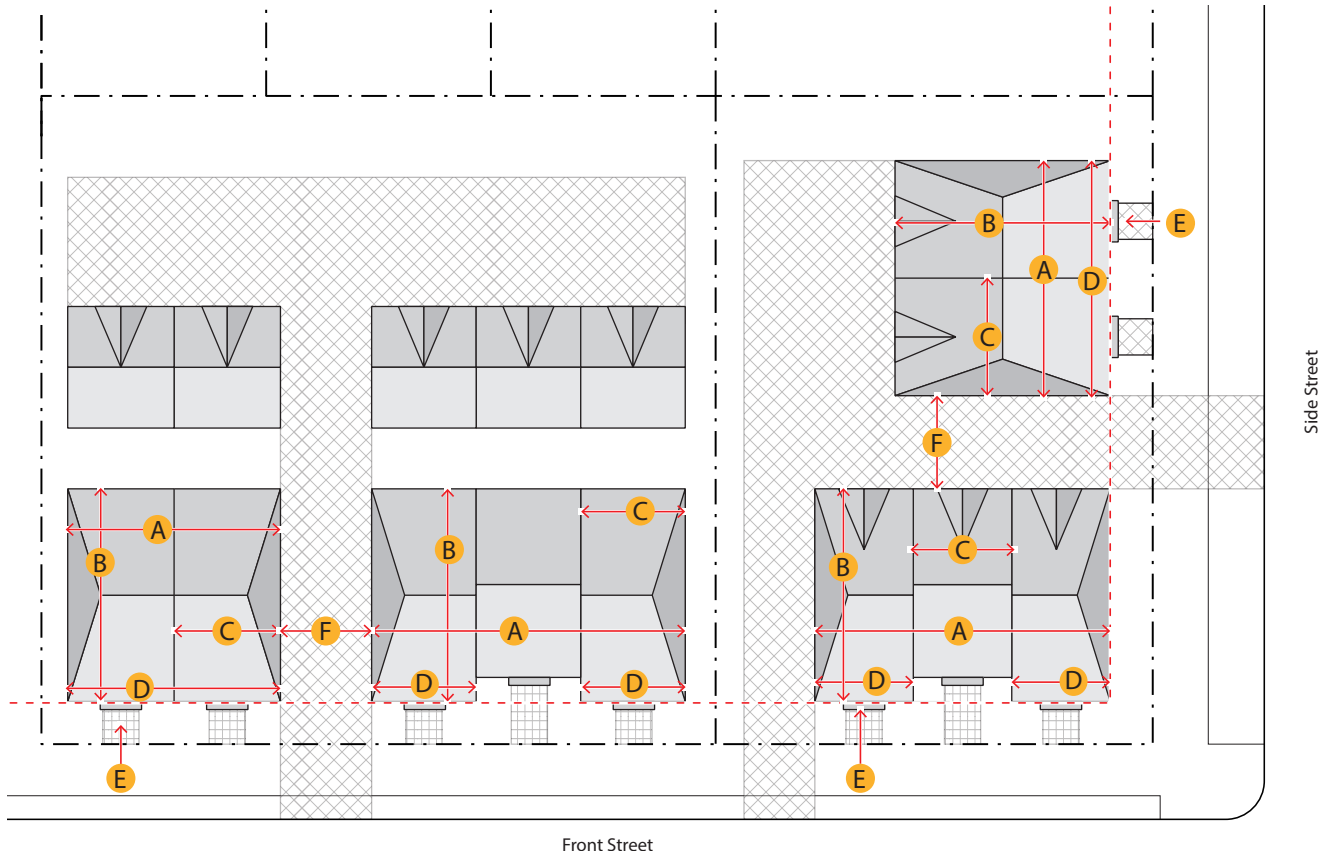
B. Lot Regulations



	Min	Max
Interior Lot		
A Frontage Width	120'	--
B Lot Depth	125'	--
C Lot Size (SF)	12,500	--
Corner Lot		
D Frontage Width	75'	--
E Lot Depth	115'	--
F Lot Size (SF)	8,050	--
Setbacks: All Lots		
G Build-to-Line	See District Standards in Sec. 30-2	
Side Yard (Individual)		8'
H Side Yard (Total)		20'
I Rear Yard		30'

	Min	Max
Coverage: Interior Lot		
Interior Lot		
J Building Coverage	--	50%
K Improved Coverage	--	80%
Coverage: Corner Lot		
L Building Coverage	--	50%
M Improvement Coverage	--	85%

C. Building Regulations



	Min	Max
Building		
A Building Width	50'	125'
B Building Depth	25'	65'
C Unit Width	15'	N/A
C Average Unit Width	20'	30'
D Build-to-Line Occupancy $\frac{D}{A}$	60%	80%
E Main Entrance	Front Street	
F Building Separation	24'	N/A

D. Additional Regulations

- i. Private yards, when provided, must be at least 10 feet deep.
- ii. On corner lots, units may have entrances from either the Front or Side Street.
- iii. On corner lots, at least half of all units shall face the front street.
- iv. No garage doors shall be permitted to face a public street.

E. Massing Regulations



		Min	Max
Main Body			
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	10'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	18"	--
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	Flat or 4:12 min 18:12 max	
	Ancillary Roof Pitch	No greater than principal roof slope	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades**	25%	--

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements.

**No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

7. Apartment Building

An exclusively residential building designed for occupancy by five or more families living independently of each other in units attached via one or more common roofs, walls or floors. Typically, the unit's habitable area is accessed from a common corridor. A common lobby and elevators are typically provided for buildings with more than one story.

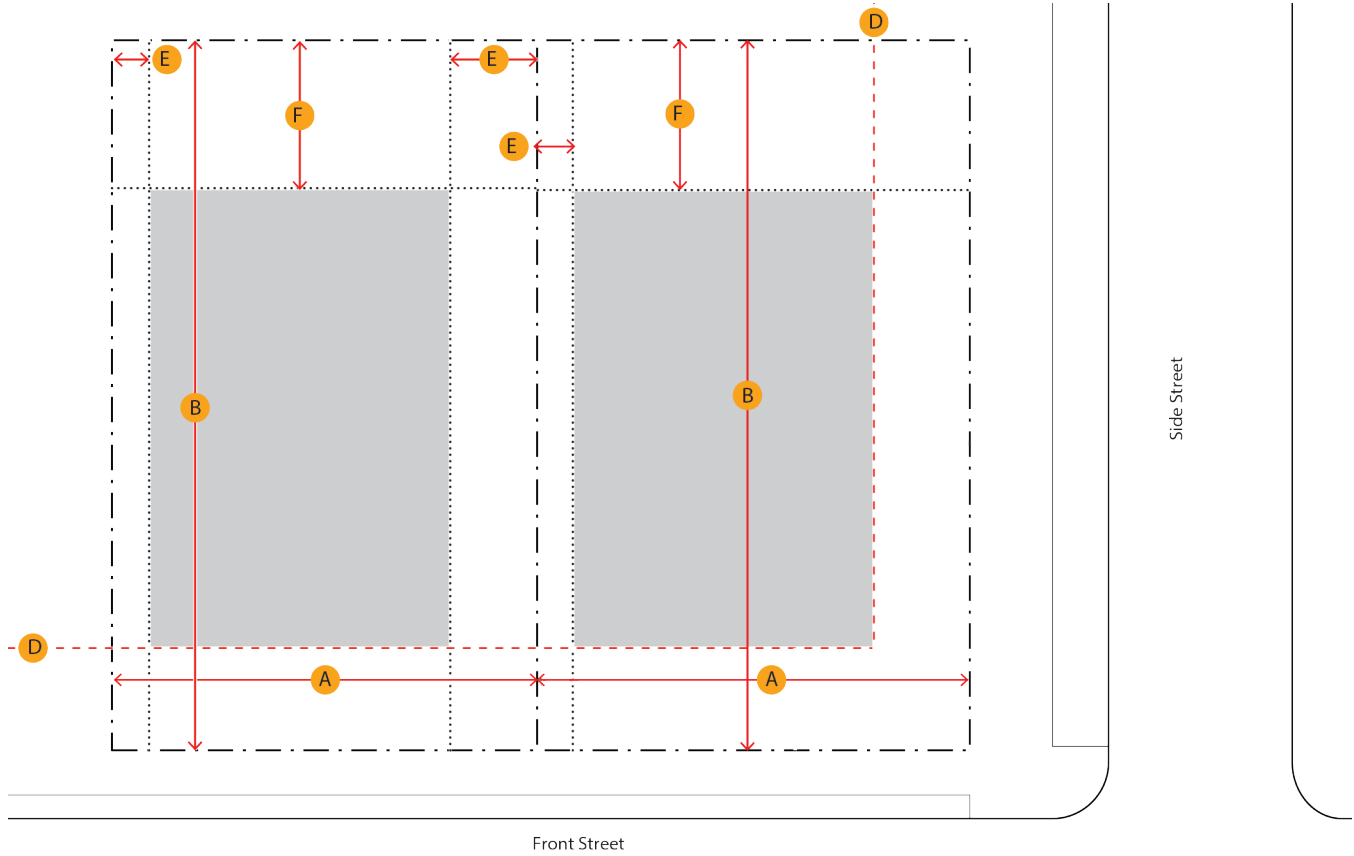
Minimum requirements for a Apartment are:

1. Principal Structure Quantity: One
2. Use: Multifamily residential
3. Means of Pedestrian Access to Units:
 - Direct entry to unit at ground floor and/or via common lobby providing access to common corridor and/or stairwell
 - Lobbies are typically connected to the public right-of-way and/or parking areas (as opposed to a campus-like setting)
4. On-Site Parking Configuration: Interior garage or surface parking located in yards in accordance with [30-2.F.4.e.iv](#)
5. Building Design:
 - Principal Structure is multi-story
 - Units must be attached to each other by one or more common ceilings, walls, or floors

A. Example Images

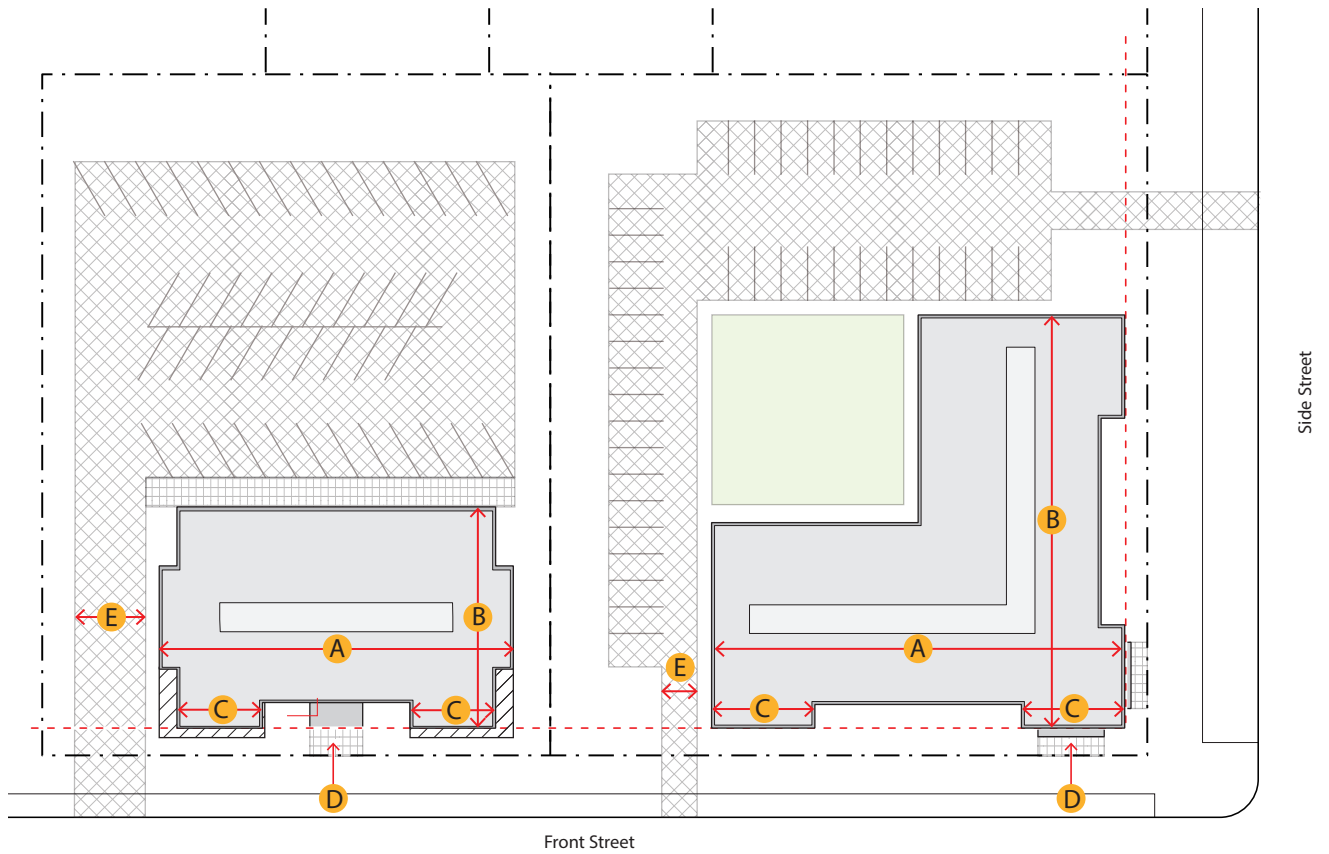



B. Lot Regulations



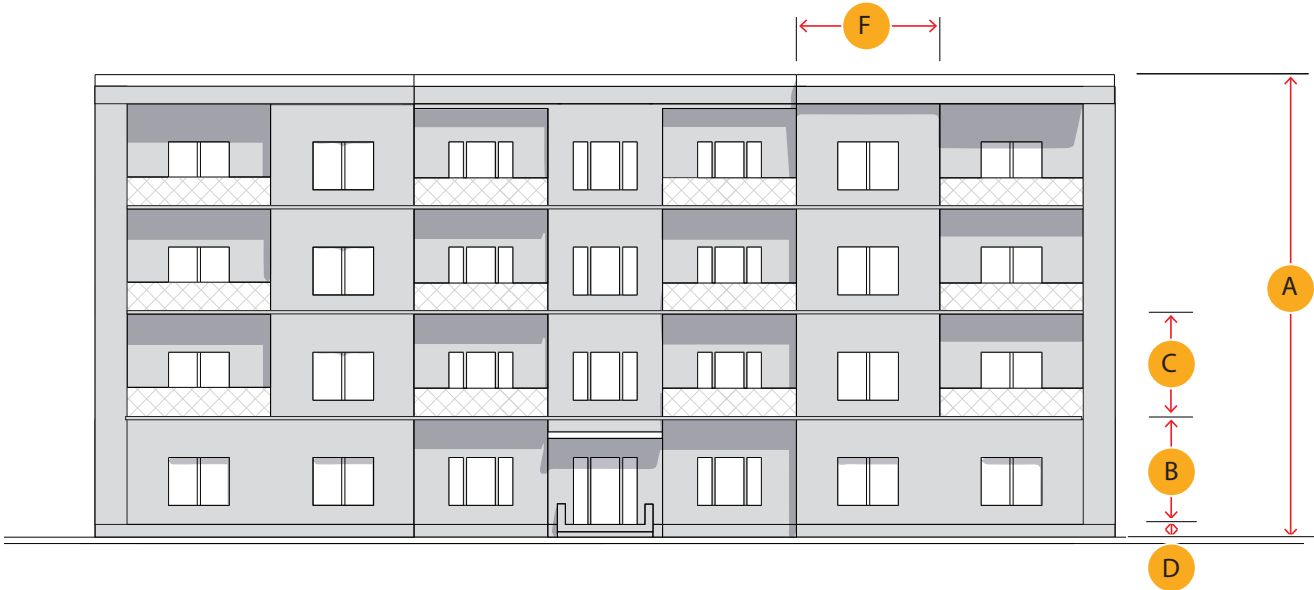
	Min	Max
Lot		
A Frontage Width	100'	--
B Lot Depth	125'	--
C Lot Size (SF)	12,500'	--
Setbacks, Main Structure		
D Build-to-Line	See District Standards in Sec. 30-2	
E Side Yard (Individual)	12'	--
E Side Yard (Total)	30'	--
F Rear Yard	30'	--
Coverage		
G Building Coverage	--	30%
H Improved Coverage	--	70%

C. Building Regulations



		Min	Max
Building			
A	Building Width	N/A	N/A
B	Building Depth	N/A	N/A
C	Build-to-Line Occupancy 	60%	80%
D	Main Entrance	Front Street	
E	Driveway	-	24 FT

D. Massing Regulations



	Min	Max
Main Body		
A Building Height (floors/feet)	See District Standards in Sec. 30-2	
B Ground Floor Height (floor to ceiling, feet)	10'	--
C Upper Floor Height (floor to ceiling, feet)	9'	--
D Finished Floor Elevation (inches)	18"	--
Massing and Composition		
E Principal Roof Pitch (Rise: Run)	Flat or 4:12 min 18:12 max	
Ancillary Roof Pitch	No greater than principal roof slope	
F Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H Transparency, Non-Street Facing Facades**	25%	--

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements

**No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

QUICK REFERENCE

Frontage Standards	Sec. 30-3.C
Site Design Standards	Sec. 30-4.A

8. Suburban Flex, Small

A single or multi story building designed to be used for commercial or office uses that are accessed principally by automobile. They may be designed as walkups or elevator buildings. Common entrances and other spaces may be shared. Primary access is to be provided from the primary street frontage. Additional access is permitted from courtyards or internal corridors. Parking may not abut the primary street frontage.

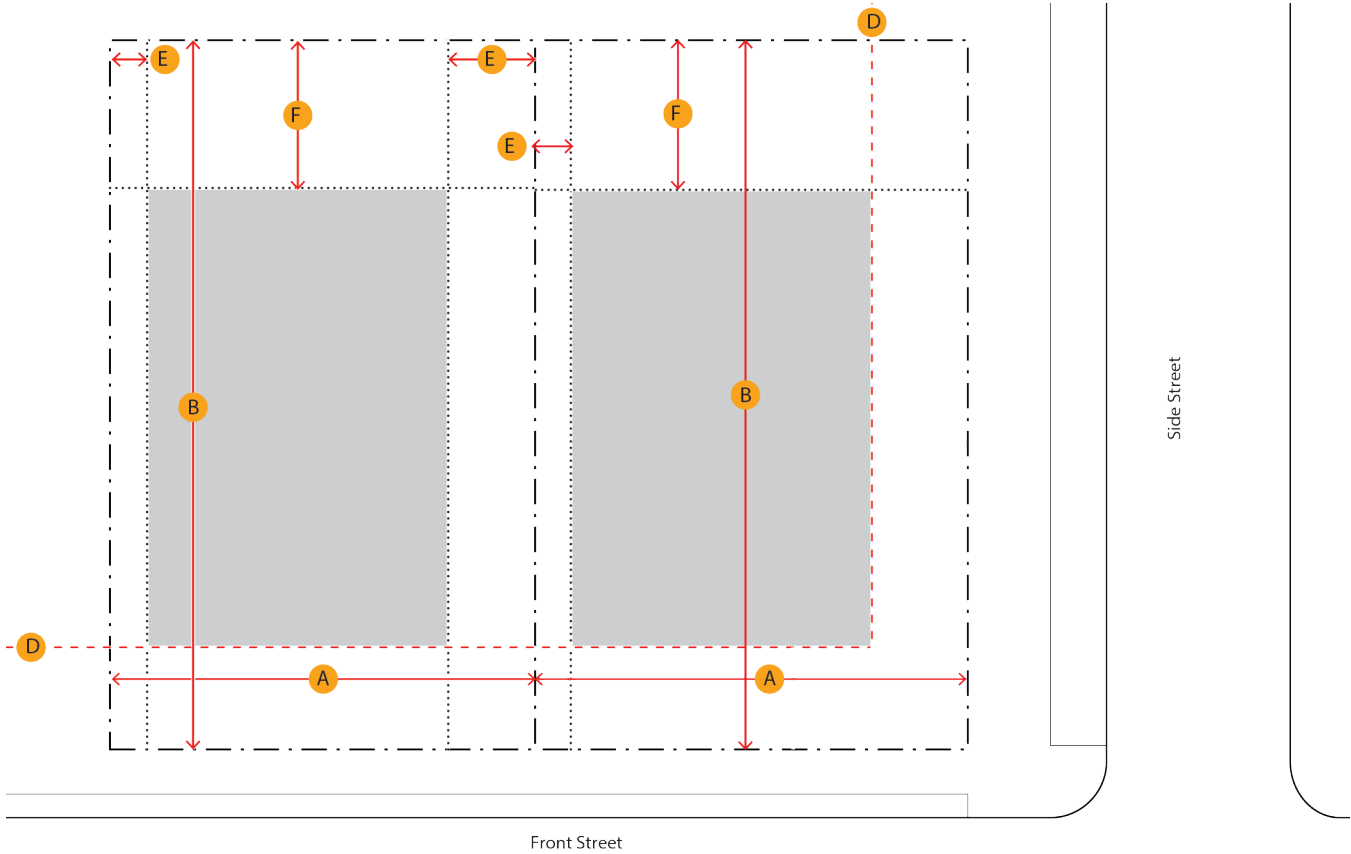
Minimum requirements for a Suburban Flex, Small are:

1. Principal Structure Quantity: One
2. Use: Nonresidential
3. Means of Pedestrian Access to Units:
 - Primary access via direct entry from primary street frontage
 - Additional access permitted via common lobby providing access to common corridor, parking area, and/or landscaped court
4. On-Site Parking Configuration: Surface or structured parking located non-adjacent to primary street frontage
5. Building Design:
 - Principal structure is single- or multi-story
 - Size: Up to 12,000 SF GFA
 - Typically have extended setbacks compared to Urban Small/Urban Large Building Types. These setbacks are heavily landscaped and sometimes improved with preexisting surface parking, which is a nonconforming condition under the Code

A. Example Images

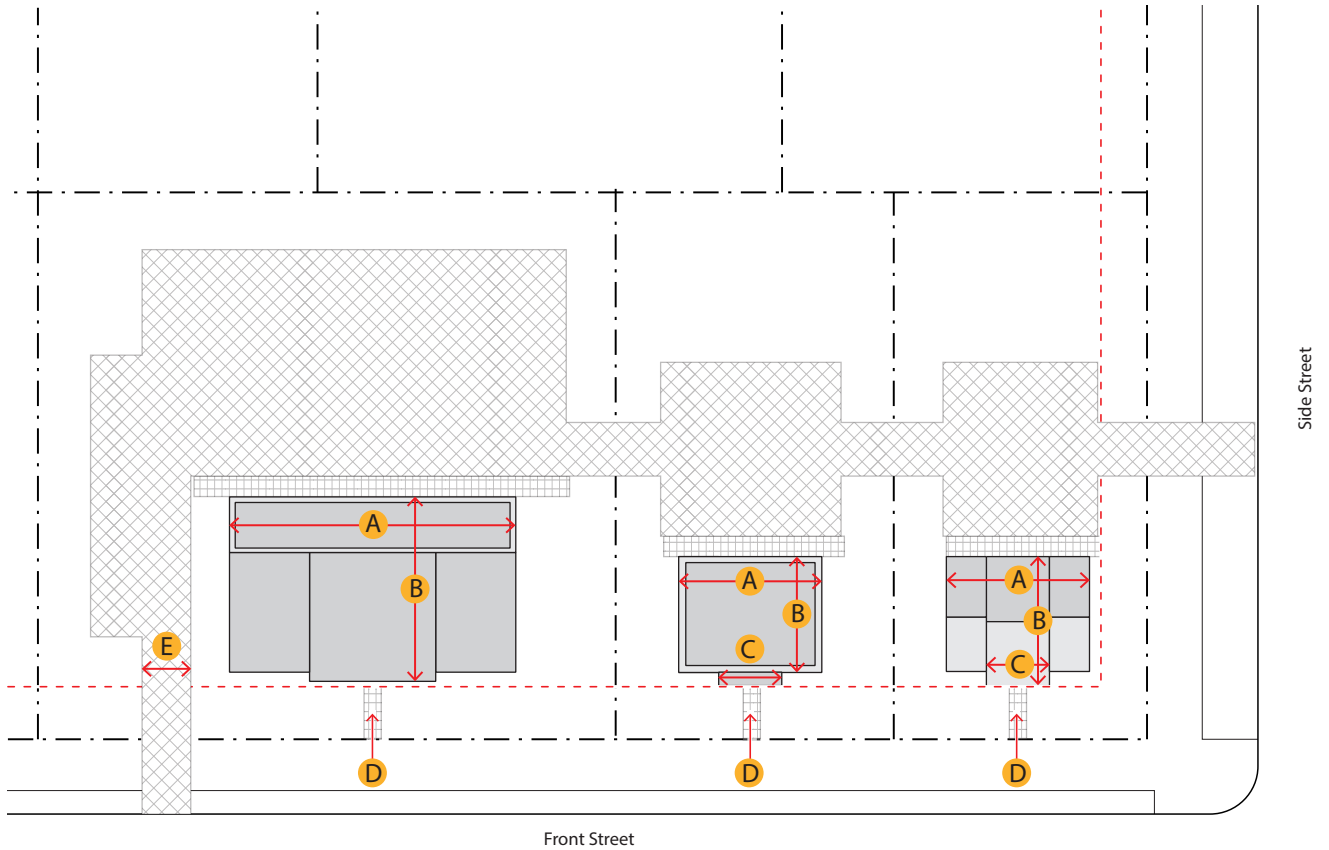



B. Lot Regulations



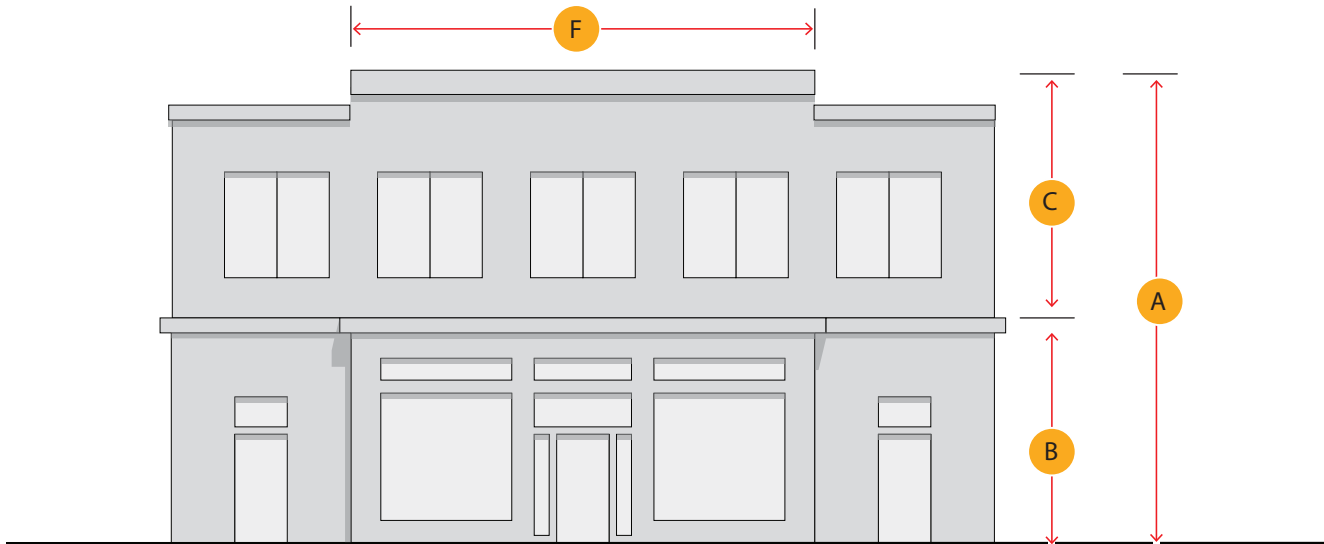
	Min	Max
Lot		
A Frontage Width	60'	200'
B Lot Depth	80'	--
C Lot Size (SF)	4,800	--
Setbacks, Principal Buildings		
D Build-to-Line	See District Standards in Sec. 30-2	
E Side Yard (Individual)	15'	--
Side Yard (Total)	30'	--
F Rear Yard	20'	--
Coverage		
G Building Coverage	--	30%
H Improved Coverage	--	85%

C. Building Regulations



Size of Standard	Min	Max
Building		
A Building Width	N/A	N/A
B Building Depth	N/A	N/A
C Build-to-Line Occupancy 	60%	--
D Main Entrance	Front	
E Driveway Width	N/A	24 Ft

D. Massing Regulations



Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	0'	--
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Ancillary Roof Pitch	No greater than principal roof slope	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades**	40%	75%

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements.

**No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

QUICK REFERENCE

Frontage Standards	Sec. 30-3.C
Site Design Standards	Sec. 30-4.A

9. Suburban Flex, Large

A building designed to contain retail (where permitted) on the ground floor with office uses on other floors, occupying more than 12,000 square feet of gross floor area.

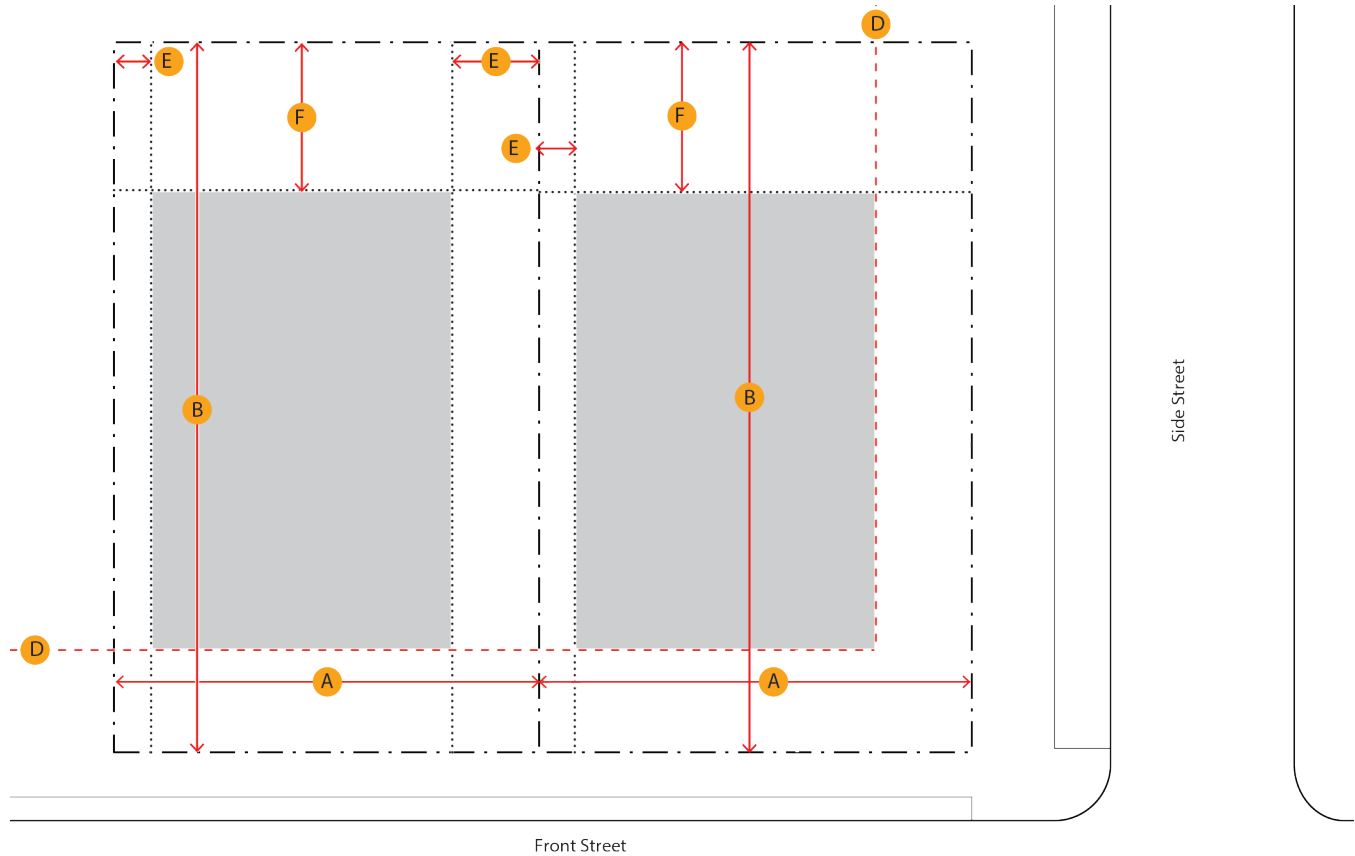
Minimum requirements for a Suburban Flex, Large are:

1. Principal Structure Quantity: One
2. Use: Nonresidential
3. Means of Pedestrian Access to Units:
 - Primary access via direct entry from primary street frontage
 - Additional access permitted via common lobby providing access to common corridor, parking area, and/or landscaped court
4. On-Site Parking Configuration: Surface or structured parking located non-adjacent to primary street frontage
5. Building Design:
 - Principal structure is multi-story
 - Size: More than 12,000 SF GFA
 - Typically have extended setbacks compared to Urban Small/Urban Large Building Types. These setbacks are heavily landscaped and sometimes improved with preexisting surface parking, which is a nonconforming condition under the Code.

A. Example Images

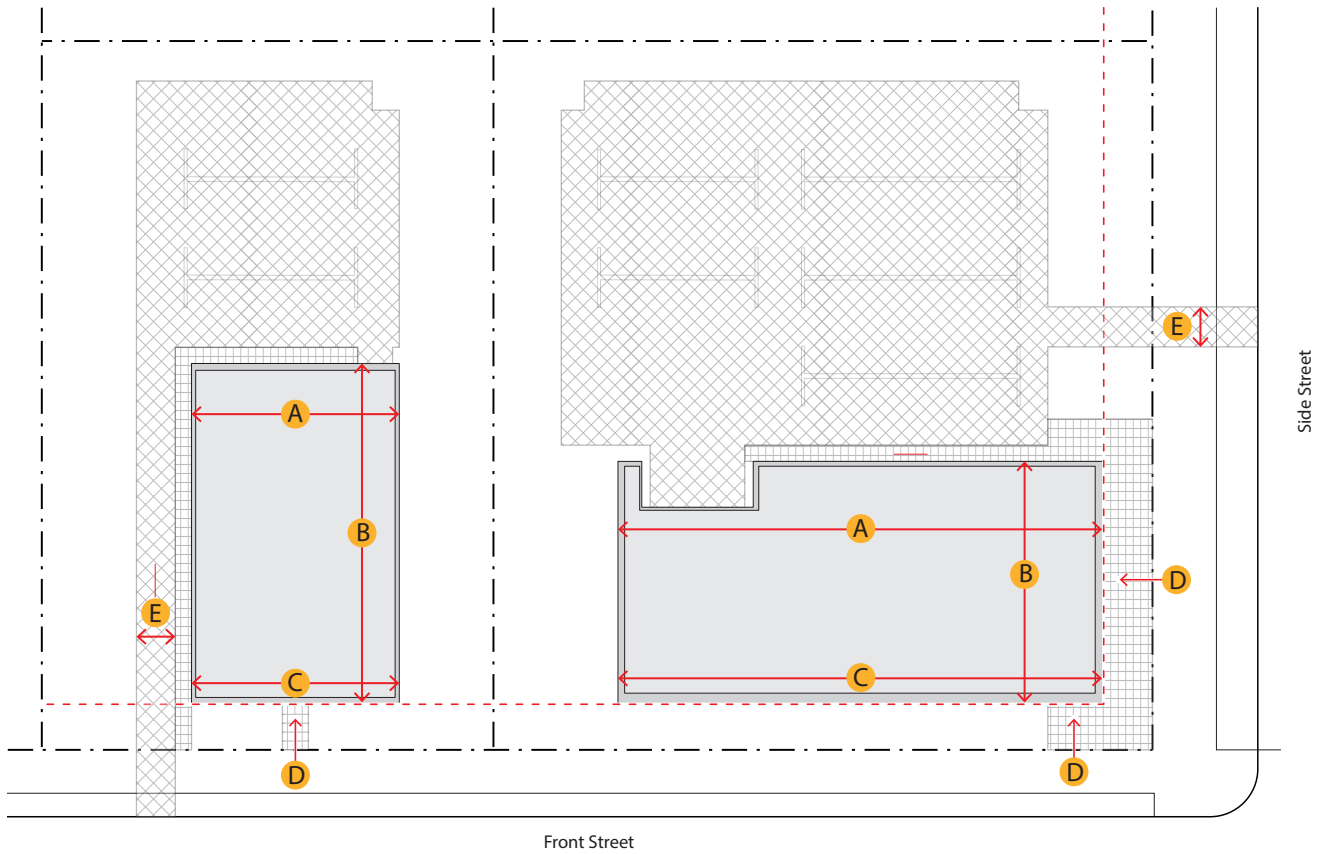


B. Lot Regulations



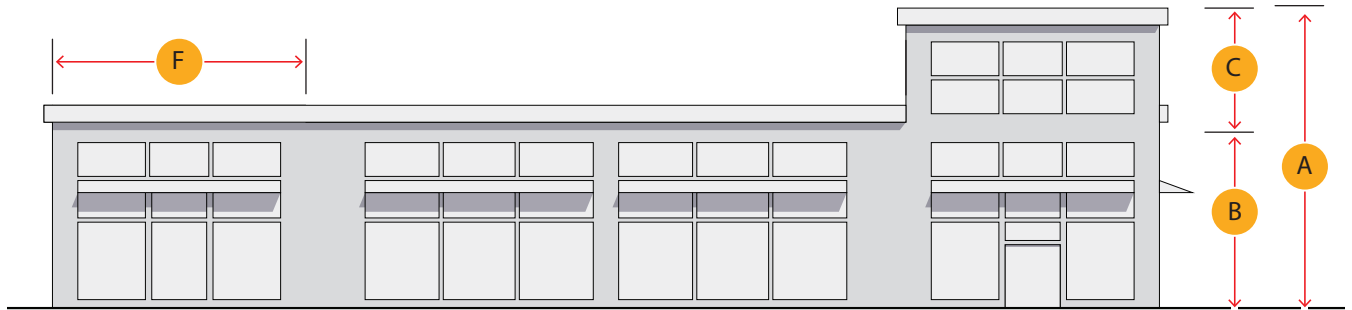
Lot	Min	Max
A Frontage Width	200'	--
B Lot Depth	200'	--
C Lot Size (SF)	40,000	--
Setbacks, Principal Building		
D Build-to-Line Setback	See District Standards in Sec. 30-2	
E Side Yard (Individual)	20'	--
E Side Yard (Total)	40'	--
F Rear Yard	20'	--
Coverage		
G Building Coverage	--	35%
H Improved Coverage	--	85%

C. Building Regulations



Building	Min	Max
A Building Width	N/A	N/A
B Building Depth	N/A	N/A
C Build-to-Line Occupancy $\frac{C}{A}$	85%	--
D Main Entrance	Front	
E Driveway Width	N/A	24 Ft

D. Massing Regulations



Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	0'	--
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Ancillary Roof Pitch	No greater than principal roof slope	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades**	20%	75%

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements.

**No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

QUICK REFERENCE

Frontage Standards	Sec. 30-3.C
Site Design Standards	Sec. 30-4.A

10. Suburban Office

A building used primarily for offices that may include ground-level retail and restaurant uses. This building type may include space for medical offices that provide treatment solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. Such buildings are not appropriate for hospital uses.

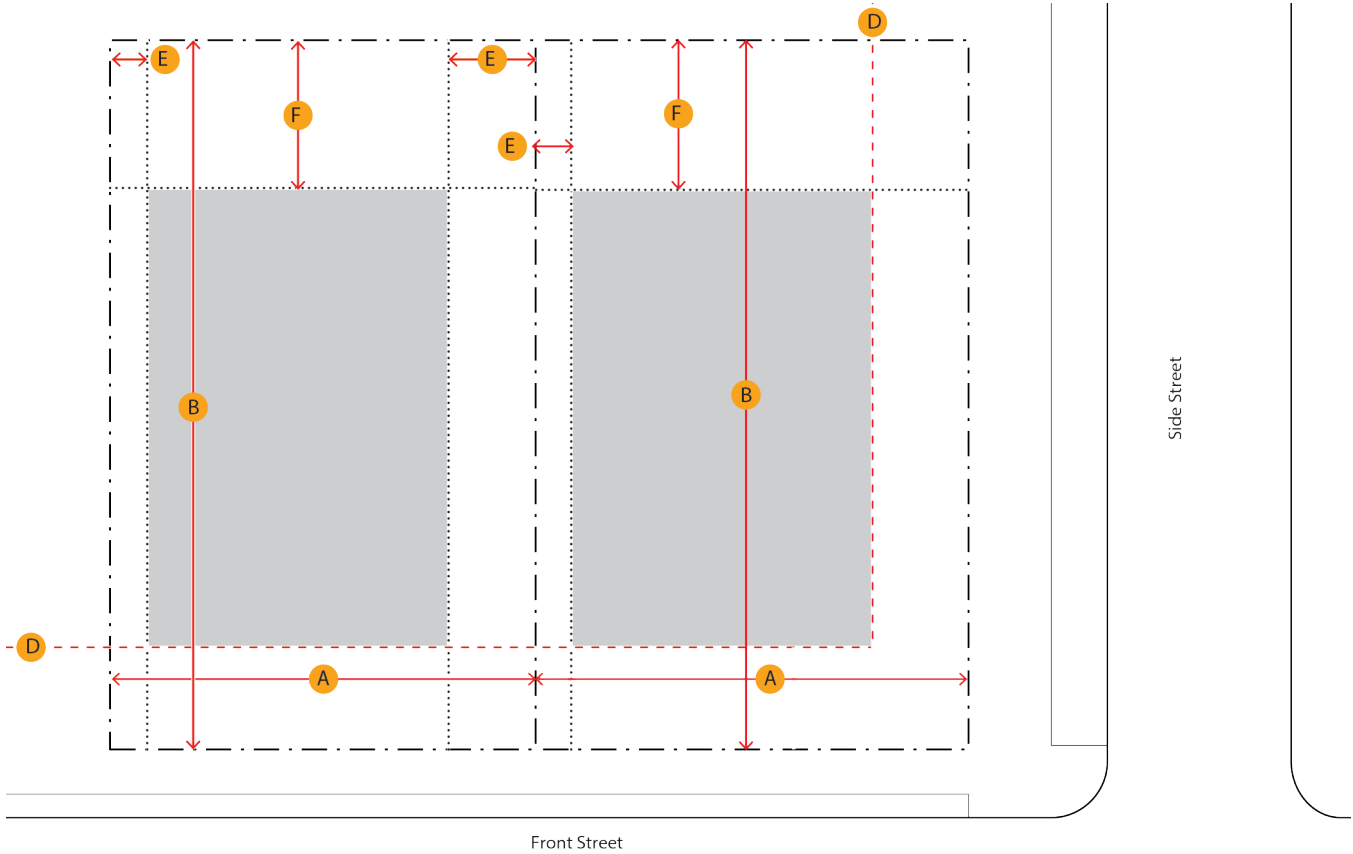
Minimum requirements for a Suburban Office are:

1. Principal Structure Quantity: One
2. Use: Typically Office/Medical Office
3. Means of Pedestrian Access to Units: Common lobby, direct entry from street, parking area, and/or landscaped court
4. On-Site Parking Configuration: Surface or structured parking located non-adjacent to primary street frontage
5. Building Design:
 - Principal Structure is multi-story
 - Typically have extended setbacks compared to Urban Small/Urban Large Building Types. These setbacks are heavily landscaped and sometimes improved with preexisting surface parking, which is a nonconforming condition under the Code

A. Example Images



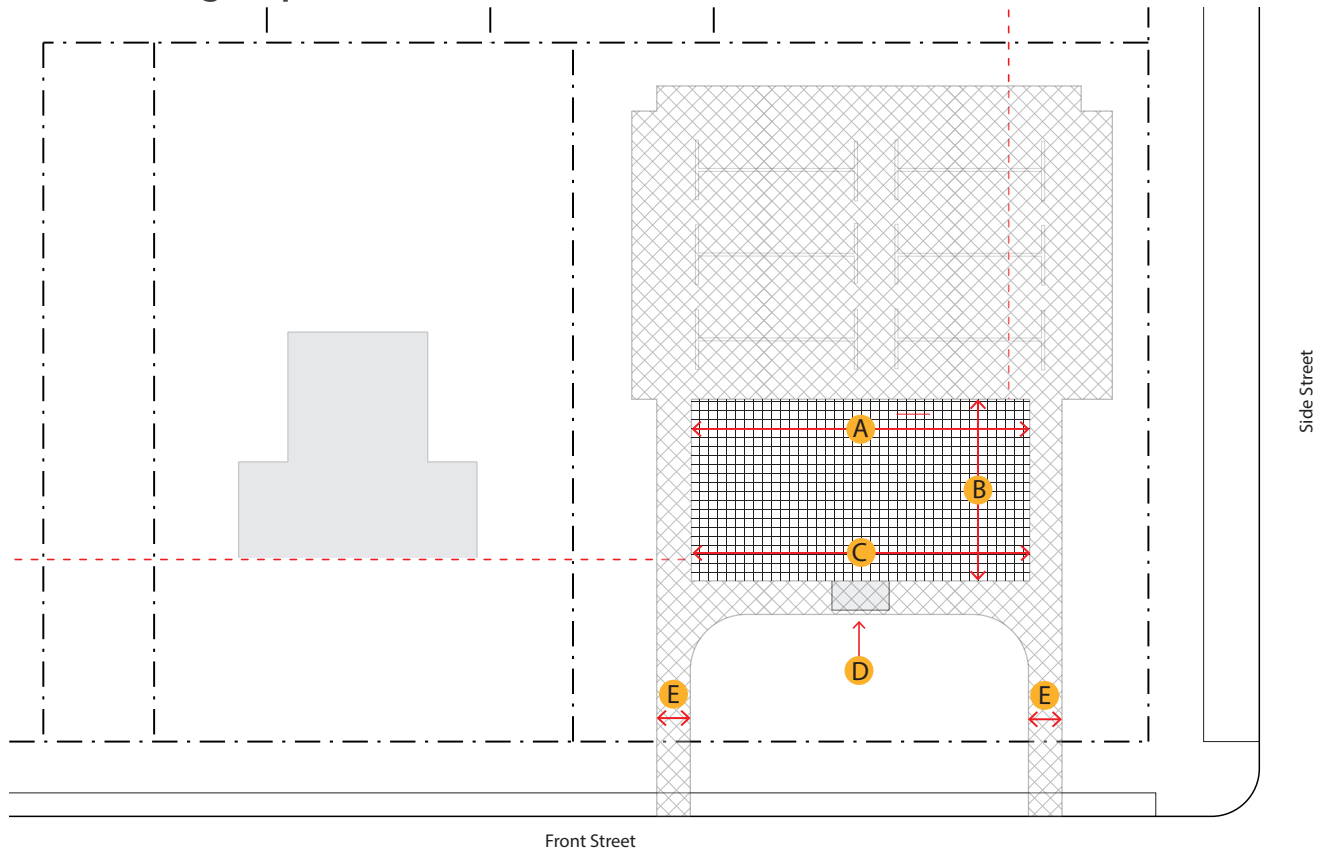
B. Lot Requirements



	Min	Max
Lot		
A Frontage Width	140'	--
B Lot Depth	125'	--
C Lot Size (SF)	17,500	--
D Building Coverage	--	30%*
E Improved Coverage		85%*
Setbacks, Principal Buildings		
F Build-to-Line	See District Standards in Sec. 30-2	
G Side Yard (Individual)	10'	--
G Side Yard (Total)	50'	--
H Rear Yard	25'	--

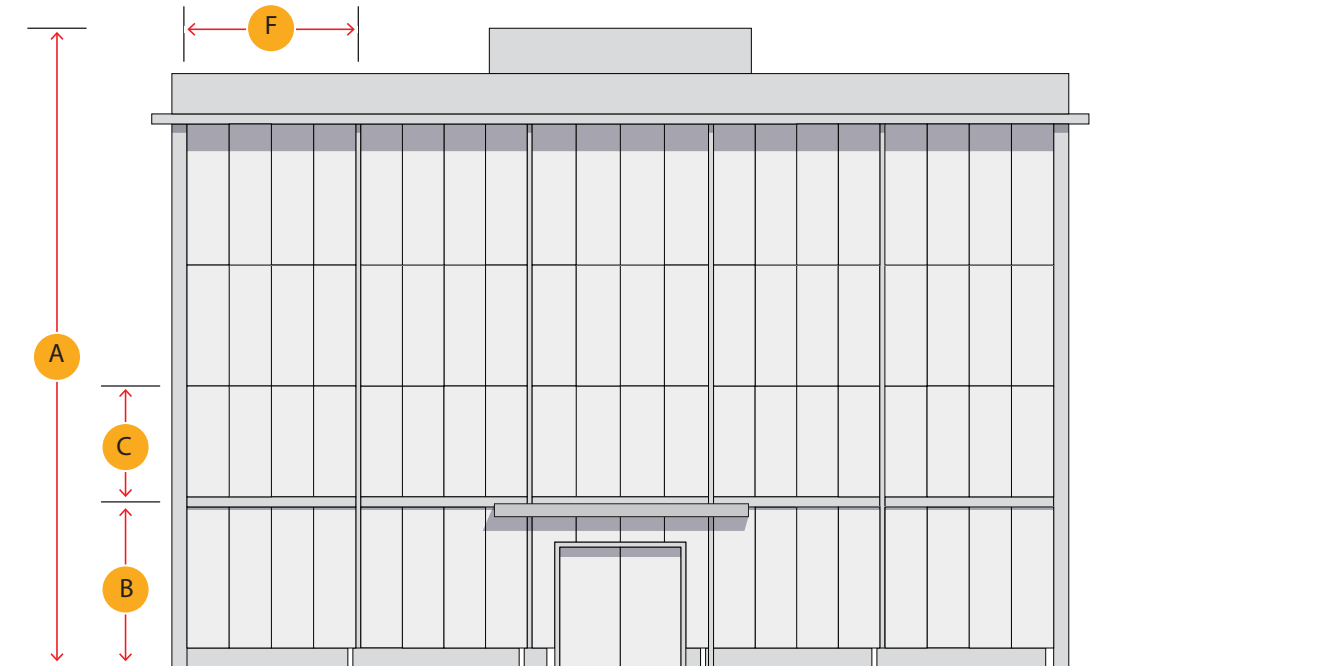
*Building coverage of up to 50% is permitted so long as overall lot coverage does not exceed 60%

C. Building Requirements



Size of Standard	Applies to all sizes	
	Min	Max
Building		
A Building Width	N/A	N/A
B Building Depth	N/A	N/A
C Build-to-Line Occupancy $\frac{C}{A}$	85%	--
D Main Entrance	Front	
E Driveway width	N/A	24 Ft

D. Massing Regulations



Size of Standard		Applies to all sizes	
Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	0"	--
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Ancillary Roof Pitch	No greater than principal roof	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades**	40%	75%

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements.

**No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

QUICK REFERENCE

Frontage Standards	Sec. 30-3.C
Site Design Standards	Sec. 30-4.A

11. Mixed Use Tower/Complex

A building utilizing one or more tower elements sited above a larger podium level, designed to integrate various uses, such as office, commercial, institutional, and residential uses. Parking publicly accessible plaza areas are often incorporated into the structure.

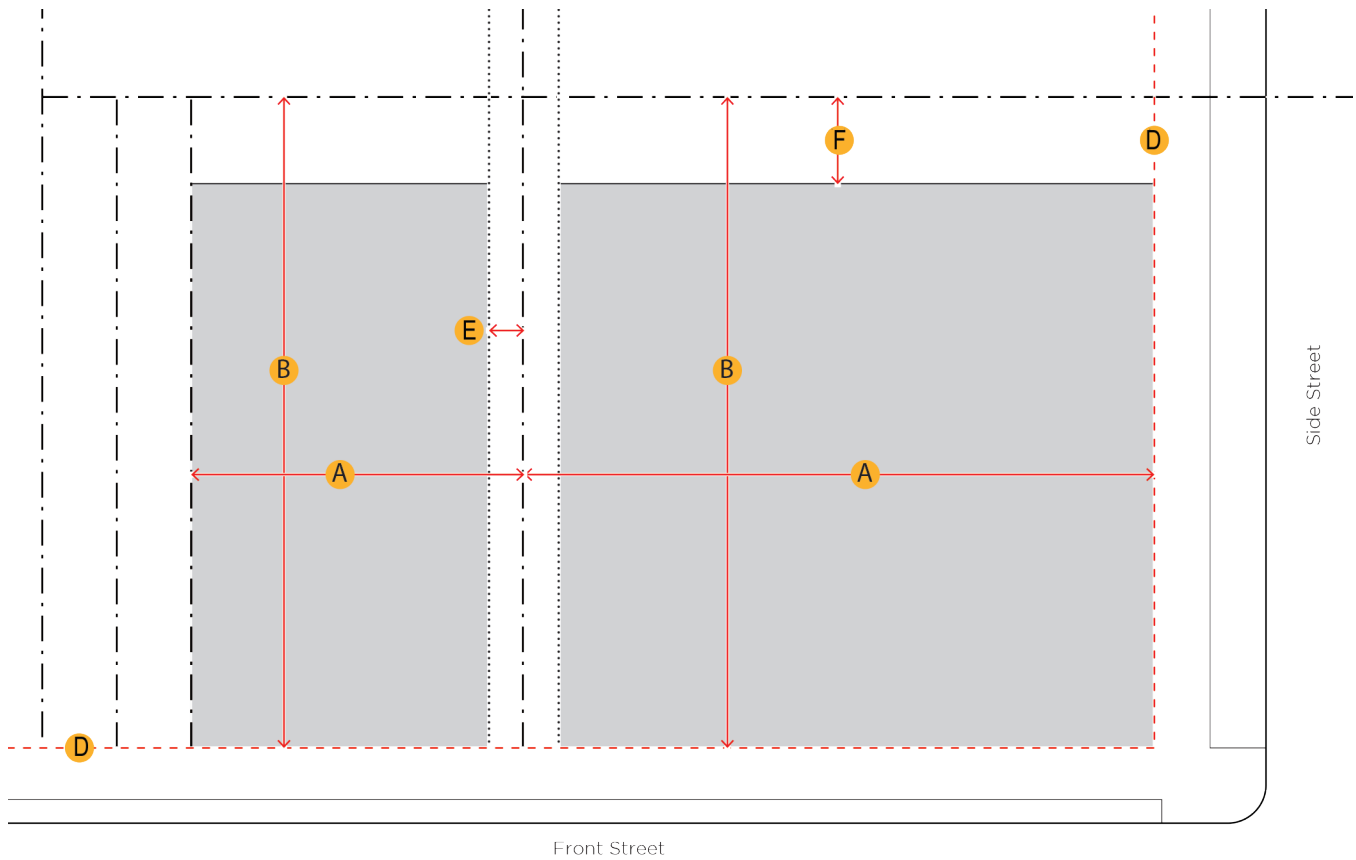
Minimum requirements for a Mixed Use Tower/Complex are:

1. Principal Structure Quantity: One or more
2. Use: Mixed-use within one structure or across multiple towers; public accessible retail or restaurant on ground floor
3. Means of Pedestrian Access to Units: Direct entry from ground floor and/or via common lobby providing access to common corridor, elevator, and/or stairwell
4. On-Site Parking Configuration: Principal structure(s) located above one or more levels of structured parking
5. On-site parking required

A. Example Images



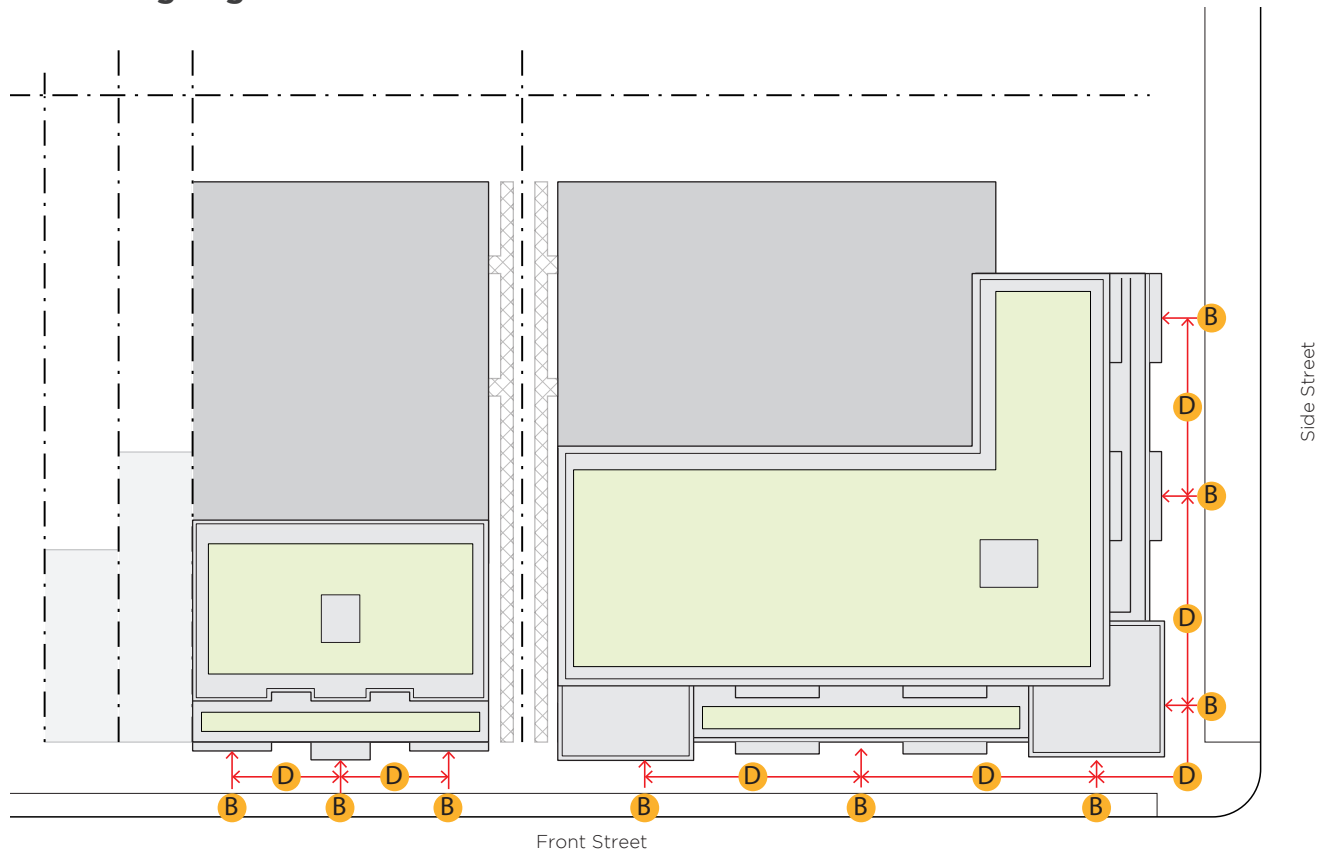
B. Lot Regulations



	Min	Max
Lot		
A Frontage Width	100'	--
B Lot Depth	125'	--
C Lot Size (SF)	30,000	--
Setbacks, Buildings		
D Build-to-Line Setback	See District Standards in Sec. 30-2	
E Minimum Side Yard (Individual)	0 or 15'	35'
F Rear Yard	20'	--
Coverage		
G Building Coverage	--	70%
H Improved Coverage	--	95%
I Floor-Area Ratio*	--	2.74

*excluding structured parking

C. Building Regulations

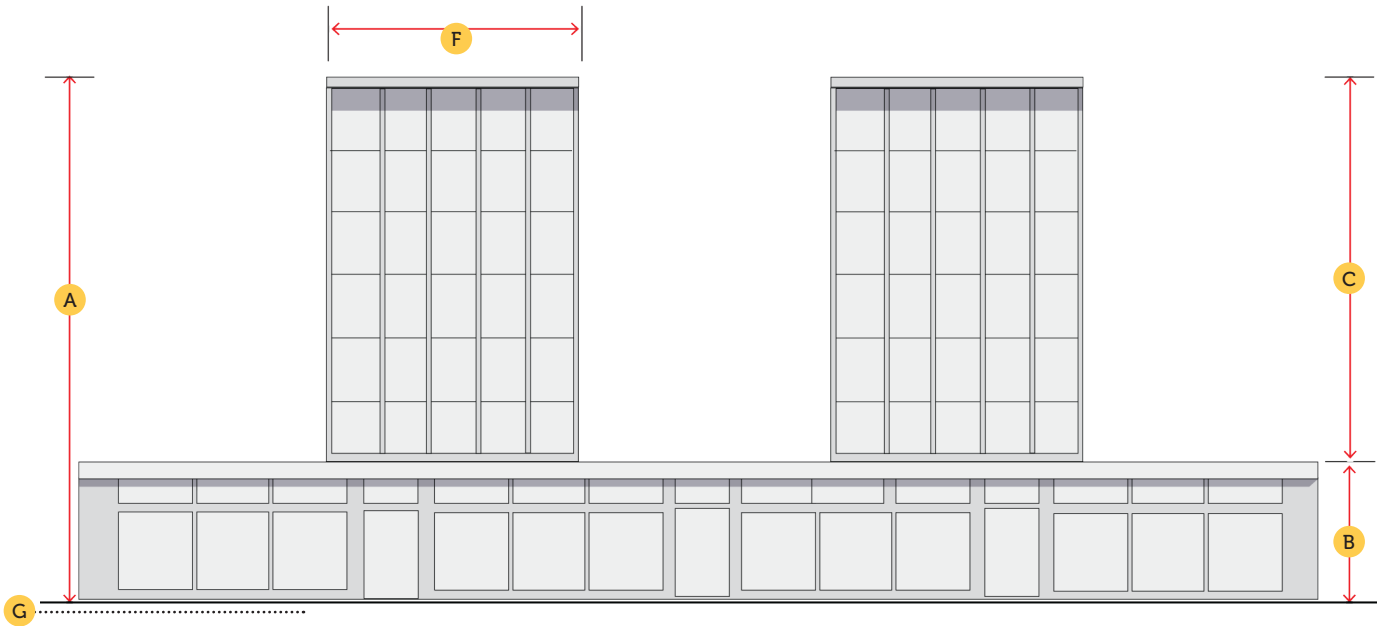


		Min	Max
Building			
A	Build-to-Line Occupancy	60%	--
B	Main Entrance		Front
C	Driveway	--	24'
D	Distance Between Entrances	N/A	40'

D. Additional Regulations

- i. Active uses are required on the ground floor.
- ii. A minimum of 30 percent of the air rights parcel site area over the multi-level parking facility shall be used for publicly accessible open space including, but not limited to: plazas, gardens, walkways, and playgrounds.
- iii. Windows may not be obstructed through use of glazing, screens, or other visual impediments.
- iv. Loading bays shall not be permitted to front on Downtown Frontage Types

E. Massing Regulations



Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)		0'
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Accessory Roof Pitch	No greater than principal roof	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades*	25%	75%

*No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

12. Urban, Small

A multi-story structure designed to integrate office and residential uses on the upper floors and retail or other active uses on the ground floor. All uses are integrated in a single building, with upper floors typically serviced by their own entrance. Urban Small buildings may not occupy more than 70 feet of primary street frontage. Common lobby elevators are permitted but not required.

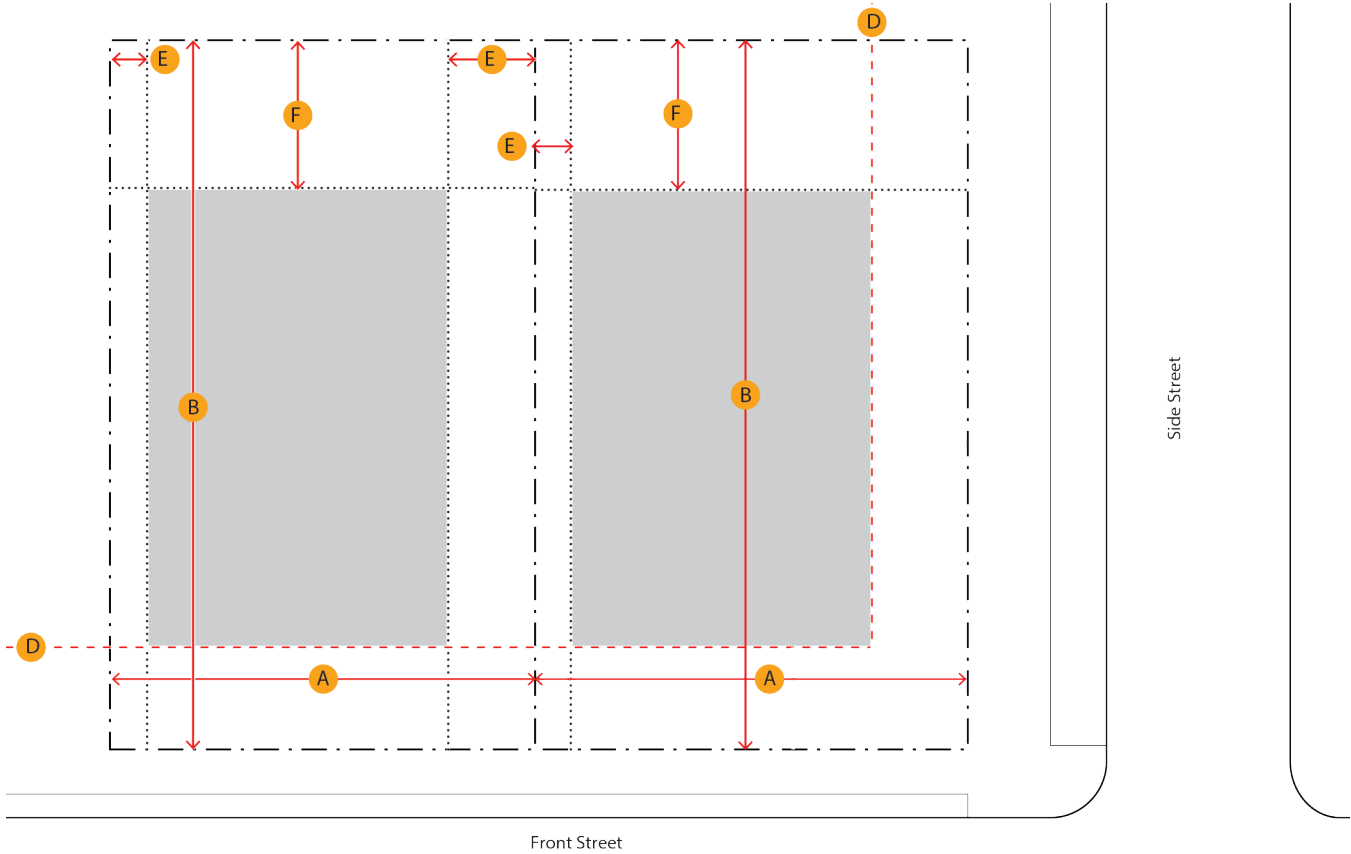
Minimum requirements for a Urban, Small are:

1. Principal Structure Quantity: One
2. Use: Typically mixed-use, always with ground-floor commercial
3. Means of Pedestrian Access to Units:
 - Common lobby providing access to common corridor for upper stories
 - Storefront for ground floor uses
 - Direct entry to residential units (on non-primary façade only)
4. On-Site Parking Configuration: Rear yard or interior garage
5. Building Design:
 - Existing: principal structures are single- or multi-story, whereas new principal structures are multi-story
 - Less than 75' in frontage width; similar structures on parcels that exceed 75' in frontage width are Urban Large
 - Street-facing facades must have a storefront appearance on the ground floor, regardless of use

A. Example Images



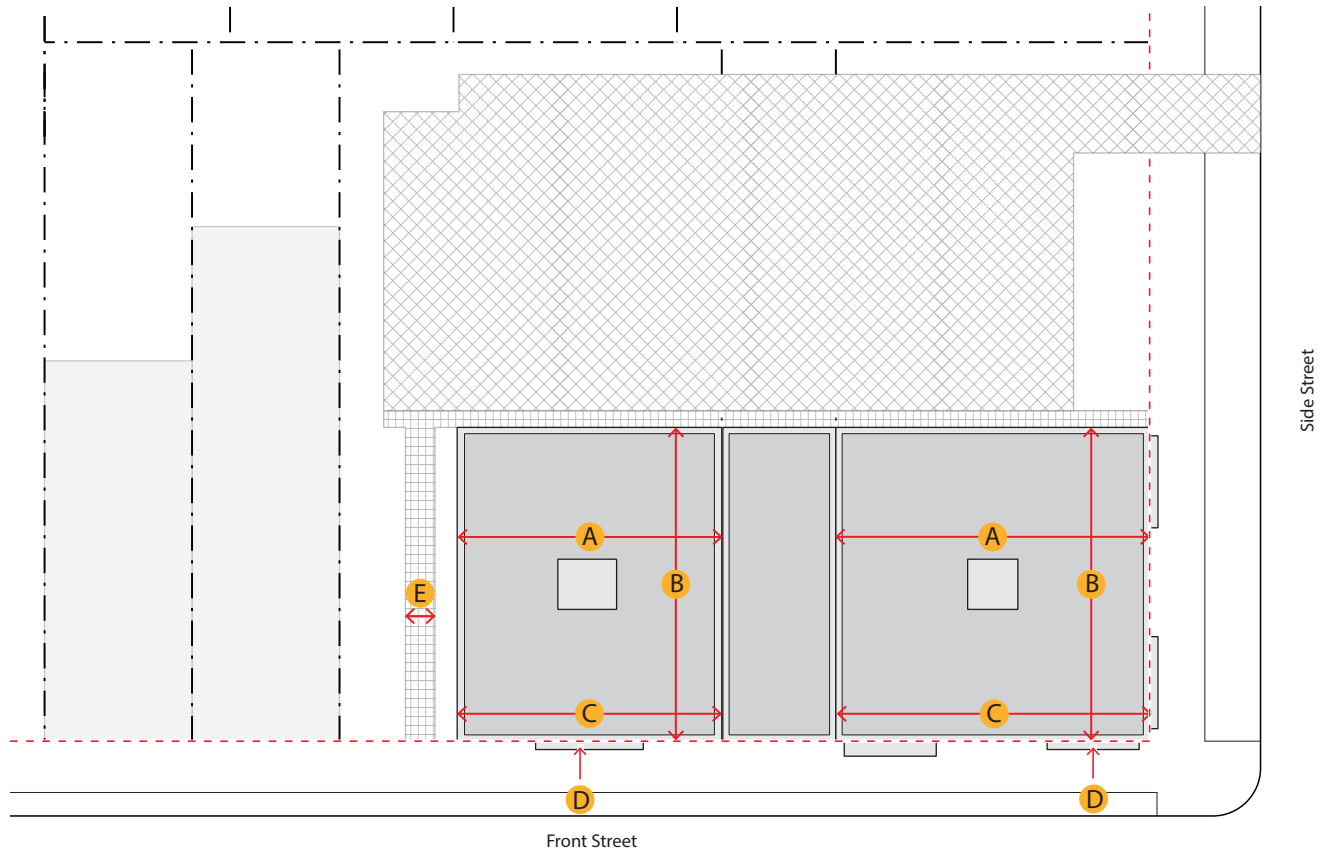
B. Lot Regulations



	Min	Max
Lot		
A Frontage Width	25'	75'
B Lot Depth	65'	--
C Lot Size (SF)	1,625	--
Setbacks, Principal Buildings		
D Build-to-Line	See District Standards in Sec. 30-2	
E Side Yard (Individual)	0 or 15'	35'
F Rear Yard	20'	--
Coverage, Principal Buildings		
G Building Coverage	--	85%
H Improved Coverage	--	85%*

*Urban Small buildings in TC District may be permitted up to 95% improved coverage

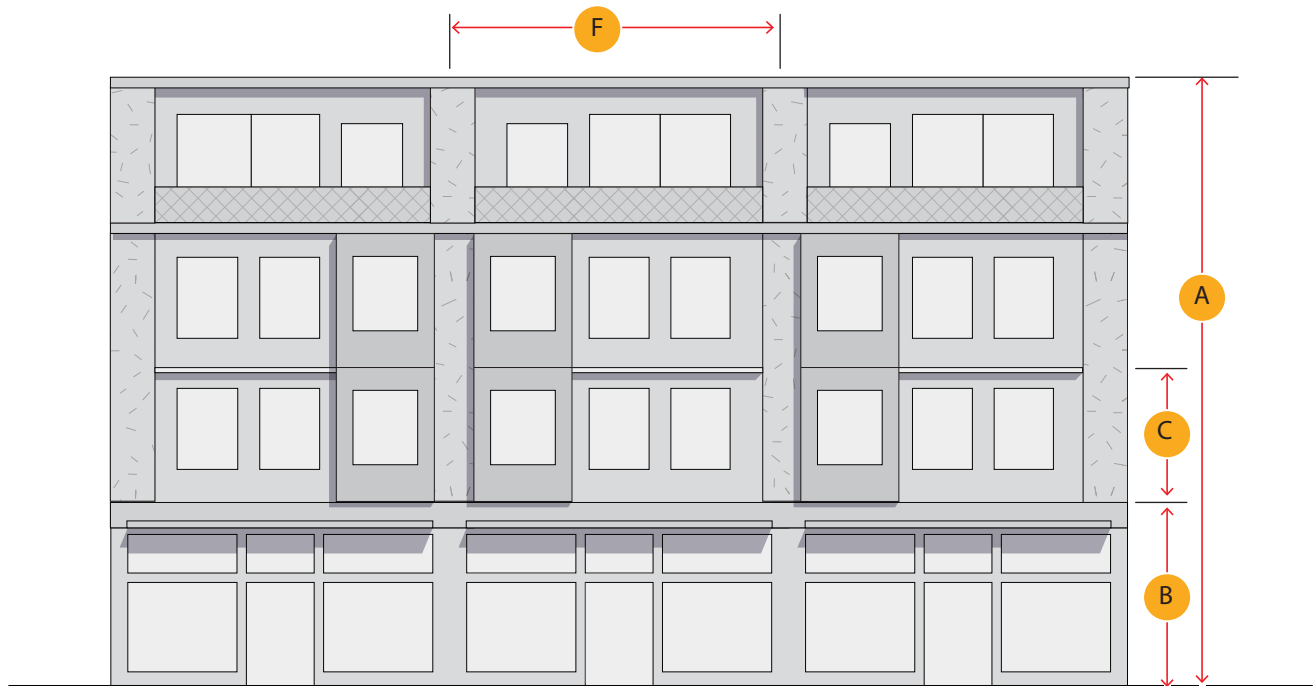
C. Building Regulations



	Min	Max
Building		
A Building Width	N/A	N/A
B Building Depth	N/A	N/A
C Build-to-Line Occupancy $\frac{C}{A}$	95%	--
D Main Entrance		Front
E Driveway Width	N/A	24 Ft
F Distance Between Entrances*	--	40'
Parking		
G Mid-Block Connection Width (when provided)	18'	N/A

*This standard shall be excluded insofar as deviation would require conformance with FAR limitations as may be imposed pursuant to district standards.

D. Massing Regulations



Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	--	0"
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Ancillary Roof Pitch	No greater than principal roof	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades***	30%	75%**

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements

**Minimum and maximum transparency standards do not apply to buildings with a side yard setback of 0FT.

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

13. Urban, Large

A multi-story structure that may be designed to integrate various uses, such as office, commercial, institutional, and residential uses. Urban Large buildings must occupy at least 70 feet of primary street frontage. Upper floor uses must be provided access from a common corridor. Common lobby elevators are required.

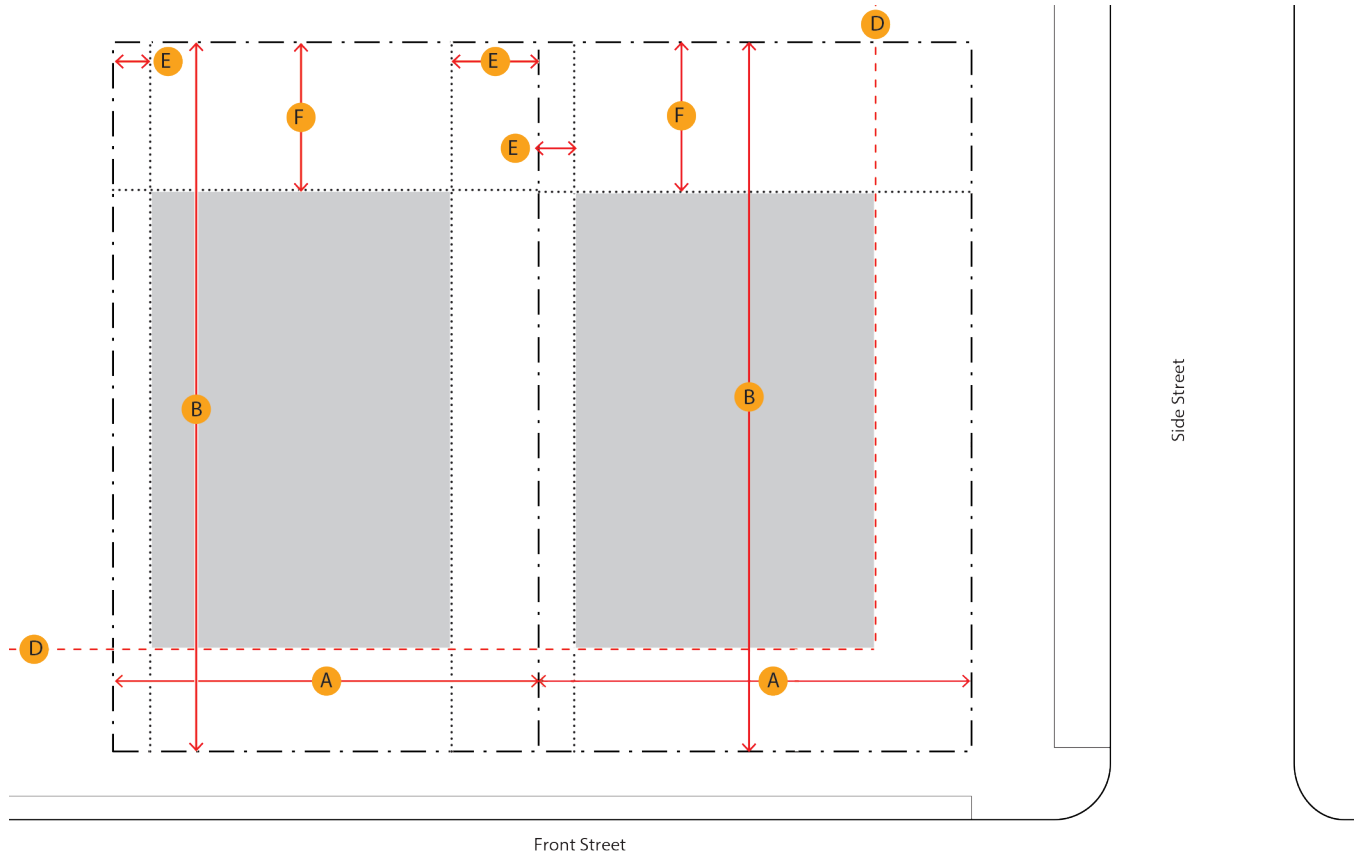
Minimum requirements for a Urban, Large are:

1. Principal Structure Quantity: One
2. Use: Typically mixed-use, always with ground-floor commercial
3. Means of Pedestrian Access to Units:
 - Common lobby providing access to common corridor for upper stories
 - Storefront for ground floor uses
 - Direct entry to residential units (on non-primary façade only)
4. On-Site Parking Configuration: Rear yard or interior garage
5. Building Design:
 - Principal structure is multi-story
 - Between 75' and 250' in frontage width
 - The primary façade must have a storefront appearance on the ground floor, regardless of use

A. Example Images

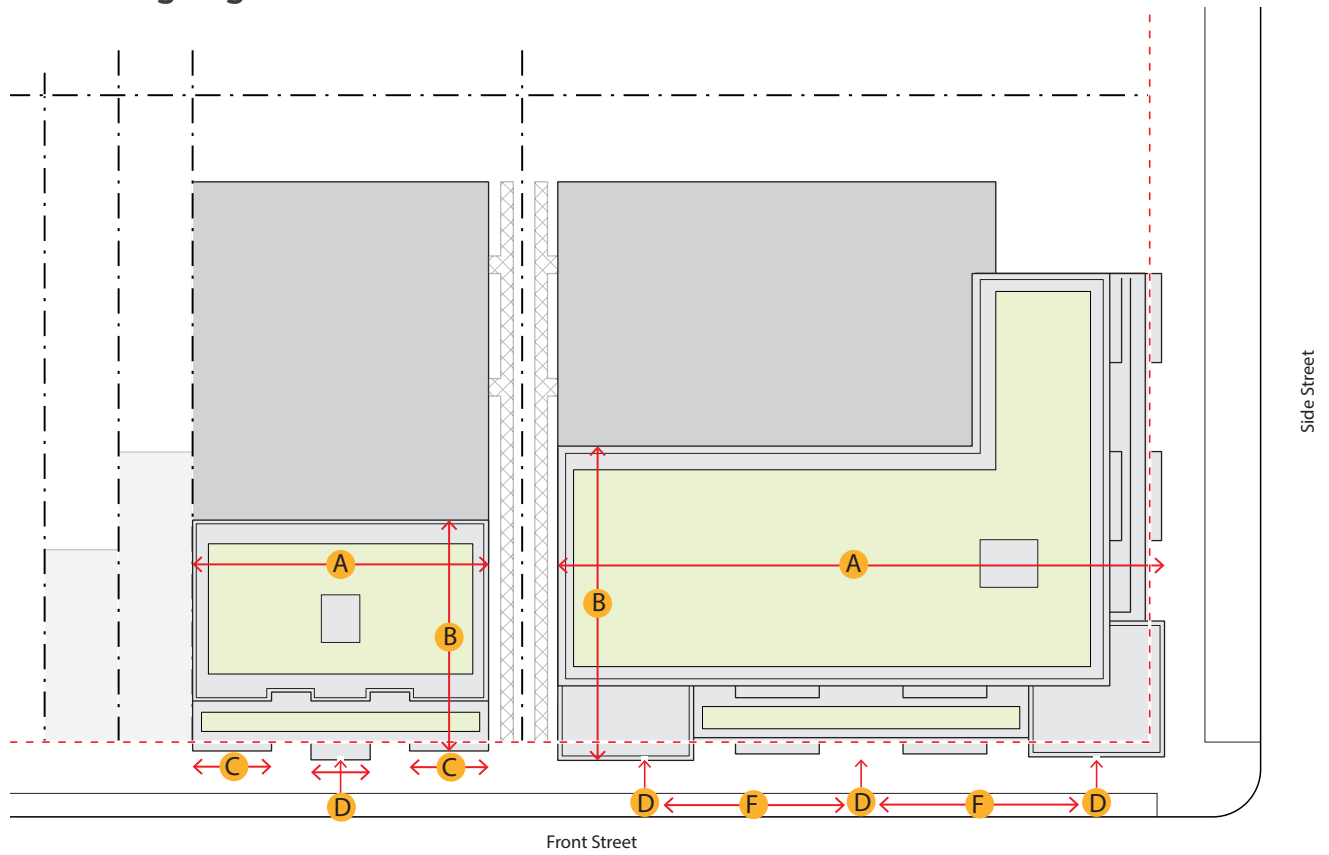


B. Lot Regulations



	Min	Max
Lot		
A Frontage Width	75'	250'
B Lot Depth	100'	--
C Lot Size (SF)	7,000	--
Setbacks, Buildings		
D Build-to-Line Setback	See District Standards in Sec. 30-2	
E Side Yard (Individual)	0 or 15'	35'
F Rear Yard	20'	--
Coverage, Buildings		
G Building Coverage	--	85%
H Improved Coverage	--	95%

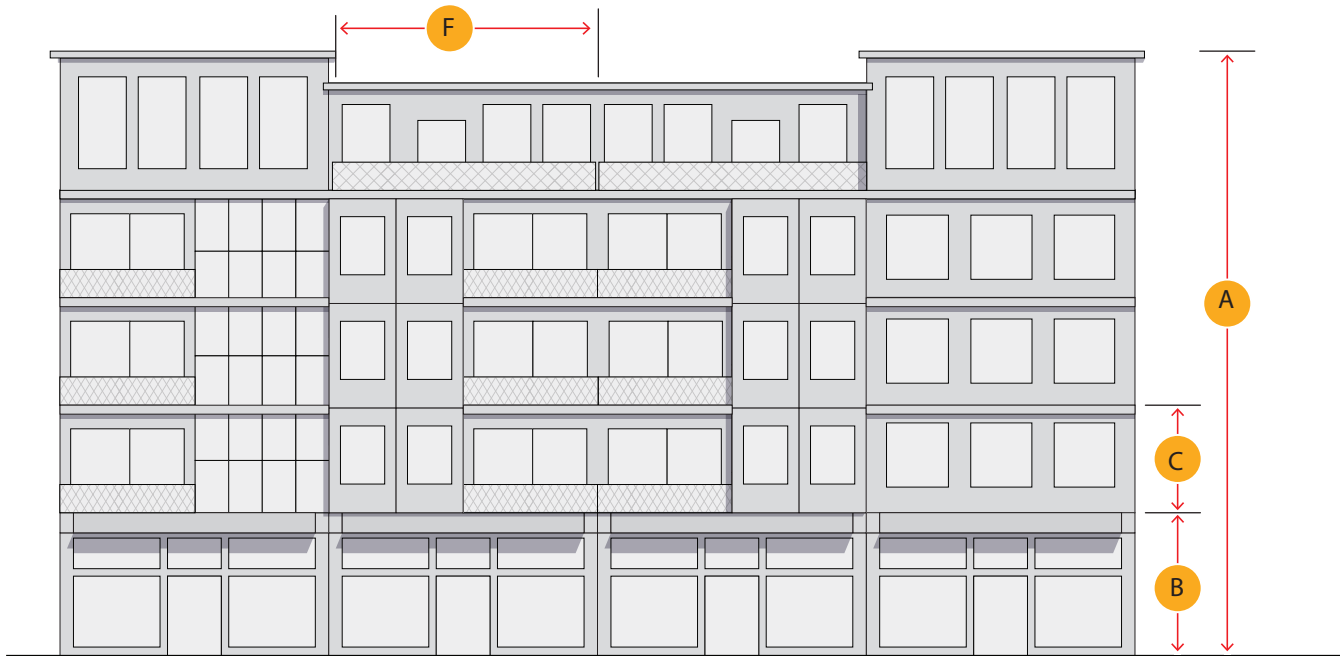
C. Building Regulations



	Min	Max
Building		
A Building Width	N/A	250'
B Building Depth	N/A	N/A
C Build-to-Line Occupancy $\frac{C}{A}$	95%	--
D Main Entrance		Front
E Driveway Width	N/A	24 Ft
F Distance Between Entrances*	N/A	40'
Parking		
G Mid-Block Connection Width (when provided)	18'	N/A

*This standard shall be excluded insofar as deviation would require conformance with FAR limitations as may be imposed pursuant to district standards.

D. Massing Regulations



Main Body		Minimum	Maximum
A	Building Height (floors/feet)	See District Standards in Sec. 30-2	
B	Ground Floor Height (floor to ceiling, feet)	12'	--
C	Upper Floor Height (floor to ceiling, feet)	9'	--
D	Finished Floor Elevation (inches)	--	0"
Massing and Composition			
E	Principal Roof Pitch (Rise: Run)	--	3:12
	Accessory Roof Pitch	No greater than principal roof	
F	Horizontal Articulation	See Design Standards Sec. 30-3.D.2.b	
G	Transparency, Street Facing Facades	See Frontage Standards in Sec. 30-3.C	
H	Transparency, Non-Street Facing Facades***	40%	75%**

*Pitched ancillary roofs are permitted on flat-roofed buildings, but must comply with Principal Roof Pitch Requirements

**Minimum and maximum transparency standards do not apply to buildings with a side yard setback of 0FT.

***No minimum value required where façade is located on a property line. See [Section 30-3.D.3](#) regarding treatment of blank walls.

Additional Regulations

Any building with an active ground floor use shall have a maximum Finished Floor Elevation of 0". Residential uses or ground floor hotel guest rooms shall have a finished floor elevation between 18" and 48".

30-3.C. Frontage Based Building Standards

1. Intent of Frontage Types

The Frontage Types regulate the way buildings relate to the street. These rules regulate not only the form of the building but also the form of the pedestrian realm within the public right-of-way.

Frontage Types are integral to creating, within a street or block, the appropriate nexus between the public and private realms. They provide uniform rules for how a private building and public street interact, and help establish a vision for how a street or block should look and function. Such rules allow the vision and goals articulated in the Master Plan to be realized over time through incremental development and changing architectural styles and materials.

In cases where a property fronts on two or more frontages, the development shall meet the design standards applicable to each frontage. In cases where district standards in Chapter 30-2 specify the permissibility of a building type or use, the presence of any one frontage listed in the standard shall be sufficient for the requirement to apply.

Where stepback regulations in this section conflict with those specified in the TC district pursuant to [Section 30-2.E.7.K](#), the latter shall supersede.

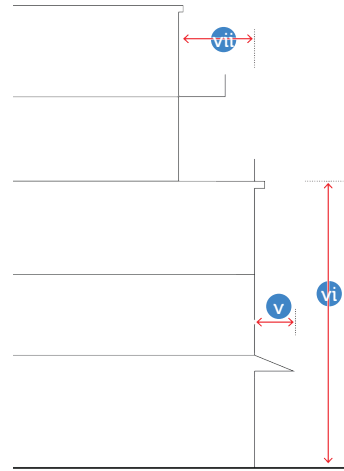
2. Downtown Frontage

Downtown frontages are characterized by the most high-intensity, mixed-use development that fronts on an active, pedestrian-friendly public realm. Therefore, the streetscape must provide capacity for high levels of pedestrian activity. This necessity, along with the grand scale of the street, warrants wide sidewalks with high-quality materials and design, generous building heights, high-quality façade materials and design, maximum first floor transparency, minimal to zero front and side yard setbacks, zero curb cuts and no front yard parking lots. Planting strips are to consist of hardscape between street trees. Outdoor cafes and planters are encouraged as integral parts of the streetscape.



a. Community Character Regulations

		Min	Max
i	Active Ground Floor Use Required	Yes	
ii	Transparency, Ground Floor	60%	80%
iii	Transparency, Upper Floors	30%	70%
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	4 / 42'	4 / 53'
vii	Setback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	NP
ii Bay Window	P
iii Porches	NP
iv Stoops	NP
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

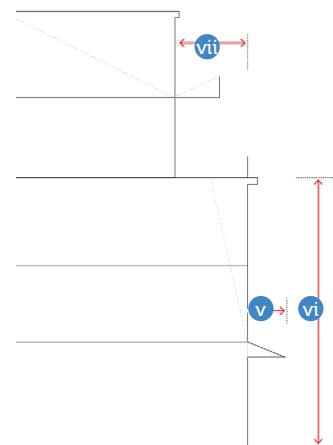
3. Main Street Frontage

Main streets are characterized by dense, mixed-use development and an active, pedestrian-friendly public realm. They are intended to serve as the primary feeders to the downtown. As such, the frontages are characterized by active ground floor uses with residential and office uses above. The streetscape must provide capacity for a moderate to high amount of pedestrian activity. New development is to provide moderate to generous building heights, high quality façade materials and design, maximum first floor transparency, no front and minimal side yard setbacks, and minimal curb cuts. Planting strips are to consist of hardscape between street trees. Outdoor cafes and planters are encouraged as integral parts of the streetscape.



a. Community Character Regulations

	Min	Max
i Active Ground Floor Use Required	Yes	
ii Transparency, Ground Floor	60%	80%
iii Transparency, Upper Floors	30%	70%
iv Build-to-Line	See District Standards	
v Encroachments	--	10'
vi Stepback Required (Stories / Feet)	4 / 42'	4 / 53'
vii Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	NP
ii Bay Window	P
iii Porches	NP
iv Stoops	NP
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See [Section 30-3.D.7](#) for regulations regarding building elements

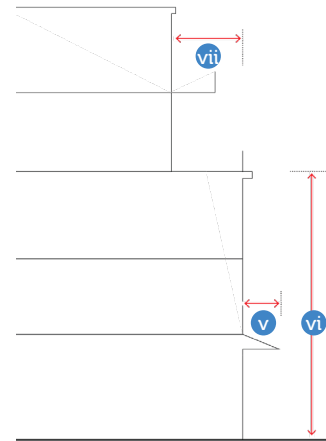
4. Downtown Feeder

Downtown Feeders provide support for the highly active downtown streets, and are areas of transition between downtown and residential areas. They are characterized by dense development and an active, pedestrian-friendly public realm. Active ground floor uses are encouraged but not required. The streetscape must provide capacity for a moderate to high amount of pedestrian activity. New development is to provide moderate to generous building heights, high quality façade materials and design, high first floor transparency, no front and minimal side yard setbacks. Since these streets will provide access to parking for development fronting on Downtown Frontages, well-planned curb cuts are essential; they should be minimized whenever possible.



a. **Community Character Regulations**

		Min	Max
i	Active Ground Floor Use Required		No
ii	Transparency, Ground Floor	30%	--
iii	Transparency, Upper Floors	25%	--
iv	Build-to-Line	See District Standards	
v	Encroachments past Build-to-Line	--	10'
vi	Stepback Required (Stories / Feet)	4 / 42'	4 / 53'
vii	Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. **Building Element Requirements**

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	NP
iv Stoops	NP
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

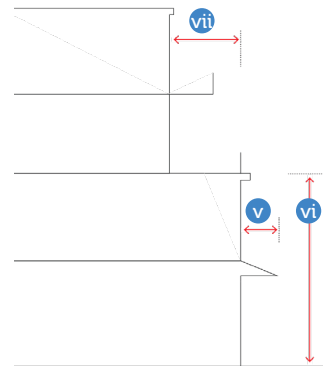
5. Main Street Feeder

Main Street Feeders provide a transition from the high activity commercial areas to the less-active mixed-use and residential areas. They are characterized by moderately dense development, much of which is residential, with a moderate amount of office and commercial uses. The streetscape must provide capacity for moderate pedestrian volumes. New development is to provide varied building heights, high quality façade materials and design, moderate first floor transparency, varied front and side yard setbacks, and rear yard parking. Since these streets will provide access to parking for development fronting on Main Streets, well-planned curb cuts are essential; they should be minimized whenever possible.



a. Community Character Regulations

		Min	Max
i	Active Ground Floor Use Required		No
ii	Transparency, Ground Floor	30%	80%
iii	Transparency, Upper Floors	25%	--
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	2 / 28'	3 / 41'
vii	Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	NP
iv Stoops	P
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

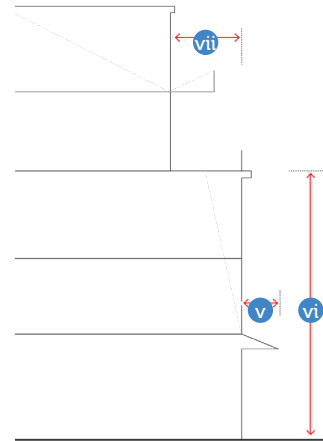
6. Office Residential Frontage

Office Residential Frontages have a strong residential quality that is reinforced by the predominance of detached houses and, in limited instances, Estates buildings. However, owners are permitted to provide a mix of office and residential units in the same building. Landscaped front yards reinforce the neighborhood atmosphere. There is a low to moderate volume of pedestrian activity. The planting strip shall be wide and provide ample space for the growth of large street trees. New development shall be consistent with existing development and be characterized by modest building heights, high quality façade materials and design, low to moderate first floor transparency, usable front porches (where appropriate), large front and side yard setbacks, and parking located to the rear of the dwelling.



a. Community Character Regulations

		Min	Max
i	Active Ground Floor Use Required		No
ii	Transparency, Ground Floor	25%	--
iii	Transparency, Upper Floors	20%	--
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	4 / 42'	4 / 53'
vii	Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

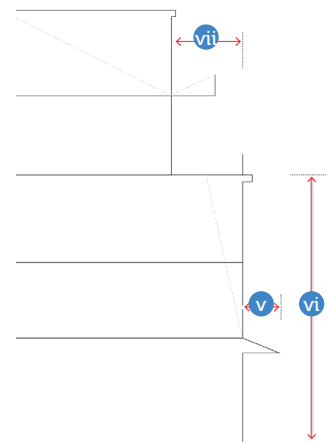
7. Flex Corridor

Flex Corridors are defined by a mixture of uses situated along moderate to highly trafficked corridors. New development - particularly commercial development - should be located close to the sidewalk to encourage pedestrian activity and traffic calming. Front yards may be landscaped or serve as amenities for businesses. Parking is located to the rear of buildings, and new development or redevelopment should minimize curb cuts through shared driveways and cross easement parking. New development shall be characterized by modest building heights, high quality facade materials and design, and moderate first floor transparency. Sidewalks should be constructed to accommodate moderate pedestrian activity.



a. Community Character Regulations

	Min	Max
i Active Ground Floor Use Required		No
ii Transparency, Ground Floor	35%	75%
iii Transparency, Upper Floors	20%	--
iv Build-to-Line	See District Standards	
v Encroachments	--	10'
vi Stepback Required (Stories / Feet)	4 / 42'	4 / 53'
vii Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

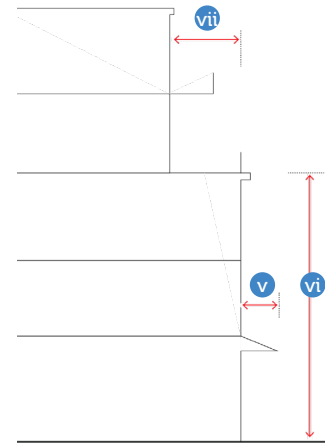
8. Office Corridor

Office Corridor Frontages are defined by the predominance of office uses along a street that provides a pedestrian friendly environment while accommodating high volumes of through-traffic. New development should be characterized by active ground floor uses with office uses above. New development shall be characterized by generous building heights, high quality façade materials and design, maximum first floor transparency. Front and side yard setbacks should be small to create a more pronounced urban feel. The streetscape must provide capacity for a moderate to high amount of pedestrian activity; curb cuts should be minimized. Outdoor cafes and planters are encouraged as integral parts of the streetscape. Buildings along these frontages may be iconic and use design approaches not found elsewhere in Morristown.



a. **Community Character Regulations**

		Min	Max
i	Active Ground Floor Use Required		No
ii	Transparency, Ground Floor	30%	--
iii	Transparency, Upper Floors	25%	--
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	--	--
vii	Stepback Requirement	--	--



b. **Building Element Requirements**

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	NP
iv Stoops	NP
v Terraces	P
vi Awnings	P
vii Lobby	P
viii Porte Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

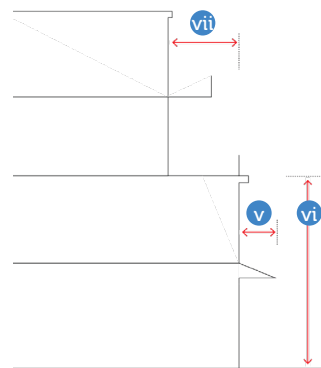
9. Suburban Residential

Suburban Residential streets service the least dense areas in Morristown. Areas are typically defined by generous landscaped front-yard setbacks. Attached side garages are not uncommon and permitted on these streets. Streetscape must provide capacity for minimal to moderate pedestrian volumes. New development is to provide varied building heights, high quality façade materials and design, and low to moderate first-floor transparency.



a. Community Character Regulations

	Min	Max
i Active Ground Floor Use Required	No	
ii Transparency, Ground Floor	25%	--
iii Transparency, Upper Floors	20%	--
iv Build-to-Line	See District Standards	
v Encroachments	--	10'
vi Stepback Required (Stories / Feet)	--	3/41'
vii Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	NP
vii Lobby	NP
viii Porte Cocheres	NP
ix Attached Side Garages	P

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

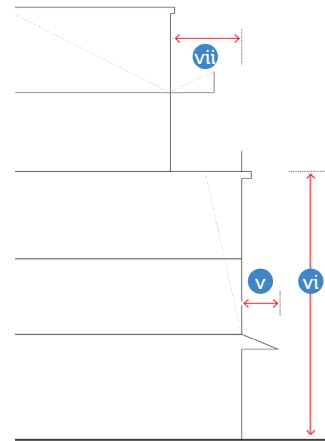
10. Historic Suburban Residential

Historic Suburban Residential streets are fundamentally suburban in nature: they service only moderately dense development. However, they are characterized by moderate front yard setbacks, and parking takes place in rear yards. The streetscape must provide capacity for minimal to moderate pedestrian volumes. New development is to provide varied building heights, high quality façade materials and design, and low to moderate first-floor transparency. Shared curb cuts and driveways are encouraged to provide access to side and rear yard parking.



a. Community Character Regulations

		Min	Max
i	Active Ground Floor Use Required		No
ii	Transparency, Ground Floor	25%	--
iii	Transparency, Upper Floors	20%	--
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	--	3/41'
vii	Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	NP
vii Lobby	NP
viii Porte Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

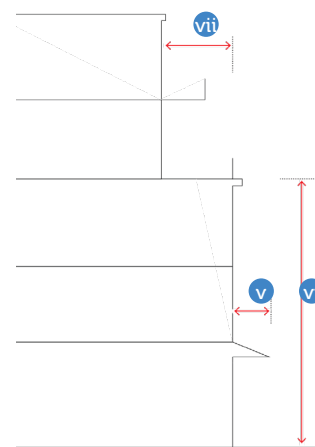
11. Urban Residential

Urban residential streets typically occur in areas with above-average density. Buildings usually have short setbacks that can be landscaped, used for gardens, or serve as small private yards. One of the defining characteristics of these streets is porches, which provide important transition space between the public and private realms. The streetscape must provide capacity for moderate pedestrian volumes. New development is to provide varied building heights, high quality façade materials and design, and low to moderate first-floor transparency. Shared curb cuts and driveways are encouraged to provide access to side or rear yard parking. Attached side garages are strictly prohibited.



a. Community Character Regulations

	Min	Max
i Active Ground Floor Use Required	No	
ii Transparency, Ground Floor	25%	--
iii Transparency, Upper Floors	20%	--
iv Build-to-Line	See District Standards	
v Encroachments	--	10'
vi Stepback Required (Stories / Feet)	--	3/41'
vii Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. Building Element Requirements

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	NP
vii Lobby	NP
viii Portes Cocheres	NP
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

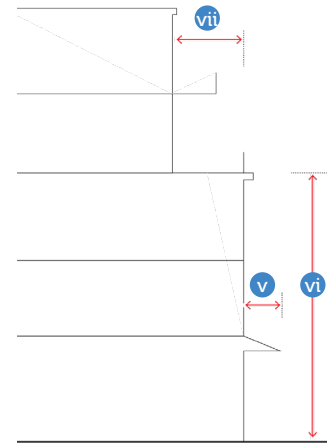
12. Estate Residential Frontage

Estate residential frontages are some of the most iconic in Morristown. These streets support the large historic estates. As a result, buildings often have large front-yard setbacks that contain porte cocheres, patio parking, and other elements. The streetscape must provide capacity for minimal to moderate pedestrian volumes and should be landscaped with the highest quality materials. New development should match existing character with the highest quality façade materials and design, low to moderate first-floor transparency, varied front and side yard setbacks. No attached garages. Side garages are allowed.



a. **Community Character Regulations**

		Min	Max
i	Active Ground Floor Use Required	No	
ii	Transparency, Ground Floor	25%	--
iii	Transparency, Upper Floors	20%	--
iv	Build-to-Line	See District Standards	
v	Encroachments	--	10'
vi	Stepback Required (Stories / Feet)	--	3/41'
vii	Stepback Requirement	12.5% of building depth, min. 10' and max. 20'	



b. **Building Element Requirements**

Building Elements	Permission
i Balcony	P
ii Bay Window	P
iii Porches	P
iv Stoops	P
v Terraces	P
vi Awnings	NP
vii Lobby	NP
viii Porte Cocheres	P
ix Attached Side Garages	NP

P = Permitted || NP = Not Permitted
See Section 30-3.D.7 for regulations regarding building elements

30-3.D. General Building Standards

1. Building Orientation

- a. Requirements
 - i. Building fronts shall be oriented to the primary street upon which the structure is sited. Every residential building front shall have a primary entrance.
 - ii. Multi-family buildings shall provide no less than one primary entrance for every 75 feet of street frontage.
 - iii. Every individual storefront shall provide a front entrance and shall be open to pedestrians.

2. Modulation

- a. Vertical Modulation
 - i. The following regulations apply to all street-facing façades of the following Form Based Code building types: Suburban Office, Suburban Flex Small, Suburban Flex Large, Urban Small, Urban Large.
 - ii. Requirements
 - (1) Street-facing building facades of three to four stories in height shall be articulated into a minimum of two sections. Street facing building facades of five or more stories in height shall be articulated into a minimum of three sections. Articulation may be accomplished through the use of entablatures, corbels, stepbacks, changes in material, changes in material color, and other changes that result in visually distinct vertical facade sections.
- b. Horizontal Modulation
 - i. Applicability: The following regulations apply to all buildings that are more than 50 feet wide.
 - ii. Requirements
 - (1) All buildings more than 50 feet wide shall be articulated into modules no wider than 50 feet.
 - (2) Articulation may be accomplished through the use of columns, bay or bow windows, changes in material, changes in material color, and other changes that result in visually distinct vertical facade sections.
 - (3) Architectural details such as windows, doors, and garages shall be confined within articulated vertical and horizontal sections, and shall not overlap across the border from one section to another.
 - (4) For residential uses, horizontal modulation shall reflect spacing and size of interior units.
 - (5) For retail uses, structural rhythms along the streetscape should be maintained even though the architectural design and style of individual stores may vary.
 - (6) Ground floor retail shall be modulated with at least one pedestrian (patron) entrance every 40 feet along the street frontage.

3. Fenestration

- a. Requirements
 - i. Windowless facades shall not be permitted on any occupied structure.
 - ii. All facades must provide windows as prescribed in [Section 30-3](#) Building Type Standards.
 - iii. Windows shall be un-tinted. Mirror or reflective glass is not permitted in any commercial or residential location.
 - iv. Display windows for ground floor storefronts shall not be blocked with merchandise or interior merchandise displays.

- v. In buildings which are being renovated or repurposed, windows shall match existing window openings.
- vi. Vinyl windows shall not be permitted.
- vii. All windows not facing the street frontage shall not count towards transparency requirements.
- viii. Where fenestration of a façade is unfeasible, alternative façade treatments must be provided, such as blind windows or murals.

4. Stepbacks

- a. All buildings for which a stepback is required under the provisions of [Section 30-3.C](#) shall include a stepback a minimum 10 feet in depth from the primary facade. Stepback areas may be used for the provision of outdoor space for occupants with a balcony or rooftop deck. Buildings should define the upper-story stepback through a horizontal element such as a cornice, band or frieze.

5. Building Height Exceptions

- a. No building or structure shall have a height, either in feet or stories, greater than permitted in the district in which it is located, except that chimneys, steeples, water towers, cupolas, or similar items used in conjunction with a building, radio or television antennas, air conditioning or elevator machinery and structures housing the same may be erected provided that such structures shall not exceed the height regulation by more than 40%, shall not be used for habitation, and shall not be used as a sign or as a supporting structure for any sign or lettering.
- b. Rooms and areas providing access to a rooftop deck shall not be considered a story and their height not considered as part of total building height nor their floor area considered as part of the floor area ratio, so long as they conform to the following standards:
 - i. Rooms on the same floor as rooftop decks shall be limited to the following:
 - (1) Stairwells
 - (2) Elevators
 - (3) Vestibules for stairwells/elevators
 - (4) Storage room
 - (5) Restroom
 - (6) It shall be noted that the above rooms shall not be used for communal gathering, cooking, or in association with internal amenities.
 - ii. The maximum floor area of rooms on the same floor as a rooftop deck shall not exceed 10% of the area of the rooftop area.
 - iii. The floor-to-ceiling height of such rooms may not exceed 9 feet, nor may the height to the top of such rooms exceed the building height regulation of the district by more than 25%.
 - iv. Such rooms shall be set back a minimum of 10 feet from the façade of the below story. This provision shall not apply to façades sharing a common wall with an adjacent property where the principal building of such adjacent property is of same or greater height than such rooms.

6. Outdoor Space

- a. Requirements
 - i. Outdoor space shall be provided at the following rates:
 - (1) Buildings containing no more than ten residential units shall provide a minimum of 200 square feet of outdoor space per unit, which shall be available to and accessible to each unit.
 - (2) Buildings containing more than ten residential units shall provide a minimum of 75 square feet of outdoor space per unit, which shall be available to and accessible to each unit.
 - (3) Buildings containing more than ten residential units may meet the open space requirement at a

reduced rate of 50 square feet per dwelling unit based on the following conditions:

- (A) Open space is available in a publicly accessible pedestrian plaza.
 - (B) Space is located along the street frontage.
 - (C) Plaza provides seating at a rate of one linear foot per 30 square feet. Seating shall be no less than 18 inches high and no more than 24 inches high.
 - (D) Plazas shall be open to and immediately accessible from the sidewalk for no less than 50% of the frontage.
 - (E) Where the maximum required build-to line is less than 15 feet, a building may be set back at most 15 feet from the right-of-way in order to incorporate a pedestrian plaza.
 - (F) In cases where the grass verge between the sidewalk and the cartway is greater than, or could be expanded to, eight feet, the applicant may provide the pedestrian plaza within this area upon approval of the Engineering Division.
- (4) Calculating compliance of provided open space: Open Space may be private to an individual dwelling unit or shared among a building's dwelling units. Allocation of provided open space toward the amount of open space required shall be calculated as follows:
- (A) If a dwelling unit is provided with private open space equal or greater the required open space per unit, the unit shall not be considered when calculating shared open space; private open space provided in excess of that required shall not be considered when calculating required shared open space.
 - (B) If a dwelling unit's private open space is less than the required open space per unit, the difference of required and provided open space shall be attributed to the required shared open space.
 - (C) The minimum shared open space shall be calculated as follows: required shared open space = (units without private open space) X (required open space / unit) + (sum of remaining open space requirement for units with private open space per section Section 30-3.D.6.a.i(4)(a)(ii.))
 - (D) A dwelling unit must have access to the shared open space to which its open space requirement is allocated.
- ii. Outdoor Design Standards:
- (1) Private and semi-private outdoor space may include rear yard lawns, preserved wooded and natural lands, decks, patios, terraces, balconies, atria, or any other feature that provides similar amenity to residents. Open space grades shall exclude areas of steep slope as defined by this Ordinance as slopes of 15% or greater. It is encouraged to make the open space as flat as possible as to allow accessibility by the widest range of residents.
 - (2) Outdoor space shall be incorporated into the architecture or otherwise enclosed for privacy, as appropriate by a decorative fence or wall, evergreen hedge, trellis or arbor or combination thereof.
 - (3) Pedestrian plaza space may be occupied up to 25% by stoops, stairs, pathways and raised landscaping.
 - (4) For Courtyard building types, outdoor space may include open areas accessible by automobiles, provided that:
 - (A) None of the open space is used for on-site parking.
 - (B) Those areas are constructed with materials such as grass-crete, pavers, or similar materials. Asphalt, concrete and gravel shall not be permitted.

7. Building Elements

a. Attached Side Garage

- i. Every effort should be made for garages not to face the street, with the exception of corner lots.

Garages on corner lots may face the street along the side of larger frontage.

- ii. When the garage cannot be designed to face away from the street, the garage shall be visually minimized by recessing the garage door into the facade at least 2 feet and using a darker color for the garage door.
 - iii. Garage doors shall be consistent with the overall design of the dwelling.
- b. Awnings
- 1. Awnings, marquees, and other decorative elements.
 - i. Shall not project more than 4 feet from the front facade of a building.
 - ii. Shall not extend over any public space to within two feet from the curbline.
 - iii. Shall be approved as to structural strength and quality of materials.
 - iv. The lowest point of any marquee, awning or decorative element that projects over a sidewalk, alley or other pedestrian space shall have a minimum clearance of ten feet above grade
 - v. Lighting beneath any awning, marquee or other decorative element shall be at least equal to the outside lighting in the adjacent public space. If the awning marquee or other decorative element reduces natural or street light in the public place, public areas beneath that awning, marquee or public space shall be lit during hours of darkness to the same degree and time schedule as adjacent street lighting.
 - vi. Awnings, marquees or other decorative elements shall not be constructed in a manner that obstructs, obscures or interferes with any street light, utility pole, or tree in the public place, or any transportation-related sign, signal or traffic control device.
- c. Balconies
- i. Balconies may project a maximum of three feet into the public right-of-way provided that the sidewalk is nine feet or greater in width. Where the sidewalk is less than nine feet wide, the projection shall not exceed two feet.
 - ii. Balconies may project no more than three feet from the façade no more than three feet into front, side, or rear yards where such balconies are visible from the public right-of-way. Where balconies are not visible from the public right-of-way, they may project no more than eight feet into front, side, or rear yards.
 - iii. Balconies shall not encroach within three feet of any adjoining property line.
 - iv. No balcony projections are permitted less than ten feet above grade.
 - v. Recessed balconies cannot occupy more than 25% of a street-facing building facade.
- d. Bay Windows
- i. Bay windows may project a maximum of three feet into the public right of way, where the sidewalk is nine feet or greater in width. Where the sidewalk is less than 9 feet in width, the projection shall not exceed 2 feet.
 - ii. No bay window projections encroaching into the public right-of-way are permitted less than 12 feet above grade.
- e. Lobbies
- i. Applicability: The following regulations apply to all multi-story buildings where an active ground floor uses is required.
 - ii. Requirements
 - (1) Location of Lobby: Where a mid-block pedestrian connection exists, the lobby shall open onto this pathway. Where a building is on a corner lot and does not have a mid-block pedestrian connection, the lobby shall open onto the lesser of the two street frontages. Where the building has neither a mid-block pedestrian connection nor a corner location, the lobby shall open onto the street frontage.

- (2) Maximum Frontage: Lobbies may occupy up to 40 feet of frontage, but in no case may more than 25% of the building frontage be dedicated to lobby space.
 - (3) Transparency: The lobby area shall be subject to additional transparency requirements over and above those established in this Section for ground floor facades. Lobby areas shall provide 60% to 90% transparency on the street-facing side, and in all cases shall provide at least 5% more transparency than non-lobby components of the ground-floor facade.
- f. Porches
 - i. Encroachment: Open air porches associated with buildings that comply with required setbacks may encroach up to eight feet into front yards as prescribed in the provisions of this Section, but may not encroach into rights-of-way.
 - ii. Minimum Height: Porches shall be a minimum of 18 inches above grade.
 - iii. Minimum Depth: Porches shall not have a depth of less than six feet.
 - iv. For all new porches added to existing structures, the style and material selection shall be consistent with those of the primary structure.
- g. Portes Cocheres
 - i. Setbacks: Portes cocheres shall be set back a minimum of five feet from adjoining property lines, and a minimum of 12 feet from the public right-of-way.
 - ii. Habitable Space: Portes cocheres with habitable space built above shall conform to all yard setback requirements.
 - iii. Maximum Height: Portes cocheres shall have a maximum clearance of 14 feet.
 - iv. Any space beneath the porte cochere shall not be used for long-term parking and shall not be applied toward parking requirements.
- h. Stoops
 - i. Stoop locations shall correspond with the location of residential building entries.
 - ii. The primary entrance and stoop shall be a minimum of 18 inches above sidewalk grade.
 - iii. The stoop, excluding the steps, shall have a maximum depth of 6 feet.
 - iv. Stoops and stoop entrances shall be spaced a minimum of 12 feet apart and provide direct access to ground floor units and/or corridors.
 - v. Stoops shall not encroach upon the public right-of-way, but may project beyond the build-to line.
 - vi. Stairs shall be perpendicular to the street and sidewalk.
 - vii. Stairs shall not be covered, but upper landings that provide access to doorways and entries may be covered by awnings in accordance with the provisions of this Section.
- i. Terraces
 - i. Terraced areas shall comprise no more than 33% of rear yard area.
 - ii. Terraces shall not be raised more than two feet above the ground, except for stairs and steps leading into buildings. In cases of sloping ground, terraces shall be permitted to exceed four feet in height before stepping down to a lower elevation.
- j. Vertical Roof Projections
 - i. Requirements
 - (1) The following vertical roof projections shall be subject to the requirements of this section.
 - (2) Included projections:
 - (A) Vents
 - (B) Stacks
 - (C) Elevator mechanical rooms

- (D) Roof-mounted equipment
 - ii. Screening Requirement: Projections shall be screened from view by parapet walls or an approved enclosure.
 - iii. Screening Design: Screens shall reflect and complement the architecture of the building. Exceptions from screening may be provided if the Board finds that alternative methods of integrating these features into the architectural context creates a positive aesthetic environment.
- k. **Materials**
- i. Unless existing at the time of application, artificial foam stone, brick-face systems, cement parging, shingles, shakes, vinyl or aluminum siding, and exterior insulation finishing systems (EIFS) are not permitted as façade materials in any residential structures with 3 or more dwelling units, nonresidential structures, or mixed-use structures.

8. Encroachments

- a. Permitted encroachments may not extend onto any public right-of-way, except as permitted above in [Section 30-3.D.7](#).
- b. Encroachments into the public right-of-way shall be subject to the review and approval of the Town Engineer. When encroachment is on a right-of-way under the jurisdiction of the New Jersey Department of Transportation or the Morris County Division of Engineering and Transportation, encroachment shall be subject to review and approval of respective regulating entity.

30-3.E. Accessory Structures

1. Accessory Structures, Generally

- a. Accessory structures that are considered to be incidental and customary to the primary structure are permitted in the Town of Morristown and shall conform to the accessory structure standards in 30-3.E.
- b. Fences and walls shall be exempt from the requirements of this section. See Section 30-4.C.2 for regulations pertaining to Fences and Walls.

2. Bulk Requirements

- a. Side yard: 1/2 required side yard; 0' in Town Center (TC) district and Overlays.
- b. Rear yard: 1/2 required rear yard or 5', whichever is less.
- c. Setback from Build-to-Line: 25 feet.
- d. Height: 15' as measured to the top of the ridge.

3. General Design Standards

- a. Applicability: The following regulations apply to all accessory structures of more than 25 square feet within the Town of Morristown.
- b. Requirements
 - i. Maximum footprint: The maximum footprint of an accessory structure shall be no greater than 30% of the rear yard area.
 - ii. The total floor area of all accessory structures shall not exceed the first-floor area of the principal structure.
 - iii. Accessory structures shall not be used for human habitation except where permitted by this Ordinance.

4. Decks

a. Ground Decks

- i. **Applicability:** The following regulations apply to all ground-level outdoor decks
- ii. **Requirements**

- (1) All deck areas shall occupy no more than 30% of the rear yard area.
- (2) Decks shall be raised no more than two feet above finished grade, with the exception of the stairs and steps that provide building access. In cases of sloping ground, terraces shall be permitted to exceed four feet in height before stepping down to a lower elevation.

b. Small Rooftop Decks (Detached, Semi-attached, Estate, Courtyard, and Townhouse building types).

- i. **Applicability:** The following regulations apply to all decks designed for use by building occupants (i.e. not general public), located above the first floor of the structure on which they are constructed.
- ii. **Requirements**

- (1) Rooftop decks shall not exceed 20% of rooftop area and shall be designed for private access from no more than one unit.
- (2) Access to rooftop decks shall be provided with full-length doorways. In no case shall access be provided through a window.
- (3) Rooftop decks shall be permitted to have awnings, pergolas and other similar shading devices so long as the design is compliant with height requirements. This shall not be construed to provide any exemption to the maximum height standards.
- (4) Lighting shall meet the standards established in [Section 30-4D](#).

c. Large Rooftop Decks (Apartment, Urban Small, and Urban Large building types).

- i. **Applicability:** The following regulations apply to all decks designed for use by building occupants (i.e. not general public), located above the first floor of the structure on which they are constructed.
- ii. **Requirements**

- (1) Rooftop decks shall not exceed 20% of the rooftop area.
- (2) Rooftop decks shall not be used between 11:00 pm and 6:00 am.
- (3) Rooftop decks shall be set back a minimum of 10 feet from all facades, with the exception of rooftop decks located in stepbacks.
- (4) Lighting shall meet the standards established in [Section 30-4D](#).
- (5) Sound systems may not be installed on a rooftop deck.

5. Garages and Habitable Accessory Structures:

- a. Up to three cars may be stored in a garage.
- b. Garages and habitable accessory structures may include storage space and workshop space.
- c. Where artisan workshops are permitted, they may be located in a habitable accessory structure and/or garage.
- d. The transparency standards contained in [Section 30-3.C](#) shall be met if such structure is visible from public right-of-way.

6. Pools and Spas

- a. **Applicability:** The following regulations apply to all outdoor private swimming pools in the Town of Morristown.
- b. **Requirements**
 - i. The surface area of a private swimming pool shall not exceed 25% of the area of the rear yard.

- ii. Swimming pools shall conform to all yard requirements and shall at no time be closer than 10 feet to an adjacent property.
- iii. The entire swimming pool area shall be contained by a fence or wall that controls access to the pool area. The fence or wall shall be a minimum of four feet high and a maximum of six feet high.
- iv. Swimming pools shall be screened from view of the public right-of-way.
- v. No pool shall drain into a public sanitary sewer, or be located so that the water from the pool drains onto another property.
- vi. Pools and spas shall not count towards impervious coverage for the purpose of runoff calculations. However, pools and spas shall count towards impervious coverage for the purpose of groundwater recharge calculations.

7. Sheds

- a. Sheds shall not:
 - i. Exceed 15 feet in height as measured to the top of the ridge;
 - ii. Exceed 200 square feet;
 - iii. Have entryways wider than six feet; or
 - iv. Be visible from any public right-of-way.

30-3.F. Environmental Building Standards

1. Solar Panels

- a. Requirements
 - i. Improved Coverage Requirements: Stand-alone solar energy systems shall not be included in calculations for lot coverage or impervious cover as defined in Appendix A: Definitions.
 - ii. Design:
 - (1) Visual Impacts: Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts.
 - (2) Height Requirements: Rooftop solar energy systems may extend up to 18 inches above the roof, and shall not count toward the maximum heights permitted in [Section 30-2](#).
 - (3) Utility Connections: Reasonable efforts, as determined by the Board, shall be made to place all utility connections from solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - (4) Safety: All means of shutting down the solar installation shall be clearly marked and located as close to any means of pedestrian or vehicular access as is practicable.
 - (5) Placement: Solar energy systems shall maintain a three foot buffer from all nearby features. No solar energy system shall be placed on a roof in such a way as to cause the shedding of ice or snow from the roof onto a porch, stairwell, pathway or driveway.
 - (6) Emergency Access: Solar energy systems shall be located in such a manner as to ensure emergency access. Solar energy systems shall provide pathways no less than four feet wide. Roof-mounted systems shall include accessways to the rooftop installation; such pathways shall be located at structurally strong locations such as load-bearing walls.
 - iii. Submission requirements
 - (1) As part of a submission, the applicant shall provide drawings showing all nearby features and a three foot buffer around the solar energy system. Heights of solar energy equipment shall be provided, and when equipment is part of a rooftop installation, the height from the finished

surface of the roof shall also be provided.

iv. **Decommission**

- (1) Any solar energy system which has reached the end of its useful life, or has been abandoned through lack of use over a one-year period, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (A) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
 - (B) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (C) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - (2) Notification: No grid-intertie photovoltaic system shall be installed until evidence has been given to the Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
- b. Exceptions: The above incentives and allowances shall not apply to buildings within a historic district.

2. **Daylighting Devices**

a. **Requirements**

- i. Skylights, clerestories or other daylighting devices are permitted, provided they do not exceed four feet in height, as measured from the finished level of the roof. Such devices may occupy no more than 10% of the roof surface, and shall be located at least eight feet from the face of the street wall. Such devices shall not be permitted above roofs with a slope greater than 20 degrees.

3. **Solar Screening**

a. **Requirements**

- i. Awnings and other sun control devices located above the first story (excluding any basement) shall project no more than 2 feet 6 inches from the building wall, and may extend beyond the build-to line or into side and rear yards.
- ii. Awnings on buildings with a build-to line of less than 2 feet 6 inches may hang above the public right-of-way. The vertical clearance from the public right-of-way for any awning (including valances) shall be a minimum of eight feet.
- iii. Awnings and sun control devices shall have solid surfaces that, in aggregate, cover an area no more than 30% of the facade (as viewed in elevation) from which they project.

4. **Wind Turbines**

a. **Requirements**

- i. Wind-energy conversion systems are permitted as an accessory use in all zoning districts, subject to the following standards:
 - (1) Such systems must be located on the premises.
 - (2) All facilities must be mounted on an existing structure; free-standing systems are not permitted.
 - (3) Horizontal axis systems shall be prohibited.
 - (4) Height, as measured from the top of the system, may be permitted to extend 20 feet above the maximum height permitted in the zone.

- (5) Such systems shall be sited in a manner that prevents shadowing or flicker impacts beyond the property line.
 - (6) Noise at the property line shall not exceed 50 decibels.
 - (7) No lighting is permitted unless to comply with other regulations.
 - (8) Such systems shall be painted a neutral non-reflective color.
 - (9) If such systems have been unused or inoperable for 12 months, they will be considered abandoned, and therefore must be removed within 90 days.
- ii. Exceptions to these standards may be considered for approval through a conditional use permit, if the Town, at its sole discretion determines that sufficient evidence exists demonstrating there will be no effects detrimental to the public health, safety, welfare, or public interest.
- b. Exceptions: The above incentives and allowances shall not apply to buildings within a historic district.

5. Green or Vegetated Roofs

- a. Requirements
 - i. Vegetated roofs shall be permitted, provided that they do not exceed 42 inches in height, as measured from the finished level of the roof, and shall not be regulated by maximum building heights. Buildings incorporating green or vegetated roofs shall be permitted a decrease in their improved coverage of 1/4 foot for every square foot of green roof coverage.
- b. Exceptions: The above incentives and allowances shall not apply to buildings within a historic district.

6. Rainwater Harvesting Systems

- a. Requirements
 - i. Ground mounted graywater systems shall not count towards improved coverage.

7. Renewable, recycled and low VOC materials

- a. Requirements
 - i. When the use of renewable, recycled and low VOC materials necessitates an increase in bulk compared to the use of traditional building techniques, buildings shall be permitted a maximum of eight inches thickness of exterior walls and roofs which shall not be counted against yard requirements, building coverage requirements or height requirements.

30-4 DESIGN STANDARDS

30-4.A. General Lot Standards

1. Sight Triangles

- a. **Applicability:** Properties on corner lots shall provide a sight triangle in conformance with the regulations established in “A Policy on Geometric Design of Highways and Streets” published by the American Association of State Highway and Transportation Officials (AASHTO).

2. Lots to Abut Improved Streets

- a. **Requirements:** No permit for the erection of any building or structure shall be issued unless the lot abuts a street accessible to such proposed building or structure, which street shall meet all of the requirements of N.J.S.A. 40:55D-35 (requiring that the street be public and suitably improved).

3. Yard Requirements

- a. **Front Yard Requirements:** All space included in a required and effective front yard shall be open, unoccupied and unobstructed except for:
 - i. Ordinary projections of window sills, belt courses and other ornamental features projecting not more than four inches.
 - ii. Cornices, eaves, or permitted signs projecting not more than two feet from the side of the building.
 - iii. Driveways and pedestrian walks, trees, plantings and shrubs, fences, walls, gardens and permitted signs.
 - iv. Permitted building elements extending no more than permitted encroachment as per [Section 30-3](#).
 - v. Front yard parking when conditionally permitted per [Section 30-2.F.4.e.iv](#).
- b. **Side Yard Requirements**
 3. The space in a required and effective side yard shall be open and unobstructed except as follows:
 - i. All of the exceptions allowed for a front yard.
 - ii. Chimneys and fire escapes.
 - iii. Side yard parking when permitted per the parking location table in [Section 30-2.F.4](#). and the provisions of this Section.
- d. **Rear Yard Requirements:**
 1. The space in the effective rear yard shall be open and unobstructed except as follows:
 - i. All of the exceptions allowed for a front or side yard.
 - ii. Decks, patios and terraces pursuant to requirements in [Section 30-3](#).
 - iii. Detached private garage or other building, or both, pursuant to requirements in [Section 30-3.E](#).
 - iv. Parking areas, provided that they are not located closer to any side line than one-half the minimum side yard distance nor closer than ten feet to the rear lot line.
 - v. Alley-loaded garages shall be located entirely to the rear of the principal structure and shall be set back either four feet, or a minimum of twenty feet from the right-of-way.
 2. The principal structure shall not extend into the required rear yard.

4. Access Management

- a. **Applicability:** The following regulations apply to all properties located on the following types of street frontage: Downtown, Active, Downtown Feeder, Active Feeder, Office Corridor, Flex Corridor.
- b. **Requirements**
 - i. Only one curb cut is permitted per frontage based standard (see 30-4.B), unless:
 - (1) A traffic study is provided that demonstrates to the Board's satisfaction that the creation of an additional curb cut is required for the safe operation of traffic; or,
 - (2) The frontage length between curb cuts at adjacent properties is large enough to permit two or more curb cuts under curb cut spacing requirements in this Section.
 - ii. Any curb cut that was constructively abandoned prior to submission of the site plan application shall be formally abandoned, and full-height curb shall be restored as part of any site plan approvals.
 - iii. The applicant shall submit certification, or, as part of traffic impact statement, a narrative prepared by a Professional Traffic Operations Engineer, that describes proposed circulation patterns in relation to existing curb cuts. Any curb cuts that are determined unnecessary or excessive by the approving agency, upon a review and recommendation by its professional engineers, shall be removed and full-face curb shall be restored in place of the existing curb cut.

30-4.B. Frontage Based Public Space Standards

Note: The below standards (Section 30-4.B.1 to 11) shall be allowed up to 15% flexibility in distances to account for obstructions and other difficulties.

1. Downtown Frontage

	Standard
A Street Tree Spacing	Avg. 30' On Center
B Street Light Spacing	Avg. 85' On Center
C Bench	1 per 150 Linear Feet
D Bicycle Rack	1 per 200 Linear Feet
E Trash Receptacle	1 per 100 Linear Feet
F Curb Cuts (max)	Conditional (See 30-3.C)
G Pedestrian Mid-Block Connection	1 per 200 Linear Feet of Building

2. Main Street Frontage

	Standard
A Street Tree Spacing	Avg. 30' On Center
B Street Light Spacing	Avg. 85' On Center
C Bench	1 per 150 Linear Feet
D Bicycle Rack	1 per 200 Linear Feet
E Trash Receptacle	1 per 150 Linear Feet
F Curb Cuts (max)	Conditional (See 30-3.C)
G Pedestrian Mid-Block Connection	1 per 200 Linear Feet of Building

3. Downtown Feeder

Standard		
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	1 per 200 Linear Feet
D	Bicycle Rack	1 per 200 Linear Feet
E	Trash Receptacle	1 per 200 Linear Feet
F	Outdoor Cafes	Not Permitted
G	Curb Cuts (max)	1 per 200 Linear Feet
H	Pedestrian Mid-Block Connection	1 per 200 Linear Feet of Building

4. Main Street Feeder

Standard		
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	1 per 200 Linear Feet
D	Bicycle Rack	1 per 200 Linear Feet
E	Trash Receptacle	1 per 150 Linear Feet
F	Curb Cuts (max)	1 per 200 Linear Feet
G	Pedestrian Mid-Block Connection	1 per 200 Linear Feet of Building

5. Office Residential Frontage

Standard		
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	1 per 200 Linear Feet
E	Trash Receptacle	1 per 150 Linear Feet
F	Curb Cuts (max)	1 per 200 Linear Feet
G	Pedestrian Mid-Block Connection	1 per 200 Linear Feet

6. Flex Corridor

Standard		
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	1 per 200 Linear Feet
E	Trash Receptacle	--
F	Curb Cuts (max)	1 per 100 Linear Feet

7. Office Corridor

		Standard
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	1 per 300 Linear Feet
E	Trash Receptacle	1 per 200 Linear Feet
F	Curb Cuts (max)	1 per 200 Linear Feet

8. Suburban Residential

		Standard
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	--
E	Trash Receptacle	--
F	Curb Cuts (max)	1 per 100 Linear Feet

9. Historic Suburban Residential

		Standard
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	--
E	Trash Receptacle	--
F	Curb Cuts (max)	1 per 200 Linear Feet

10. Urban Residential

		Standard
A	Street Tree Spacing	Avg. 30' On Center
B	Street Light Spacing	Avg. 85' On Center
C	Bench	--
D	Bicycle Rack	--
E	Trash Receptacle	--
F	Curb Cuts (max)	1 per 100 Linear Feet

11. Estate Residential Frontage

	Standard
A Street Tree Spacing	Avg. 30' On Center
B Street Light Spacing	Avg. 85' On Center
C Bench	--
D Bicycle Rack	--
E Trash Receptacle	--
F Curb Cuts (max)	1 per 100 Linear Feet

12. Flexibility in Placement

- a. The above standards ([Section 30-4.B.1 to 11](#)) shall be allowed up to 15% flexibility in distances to account for obstructions and other difficulties.

30-4.C. Landscaping

1. General Landscaping

- a. Requirements
 - i. Gardens for aesthetics or for food production (non-commercial) shall be considered landscaping under this zoning ordinance.
 - ii. Rain gardens shall be designed according to requirements listed in [Section 30-4.J.3](#).
 - iii. All driveways and paths shall be buffered on both sides by landscaping at least 3 feet wide. Trees shall be planted to provide shade coverage over at least 25% of all paved areas. In cases where site characteristics would create an undue burden, unsafe sign lines for vehicles, or result in planting locations that are detrimental to the health of the trees, this requirement can be met through non-landscaping based shading techniques. 1-4 family properties shall be exempt from this requirement.
 - iv. Plant species included on the NJ Invasive Strike Team Do Not Plant (updated annually) list of invasive species shall not be permitted.
 - v. Non-food producing plantings shall be drought tolerant.
 - vi. Trees and shrubs shall be planted according to the following minimum caliper, height and spread requirements:
 - (1) Street trees: 3 ½-inch caliper measured at 4' above street grade
 - (2) Ornamental deciduous trees: 8-foot height
 - (3) Evergreen trees: 6-foot height
 - (4) Shrubs: 18-inch spread

2. Fences and Walls

- a. Applicability: The following regulations apply to all walls that are not part of a building and all fences on all properties in Morristown.
- b. Requirements
 - i. Height: Fences and walls shall be limited to the following heights:
 - (1) 3 feet when located in front of the primary structure (inclusive of both front yards of corner lots).

- (2) 6 feet when located to the side or rear of a principal structure.
- (3) As high as required when providing required screening for a regulated item.
- ii. Walls shall be constructed of stone, brick, or any other material that the Board deems to create a positive aesthetic.
- iii. Retaining walls 4' in height or greater shall require a security fence at the top of the wall.
- iv. Fences shall be constructed of metal, wood, or any other material that the Board deems to create a positive aesthetic. Chain link fences shall not be permitted. All posts used in relationship with the fence shall be on the side of the fence most interior to the applicant's property.
- c. Arbors, trellises, and similar structures may be permitted to extend to 8 feet in height, but may occupy no more than 5% of the linear footage of the fencing in total and may occupy no more than 6 linear feet per instance.

3. Street Trees

- a. Requirements
 - i. Where required: Street trees shall be required along all existing or proposed public streets within the public realm of a subdivision or site plan, and are in addition to other required plantings as prescribed in [Section 30-4.C.1](#).
 - ii. Number of Trees Required: The number of trees shall be calculated by dividing the linear footage of frontage a planting interval of an average of 30' on center (See Section 30-4.B). The linear footage of frontage shall include the entire frontage and with no exception for driveways, curb cuts or crosswalks.
 - iii. Spacing of Trees: Trees shall be planted as evenly as is possible given site constraints such as driveways and crosswalks.
 - iv. Tree Pit Design: Tree pits shall provide a minimum of 40 square feet of ground area, be at least 4 feet wide, and be greater in depth than the existing root ball of the tree to be planted by one-third. Root barriers shall be placed along the tree side of a sidewalk for a distance of 12 feet, centered on the trunk.
 - v. Characteristics of Plantings: Street tree plantings shall be substantially uniform in size and shape and shall have straight trunks.
 - vi. Sight Triangles: Within sight triangles, a tree may be permitted only with the site-specific approval of the township engineer.
 - vii. Exemptions: Street tree requirements may be waived by the Planning Board where existing preserved vegetation is considered sufficient to meet these requirements and is reasonably assured of continued survival.

30-4.D. Lighting

- a. Applicability: The following regulations shall apply to all outdoor luminaires.
- b. Requirements
 - i. Design Standards
 - (1) Exterior light fixtures shall be Dark Sky compliant.
 - (2) No exterior light source, including fixtures not mounted on the primary structure, shall be mounted higher than 12 feet measured from the actual grade immediately beneath the light source.
 - (3) No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.
 - (4) No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated after 10:00 pm.

- (5) No outdoor light fixture shall be operated by a “dusk to dawn” timer or sensor, unless it is motion sensor activated. Motion-sensor light fixtures shall be controlled to shut off after 10 minutes, and shall not be triggered by activity located off the property.
- (6) Lighting elements installed to illuminate windows shall not be directly visible by pedestrians or vehicles.
- (7) Public sidewalks classified as S2 or S3 shall conform to the Morristown Partnership Lighting Standards. See [Appendix C](#) for Morristown Partnership Lighting Standards specifications.

c. Permitted Footcandles

i. Outdoor lighting levels shall meet the standards in the following table:

Light Classification	LZ-1	LZ-2	LZ-3
Zones	R, Estate Overlay (R), MF-1, MF-2	PWN Overlay (MF-2), Critical Infrastructure (MF-2), MF-3, Neighborhood Overlay (MF-3), MX-1, Retail Overlay (MX-1), MX-2, TC, Transitional (TC) H, H-1	Large Lot Overlay (MX-2), Morristown Green Overlay (TC), Transit Overlay (TC), Headquarters Plaza Overlay (TC)
Maximum Footcandles at Property Line	0.5 footcandles at property line; 2.0 footcandles at sidewalk frontage.	0.5 footcandles at property line; 3.0 footcandles at sidewalk frontage.	0.5 footcandles at property line; 3.0 footcandles at sidewalk frontage.
Sidewalks / Public Spaces	.5 - 2 footcandles	1 - 3 footcandles	1 - 3 footcandles
Parking / Driveways	.5 - 2 footcandles	1 - 3 footcandles	1 - 3 footcandles
Non-Residential Building Entrances (Permitted within 20 feet of entrance)	3 - 5 footcandles	5 - 7.5 footcandles	5 - 10 footcandles
Primary Residential Entrance (Fully Shielded Luminaire)	Max: 5 footcandles	5 - 7.5 footcandles	5 - 10 footcandles
Other Residential Entrances (Fully Shielded Luminaire)	Max: 3 footcandles	5 - 7.5 footcandles	5 - 7.5 footcandles
Building Facade Lighting	Max: 3 footcandles	Max: 5 footcandles	Max: 10 footcandles
Landscape Lighting (Each landscape lighting installation)	Max: 2 footcandles	Max: 2 footcandles	Max: 2 footcandles
Outdoor Dining	Max: 7 footcandles	Max: 10 footcandles	Max: 15 footcandles
Bicycle Parking	Max: 2 footcandles	1 - 3 footcandles	1 - 3 footcandles
Note: Given values reflect maximum average footcandles. Footcandles shall be measured at 4 to 5 feet above the finished grade.			

30-4.E. Required Streetscape and Pedestrian Improvements

- a. Applicability: The following regulations apply to all properties within the Town of Morristown
- b. Requirements
 - i. Sidewalks and Pathways shall be provided in the following locations:
 - (1) A public sidewalk shall be provided along every street which borders a property.
 - (2) For all detached, semi-detached, Courtyard Small, Courtyard Large and Townhome buildings, a sidewalk or pedestrian pathway shall connect every unit to the public sidewalk. Additionally, a sidewalk or pedestrian pathway shall connect each unit to any parking area provided on-site unless the parking area is an attached garage. For the purposes of this requirement, a porch or balcony that provides access may count towards the requirement for a pedestrian pathway.
 - (3) For all other building types, a sidewalk shall be provided to connect every active pedestrian entrance on the front of the building to the public sidewalk. A sidewalk shall be provided to connect every active pedestrian entrance not on the front of the building to the on-site parking area or to the public sidewalk.
 - ii. Sidewalk Design
 - (1) Sidewalks connecting 1 to 4 residential units to the public sidewalk shall be a minimum of 4 feet wide.
 - (2) Sidewalks connecting 5 to 20 residential units or up to 5,000 square feet of office space to the public sidewalk shall be a minimum of 6 feet wide.
 - (3) Sidewalks connecting over 20 residential units or over 5,000 square feet of office space to the public sidewalk shall be a minimum of 8 feet wide.
 - (4) Sidewalks connecting an active entrance for a retail or restaurant use to a public sidewalk or a parking area shall be a minimum of 8 feet wide.
 - (5) Sidewalks traveling parallel to drive lanes shall maintain a minimum of a 4 foot tree planted buffer.
 - (6) Public sidewalks classified as S2 or S3 shall conform to the Morristown Partnership Streetscape Standards. See [Appendix C](#) for Morristown Partnership Streetscape Standards specifications.
 - (7) Public Sidewalks shall meet the requirements listed below:

Public Sidewalk Classification	S1	S2	S3
Street Type (See Section 30-2.D for Frontage Regulation Map)	Estate Residential, Historic Suburban Residential, Suburban Residential, Urban Residential, Office Residential	Flex Corridor, Downtown Feeder, Main Street Feeder	Downtown, Main Street, Office
Frontage Zone (min)	None	0 feet, 6 feet if sidewalk cafe or vending	0 feet, 6 feet if sidewalk cafe or vending
Pedestrian Zone (min)	4 feet	Shall match the greater width of any abutting sidewalks, but shall in no case be narrower than 5 feet.	8 feet
Greenscape/Furnishing Zone (min)	The lesser of the distance between the curb line and the right-of-way line minus the width of the sidewalk or 6 feet.	The lesser of the distance between the curb line and the right-of-way line minus the width of the sidewalk or 5 feet.	2 feet

- (8) The Pedestrian Zone shall be clear of all pedestrian obstacles.
- (9) The Greenscape/Furnishing Zone may incorporate street trees, street furniture, bioswales (as designed per [Section 30-4.J.3](#)) and planted areas.

30-4.F. **Parking Design**

1. **Minimum Parking Dimensions**

- a. **Applicability:** The following regulations apply to all parking spaces within the Town of Morristown.
- b. **Requirements**
 - i. **Minimum Dimensions:** All parking areas shall be designed with the following minimum dimensions:
 - (1) **Parking Spaces**
 - (A) Commercial Regular: 9' x 20'
 - (B) Residential: 8' x 18'
 - (C) Visitor Regular: 9' x 20'
 - ii. **Driveway Dimensions:** Parking areas for Detached, Semi-Detached, Estate and Courtyard Building Types shall provide a driveway with the following dimensions:
 - (1) **Minimum width:** 8 feet
 - (2) **Maximum width (Front yard):** 10 feet
 - (3) **Maximum width (Side yard):** 24 feet
 - iii. **Aisle Dimensions:** Parking areas for Townhomes, Suburban Residential, Suburban Office, Suburban Small, Suburban Large, Urban Small, Urban Large, and Parking w/ Liner shall provide aisles with the following dimensions:
 - (1) Aisle without parking, one-way; aisle width, 10 feet.
 - (2) Aisle without parking, two-way; aisle width, 20 feet.
 - (3) Parallel parking on one side only, one-way: aisle width, 12 feet.
 - (4) Parallel parking on one side only, two-way: aisle width, 24 feet.
 - (5) Thirty-degree angle parking (aisle, one-way): aisle width, 11 feet.
 - (6) Thirty-degree angle parking (aisle, two-way): aisle width, 24 feet.
 - (7) Forty-five-degree angle parking (aisle, one-way): aisle width, 13 feet
 - (8) Forty-five-degree angle parking (aisle, two-way): aisle width, 24 feet.
 - (9) Sixty-degree angle parking (aisle, one way): aisle width, 18 feet.
 - (10) Sixty-degree angle parking (aisle, two-way): aisle width, 24 feet.
 - (11) Ninety-degree angle parking (aisle, one or two-way): aisle width, 24 feet.

2. Small Residential Parking Guidelines

- a. **Applicability:** The following regulations apply to Detached, Semi-Attached, Estate and Courtyard Building types and single household uses.
- b. **Requirements**
 - i. Driveways providing access to buildings shall be set back a minimum of three feet from the side lot line of dwelling units, unless such a driveway is shared by buildings on two adjacent lots on the common side lot line and is subject to a cross easement.
 - ii. Corner buildings without alley frontage shall provide parking access from the lesser of its two frontages.
 - iii. All garages, attached and detached, shall meet the setback from build-to-line requirements outlined in [Section 30-3](#).
 - iv. Surface parking lots shall be visually screened from adjacent residential properties through the use of a buffer strip no less than 4 feet wide or a solid fence or wall. Buffering shall provide no less than 50% opacity to a height of four feet after five years of growth.

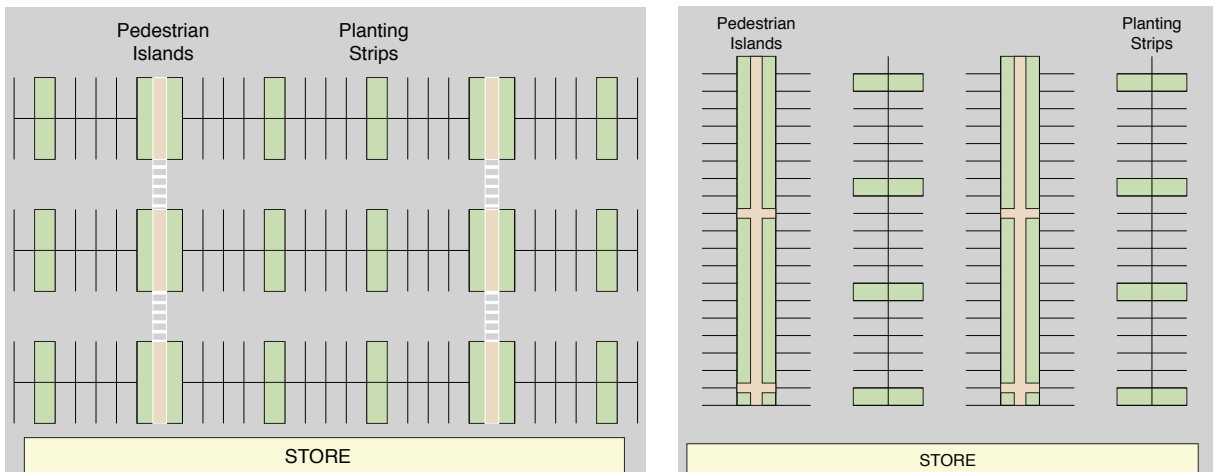
3. Front Yard Parking Design Requirements

- a. **Applicability:** The following regulations apply to conditionally permitted driveways and parking areas that serve front yard parking facilities per [Section 30-2.F.4.e](#).
- b. **Requirements:** See Section [Section 30-2.F.4.e](#).

4. Surface Parking Design

- a. **Applicability:** Unless otherwise regulated herein, the following regulations apply to all surface parking lots in the Town of Morristown.
- b. **Requirements**
 - i. **Pedestrian Access**
 - (1) **Pedestrian Islands:**
 - (A) There shall be one pedestrian access island for every 140 linear feet of parking lot width.
 - (B) The pedestrian access islands shall be 20 feet wide and consist of a vegetated buffer on either side of the pathway.
 - (C) ADA compliant entrance points shall be located once for every 10 parking spaces.
 - (D) Pedestrian pathways shall be a minimum of 6 feet wide.
 - (E) Vegetated buffers shall be designed as a rain garden according to design standards in this Section.
 - (2) **Crosswalks:**
 - (A) Where pedestrian pathways cross vehicular aisles or driveways, crosswalks shall be provided with the following characteristics:
 - (I) **Materials:** The crosswalk shall be constructed with textured pavement, pavers, or raised pavement with adequate striping.
 - (II) **Lighting:** Crosswalks shall be lit with an additional 2 footcandles above the surrounding parking lot lighting.
 - ii. **Visual Screening**
 - (1) Surface parking lots shall be visually screened from the street through their placement behind buildings and through the inclusion of a buffer strip.
 - (A) When a parking lot abuts a public street, a buffer strip no less than 8 feet wide shall be provided.

- (B) The buffer strip shall minimize the visibility of the parking through the use of landscaping, trees, benches, and walls.
 - (C) The buffer shall provide no less than 50 percent opacity to a height of four feet after five years growth.
 - (D) The inclusion of benches and public seating may permit a 50 percent reduction in the depth of the buffer.
- (2) Surface parking lots shall be visually screened from adjacent residential properties through the use of a buffer strip no less than 4 feet wide or a solid fence or wall. Buffering shall provide no less than 50% opacity to a height of four feet after five years of growth.
- iii. Stormwater Management
- (1) Every row of parking shall provide a planting strip for a tree every five parking spaces.
 - (2) When parking aisles are perpendicular to the primary building, the parking rows adjacent to the pedestrian access island shall be considered to have met this requirement.
 - (3) When parking aisles are parallel to the primary building, the pedestrian access island shall count as only one planting strip per row of parking.
 - (4) Planting strips shall be a minimum of 8 feet wide and 18 feet long. The last parking stall in a row shall be separated from the drive aisles by a planting island with a minimum width of 9 feet. Each planting strip shall be designed to function as a bioswale, permitting increased groundwater infiltration. Planting strips shall contain one shade tree and three shrubs, along with groundcover, grasses and/or perennials, so as to cover the entire area when installed. Shrubs shall be set back a minimum of 2 feet from the edge of the island.
- iv. Parking Lot Materials



Diagrams of surface parking lot configurations incorporating pedestrian islands, crosswalks, and planting strips

- (1) Parking lots constructed of pervious materials shall be permitted a 6-foot width reduction in the size of required pedestrian access islands, and shall be permitted to have planting strips at a ratio of one planting strip for every 10 parking spaces within a row of parking.

5. Structured Parking Standards

a. Requirements

i. Visual Screening

- (1) Structured parking shall be screened from public rights-of-way by a minimum of 30 linear feet of habitable building space.

- (2) Parked cars shall be screened from the view of neighboring properties through the use of the following strategies:
 - (A) green walls
 - (B) meshes
 - (C) perforated metal
 - (D) grilles
 - (E) louvers
 - (F) other materials and strategies that the Board finds aesthetically appealing that do not necessitate the use of ventilation.
- ii. Entrance Requirements
 - (1) Location: Parking entrances shall be located on the least intense street available. Access through an alley, where present, should be provided instead of access directly from any street. On corner or through lots without alley access, access from a lesser street shall be provided instead of access directly from a higher street.
 - (2) Architectural Design: Parking entrances shall be identified through increased massing and detail, material change or signage, and shall be safely and clearly visible from the street.
 - (3) Size: Parking entrances shall be no larger than 24 feet wide.
 - (4) Active Use Frontage: In addition to the location requirements in Subsection ii(1) above, parking garage entrances shall not be permitted to be located on Downtown and Main Street frontages. Relief for deviation from this provision shall be subject to bulk variance pursuant to NJSA 40:55D-70(c).

6. Electric Vehicle Parking

- a. Requirements for New Installation of EVSE and Make-Ready Parking Spaces
 - i. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - (1) Prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - (2) Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - (3) Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - (4) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (5) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - ii. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in i. above shall:
 - (1) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - (2) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - (3) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.

- (4) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - (5) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - (6) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - (7) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - (8) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.
- b. Installation Requirements:
- i. At the time of installation, EV charging stations shall meet the following requirements:
 - (1) EV charging stations shall be between 36" and 48" tall, providing lighting, provide a device to hang or contain electrical cords, and provide protective bollards.
 - (2) EV charging stations shall be level 2 or greater.
 - (3) Notifications on EV charging stations shall include the voltage/amps of the charge, the permitted time of use, fees associated with charging, and any relevant safety information.
 - (4) Signage shall be provided directing motorists to EV charging stations.
 - ii. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - iii. Accessible Parking Spaces:
 - (1) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - (2) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - iv. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- c. Operational Requirements:
- i. Property owner may regulate use of EV charging stations through the restricting non-electric vehicles, the use of reserved parking, and requiring payment for use of EV charging station. Owners of EV vehicles shall be given priority in EV charging station ready parking spaces.
- d. Minimum Parking Requirements:
- i. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 30-2.F.4.
 - ii. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
 - iii. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
 - iv. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

30-4.G. Loading Design

a. Requirements

i. Loading Sizes

- (1) A loading berth shall be at least 40 feet long and 14 feet wide and have 14 feet of overhead clearance.
- (2) A loading space shall be at least 20 feet long and 10 feet wide and have 14 feet of overhead clearance.

ii. Location of Loading Area.

- (1) Loading berths shall be so located as to minimize on-site truck traffic, and facilitate ingress and egress, and so as not to obstruct or interfere with the use of required parking spaces, pedestrian crosswalks or on-site traffic safety.

iii. Design Standards for Loading Areas

- (1) Loading spaces may be marked out in the same way as parking spaces, and shall be located within 50 feet of the freight entrance. If no designated freight entrance is provided, the loading spaces shall be located within 50 feet of the primary entrance.
- (2) All loading docks shall be screened from the street through the incorporation of planting buffers, walls, and gates, and shall be set back a minimum of 10 feet from any adjacent street. Walls and gates shall be designed to match the architectural character of the primary building. Concrete masonry unit/cinder block wall veneers are not permitted. Planting buffers shall be a minimum of 3 feet wide, and shall be planted to provide 50% opacity up to a 8 feet in height within 5 years.

30-4.H. Bicycle Parking Design

a. Bicycle parking facilities shall be designed and installed to include:

- i. Bike racks with two points of contact with the frame—at least 6" apart horizontally
- ii. Bike racks with internal spacing that provides a minimum of 2 feet by 6 feet per bicycle.

b. Bicycle parking facilities shall be located:

- i. Within an enclosed shelter for 10% of all bicycle parking spaces.
- ii. Within 50 feet of the primary front or rear entrance.
- iii. To minimize the number of potential conflict points between bicycles and motor vehicles.
- iv. Adjacent to pathways providing access to a primary entrance and to the street.

30-4.I. Signage

1. Intent and Purpose

- a. To implement and enforce the sign regulations set forth below.
 - i. To encourage signage compatible with the building character and integrated with the building's architectural design and other on and in the vicinity of the building.
 - ii. To promote creativity in signage design, develop a distinctive image, and utilize high quality materials and craftsmanship.
 - iii. To encourage efficient use of signage in order to avoid visual clutter.
 - iv. To protect the public health, safety and welfare by promoting signage that effectively identifies establishments and is readily visible and identifiable to both pedestrians and motorists.

2. Scope

- a. This Section covers construction, erection and maintenance requirements for signs and outdoor display structures with respect to safety, size, attachment or anchorage, geographical location, height, age, projection and other regulations. Deviation from [Section 30.4.I](#) shall constitute as a "c" variance.

3. Permanent Signs

- a. Purpose
 - i. Signs shall be limited to those which direct attention exclusively to a permitted business or lawfully existing / duly approved business, event, activity or tenant on the premises. No sign shall be permitted which advertises off-site businesses, products, or events.
- b. Number and Size of Signs
 - i. Each property is permitted no more than one sign per 75 feet of street frontage.
 - ii. Each property is permitted no more than 40 square feet of signage per street front. Total signage shall not exceed 15% of the total area of the ground floor building face on which the sign fronts.
- c. Exceptions
 - i. Multiple Businesses: Properties containing multiple businesses may have one sign per ground floor business. Ground floor business having a second façade fronting on a public street may have one additional sign per street frontage. Total maximum signage area shall be no more than 40 square feet per street frontage. Signage associated with permitted lobbies providing access to upper story uses shall only indicate the street address of the property rather than the name of the upper-story business(es)..
 - ii. Standard business signs, such as credit card signs, trading stamp signs, public convenience signs such as "Notary Public," and "Public Rest Room," or words or directions of similar import shall not count toward the maximum number and area for signage provided that each such sign does not exceed 72 square inches in total area, and only 1 sign of each type described above is displayed.
 - iii. Signs required by law to be exhibited by the occupant of the premises, shall not count toward the number and area of signage provided the same do not exceed 6 square feet in total area.
 - iv. A freestanding sign identifying a public or private parking lot for each entrance to the parking lot premises shall not count towards maximum number and area of signage provided that signs shall not exceed 10 square feet in area or 10 feet in height.
 - v. Two (2) business signs painted on the windows and/or doors of each business bearing the name, street number, and/or type of business of the principal occupant, provided that there shall be no more than one (1) such sign on each window or door and the total area of all such signs shall not exceed ten (10) square feet.

- vi. Credit card signs and trading stamp signs may be displayed on windows provided that the total area of all such signs shall not exceed three (3) square feet in area.

d. Permitted Signs by District

- i. The following table presents the types of signs permitted in each district, and applies to all overlays

Sign Type	R	MF-1	MF-2	MF-3	MX-1	MX-2	TC	I
Ground Sign	NP	NP	C	C	C	C	NP	P
Wall Sign	NP	NP	P	C	P	P	P	P
Window Sign	NP	NP	NP	NP	P	P	P	P
Awning Sign	NP	NP	NP	NP	P	P	P	P
Projecting Sign	NP	NP	NP	NP	NP	NP	P	NP
Pylon Sign	NP	NP	NP	NP	NP	NP	NP	NP
Roof Sign	NP	NP	NP	NP	NP	NP	NP	NP
Residential Signs	P	P	P	P	P	P	P	NP

within each district identified below. All other signs, unless explicitly permitted elsewhere are prohibited.

e. Sign Type Standards

i. Ground Signs

- (1) **Projection:** No part of any ground sign shall be placed within 4 feet of the property line or within the required corner clearance.
- (2) **Height:** No post or ground signs shall exceed 10 feet in height measured from the ground level.

ii. Wall Signs

- (1) **Supports and Attachments:** Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of 3/8 inches or more in diameter, which shall be embedded at least 4 inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.
- (2) **Placement:** Wall signs shall be placed in the solid wall spaces between the heads and sills of windows on two consecutive building stories, and may not exceed in height more than two-thirds of the distance between the window head and the sill of the window above, or major architectural details related thereto. Wall signs shall not project above the top of any window sill or cover any part of a window opening, and shall not cover or interrupt major architectural features, such as friezes, string courses or other decorative facade details. Wall signs shall be placed on the first story or street level of each building, with the exception of signs which identify the name of the building or which identify the occupancy of a single-occupant building.
- (3) **Projection:** No wall sign shall project higher than the highest point of the facade of the building upon which it is to be erected. It shall not project more than 8 inches from the facade of the building.

iii. Window Signs

- (1) **Obstruction:** No window signage may obstruct clear visibility of more than 25% of the window area.

iv. Awning Signs

- (1) **Translucency:** No back-lit translucent awning is permitted, except that where an awning contains lettering the letters themselves may be translucent, provided that the remainder of the awning material is opaque and incapable of transmitting any light during nighttime hours

v. Projecting Signs

- (1) **Materials:** All projecting signs shall be made of material with at least a one-hour fire-resistance rating.
- (2) **Supports and Attachments**
 - (A) Projecting signs shall be securely attached to a building or structure by metal bolts, anchors, supports, chains, wire ropes or steel rods. No staples or nails shall be used to secure any projecting sign to any building or structure.
 - (B) The dead load of projecting signs not parallel to the building or structure, and the load due to wind pressure, shall be supported by structural shapes, chains, wire ropes or steel guy rods. When chains, wire ropes or steel guy rods are used, such supports shall be erected and maintained preferably at any angle of 45 degrees or more to the horizontal to resist the dead load, and at an angle of 45 degrees or more to the face of the sign in an approximately horizontal plane to resist wind pressure. The lateral supports shall be secured to a bolt or expansion screw capable of developing the strength of the supporting chain, wire rope or steel rod. The expansive device and details of the anchorage shall be subject to the approval of the Construction Official. Turnbuckles or other approved means of adjustment shall be placed in all chains, wire ropes or steel rods supporting or bracing projecting signs.
 - (C) Chains, wire ropes or steel rods used to support the dead or wind load of projecting signs may be fastened to solid masonry walls with expansion bolts or other devices approved by the Construction Official, but no such support shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting device must be fastened securely in a manner approved by the Construction Official.
 - (D) All chains, wire ropes and their attachments shall be galvanized or of corrosive-resistant material. Other metal supports and braces shall be painted.
- (3) **Projection and Height:** A projecting sign shall not project beyond the building line more than 4 feet, and in no case shall a projecting sign project beyond any property line into public rights-of-way. The bottom of the sign shall be at least 8 feet clear above the walk or ground.

vi. Residential Signs

- (1) The following signs are permitted in a residential district.
 - (A) Temporary real estate signs as described in subsection 30-4.1.4.a.
 - (B) Public ground signs as described in Section 30-4.1.6.a.ix.
 - (C) One nameplate sign for each family housed in a residence, not to exceed one (1) square foot in area per sign.
 - (D) An announcement sign not exceeding one (1) square foot in area indicating the practice permitted an occupant on the premises, and the name of the practitioner.
 - (E) Signs erected upon the premises of houses of worship and charitable and non-profit organizations which shall not exceed twelve (12) square feet in area.

f. Illumination of Signs

i. Permitted Lighting Types

- (1) External Illumination
- (2) Backlit Illumination

ii. Hours of Illumination

- (1) Illuminated signs shall be turned off at 11:00pm or at the close of business hours, whichever is later.

iii. General Standards

- (1) For internally illuminated signs, the source of illumination itself must not be visible.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity

or brightness will not be objectionable to surrounding areas.

- (3) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (4) No bulb or lamp on the exterior surface of any sign shall be exposed to any public street or adjacent property.
- (5) No floodlight or flexible gooseneck fixture used with any sign shall be positioned in such a manner as to shine onto an adjoining property or into the eyes of a passing pedestrian or motorist.

4. Temporary Signs

a. Real Estate Signs

- i. **Applicability:** Signs designating property for sale or lease.
- ii. **Generally:** No real estate sign shall be located on any property (including but not limited to any public sidewalk, street corner, right-of-way or public park) except for the property which is being advertised for sale or lease. No sign shall be erected until the proper permit is obtained as provided under subsection 30-4.I.4.h of this ordinance and the fee paid as required under the Morristown Fee Ordinance.
- iii. **Permitted Number:** No more than one sign per street frontage is allowed.
- iv. **Permitted Size:** Real estate signs shall not exceed 5 square feet in R, MF-1, MF-2 and MF-3 districts, and in all other districts shall not exceed 20 square feet.
- v. **Placement:** Signs shall be placed at least 8 feet from an adjacent property line.
- vi. **Removal:** Signs shall be promptly removed upon the sale of the property.

b. Temporary, New Occupancy, Special Event Signs or Banners.

- i. **Permitted Size**
 - (1) Non-Profit Organizations: 40 square feet.
 - (2) Other Organizations: 10 square feet.
- ii. **Permitted Period of Display**
 - (1) Non-Profit Organizations: 30 days.
 - (2) Other Organizations: 20 days.
- iii. **Permitted Frequency of Display**
 - (1) Non-Profit Organizations: 6 times per 12-month period.
 - (2) Other Organizations: 2 times per 12-month period.
- iv. **Permits**
 - (1) Permit Costs
 - (A) Non-Profit Organizations: \$50.00
 - (B) Other Organizations: \$175.00
 - (2) Permit Filing Deadline
 - (A) Non-Profit Organizations: 14 days prior to date any sign or banner is to be hung.
 - (B) 30 days prior to date any sign or banner is to be hung.
- v. **Sign Location**

c. Banners on South Street

- i. Permit Filing Deadline: 30 days prior to date any sign or banner is to be hung.
- ii. Any applicant seeking to hang a banner across South Street shall be responsible for erecting and removing the banner without the assistance of the Town of Morristown. Prior to erecting such a

- banner, the applicant must obtain a permit approved by the Director of Public Works or his designee, and a permit from the New Jersey Department of Transportation.
- iii. No more than 1 banner may be hung on South Street at any time.
 - iv. Security Deposit:
 - (1) Non-Profit Organizations: None
 - (2) Other Organizations: \$75.00, which shall be returned after the banner has been removed by the applicant.
 - v. The permit application filed with the Town of Morristown Department of Public Works to hang a banner across South Street shall contain the following:
 - (1) An indemnification agreement holding the Town of Morristown, the State of New Jersey and all of their officers, agents and employees harmless from any claims arising out of the permit.
 - (2) A certificate of liability in the amount of \$1,000,000.00 combined single limit naming the Town of Morristown and the New Jersey Department of Transportation as additional insureds.
 - (3) The name of the contractor who will be hanging and removing the banner. Said contractor shall be experienced in the hanging and the removing of banners. The contractor shall agree to coordinate the hanging and removal of the banner with appropriate officials from the Public Works Department and the Police Bureau.
- d. Permits for banners on the railroad trestles located on Morris Street and Lafayette Avenue.
- i. Permit Filing Deadline: 30 days prior to date any sign or banner is to be hung.
 - ii. No more than one banner may be hung on the railroad trestles located on Morris Street and Lafayette Avenue at any time.
 - iii. Security Deposit:
 - (1) Non-Profit Organizations: None
 - (2) Other Organizations: \$75.00 which shall be returned after the banner has been removed by the applicant.
 - iv. Any applicant seeking to hang a banner on the railroad trestles located on Morris Street and Lafayette Avenue shall be required to:
 - (1) Obtain a permit from New Jersey Transit.
 - (2) Obtain such approvals as are necessary from Morris County for use of the county right-of-way.
 - (3) Coordinate with the Police Bureau to arrange for a traffic plan and appropriate safety procedures.
 - (4) Execute an indemnification agreement, indemnifying and holding harmless the Town of Morristown, its employees, officers and agents from any claims of damage to personal property or personal injury arising out of the hanging, maintaining or removal of the banner.
 - (5) Provide the town with a certificate of liability insurance in the amount of \$1,000,000.00 combined single limit naming the Town of Morristown and New Jersey Transit as additional insureds.
- e. Charitable Organization Drives.
- i. **Applicability:** Signs for campaign or money raising drives for religious or charitable organizations.
 - ii. **Permitted size:** shall not exceed 16 square feet in area.
 - iii. **Permitted number:** No more than two temporary outdoor signs shall be erected by any such organization.
 - iv. **Display period:** Signs shall be erected no sooner than two weeks prior to the publicized event and shall be removed no later than 48 hours after the event.
- f. Construction Signs
- i. **Applicability:** Signs pertaining to the construction, repair or remodeling of any building.

- ii. **Permitted Location:** Signs shall be located at the principal entrance to the building within the property lines.
 - iii. **Permitted size:** Signs shall not exceed 16 square feet in area.
 - iv. **Removal:** Signs shall be removed within seven days after the completion of the construction work.
 - v. **Permits Required:** No sign shall be erected until the proper permit is obtained as required under [subsection 30-4.I.4.h](#) and the fee paid as required by the [section 30-8.C.5](#) of this ordinance, Fees.
- g. Political Event Signs
- i. **Applicability:** Signs announcing any political events or campaigns.
 - ii. **Required Location:** Signs may be erected in any district providing that they do not constitute a safety hazard by blocking sight distance, pedestrian or vehicular traffic and the like.
 - iii. **Removal:** Signs shall be removed within seven days after the completion of the event or campaign.
 - iv. **Bond Required:** A refundable bond shall be deposited in conjunction with obtaining a sign permit for a political event sign, to recompense the Town for the cost of removal of these signs if they are not removed within seven days after the completion of the event. The amount of the bond shall be as specified in [section 30-8.C.5](#), Fees.
- h. Free Standing Signs
- i. **Applicability:** Signs that are two sides a-frame or sandwich board, not illuminated.
 - ii. **Required Location:** Freestanding signs may be placed on a sidewalk directly in front of the associated establishment. Off-premise signage is not permitted. Signs must be within two (2) feet of a structure or immovable object. The placement of freestanding signs shall be such that no less than ten (10) feet of paved sidewalk remains for the exclusive use of pedestrians nor shall freestanding sign project or protrude into, on or above the required pedestrian passageway. Nor shall freestanding signs be placed so as to block or otherwise obstruct building entrances or stairs. Freestanding signs shall not be placed in locations within ten (10) feet of a detectable warning surface or crosswalk egress, intersection or any location that impedes vehicular traffic, parking, loading and unloading. Freestanding signs cannot be chained, tied, tethered or otherwise supported by public infrastructure (e.g. utility poles, bike racks, newspaper corrals, etc.) Freestanding signs can also not be placed in tree wells.
 - iii. **Size:** Freestanding signs shall not exceed eight (8) square feet on either side and can be no more than two (2) feet wide or four (4) feet tall. One (1) freestanding sign may be displayed outside a business within the MX-2, TC, TC-Morristown Green Overlay, TC-Transit Overlay, and TC-Headquarters Plaza Overlay, as defined in Chapter XXX, Land Development Ordinance, and as shown on the Zoning Map of the Town of Morristown, during business hours.
 - iv. **Appearance:** Freestanding signs must be constructed of materials that present a finished appearance and be constructed out of materials able to withstand typical northeast weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic and shall be of professional quality. Paper, fiberboard, foam core board, corrugated paper, or unfinished wood materials shall be prohibited. The s Owners of freestanding signs are required to keep their signs in a legible, intact, and well maintained manner. The written message of the signs shall be kept to the minimum necessary to communicate the name of the business and/or special message of the business.
 - v. **Hours of Display:** Any freestanding sign may be displayed while the business is open and must be removed in inclement weather.
 - vi. **Restaurants with Sidewalk Cafes:** If an approved sidewalk café includes approved signage a second freestanding sign shall not be permitted.
 - vii. **Prohibited Freestanding Signs:** Any freestanding sign, which the Town of Morristown, deems to be a safety hazard, will not be permitted.
 - viii. **Permit Process:** Business Owners will be required to submit a Non-Residential Zoning Permit application and proof of insurance detailing the business type and hours as well as the dimensions,

appearance and location of the freestanding sign. They should also submit a sample sign image as well as a photo or drawing of the freestanding sign's location with respect to the building line. The fee for the application shall be \$50.00 for each freestanding sign. A new Non-Residential Zoning Permit will be required for each new freestanding sign including businesses requesting freestanding signs after a change in ownership. All freestanding signs must comply with the regulations at the time of issuance of a permit. No "grandfathering" is permitted.

- ix. **Insurance Required:** No permit for a freestanding sign shall be issued unless the business owner shall have first filed with the Municipal Clerk a copy of an insurance policy, issued by a company duly authorized to transact business under the laws of the State of New Jersey providing for the payment of not less than one million (\$1,000,000.00) dollars, combined single limit, to satisfy all claims for damage by reason of bodily injuries to or the death of any person as a direct or indirect result of the placement of the freestanding sign or for injury to any person occurring on the premises where the freestanding sign is located, and further providing for the payment of not less than ten thousand (\$10,000.00) dollars to satisfy all claims for property damage occurring as a direct or indirect result of the placement of the freestanding sign. The insurance policy shall provide that the insurance company must notify the Town ten (10) days prior to cancellation or substantial change in coverage.

- i. Permits

- i. The Construction Official or his agent is authorized to issue permits for the erection of all temporary outdoor signs, only after the sign permit application has been reviewed and approved by the Zoning Officer. The permit fees shall be as required by [Section 30-8.C](#), Fees, and shall be collected by the Construction Official or his agent prior to the issuance of any sign permit.

5. Prohibited Signs

- a. The following signs or artificial light are prohibited.
 - i. Banners, except as a temporary sign.
 - ii. Billboards.
 - iii. Illuminated signs in which a device causes flashing, spelling or movement of all or part of the sign.
 - iv. Projecting signs on all properties facing the Morristown Green.
 - v. Pylon signs.
 - vi. Roof signs.
 - vii. Off-site signs.
 - viii. Signs which compete for attention with or may be mistaken for a traffic sign or signal.
 - ix. Signs which are a menace to public safety or which obstruct the views of any street, intersection or crosswalk. Signs erected on any part of the structure beneath a railroad overpass shall be deemed to be a menace to public safety.
 - x. Temporary advertising signs affixed to the window of a door, but not including information signs such as "Push" and "Pull" and hours of operation.
 - xi. Signs placed on sidewalks or public rights-of-way, unless permanently affixed to the ground after receipt of a sign permit therefor.
 - xii. Signs placed above or below another sign or attached to another sign, with the exception of directory signs.
 - xiii. Signs erected or suspended across a street or alley, unless otherwise authorized by the municipality.
 - xiv. Signs used for or converted into a fence or wall or a shed or building.
 - xv. No outside signs on any property abutting or visible from a residential district shall be lighted or remain lighted between the hours of 12:00 midnight and 7:00 a.m. This prohibition shall not apply to any establishment which is open for business to the public later than 12:00 midnight, in which event such establishment may continue the operation of the sign until the establishment is closed to the public.

- xvi. No ground signs shall be erected on any sidewalk area or within the first 15 feet from the curb line upon or over any tract or lot of land opposite or facing the Green.
- xvii. It shall be unlawful to use a vehicle or trailer as the “structure” to which a sign is attached or placed. No sign shall be erected, painted, affixed, located or maintained on any taxicab parked on a regular basis on any property in a residential district except to designate the name, address, telephone number, the word “taxi” and a serial number of such taxicab.
- xviii. No revolving, rotating or moving signs are permitted.
- xix. No signs shall project beyond any property line into public rights-of-way.
- xx. No projecting sign shall be constructed or erected so as to extend above the roof line of the structure to which it is affixed.
- xxi. Temporary signs shall not be illuminated.

6. General Sign Standards

a. Applicable to All Signs

- i. **Alterations:** No sign erected before the effective date of this Ordinance shall be rebuilt, replaced or relocated without conforming to the provisions of this Section.
- ii. **Maintenance:** All signs, together with their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. All signs shall be so maintained that their appearance is in keeping with the standards of the neighborhood and does not constitute a blighting factor for adjoining property owners.
- iii. **Obstruction:** No sign shall be erected, constructed and maintained so as to obstruct any fire escape, or any window, door or opening used as a means of egress or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening used for ventilation.
- iv. **Property Owner’s Permission:** No sign permit shall be issued until the written permission of the owner or owners of the property upon which the sign is to be erected has been filed with the Town Department responsible for issuance of sign permits.
- v. **Objectionable Matter:** No matter shall be painted or posted on a sign of any kind, or on any structure, that is licentious, vulgar or obscene, or depicts the commission of any crime.
- vi. **Materials:** In residential districts all signs permitted may be of wood. In nonresidential districts, when not exceeding 2 feet in height and fastened flat against the wall or cornice or on top of a cornice over the first-story show window, or at the top of a wall of the building, signs may be of wood. All other signs in the business districts shall have a one-hour fire resistance rating. Where wood is permitted for signs, the lettering may be of plastic materials.
- vii. **Construction:** All connections of signs to frame structures shall be made by steel angle plates properly secured to the building with bolts or lag screws. No sign shall be secured with wood strips or light gauge wire. All signs shall be constructed to resist a wind pressure of 50 lbs. per square foot
- viii. **Small Signs Not Enumerated Elsewhere:** Small signs permitted by law and not exceeding one foot by one and one-half feet may be erected for policing or parking purposes.
- ix. **Public Signs:** Nothing in this section shall be deemed to restrict or prohibit the erection, construction or maintenance within the Town of Morristown of signs or markers for use in policing, directing or controlling of traffic or parking when legally authorized by the State, County or Town, or by any department thereof.
- x. **Termination of Use:** At the termination of any use of any premises, building, structure or lot, the permission to display signs associated with such use shall terminate. All such signs and the brackets and posts which support the signs shall be removed from the premises within 90 days from the date of termination of such use, unless approval for an extension of time is requested from and granted by the Zoning Officer. Any defacement of a building, structure or lot caused by sign removal shall be repaired at the time the sign is removed.
- xi. **Location of Signs:** All signs must be located on the property which houses the business or use they advertise, or in the case of temporary real estate signs any sign must be located on the property which is being advertised for sale or lease.

b. Electrical Signs

- i. **Electrical Standard:** All electrical equipment used in connection with outdoor advertising display signs shall, in the absence of specific requirements, be installed in accordance with the National Electrical Code, American Standard CI-1946, or the latest edition thereof approved by the American Standards Association, Incorporated.
- ii. **Lighting Reflectors:** Lighting reflectors may project beyond the face of a sign if approved by the Construction Official. All electrical equipment shall be approved by the Electrical Subcode Official for the Town of Morristown.

7. Administration

a. Permits

- i. No sign shall hereafter be erected, constructed, altered, repaired, repainted or maintained except as provided in this section, until zoning approval has been obtained from the Zoning Officer and a permit has been issued by the Construction Official.
- ii. Except as to safety, the requirements for a permit shall not apply to:
 - (1) A sign not exceeding 144 square inches of display surface on a residence building, stating only the name and profession of the occupant.
 - (2) Temporary Window Signs. Exemptions permitted in this section shall apply only to the requirement of a permit, and shall not be construed as relieving the owner of the sign from responsibility for its erection and maintenance in a good and safe condition.
- iii. Required Information
 - (1) An application for a permit shall be submitted in such form as the Construction Official and Zoning Officer may prescribe, and shall include such information as they may require for a complete understanding of the proposed work.
- iv. Revocation of Permits and/or Rights
 - (1) All rights and privileges acquired under the provisions of this Section or any amendment thereto, are more licenses revocable at any time for any violation of this Section as determined by the Construction Official and the Zoning Officer.
- v. Photographic Requirements
 - (1) A photograph of each installed sign shall be submitted to the Zoning Officer for retention in the property file as part of the permanent record.
 - (2) A photograph of the installation of the sign shall be submitted to the Building Department for a permanent record before a Certificate of Approval will be issued.
- vi. Annual Inspections
 - (1) Every sign shall be inspected annually by the Department of Building for the purpose of determining whether the sign is secure and whether it is in need of removal or repair.
- vii. Fees
 - (1) Fees shall be collected by the Construction Official in accordance with [Section 30-8.C](#), Fees. Fees shall be required for all new signs, all signs replacing existing signs, and for any repair or repainting of an existing sign.
- viii. Enforcement
 - (1) **Inspection:** It shall be the duty of the Department of Building to inspect each sign for which a permit is required upon the completion of its installation, and to make such other inspections from time to time as may be required to determine whether such signs are in a safe condition and comply with the provisions of this Section.
 - (2) **Unsafe Signs:** In the event that any sign is found to be in a dangerous structural condition, the Department of Building shall notify the owner of such sign and the owner of the property on which it is erected in writing and advise in what manner the owner shall make the sign safe and secure. In case the owner does not comply with the requirements of the Department within 72 hours from receipt of such notice, the sign may be removed by the Town, in which case the owner of the sign and the owner of the

building shall be jointly and severally liable to the Town for the costs of removal.

- (3) **Nonconforming Signs:** In the event any unpermitted sign is found to be in violation of size, number or location provisions of this Section, the Zoning Officer shall notify the owner of such sign and the owner of the property on which the sign is erected of such violation, in writing, and the owner shall, within 10 days, correct such violation.
- (4) **Penalties:** Violations for which another penalty is not prescribed shall be liable, upon conviction for each and every violation, to the penalty as stated in [Section 30-8.c](#). Every day that a violation continues after service of written notice by ordinary mail on the owner of the property as shown in the latest tax duplicate and on the owner of the sign shall be deemed a separate offense.

ix. Non-conforming Signs

- (1) **Required Removal:** Any sign found not to have been legally erected and maintained as described above shall be removed within 30 days of notification of the violation to the sign owner and the property owner, unless said sign conforms to this section, in which case the proper permit shall be obtained within 30 days of notification of the violation.
- (2) **Alterations:** A nonconforming sign shall not be altered, rebuilt, enlarged or extended.
- (3) **Flashing, Blinking, and Similar Lights:** The right to maintain a flashing, blinking, fluctuating or animated sign shall terminate within 90 days after the sign becomes nonconforming.
- (4) **Maintenance Failure:** The failure to keep a nonconforming sign in good repair for a period of 1 year shall constitute an abandonment of the sign, and the sign shall be removed within 10 days following the completion of that year.
- (5) **Off-site Signs:** All off-site signs shall be removed within 30 days of the effective date of this section.
- (6) **Substantially Damaged Signs:** Should any nonconforming sign be damaged by any means to an extent of more than 50% of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Section.

b. Deviations

- (1) Deviation from [Section 30.4.I](#) shall constitute as a "c" variance.

30-4.J. Requirements for Sustainable Site Improvements

1. Rainwater Harvesting Systems

- a. Requirements
 - i. Ground-mounted graywater systems shall not count towards improved coverage.

2. Porous Pavement

- a. Generally
 - i. Porous pavement shall count toward Improved Lot Coverage at a discounted rate.
- b. Submission Requirements for each area paved with porous materials
 - i. Effective Impervious coverage drainage capacity for a 10-year-rain event.
 - ii. Square footage of impervious surface which would generate that capacity during a 10-year-rain event.
 - iii. Square footage of impervious or pervious pavement that drains into the pervious pavement.
 - iv. A maintenance plan for all areas paved in porous or pervious pavement to remove surface sediment buildup on a yearly basis through regular vacuuming.
- c. Discounted Improved Lot Coverage Calculations
 - i. The Eligible Area for a discounted Improved Lot Coverage shall be defined by the smaller of Submission Requirement 2 and Submission Requirement 3.
 - ii. The Impervious Coverage area of the Eligible Area shall be calculated as the Eligible Area/2.
- d. Overlapping Drainage Areas
 - i. In the case that two or more pervious pavement areas share drainage, Submission Requirement #3 shall be divided equally among the pervious pavement areas that share drainage.

3. Bioswales and Rain Gardens

- a. Bioswales and Rain Gardens may be used to decrease the Improved Lot Coverage.
- b. Submission Requirements for Each Bioswale and/or Rain Garden
 - i. Effective drainage capacity for a 10-year-rain event.
 - ii. Square footage of impervious surface which would generate that capacity during a 10-year-rain event.
 - iii. Square footage of impervious or pervious pavement that drains into the pervious pavement.
 - iv. A maintenance plan for all bioswale or rain garden areas including the replacement of any plantings and removal of trash or excess biomatter to allow for proper drainage and infiltration.
- c. Discounted Improved Lot Coverage Calculations
 - i. The Eligible Area for a discounted Improved Lot Coverage shall be defined by the smaller of Submission Requirement 2 and Submission Requirement 3.
 - ii. The Impervious Coverage area of the Eligible Area shall be calculated as the Eligible Area/2.
- d. Overlapping Drainage Areas
 - i. In the case that two or more pervious pavement areas share drainage, Submission Requirement #3 shall be divided equally among the pervious pavement areas that share drainage.

4. Other Features

- a. The Board may consider the use of other sustainable features to be used. Incorporation of a sustainable feature may count towards the positive criteria or serve to ameliorate or mitigate a negative impact of a project.

30-5 ENVIRONMENTAL REGULATIONS

30-5.A. Flood Damage Prevention

1. Purpose and Scope

a. FINDINGS; PURPOSE; METHODS OF REDUCING FLOOD LOSS.

i. Findings of Fact.

- a. The flood hazard areas of the Town of Morristown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

ii. Statement of Purpose.

- (1) It is the purpose of this Part 30-5 to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health.
 - b. Minimize expenditures of public money for costly flood control projects
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 - d. Minimize prolonged business interruptions.
 - e. Minimize damage to public facilities and utilities, such as water and gas mains and electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
 - f. Help maintain a stable tax base for providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
 - g. Ensure that potential buyers are notified that property is in an area of special flood hazard.
 - h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

iii. Methods of Reducing Flood Losses.

- a. In order to accomplish its purposes, this Part includes methods and provisions for:
 - (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- (4) Controlling filling, grading, dredging and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

2. Floodway Areas Established; Definitions; Interpretation; Disclaimer

a. APPLICABLE LANDS.

1. Lands to Which This Section Applies.

- i. This Part shall apply to all areas of special flood hazard within the jurisdiction of the Town of Morristown.

b. AREAS OF SPECIAL FLOOD HAZARD.

i. Basis for Establishing the Areas of Special Flood Hazard.

- a. The areas of special flood hazard identified by the most recently adopted Federal Insurance Administration in a scientific and engineering report entitled, the "Flood Insurance Study for the Town of Morristown," with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps The Flood Insurance Study is on file at the office of the Municipal Clerk, 110 South Street, Morristown, New Jersey.

c. ABROGATION AND GREATER RESTRICTIONS.

- i. This Part is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Part and other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

d. INTERPRETATION.

i. In the interpretation and application of this Part, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit or repeal any other powers granted under State statutes.

e. WARNING AND DISCLAIMER OF LIABILITY.

- i. The degree of flood protection required by this Part is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Part does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free of flooding or flood damages. This Part shall not create liability on the part of the Town of Morristown, or any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

3. Development Permits; Administration; Provisions for Flood Hazard Reduction; Floodways

a. ESTABLISHMENT OF DEVELOPMENT PERMIT.

1. Required.

i. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [subsection 30-5.A.2](#). Application for a development permit shall be made on forms furnished by the Planning Board as provided by [subsection 30-5.A.5.d](#) and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- a. The elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
- b. The elevation in relation to mean sea level to which any structure has been floodproofed.
- c. Certification by a registered professional engineer or architect, that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [subsection 30-5.A.6.f](#)
- d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development
- e. A copy of the stream encroachment permit as issued by the New Jersey Department of Environmental Protection.

b. PLANNING BOARD.

i. Administration by Planning Board

- a. The Planning Board is hereby appointed to administer and implement this Part by granting or denying development permit applications in accordance with its provisions; provided, however, that in cases where the Board of Adjustment has jurisdiction pursuant to the Municipal Land Use Law, it shall administer and implement this Part.

ii. Duties and Responsibilities. The duties of the Planning Board shall include but not be limited to:

- a. Permit Review. It shall:
 - (1) Review all development permits to determine that the permit requirements of this Part have been satisfied
 - (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of [Section 30-5.A.6.d](#) are met.
- b. Permitted or Restricted Floodway Variance Review. It shall review all applications for permitted or restricted floodway variances requested from the requirements of this Part.
- c. Use of Other Base Flood Data. When base flood elevation and floodway data has not been provided in accordance with [subsection 30-5.A.2](#) Basis for Establishing the Areas of Flood Hazard, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer [subsections 30-5.A.4.B.i](#), Specific Provisions, Residential Construction, and [subsection 30-5.A.4.B.ii](#), Specific Provisions, Nonresidential Construction.
- d. Information to Be Obtained and Maintained. It shall:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.
 - (2) For all new substantially improved floodproofed structures:
 - (3) Verify and record the actual elevation (in relation to mean sea level); and
 - (4) Maintain the floodproofing certifications required in [subsection 30-5.A.3.a.1.i.c.](#)
 - (5) Maintain for public inspection all records pertaining to the provisions of this Part.
- e. Alteration of Watercourses. It shall:
- (6) Notify adjacent communities and obtain the approval of the State of New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
 - (7) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- f. Interpretation of FIRM Boundaries. It shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

4. Provisions For Flood Hazard Reduction

- a. General Standards. In all areas of special flood hazard, the following standards are required:
- i. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - ii. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize and eliminate infiltration of floodwaters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - iv. Subdivision Proposals.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

- e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- b. Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in [subsection 30-5.A.2.b](#), Basis for Establishing the Areas of Special Flood Hazard, or in [subsection 30-5.A.3.b.ii.c.](#), Use of Other Base Flood Data, the following standards are required:
 - i. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation.
 - ii. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in [subsection 30-5.A.6.f](#).
 - d. Floodways. Located within areas of special flood hazard established in [subsection 30-5.A.2](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:
 - e. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited, unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - f. If subsection i. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [subsection 30-5.A.4](#), General Provisions for Flood Hazard Reduction.

5. Permitted Uses

- a. Enumerated
 - i. For the purposes of this Part, permitted uses are land uses within delineated floodway areas which:
 - a. Have an inherent low flood-damage potential.
 - b. Do not require fill or the erection of structures.
 - c. Do not require channel modification or relocation.
 - d. Do not obstruct flows
 - e. Do not require equipment or material storage
 - f. Do not affect adversely the water-carrying capacity of any delineated floodway and/or channel.

- ii. Permitted uses include the following, to the extent that they are not prohibited in the district where the property is located or by any other local ordinance or State or Federal statute, rule or regulation.
 - a. Agriculture: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - b. Industrial-commercial: loading areas, parking areas and airport landing strips.
 - c. Private and public recreation: golf courses, tennis courts, basketball courts, baseball fields, other playing fields, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and hiking, jogging, bicycle and horseback riding trails.
 - d. Residential: lawns, parking areas and play areas.
- b. Approval Procedure.
 - i. No person shall obtain a development permit to engage in permitted uses within a delineated floodway area until he has received site plan approval from the Planning Board or the Zoning Board of Adjustment, depending on which Board has jurisdiction based on the provisions of the New Jersey Municipal Land Use Law, of the Town of Morristown pursuant to the procedure set forth below.
 - a. The Planning Board or the Zoning Board of Adjustment, depending on which Board has jurisdiction based on the provisions of the New Jersey Municipal Land Use Law, shall approve a permitted use application only if it finds that the proposed use:
 - 1. Does not obstruct flood flows or increase flood heights and/or velocities;
 - 2. Does not affect adversely the water-carrying capacity of any delineated floodway and/ or channel;
 - 3. Does not increase local runoff and erosion;
 - 4. Does not unduly stress the natural environment of the floodplain or degrade the quality of surface water or the quality and quantity of groundwaters;
 - 5. Does not require channel modifications or relocation;
 - 6. Does not require fill or the erection of structures;
 - 7. Does not include the storage of equipment and materials; and
 - 8. The applicant has received a stream encroachment permit from the New Jersey Department of Environmental Protection.
 - ii. The Planning Board shall maintain a record of all applications, including technical information, and report any approvals to the Federal Insurance Administration upon request.
 - c. Conditions.
 - i. The Planning Board or the Zoning Board of Adjustment, depending on which Board has jurisdiction based on the provisions of the New Jersey Municipal Land Use Law, may impose such conditions on permitted uses as it deems appropriate to promote the public safety, health and welfare, to protect public and private property, wildlife and fisheries and to preserve, protect and enhance the natural environment of the floodway.
 - d. Applications for Permitted Uses.
 - i. An applicant for a permitted use permit shall submit a written application on forms provided by the Planning Board at least fourteen (14) days prior to the regularly scheduled Planning Board meeting at which the applicant desires consideration of the application, together with seventeen (17) copies of a site plan, which shall be prepared in accordance with [section 30-5.A.5.](#) of this Code. In acting on floodway site plans, the Planning Board shall follow the usual site plan procedure and time limits pursuant to [section 30-5.A.5.](#) of this Code

6. Restricted Uses; Prohibited Uses

- a. Enumerated.
 - i. For the purposes of this Part, restricted uses are land uses within delineated floodway areas which involve:
 - a. Structures (temporary and permanent).
 - b. Fill.
 - c. Storage of materials and equipment.
 - d. Channel modification and/or relocation.
 - e. Extraction of sand, gravel and other materials.
 - ii. Restricted uses, in addition, shall include, but are not limited to, the following, to the extent that they are not prohibited by the zoning regulations or any other local ordinances or State Statute, rule or regulation.
 - a. All uses listed under [subsection 30-5.A.5.a.ii](#) which involve also the factors in paragraph 1. above.
 - b. Railroads, streets, bridges, utility transmission lines and associated facilities, and pipelines.
 - c. Docks, piers, wharves, boat rentals and marinas.
 - d. Storage yards.
- b. Permit and Approval Required.
 - i. No person shall engage in a restricted use within a delineated floodway area until he has received a restricted development permit and site plan approval from the Planning Board and a stream encroachment permit from the New Jersey Department of Environmental Protection.
- c. Notification Requirements
 - i. The applicant shall notify the public and all property owners within two hundred (200) feet, the County Planning Board and all others usually entitled to notice of development applications pursuant to N.J.S.A. 40:55D-12 and additionally shall notify the governing bodies of all downstream municipalities within a five (5) mile radius of the property as to the application. Such notifications shall include the matters required for development applications pursuant to [Sec. 30-5.A.3.](#) of this Code.
- d. Conditions for Issuance.
 - i. The Planning Board, after public hearing, shall review the restricted use permit application and all testimony or information received from interested parties and the required environmental impact statement. The Planning Board shall issue a restricted use permit only if it finds that the proposed use:
 - a. Has low flood damage potential.
 - b. Either acting alone or in combination with existing or future uses, does not obstruct flood flows or increase flood heights and/or velocities unduly.
 - c. Does not affect adversely the water-carrying capacity of any delineated floodway and/or channel.
 - d. Does not increase local runoff and/or erosion.
 - e. Does not stress unduly the natural environment of the floodway or degrade the quality of surface water or the quality and quantity of groundwaters.
- e. Review Criteria.
 - i. In reviewing the permit application and arriving at findings, the Planning Board shall consider the following criteria:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the insulation of these systems from disease, contamination and unsanitary conditions resulting from flooding.
 - d. The susceptibility of the proposed use to flood damage and the effect of such damage.
 - e. The availability of alternate locations not subject to flooding.
 - f. The duration, rate of rise and sediment transport of floodwaters expected at the site
 - g. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - h. The degree to which the proposed use provides facilities for the proper handling of litter, trash, refuse and sanitary and industrial wastes.
 - i. The degree to which irreplaceable land types will be destroyed.
 - j. The degree to which the natural, scenic and aesthetic values of the proposed activity site can be retained.
 - k. The availability to the applicant, at fair market cost, of contiguous lands outside the flood hazard area.
- f. Permit Conditions.
- i. If the Planning Board finds that the proposed use would violate or tend to violate the purposes and intent of these standards, the Planning Board may deny the application, or it may approve the application and impose such permit conditions as are necessary to promote the public safety, health and welfare, to protect public and private property, wildlife and fisheries and to preserve, protect and enhance the natural environment of the floodway. These conditions may include, but are not limited to, the following:
 - a. Modification of waste disposal and water supply facilities.
 - b. Imposition of operational controls, sureties and deed restrictions.
 - c. Requirements for construction of channel modifications, dikes, levees, and other protective measures
 - d. Installation of an adequate flood-warning system. Where the property is to be used for residential purposes, the Planning Board may require the applicant to post signs warning prospective purchasers that the land is located in a floodway area.
 - ii. Where applicable, the Planning Board shall condition restricted use permits as follows:
 - a. Fill shall be no lower than one (1) foot above the floodway design elevation and shall extend at such height for a distance of at least fifteen (15) feet beyond the limits of any structure erected thereon.
 - b. Structures on fill shall be built so that the first floor and/or basements are at a minimum of one (1) foot above the floodway design elevation.
 - c. Structures not placed on fill shall be otherwise elevated so that the first floor is at a minimum of one (1) foot above the floodway design elevation or shall be floodproofed as set forth in paragraph 4. below. Floodproofing alone shall not be adequate for residences, hospitals, nursing homes, schools, day-care centers and similar uses.
 - d. Floodproofing measures shall be consistent with the flood-protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces and other similar factors. The municipality shall require the applicant to submit a plan or document certified by a licensed professional engineer, that the floodproofing measures are consistent with the flood hazard way elevation and associated flood factors. Any or all of the following floodproofing measures may be required:

- (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads and shutters or similar devices.
 - (3) Reinforced walls to resist water pressure.
 - (4) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (5) Addition of weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.
 - (7) Construction of water supply and waste treatment systems in a manner which prevents the entrance of floodwaters.
 - (8) Pumping facilities or comparable measures for the subsurface drainage systems of buildings to relieve external foundation wall and basement flood pressures.
 - (9) Construction that resists rupture or collapse caused by water pressure or floating debris.
 - (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage or stormwater into the structure. Gravity drainage of basements may be eliminated by mechanical devices.
 - (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure that they are not subject to inundation and flooding.
- e. Storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic or hazardous materials shall be situated above the floodway elevation and shall be floodproofed to prevent flotation of storage containers or damage to storage containers which would result in the escape of toxic materials into the floodwaters.
- g. **PREEXISTING STRUCTURES AND USES**
- i. Structures which exist on or before the date of this Part may be permitted to continue as nonconforming uses pursuant to [Section 30-8.F.9](#). No preexisting structure shall be altered, expanded, changed or enlarged unless a restricted use permit has been applied for and received. This provision does not apply to routine maintenance and repair, provided that such maintenance and repair do not increase the flood-damage potential of the structure. In considering such application, the Planning Board may grant exceptions to this part in the same manner and following the same procedures set forth in [Section 30-5.A.3](#). for site plans generally and may waive the requirement of the environmental impact statement pursuant to [Section 30-5.A.3](#).
 - ii. In addition to the requirements of [Section 30-8.F.9](#), uses of land or structures which existed on or before the effective date of local rules and regulations may only be permitted to continue, provided that no such preexisting use of land or structures shall be modified so as to increase its flood-damage potential unless a restricted use permit has been applied for and received.
- h. **PROHIBITED USES.**
- i. No persons shall engage in or cause or permit other persons to engage in prohibited uses within a delineated floodway area.
 - ii. Prohibited Uses Enumerated. The following uses shall be prohibited:
 - a. Placing, depositing or dumping any solid waste, garbage, refuse, trash, rubbish or debris.
 - b. Dumping or discharging untreated domestic sewage or industrial waste, either solid or liquid.
 - c. The disposal of pesticides.
 - d. All uses prohibited by the zoning regulations of the Town of Morristown and all uses not permitted or restricted uses herein.
 - iii. Floodway Variances.
 - a. The Board having jurisdiction pursuant to this Part may grant floodway variances from the provisions of this Part only upon:
 - (1) A showing of good and sufficient cause;

- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances.
 - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.
- i. Use Permit Procedures
 - i. Submission of Site Plans. All applicants for use permits pursuant to this Part 30-5 shall submit a site plan, which shall include at least the following data:
 - a. All data required of site plans by other sections of this chapter.
 - b. Proposed finish elevation at a contour interval of one (1) foot.
 - c. Proposed finish elevations of land at each foundation corner of existing or proposed structures.
 - (1) A legend on the plat, in letters at least one-half (1/2) inch high, indicating that the premises are located in a floodway area.
 - ii. Public Hearing. All action on use permit applications shall be taken at public hearing on notice.
 - iii. Time Limits. The Planning Board shall act on restricted use permit applications within ninety-five (95) days of the acceptance by the Planning Board of the application as complete. Failure to act within ninety-five (95) days shall be deemed an approval of the application. Where a shorter time is specified in the Municipal Land Use Law, the shorter time shall be applicable.

30-5.B. Steep Slopes

1. Purpose and Findings.

- a. The purpose of regulating steep slopes in the Town of Morristown is to prevent, or reduce, the problems resulting from the development of such environmentally sensitive areas. The New Jersey State Development and Redevelopment Plan states that slopes that are in excess of fifteen (15%) percent are environmentally sensitive, and the alteration of such slopes can adversely affect the slope itself, surrounding land, and the region as a whole. The removal of vegetation from a steep slope increases water runoff and erosion, reduces the stability of remaining plants on the slope, and degrades the visual aesthetics of the area as a whole. Because of increased water runoff, as the water spills into nearby lakes and streams, it brings along loose soil, which adds sediment to the waterways and pollutes key regional water resources. Surface runoff from Morristown drains into both the Whippany River Watershed and the Great Swamp, two key natural resources in the region. The speed at which the water passes down an unprotected slope into a lower lying area may also cause serious flooding and landslides. The higher speed of surface water runoff also reduces the amount of water percolating into groundwater and aquifers immediately surrounding the slope, which can result in periodic or permanent water shortages. This is a particularly important consideration in Morristown because the Town is located above one of the key regional aquifers. The erosion of a hillside also leaves remaining vegetation with a lack of nutrient- rich soil and weak root systems, which may cause falling trees and deteriorating plant life conditions, leading to the aesthetic decline of the site and the Town as a whole. Finally, it is also important to note that if this Section is to remain consistent with Morristown's role as a designated regional center, it must be structured so that it does not significantly and unreasonably limit the

growth capabilities of the Town.

2. Regulations

- a. All development and redevelopment activities, including stripping of vegetation, grading, or other soil disturbances, may occur without approval under this Article only on non-critical areas of the tract or steep slope areas provided that the development activity complies with the following provisions:
 - i. No area with prohibitive slopes shall be disturbed, developed, or redeveloped.
 - ii. No area with precautionary slopes may be disturbed or developed without the applicant submitting sufficient evidence to prove the following:
 - a. Soil erosion, land disturbance, and other environmental concerns have been adequately addressed;
 - b. The Performance Standards in subsection 30-5.B.4 have been satisfied;
 - c. The applicant has submitted grading, drainage, and landscaping plans for the entire lot or tract of land to be developed, each in accordance with the requirements specified in Section 30-5.B.5, which plans confirm conformance with the aforementioned Performance Standards and which further confirm that the rate and velocity of the surface water runoff from the entire site which will result following completion of the proposed development shall not exceed that which currently exists in the predevelopment conditions. Certification by a professional engineer will be required stating that the standards contained herein have been met.
 - d. A precautionary slope with a minimum grade of at least fifteen (15%) percent but not more than twenty (20%) percent may have a maximum disturbance area of no greater than fifty (50%) percent.
 - e. A precautionary slope with a minimum grade of at least twenty-one (21%) percent but not more than twenty-five (25%) percent may have a maximum disturbance area of no greater than twenty-five (25%) percent.

3. Relief from Regulations

- a. An applicant may seek relief from the requirements of these regulations by applying for variances to either the Planning Board or by the Zoning Board of Adjustment, depending on which Board has jurisdiction based on the provisions of the New Jersey Municipal Land Use Law.

4. Performance Standards

- a. The Town Engineer, when reviewing an application to disturb precautionary slopes or when reviewing an application for variance relief from the requirements of this Section, shall submit a report to the Planning Board or Board of Adjustment for each application. The Planning Board or Board of Adjustment shall be guided by, but not limited to, the following performance standards:
 - i. The applicant shall demonstrate that the disturbance of the steep slope area is necessary for the proposed development of the subject tract or lot, and that such development is otherwise in accordance with the applicable ordinance provisions of the Town of Morristown.
 - ii. The applicant shall demonstrate that the proposed development has utilized the “non-critical areas” of the tract to the extent reasonably practicable and that an attempt has been made to minimize the disturbance of the steep slope areas by limiting development to isolated areas of steep slopes;
 - iii. The applicant shall demonstrate that appropriate re-vegetation and landscaping of the disturbed steep slope areas will be provided so as to adequately stabilize the slopes and enhance the attractiveness of the site, all in accordance with accepted soil conservation and stormwater management techniques as promulgated by the Town Engineer.
 - iv. The applicant shall demonstrate that the proposed disturbance of the steep slope area minimizes

the impairment of the visual quality of the site and protects the higher elevations along hillsides, ridges, and mountain tops which create visual amenities

- v. The applicant also shall demonstrate that:
 - a. Any geologic disturbance, including blasting, cutting, or excavating, resulting from the development of a steep slope area will be satisfactorily mitigated; and
 - b. The cost of providing and maintaining public facilities and services to those portions of the site where steep slope areas are to be disturbed will not be substantially increased as a result of such disturbance.

5. Submission Requirements

- a. Any applicant proposing to disturb steep slopes in the Town of Morristown shall submit the following information to the Town Engineer and to the Planning Board or the Zoning Board of Adjustment, as the case may be, and all submitted plans, details, and calculations shall be prepared, signed, and sealed by a New Jersey licensed professional engineer:
 - i. A steep slope analysis, utilizing the best available topographical information, as determined by the Town Engineer. The analysis shall be based on 2-foot contour intervals or spot elevations if appropriate. Areas designated as steep slope areas shall be shaded and the amount of land area calculated. The analysis shall identify non-critical, precautionary, and prohibitive slopes.
 - ii. A grading plan, which shall be prepared at a minimum scale of 1" equals 20', shall include the following information in addition to all other applicable requirements of the Land Development Ordinance:
 - a. Plans showing the location of, and details for, all drainage devices, retaining walls, cribbing, dams, or other protective devices to be constructed, and any existing or proposed swales, ditches, brooks, or other drainage patterns;
 - b. Plans, profiles, cross-sections, and details of all retaining walls showing the height of each wall, the elevation at the top and bottom of each wall, the materials to be used, a profile and cross section of each wall, any proposed plantings, any safety barriers, the calculations of anticipated earth and hydrostatic pressures and surcharges, and the calculations detailing the design of each wall; and
 - iii. A map designating the maximum limits of clearing and disturbance.
 - iv. Drainage plans and supporting computations for any storm drainage system shall be submitted, including the following information as may be required by the Town Engineer:
 - a. All existing or proposed storm sewer lines within or adjacent to the tract, showing the profile, size, and slope of the lines, the direction of flow, and the location of each catch basin, inlet, manhole, culvert, headwall, and utility line, including pipe sizes and grades;
 - b. A map drawn to scale (minimum scale 1" = 100') showing the contributing area to each inlet or cross drain;
 - c. The weighted run-off coefficient for each drainage area that was utilized in the submitted computations and a report by the design engineer containing the design criteria used, the alternates considered, the reasons for the final selections and the design calculations.
 - v. Landscaping plans, indicating the following information:
 - a. The proposed limits of disturbance of the subject site;
 - b. A general depiction of all existing vegetation within the area to be disturbed and a planting plan including a planting schedule for the plant material to be installed;
 - c. A specific identification within the area to be disturbed of all individual trees or groups of trees which have a caliper of eight (8) inches or more measured three (3) feet above the ground level, with an indication of which trees are to be removed.

6. Exemptions

- a. Developments shall be exempt from the steep slope requirements of this Section, as follows:
 - i. Land development plans, which were approved prior to the adoption date of this Ordinance.
 - ii. Any development proposal where the steep slope to be disturbed is less than one thousand (1,000) square feet shall be exempt. Proof of such exemption eligibility shall be determined by the Zoning Officer.

7. Compatibility with Other Ordinance and Permit Requirements

- a. Development approvals issued pursuant to this Section are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application the provisions of this Section shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare, and the protection of water quality.

30-5.C. Stormwater Control Regulations

1. Policy Statement.

- a. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- b. Purpose.
 1. The purpose of this Article is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 2 of this Article.
- c. Applicability. This Article shall be applicable to the following major developments:
 1. This Article shall be applicable to the following major developments:
 - i. Non-residential major developments; and
 - ii. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 2. This Article shall also be applicable to all major developments undertaken by the Town of Morristown.
 3. Other developments not meeting the classification of "major development" and not otherwise applicable herein shall meet the stormwater management provisions contained in Town Code Chapter 27 "Land Disturbance", inclusive of all ancillary ordinances and checklists
- d. Compatibility with Other Permit and Ordinance Requirements.
 1. Development approvals issued pursuant to this Article are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
 2. This Article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this Article imposes

restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

2. Definitions

- a. For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department’s Geographic Information System (GIS).

“Community Basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this Article.

“Compaction” means the increase in soil bulk density.

“Contributory Drainage Area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County Review Agency” means an agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design Engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and

the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage Area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally Constrained Area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Environmentally Critical Area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious Surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead Planning Agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major Development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since the effective date of this Article; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor Vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor Vehicle Surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this Article. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this Article. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this Article, provided the design engineer demonstrates to the municipality, in accordance with Section 4.F of this Article and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this Article.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated Impervious Surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated Motor Vehicle Surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater Management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater Management Measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater Runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater Management Planning Agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater Management Planning Area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water Control Structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “Wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

3. Design and Performance Standards for Stormwater Management Measures

- a. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- b. The standards in this Article apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

4. Calculation of Stormwater Runoff and Groundwater Recharge

- a. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10 of this Article.
- b. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- c. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsections P, Q and R below:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- d. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsections O, P, Q and R below may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Subsections O, P, Q and R below to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Subsections O, P, Q and R below, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections O, P, Q and R below that were not achievable onsite.
- e. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsections O, P, Q and R below. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 below are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.
- f. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this Article, the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1: Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2(e) 1(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device(a) (g)	50 or 80	No	No	Dependent upon the device

Pervious Paving System(a)	80	Yes	Yes(b) No(c)	2(b) 1(c)
Small-Scale Bioretention Basin(a)	80 or 90	Yes	Yes(b) No(c)	2(b) 1(c)
Small-Scale Infiltration Basin(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--
(Notes corresponding to annotations (a) through (g) are found after Table 3 below)				

Table 2: Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes(b) No(c)	2(b) 1(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond(d)	50-90	Yes	No	N/A
(Notes corresponding to annotations (b) through (d) are found after Table 3 below)				

Table 3: BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device(h)	50 or 80	No	No	Dependent upon the device
Sand Filter(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Subsection O.2 below;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure in Section 2 of this Article;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure in Section 2 of this Article.
- g. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 6.B of this Article. Alternative stormwater management measures may be used to satisfy the requirements at Subsection O below only if the measures meet the definition of green infrastructure in Section 2 of this Article. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection O.2 below are subject to the contributory drainage area limitation specified at Subsection O.2 below for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection O.2 below shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D above is granted from Subsection O below.
- h. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- i. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the

- diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.C of this Article;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, -7.4, and -7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 8 of this Article; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- j. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 2 of this Article may be used only under the circumstances described at Subsection O.4 below.
 - k. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections O, P, Q and R below and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
 - l. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections P, Q and R below shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas
 - m. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Morris County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections O, P, Q and R below and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 10.B.5 of this Article. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
 - n. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4 of this Article and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Morris County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Subsection M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with Subsection M above.
 - o. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Subsections P and Q below, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection F above and/or an alternative stormwater management measure approved in accordance with Subsection G above. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Subsection R below, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection G above.
 4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D above is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Subsection G above may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections P, Q and R below.
 5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Subsections P, Q and R below, unless the project is granted a waiver from strict compliance in accordance with Subsection D above.
- p. Groundwater Recharge Standards.
1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
 2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5 of this Article, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to Subsection P.4 below.
 4. The following types of stormwater shall not be recharged:

Table 4: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$
 Where
 - R = total TSS Percent Load Removal from application of both BMPs, and
 - A = the TSS Percent Removal Rate applicable to the first BMP
 - B = the TSS Percent Removal Rate applicable to the second BMP.
 6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Subsections P, Q and R hereof.
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- r. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5 of this Article, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection R.2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the

major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

5. Calculation of Stormwater Runoff and Groundwater Recharge.

- a. Stormwater runoff shall be calculated in accordance with the following:
 1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf%20 or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
 2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Subsection A.1.i above and the Rational and Modified Rational Methods at Subsection A.1.ii above. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- b. Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated

herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

6. Sources for Technical Guidance.

- a. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
 1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3 of this Article.
 2. Additional maintenance guidance is available on the Department's website at https://www.njstormwater.org/maintenance_guidance.htm.
- b. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

7. Solids and Floatable Materials Control Standards.

- a. Site design features identified under Section 4.F of this Article, or alternative designs in accordance with Section 4.G of this Article, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection A.2 below.
 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 2. The standard in Subsection A.1 above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- (1) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - (2) A bar screen having a bar spacing of 0.5 inches.
 - (3) Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and -7.4(b)1).
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
 - v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property

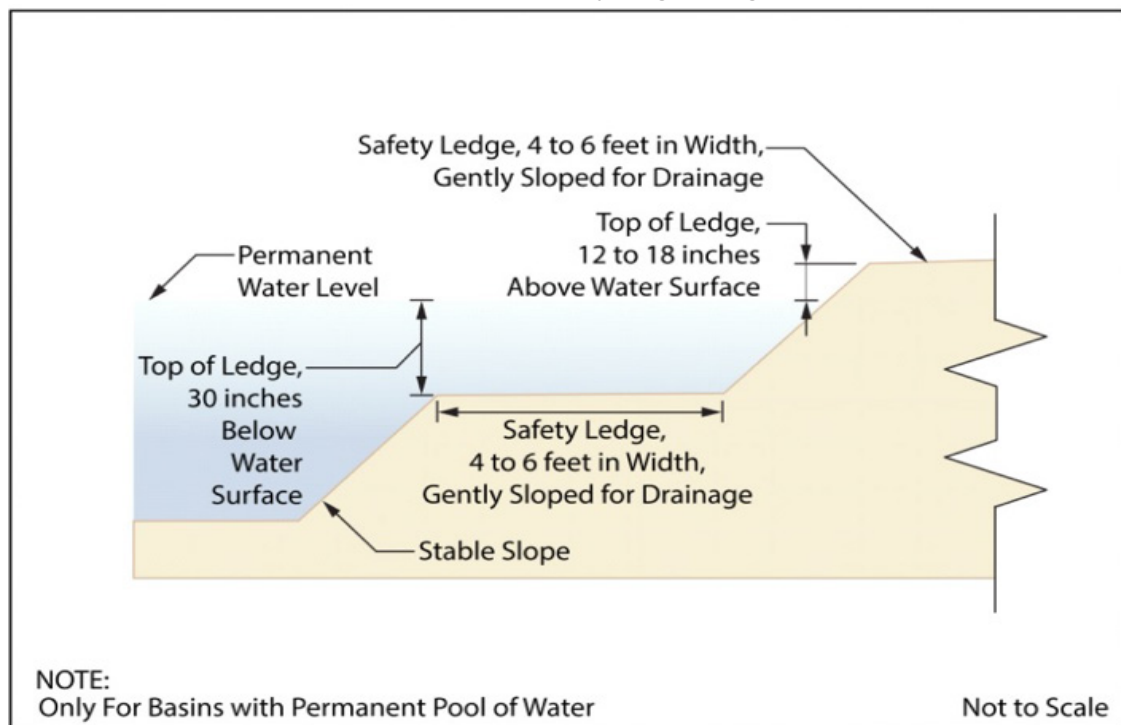
8. Safety Standards for Stormwater Management Basins.

- a. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- b. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Subsections C.1, C.2, and C.3 below for trash racks, overflow grates, and escape provisions at outlet structures.
- c. Requirements for Trash Racks, Overflow Grates and Escape Provisions.
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to this Subsection C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having

a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Subsection E below for an illustration of safety ledges in a stormwater management BMP; and

- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- d. Variance or Exemption from Safety Standard.
 - 1. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- e. Safety Ledge Illustration

Elevation View -Basin Safety Ledge Configuration



9. Requirements for a Site Development Stormwater Plan.

- a. Submission of Site Development Stormwater Plan
 - 1. Whenever an applicant seeks municipal approval of a development subject to this Article, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection C below as part of the submission of the application for approval.
 - 2. The applicant shall demonstrate that the project meets the standards set forth in this Article.
 - 3. The applicant shall submit a minimum of five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C below. The municipality reserves the right to request greater than five (5) copies if required for proper review and processing.
- b. Site Development Stormwater Plan Approval
 - 1. The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the Planning Board engineer to determine if all of the checklist requirements have been satisfied

and to determine if the project meets the standards set forth in this Article.

c. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

- i. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

- i. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

- i. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

- i. This plan shall provide a demonstration of how the goals and standards of Sections 3 through 5 of this Article are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this Article.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan
 - i. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10 of this Article.
8. Waiver from Submission Requirements
 - i. The municipal official or board reviewing an application under this Article may, in consultation with the Planning Board engineer, waive submission of any of the requirements in Subsections C.1 through C.6 above when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

10. Maintenance and Repair.

- a. Applicability
 1. Projects subject to review as in Section 1.C of this Article shall comply with the requirements of Subsections B and C below.
- b. General Maintenance
 1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
 3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under Subsection B.3 above is not a public agency, the maintenance plan and any future revisions based on Subsection B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under Subsection B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

- iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections B.6 and B.7 below. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.
 8. The requirements of Subsections B.3 and B.4 above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- c. Nothing in this Section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

11. Penalties.

- a. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Article shall be subject to the penalties as set forth in Chapter 1, Article 5, General Penalty.

12. [RESERVED]

13. Severability.

- a. If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

14. Effective date.

- a. This Ordinance shall take effect immediately upon adoption and publication as required by law.

15. Repeal of inconsistent ordinances.

- a. All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

30-5.D. Riparian Zones

1. Intent and Purpose

- a. The Governing Body of Town of Morristown finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of the Town of Morristown consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this Section is to designate riparian zones, and to provide for land use regulation therein in

order to protect the streams, lakes, and other surface water bodies of the Town of Morristown to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the Town of Morristown to protect the riparian and aquatic ecosystems of the Town of Morristown to provide for the environmentally sound use of the land resources of the Town of Morristown and to complement existing State, regional, County, and municipal stream corridor protection and management regulations and initiatives. The specific purposes and intent of this Section are to:

- i. Restore and maintain the chemical, physical, and biological integrity of the water resources of Town of Morristown;
- ii. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed flow prior to reaching receiving waters;
- iii. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;
- iv. Provide for the availability of natural organic matter (leaves and twigs) and large woody debris (trees and limbs) that provide food and habitat for aquatic organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
- v. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
- vi. Maintain base flows in streams and moisture in wetlands;
- vii. Control downstream flooding; and
- viii. Conserve the natural features important to land and water resources, e.g., headwater areas, ground water recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

2. Statutory; Authority

- a. The municipality of Town of Morristown is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in riparian areas. Town of Morristown is also empowered to adopt and implement this Section under provisions provided by the following legislative authorities of the State of New Jersey:
 - i. Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
 - ii. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
 - iii. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.
 - iv. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
 - v. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

3. Establishment of Riparian Zones

- a. Riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:
 - i. The riparian zone shall be three hundred (300) feet wide along both sides of any Category One water (CI water), and all upstream tributaries situated within the same HUC 14 watershed. This includes Special Water Resource Protection Area's or SWRPA' s as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).
 - ii. The riparian zone shall be one hundred fifty (150) feet wide along both sides of the following waters not designated as CI waters:

- a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; and
 - d. Any segment of a surface water body flowing through an area that contains acid producing soils.
- iii. For all other surface water bodies, a riparian zone of fifty (50) feet wide shall be maintained along both sides of the water.
- b. The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
 - i. Along a linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's centerline;
 - ii. Along a nonlinear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
 - iii. Along a nonlinear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
 - iv. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a definable channel, the riparian zone is measured landward of the feature's centerline.
 - v. Where slopes (in excess of fifteen (15%) percent) are located within the designated widths, the riparian zone shall be extended to include the entire distance of this sloped area to a maximum of three hundred (300) feet.
 - vi. For areas adjacent to surface water bodies for which the floodway has been delineated per the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-3 or the State's adopted floodway delineations, the riparian zone shall cover the entire floodway area, or the area described in subsection 30-5.D.3.a.1 or 30-5.D.3.a.ii above, whichever area has the greatest extent. Requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site specific information is available.
 - c. A riparian zone is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the riparian zone differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:
 - i. Building permit
 - ii. Zoning variance
 - iii. Special exception
 - iv. Conditional use
 - v. Subdivision/land development approval
 - d. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the Town of Morristown in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Municipal Engineer, Governing Body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.
 - e. The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level.

The technical foundation for local riparian zones in this municipality should be incorporated into the Master Plan. A technical report on the need for riparian zones in Town of Morristown may be adopted as part of the Master Plan, N.J.S.A 40:55D-28b. The technical report should include the following information: a statement setting forth the rationale and need to protect riparian zones; and reference to the methods used to designate and delineate riparian zones.

- f. Exemptions. Instead of the riparian zone protection requirements above, the applicant must demonstrate compliance with one of the following:
- i. The proposed project or activity is not in the riparian zone established at [subsection 30-5.d.3.a.i](#) above;
 - ii. The proposed disturbance in a riparian zone is for a linear development with no feasible alternative route. If the riparian zone is associated with Category One waters, the linear development must also meet the requirements for Special Water Resource Protection Areas under the Stormwater Management rules at N.J.A.C. 7:8-5.5(h);
 - iii. The proposed disturbance in a riparian zone is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
 - iv. The proposed disturbance of a riparian zone is necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E;
 - v. The proposed disturbance of a riparian zone is required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq.;
 - vi. The proposed disturbance is for redevelopment that does not exceed the limits of existing impervious surfaces; provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment; and/ or
 - vii. Demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a twenty (20%) percent or greater slope, except as allowed under paragraphs f,6 and f,7 above.

4. Uses Permitted in Riparian Zones

- a. For riparian zones in Category One waters (C1 waters), permitted uses are governed by the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, unless otherwise exempt.
- b. Any other riparian zone area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this Section may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in riparian zones. No new construction, development, use, activity, encroachment, or structure shall take place in a riparian zone, except as specifically authorized in this Section. The following uses shall be permitted within a riparian zone:
 - i. Open space uses that are primarily passive in character shall be permitted by right to extend into a riparian zone, provided near stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved Riparian Zone Management Plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trails have been stabilized with pervious materials.
 - ii. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.
 - iii. Crossings by farm vehicles and livestock, recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer

improvements in compliance with an approved Riparian Zone Management Plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

- iv. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved Riparian Zone Management Plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved Riparian Zone Management Plan.

5. Performance Standards for Riparian Zones

- a. All encroachments proposed into riparian zones in CI waters shall comply with the requirements of the Stormwater Management rule at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.
- b. For all other riparian zones, the following conditions shall apply:
 - i. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
 - ii. Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by Town of Morristown, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the New Jersey Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make de minimus changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with the purpose and intent of the conservation restriction. The recorded conservation restriction shall, at a minimum, include:
 - a. A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);
 - b. Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes onsite. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plan; and
 - c. A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.
 - iii. Any lands proposed for development which include all or a portion of a riparian zone shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and noninvasive tree and plant species to the maximum extent practicable in accordance with an approved Riparian Zone Management Plan, described in [subsection 30-5.D.9](#).
 - iv. For building lots which exist as of the date of adoption of this Section, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.
 - v. All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with

the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24- 39 et seq. (See N.J.A.C. 2:90-1.3.)

- vi. If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability cited in [subsection 30-5.D.5.b.5](#), then the proposed stabilization measures must meet the requirements of the Flood Hazard Area Control Act rules at N.J.A.C. 7:13- 10.2 et seq., and have an approved flood hazard area permit.

6. Nonconforming Structures and Uses in Riparian Zones

- a. Nonconforming structures and uses of land within the riparian zone are subject to the following requirements:
 - i. Legally existing but nonconforming structures or uses may be continued.
 - ii. Any proposed enlargement or expansion of the building footprint within the riparian zone of a CI water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13. c. For all other riparian zones:
 - a. Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
 - b. Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.
 - c. Discontinued nonconforming uses may be resumed any time within one (1) year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone, as measured against the intent and purpose under [subsection 30-5.D.8](#), than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this Section.

7. Uses Prohibited in Riparian Zones

- a. Any use within a riparian zone of a CI water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
- b. For other riparian zones, any use or activity not specifically authorized in [subsection 30-5.D.4](#) or [subsection 30-5.D.6](#), shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:
 - i. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
 - ii. Storage of any hazardous or noxious materials.
 - iii. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
 - iv. Roads or driveways, except where permitted in compliance with [subsection 30-5.D.4](#).
 - v. Motor or wheeled vehicle traffic in any area, except as permitted by this Section.
 - vi. Parking lots.
 - vii. Any type of permanent structure, except structures needed for a use permitted by [subsection 30-5.D.4](#).
 - viii. New subsurface sewage disposal system areas. The expansion and replacement of existing subsurface sewage disposal system areas for existing uses is permitted.
 - ix. Residential grounds or lawns, except as otherwise permitted pursuant to this Section.

8. Activities Permitted in Riparian Zones in the Case of No Reasonable or Prudent Alternative or Extreme Hardship

- a. For riparian zones in CI waters, requests for exemptions must be authorized by the New Jersey Department of

Environmental Protection, as per the Stormwater Management rules at N.J.A.C. 7:8- 5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

- b. For other riparian zones, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this Section–March 9, 2010) when there is insufficient room outside the riparian zone for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements, and provided the following demonstrations are made:
 - i. An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this Section and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:
 - a. Do not apply to or affect other property in the immediate vicinity;
 - b. Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.
 - c. The necessity of acquiring additional land to locate development outside the riparian zone shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.
 - ii. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one (1) of the following applies:
 - a. The proposed project will serve an essential public health or safety need;
 - b. The proposed use is required to serve an existing public health or safety need; or
 - c. There is no alternative available to meet the established public health or safety need.
 - iii. A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, including but not limited to the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and that the exception granted is the minimum relief necessary to relieve the hardship.
- c. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded riparian zone area within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible, rehabilitate or expand a riparian zone area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with a Riparian Zone Management Plan, as described in [subsection 30-5.D.9](#) below.

9. Riparian Zone Management Plan

- a. Within any riparian zone, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Riparian Zone Management Plan.
- b. The landowner, applicant, or developer shall submit to Planning Board or the Zoning Board of Adjustment, or its appointed representative, a Riparian Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the riparian zone. The Riparian Zone Management Plan shall identify the existing conditions including:
 - i. Existing vegetation;
 - ii. Field delineated surface water bodies;
 - iii. Field delineated wetlands
 - iv. The 100-year floodplain
 - v. Flood Hazard Areas, including floodway and flood fringe areas, as delineated by the New Jersey Department of Environmental Protection;
 - vi. Soil classifications as found on Soil Surveys

- vii. Existing subdrainage areas of site with HUC (Hydrologic Unit Code) 14 designations
- viii. Slopes in each subdrainage area segmented into sections of slopes less than fifteen (15%) percent; above fifteen (15%) percent but less than twenty (20%) percent; and steep slopes greater than twenty (20%) percent.
- c. The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in a riparian zone, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the riparian zone. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the riparian zone's ability to function effectively as a riparian zone shall also be included with the Riparian Zone Management Plan submittal to Town of Morristown.
- d. The Plan shall be reviewed and must be approved by the Engineer of Town of Morristown, in consultation with the Environmental Commission, as part of the subdivision and land development process.
- e. The Riparian Zone Management Plan must include management provisions in narrative and/or graphic form specifying:
 - i. The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.
 - ii. The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone, as applicable.
 - iii. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the riparian zone.
 - iv. A revegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Engineer of Town of Morristown in consultation with the Environmental Commission. Dominant vegetation in the Riparian Zone Management Plan shall consist of plant species that are suited to the riparian zone environment. The Engineer of Town of Morristown may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or State or Federal forest agencies.
- f. A Riparian Zone Management Plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.
- g. Performance of the Riparian Zone Management Plan shall be guaranteed for a period of at least two (2) years by a surety, such as a bond, cash or letter of credit, which shall be provided to the Town of Morristown prior to the Town of Morristown issuing any permits or approving any uses relating to the applicable use or activity.

10. **Boundary Interpretation, Appeals Procedures, Inspections, Conflicts, Severability**

- a. When a landowner or applicant disputes the boundaries of a riparian zone, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Town Engineer that describes the riparian zone, presents the landowner or applicant's proposed riparian zone delineation, and presents all justification for the proposed boundary change, including but not limited to, a verification issued under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-6, or an approval from the New Jersey Department of Environmental Protection to encroach within the Special Water Resource Protection Area (SWRPA) of a CI water pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h)ii.
- b. Within forty-five (45) days of a complete submission of [subsection 30-5.D.10.A](#) above, the Engineer of the Town of Morristown, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to Planning Board or the Zoning Board of Adjustment and the landowner or applicant. Failure to act within the 45-day period shall not be interpreted to be an approval of the proposed boundary change
- c. Any party aggrieved by any such determination or other decision or determination under [subsection 30-5.D.10.b](#) may appeal to Town Council of the Town of Morristown under the provisions of this Section. The party contesting

the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

- d. Any party aggrieved by any determination or decision of the Town Engineer under this Section may appeal to the Town Council of the Town of Morristown. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- e. Inspections.
 - i. Lands within or adjacent to an identified riparian zone shall be inspected by the Town Engineer when:
 - a. A subdivision or land development plan is submitted;
 - b. A building permit is requested;
 - c. A change or resumption of a nonconforming use is proposed;
 - d. A discontinued nonconforming use is resumed more than a year later, as described in [subsection 30-5.D.6](#).
 - ii. The riparian zone may also be inspected periodically by representatives from the Town of Morristown if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality
- f. Conflicts. All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this Section are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Section apply.
- g. Severability.
 - i. Interpretation: This Section shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 - ii. Notwithstanding that any provision of this Section is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Section shall continue to be of full force and effect
 - iii. The provisions of this Section shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

11. Enforcement

- a. A prompt investigation shall be made by the appropriate personnel of Town of Morristown, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Section is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Section shall be construed to preclude the right of Town of Morristown, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Section shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Section. Each day a violation continues shall be considered a separate offense.

30-5.E. Fertilizer Management

1. Purpose

- a. The purpose of this Section is to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This Section does not apply to fertilizer application on commercial farms.

2. Basis And Background

- a. Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply. While healthy vegetated areas

are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources. This Section does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

3. Prohibited Conduct

- a. No person may do any of the following:
 - i. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
 - ii. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
 - iii. Apply fertilizer within the buffer of any waterbody.
 - iv. Apply fertilizer more than fifteen (15) days prior to the start of or at any time after the end of the recognized growing season, i.e., March 1 to November 15.
- b. Phosphorus Fertilizer Application
 - i. No person may do the following:
 - a. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
 - ii. Exceptions.
 - a. Application of phosphorus fertilizer needed for:
 - (1) Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules;
 - (2) Re-established or repairing a turf area.
 - (3) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 - (4) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.
- c. Enforcement
 1. This Section shall be enforced by the Department of Public Works, Engineering, Planning and Development of the Town of Morristown.
- d. Violations And Penalties
 1. Any person(s) found to be in violation of the provisions of this Section shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars.

30-6 AFFORDABLE HOUSING

30-6.A. Affordable Housing Overlay Zone

1. Purpose

- a. The purpose of this Section is to create a realistic opportunity for the construction of low and moderate income housing as land becomes available for development and redevelopment in the Town of Morristown, thereby addressing some of the constitutional housing obligations of the Town of Morristown under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing ("COAH"), N.J.A.C. 5:93, and the Mount Laurel doctrine.

2. Geographic Scope

- a. This overlay zone shall apply to all of the land area of the Town of Morristown.

3. Low And Moderate Income Housing Requirements

- a. Neither the Planning Board, nor the Board of Adjustment, nor the Town Council on an appeal of a final decision of the Board of Adjustment, nor the Town Council in adopting and implementing a redevelopment plan shall approve a development application in any zone district or area in need of redevelopment or rehabilitation for a residential development or a mixed use development with five (5) or more dwelling units, unless a minimum fifteen percent (15%) of the total number of dwelling units on rental projects and a minimum twenty percent (20%) of the total number of dwelling units on fee simple projects are set-aside and sold or rented to very-low, low-, and moderate-income households, as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency, as may be amended from time to time. Such affordable units, subject to notice to FSHC and the Special Master, may be provided off-site through an agreement with a bona fide established non-profit organization. In such cases, off-site units developed by non-profit organizations shall be undertaken in accordance with an agreement that identifies, among other things, the location of proposed off-site units. Up to fifty percent (50%) of the total obligation, not to exceed six (6) affordable units, may be provided off-site and shall be phased in accordance with N.J.A.C. 5:93-5.6(d). Any land use approval involving off-site affordable units shall be conditioned upon execution of a Developer Agreement that contains terms consistent with the standards in this paragraph. All fractional obligations shall be rounded to the closest whole number. The approving agency may, in its sole discretion, consider a deviation from these requirements if the applicant demonstrates that the development is not economically feasible absent a deviation.
- b. Nothing in this section precludes the Town from imposing an affordable housing set-aside requirement on a development that is not required to have an affordable housing set-aside pursuant to this section, when such imposition is consistent with N.J.S.A 52:27D-331(h) and other applicable law.
- c. This affordable housing set-aside requirement shall not apply to developments containing fewer than five (5) dwelling units.
- d. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

30-6.B. Affordable Housing Trust Fund

1. Affordable Housing Trust Fund

A. PURPOSE.

- i. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the rules promulgated by the Council on Affordable Housing ("COAH").
- ii. Pursuant to P.L.2008, c.46, Section 8 and the Statewide Non-Residential Development Fee Act (Sections 32-38 of P.L.2008, c.46), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. To provide an incentive for municipalities to seek substantive certification from COAH, municipalities that are under the jurisdiction of the Council may retain fees collected from nonresidential development.
- iii. This Section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the COAH's regulations. Fees collected pursuant to this Section shall be used for the sole purpose of providing low- and moderate-income housing. This Section shall be interpreted within the framework of the COAH's rules on development fees.

2. Basic Requirements

- a. The ability to impose, collect and spend development fees is predicated on the Town of Morristown's participation in the COAH's substantive certification process or, subject to COAH monitoring, through authorization by the New Jersey Superior Court resulting from a comprehensive review designed to achieve a judgment of compliance.
- b. The Town of Morristown shall obtain COAH approval of a plan for spending development fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 6:96-5.3.
- c. This Section shall not be effective until the COAH has approved and Morristown has adopted the ordinance pursuant to N.J.A.C. 5:96-5.1.

3. Residential Development Fees

a. Imposed Fees

- i. Within all zoning districts in the Town of Morristown, residential developers, except for developers of the types of development specifically exempted, shall pay to the Town of Morristown Affordable Housing Trust Fund a fee of one and one-half (1.5%) percent of the equalized assessed value for residential development of new construction, provided no increase in density is permitted. Developments on which the fee shall be imposed include the demolition and replacement of a housing unit and the creation of new housing units through the modification of an existing structure (e.g. the alteration of a single-family home into a duplex), in which case the development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D70.d.(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- iii. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and six percent of the equalized assessed value for the two additional units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

- b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.
 - 1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction shall be exempt from development fees. All other forms of new construction shall be subject to development fees, unless specifically exempted by this ordinance.
 - i. Residential developments that have received preliminary or final approval prior to the adoption of this municipal development fee ordinance (adopted April 9, 2013) shall be exempt from development fees unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - ii. Residential development fees shall not be imposed and collected when an existing structure is expanded.
 - iii. The owner of a single-family detached housing unit who replaces a housing unit destroyed by flood, fire or natural disaster shall be exempt from paying a development fee.

4. Non-residential Development Fees

- a. Imposed Fees
 - i. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
 - ii. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this Section results in a negative number, the nonresidential development fee shall be zero.
- b. Eligible Exactions, Ineligible Exactions And Exemptions For Nonresidential Development
 - i. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5%) percent development fee, unless otherwise exempted below.
 - ii. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form NRDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - v. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Town of Morristown as a lien against the real property of the owner.

5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.

- b. For nonresidential developments only, the developer shall also be provided with a copy of Form NRDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form NRDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF.
- c. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- d. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development, which is subject to a development fee.
- e. Within ninety (90) days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- f. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property, which is subject to a development fee.
- g. Within ten (10) business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- h. Should the Town of Morristown fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- i. Fifty (50%) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- j. Appeal of Development Fees.
 - i. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, the Town of Morristown shall place collected fees in an interest bearing escrow account. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - ii. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, the Town of Morristown shall place collected fees in an interest bearing escrow account. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

6. Morristown Affordable Housing Trust Fund

- a. There is hereby created a separate, interest-bearing housing trust fund, the Morristown Affordable Housing Trust Fund, to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this Section shall be deposited into this fund.
- b. Additionally, the following sources of funding shall be deposited in Morristown’s Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - i. Payments in lieu of on-site construction of affordable housing units;
 - ii. Developer contributed funds to make ten (10%) percent of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - iii. Rental income from municipally operated housing units;
 - iv. Repayments from affordable housing program loans; and

- v. Any other funds collected in connection with Morristown's affordable housing program.
- c. Within seven (7) days from the opening of the trust fund account, the Town of Morristown shall provide COAH with written authorization, in the form of a three party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in COAH's rules at N.J.A.C. 5:97-8.13(b).

7. Use of Funds

- a. The expenditure of funds from the Morristown Affordable Housing Trust Fund shall conform to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH. Funds deposited in the housing trust fund may be set up as a grant or revolving loan program and may be used for any activity approved by COAH to address Morristown's affordable housing need. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation for affordable housing, new construction of affordable housing units and related costs, conversion of existing nonresidential buildings to create new affordable units, green building strategies in accordance with accepted national or State standards for affordable housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan.
- b. Funds shall not be expended to reimburse the Town of Morristown for past housing activities.
- c. At least thirty (30%) percent of all development fees and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Morristown Housing Element and Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region, i.e., very low income households.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning thirty (30%) percent or less of median income ("very low income") may include buying down the cost of low- or moderate-income units in the third round Morristown Housing Element and Fair Share Plan, by offering a subsidy to developers of inclusionary or one hundred (100%) percent affordable housing developments, to make the housing affordable to households earning thirty (30%) percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls are exempt from the affordability assistance requirement.
- d. The Town of Morristown may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e. No more than twenty (20%) percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

8. Ongoing Collection of Fees

- a. The ability for the Town of Morristown to impose, collect and expend development fees shall expire with its substantive certification from COAH, or its Superior Court judgment of compliance, unless the Town of Morristown has filed an adopted Housing Element and Fair Share Plan with, has petitioned with COAH for substantive certification, or has moved for Superior Court approval of its adopted Housing Element and Fair Share Plan, and has received COAH's approval of its development fee ordinance. If the Town of Morristown fails to renew its ability to impose and collect development fees prior to the date of expiration of its substantive certification from COAH or its Superior Court judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its

municipal Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the “New Jersey Affordable Housing Trust Fund” established pursuant to Section 20 of P.L.1985, c.222 (N.J.S.A. 52:27D-320). The Town of Morristown shall not impose a residential development fee on a development that receives preliminary or final approval after the expiration of its substantive certification, nor may the Town of Morristown retroactively impose a development fee on such a development. The Town of Morristown shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

30-6.C. **[Reserved]**

30-6.D. **Affordable Housing**

1. **Purpose and Applicability**

- a. The Ordinance is intended to assure compliance with the Council on Affordable Housing (COAH) Second Round Substantive Rules at N.J.A.C. 5:93, et seq., and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1, et seq., except where modified, as well as the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability and that very-low-, low- and moderate-income households shall occupy these units.
- b. The Town of Morristown Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. (hereinafter “Fair Share Plan”). The Fair Share Plan was subsequently endorsed by the governing body. The Fair Share Plan describes how the Town of Morristown shall address its fair share of very-low-, low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Town and Fair Share Housing Center (“FSHC”) in August 2017 (hereinafter “FSHC Settlement Agreement”).

2. **Monitoring and Reporting Requirements**

The Town of Morristown shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- a. Beginning September 8, 2022, and on every anniversary of that date, the Town agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The report shall include information on the amount and purpose of all expenditures, the source and amount of all deposits, updated totals, as well as a summary of any anticipated deposits and expenditures.
- b. Beginning September 8, 2022, and on every anniversary of that date, the Town agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH, or any other forms endorsed by the Court Appointed Special Master and FSHC. The annual report shall include detailed updates on every mechanism in the Township’s plan, the location and the number of affordable units approved, under construction, and built, information on the bedroom and income distribution of the affordable units, and whether the required UHAC-compliant deed restriction has been imposed on the affordable units. This shall include updates on development in the overlay zones as well as pursuant to the Township’s mandatory set-aside ordinance.
- c. The Fair Housing Act includes two provisions regarding action to be taken by the Town during its ten-year repose period. The Town will comply with those provisions as follows:
 1. For the midpoint realistic opportunity review due on initially due on July 1, 2020 and provided in June 2021, as required pursuant to N.J.S.A. 52:27D-313, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any

interested party to submit comments to the Town, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.

2. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Town's January 28, 2019 Judgment of Compliance and Repose, which is due on or before January 28, 2022 as may be extended by the terms of that certain Consent Order entered in the Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-1697-15, and every third year thereafter, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Town and Fair Share Housing Center on the issue of whether the Town has complied with its very low income housing obligation under the terms of this settlement.
3. In addition to the foregoing postings, the Town may also elect to file copies of its reports with COAH or its successor agency at the State level.

3. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, including an Administrative Agent designated by a developer of affordable housing, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC) (N.J.A.C. 5:80-26.1 et seq.)

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15 and applicable law.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to very-low-, low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a very-low-, low- or moderate-income household as defined by Fair Housing Act; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Town's Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development but shall not include a development with less than five (5) units to require an affordable housing component.

"Affordable housing program(s)" means any mechanism in the Town's Fair Share Plan prepared or implemented to address the Town's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share

kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a very-low-income household, low-income household or moderate-income household.

“COAH” means the New Jersey Council on Affordable Housing.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Family unit” means a non-age-restricted affordable unit available to the general public and not restricted to persons of a certain age, disability, or background.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to very-low-, low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Municipal Housing Liaison” means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Morristown.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members

as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department's adopted Regional Income Limits published annually by the Department.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very-low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"Very-low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

4. **Applicability**

- a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Town of Morristown pursuant to the Town's most recently adopted Housing Element and Fair Share Plan, but shall not have a retroactive effect in accordance with the provisions of the "time of application" rule of the Municipal Land Use Law, NJSA40:55D-1, et seq.
- b. Moreover, this Ordinance shall apply to all developments that contain very-low-, low-, and moderate-income housing units, including any currently unanticipated future developments that will provide very-low-, low- and moderate-income housing units.

5. **Alternative Living Arrangements**

- a. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- b. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 10-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- c. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

6. Phasing Schedule for Inclusionary zoning

In inclusionary developments the following phasing schedule, located at N.J.A.C. 5:93-5.6(d), shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Very-low-, Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

7. New construction

- a. Very-low/low/moderate split and bedroom distribution of affordable housing units:
 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 2. At least thirteen (13) percent of all restricted units within each bedroom distribution shall be very-low-income units (affordable to a household earning 30 percent or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.
 3. At least twenty-five (25) percent of the obligation shall be met through rental units, including at least half in rental units available to families.
 4. A maximum of twenty (25) percent of the Town's obligation may be met with age restricted units. At least half of all affordable units in the Town's Plan shall be available to families.
 5. In each affordable development, at least fifty (50) percent of the restricted units within each bedroom distribution shall be low-income units including the requirement that thirteen (13) percent that shall be very-low income.
 6. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than twenty (20) percent of the total very-low-, low-, and moderate-income units;
 - ii. At least thirty (30) percent of the total very-low-, low-, and moderate-income units shall be two-bedroom units;
 - iii. At least twenty (20) percent of the total very-low-, low-, and moderate-income units shall be three-bedroom units; and
 - iv. The remaining affordable units may be allocated among two- and three-bedroom units at the discretion of the developer.
 7. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very-low-, low-, and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- b. Accessibility requirements:
 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor; and
 - ii. An adaptable kitchen on the first floor; and
 - iii. An interior accessible route of travel on the first floor; and
 - iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

- v. If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Town has collected funds from the developer sufficient to make ten (10) percent of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the builder of restricted units shall deposit funds within the Town affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph [6][b] above shall be used by the Town for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Town Construction Official for the conversion of adaptable to accessible entrances.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Town's affordable housing trust fund in care of the Town Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.
- c. Design:
- 1. In future inclusionary developments, very-low-, low- and moderate-income units shall, to the extent reasonably practicable, be integrated with the market units.
 - 2. In inclusionary developments, very-low-, low-, and moderate-income units shall have access to all of the same common elements and facilities as the market units. The residents of the affordable units shall have full and equal access to all of the amenities, entrances, common areas, and recreation areas and facilities as the residents of the market-rate units.
- d. Maximum rents and sales prices:
- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.
 - 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60) percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two (52) percent of median income.
 - 3. The developers and/or municipal sponsors of restricted units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen (13) percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning thirty (30) percent or less of the regional median household income, with such very low-income units counted toward the low-income housing requirement.
 - 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70) percent of median income, and each affordable development must achieve an affordability average of fifty-five (55) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type, provided that at least thirteen (13) percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning thirty (30) percent

- or less of the regional median household income, with such very low-income units counted toward the low-income housing requirement.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio unit shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
 6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 9. Income limits for all units that are part of the Town's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Town annually within 30 days of the publication of determinations of median income by HUD as follows:
 - i. The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 2 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 2 for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the HUD determination of the median income for COAH Region 2 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.
 - ii. The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year, and shall be utilized by the Town until new income limits are available.
 10. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
 - i. The price of owner-occupied very-low-, low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph i. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 - ii. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its

publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

8. Utilities

- a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development
- b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

9. Occupancy Standards

- a. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 1. Provide an occupant for each bedroom;
 2. Provide children of different sexes with separate bedrooms;
 3. Provide separate bedrooms for parents and children; and
 4. Prevent more than two persons from occupying a single bedroom.

10. Control periods for restricted ownership units and enforcement mechanisms

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least thirty (30) years and thereafter unless and until the Town takes action by ordinance, in its sole discretion, to either extend or release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 for at least thirty (30) years.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- e. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Uniform Construction Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

11. Price restrictions for restricted ownership units, homeowner association fees and resale prices

- a. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 1. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by very-low-, low- and moderate-income

purchasers and those paid by market purchasers unless the master deed for the inclusionary project was executed prior to the enactment of UHAC..

4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

12. Buyer Income Eligibility

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- b. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

13. Limitations on indebtedness secured by ownership unit; subordination

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- b. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

14. Capital improvements to ownership units

- a. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

15. Control periods for restricted rental units

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a period of at least thirty (30) years and thereafter unless and until the Town takes action by resolution, in its sole discretion, to extend or release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1 for at least thirty (30) years. If the Town elects to release the controls after at least thirty (30) years, the Town shall ensure that the affordability controls shall remain in effect until the date on which a rental unit shall become vacant due to the voluntary departure of the occupant household.

- b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Morris. A copy of the filed and recorded document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- c. A restricted rental unit shall remain subject to the affordability controls of this chapter despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

16. Rent restrictions for rental units; leases

- a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease so long as it is consistent with the approved rent. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- c. Application fees (including the charge for any paperwork or checks) shall not exceed five percent of the monthly rent of the applicable restricted unit or \$50, whichever is lesser, and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

17. Tenant income eligibility

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- b. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in B1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

18. Non-Discrimination

- a. Income-eligible households that demonstrate the ability to pay shall not be denied access to affordable units

on the basis of credit score/history or a prior eviction, and any inquiry into an applicant's criminal history must comply with the "Fair Chance in Housing Act." See P.L. 2021, c. 110.

19. Administrative agent

The administrative agent shall be an independent entity serving under contract to and reporting to the Town or as designated by a developer of inclusionary housing that has been approved by the municipality. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- a. Affirmative marketing:
 1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Town's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.15; and
 2. Providing counseling or contracting to provide counseling services to very-low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- b. Household certification:
 1. Soliciting, scheduling, conducting and following up on interviews with interested households; and
 2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very-low-, low- or moderate-income unit; and
 3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility; and
 4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.; and
 5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 6. Employing a random selection process as provided in the affirmative marketing plan of the Town when referring households for certification to affordable units; and
 7. Ensuring income-eligible applicants are not prohibited from access to housing, e.g., by not requiring a social security number if unavailable; and
 8. Notifying the following entities of the availability of affordable housing units in the Town of Morristown: Fair Share Housing Center, the new Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- c. Affordability controls:
 1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Morris County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 4. Communicating with lenders regarding foreclosures; and
 5. Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- d. Resales and rentals:
 1. Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 2. Instituting and maintaining an effective means of communicating information to very-low-, low- and

moderate-income households regarding the availability of restricted units for resale or re-rental.

- e. Processing requests from unit owners:
 - 1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this chapter;
 - 2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - 3. Notifying the Town of an owner's intent to sell a restricted unit; and
 - 4. Making determinations on requests by owners of restricted units for hardship waivers.
- f. Enforcement:
 - 1. Securing annually from the Town a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - 2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - 3. Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
 - 4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - 5. Establishing a program for diverting unlawful rent payments to the Town's affordable housing trust fund; and
 - 6. Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Town Mayor and Council and the court, setting forth procedures for administering the affordability controls.
- g. Additional responsibilities:
 - 1. The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - 2. The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.
 - 3. The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

20. Affirmative marketing requirements

- a. The Town shall adopt by resolution an affirmative marketing plan, subject to approval of the court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.
- c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 2, comprised of Essex, Morris, Union and Warren Counties.
- d. The Town has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rentals.

The administrative agent designated by the Town shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.

- e. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to very-low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- f. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- g. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and shall include posting of all availabilities on the New Jersey Housing Resource Center website in accordance with applicable law.
- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Town in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- i. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Morristown, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- j. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

21. Enforcement of affordable housing regulations

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Town shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an owner, developer or tenant of a very-low-, low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Town may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The Town may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than \$2000.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Town affordable housing trust fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The Town may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - i. The judgment shall be enforceable, at the option of the Town, by means of an execution sale by the sheriff, at which time the very-low-, low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase

- money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Town, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the sheriff's sale.
- ii. The proceeds of the sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the very-low-, low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Town for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the sheriff's sale. In the event that the proceeds from the sheriff's sale are insufficient to reimburse the Town in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Town in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Town for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Town for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Town. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Town, whether such balance shall be paid to the owner or forfeited to the Town.
 - iii. Foreclosure by the Town due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low-, low- and moderate-income unit. Title shall be conveyed to the purchaser at the sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the sheriff's sale shall not be entitled to any right of redemption.
 - iv. If there are no bidders at the sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Town may acquire title to the very-low-, low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very-low-, low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
 - v. Failure of the very-low-, low- and moderate-income unit to be either sold at the sheriff's sale or acquired by the Town shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Town, with such offer to purchase being equal to the maximum resale price of the very-low-, low- and moderate-income unit as permitted by the regulations governing affordable housing units.
 - vi. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

22. Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this chapter shall be filed in writing with the court.

30-7 SUBDIVISION of LAND

30-7.A. General Provisions

1. Short Title: Land Subdivision

- a. This Section shall be known and may be cited as the "Land Subdivision Regulations of the Town of Morristown."

30-7.B. Procedure for Approval

1. Major Subdivision Preliminary Plat

- a. Submission of Preliminary Plat of Major Subdivision for Preliminary Approval.
 - i. At least seventeen (17) black-on-white prints of the preliminary plat containing all data required, together with seventeen (17) completed application forms for preliminary approval, shall be submitted to the administrative officer two (2) weeks prior to the Planning Board meeting at which consideration is desired. At the time of filing, a minimum fee and a fee for each lot to be created shall be paid as provided in [Section 30-8.C.5](#), Fees, to cover cost of inspection and examination by the Town Engineer and any other items of expense in the processing of the subdivision. The administrative officer shall immediately notify the Secretary of Planning Board upon receipt of a preliminary plat. The preliminary plan may be submitted in tentative form for discussion purposes.
 - ii. Copies of the preliminary plat shall be forwarded by the Administrative Officer of the Planning Board prior to the hearing to the following persons:
 - (A) Secretary of the County Planning Board,
 - (B) Town Engineer,
 - (C) Such other municipal, County or State officials as directed by the Planning Board.
 - iii. Preliminary approval shall confer upon the applicant the following rights for a three (3) year period (or such longer period as provided by N.J.S.A. 40:55D-49) from the date of approval:
 - (A) That the general terms and conditions under which the preliminary approval as defined in N.J.S.A. 40:55D-49 was granted will not be changed.
 - (B) That the applicant may submit on or before the expiration date the whole or part or sections of the plat for final approval.
 - (C) That applicant may apply for an extension of the three (3) year period pursuant to N.J.S.A. 40:55D-49.

2. MAJOR SUBDIVISION FINAL PLAT

- a. Submission of Final Plat of Major Subdivision.
 - i. The final plat shall be submitted to the administrative officer for forwarding to the Planning Board for final approval within three (3) years from the date of preliminary approval or any extensions of that time granted by the Planning Board.

- ii. The original tracing, one (1) translucent tracing cloth copy, two (2) cloth prints, sixteen (16) black-on-white prints and sixteen (16) copies of the application form for final approval shall be submitted to the Secretary of the Planning Board at least fourteen (14) days prior to the date of a regular Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board.
- iii. The final plat shall be accompanied by a statement by the Town Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has either:
 - (A) Completed the installation of all improvements in accordance with the requirements of this Part 30-7, or;
 - (B) Posted with the administrative officer a performance guaranty in an amount sufficient to cover the cost of one hundred ten (110%) percent of all improvements required by this Part 30-7 or uncompleted portions thereof, as estimated by the Town Engineer, and assuring the installation of the improvements on or before an agreed date.
 - (I) The performance guaranty shall be approved by the Town Attorney as to form, sufficiency and execution. The performance guaranty shall run for a period to be fixed by the Planning Board, but in no case for a term of more than three (3) years. However, with the consent of the owner and the surety, if there be one, the governing body may, by resolution, extend the term of the performance guaranty for an additional period of not to exceed three (3) years. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed.
 - (II) If at any time the required improvements shall not have been installed in accordance with the performance guaranty, the obligor and surety shall be liable to the Town for the reasonable cost of the improvements not installed and the Town may install the improvements either prior to or after receipt of the proceeds.
- iv. Any plat which requires County Planning Board approval pursuant to N.J.S.A. 40:27-12 shall be forwarded to the County Planning Board for its action prior to final approval by the Planning Board.
- v. If the Planning Board approves the final plat, a notation to that effect shall be made on each plat, signed by the Chairman or Vice Chairman and Secretary of the Planning Board.
- vi. Upon final approval, copies of the final plat shall be filed by the Planning Board with the following:
 - (A) Board Office
 - (B) Town Engineer
 - (C) Town Building Inspector
 - (D) Town Tax Assessors
 - (E) County Planning Board
- vii. The final plat, after approval by the Planning Board, shall be filed by the subdivider with the Clerk of the County of Morris within ninety-five (95) days from the date of approval. If any final plat is not filed within this period, the approval shall expire. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days.
- viii. No plat shall be accepted for filing by the Clerk of the County of Morris unless it has been duly approved by the Town Planning Board and signed by the Chairman or Vice Chairman and the Secretary. The plat shall not be signed until the required performance guaranties have been posted.
- ix. Final approval shall confer on the developer the rights set forth in N.J.S.A. 40:55D-52.

30-7.C. Plat Details

1. Plat Details

- a. Plat for Minor Subdivisions.
 - i. The sketch plat for minor subdivisions shall be based on Tax Map information or some other similarly accurate base at a scale where one (1) inch equals not more than fifty (50) feet and shall show or include the following information:
 - (2) The entire tract to be subdivided, giving the accurate location of all existing and proposed property and street lines.
 - (3) All existing structures, giving accurate distances between the structures and all existing and proposed property lines.
 - (4) The accurate location of drainpipes, sewage disposal systems, rights-of-way, utility easements, bridges and culverts, if any.
 - (5) The name of the owner and the names of all owners of adjoining property as such names appear on the Town tax record.
 - (6) The tax map sheet, block and lot numbers.
 - (7) Board Engineer.
 - viii. Any of the foregoing requirements may be waived by the Planning Board but not the Site Plan and Subdivision Committee.
- b. Tentative Plat for Major Subdivisions.
 - i. The tentative plat shall be based on Tax Map information or some other similarly accurate base at a scale to enable the entire tract to be shown on one (1) sheet (but preferably where one (1) inch equals not more than one hundred (100) feet) and shall show or include the following information:
 - (2) The entire tract to be subdivided.
 - (3) All existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet.
 - (4) All streets or roads and streams within five hundred (500) feet of the subdivision.
 - (5) The name of the owner and the names of all adjoining property owners as disclosed by the most recent tax records.
 - (6) The Tax Map sheet, block and lot numbers.
- c. Preliminary Plat.
 - i. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one hundred (100) feet. Preliminary plats shall be designed and drawn by a licensed New Jersey land surveyor or civil engineer. The plat shall be designed in compliance with the provisions of this Part 30-7 and shall show or be accompanied by the following information:
 - (2) A key map at a scale where one (1) inch equals not more than eight hundred (800) feet, showing the entire subdivision and its relation to all features shown on the Official Map and Master Plan and located within one-fourth (1/4) mile of the extreme limits of such subdivision, and the zoning classification of the proposed subdivision and of adjacent land.
 - (3) The tract name; Tax Map sheet, block and lot numbers; date; reference meridian; graphic scale; and the following names and addresses:
 - (A) Name and address of record owner or owners. If other than an individual, the names of corporate officers or partners or other statutory agent and of all persons owning a ten (10%) percent or greater interest in the applicant and/or the ownership entity.
 - (B) Name and address of subdivider.

- (C) Name and address of person who prepared the map.
 - (D) Property lines and acreage of the tract to be subdivided, to nearest tenth of an acre.
 - (4) Contours at vertical intervals of not greater than five (5) feet for land with average natural slope of ten (10%) percent or greater and at vertical intervals of not greater than two (2) feet for land of lesser average slopes, except that for subdivisions containing no new streets or roads, this requirement may be waived by the Planning Board.
 - (5) All existing watercourses.
 - (6) Tree masses and isolated trees more than ten (10) inches in diameter.
 - (7) Existing buildings.
 - (8) Existing storm and sanitary sewers and water mains properly sized, fire hydrants and other utilities and easements.
 - (9) All other significant features, such as bridges, culverts and rock formations.
 - (10) Proposed conditions and features:
 - (A) Property and lot lines, streets and alleys, parks, playgrounds and other public or semipublic areas, utility easements, building setback lines for each street, all approximately but properly dimensioned, and all street or other areas proposed for dedication clearly designated.
 - (B) Physical improvements proposed or required by this Part 30-7, including tentative cross sections and center line profiles for each street and a plan for surface drainage of the tract. Plans of proposed utility layouts (sanitary and storm sewers, water, gas and electric lines) shall show feasible connections to approved utility systems.
 - (C) When an individual sewage disposal system is proposed and where no public sewer is available or where no right-of-way can be secured by easement through adjoining property to a public sewer and it is then necessary to install a septic tank or cesspool or other private sewage disposal system, the subdivider shall have percolation tests made by an accredited testing laboratory to determine the adequacy of the soil to absorb the waste materials; at least one (1) test hold shall be made for each two thousand five hundred (2,500) square feet of lot under construction. The subdivider shall furnish to the Board a certified copy of the results of the percolation tests. require test holes or borings to be made by a New Jersey licensed engineer or an approved testing laboratory.
 - (D) Any subdivision or part thereof which does not meet the requirements of paragraphs (c) and (d) above or other similar applicable regulations shall not be approved. Any remedy proposed to overcome such a situation shall first require the approval of the
 - (E) A copy of any protective covenants or deed restrictions applying to the land being subdivided or proposed to be imposed.
 - xi. The Planning Board shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best use of the land to be subdivided, together with its prospective character, whether residential, business or industrial. Attention shall be given to consistency of layout, street widths or grades, arrangement and circulation; surface drainage and sanitation; water supply; lot sizes and arrangement; to such neighborhood and community requirements as parks, schools and playground sites; and to sewage facilities and other utilities.
- d. Final Plat.
- i. The final plat shall be drawn by a licensed New Jersey land surveyor in ink on tracing cloth at a scale where one (1) inch equals not more than one hundred (100) feet [and preferably one (1) inch equals fifty (50) feet] and in compliance with all the provisions of N.J.S.A. 46:23-9.1 et seq. The final plat shall show or be accompanied by the following:
 - (2) Date, name and location of the subdivision, name of owner, graphic scale and reference meridian.
 - (3) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, bridges and culverts, land to be reserved or dedicated to public use, all lot lines and other site

lines, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.

- (4) The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- (5) Each block shall be numbered, and the lots within each block shall be numbered consecutively beginning with No. 1 as directed by the Town Tax Assessors
- (6) Minimum building setback line on all lots and other sites.
- (7) Location and description of all monuments.
- (8) Names of owners of adjoining land.
- (9) Certification by engineer or surveyor as to accuracy of details of plat.
- (10) Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
- (11) When approval of a plat is required by an officer or body of the Town, County or State, such approval shall be certified on the plat.
- (12) Cross sections and profiles of streets, approved by the Town Engineer, shall be required to accompany final plat.
- (13) Contours at six (6) foot intervals for slopes averaging ten (10%) percent or greater and at two (2) foot intervals for land of lesser slope.
- (14) Plans and profiles of storm and sanitary sewers and water mains.

30-7.D. Improvements

1. Improvements

- a. Required Improvements.
 - i. Prior to the granting of final approval, the Town Engineer shall certify that the subdivider has installed or has furnished performance guaranties for the ultimate installation of any of the following which may have been required by the Planning Board:
 - (2) Street paving, curbs, gutters, sidewalks and other street improvements, to be constructed in accordance with the specifications of the Town.
 - (3) Streets and traffic signs.
 - (4) Streetlighting.
 - (5) Shade trees, to be located as directed by the Town Engineer on the street line so as not to interfere with utilities or sidewalks.
 - (6) No topsoil shall be removed from the site or used as spoil unless approved by the Planning Board. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting. Should construction stop for a period of over one (1) year, the topsoil shall be replaced over all areas from which it may have been stripped.
 - (7) Monuments shall be of the size and shape and located as required by N.J.S.A. 46:39-9.4.
 - (8) Water mains, culverts and storm sewers shall be properly connected with the Town municipal system and shall be adequate to handle all present and probable future developments.
- b. Inspection.
 - i. All of the above-listed improvements shall be subject to inspection and approval by the Town Engineer, who shall be notified by the developer at least forty-eight (48) hours prior to the construction. No

underground installation shall be covered until inspection and approval. All bridges shall be approved by the appropriate authority.

30-7.E. Design Standards

1. Design Standards

- a. Compliance Required.
 - i. The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof.
- b. General Requirements.
 - i. The subdivision plat shall conform to design standards that will encourage good development patterns within the Town. Where either or both an Official Map or Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats.
- c. Streets.
 - i. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
 - ii. Minor streets shall be so designed as to discourage through traffic.
 - iii. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting or some other means of separation of through and local traffic as the Planning Board may determine appropriate.
 - iv. The right-of-way width shall be measured from lot line to lot line and shall not be less than the following:
 - (5) Arterial streets, eighty (80) feet, if allowed by N.J.S.A. 40:55D-38(b)(2).
 - (6) Collector streets, sixty (60) feet, if allowed by N.J.S.A. 40:55D-38(b)(2).
 - (7) Minor streets, fifty (50) feet.
 - (8) Marginal access streets, forty (40) feet. Circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.
 - (9) The right-of-way width for internal roads and alleys in multifamily, commercial and industrial development shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely accommodate the maximum of traffic, parking and loading needs and maximum access for fire-fighting equipment.
 - x. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the Planning Board.
 - xi. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this Part 30-7 shall dedicate additional width along either one (1) or both sides of the road. If the subdivision is along one (1) side only, one-half (1/2) the required extra width shall be dedicated.
 - xii. Grades of arterial and collector streets shall not exceed four (4%) percent. Grades of other streets shall not exceed ten (10%) percent. No street shall have a minimum grade of less than one-half (1/2) of one (1%) percent.
 - xiii. Street intersections shall be nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. The block corners at intersections shall be rounded at the property line with a curve radius of not less than twenty-five (25) feet.

- xiv. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.
 - xv. tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - xvi. When connecting street lines deflect from each other at any one point by more than ten (10) degrees and not more than forty-five (45) degrees, they shall be connected by a curve with a center-line radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.
 - xvii. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
 - xviii. Dead-end streets (cul-de-sac) shall not be longer than six hundred (600) feet and shall provide a turnaround at the end with a radius of not less than fifty (50) feet and tangent whenever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
 - xix. Street names shall be approved by the Planning Board.
- d. **Blocks.**
- i. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning regulations and to provide for convenient access, circulation control and safety of street traffic.
 - ii. In blocks over one thousand (1,000) feet long, public rights-of-way through the blocks may be required in locations deemed necessary by the Planning Board.
 - iii. Board. Such rights-of-way shall be no less than ten (10) feet wide and straight from street to street.
- e. **Lots.**
- i. Lot dimensions and area shall conform with the lot area, lot width and lot depth requirements contained in [Section 30-2 District Standards](#) for the zone in which the property is located. Lot dimensions and areas contained in Section 30-3 Building Types shall not apply.
 - ii. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
 - iii. Each lot must front upon an approved street.
 - iv. Where land has been dedicated for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.
 - v. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or high water table, or percolation tests or test borings show the ground conditions to be inadequate for proper sewage disposal, or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.
- f. **Public Use and Service Areas.**
- i. Easements along rear property lines or elsewhere for utility installations may be required. The easement shall be at least fifteen (15) feet wide and located in consultation with the companies or Town departments concerned.
 - ii. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
 - iii. Natural features such as trees, brooks, hilltops and views shall be preserved wherever possible in designing any subdivision containing such features.
- g. **Incorporation of Other Standards.**
- i. The following sections relating to site plan review shall also apply to subdivision approval: [Section 30-8.C.5](#), Review Fees; [Section 30-8.C.10](#), Off-Tract Improvements; [Section 30-8.C.11](#), Staged Development;

[Section 30-8.C.12](#), Performance Guaranties; and [Section 30-8.B.1.m](#), Exceptions.

30-7.F. Penalties

1. VIOLATIONS AND PENALTIES.

- a. Violations and Penalties.
 - i. If, before final approval has been granted, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a penalty as stated in [Section 30-8.C.8](#) and each lot disposition so made shall be deemed a separate violation.
- b. Additional Remedies.
 - i. In addition to the foregoing, the Town may institute and maintain a civil action:
 - (2) For injunctive relief.
 - (3) To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.
 - iv. In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title-closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of the land, or within six (6) years if unrecorded.

30-8 ADMINISTRATION & LEGAL BASIS

30-8.A. Development Process

1. Zoning Permit Required

- a. No building permit or certificate of occupancy or habitability shall be issued until a zoning permit covering the use and location of said building has first been obtained from the Morristown Zoning Officer. No construction, change of use type or accessory use, or alteration of structures shall occur without a zoning permit. Once the initial zoning permit authorizing the use and location has been obtained, it shall not be necessary to obtain a new zoning permit upon every application for a certificate of occupancy or habitability, except a change of ownership.
- b. Required Inspection. Single and multi-family dwellings shall be inspected by the Morristown Zoning Officer prior to issuing a zoning permit if within the previous eighteen months the property was subject to a violation of the following sections of the Town of Morristown Ordinances:
 - i. Section 13-32: Bathroom Requirements for Dwelling Units
 - ii. Section 13-33: Bathroom Requirements for Independent Rooming Units
 - iii. Section 13-43: Occupancy Standards: Dwelling Units
 - iv. Section 13-44: Occupancy Restrictions for Certain Dwelling Units and Rooming Units
 - v. Section 13-45: Required Basic Facilities
 - vi. Section 13-56: Occupancy of Rooming or Dwelling Units: Relocation Assistance
 - vii. Section 13-57: Cooking Restricted to Where Sanitary Facilities Exist
 - viii. Section 13-58: Occupancy Without Required Facilities
 - ix. [Section 30-8.A.3](#): Site Plan Required
- c. Zoning Permit Exceptions. Pursuant to the above, the following items shall not be subject to a zoning permit so long as the work in question does not conflict with terms or conditions relating to any specification of prior approval(s) granted by the planning or zoning board:
 - i. Replacement roof.
 - ii. Replacement siding.
 - iii. Replacement windows and doors of the same size as existing doors and windows.
 - iv. Replacing chimneys and chimney liners.
 - v. Interior oil tank replacement
 - vi. Furnace/boiler replacement.
 - vii. Replacement kitchen cabinets/fixtures/appliances.
 - viii. Replacement bathroom fixtures.
 - ix. Garage doors—same size.
 - x. Replacement floors/ceilings.
 - xi. Installation of radon mitigation systems (interior systems only).
 - xii. Installation of commercial carpet for nonresidential uses.

- xiii. Minor work or ordinary maintenance as defined by the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.

2. Obtaining a Zoning Permit

- a. Concept Application
 - i. Applications for the Planning or Zoning Board are encouraged to submit a concept application to the Town Planning Staff prior to seeking zoning permit approval. Concept applications shall be reviewed by the Zoning Officer, and board professionals in order to determine conformance with the Zoning Ordinance, and potential modifications that would result in a conforming or more closely conforming application.
 - ii. Required Submissions:
 - (1) Completed Concept Application Form
 - (2) Six (6) sets of Concept Plans, which may include a property survey, engineer and/or architect drawings
 - (3) Concept Application Fee and Escrow
 - (4) Site Inspection Authorization Form
 - (5) Owner Contribution Disclosure Form
 - (6) Disclosure of Corporate Ownership Form
 - (7) Electronic Submission
 - iii. Submit to: Zoning Officer
- b. Zoning Permit Application
 - i. An individual interested in property development or modifications shall submit an application for a Zoning Permit. Any development or land use activity, except for those listed above as exempt, requires a zoning permit prior to the issuance of construction permits and certificates of occupancy. If a Zoning Permit Application does not conform to the requirements of the Zoning Ordinance, the Zoning Officer shall notify the applicant of the nonconforming status. Applicant shall have the option to modify the application in order to bring it into conformance. Failure to achieve conformance shall result in a denial of a Zoning Permit.
 - ii. Required Submissions:
 - (1) Completed Zoning Permit Application
 - (2) Three (3) sets of construction drawings
 - (3) Application fees and escrow deposits
 - iii. Submit to: Zoning Officer
- c. Planning Board or Zoning Board Application
 - i. Projects that meet the following criteria require an application before the Board of Adjustment:
 - (1) Applications proposing non-permitted uses;
 - (2) Applications expanding pre-existing non-permitted uses;
 - (3) Applications including conditional uses for which not all applicable conditions are met;
 - (4) Applications exceeding FAR restrictions;
 - (5) Applications exceeding density restrictions, with the exception of single- and two-family uses;
 - (6) Applications with a proposed height in excess of 110% of the permitted height; and/or
 - (7) Applications that require bulk variances without Site Plan or Subdivision approval.
 - ii. Projects that meet the following criteria require an application before the Planning Board:

- (1) Applications for site plan approval, including those that do not conform with all bulk requirements of this Code, but do not meet the specifications in sub-section i above.

iii. Required Submissions

- (1) Completed Planning Board/Zoning Board Application Form
- (2) Required Checklists
- (3) Site Plan (When required per subsection 3, below)
- (4) Application Fees and Escrow

iv. Submit to: Zoning Officer

3. When Site Plans are Required

- a. Except as provided in Section b (below), no zoning permit shall be issued unless a site plan is first submitted to and approved by the Planning Board or Board of Adjustment, as may be applicable. Any proposed modification of a previously approved site plan or deviation from the plan during construction shall require approval by the Planning Board or Board of Adjustment.
- b. Site Plan Exemptions
 - i. Site Plan approval shall not be required for subdivisions or applications to develop for detached one-family or two-family buildings upon an individual, pre-existing parcel. Variance relief associated with detached one-family or two-family buildings may be granted only by the Board of Adjustment.
 - ii. Site plan approval shall not be required for any nonresidential use or activity involving no more than the following, though zoning permits may be required for such activities:
 - (1) Renovations or alterations to the exterior facade of a building not involving any structural change, such as door or window replacement without enlargement of existing façade openings; painting of existing material; change of existing siding material; addition of permitted signage.
 - (2) Renovations or alterations to the interior design of a building or structure not involving any increase in usable space or intensification of or addition to the existing use of the building or structure.
 - (3) This provision shall not apply to any structure/application that has received approval from either the Planning Board or Zoning Board of Adjustment, but has not yet received a certificate of occupancy.
 - iii. The relocation of any building line, enlargement and/or reduction of existing windows and doors shall not be exempt from site plan approval.
 - iv. Conditional use permits or use variance relief, granted pursuant to N.J.S.A. 55D:70(d) et. seq., with the exception of one- and two-family buildings, shall not be exempted from Site Plan approval.
 - v. Nothing contained in this section shall be construed as requiring full site plan approval where minor site plan approval is allowed pursuant to this chapter.

4. Minor Site Plans, When Permitted

- a. Unless an application requiring a site plan meets the parameters in Section b (below), the applicant shall submit a Major Site Plan.
- b. A Minor Site Plan may be submitted if:
 - i. The application includes no more than the following:
 - (1) A change to the façade of a lawfully existing structure not otherwise exempt from site plan as described in [Section 30-8.A.3.](#)
 - (2) An addition or modification of a three- or four-family dwelling involving no more than an increase of twenty-five (25%) percent in gross floor area.
 - (3) The creation of up to one (1) additional dwelling unit

- (4) A proposed change or modification of a previously approved site plan (or existing site improvements that would have otherwise required site plan approval) not involving an increase of building area, the alteration of traffic patterns, or changes to vehicular ingress or egress.
- (5) The application does not involve planned development, any new street or the extension of any off-tract improvements.
- (6) The application meets all of the submission requirements of this chapter and does not require any soil erosion or floodplain approval, or a variance that requires approval by the Planning Board or Zoning Board of Adjustment with the exception of a signage variance, which must satisfy public notice requirements (see [Section 30-8.D.3.g](#)).
- (7) Approval of any conditional use, that would otherwise exempt from site plan approval or meet the criteria of [Section 30-8.A.4](#), shall be considered a minor site plan for purposes of this chapter, which must satisfy public notice requirements (see [Section 30-8.D.3.g](#)).

5. Other Applications

- a. Appeal of a decision of the Zoning Officer.
 1. An individual may appeal a decision of the Zoning Officer to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(a). Such application shall be submitted to the Zoning Officer.
- b. Interpretation of the Zoning Ordinance
 1. An individual may request an interpretation of the Zoning Ordinance from the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(b). Such application shall be submitted to the Zoning Officer.
- c. Zone Change Request
 1. An individual interested in proposing a change to zoning district boundaries or zoning district regulations shall submit an application for Zoning Change to the Zoning Officer. The Planning Board will review all applications for a Zone change and provide a recommendation to the Governing Body. Recommendation by the Planning board shall not be construed as imposing a binding requirement on the Governing Body, but rather shall serve as non-binding advice.

6. Certificate of Occupancy

- a. No permanent certificate of occupancy shall be issued for any building or structure which is the subject of an approved site plan until the Town Engineer has certified to the Construction Official that the site plan has been complied with in all respects, as more particularly set forth in [Section 30-8.A.4](#). If, in the opinion of the Town Engineer, there has been substantial compliance with the approved site plan, the Town Engineer may certify compliance, provided the applicant posts a cash bond to guarantee completion of any incomplete improvements in an amount equal to one hundred ten (110%) percent of the estimated cost of the unfinished improvements. The completion of the unfinished requirements shall be accomplished within a time period determined by the Town Engineer.
- b. No certificate of occupancy shall be issued unless the Town Engineer certifies that:
 - i. All improvements and construction required by site plan approval have been properly installed and completed, including all requirements of applicant's soil erosion and sediment control plan when required.
 - ii. All conditions annexed to the resolution of approval have been complied with.

7. Appeals from Zoning Board of Adjustment to Governing Body

- a. An appeal from any decision of the Zoning Board of Adjustment granting a use variance may be taken (pursuant to the provisions of N.J.S.A. 40:55D-17) to the governing body, provided such appeal shall be made within ten (10) days of the date of publication of such final decision of the Zoning Board of Adjustment.

8. Phased Construction Required

- a. All development projects which are the subject of variances, subdivision, site plan or other Board approval

shall, in addition to any other requirements, proceed with construction in the following manner:

- i. Prior to receipt of any building, plumbing or other construction permits, a zoning permit shall first be obtained from the Zoning Division, after submission and review of the construction plans for compliance with the Board approval.
- ii. After securing of a construction permit, construction shall proceed up to and including the foundation only.
- iii. Upon completion of the foundation work, the developer shall have prepared, by a licensed Land Surveyor, an as-built location survey showing the actual location and elevations of the foundation. If the survey indicates a discrepancy in either location or elevations between the approved site plan or variance condition and as-built conditions, the discrepancy shall be prominently indicated on the survey.
- iv. The Construction Official and Board Engineer will review the as-built survey with the Zoning Officer. If the discrepancies, if any, shown thereon are determined to be of such a minor nature as not to affect the intent of the conditions or approval, or not to constitute a new violation of any area, bulk or yard requirements, the Construction Official will issue an authorization to continue with the project.
- v. Should the above named officials find that a discrepancy is significant enough to affect the intent of the conditions of approval, or constitutes a new violation of area, bulk and yard requirements, the developer shall remediate the errors by either:
 - (1) physically removing the cause of such discrepancy, or
 - (2) making application to the appropriate Board for an amendment to the previously granted approval. In either case, no authorization will be issued for continued construction on the project until such remedial action has been taken.
- vi. Upon continuation of construction, the Board Engineer or his designee shall make periodic inspections to insure that all site work is being constructed in accordance with the approved site plan.
- vii. In the event that the Board Engineer or the Construction Official finds a deviation from the approved plans, the provisions of paragraphs 5. a. and 5. b. above shall apply.

9. Demolition of Buildings

- a. **Permit Required.** No person shall remove or demolish or commence the removal or demolition of any building or structure in the Town of Morristown without first filing with the Zoning Officer an application in writing and obtaining a permit thereof. This shall apply to all principal or accessory buildings and accessory structures in excess of 120 square feet. This includes "partial demolition", where more than 25% of a building's façade or 120 square feet will be removed. All such applications shall include payment of a filing fee in the amount of \$75.00.
- b. **Applications.** The applicant for a demolition permit shall state on a form provided by the Zoning Officer:
 - i. The name and address of the person or entity who owns the building or structure to be demolished and who shall execute application, as well as signature to verify they have the authority to make such application.
 - ii. The reason for the demolition.
 - iii. The approximate age of the building or structure to be demolished.
 - iv. The zoning classification for the land on which the building or structure is situated.
 - v. A certified statement of the proposed work schedule with the approximate number of working days required to complete the work but in no case in excess of thirty (30) days. Upon application and a showing of good cause, the Zoning Officer, after consulting with the Construction Official, may extend the maximum number of days for completion beyond thirty (30) days.
 - vi. The approximate size of the building or structure in terms of square feet, number of floors, approximate height and type of construction, with photographs that show, at a minimum, the front, rear, and side facades.
 - vii. Whether or not the building is conforming or nonconforming to the Town zoning laws at the time of demolition.

- viii. Whether any new structure or building is planned or contemplated within one (1) year of the date of demolition.
 - ix. Whether subsequent construction is planned within thirty (30) days of the date of demolition.
 - x. Whether the demolition is sought for Federal, State, municipal or private purposes.
 - xi. Whether the building or structure has been used or occupied during the five (5) years prior to demolition, and if so, for what purpose and use for each of the five (5) years.
 - xii. The name and address of the person who will perform the demolition.
 - xiii. A copy of the performance bond guaranteeing completion of demolition in accordance with this section.
 - xiv. A statement that the structure is not listed on any register of historic landmark.
 - xv. Agrees that if permit is issued, a release from the utilities stating that their respective service connection and appurtenant equipment, such as meters and regulations, have been removed, sealed or plugged in a safe manner, will be submitted prior to demolition.
 - xvi. A land development application approval from the Planning or Zoning Board does not preclude compliance with the demolition approval process contained herein. Demolition permits can be made before, concurrently, or after the land development application process.
- c. Referral to the Historic Preservation Commission. Within ten (10) days of receipt of an application for a demolition permit, the Zoning Officer shall refer such application to the Historic Preservation Commission for review. The Historic Preservation Commission shall have forty five (45) days to determine if the structure proposed for demolition should be deemed "Preferably Preserved". In order for a structure to be deemed to be "Preferably Preserved" one or more of the following criteria must be met:
- i. The structure must be 100 years old or older according to Tax Assessor Records; or
 - ii. Historic Resource mentioned in the Town's Master Plan; or
 - iii. The structure is listed or deemed eligible for the National Register of Historic Places. The National Register of Historic Places covers four main categories:
 - (1) Aesthetics/Architecture;
 - (2) Connection to Historic Event/Movement (could be locally or nationally significant);
 - (3) Connection to Historical Figure;
 - (4) Reasonable Evidence to Merit Archaeological Investigation; or
 - iv. The structure is located within a State or National Historic District.
- If the Historic Preservation Commission does not deem the structure to Preferably Preserved, the Zoning Officer shall issue the requested permit for demolition. If the Historic Preservation Commission determines that the structure is Preferably Preserved, the Historic Preservation Commission shall recommend to the Zoning Officer that the permit for demolition be denied.
- Once a Structure is determined to be Preferably Preserved, the owner shall be responsible for properly securing the structure (if vacant) to the satisfaction of the Building Officer, and for taking common preventative measures (e.g. turning water off if the structure will remain unheated) to prevent damage to said structure. Subsequent destruction of the structure at any time during the demolition delay period, which could have been avoided by common preventative or basic security measures, shall be considered a demolition in violation of this Ordinance.
- d. Effect of Grants or Denials of Permits; Appeals.
- i. Effect. Issuance of an approval of a permit shall be deemed to be a final approval pursuant to this Chapter. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other Town Ordinance to be made prior to undertaking the demolition of the approved structure. The denial of a permit for demolition shall be deemed to preclude the applicant from undertaking the activity applied for.
 - ii. Appeal. The denial of a permit may be appealed to the Zoning Board of Adjustment pursuant to the

provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-70(a). Appealed applications shall provide the following:

- (1) Any forms required as part of the demolition application.
 - (2) Interior and exterior photographs of the building.
 - (3) A statement that explains why the building lacks historic or aesthetic value.
 - (4) A list of the architectural-defining elements and the building materials used to construct those elements.
 - (5) Inventory of building and site to comply with historic standards.
- iii. If said denial is appealed to the Zoning Board of Adjustment, and the Zoning Board of Adjustment finds in the applicant's favor, the Zoning Officer shall issue a demolition permit.
- iv. If said denial is appealed to the Zoning Board of Adjustment, and the Zoning Board of Adjustment affirms the denial, the applicant shall not be issued a demolition permit until the applicant has demonstrated the following to the Zoning Officer:
- (1) Notice of the proposed demolition has been posted on the premises of the building, structure or site for a period of nine (9) months starting from the date of denial by the Zoning Board of Adjustment (the "Notice Period") and applicant has published notice of the proposed demolition in the official newspaper of the Town within the first ten (10) days of the Notice Period, within the last ten (10) days of the Notice Period, and at least once every 90 days within the Notice Period;
 - (2) Applicant has worked with the Historic Preservation Commission to evaluate viable alternatives to demolition; and
 - (3) Applicant has made good faith attempts to either sell or rent the property at fair market value.
 - (4) Applicant has allowed HPC to document and take photographs of the property, interior and exterior of the building, and all structures that may be affected by the demolition, and obtain historical records, maps, plans, reports related to the site and structures.
 - (5) At the conclusion of the Notice Period, if the applicant still wishes to proceed with demolition, prior to performing the demolition, the Applicant will:
 - (A) Advise the Zoning Officer in writing of its intention to proceed with the demolition; and
 - (B) Certify in writing to its compliance with the provisions of the Notice Period; and
 - (C) Provide the Commission with a copy of the notice that appeared in the official newspaper of the township and a listing of all dates on which the said notice appeared in the newspaper; and
- e. Demolition Procedure Approvals; Inspections.
- i. In the demolition of a structure, the person making application for a permit will erect an approved system of barricades, have the electric, gas and telephone services disconnected by the respective utility companies and shall be required to disconnect and seal the water and sewer lines. A permit to demolish a structure shall not be issued until a release is obtained from the utilities stating that their respective service connection and appurtenant equipment, such as meters and regulations, have been removed, sealed or plugged in a safe manner. The Division of Building and Uniform Construction Code Enforcement shall be notified at least four (4) days prior to the proposed demolition; adequate and proper rodent control measures shall be instituted at least three (3) and not more than ten (10) days prior to commencement of work. In addition thereto, the applicant shall give written notice to the owners of adjoining lots and to the owners of wires or other facilities, the temporary removal of which may be necessitated by the proposed work. All necessary permits shall be obtained from the Department of Public Works. The applicant shall arrange for an inspection to be made by the Construction Official to determine if the above-mentioned measures have been taken in accordance with this section, and if so, a demolition permit will be issued.
 - ii. The contractor shall obtain appropriate approval for water use on the site from the Department of Public

Works for dust control. The contractor shall provide a flagman for traffic control when necessary, and should a street have to be closed, he shall obtain written permission from the Director of Public Works, the Chief of Police and the Fire Chief.

- iii. No explosives shall be utilized in the demolition of any building or structure.
 - iv. The Construction Official may inspect the demolition of any building or structure in the Town of Morristown daily and shall be empowered to halt any such demolition that in the judgment of the Construction Official is not being performed in a safe and sanitary manner or in accordance with the provisions of this section.
- f. Procedure Following Demolition.
- i. When a building or structure has been demolished and no building permit has been obtained for a replacement structure so that the site of the previous building will remain vacant, the site and/or lot shall be filled, graded, seeded and maintained in conformity to the established street grades at curb level.
 - ii. Once a building or structure has been demolished, a safety fence shall be erected around the site and/or lot until subsequent construction requires other or until site is restored as discussed above.
 - iii. The site and/or lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public in accordance with the provisions of the appropriate subcodes. Provisions shall be made to prevent the accumulation of water or damage to any foundation on the premises or on private or public property.
- g. Failure to Complete Work. If any demolition contractor fails to complete the work for which a permit has been issued within ten (10) days after the expiration of the time period specified in the statement submitted in support of the permit application under subsection 2e, the Construction Official or his designee, after the service of a three (3) day written notice, shall declare the contractor in default and proceed to have the demolition completed by exercising the Town's right under the performance bond.
- h. Insurance.
- i. Any person or contractor engaged in the demolition of a building or structure within the Town of Morristown shall file with the Municipal Clerk evidence of the contractor's financial responsibility in the form of a certificate of insurance specifying demolition purposes. The person or contractor must obtain insurance specifically covering the demolition in the following amounts:
 - (1) Liability insurance covering bodily injury to persons of at least one million (\$1,000,000.00) dollars combined single limit per person.
 - (2) Liability insurance covering property damage of at least one million (\$1,000,000.00) dollars combined single limit per accident.
 - ii. In addition thereto the applicant or contractor must obtain a completion of performance bond pursuant to subsection 2m. The certificate of insurance shall provide that the Town of Morristown and its agents shall be saved harmless from any claim or claims resulting from the demolition caused by the applicant, contractor, their agents, servants or employees.
- i. Violations and Penalties. Enforcement.

Any person violating any of the provisions of this Chapter shall, upon conviction hereof, be subject to the penalties herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person who shall undertake any activity without approvals required by this Chapter shall be deemed to be in violation hereof.

If any person shall undertake demolition of a premises without first having obtained a permit, he or she shall be required to immediately stop the demolition, apply for approval and take any necessary measures to preserve the affected premises pending such approval. If the permit for demolition is denied, he or she shall immediately restore the affected premises to its condition prior to any demolition. In the event of a threat of imminent action for which the necessary approvals have not been granted and which action would permanently and adversely change a historic or landmark premises, the Zoning Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

In addition to the remedies provided above, a person convicted of a violation of this Chapter shall be subject to penalties as follows:

- (1) For each day up to ten (10) days: no more than \$500 per day;
- (2) For each day between eleven (11) and twenty five (25) days: not more than \$1,000 per day;
- (3) For each day beyond twenty five (25) days : not more than \$2,000 per day and a jail term not to exceed 90 days may be imposed; and
- (4) If a building subject to the provisions of this Ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of five (5) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration, or unless otherwise agreed to by the Commission.

10. Electric Vehicles Supply/Service Equipment, Approvals and Permits

- a. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
- b. EVSE and Make-Ready Parking Spaces installed pursuant to Section 30-4.F.6 in development applications that are subject to site plan approval are considered a permitted accessory use as described in i. above.
- c. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- d. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Morristown's land use regulations.
- e. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - i. The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - ii. All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - iii. The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- f. An application pursuant to Section 5. above shall be deemed complete if:
 - i. The application, including the permit fee and all necessary documentation, is determined to be complete,
 - ii. A notice of incompleteness is not provided within 20 days after the filing of the application, or
 - iii. A one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- g. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- h. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

30-8.B. Submission Requirements

1. Administrative Submission Requirements

- a. Required Application Submission Contents.
 - i. The following statements/documents are required for all application submissions, except concept reviews:
 - (1) Completed Land Use Application Form.
 - (2) Required Worksheets (See [Appendix B](#)).
 - (3) Required Submission Checklists (See [Appendix B](#)).
 - (4) Six (6) paper copies upon application submission of all documents, and twenty-one (21) paper copies upon “completeness” determination of application.
 - (5) All fees and escrow deposits paid (See [Appendix C](#)).
 - (6) Site inspection authorization (See [Appendix C](#)).
 - (7) Owner Contribution Disclosure Form (See [Appendix C](#)).
 - (8) Disclosure of Corporate Ownership (See [Appendix C](#)).
 - (9) Tax collector certification that all property taxes have been paid.
 - (10) Prior Approvals.
 - (11) Photographic Survey of Subject Site.
 - (12) List of Property Owners Within 200’ of Subject Property, if noticing is required.
 - (13) List of anticipated inter-agency and government permits required.
 - (14) Alcoholic Beverage Control (ABC) Board approvals, if applicable.
 - (15) Calculation of affordable housing obligation (See [Section 30-6.A.3](#)), if applicable.
 - (16) Shade Tree Commission (STC) Checklist Form (See [Appendix C](#)).
 - (17) Description of any waivers requested and basis for granting of waiver.
 - (18) Digital copy provided via a readily accessible and readable digital storage format.
 - (19) Executed Redevelopment Agreement / applicable legal authorizations to proceed with project in Redevelopment Area, as determined to be necessary by Board Attorney (if within Redevelopment Plan).
 - (20) If off-site parking or off-site valet parking is proposed, an executed Letter of Availability from the Morristown Parking Authority or executed Parking Agreement.

2. Major Site Plan Requirements

- a. Purpose
 - i. This Section is adopted pursuant to N.J.S.A. 40:55D-38 and 55D-39 to ensure that the proposed development complies with all of the standards and provisions set forth in N.J.S.A. 40:55D-38(a) and (b), which are hereby incorporated by reference. Site plans shall be so designed as to provide for the harmonious use of land and as to comply with all of the requirements of this Part 1 and all other applicable ordinances and the foregoing purposes.
- b. Submission Of Site Plan
 - i. Major Site Plans shall be filed with the zoning officer at least fourteen (14) days prior to the regular monthly meeting of the Planning or Zoning Board, together with all required application forms and the fee required by ordinances.
 - ii. Size of Submissions
 - (1) Major Site Plan submissions shall be on paper twenty-four by thirty-six (24 x 36) inches.
- c. Required Site Plan Submission Contents

- i. The following reports/statements/documents are required for all Major Site Plan submissions:
 - (1) Completed Administrative Checklist M-1 (See [Section 30-8.B.1](#)).
 - (2) Professional Signed and Sealed Survey.
 - (3) Major Site Plan Drawings (See [Section 30-8.B.7](#)).
 - (4) Covenants, easements, and deed restrictions.
 - (5) Environmental Impact Statement (See [Section 30-8.B.8](#)).
 - (6) Traffic Study performed by a licensed engineer (See [Section 30-8.B.9](#)).
 - (7) Sewer Connection Fee Determination Application.
 - (8) Sustainable Development / Green Building Form (See [Appendix C](#)).
 - (9) Complete Streets Checklist (See [Appendix C](#)).
 - (10) Facade Design Review Guideline Conformance Form in TC District only (See [Appendix C](#)).
 - (11) Stormwater Management Plan
 - (12) Tree Plot Plan (When Trees are Removed).
 - (13) Steep Slopes Analysis Per 30-5.B (When Steep Slopes Are Disturbed).
 - (14) Summary of all changes from prior submission and summary of changes, if applicable.

3. Minor Site Plan Requirements

- a. Purpose
 - i. This Section is adopted pursuant to N.J.S.A. 40:55D-38 and 55D-39 to ensure that the proposed development complies with all of the standards and provisions set forth in N.J.S.A. 40:55D-38(a) and (b), which are hereby incorporated by reference. Site plans shall be so designed as to provide for the harmonious use of land and as to comply with all of the requirements of this Part 1 and all other applicable ordinances and the foregoing purposes.
- b. Submission Of Minor Site Plan
 - i. Minor Site Plans shall be filed with the zoning officer at least fourteen (14) days prior to the regular monthly meeting of the Planning or Zoning Board, together with all required application forms and the fee required by ordinances.
- c. Size of Submissions
 - i. Minor Site Plan drawings shall be on paper no smaller than eight and one-half by eleven (8 1/2 x 11) inches and shall be sufficiently sized to be legible.
- d. Required Site Plan Submission Contents
 - i. The following reports/statements/documents are required for all Minor Site Plan applications:
 - (1) Completed Administrative Checklist M-1 (See [Section 30-8.B.1](#)).
 - (2) Signed and Sealed Professional Survey.
 - (3) Minor Site Plan Drawings (See [Section 30-8.B.7](#)).
 - (4) Facade Design Review Guideline Conformance Form in TC District only (See [Appendix C](#)).
 - (5) Tree Plot Plan (When Trees are Removed).
 - (6) Steep Slopes Analysis Per 30-5.B (When Steep Slopes Are Disturbed).
 - (7) Summary of all changes from prior submission and summary of changes, if applicable.

4. Applications requiring variance relief

- a. Required Submission Contents
 - i. The following drawings are required for one- and two-family variance applications:
 - (1) Completed Administrative Checklist M-1 (See [Section 30-8.B.1](#)).

- (2) Signed and Sealed Professional Survey.
 - (3) Site Improvement Plan.
 - (4) Interior layout and elevation plan, professionally prepared.
 - (5) Tree Plot Plan (When Trees are Removed).
 - (6) Steep Slopes Analysis Per 30-5.B (When Steep Slopes Are Disturbed).
- ii. The following drawings are required for all non one- and two-family variance applications:
 - (1) Completed Administrative Checklist M-1 (See [Section 30-8.B.1](#))
 - (2) Completed Major Site Plan or Subdivision Checklist
 - (3) Parking Study, if parking variance (See [Section 30-8.B.10](#)).
 - (4) Cross-Section, if height variance exceeds 10' or 110%.
 - (5) Professionally prepared plans, if bi-furcated application.

5. Appeal of a decision of the Zoning Officer / Interpretation of the Zoning Ordinance

- a. The following drawings are required by all applications appealing a decision of the Zoning Officer or requesting an interpretation of the Zoning Ordinance.
 - i. Maps or diagrams showing any geographic basis for appeal or interpretation request.
- b. The following reports/statements/documents are required by all applications appealing a decision of the Zoning Officer or requesting an interpretation of the Zoning Ordinance.
 - i. Application summary describing the decision, or if multiple, an itemized listing and description of all decisions, that the appeal or interpretation request seeks to resolve.
 - ii. Citations of Ordinance, letters of denial, or other written documentation as basis for appeal or interpretation request.

6. Zone Change Request

- a. The following reports/statements/documents are required by all applications requesting a change to the delineation of zoning districts or a change to zoning district standards.
 - i. Map of areas impacted by zone change.
- b. The following reports/statements/documents are required by all applications requesting a change to the delineation of zoning districts or a change to zoning district standards.
 - i. Summary of zone changes proposed.
 - ii. Statement of Master Plan and policy basis to support Zone change.

7. Required Drawing Details

- a. All site plans shall include a data block setting forth the following:
 - i. Title or name of the developer.
 - ii. Name and address of the applicant and the record owner of all lots comprising any part of the plan.
 - iii. Name, address, profession, New Jersey license number, signature and seal of the preparer of the site plan.
 - iv. The date of preparation of the plan and all revision dates.
 - v. Indication of scale.
 - vi. North Arrow.
 - vii. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the in degrees, minutes, and seconds to a precision matching existing boundary information. The error of closure shall not exceed one (1) to ten thousand (10,000).
- b. The following lists the required pages and details for each page.

	MAJOR SITE PLANS	MINOR SITE PLANS
i. Cover Page 1. Signature Block for Chairperson, Secretary and Board Engineer. 2. Name and addresses of properties within a 200' radius when noticing required. 3. Block and lot numbers. 4. Aerial Imagery with tract location. 5. Zoning boundaries. 6. School Zone and Municipal Boundaries (if applicable).	X	X
ii. Demolition Plan 1. Lot boundaries. 2. Easements. 3. Signs. 4. Utilities. 5. Streets and intersections. 6. Buildings and structures. 7. Landscaping and trees. 8. Pedestrian and bicycle detours. 9. Notes indicating features to be removed or remain.	X	
iii. Site Plan 1. Lot boundaries. 2. Easements. 3. Dimensions of setbacks. 4. Streets and intersections. 5. Buildings and structures with active, inactive and freight entrance locations. 6. Site circulation patterns. 7. Loading facilities. 8. Parking facilities. 9. Signs. 10. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable). 11. Minor Site Plans Only - Notes indicating features to be removed or remain.	X	X
iv. Grading and Drainage Plan 1. Lot boundaries. 2. Streets and intersections. 3. Buildings and structures. 4. Elevations (2' contours when slopes less than 15%, 5' contours when slope greater than 15%). 5. Permeable pavement. 6. Drainage / Stormwater facilities, structures, and pipes including invert and grate or rim elevations. 7. Direction of drainage flow. 8. Top, bottom, and flush elevations of curbs and structural walls. 9. Rain gardens or green roofs if proposed. 10. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X	
iv. Soil Erosion and Sediment Control Plan 1. Lot boundaries. 2. Streets and intersections. 3. Buildings and structures. 4. Pre- and post-construction contours. 5. Location of all erosion control structures, inlet protection structures, protective fencing and stockpile location. 6. Limits of disturbance boundary and area of disturbance. 7. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X	

	MAJOR SITE PLANS	MINOR SITE PLANS
<p>v. Utility Plan</p> <ol style="list-style-type: none"> 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and Structures. 4. Transformer, generator, HVAC, exterior meters and all ground-mounted utilities. 5. Electrical, Gas, Water and Sanitary Sewer lines, whether publicly or privately owned, with pipe sizes, grades and direction of flow. <ul style="list-style-type: none"> • Location of all proposed waterlines, valves and hydrants and all sewer lines or alternate means of water supply or sewage disposal and treatment in conformance with the applicable standards of the Town of Morristown and of the appropriate utility company. • Stormwater drainage system designed to handle a ten-year storm, using a one-hour intensity of two (2) inches. All site plans shall be accompanied by a key map showing all existing drainage within five hundred (500) feet of the tract and all areas such as paved areas, grassed areas, wooded areas and any other surface area contributing to the surface water runoff and calculations of the runoff, with methods of computation. 6. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable). 	X	
<p>vi. Landscape Plan</p> <ol style="list-style-type: none"> 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and Structures. 4. 10-Year Shade Coverage. 5. Lawns, gardens and planted areas. 6. Impervious coverage. 7. Plant schedule including species, quantity, and size. 8. A table shall be provided listing the specifications and area for all impervious coverage and for all pervious improvements such as rain gardens and permeable pavers that meet the design requirements in Section 30-4.J.3. 9. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable). 	X	
<p>vii. Lighting Plan</p> <ol style="list-style-type: none"> 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and structures including building entrances. 4. Footcandle levels with table of the applicable standards of Section 30-4.D. 5. The proposed location, direction of illumination, lighting levels, power and time of existing and proposed outdoor lighting. 6. Lighting fixture specifications and details. 	X	
<p>viii. Architectural Details</p> <ol style="list-style-type: none"> 1. Existing elevations if construction or rehab of an existing structure is proposed. 2. Proposed elevations of each facade. 3. Existing floor plans if change of use is proposed. 4. Proposed floor plans. 5. Roof plan. 6. Specifications and colors for all exterior materials, including trim materials, doors, windows, signs, and light fixtures. 	X	X
<p>ix. Construction Details</p> <ol style="list-style-type: none"> 1. Construction details for any proposed signage, sidewalks, curbs, structural retaining wall design, drainage structures, ADA markings, accessory structures, bioswales and rain gardens, pervious pavings, fences/walls, and tree planting details. Projects in the S2 or S3 frontage classification shall conform to the Morristown Partnership Standards (See Appendix C). 	X	
<p>x. Variance and Design Waiver Details</p> <ol style="list-style-type: none"> 1. Chart of "C" bulk variances, design waivers and "D" variances. 	X	X

8. Environmental Impact Statement

a. Purpose.

- i. The purpose of requiring an environmental impact statement is to permit the Planning Board of the Town of Morristown to assess the impact of a proposed project upon the environment, particularly with respect to water and air resources, pollution of all kinds, drainage, waste disposal and the landscape, and to determine, as a result of reviewing the E.I.S., whether the proposed structure, subdivision or use may be undertaken without detriment to the public health, safety and welfare of the Town of Morristown and the statutory purposes set forth in the Municipal Land Use Law.

b. Contents of Statement.

- i. The Planning Board shall adopt, after notice and public hearing, rules and regulations concerning the contents of the E.I.S. and the qualifications of the professional persons preparing same, according to the following standards:

- (1) The E.I.S. shall consider, as a minimum, the following factors in addition to those required by the other parts of this chapter:
 - (A) The effect of the proposed development on air quality; water quality and supply; sewage and sewerage facilities; conservation of plant, marine and wildlife; noise, traffic congestion; pollution and any other factors which may objectively be determined to be possibly destructive to the environment, and whether or not these impacts are avoidable. Where appropriate, the Planning Board shall require description of any such factor in relation to technical standards or definitions promulgated by any Federal, State or County agency or by definitions or standards accepted by recognized scientific or technical bodies.
 - (B) The public costs of the proposed project, including but not limited to the costs of additional schools, roads, sewer and water facilities, police and fire protection.
 - (C) A comparison of the factors set forth in paragraphs 1 and 2 above for all permitted uses of the property in question.
 - (D) Suitable planning for protection against environmental damage during construction, development and operation of the project.
 - (E) A showing that the sewer and water facilities planned for the project are adequate for the purposes intended, will be non-polluting and will meet with fire protection and all other health and safety requirements and shall comply with all applicable Federal, State and local codes and ordinances.
 - (F) A showing that adequate on-site and off-site drainage will be provided to minimize or eliminate the potential for erosion or downstream flooding.
 - (G) An adequate plan for solid waste disposal.
 - (H) A showing that the project will not visibly or chemically harm air quality.
 - (I) A listing and an analysis of all Federal, State, County and local permits required for the project.
- (2) The Planning Board shall adopt reasonable rules and regulations establishing a procedure whereby an applicant may apply to it for a waiver or relaxation of the E.I.S. requirements. Such rules and regulations shall comply with the following standards:
 - (A) The E.I.S. requirements may be waived only if an objective determination is made that:
 - (2) The existing site plan and subdivision requirements adequately protect the environment, given the nature of the proposed development; or
 - (3) Existing planning and engineering data available to the Planning Board would make preparation of a new E.I.S. redundant; or
 - (4) Any other reason satisfactory to show that the absence of an E.I.S. would not be

detrimental to the public good or would not impair the intent or purpose of this chapter and would not be detrimental to the public health, safety and welfare. The rules shall provide that a presumption exists that an E.I.S. is necessary, and the applicant shall have the burden of proof of rebutting that presumption.

- (E) The Planning Board may adopt rules and regulations allowing the waiver of certain portions of the E.I.S. requirements, provided that the standards for waiver in paragraph b,1. above are complied with.
- (F) The Planning Board shall adopt rules and regulations establishing the procedure for preparing and filing the E.I.S., including promulgating all necessary forms required, the maps and exhibits to be submitted in support thereof and all other procedural matters not specifically covered by this Section; provided, however, that the following standards are complied with:
 - (7) When a public hearing on notice is required for Planning Board approval of any application, the E.I.S. shall be submitted in advance of such hearing and be open to public inspection, and reference to its availability for inspection shall be made in the notice of hearing.
 - (8) The Planning Board, in promulgating such rules and regulations, shall attempt to streamline procedures to avoid duplication, waste and excessive cost to the applicant.
- c. Fees: Upon filing the E.I.S. application as provided by regulation, the applicant shall pay a filing fee as provided in [Section 30-8.C.5](#), Fees; upon submission of the E.I.S., applicant shall pay an additional fee, plus an amount per one thousand (1,000) square feet of land area for which application for use or development is being made, as provided in [Section 30-8.C.5](#), Fees. The Planning Board shall have the right to waive or reduce such fees upon a showing of hardship or if the applicant is a public or quasipublic entity.
- d. Review and Approval.
 - i. In reviewing an environmental impact statement, the Planning Board shall take into consideration the effect of the applicant's proposal upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, preservation of trees and vegetation, protection of watercourses, protection of air resources, protection of aquifers, protection of public lands and other uses and ecosystems, and the presence of any nuisance factors, such as noise or odor, or the presence of any health or safety hazards. The Planning Board may submit the environmental impact statement for review to such other governmental bodies and to such consultants as it may deem appropriate. The Planning Board shall request that an advisory report be made to it by such governmental body or consultant within thirty (30) not of such submission of the environmental impact statement to such governmental body or consultant. The Planning Board shall approve an environmental impact statement only if it determines that the proposed development:
 - (1) Will not result in appreciable harm to the natural environment.
 - (2) Has been designed with a view toward the protection of natural resources.
 - (3) Will not place such an excessive demand upon the total resources available for such proposal and for any future proposals as to be incompatible with the general health, safety and welfare.
- e. Conditions.
 - i. The Planning Board shall set the steps to be taken to minimize adverse environmental impacts during construction and operation of the proposed project, which shall constitute conditions of the approval of the environmental impact statement, together with such other conditions as the Planning Board may reasonably impose. No certificate of occupancy shall be issued until compliance shall have been made with such conditions. Any certificate of occupancy issued hereunder shall be revoked by the appropriate enforcing officials should the conditions of approval not continue to be met.
- f. Public and Quasi-Public Projects
 - i. An environmental impact statement as required herein shall also be submitted as to all public or quasi-public projects unless they are exempt from the requirements of local law by supervening County, State or Federal law.

9. Traffic Study

- a. When required, submission shall conform to standards for Traffic Impact Studies provided by the Institute of Transportation Engineers (ITE).

10. Parking Study

- a. When required, submission shall include:
 - i. Parking study showing existing parking utilization on the subject property, on any properties proposed to provide off-site parking, and on-street within 400 feet of the subject property during the following times:
 - (1) Weekday afternoon (1pm-3pm)
 - (2) Weekday night (7pm-9pm)
 - (3) Weekend afternoon (1pm-3pm)
 - (4) Weekend night (7pm-9pm)

11. Additional Submission Requirements

- a. Waivers
 - i. The Board may waive any or all submission requirements, provided that it has adequate information at its disposal to ensure that the applicant has met all requirements for approval. Nothing contained herein shall be construed as relieving the applicant from compliance with the requirements of [Section 30-8.B.1.c.](#)
 - ii. Standards for specific waivers
 - (A) Environmental Impact Statement
 - (I) The approving authority may waive the requirements for an EIS, in whole or in part, if sufficient evidence is submitted by the applicant to support a conclusion that the proposed project will have a negligible environmental impact or that a complete EIS need not be prepared in order to evaluate adequately the environmental impact of the project.
 - (B) Parking Study
 - (I) The Board may waive the requirements for a parking study, in whole or in part, if the parking variance is no more than 5% of required parking
- b. Preparation of Site Plan
 - i. The site plan shall be prepared in accordance with the division of responsibilities as established by the Department of Community Affairs.
- c. Compliance with Uniform Construction Codes
 - i. The design and construction of all site improvements shall comply with the New Jersey Uniform Construction Code and all applicable State, Federal or local codes or standards governing any phase of construction, health or safety and the Soil Erosion and Sediment Control Act.
- d. Submission of Copy for Signature and Filing
 - i. After approval, a polyester film or linen print of the site plan as approved shall be submitted for signature and filing, to be of a size no more than twenty-four (24) inches by thirty-six (36) inches. All information appearing thereon shall be in black India ink. Additional prints as required shall also be submitted after approval.
- e. Review Fees
 - i. All applicants shall submit, in addition to the fees set forth in [Section 30-8.C.5](#), additional fees to defray the costs to the Town for necessary professional services including, but not limited to, shorthand reporting and transcripts, fees for attorneys, engineers, planners and other professionals or consultants whose services are

reasonably necessary in order to properly process the application by the approving Authority.

- (1) Each applicant shall pay an initial deposit at the time of filing an application which shall be deposited in a common escrow fund maintained for all such deposits. The Town Administrative Officer shall maintain a separate account statement for each applicant. The amount of the deposit shall be based upon the nature of the application and shall be as set forth in [Section 30-8.C.5.](#)
 - (2) All bills incurred by the Town for professional services, including, but not limited to, site inspections, review of application materials, preparation of reports, attendance at meetings, review of as-built plans and conditions related to such plans, performed in connection with the processing of an application shall be charged against the applicant's escrow account established pursuant to this section. The Town shall require all professionals to submit itemized bills specifically identifying all services performed for each application. All charges for professional services shall not exceed the usual and customary fees charged by such professionals for like services.
 - (3) In the event that an applicant's escrow fund shall be depleted prior to the completion of the processing of the application, the Administrative Officer of the Town shall immediately notify the applicant, in writing, that there is or will imminently be a deficiency in the applicant's escrow account. The Town Administrative Officer shall also make a good faith estimate as to the cost the Town is likely to incur in additional professional services to complete the processing of the application. The applicant shall forthwith deposit the amount of the additional escrow estimated by the Administrative Officer.
 - (4) Any deposit remaining in the applicant's escrow account upon completion of the application procedure shall be returned forthwith to the applicant.
 - (5) Both the filing fee and the escrow deposit required by this section shall constitute elements of a completed application as that term is defined in the Municipal Land Use Law. No approving authority shall process any application, nor shall the time limits referred to in the Municipal Land Use Law begin to run, until all of the fees required by this section shall have been received by the appropriate Town official.
- f. Standards Governing Site Plan Review
- i. The Planning Board (or Board of Adjustment in an appropriate case) shall not grant site plan approval unless the site plan submitted meets the following minimal standards:
 - (1) The site plan shall demonstrate a consistency of layout, meeting all applicable zoning requirements.
 - (2) The proposed streets, roadways or private roads, walkways, curbs, gutters, streetlights and fire hydrants shall be of the same width and constructed in the same manner as required for major subdivisions, and shall be of suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment and coordinated so as to compose a convenient system consistent with the Official Map (if existing) and the Master Plan.
 - (3) The site plan shall make adequate provision for water supply, drainage, shade trees, sewerage facilities and other utilities.
- g. Applications for Preliminary and Final Site Plan Approval
- i. An applicant for a site plan may apply for preliminary approval, or alternatively, for both preliminary and final approval in one (1) proceeding. Unless the application otherwise states, it shall be presumed that the applicant desires both preliminary and final approval. In the event of application for preliminary approval only, the applicant shall submit a tentative site plan and engineering data and preliminary architectural rendering and elevations.
 - ii. The Planning Board shall hold a preliminary hearing on each site plan application. In the event that substantial amendments to the layout or improvements are required, the applicant shall be required to submit an amended site plan in the same manner and subject to the same time periods as an original application.

- h. Conditions for Final Approval of Site Plans
 - i. The Planning Board shall grant final approval if:
 - (1) The detailed plans, drawings and estimates, including the environmental impact statement, comply with all of the requirements and standards set forth in this chapter.
 - (2) All conditions of preliminary approval have been met or sufficiently provided for by performance guaranty or by the imposition of a condition upon final approval.
 - (3) The applicant has paid all fees and all real estate taxes and assessments due on the property in question.
 - (4) Adequate provision has been made for the handling of all required off-tract improvements.
 - (5) The applicant has filed for and received official soil erosion and sediment control plan approval and County Planning Board approval, where required, except that the Planning Board shall have the power to grant approval conditioned on the receipt of the aforesaid approvals prior to issuance of any building or construction permit.
 - i. Exceptions to Site Plan Approval
 - i. The Planning Board may, at the preliminary site plan approval stage, grant exceptions to the site plan approval requirements of this chapter, provided that, after a public hearing on notice to all property owners within two hundred (200) feet, served in the manner required by N.J.S.A. 40:55D-12, the applicant affirmatively establishes that:
 - (1) The required exception is reasonable and complies with the general purposes and intent of this chapter.
 - (2) The literal enforcement of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

30-8.C. General Development Provisions & Enforcement

1. Duration Of Permits And Approvals

- a. Any permit or approval required by this chapter, including building permits, shall expire one (1) year from the date of issuance unless:
 - i. A certificate of occupancy is issued within that time; or
 - ii. In the case of site plan, subdivision or variance approval, a building permit has been obtained during the one (1)-year period; or
 - iii. The approval resolution of the Board specifies a longer period; or
 - iv. The Municipal Land Use Law specifies a different period.
- b. The Planning Board may, on timely application and upon a showing that all of the conditions existing at the time of issuance of the permit remain unchanged, extend the period for one (1) additional year.

2. Statutory References

- a. All references to the Revised Statutes of the State of New Jersey are to sections thereof in existence as of May 1, 1979. It is the intent of this chapter that, in the event of amendment to or change in the content of any referenced statute or section thereof, or renumbering or recodification thereof, this chapter shall be deemed to be changed or amended accordingly without the necessity of specific amendment of this chapter.

3. General Definitions

- a. Whenever a term is used in this chapter that is defined in the Municipal Land Use Law, the Open Public Meetings Law, the Soil Erosion and Sediment Control Law or the Flood Plain Law, such term is intended to

have the meaning set forth in the definition of such term in the statute, unless a contrary meaning clearly appears in the context of this chapter.

4. Planning Board And Zoning Board Of Adjustment: Construction Of Terms

- a. Whenever the term "Planning Board" or the term "Board of Adjustment" is employed in this chapter and the other Board in fact has jurisdiction over a development application pursuant to the terms of the Municipal Land Use Law, the name of the Board having jurisdiction shall be deemed to be substituted.

5. Fees

- a. Fees Established.

Type of Fee, Charge or Rate	Fee
Concept Plan / Preliminary Informal Application	\$400
Preliminary Major Subdivision	\$500
plus per lot	\$40
Final Major Subdivision	\$300
plus per lot	\$30
Minor Subdivision	\$350
Major Site Plan	\$500
Per 10k sq. ft. over 20k sq. ft. lot area	\$150
Per 1k over 1k floor area	\$20
Minor Site Plan	\$250
Dimensional or Bulk Variances (except Parking)	
1 dwelling unit	\$60
2-5 dwelling units	\$250
5 or more dwelling units	\$400
Per each unit over 5	\$30
Nonresidential	\$500
Parking Variances	
1 dwelling unit	\$60
2-4 dwelling units	\$250
5 or more dwelling units	\$400
Nonresidential	\$500
Conditional Uses	
Home Occupation	\$350
Residential	\$150
Nonresidential	\$500
Use Variance	
1-4 dwelling units	\$400
5 or more	\$750
Nonresidential	\$850
Environmental Impact Statement	\$300
Per 1k over 1k sq. ft. area	\$30
Per 1k over 1k floor area	\$20
Requests for interpretation	
1-4 dwelling units	\$250
5 or more dwelling units	\$400
Nonresidential	\$450
Request for concept or zone change	\$400
Request for final approval extension	
1 dwelling unit	\$150
All other residential C and minor subdivision	\$350
Nonresidential C and major subdivision	\$600
Site plan	\$600

Type of Fee, Charge or Rate	Fee
Use variance	\$1,500
Request for special meeting Board of Adjustment or Planning Board	\$1,500
Application for Checklist Waiver	
Waiver of site plan	\$200
Waiver of EIS	\$200
All other checklist items per item (max 4 per each type of checklist)	\$60
Submission of Revised Plans and Applications	\$200
Submission of Signature Review Plans	\$200
Certification of Pre-existing or Nonconforming Use	\$250
Zoning Permits	
1 dwelling unit	\$50
2-4 dwelling units	\$75
5 or more dwelling units	\$110
Nonresidential	\$175
Flood Hazard Restricted Area Development Permit	\$200
Amendments to approved site plans, subdivisions or other applications after Board approval is granted	50% of original application fee
Issuance and certification of list of property owners by Tax Assessor pursuant to N.J.S.A. 40:55D-12C	\$.25 per name or \$10.00 whichever is greater
Sign Permit	
Except roof sign	\$100
Roof sign permit	\$200
Escrows	
	Fee
Concept Plan / Preliminary Informal Application	\$1,500
Preliminary Major Subdivisions	\$5,000
Final Major Subdivisions	\$5,000
Major Site Plan	\$5,000
Minor Site Plan	\$1,500
Minor Subdivisions	\$1,500
Variance - dimensional or bulk C	
Single-family flat fee	\$1,500
All other C per variance (max 3 variances)	\$1,500
Conditional Use	\$1,500
Use Variance D	\$5,000
Flood Hazard Area Restricted	\$600
EIS	\$600
Plus per 10k over 10k sq. ft.	\$100
Per 1k over 1k sq. ft. floor area	\$20
Appeals to Board of Adjustment	
Alleging errors by the Administration Officer	\$1,500
Seeking Interpretation of Ordinance	\$1,500
Amendments/Revised Plans	\$1,500
Extension of Final Approval single-family	\$400
Extension of Final Approval all others	\$1,500
Checklist waiver requests	\$400
Waiver of site plan approval	\$600
Certification of a pre-existing or nonconforming use by Board of Adjustment	\$500

6. Enforcement

- a. This chapter shall be enforced by the appropriate officials in the Division of Land Use Administration within the Department of Code Enforcement. It shall be the duty of the Division of Land Use Administration within the Department of Code Enforcement to:

- i. Inspect and investigate all complaints concerning possible violations of this chapter and prosecute violations thereof.
 - ii. Perform all the functions of the Zoning Officer in reviewing all development applications for compliance with this chapter, including making necessary inspections during the course of construction.
 - iii. Issue zoning permits, or any other permit required by this chapter.
- b. The Housing Inspectors and the Zoning Officer are hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Town of Morristown in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Housing Inspectors and the Zoning Officer are hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. If the owner or occupant denies the Housing Inspectors and/or Zoning Officer access or entry to any dwelling, dwelling unit, rooming unit or premises located within the Town of Morristown, the Housing Inspectors and/or Zoning Officer or his or her authorized representatives shall obtain a proper warrant or other remedy provided by law to secure entry. Upon the issuing of a proper warrant, the owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times, subject to due process and the laws of the State of New Jersey, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter.

7. Existing Applications And Permits

- a. This chapter shall apply to all applications pending before the Planning Board and Board of Adjustment on the effective date hereof that were not filed with the administrative officer and accepted as complete by the appropriate Board on or before August 1, 2018. All building permits legally issued prior to August 1, 2018, shall remain in full force and effect.

8. Violations And Penalties

- a. Every person, firm, or corporation violating any of the provisions of this Chapter 30 for which another penalty is not prescribed shall be liable, and punishable, upon conviction thereof, by a fine of not less than one thousand five hundred (\$1,500.00) dollars or by imprisonment for a term not exceeding ninety (90) days, or both, for each violation committed hereunder, provided that the owner of the subject property shall be afforded a thirty (30) day period to cure or abate such condition(s) and shall also be afforded an opportunity for a hearing before the Municipal Court for an independent determination concerning said violation. Subsequent to the expiration of the thirty (30) day cure period, a fine of not less than one thousand five hundred (\$1,500.00) dollars, may be imposed if the Municipal Court has not determined otherwise, or, upon reinspection of the subject property, it is determined that the abatement of the condition has not been substantially completed. Every day that a violation continues after service of written notice by ordinary mail on the owner of the subject property as shown in the latest tax duplicate and the posting of a copy of said notice on the subject property shall be deemed a separate offense.
- b. Notwithstanding the provisions contained in this Section hereinabove, every person, firm or business entity violating the provisions of Article X, Nonconforming Uses and Structures, [subsection 30-8.F.9](#). Applicability of Provisions; Continuance; Prohibitions, of this Chapter XXX, regarding the alteration or expansion of a nonconforming use or structure, shall be punishable by a minimum fine of not less than five hundred (\$500.00) dollars per offense. Every day that each such violation(s) continues after service of written notice by ordinary mail on the owner of the subject property as shown in the latest tax duplicate and the posting of a copy of said notice on the subject property shall be deemed a separate offense and subject to the minimum fine of not less than five hundred (\$500.00) dollars for each day the said violation(s) continues.
- c. Notwithstanding the provisions contained in this [Section 8](#). hereinabove, every person, firm or business entity

violating the provisions of Sections [30-2](#), [30-3](#), [30-4](#), [30-5](#), [30-6](#), [30-7](#) and [30-8.A.4](#) of this Chapter shall be subject to the following fines:

- i. Any violation of Area, Bulk and Yard Requirements in Sections [30-2](#), [30-3](#) and [30-4](#), regarding the violation of lot requirements, i.e., additions, decks, garages, adding/increasing parking areas, front/side/rear yard parking, fence height, and/or accessory structures shall be punishable by a minimum fine of not less than one thousand (\$1,000.00) dollars per offense.
- ii. Any violation of [Section 30-2.F.8](#) Residential Unit Requirements, shall be punishable by a minimum fine of not less than one thousand two hundred and fifty thousand (\$1,250.00) dollars per offense. Each day that the violation exists shall constitute a separate offense and the appropriate enforcing official shall issue daily summonses from the date that the violation is discovered or determined. In addition, the defendant/property owner shall be required to remove all improvements or construction which comprise the illegal living area to the satisfaction of the Zoning Officer within ten (10) days of a conviction of violation of the within provision. If, at the conclusion of that ten-day period, the defendant/ property owner fails to remove said improvements, additional daily summonses shall be issued.
- iii. Notwithstanding the provisions contained in this Section hereinabove, every person, firm or business entity violating the provisions of [Section 30-8.B](#). Submission Requirements, regarding the conversion or use of three (3) or more dwelling units, or failure to comply with, or making unauthorized alterations to site plans previously approved by either the Planning Board or Zoning Board of Adjustment shall be punishable by a minimum fine of not less than one thousand (\$1,000.00) dollars per offense. Every day that each such violation(s) continues after service of written notice by ordinary mail on the owner of the subject property as shown in the latest tax duplicate and the posting of a copy of said notice on the subject property shall be deemed a separate offense and subject to the minimum fine of not less than one thousand (\$1,000.00) dollars for each day the said violation(s) continues.

9. **Prior Approvals for Building Permits For One- and Two-Family Structures or Additions Thereto.**

- a. No building permit shall be issued for the erection, construction, or moving of any one- or two-family structure or part thereof, unless the plans and intended use indicate that such building or structure is designed to conform in all respects to the provisions of this section.
- b. Any application for a building permit involving land disturbance of five-hundred (500) square feet or ten (10) cubic yards of soil or rock or more shall require a permit in accordance with Chapter XXVII, Soil and Soil Removal.
- c. No building to be used for detached one- and two-family structures and no accessory structures, including fences and walls, driveways and parking lots, shall be erected, raised, moved, extended, enlarged, altered or demolished until a building permit has been granted by the Construction Official. Application therefore shall be filed in triplicate with the Construction Official by the owner or his agent, and it shall state the intended use of the structure and of the land. The application shall be accompanied by detailed plans and specifications, a plot plan showing open spaces, building lines within the block, the proposed building, setback limits, garage floor and first floor elevations, proposed lot and curb elevations, existing and proposed finished contour lines, limits of tree removal and such other information as may be required to show that the proposed building or other structure complies with all the requirements of the Uniform Construction Code and Zoning Ordinance. Plans shall be drawn to scale and shall show actual dimensions in figures. All lots shall be graded so that surface waters will be carried away from building with no diversion of existing surface water flows, and so as not to permit the collection of surface waters on the lot. Contour lines shall be drawn at two (2)-foot intervals.
- d. All plans, specifications and plot plans shall be signed by a duly licensed architect or a licensed professional engineer of the State of New Jersey, or the owner may sign the building plans in the event he personally has prepared them. If the building plans are signed by the owner, he shall file an affidavit to that effect in accordance with the requirements of the Uniform Construction Code, together with an accurate survey of the property sealed by a licensed surveyor.
 - i. Two copies of the application shall be transmitted forthwith by the Construction Official to the Town

Engineer, who shall examine it with respect to engineering.

- ii. Upon completion of construction the applicant shall submit as As-Built Plot Plan to the Town Engineer or his designee, who shall review and compare finished grades and engineering details for compliance with the original approved application.
- e. No Certificate of Occupancy will be issued without the Town Engineer's final approval.

10. Off-Tract Improvements; Payment of Costs By Developer

- a. Any off-tract water, sewer, drainage and street improvements shall be adequate to serve the proposed development. In the event that the Planning Board makes a finding that existing off-tract street improvements, water, sewer or drainage facilities are inadequate and that improvements to existing off-tract facilities are necessitated by the proposed development, the Board may require the developer to pay his pro rata share of all such improvements found to be reasonable and necessary, in accordance with one of the following methods:
 - i. The Planning Board may recommend to the governing body that the improvements be installed and assessed by the Town as local improvements, to be paid for by all properties benefiting from the improvements.
 - ii. The Planning Board may appoint a committee to determine the properties benefited by the proposed improvement and a fair method of sharing the costs thereof. The committee shall attempt to obtain signed written agreements as to the sharing of such costs. No such agreement shall be binding unless accepted and signed by all benefiting property owners, but in the event of failure to reach agreement, the applicant shall have the option of requesting the Planning Board to set the applicant's percentage of the total cost of the improvements and depositing with the Town Treasurer a sum equal to the applicant's percentage of the total cost of improvements as estimated by the Town Engineer, which money shall be held in escrow until such time as contracts for the improvements are let or a decision is made not to proceed with the improvements, or the expiration of one (1) year from the date of issuance of a certificate of occupancy to the applicant, in which latter two events the moneys shall be refunded to the applicant.
 - (1) Employ any other method agreeable to the applicant and other benefiting property owners.
 - iii. In the event that all of the above methods fail, the Planning Board may determine the cost of such off-tract improvements and applicant's fair share thereof, in which event the applicant shall have the remedy of paying his share under protest pursuant to N.J.S.A. 40:55D-42.

11. Staged Development

- a. For any site plan which cannot be reasonably constructed within a period of one (1) year, the Planning Board may require, as a condition of final site plan approval or otherwise, one (1) or more of the following:
 - i. That final approval be granted in sections or stages.
 - ii. That improvements be installed in a specified order.
 - iii. That all or some building permits be withheld pending completion of all or certain in-ground improvements or the posting of adequate performance guaranties.
 - iv. That the applicant perform all necessary measures, necessary or reasonable to protect the environment, required by the duration of the construction process.

12. Performance Guaranties

- a. Installation Guaranty.
 - i. For any site plan involving the installation of improvements which will become public property or will be maintained or serviced by the Town of Morristown or any public agency, or which will not be completed within one (1) year of final site plan approval, the Planning Board shall require the applicant to post a performance guaranty consisting of an amount equal to one hundred twenty (120%) percent of the

cost of installing streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers, drainage structures, soil erosion and sediment control devices, public improvements of open space, landscaping and other on-site improvements. Such guaranty shall consist of cash of not less than one (1%) percent nor more than ten (10%) percent of the total, and a surety bond in favor of the Town of Morristown for the balance of the estimation, issued by a reputable surety company and in a form acceptable to the Town Attorney.

- b. **Maintenance Guaranty.**
 - i. Upon completion of the installation of all required improvements but prior to issuance of a certificate of occupancy for any development, the Town Engineer shall certify the cost of all such improvements to be dedicated or conveyed to or maintained or operated by the Town of Morristown. Prior to the issuance of the certificate of occupancy, the developer shall post a maintenance guaranty in the amount of fifteen (15%) percent of the Engineer's certified cost of such improvements, to guarantee maintenance thereof for a period of two (2) years from the date of the certificate of occupancy. Said guaranty shall consist of cash of not less than ten (10%) percent of the total guaranty and a surety bond in favor of the Town of Morristown issued by a reputable surety company and in a form acceptable to the Town Attorney.
- c. **Failure to Complete Guaranteed Improvements.**
 - i. If the required improvements are not completed or corrected in accordance with the terms and the time limits of site plan approval and the performance guaranty, the obligor and surety shall be liable thereon to the Town of Morristown for the reasonable cost of completion or correction of the improvements and all reasonable legal, engineering, architectural or other expenses incurred in connection therewith, and the Town of Morristown may employ any cash guaranty moneys for that purpose or proceed to do the necessary work or contract therefor either before or after receipt of the proceeds of the performance guaranty, and any failure by a developer to complete or correct improvements and each day of continuation of such failure shall be a separate violation of this chapter, subject to the penalty provisions thereof.

30-8.D. **Boards**

1. **Planning Board**

- a. **Establishment; Composition** - There is hereby established pursuant to N.J.S.A. 40:55D-23, in the Town of Morristown, a Planning Board of nine (9) members and two (2) alternate members, consisting of the following classes:
 - i. **Class I: The Mayor**
 - ii. **Class II:** One (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:55D-23, shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
 - iii. **Class III:** A member of the governing body, to be appointed by the same.
 - iv. **Class IV:** Six (6) other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:55D-23, shall be a Class IV Planning Board member unless there is among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.
 - v. **Alternate Members.** Alternate members shall be appointed by the Mayor and shall meet the qualifications

of Class IV members. The Mayor shall, at the time of appointment, designate one (1) alternate "Alternate No. 1" and the other "Alternate No. 2". Alternate members shall have their terms prescribed by N.J.S.A. 40:55D-23. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

b. Terms of Office.

- i. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one (1) year, or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three (3) years, or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
- ii. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body, or at the completion of his Class IV term, whichever occurs first. All Class IV members shall be appointed for terms of four (4) years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

c. Vacancies.

- i. If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

d. Organization of Board.

- i. The Planning Board shall elect a Chairperson and Vice Chairperson from the members of Class IV, and select a Secretary, who may or may not be a member of the Planning Board or a municipal employee designated by it.
- ii. The Chairperson of the Planning Board shall appoint a Site Plan and Subdivision Committee, consisting of four (4) members of the Board, which Committee shall have the power to approve minor subdivisions and minor site plans. Minor site plan or subdivision approvals shall be deemed final approval by the Board. Minor site plan and minor subdivision approval or denial shall take place within forty-five (45) days of the date of submission of a complete application to the administrative officer, or within any extensions of the time period consented to by the applicant.

e. Planning Board Attorney

- i. There is hereby created the position of Planning Board Attorney. The Planning Board shall annually appoint, fix the compensation of, or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.

f. Experts and Staff.

- i. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

g. Powers and Duties.

- i. The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:
 - (A) To make and adopt and from time to time amend a Master Plan for the physical development of the Town, including any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the Town, in accordance with the provisions of N.J.S.A. 40:55D-28.
 - (B) To administer the provisions of the Land Subdivision Regulations and Site Plan Review Regulations of the Town, in accordance with the provisions of this chapter and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq.

- (C) To participate in the preparation and review of programs or plans required by State or Federal law or regulations.
- (D) To assemble data on a continuing basis as part of a continuous planning process.
- (E) To annually prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the governing body.
- (F) To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also to pass upon other materials specifically referred to the Planning Board by the governing body pursuant to the provisions of N.J.S.A. 40:55D-26(b).
- (G) Variance or direction for issuance of permit.
 - (8) When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70:
 - (I) Variances from lot area, dimensional setback and yard requirements, pursuant to Section 30-2 and Section 30-3.
 - (II) Direction for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D- 32.
 - (III) Direction for issuance of a permit for a building or structure not related to a street.
 - (9) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
 - (J) To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.
- h. Education Requirements.
 - i. All members including alternate members of the Planning Board are required to complete the basic course in land use law and planning (hereinafter referred to as the "Mandatory Training Course") offered by the New Jersey Department of Community Affairs or such other course providers as may be approved by the Commissioner of the New Jersey Department of Community Affairs in accordance with the provisions of N.J.S.A. 40:55D23.3 § 23.4 and N.J.A.C. 5:872.1 et seq.
 - ii. All members including alternate members of the Planning Board, unless exempt in accordance with paragraph d. below, shall complete the Mandatory Training Course within eighteen (18) months of assuming Planning Board membership.
 - iii. Planning Board members who fail to satisfy the Mandatory Training Course requirement within eighteen (18) months of assuming Planning Board membership shall be deemed ineligible to continue serving as a Planning Board member. Any Planning Board member deemed ineligible for failure to complete the Mandatory Training Course in a timely manner shall be removed as a member of the Planning Board by the Town Council at its first regular public meeting following the expiration of the applicable time period for that member to complete the Mandatory Training Course. Any Planning Board member removed under this subsection shall not be eligible for subsequent appointment to either the Planning Board or the Zoning Board of Adjustment without first successfully completing the Mandatory Training Course.
 - iv. The following Planning Board members are exempt from the foregoing education requirements pursuant to N.J.S.A. 40:55D-23.4:
 - (A) The Mayor or persons designated to serve on the Planning Board in the absence of the Mayor that serve as a Class 1 member pursuant to N.J.S.A. 40:55D-23.
 - (B) A member of the Governing Body serving as a Class III member pursuant to N.J.S.A. 40:55D-

23.

- (C) Any person who is licensed as a professional planner and maintains a certificate issued pursuant to Chapter 14A of Title 45 of the Revised Statutes which is current as of the date upon which that person would otherwise be required to demonstrate compliance with N.J.S.A. 40:55D-23.3 and 23.4.
 - (D) Any person who offers proof of having completed a course in land use law and planning that is equivalent to or more extensive than that required under the provisions of N.J.S.A. 40:55D-23.2 and as set forth in N.J.A.C. 5:87-3.1 within twelve (12) months of the date upon which the person would otherwise be required to demonstrate compliance with the provisions of the "Mandatory Education Bill for Planning and Zoning Board Member", (N.J.S.A. 40:55D-23.3 and 23.4) and which, in the determination of the Commissioner of the New Jersey Department of Community Affairs, is equivalent to or more extensive than the course defined by the provisions of N.J.A.C. 58:87-3.1.
- v. A hearing or proceeding held, or decision or recommendation made by the Planning Board shall not be invalidated if a Planning Board member has participated in the hearing or proceeding or in the decision making and recommendation and that Planning Board member is subsequently found not to have completed the Mandatory Training Course.
- i. Time for Decisions.
 - i. Minor Subdivisions. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. The Planning Board shall make the determination of completeness. Once the application is complete, the Planning Board shall have forty-five (45) days to act. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plan in conformity with such approval and the provisions of the Map Filing Law or a deed clearly describing the approved subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairperson and Secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.
 - ii. Preliminary Approval of Major Subdivision. Upon submission of a complete application, as determined by the Planning Board, for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission, or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.
 - iii. Ancillary Powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in [subsection 30-8.D.1.G.1](#), the Planning board shall grant or deny approval of the application within one hundred twenty (120) days after submission by the developer of a complete application, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.
 - iv. Time for Final Subdivision Approval. Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application, or within such further time as may be consented to by the applicant. The Planning Board shall determine the completeness of the application within a forty-five-day period of filing with the administrative officer. Failure of the Planning Board to act shall constitute approval. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat, unless within such period the plan shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period

for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

- j. Applications; Procedure for Filing.
 - i. Applications for development within the jurisdiction of the Planning Board shall be filed with the administrative officer. The applicant shall file, at least fourteen (14) days before the date of the monthly meeting of the Board, seventeen (17) copies of a sketch plat and seventeen (17) copies of an application for minor or major subdivision approval, site plan review or conditional use approval. At the time of filing the application, but in no event less than fourteen (14) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers, providing sixteen (16) copies of plot plans and maps and any other required documents.
- k. Citizens' Advisory Committee.
 - i. The Mayor may appoint one (1) or more persons as a Citizens' Advisory Committee to assist or collaborate within the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.
- l. Planning Board Rules and Regulations.
 - i. The Planning Board shall adopt rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

2. Zoning Board Of Adjustment

- a. Establishment; Composition.
 - i. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven (7) residents of the Town of Morristown appointed by the Council to serve for terms of four (4) years from January 1 of the year of their appointment. The Council may also select not more than two (2) alternate members, who shall be residents of the Town of Morristown, to serve for a term of two (2) years from January 1 of the year of their appointment. Alternate members shall be designated by the Council at the time of their appointment as "Alternate No. 1" and "Alternate No. 2". In the event that a choice must be made as to which alternate is to vote, Alternate No. 1 shall vote. No member of the Zoning Board of Adjustment may hold any elective office or other position under the municipality. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- b. Organization.
 - i. The Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall also select a Secretary, who may or may not be a Board member or municipal employee.
- c. Board of Adjustment Attorney.
 - i. There is hereby created the position of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall annually appoint, fix the compensation of or agree upon the rate of compensation of the Attorney, who shall be an attorney other than the Municipal Attorney.
- d. Experts and Staff.
 - i. The Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.
- e. Board of Adjustment Rules and Regulations.
 - i. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

f. Education Requirements.

- i. All members including alternate members of the Zoning Board of Adjustment (“Zoning Board”) are required to complete the basic course in land use law and planning (hereinafter referred to as the “Mandatory Training Course”) offered by the New Jersey Department of Community Affairs or such other course providers as may be approved by the Commissioner of the New Jersey Department of Community Affairs in accordance with the provisions of N.J.S.A. 40:55D-23.3 & 23.4, and N.J.A.C. 5:87-2.1 et seq.
- ii. All members including alternate members of the Zoning Board, unless exempt in accordance with paragraph d. below, shall complete the Mandatory Training Course within eighteen (18) months of assuming Zoning Board membership.
- iii. Any Zoning Board member who fails to satisfy the Mandatory Training Course requirement within (18) eighteen months of assuming Zoning Board membership shall be deemed ineligible to continue serving as a Zoning Board member. Any Zoning Board member deemed ineligible for failure to complete the Mandatory Training Course in a timely manner shall be removed as a member of the Zoning Board by the Town Council at its first regular public meeting following the expiration of the applicable time period for that member to complete the Mandatory Training Course. Any Zoning Board member removed under this subsection shall not be eligible for subsequent appointment to either the Planning Board or the Zoning Board of Adjustment without first successfully completing the Mandatory Training Course.
- iv. The following Zoning Board members are exempt from the foregoing education requirements pursuant to N.J.S.A. 40:55D-23.4:
 - (A) Any person who is licensed as a professional planner and maintains a certificate issued pursuant to Chapter 14A of Title 45 of the Revised Statutes which is current as of the date upon which that person would otherwise be required to demonstrate compliance with N.J.S.A. 40:55D-23.3 and 23.4.
 - (B) Any person who offers proof of having completed a course in land use law and planning that is equivalent to or more extensive than that required under the provision of N.J.S.A. 40:55D-23.2 and as set forth in N.J.A.C. 5:87-3.1 within twelve (12) months of the date upon which the person would otherwise be required to demonstrate compliance with the provision of the “Mandatory Education Bill for Planning and Zoning Board Members”, (N.J.S.A. 40:55D-23.3 and 23.4) and which, in the determination of the Commissioner of the New Jersey Department of Community Affairs, is equivalent to or more extensive than the course defined by the provisions of N.J.A.C. 58:87-3.1.
- v. A hearing or proceeding held or decision or recommendation made by the Zoning Board shall not be invalidated if a Zoning Board member has participated in the hearing or proceeding or in the decision making and recommendation and that Zoning Board member is subsequently found not to have completed the Mandatory Training Course.

g. Powers.

- i. The powers of the Zoning Board of Adjustment shall be those listed in N.J.S.A. 40:55D-68, 69 and 70, and amendments and supplements thereto, and in this section.
- ii. It is the intent of this section to confer upon the Board of Adjustment all powers that may lawfully be conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before it, to interpret and construe the provisions of this chapter and the Zoning Map in accordance with the general rules of construction applicable to legislative enactments.
- iii. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of this chapter in accordance with the general precept that equity shall be done in cases where strict construction of the provisions of this chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by Statute, the Board shall in all cases follow the provisions applicable to it in the Municipal Land Use Law or subsequent statutes in such cases made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

h. Appeals and Applications.

- i. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the zoning regulations or Official Map. Each appeal shall be taken within the twenty (20) days prescribed by the Statute by filing a notice of appeal with the officer from whom the appeal is taken, together with thirteen (13) copies of the notice with the administrative officer. The notice of appeal shall specify the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- ii. Applications addressed to the original jurisdiction of the Board of Adjustment without prior application to the Zoning Officer shall be filed with the administrative officer. Fourteen (14) copies of the application shall be filed. At the time of filing the appeal or application but in no event less than fourteen (14) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rules of the Board of Adjustment.
- iii. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may only be granted by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.

i. Power to Reverse or Modify Decisions.

- i. In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of the Municipal Land Use Law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end exercise all the powers of the administrative officer from whom the appeal was taken.

j. Powers Granted By Law.

1. The Board of Adjustment shall have such other powers as are granted by law to:
 - i. Hear and decide cases where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning regulations.
 - ii. Hear and decide requests for interpretation of the Zoning Map or regulations or for decision upon other special questions upon which such Board is authorized by this chapter to pass.
 - iii. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such property, the strict application of any regulation in the zoning regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, grant a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a principal structure or use in a district restricted against such structure or use; and further provided that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to N.J.S.A. 40:55D-60.
 - iv. Grant a variance to allow a structure or use in a district restricted against such structure or use, in particular cases and for special reasons, but only by affirmative vote of at least two-thirds (2/3) of the full authorized membership of the Board.
 - v. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning regulations. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning

Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

- k. **Additional Powers.**
 - i. The Zoning Board of Adjustment shall, in addition to the powers specified in this section, have power given by law to:
 - (A) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map.
 - (B) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
 - ii. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-76b et seq. or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance.
- l. **Time Limits for Decisions.**
 - i. The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date:
 - (A) On which an appeal is taken from the decision of an administrative officer, or
 - (B) Of the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72(b).
 - ii. Failure of the Board to render a decision within such one-hundred-twenty (120)-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

3. Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment

- a. **Conflicts Of Interest**
 - i. No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- b. **Meetings**
 - i. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
 - ii. Special meetings may be provided for at the call of the Chairperson or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
 - iii. No action shall be taken at any meeting without a quorum being present.
 - iv. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of the Municipal Land Use Law.
 - v. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, Chapter 231, Laws of New Jersey 1975. An executive session for the purpose of discussion and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

c. Minutes

- i. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Board. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matters of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board or by ordinance.

d. Fees

- i. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs which is not otherwise provided for by ordinance may be provided for by and adopted as part of the rules of the Board, and copies of said rules or of the separate fee schedule shall be made available to the public.

e. Applications For Development

i. Application Forms.

- (1) All applicants shall obtain application forms from the Administrative Officer of the municipal agency to which the application is to be submitted. The Administrative Officer shall inform the applicant of the steps to be taken to initiate the application and of the meeting dates of the municipal agency.

ii. Checklists to Accompany Applications for Development. The following checklists are hereby made part of this Section and may be found at the end of this chapter:

- (1) M-1 Administrative
- (2) M-2 Minor Site Plan
- (3) M-3 Minor Subdivision
- (4) M-4 Major Site Plan
- (5) M-5 Major Subdivision (Preliminary)
- (6) M-6 Major Subdivision (Final)
- (7) M-7 Concept Review
- (8) M-8 Variances (C&D)

iii. Completeness of Application.

- (1) An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. Certification as to the completeness of an application shall be in the form of a written notice mailed to the applicant at the address set forth in the application. If no certification as to the completeness and no notice of incompleteness is mailed to the applicant within forty-five (45) days of the submission of an application, then for purposes of the commencement of the time period for action by the municipal agency of the application shall be deemed complete as of the expiration of such forty-five (45) day period. The applicant may request that one or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within forty-five (45) days of the submission of the request.

iv. Correction and Supplementation of Application.

- (1) The fact that an application has been certified to be complete or is deemed complete by reason of a lack of notice of deficiencies does not diminish the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipality may at any time require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary for approval of the application. The application shall not be deemed

incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

f. Hearings

- i. Rules. The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq., or of this chapter.
- ii. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.
- iii. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- iv. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- v. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party, at his expense.

g. Notice Requirements For Hearing

- i. The Applicant shall give notice whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. and as specified below. The following types of applications are exempt from noticing requirements: 1) minor site plan; 2) minor subdivision; and 3) final major subdivision review (whereas preliminary major subdivision review shall require notice). No application requiring variance relief or conditional use approval shall be exempt from public notice.
 - (1) Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates, located within two hundred (200) feet in all directions of the property which is the subject of such hearing, whether located within or without the municipality in which applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on the said current tax map duplicate, or his agent in charge of the property, or by mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
 - (3) Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given to the owners of land in such adjoining municipalities which are located within two hundred (200) feet of a subject premises.
 - (4) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.
 - (5) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.
 - (6) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for

development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to the Municipal Land Use Law.

- (7) All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- (8) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- (9) Form of Notice. All notices required to be given pursuant to the terms of this Section shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development, by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office, and the location and times at which any maps and documents for which approval is sought are available as required by law.
- (10) Notice of hearing concerning the Master Plan, a capital improvement program or the Official Map shall be made in accordance with N.J.S.A. 40:55D-13, 55D-14 and 55D-15.

h. List Of Property Owners Furnished

- i. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee as provided in [Section 30-8.C.5](#) Fees, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice.

i. Decisions

- i. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon.
- ii. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the Board Office, which shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those fees established for copies of other public documents in the municipality. PUBLICATION OF DECISIONS.
- iii. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Administrative Officer of the Planning Board or Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- j. Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39e and 40:55D-65h, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.
- k. Municipal Land Use Law. Where the Land Development Ordinance refers to the duties and powers of the Planning Board or Zoning Board in a manner inconsistent with provisions of the Municipal Land Use Law, the Municipal Land Use Law shall supersede.

30-8.E. Commissions Established

1. Historic Preservation Commission

- a. Establishment

- i. The Morristown Commission (hereinafter the Commission) is hereby established as authorized by N.J.S.A. 40:55D107.
- b. **Membership; Terms of Office**
 - i. The membership of the Commission shall consist of seven (7) members who shall be appointed by the Mayor as follows:
 - (A) Class A: Two (2) members each being an individual who is knowledgeable in building design and construction or architectural history and who may reside outside the Town of Morristown; and
 - (B) Class B: One (1) member, being an individual who is knowledgeable about or with a demonstrated interest in local history and who may reside outside the Town of Morristown.
 - (C) Class C: Four (4) members who shall be citizens of the Town of Morristown and who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.
 - ii. **Terms of Appointment.** The members of the Commission shall be appointed for a term of four (4) years, except as follows:
 - (A) The initial appointments of the members of the Commission shall be for the following terms: One (1) Class A and two (2) Class C members shall be appointed initially for two (2) years. One (1) Class A and one (1) Class C member shall be appointed initially for a term of three (3) years. One (1) Class B and one (1) Class C member shall be appointed initially for a term of four (4) years.
 - (B) Notwithstanding any other provision herein, the term of any member common to the Commission and the Planning Board shall be for the terms of the membership on the Planning Board; and the term of any member common to the Commission and the Board of Adjustment shall be for the term of the membership on the Board of Adjustment.
1. **Vacancies.** A vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term only.
- c. **Officers**
 - i. The Commission shall elect a Chairperson and a Vice Chairperson from its members and select a Secretary who may or may not be a member of the Commission or a municipal employee.
- d. **Conflict of Interest**
 - i. No member of the Commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.
- e. **Removal for Cause**
 - i. A member of the Commission may, after public hearing if he requests it, be removed by the governing body for cause.
- f. **Budget and Expenses**
 - i. The Town Council shall make provision in its budget and appropriate funds for the expenses of the Commission.
 - ii. The Commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. General administrative assistance shall be provided by the staff of the Department of Engineering, Planning and Development. The Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the Town Council. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Town Council for the Commission's use.
- g. **Responsibilities**
 - i. The Commission shall have the responsibility to:
 - (A) Prepare a survey of historic sites of Morristown pursuant to criteria identified in the survey report;
 - (B) Make recommendations to the Planning Board on the Historic Preservation Plan element of the Master Plan and on implications for preservation of historic sites of any other Master Plan elements;
 - (C) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;

- (D) If requested by the Planning Board or Board of Adjustment for specific applications, advise the Board on applications for development pursuant to N.J.S.A. 40:55D-110;
 - (E) Provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation; and
 - (F) Carry out such other advisory educational and informational functions as will promote historic preservation in the Municipality.
- h. Review of Applications.
- i. The Planning Board and Board of Adjustment shall make available to the Commission an informational copy of every application submitted to either Board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map or in any component element of the Master Plan, or involving a building constructed 50 years prior to the submission of the application, or of any other application which is deemed by either Board to have historic interest or importance. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

2. Design Review Committee

- a. Establishment
- i. Pursuant to the authority of N.J.S.A. 40:55D-27, there is hereby established a Design Review Committee. Members shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- b. Membership:
- i. The Committee shall consist of nine (9) members, as follows
 - (A) Four (4) members who are business or property owners within the Special Improvement District (SID). The Board of Trustees of the Morristown Partnership shall give the Mayor non-binding recommendations for such appointments.
 - (B) One (1) member from the Planning Board.
 - (C) One (1) member who is a zoning official, from the Division of Land Use Administration.
 - (D) The Town Planner.
 - (E) Two (2) at-large members with building, architectural or design qualifications or experience.
- c. Functions and Duties.
- i. The Design Review Committee shall recommend initial Façade Design Guidelines for consideration and approval by the Planning Board, and adoption by the governing body. After adoption of the Guidelines, the Design Review Committee shall periodically review and report to the Planning Board, identifying any recommended amendments to the Guidelines.
 - ii. The Design Review Committee shall function as an advisory board to the Planning Board and Board of Adjustment, providing non-binding reviews and recommendations to those boards for all applications to within the SID for the following:
 - (A) The erection or exterior alteration of any building or structure, including the erection or alteration of any building façade elements such as façade materials, windows, doors, color, lighting, signage, awnings, etc.; and
 - (B) Any project or development application within the Town of Morristown for which the Planning Board or Board of Adjustment determines that the Committee's advisory comments would be helpful.
 - (C) The Design Review Committee may approve applications described in paragraph [30-8.E.2.c.ii.\(A\)](#) above, referred to it by the Zoning Officer, that conform to the Special Improvement District Façade Guidelines.
- d. Application Procedure.
- i. All applications described in [subsection 30-8.E.2.c.ii.\(A\)](#) that are not part of a major site plan or variance application, shall be submitted to the Zoning Office for review and consideration. The Zoning Officer may approve complete applications where modifications to existing facades conform to the Façade Design

Guidelines. The Zoning Officer shall make a determination not more than seven (7) days after submission of a complete application. Any application that the Zoning Officer has not approved shall be referred to the Design Review Committee.

- ii. The Design Review Committee shall review applications referred by the Zoning Officer and may approve applications that conform to the Façade Design Guidelines. The review and approval process shall not exceed thirty (30) days, unless the applicant consents to an extension of time. In the event that the Committee determines that the application does not conform to the Guidelines, it may meet with the applicant to discuss possible amendments to the application that would conform to the Guidelines. In the event that the Committee does not approve the application, it will be referred to the Planning Board Site Plan Committee, for further review.
 - iii. Review before the Planning Board Site Plan Committee shall take place in accordance with the provisions of this Section.
- e. Central Business District Facade Design Guidelines.
- i. The Central Business District Facade Design Guidelines adopted on August 24, 2006 are attached hereto.

30-8.F. Legal Basis

1. Statutory Basis

- a. This chapter is adopted pursuant to the Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq., for all of the purposes set forth in N.J.S.A. 40:55D-2, and for the purpose of promoting the public health, safety and welfare by the regulation and control of land use. This Part 1 being necessary for the welfare of the Town of Morristown and its inhabitants, it shall be construed liberally to effect the purposes thereof and to allow the full and complete exercise of all powers delegated to municipalities by the Municipal Land Use Law, as the same exists or may in the future be amended. Under the powers established in N.J.S.A 40:55D-62(a) and N.J.S.A 40:55D-65(a), buildings and uses are limited to zones based upon the character of each district and the peculiar suitability of the buildings and uses. Under powers established in N.J.S.A 40:55D-62(a) and N.J.S.A. 40:55D-65(b) bulk standards are established.

2. Geographic Regulation

- a. The locations and boundaries of the districts are shown on the 2018 Zoning Map of the Town of Morristown, prepared by Topology NJ LLC dated June 28, 2018, which map and any subsequent amendments are hereby incorporated by reference and made part of this Section 30. The Zoning Map is depicted in [Section 30-2C](#).

3. Interpretation of the Map

- a. Except when otherwise referenced on the map, it is the intent of this Section 30 that:
 - i. Properties shall be fully contained within a zone district. In the case of a split zoned property, or in the case of uncertainty as to the true location of any district boundary line, the Board of Adjustment shall have jurisdiction for interpretation pursuant to N.J.S.A. 40:55D-70(b). District boundary lines shown on streets, roads, alleys or railroad or utility rights-of-way are located on center lines.
 - ii. Boundaries indicated as following boundaries of public or private property lines, rights-of-way, or easements shall be construed as following such boundaries.

4. Conflicts

- a. Where the requirements of the Morristown Zoning Code conflict with the applicable requirements of any law, statute, rule, regulation, ordinance, or code, or contains an conflict with a different part of the Zoning Code, the most restrictive or that imposing the higher standard shall govern.

5. General Principles

- a. This Zoning Code replaces the “Zoning Regulations” of the Town of Morristown, 1979. The regulations contained within this Zoning Code apply to all properties within the Town of Morristown.
- b. No lot, building, structure or use, except to the extent that it exists as a valid, pre-existing nonconforming use or

structure as of the date of adoption of this ordinance, shall be developed, erected, built, used or occupied unless the same complies with all of the requirements of this Zoning Code.

- c. Except as specifically otherwise provided in this chapter, no lots or parcels of land shall be used, and no building or structure shall be erected, altered, moved, added to, enlarged or occupied, for any purpose or in any manner:
 - i. Not specifically permitted as a permitted use in the district in which it is located.
 - ii. Not specifically complying with all applicable bulk requirements of this Section 30.
 - iii. Not specifically complying with building height requirements.
 - iv. Not specifically complying with any other provisions of this chapter or any Federal, State or local licensing requirements prerequisite to the conduct of any business, trade or use, or in violation of any previously granted variance, site plan, building or occupancy permit.
- d. In interpreting the provisions of this Section 30, except as otherwise expressly provided:
 - i. One Principal Structure Per Lot. No more than one (1) principal structure shall be allowed on any lot unless multiple buildings are explicitly permitted as seen in the respective building type diagram or building type description.
 - ii. Area, Bulk and Yard Requirements Must Be Satisfied on Same Lot. All land designated to satisfy bulk and area requirements of this Section 30 must be located on the same lot.
 - iii. In commercial districts, two or more uses may be permitted on a property unless specifically prohibited by the district.
 - iv. Use and bulk parameters specific to a zone may not be applied to an overlay nor may use and bulk parameters in a specific overlay be applied to a zone.

6. Rules of Construction

- a. The provisions of this Zoning Code shall define the minimum and maximum limitations, as the case may be, adopted for the promotion of the public health, safety and general welfare.
- b. The following general rules of construction shall apply to the text of this Zoning Code.
 - i. Headings: Section and subsection headings shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of any provision of the Zoning Code.
 - ii. Illustrations: In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control, unless the intent of the Zoning Code is clearly otherwise.
 - iii. Terminology: "Shall" is always mandatory and not permissive. "May" is permissive. "Should" is advisory and identifies guidance provided by the Governing Body in the implementation of these regulations. Applications incorporating advisory standards may apply these advisory standards towards the positive criteria presented in the case where variance relief is required.
 - iv. Conjunctions: Unless the context clearly indicates otherwise, the following conjunctions shall be interpreted as follows:
 - (1) "And" indicates that all connected items or provisions shall apply.
 - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - (3) "Either/or" indicates that the connected items or provisions shall apply singly but not in combination.

7. Fractional Numbers

- a. Rounding: Where requirements or limitations are to be computed for purposes of this Zoning Code, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.

8. Validity of Code

- a. If the provision of any section, paragraph, subdivision or clause of this Code shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such section, paragraph, subdivision or clause, and to this end the provision of this Code is hereby declared to be severable.
- b. All Ordinances or parts of Ordinances inconsistent with the Code, unless otherwise stated within the Code, are hereby repealed to the extent of such inconsistency.
- c. This Code shall take effect immediately upon its final passage, publication and as required by law.

9. Non-Conforming Uses & Structures

- a. This Section shall apply to all structures, buildings and uses lawfully in existence before the adoption of the first Morristown Zoning Ordinance or lawfully established, including by variance, prior to the adoption of any revision, amended ordinance or subsequent Zoning Ordinance or this chapter, which do not conform to all other requirements of this chapter, and to all such buildings, structures or uses which become nonconforming by reason of any subsequent amendment to this chapter or by the granting of any variance or exception from the terms thereof. Any such nonconforming use or structure may be continued upon such lot or in such structure, provided that no nonconforming use or structure shall be:
- i. Enlarged, extended, intensified or altered, or placed on a different portion of its lot, parcel of land, building or structure.
 - ii. Re-established once abandoned or discontinued. A presumption of abandonment exists if the use is discontinued or interrupted for a period of two (2) years or longer or the use is changed to or replaced by a conforming use.
 - iii. Repaired or restored if partially destroyed, damaged or deteriorated to the extent that fifty (50%) percent of the usable floor area is rendered unsafe or unusable or the cost to restore the building or structure shall, in the sole judgment of the Construction Code Official, exceed seventy-five (75%) percent of the value of the building or structure on the day prior to the damage or destruction, or it would be unsafe to allow the building or structure to be repaired or replaced. Normal maintenance or incidental repair of the nonconforming building or structure shall be allowed, provided that it does not result in the expansion of the volume or area devoted to the nonconforming use.
 - iv. Completely replaced, including foundation, except as specifically authorized herein. With respect to buildings that are nonconforming by reason of subsequent amendment of the Zoning Ordinance, a portion of a residential structure constituting less than twenty five (25%) percent of usable floor area, including finished attic, basement and porches, may be completely removed and rebuilt including the foundation, without the need for a variance, upon the following conditions:
 - (1) The removal and reconstruction is part of the maintenance of the residential structure.
 - (2) The replacement is rebuilt to appear and have the same or lesser dimensions as the section that was removed.
 - (3) The removal and reconstruction of the replacement section is completed within one (1) year of the date of the issuance of the building permit.
 - (4) The replacement must conform to all other applicable codes.
 - (5) A zoning permit is issued.
- b. In the case a structure other than the principal residence, completely replaced, except as specifically authorized herein. With respect to an existing retaining wall located in required front, side or rear yards the location of which is nonconforming by reason of subsequent amendment of the Zoning Ordinance, the wall may be replaced, without the need for a variance, upon the following conditions:
- (1) The removal and reconstruction is part of the maintenance of the wall.
 - (2) The replacement wall will be of the same or lesser dimensions and in the exact location of the existing wall.
 - (3) The existing wall and replacement wall do not exceed four (4) feet in height at any point.
 - (4) The removal and replacement of the wall is completed within one (1) year of the date of the issuance of the building permit.
 - (5) The replacement wall must conform to all other applicable codes.
 - (6) A zoning permit is issued.

APPENDIX A
DEFINITIONS

MORRISTOWN LAND DEVELOPMENT
ORDINANCE

ZONING CODE

DEFINITIONS

A

Accessory Use, Building or Structure shall mean a subordinate use or a subordinate building or structure solely intended and used solely for a subordinate use, customarily incident to and located on the same lot as the principal use or building. Electric Vehicle Supply/Service Equipment and Make-Ready Parking Spaces shall be considered accessory uses in all districts and for all uses.

Acid-producing soils shall mean soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid-producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid-producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Active Use (or Active Ground Floor Use) shall mean any principal use that generates a high amount of pedestrian traffic. Active uses shall include art gallery; artisanal workshop; bar, tavern and nightclub; convenience store; grocery store; supermarket; service, business or personal; restaurant; retail; theater and similar uses. Accessory uses on the ground floor shall be set back at least 30 feet from any street-facing façade, except for ground floor lobbies conforming to the standards contained in Sec. 30-3D(7)(e).” General, Professional, and Medical Offices, Co-working and residential uses shall not be considered to be active uses.

Administrative Officer shall mean the principal planner for the purpose of filing all required documents and papers, and the Secretary of the Planning Board or Board of Adjustment with regard to scheduling of hearings on development applications or procedure before the Board.

Aisle shall mean the portion of a parking facility that is dedicated to the circulation of vehicles and is not used for parking. For small residential building types, see *driveway*.

Apartment (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.7](#).

Applicant shall mean a person applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this section.

Application for Development shall mean the application form or forms and all documents required to be filed therewith, including administrative checklists, application fees and escrow deposits for approval of any development requiring approvals Pursuant to Chapter 30 of the Town of Morristown Code or by other rule, regulation of the planning Board or Zoning Board of Adjustment, or by statute or administrative rule or regulation of any State agency, including but not limited to subdivision, site plan, planned development, conditional use, zoning variance, waiver or direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 or

40:55D-36, that has been issued a Certificate of Completeness by the appropriate Administrative Officer. A submittal in this regard shall not be deemed an application for development pursuant to the Town Code of the Town of Morristown unless and until a Certificate of Completeness has been issued.

Area of Special Flood Hazard shall mean the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

Art Gallery shall mean any establishment primarily displaying and/or selling pieces of artwork, including paintings, photography, sculpture, pottery and similar items.

Artisan Workshop shall mean an establishment for the preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, baked or prepared food and drink, and similar items by one or more artisans. Excluded from this definition is welding, powder coating, and the servicing or repair of motor vehicles. Display, and/or sale of artisan products is permitted only for products prepared on-site.

As-Built Plans shall mean accurate and precise drawings of post-construction site features and characteristics, including all buildings, structures, infrastructure, boundaries, and natural features.

Attached Side Garage shall mean a garage attached to the side of a primary structure, but shall not include a garage attached to the rear of a primary structure.

Attic shall mean the space between the ceiling assembly and the roof assembly. An attic used for any purpose other than storage or building maintenance shall be considered a floor or story, and counted towards Floor Area Ratio, for the purposes of calculating height limitations.

Automotive Rentals shall mean any establishment that makes motorized vehicles available for use by the general public on a limited time basis measured in increments of one day or more.

Automotive Repair and Sales shall mean any establishment that provides services related to the proper functioning and maintenance of automobiles.

Awning shall mean a roof-like covering extending over a walkway, sidewalk or exterior place, supported by a frame attached to the building and/or ground with a surface made of fabric or a more rigid material that is either retractable or fixed in place.

B

Backhaul Network shall mean the lines that connect a provider's cell sites to one (1) or more cellular telephone switching offices and/or long-distance providers or the public switched telephone network.

Balcony shall mean an exterior floor area accessed internally from the wall of an upper story that is enclosed by a railing, balustrade and/or recessed into the façade and enclosed by multiple exterior walls. Balconies that have no habitable floor above or are accessible from more than one occupant space shall be considered a rooftop deck.

Bank or Financial Institution shall mean an establishment engaged in deposit banking, that is Federally

chartered or State chartered. Typical uses include commercial banks, savings institutions, and credit unions. Gross square footage shall not exceed 3,500 square feet. Any other services falling outside of this definition shall be considered a professional office.

Bar shall mean any premises licensed to provide for the on-premises consumption of alcoholic beverages which the principal use and function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is not the sale of food.

Base Flood shall mean a flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Basement shall mean the portion of the building that is partly underground, and which has more than one-half (1/2) of its height, measured from clear floor to ceiling, above the average adjoining ground level (see "cellar"). Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, puts or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, puts or trenching. A basement used for any purpose other than storage or building maintenance shall be considered a floor or story for the purposes of calculating height limitations. As used in the Flood Damage Prevention subsection (30-5-A) of this Code, Basement shall mean any area of the building having its floor subgrade (below ground level) on all sides.

Bay Window shall mean a window space that projects outward from the façade of a building.

Boarding House shall mean a private dwelling in which a private room(s) without separate kitchen and bathroom facilities is (are) rented out on a temporary basis and personal or financial services are provided to transient residents, as defined in N.J.S.A. 55:13B-3.a.

Breakaway Wall shall mean a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Brewpub shall mean an establishment, with license from the State under N.J.S.A. 33:1-10, where alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities.

Brewery shall mean an establishment licensed, under N.J.S.A 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Such uses may manufacture, sell and serve alcoholic beverages to consumers on a licensed premise for consumption on site, but only in connection with a tour of the brewery, or for consumption off the premises. Breweries may include warehousing and off-site distribution of alcoholic beverages consistent with state law and applicable licensing from the Town of Morristown.

Buffer, shall mean any landscaping, fencing or wall designed to mitigate visual or audible impacts of a use or site improvement.

Buffer, Zoning shall mean any buffer required for the purpose of buffering adjacent properties from uses

or building types.

Buffer, Fertilization shall mean the land area, twenty-five (25) feet in width, adjacent to any waterbody.

Building shall mean any structure intended or used primarily for shelter, housing or the enclosure of persons, animals, plants or tangible personal property, including permanently attached appurtenances such as porches, porticos or canopies.

Building, Area shall mean the largest total horizontal area of any building taken where any part of the building intersects the ground level, including covered porches and terraces, or the horizontal area of any floor or story that projects beyond the outer edge of any foundation line, including the area of all accessory buildings.

Building, Base of shall mean the average grade of the four corners of the building. In cases where regrading is proposed or has occurred on the site within the past 5 years, the elevations of the four corners shall be measured to the existing grade (or pre-existing grade) in locations where soil will be added, or to the post-grade if soil is to be excavated.

Building, Front of shall mean the façade of the building facing the public right-of-way. In cases where the building faces multiple public rights-of-way, the front of the building shall be the façade facing the narrower frontage. The right-of-way along the narrower façade shall be considered the front street.

Building, Height of shall mean the vertical distance measured by either of the two following methodologies as chosen by Applicant:

Singular Measurement: The vertical distance shall be measured from the base of the building to the top of the building, which is measured by calculating the average base elevation using the building four corner elevation points (see *Building, Base*). If a building has more than four corners, then the two highest and two lowest corners shall be used to measure average base elevation.

Incremental Measurement: The building may be broken down into multiple sections no smaller than 30 feet or 30% of the building width/depth (whichever is smaller). Each section shall be measured as the vertical distance measured from the base of the section to the top of the building section. The greatest building height of the building sections shall be the building height.

Building, Line shall mean the outside perimeter of the foundation where it meets finished grade.

Building, Setback Line shall mean the a line parallel to the street line or, on curved streets to that line drawn tangent to the street line which is most interior to the lot, drawn at a point equal to the required front yard depth.

Building, Top of shall mean the highest point of a flat roof, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Permit - see *Construction Permit*.

Build-To Line shall mean the line on which a percentage of a building's front façade must be constructed. It

serves to determine how far a building must be setback from a property line. It is calculated by measuring the distance between the public right of way (extending the full width of the lot) and the front façade of a building exclusive of overhanging eaves, gutters, cornices, steps, bay windows, balconies, balconettes, and porches.

Build-to line Occupancy shall mean the percent of ground floor front façade which is constructed on the Build-to Line.

C

Cannabis shall mean the same meaning as contained in P.L. 2021, c. 16 (c. 24:6I-31 et al.).

“Cannabis” does not include medical cannabis dispensed to registered and qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act” P.L. 2009, c. 307 (C. 24:6i-1 ET AL) AND p.l. 2015 C. 158 (c. 18a:40-12.22 et al.)

Cannabis Delivery Service shall have a Class 6 Delivery License issued by the Commission for the premises from which the cannabis delivery service will conduct operations to provide courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

Cannabis Retailer shall mean any Class 5 licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to the consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retail license.

Car Lot, New and Used shall mean any establishment that sells automotive vehicles.

Category One waters or C1 Waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Category Two waters or C2 Waters shall mean those waters not designated as Outstanding Natural Resource waters or Category One waters in the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards.

Cellar shall mean that portion of a building which is partly or completely below grade and having at least one-half of its height below grade. A cellar shall be used only for storage, parking or building maintenance

purposes, and shall not be considered a story for purposes of calculating height restrictions.

Certificate of Completeness shall mean a certificate issued by the appropriate Administrative Officer (Planning Board Secretary or Zoning Board Secretary), as per N.J.S.A. 40-55D-10.3, after all required submissions established pursuant to Chapter 30 of the Town of Morristown Code, including all applicable administrative checklists, application fees and escrow deposits and any requests for waivers of submission requirements, have been made in proper form, certifying that an application for development is complete.

Certificate of Occupancy shall mean a certificate of occupancy issued by the construction official upon compliance with all of the terms and conditions of a development application and approval thereof, or upon the posting of proper security for the completion thereof pursuant to law, entitling the owner of a building, structure or lot or portion thereof to occupy or use the same solely for the purpose for which it was approved and strictly in accordance with all terms and conditions of approval and all representations made by or on behalf of applicant to any Town official, board or body.

Child Care Center shall mean a regulated child care center as that term is defined in N.J.S.A. 30:5B-1 et seq. as that statute now reads or as it shall be amended by the Legislature from time to time.

Church - see *House of Worship*.

Civic or Institutional Use shall mean any land used for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, and theaters; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; community-oriented facilities such as houses of worship, cemeteries, community centers, clubs, lodges, and fraternal orders; critical infrastructure and utility offices; government uses such as law enforcement and municipal, county, state, or federal government offices; and other similar uses. Where standards provide regulations for both civic or institutional uses and one or more constituent uses considered to be civic or institutional uses as defined herein, the specific regulation for such constituent use(s) shall prevail.

Club, Lodge, or Fraternal Organization shall mean a membership organization organized and existing for the primary benefit of its members and guests, owning, occupying or using a lot, building or structure for recreational, athletic, social or community service purposes and not having any profit motive and not engaging in business or commercial activity except where the same is incidental to a legitimate membership purpose.

Commercial Farm shall mean a farm management unit producing agricultural or horticultural products worth two thousand five hundred (\$2,500.00) dollars or more annually.

Commercial Vehicle shall mean any motor vehicle that has painted or installed thereon a sign or logo, or any motor vehicle that contains any visual evidence of the vehicle being used for commercial purposes, except for one (1) commercial vehicle on any one (1) property which meets all size limitations and has no advertising, writing or logo of any sort on that vehicle, and the only evidence of commercial use on the vehicle is a commercial license plate.

Community Center shall mean a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, and owned and operated by a public or nonprofit group or agency. The facilities shall not include any living-quarters.

Community Garden shall mean a facility in which plots of land are made available to the general public for the purpose of gardening.

Concept Plan shall mean a schematic or conceptual design for land development, prepared for informal review purposes, that carries no vesting rights.

Conditional Use shall mean a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for conditional uses contained in this chapter.

Construction Permit shall mean written permission issued by the Morristown Construction Official authorizing the construction, repair, or alteration of a structure, or addition to a structure as approved. For applications requiring variance or site plan approval, construction permits shall be issued after an approved land use application has received resolution compliance authorization post-hearing.

Contributory Drainage Area means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Convenience Store shall mean a retail store that sells general merchandise, limited grocery items with less than 4,000 square feet of gross floor area and open for business more than 15 hours a day. The sale of prepared foods, not made-to-order, for off-site consumption may be included in this definition so long as the sale of prepared foods is subordinate to the sale of general merchandise and grocery items.

Courtyard (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.4](#).

Coverage, Building shall mean the percentage of a lot covered by building area.

Coverage, Improved shall mean the percentage of a lot covered by or devoted to all man-made improvements, including but not limited to all buildings and structures, pavement, parking area (whether paved or unpaved), sidewalks and driveways, but excluding natural or landscaped areas and any deductions or exemptions specified within this ordinance.

Co-Working shall mean an office use in which common and unassigned office space is made available to individuals and companies on a short term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to common use space and common facilities. Long term assigned (increments greater than 1 month) office space without access to common use space and common facilities shall be considered to fall within the definition of Office, General and Professional.

Critical Infrastructure shall mean equipment and installations related to the provision of electricity, telecommunications not otherwise regulated herein, potable water, sanitary sewer and similar facilities operated by a recognized utility provider.

Cultural Uses (Museum/Library) shall include museums, libraries and other facilities which serve to promote education and culture to the general public. Such uses shall be operated by nonprofit or public organizations. Gift shops may be permitted within a Cultural Use so long as they do not occupy more than 10% of the building area dedicated to the Cultural Use.

Curb Cut shall mean any point of vehicular access from a public street.

D

Days shall mean calendar days.

Daylighting Device shall mean a window located on a roof to provide additional light into the interior of a building.

Deck shall mean a platform, either freestanding or attached to a building that is supported by pillars or post, or a platform located on a roof in accordance with design requirements of [30-3](#).

Density shall mean the number of dwelling units per acreage of land on a lot or application site.

Design Engineer means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Detached House (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.1](#).

Developer shall mean any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

Development Application shall mean an application for subdivision of land, site plan approval or exemptions, a zoning variance, conditional use, building permit, sign permit or application pursuant to N.J.S.A. 40:55D-36.

Development Fee shall mean money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

Distance Between Entrances shall mean the distance measured on center between publicly accessible building entrances or primary entrances to residential units.

District or Zoning District shall mean a section or sections of the incorporated area of the Town for which the then effective zoning ordinance governing the use of the buildings and land is uniform for each class of use permitted therein.

District, Mixed Use shall mean any district in which non-residential uses are permitted.

District, Residential shall mean any district in which residential uses are permitted and all other primary uses are prohibited.

Disturbance shall mean any activity involving the clearing, excavating, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

Drainage Area means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Drainage Right-of-Way shall mean the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the Revised Statutes.

Drive Through shall mean a commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device while remaining in their vehicles.

Driveway shall mean the paved area that provides automotive access to parking areas.

Dwelling shall mean a building designed or intended to be used or occupied for residential purposes

E

Elevated Building shall mean a non-basement building a) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor or in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an Area of Special Flood Hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area

is enclosed by means of breakaway walls.

Encroachments shall mean permitted building elements that extend forward of the Build-To Line.

Environmentally Critical Area means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Equalized assessed value shall mean the assessed value of a property (land and improvements) determined by the municipal tax assessor divided by the current equalization ratio for the Town of Morristown.

Erect shall mean to build, construct, attach, hand, place, suspend or affix, and shall also include the painting of wall signs.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Estate (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.2](#).

EV (Electric Vehicle):

- *Electric Vehicle* shall mean any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.
- *Electric Vehicle Charging Level 1* shall mean EVSE that operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- *Electric Vehicle Charging Level 2* shall mean EVSE that operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
- *Electric Vehicle Charging Level 3* shall mean EVSE that operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles. EV Charging Level 3 is also known as Direct-current fast charger (DCFC) or rapid charging station.
- *Electric Vehicle Make-Ready Parking Space* shall mean the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug

and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

- *Electric Vehicle Private (EVSE)* shall mean EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).
- *Electric Vehicle Publicly Accessible (EVSE)* shall mean EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).
- *Electric Vehicle Supply/Service Equipment (EVSE)* shall mean the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. “EVSE” may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”

F

Façade shall mean the exterior side of a building exposed to view.

Façade Design Guidelines shall mean the Central Business District Façade Design Guidelines (now Town Center) of the Town of Morristown adopted August 24, 2006.

Façade Setback shall mean the portion of the façade that is set back from the Build-To Line.

Family shall mean one (1) or more persons occupying a premises and living as a permanent and stable single housekeeping unit as distinguished from a group occupying a boarding house, rooming house or hotel, as herein defined.

Family Dwelling, Single shall mean any dwelling containing one (1) dwelling unit, which may also contain one (1) rooming unit and which is occupied by not more than one (1) family.

Fertilizer shall mean a fertilizer material, mixed fertilizer or any other substance containing one (1) or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

Final Plat shall mean final map of all or a portion of a subdivision which is presented to the Planning Board for final approval in accordance with this Part 6.

Fitness Center shall mean an enclosed building or structure with facilities for conducting recreational activities such as aerobic exercises, running and jogging, and which may contain exercise equipment, sports courts and swimming facilities. This use also includes establishments for group fitness instruction such as yoga, Pilates, karate and dance studios, as well as boxing gyms. This use may include accessory saunas, showers, massage rooms and lockers, snack bars providing nonalcoholic drinks and prepackaged

snacks not prepared on the premises, and sale of sports equipment and clothing. Fitness Centers shall be considered service, personal or business for the purposes of determining zoning requirements.

Flood Insurance Rate Map (FIRM) shall mean the Official Map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study shall mean the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary - Floodway Map and the water surface elevation of the base flood.

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway shall have the meaning ascribed to this term by the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and regulations promulgated thereunder published at N.J.A.C. 7:13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

Floor Area, Gross shall mean the total floor area within the exterior walls of the principal structure, including the external walls, and excluding the roof.

Floor Area Ratio shall mean the sum of the gross floor area of buildings or structures on-site compared to the total area of the site. Included in this definition is the square footage associated with mezzanines, and with all parking garage footage associated with all parking garage levels. Excluded from this definition is any square footage associated with roof-top decks.

Frontage Zone shall mean that area between the front lot line and the pedestrian zone.

Funeral Home shall mean a building used for the preparation of deceased human beings for burial or interment and for the display of the deceased and ceremonies connected therewith before burial or cremation.

G

Gaming shall mean the principal use of any building, structure or part thereof for coin-operated or automatic amusement games, such as pinball machines, electronic games of skill or chance or similar games or machines, or any automatic amusement game required to be licensed pursuant to Chapter IV, Licensing and Business Regulations of the Revised General Ordinances of the Town of Morristown or for a pool or billiard, shuffleboard, bumper pool or similar establishment. No cash prizes shall be permitted. Where gaming use coincides with a liquor-licensed operations use (as licensed under Chapter VI, Alcoholic Beverage Control), such gaming use shall also be regulated under liquor-licensed conditional use requirements.

Garage shall mean a building or part thereof intended or used primarily for the storage of motor vehicles.

Garage, Public shall mean any garage accessible or open to the general public, with or without the payment

of a charge.

Garden shall mean a piece of ground used for growing flowers, fruit, or vegetables.

Gas Station shall mean any premises used for supplying or selling motor fuel or oil to motor vehicles as the sole use or in conjunction with the service, repair, reconditioning or washing of motor vehicles, but not including an automobile washing establishment.

Government Building for Public Use shall mean a building dedicated to the functions of a municipal, county, state or federal government agency or public body.

Gray Water System shall mean a system designed to collect rainwater for use in gardening, or certain internal plumbing such as to provide water for toilets.

Green or Vegetated Roof shall mean the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Green Wall shall mean a wall partially or completely covered with greenery that includes a growing medium, such as soil and an integrated water delivery system.

Greenscape / Furnishing Zone shall mean that area between the curbline (or edge of cartway if no curb is present) of a street and the Pedestrian Zone.

Grille shall mean a grating or screen of metal bars or wires, placed in front of something as protection or to allow ventilation or discreet observation.

Ground Floor shall mean any level of the building fronting on a public sidewalk.

Group Home shall mean a place where people live or stay in a group living arrangement that is owned or managed by an entity that provides housing and/or services for residents, such as custodial, medical or cooking services. A group home shall not count as a household as defined in this code for zoning purposes.

Gross Floor Area see Floor Area, Gross

H

Habitable Room shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

Historic Site shall mean a prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion on a register of historic places.

Horizontal Break shall mean an architectural feature that provides a separation between two floors of a building. This can include a change in materials, a small setback or encroachment of the upper floor or

other methods which result in a visual separation.

Hospital shall mean a building or buildings which individually or as a group are devoted to providing health services to humans, with some part of the premises devoted to inpatient medical or surgical care. All buildings devoted to satellite uses, as, for example, nurses' residences, laboratories, outpatient facilities or similar uses, shall be deemed part of the "hospital" use.

Hotel shall mean a building which contains seven (7) or more living or sleeping rooms designed to be occupied by individuals or groups for compensation and primarily serving transient customers, or not providing individual cooking facilities, or any boarding house which is not owner-occupied. Facilities which permit long-term (greater than 30 days) residency or provide cooking facilities within the guest rooms shall not be included in this definition.

Household shall mean living quarters in which occupants live and eat separately from anyone else in the building. Each household shall have sleeping quarters, kitchen facilities and bathroom facilities.

House of Worship shall mean a place of worship such as a church, synagogue, mosque or temple commonly recognized as such, and a parish house or other accessory building used predominantly for religious purposes, but excluding any use which is predominantly social, fraternal or charitable in nature.

Human Habitation shall mean the use of any room that is heated, insulated, and sheetrocked for living, sleeping, cooking, or eating purposes. This shall exclude bathrooms, water closet compartments, and laundries

I

Impervious Surface shall mean a surface which has been covered by a material so that is highly resistant to the infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevent infiltration of water into the soil.

Improvement shall mean any permanent structure or coverage that becomes part of, is placed upon, or is affixed to a site.

Infiltration is the process by which water seeps into the soil from precipitation.

Intermittent Stream shall mean a surface water body with definite bed and banks in which there is not a permanent flow of water, and which is shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), CI waters as shown on the USGS quadrangle map or in the County Soil Surveys.

K

Kitchen shall mean any room which may contain a sink, refrigerator, kitchen counter and cabinets and a cooking device, which includes stoves, ovens, microwaves, convection ovens, electric grills, hot plates or any

other device in which or on which food can be cooked.

L

Laboratory (Medical/Dental) shall mean a facility primarily engaged in providing analytic or diagnostic services on human specimens, including body fluid or body tissue, or performing diagnostic imaging, to government agencies, to the medical, dental, or other health service professions, or to patients; this includes the fabrication of dentures, eyeglasses and contact lenses, and prosthetic devices.

Lake, pond, or reservoir shall mean any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), CI waters as shown on the USGS quadrangle map or in the County Soil Survey, that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Lawn shall mean an area planted with short or mowed grasses.

Live/Work shall mean a single, enclosed private space which combines one residential dwelling unit with one of the following uses: artisan workshop, media production, office (general and professional), or services (business or personal).

Loading Berth shall mean an off-street area providing the ability to transfer goods between a truck trailer and building area without grade separation.

Loading Space shall mean any off-street area located adjacent to the principal building or use and readily accessible by motor vehicles intended to use it, designed and usable exclusively for loading and unloading of one (1) such vehicle with safety and without impeding on- or off-site traffic.

Lobby shall mean the space in a building dedicated to entrance to offices or residential units that are not directly accessible from the street. Often a lobby will have a concierge desk, waiting seats and other items that create a hospitable environment.

Lot Depth shall mean the mean distance between the front line and rear line of the lot. The greater frontage of a corner lot is its depth; the lesser frontage is its width.

Lot, Front (or Lot Frontage) of shall mean any side of a lot that is adjacent to a public right-of-way. For measurement purposes, the line of the lot front shall be measured from the edge of the public right-of-way except in cases where the public sidewalk or cartway extend beyond the right-of-way, in which case, measurement shall be measured from the edge of the sidewalk furthest from the centerline of the street.

Lot, Rear of shall mean that side of the lot furthest from the lot front as measured by a line perpendicular to the center point of the lot front. In cases where two or more sides of a lot meet the definition of front of lot, rear of lot shall be treated as lot side if the rear of the lot intersects a public right-of-way.

Lot, Side of shall mean any side of a lot that is not the lot front or lot rear.

Lot shall mean a parcel, tract or area of land established by a plat, tax map, filed map or deed description.

Lot Width shall mean the horizontal distance between side lot lines measured at the Build-To Line.

Lot, Corner shall mean a lot which abuts on two (2) or more streets which meet or intersect at an included angle of one hundred thirty-five degrees (135°) or less.

Louver shall mean a set of angled slats or flat strips fixed or hung at regular intervals in order to screen light.

Lowest Floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

M

Major Lot Merger shall mean any consolidation of lots which does not meet the definition of "Minor Lot Merger".

Major Site Plan shall mean a site plan that is not classified as a minor site plan.

Major Subdivision shall mean any subdivision not classified as a minor subdivision.

Market shall mean a retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish and poultry. A market shall be defined as less than 20,000 square feet in size. For larger uses, see *Supermarket*.

Master Plan shall mean a comprehensive, long-range plan intended to guide the growth and development of Morristown (adopted March 31, 2014 - Morristown Moving Forward).

Media Production Facilities shall mean facilities for the production of motion picture, television, video, sound, computer, and other communications media.

Medical Cannabis shall mean cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act" P.L. 2009, c. 307 (C. 24:61-1 et. Al.) and P.L. 2015, c. 158 (C. 18A:40-12.22 et al.). "Medical Cannabis" does not include any cannabis or cannabis item which is cultivated, produced, processed and consumed in accordance with P.L. 2021, c. 16 (c. 24:61-31 et al.)

Medical Cannabis Dispensaries or Medical Cannabis Alternate Treatment Center shall mean a business entity, which shall include clinical registrants, that is authorized by the State of New Jersey to possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers and institutional caregivers pursuant to written instructions issued by a health care practitioner pursuant to the requirements of P.L. 2009, c.307 (N.J.S.A. 24:61-1 et al.). The term shall include the act of furnishing medical cannabis to

a medical cannabis handler for delivery to a registered qualifying patient. A medical cannabis dispensary license shall not authorize the license holder to cultivate medical cannabis, to produce, manufacture or otherwise create medical cannabis products. An expanded Medical Cannabis Dispensary with a personal use cannabis retail license shall only be permitted if approved by the Commission pursuant to N.J.S.A. 24:6I-46.

Minor Lot Merger shall mean consolidation of two (2) or more existing lots where all lots to be merged are vacant and unoccupied, or the consolidation of one or more lots where one lot contains existing buildings or structures and the remaining lot or lots are vacant.

Minor Site Plan shall mean a site plan consistent with [Section 30-8.A.4](#) of this ordinance.

Minor Subdivision shall mean any subdivision containing not more than three (3) lots, and not involving planned development or any new street or the extension of off-tract improvements. A minor subdivision shall not require notice or public hearing and may be approved by the Site Plan and Subdivision Committee.

Mixed Use Tower / Complex (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.11](#).

Motel shall mean a hotel designed to provide outside access to individual units rather than through a common lobby.

Motor Vehicle means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Municipality means any city, borough, town, township, or village.

Mural shall mean any picture, scene, or diagram, painted on any exterior wall or fence, which focuses primarily on the celebration or commemoration of local, state or national history; culture, or events, personalities or groups and does not have written or pictorial content promoting a commercial business, service or product. Any such picture, scene or diagram promoting a commercial business, service or product shall be considered a sign.

N

Natural Features shall mean rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas, single trees not in wooded areas with a diameter of six (6) inches or more as measured three (3) feet above the base of the trunk, and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas.

New Construction shall mean structures for which the start of construction commenced on or after the effective date of this section.

Nightclub shall mean any premises licensed to provide for the on-premises consumption of alcoholic

beverages, and where the principal use or function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is the sale of food, and the principal use or function after regular meal hours is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq., and where any of the following elements exist: (a) more than thirty (30%) percent of the floor area of the establishment is devoted to an entertainment portion of the business; or (b) the occupancy rate is either more than 130% of the number of seats or less than 12 square feet per occupant. Entertainment shall not include background music, whether live or recorded, whose primary purpose is to create an atmosphere or ambiance.

Nonconforming Use shall mean a continuous use of property antedating the adoption of the first Morristown Zoning Ordinance, or lawfully established (including by variance) prior to the adoption of any revision, amended ordinance or subsequent Zoning Ordinance or this Part 1, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption. The term *nonconforming use* shall include nonconforming lots or structures.

Non-critical Slope or Area shall mean those slopes less than fifteen (15%) percent.

Nursing or Convalescent Home shall mean an in-patient facility which provides continuous nursing services, medical services and supervision to humans, and keeps medical records serving the ill or infirm.

Nutrient means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

O

Office, General and Professional shall mean a room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment, including offices of general, business, executive, legal, accounting, architect, planning, engineer, real estate, contractor and employment agencies, but excluding medical offices. Prototyping, product testing and laboratory work shall not be considered an office use.

Office, Medical shall mean a building or portion thereof providing diagnostic, therapeutic, or preventive medical, osteopathic, chiropractic, dental, psychological and similar or related treatment by a practitioner or group of practitioners licensed to perform such services to ambulatory patients on an outpatient basis only, and without facilities for inpatient care, major surgical procedures, or emergency and urgent care. A medical office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, physical therapy, medical counseling services, and similar services.

Off-site shall mean a location that is located outside of the lot lines of the site that is the subject of a development application.

Outdoor Dining shall mean an accessory use of terrace, or ground deck located on the same property of a restaurant, bar, café, grocery, or other permitted establishment that serves food or drinks for on-site consumption.

Outdoor Space / Open Space shall mean space open to the elements. This space may be covered with a roof; however, it may not also be enclosed by walls. Outdoor Space requirements must conform to [Section 30-3.D.6](#) of this ordinance.

Owner shall mean any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in land subject to an Application for Development.

P

Parking shall mean the storing of vehicles on a temporary basis. When the parking serves uses on the same property, it shall be considered an accessory use. When the parking serves off-site uses, it shall be treated as a principal use.

Parking Area shall mean any land area devoted to open storage on a transient basis of operable, currently licensed motor vehicles, excluding vehicle repair facilities, filling stations and motor vehicle dealerships.

Parking Space shall mean a clearly marked off-street parking area for one (1) vehicle, used solely for that purpose and designed to be readily accessible without impeding vehicular pedestrian traffic.

Pathway/Walk shall mean any paved area designed to provide accessibility to pedestrians and not designed to permit automobiles.

Patio shall mean an area covered by a hard surface adjacent to a principal building at the finished grade.

Pedestrian Access Island shall mean a strip of land separating parking areas in a parking lot that contains a sidewalk buffered on both sides by a vegetated strip.

Pedestrian Cut-Through shall mean a public space, within a lot, that may be open or enclosed and which is designed and/or intended to be used by the public to pass between a public right-of-way and a parking lot located within the interior of a block or to the rear of a building. Connections shall have a minimum pedestrian walkway width of four (4) feet and be lined with landscaping where possible.

Perennial stream shall mean a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), CI waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Pedestrian Zone shall mean a sidewalk clear of any obstructions located between the Frontage Zone and the Greenscape / Furnishing Zone.

Performance Guaranty shall mean any security which may be accepted in lieu of performance, including cash, provided that not more than ten (10%) percent of the performance guaranty shall be required to be cash.

Permanent Standby Generator shall mean a generator permanently connected to the building's electrical

systems in order to provide backup power in the event of power outages.

Person shall mean any individual, corporation, company, partnership, firm, association, Town of Morristown, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Phosphorus Fertilizer shall mean any fertilizer that contains phosphorus, expressed as P205, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

Photographic Survey shall mean photographs of existing conditions on the property for which a land use application is submitted, including all principal and accessory structures on the site, and of conditions on the property itself including topography, vegetation, water bodies or wetlands on site.

Planted Area shall mean an area planted with shrubs, trees, flowers, decorative grasses or other plants. The planting of short or mowed grasses shall not count as a planted area: see *lawn*.

Plat shall mean the map of a subdivision.

Pollutant means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Porch shall mean a roofed open area providing direct access to or from a building.

Portable Generator shall mean a generator that is not permanently connected to the building's electric systems, that uses a self-contained fuel source, and that has wheels or are light enough to be carried.

Porte Cochere shall mean a structure at a main or secondary entrance to a building, through which motor vehicles can pass in order for the occupants to alight under cover, protected from the weather.

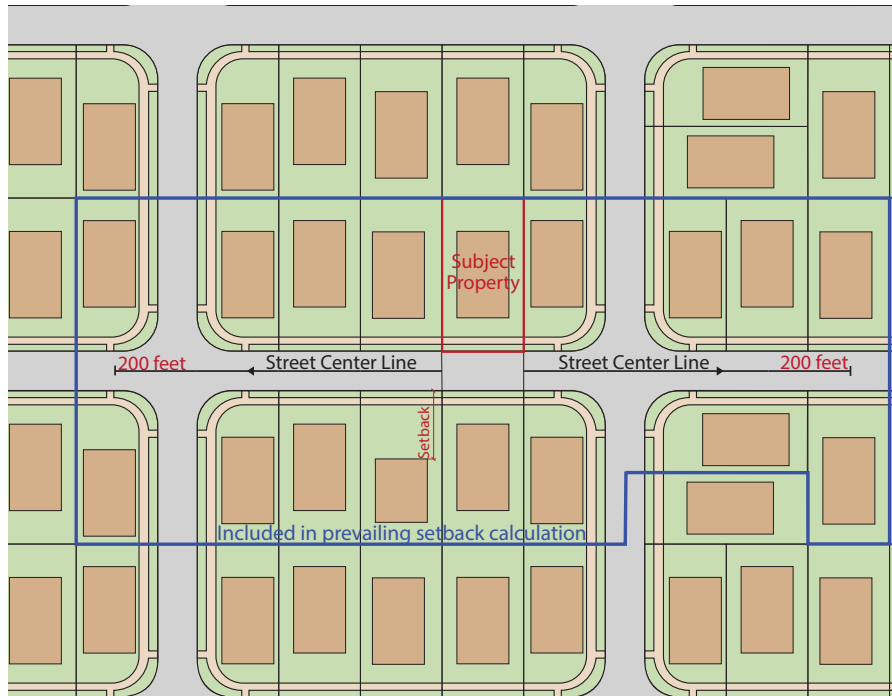
Precautionary Slope shall mean those slopes between fifteen (15%) percent and twenty-five (25%) percent.

Preliminary Plat shall mean the preliminary map indicating the proposed layout of the subdivision which is submitted for Planning Board consideration and tentative approval.

Premises shall mean all or part of any lot or parcel of land, including all buildings or structures erected thereon.

Prevailing Setback shall mean the average (mean) setback of all properties that are both on the same street as and within two-hundred (200) feet of the subject property, as measured along the center line of the right-of-way which the property fronts. The two-hundred (200) feet will be measured from any point on

the center line of the right-of-way, where a line extended at a perpendicular angle would meet the subject property at the edge of the public right-of-way. The two-hundred (200) foot distance shall be limited to the zone of the subject property. Measurements for one- and two-family properties may be based on the use of GIS datasets from Morris County, Google maps, and other aerial imagery (**see diagram**).



Primary Entrance shall mean the entrance designed for the largest amount of pedestrian traffic.

Principal structure shall mean a building in which the principal use of the lot is conducted.

Principal use shall mean the primary use of land or structures as distinguished from an accessory use.

Prohibitive Slope means those slopes greater than twenty-five (25%) percent.

Property Line shall mean the boundary of a property.

R

Recharge means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Responsible Party shall mean the owner or lease-holder of the residence in which the short-term rental activity occurred, or a property manager designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

Restaurant, Carry Out/Fast Food shall mean a commercial fast food establishment serving primarily prepared or rapidly prepared food by order over the counter in disposable containers, bags or packages for consumption either on or off the premises.

Restaurant, Coffee Shop/Cafe shall mean an establishment serving primarily non-alcoholic beverages such as coffee or tea. The sale of pastries, baked goods, and food, not requiring the use of an oven, grill, or stove may be included as an activity of a coffee shop or cafe.

Restaurant, Liquor Licensed shall mean any premises licensed to provide for the on-premises consumption of alcoholic beverages, and which at all times meets all of the following elements: (a) the sale of alcoholic beverages is incidental to the sale of food and not the primary source of revenue for the premises; (b) no "cover" or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year's Eve, or during special events approved by the Morristown ABC; and (c) the occupancy rate is either no more than 130% the number of seats or no fewer than 12 square feet per occupant.

Restaurant, Sit Down shall mean an eating establishment that is regularly and used principally for the purpose of providing meals to the public and at all times maintains cooking facilities and serves its customers at tables employing waiters or waitresses, as opposed to a fast food establishment or cafeteria. No alcoholic beverages are available for sale. BYOB may be available for beer and wine only.

Retail Business shall mean the business of selling or renting goods or merchandise to consumers, as opposed to wholesaling, but excluding all forms of retailing otherwise specifically regulated by or prohibited by this chapter, and otherwise unlawful sale or rental. Selling of prepared foods shall not be included in the definition of retail business.

Riparian Zone Management Plan shall mean a plan approved by the Engineer of the Town of Morristown. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any riparian zone. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

Riparian Zone shall mean the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWR-PA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), CI waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any man-made lagoon or oceanfront barrier island, spit or peninsula.

Roof, Flat shall mean any roof with a pitch of less than 3/12.

Rooftop Deck shall mean an accessory outdoor area or structure on a roof surface of a principal building for passive enjoyment of residents, tenants, employees, and their guests. Rooftop decks shall be accessed internally from the principal structure upon which the rooftop deck is located.

Rooftop Deck, Commercial shall mean a rooftop deck used by a business as an accessory use, upon which a business provides goods or services to customers.

Rooming House shall mean a private dwelling in which private rooms without separate kitchen and bathroom facilities are rented out on a temporary basis and personal or financial services are not provided to transient residents, as defined in N.J.S.A. 55:13B-3.h.

S

School shall mean a public or private institution, grades K through 12 or segments thereof, complying with all governmental statutes, rules and regulations for such institutions of compulsory education.

School, Commercial and Instructional Facility shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

Sediment means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Segmented Sign shall mean any graphic constructed of separate characters or symbols meant to be read as a single message.

Semi-Attached (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.3](#).

Service, Personal or Business shall mean an establishment or business entity providing services such as (but not limited to) repair or maintenance services, personal care services, bank or financial institution, or similar business not creating any off-premises noise, smoke, air or other pollution, and excluding all uses otherwise specifically regulated or prohibited by this chapter.

Setback Line - see *building, setback line*.

Sexually Oriented Business shall mean:

- 1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity;
- 2) A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.
- 3) As pertaining to the determination of a sexually oriented business,

- a) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- b) Specified anatomical area means:
 - i) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or
 - ii) Human male genitals in a discernibly turgid state, even if covered.
- c) Specified sexual activity means:
 - i) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or
 - ii) Any actual or simulated act of human masturbation, sexual intercourse or deviant sexual intercourse.

Short Term Rental shall mean the rental for compensation of a dwelling, or portion of a dwelling, for the purpose of overnight lodging for a period of not less than one night and not more than twenty-eight (28) consecutive days. This definition shall not include hotels, motels, bed and breakfast inns, or tenants that have month to month leases permitted by N.J.S.A. 46:8-1 et seq.

Sidewalk Cafe shall mean use of an outside area, located in the public right-of-way, adjacent to or in the vicinity of, a restaurant, café, grocery, or other permitted establishment that serves food or drinks for on-site consumption.

Sight Triangle shall mean a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign shall mean any device used to attract the attention of the public for advertising purposes. The word sign includes letters, figures, drawings, lines, trademarks, photographs and other markings encompassed within the area of a sign. See *Wall Sign*.

Sign Permit shall mean a document obtained from the Construction Official upon payment of required fees, which grants permission to erect the sign described therein.

Sign, Area of Sign shall mean the area of a sign computed by multiplying the greatest vertical dimension by the greatest horizontal dimension of the sign space. The framing or edging of the sign shall be considered part of the sign area. Posts or supporting devices shall not be considered part of the sign area. For the purpose of calculating the sign permit fee, the total area, including both faces of a double-faced sign, is included, but for calculating maximum area permitted, the area of only one (1) face of a double-faced sign is counted toward the maximum area permitted.

Sign, Awning Sign shall mean a sign located on or incorporated into the design of an awning. The sign area of an awning or canopy sign shall be the total length times the total width of the canopy area(s) covered by any lettering, logo or other characters, symbols or figures. (Note: All awning or canopy signs exceeding ten (10) feet in width shall constitute a façade change requiring approval by the Planning Board.)

Sign, Banner Sign shall mean any temporary sign printed or displayed upon cloth or other flexible material, with or without frames.

Sign, Billboard Sign shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, Canopy Sign - see Awning Sign.

Sign, Directional Sign shall mean a sign of a non-commercial nature which directs the reader to the location of public or educational institutions or to the location of historical structures or areas or to the location of public parks or buildings.

Sign, Directory Sign shall mean a sign which directs attention to a business conducted on the premises or to a product sold or service supplied by such business.

Sign, Ground Sign shall mean a sign which is mounted in or upon the ground, and not elevated through the use of upright braces or poles.

Sign, Illuminated Sign shall mean any sign having a source of light for illumination either externally or internally or a combination of both. An illuminated sign includes reflectorized, glowing and radiating signs.

Sign, Illuminated External Sign shall mean a front-lit sign where a light source shines on the graphics.

Sign, Illuminated Internal Figure Sign shall mean a backlit sign where the letters and symbols are translucent and the background is opaque.

Sign, Illuminated Internal Ground Sign shall mean a backlit sign where the letters and symbols are opaque and the background is translucent.

Sign, Neon Sign shall mean a sign illuminated by the means of neon or other gases which produce a glow.

Sign, Nonconforming Sign shall mean a sign legally existing at the effective date of the adoption of this Part 2 which could not be built under the terms of this Part 2.

Sign, Official Sign shall mean any sign erected and maintained by a Federal, State, County or local government agency for the purpose of informing, guiding, or protecting the public.

Sign, Off-site Sign shall mean a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial message.

Sign, On-Site Sign shall mean a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided however that an on-site sign may also display a noncommercial message.

Sign, Political Sign shall mean a sign announcing any political event or campaign.

Sign, Post Sign shall mean a freestanding sign elevated above the ground level through the use of poles or braces, with a total height no greater than six feet.

Sign, Projecting Sign shall mean a sign which is affixed to any building and projecting beyond the building wall or parts thereof, structure, building line or property line more than eight (8) inches, but which is not constructed or erected so as to extend above the roof line of the structure to which it is affixed.

Sign, Pylon Sign shall mean a freestanding sign elevated above the ground level through the use of poles or braces, with a total height greater than six feet.

Sign, Real Estate Sign shall mean a temporary sign placed upon a property for the purpose of advertising to the public the sale or lease of the property.

Sign, Roof Sign shall mean a sign erected, constructed and maintained on or above the roof of any building or structure.

Sign, Sign Space shall mean the surface area used or to be used for each advertisement. (A double-faced sign shall be considered as having two (2) spaces.)

Sign, Temporary Sign shall mean a non-illuminated sign displayed for a short period of time.

Sign, Wall Sign shall mean a sign which is affixed to or painted on an exterior wall of any building. Such signs shall project not more than eight (8) inches from the building wall or parts thereof. No wall sign shall be constructed or erected to extend above the roof line of the structure to which it is affixed.

Sign, Window Sign shall mean a sign which is affixed to the inside of any window or glass portion of any door.

Site Plan shall mean a development plan of one (1) or more lots on which is shown the existing and proposed conditions of the lot, conforming to N.J.S.A. 40:55D-7 and the requirements of Section 30-8.B.

Site Plan and Subdivision Committee shall mean the committee responsible for such other duties relating to land subdivision which may be conferred on it by the Board.

Sketch Plat shall mean the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification of a proposed subdivision.

Small Residential Building Type shall mean a detached, semi-attached, estate, and courtyard building type.

Soil means all unconsolidated mineral and organic material of any origin.

Soils Test shall mean a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

Special Water Resource Protection Area, or SWRPA, shall mean a three hundred (300) foot area provided on each side of a surface water body designated as a CI water or tributary to a CI water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Start of Construction shall mean and include substantial improvement, and shall mean the date the

building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Steep Slope shall mean slopes of fifteen (15%) percent or greater.

Step Back shall mean a horizontal recess of a building above a lower level. For corner lots, step backs shall be required along and calculated from all frontages.

Stoop shall mean a small staircase ending in a platform that provides entrance into a residential unit.

Storage see Warehousing

Storage Shed shall mean an accessory structure no larger than 300 square feet with no entry wider than six (6) feet.

Stormwater means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater Management Basin shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may 1) be normally dry (that is, a detention basin or infiltration basin), 2) retain water in a permanent pool (a retention basin), or 3) be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater Runoff means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Story shall mean a floor or level of a building containing one (1) or more rooms, including all floors or levels of a building used for the principal use of the building or for any accessory use, but excluding any basement devoted solely to the housing of utilities, heating, ventilating, air conditioning and storage (other than storage of inventory held for sale), excluding rooftop decks, and excluding below-grade parking.

Story, Half shall mean a story which is situated under a sloping roof and which has an area, measured four (4) feet above the floor, not exceeding two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain a dwelling unit or a separate commercial or business operation or unit.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing State, County or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action, or a street or way on a plat duly filed and recorded in the office of the Clerk of the County of Morris prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this Part 6, *streets* shall be classified as follows:

- a. Arterial Streets shall mean those which are used primarily for fast or heavy traffic.
- b. Collector Streets shall mean those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- c. Minor Streets shall mean those which are used primarily for access to the abutting properties.
- d. Marginal Access Streets shall mean streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- e. Alleys shall mean minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Street Line shall mean the curblines of an existing improved public street having curbs; the right-of-way line of any other public street or right-of-way. See *Property Line*.

Street Tree shall mean a tree planted within the Greenscape / Furnishing Zone

Structure shall mean anything constructed or erected on, above or under the ground or upon another structure or building, including but not limited to walls, fences, culverts, bridges, roadways, parking facilities and pedestrian facilities. For the purposes of Section 30-5.A, Structure shall mean a walled and roofed building or a gas or liquid storage tank that is principally above ground.

Subdivider shall mean any individual, firm, association, syndicate, partnership, corporation, trust or any local legal entity commencing proceedings under this Part 6 to effect a subdivision of land hereunder for himself or for another.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels or other divisions of land for the purpose of sale or development, except that the following divisions shall not be considered subdivisions; provided, however, that no new streets or roads are involved: divisions of land by the Planning Board for agricultural purposes where the resulting parcels are five (5) acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property upon court order or conveyances so as to combine existing lots.

Subdivision Committee shall mean a committee of at least three (3) Planning Board members appointed by the Chairperson of the Board for the purpose of Committee by the Board.

Substantial Improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Suburban Flex Small (Building Type) shall mean a building typology that meets the minimum requirements per

Section 30-3.B.8.

Suburban Flex Large (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.9.](#)

Suburban Office (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.10.](#)

Supermarket shall mean a retail or wholesale store that sells primarily food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish and poultry. A supermarket shall be defined as 20,000 square feet or greater in size. For smaller uses, see Market.

Surface shall mean the total area of a space used or to be used for advertising purposes.

Surface Parking Lot shall mean any unsheltered paved piece of land used for the storage of automobiles. For the purpose of this definition, the use of solar panels to generate electricity while sheltering automobiles shall be permitted so long as the sides of the parking spaces are open to the elements.

Surface Water Body shall mean any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall be considered a surface water body.

T

Terrace shall mean a level, landscape, and/or surfaced area, often referred to as a patio, directly adjacent to a principal structure, at or within 2 feet of finished grade, and not covered by a permanent structure.

Theater shall mean an indoor facility for public assembly and group entertainment (other than sporting events) which is used primarily for and designed for the purpose of exhibiting films, live theater, concerts, or similar performances. A theater shall not include an adult entertainment establishment of any kind.

Threatened or endangered species shall mean a species identified pursuant to the Endangered and Non- game Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C5.1, and any subsequent amendments thereto.

Through Lot shall mean a parcel or lot that fronts on two different frontages but is not located on a corner lot.

Townhome (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.6.](#)

Transparency. The degree, measured as a percentage of the overall façade space, to which a façade has clear, transparent windows on each story.

Trout maintenance water shall mean a section of water designated as trout maintenance in the New Jersey

Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water shall mean a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

U

Urban Large (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.13](#).

Urban Small (Building Type) shall mean a building typology that meets the minimum requirements per [Section 30-3.B.12](#).

Utility Office shall mean office space used by an organization regulated by the Board of Public Utilities.

V

Valet Parking shall mean services provided by a business or on behalf of a business by a contracted valet operator. Such services include but are not limited to queuing, storage, and taking temporary custody of a customer's vehicle, returning a customer's vehicle, securely storing customer keys, and all equipment, devices, signage, tables, chairs, and similar items used in support of valet parking services. Valet parking conducted entirely on-site shall be considered an accessory use. Valet parking conducted partially or entirely off-site shall be considered a principal use.

Variance shall mean a grant of relief from the requirements of this Part which permits construction in a manner that would otherwise be prohibited by this Part.

Vehicle, Commercial - see *commercial vehicle*

W

Warehousing, Principal shall mean and include, without limitation, the housing, storing, keeping, holding, or sheltering of goods, wares, merchandise, materials, articles, commodities, stockintrade, and the like on a temporary or permanent basis for sales or distribution off-site.

Warehousing, accessory shall mean and include, without limitation, the housing, storing, keeping, holding, or sheltering of goods, wares, merchandise, materials, articles, commodities, stockintrade, and the like on a temporary or permanent basis as an accessory use for sales or distribution primarily on-site.

Water body shall mean a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

Wetlands or Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wind Energy System shall mean any mechanical system which generates energy from wind patterns.

Wireless Communication Antennas shall mean devices which are used for the transmission and reception of wave frequencies for the purposes of any wireless communication (e.g., telephone, data, radio, paging and/or television communication, etc.) and which are permitted as conditional uses in accordance with the specific zoning conditions and standards for their location and operation included within Morristown Land Use Regulations. For the purposes of this chapter, Wireless communication antennas shall not be considered a Public Utility. Notwithstanding any section in these regulations to the contrary, wireless communication antennas that are granted approval shall be permitted as a second primary use. This chapter does not govern ham operator antennas and parabolic satellite antennas.

Y

Yard, Common shall mean the portion of the rear or side yard that is dedicated to the communal use by all residents/tenants of a property.

Yard, Effective shall mean the area between a property line and the principal structure.

Yard, Front shall mean the yard area in the front of the lot.

Yard, Irregular shall mean area perpendicular from angle bisector of side yard and rear yard measured from the interior corner of the lot.

Yard, Private shall mean the portion of the rear or side yard that is dedicated to the use of a single residential unit. In cases of multi-family units, this space shall be separated from common space or other private yards through the use of a fence, wall, hedge or other similar method.

Yard, Rear shall mean the yard area at the rear of the lot.

Yard, Required shall mean the area adjacent to a property line in which a principal building and other structures are not permitted to be located.

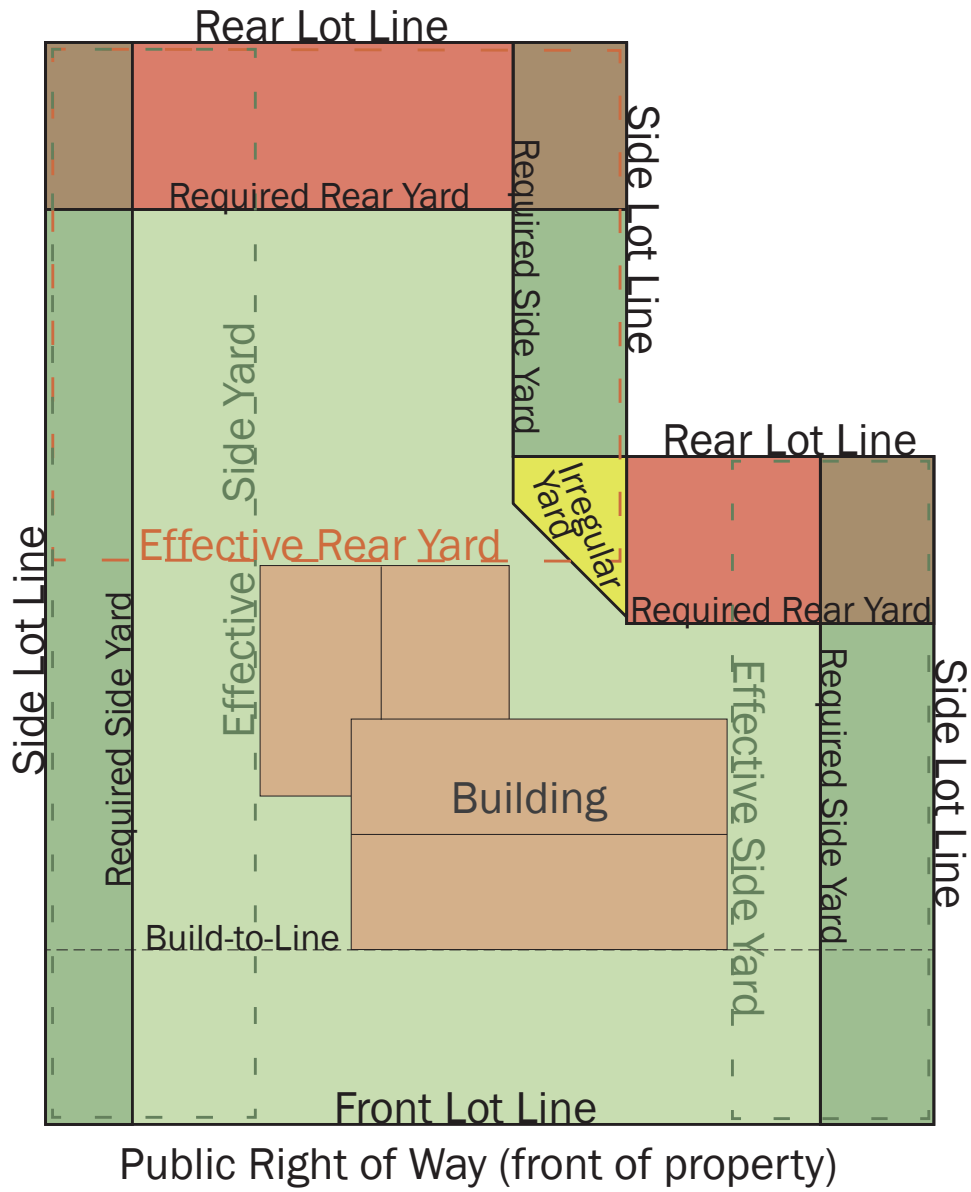
Yard, Side shall mean the yard area on the side of the lot

(See diagram at end for yard location).

Z

Zoning Permit shall mean a document signed by the Zoning Officer: (1) which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and (2) which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefore duly authorized by a municipal agency.

Diagram of yard locations



APPENDIX B

Worksheets + Checklists

MORRISTOWN LAND DEVELOPMENT
ORDINANCE



Land Use

APPLICATION

OFFICE STAFF ONLY

FILE NUMBER

SUBMISSION DATE

Applications for Appeal of Decision of Zoning Officer, requesting Interpretation of Zoning Ordinance, or Concept Plan DO NOT fill out this form. Instead, fill out the applicable forms in this appendix.

PROPERTY ADDRESS

PROPERTY BLOCK

PROPERTY LOT

ZONING DISTRICT

ZONING OVERLAY

FRONTAGE DISTRICT

BOARD OF JURISDICTION

Planning Board
Board of Adjustment

Site Plan

Site Plan Exempt
Minor Site Plan
Major Site Plan

Subdivision

No Subdivision
Minor Subdivision
Major Subdivision

BRIEF SUMMARY OF APPLICATION

APPLICANT TYPE

Corporation Partnership Other

APPLICANT NAME
ADDRESS
PHONE #
EMAIL

APPLICANT'S STATUS

Property Owner Purchaser Under Contract Other

If applicant is other than the owner of the property in question, provide the following information:

OWNER NAME
ADDRESS
PHONE #
EMAIL

EMAIL ADDRESS TO SEND COPY OF PROFESSIONAL ESCROW STATEMENTS PER 40:55D-53.2

For all Applicant professionals, provide the following information:

ATTORNEY
ADDRESS
PHONE #
EMAIL

ARCHITECT
LICENSE #
PHONE #
EMAIL

CIVIL ENGINEER
LICENSE #
PHONE #
EMAIL

TRAFFIC ENGINEER
LICENSE #
PHONE #
EMAIL

PLANNER
LICENSE #
PHONE #
EMAIL

OTHER PROFESSIONAL(S)
LICENSE #
PHONE #
EMAIL

30-2.E Use Tables

What is the existing use?

Is the existing use permitted?

YES CONDITIONAL NO

What is the proposed use?

Is the proposed use permitted?

YES CONDITIONAL NO NO CHANGE
(including # of residential units)

Every district has bulk standards included in the district chapter, however in most districts, you can choose to use more flexible bulk standards from the Building Standards chapter (Section 30-3).

If Building Standards, what is the building type?

Is the proposed building type permitted?

YES CONDITIONAL NO

30-2.E Accessory Uses

Are there any existing or proposed accessory structures?

YES NO

An accessory structure is a subordinate structure not attached to the principal structure such as a detached garage, shed, or pergola. Structures attached to the principal structure are considered to be part of the principal structure.

If there are existing or proposed accessory structures, please complete the **ACCESSORY STRUCTURES APPLICATION SHEET**

30-2. E Density

If residential is included, what is the density? (units/acre)

DENSITY STANDARD	EXISTING	PERMITTED	PROPOSED
DENSITY (UNITS/ACRE)			

30-2. E FAR

What is the existing and proposed FAR? (does not apply to R, MF-1, MF-2, & MF-3)

FAR STANDARD	EXISTING	PERMITTED	PROPOSED
FLOOR AREA RATIO			

30-2. F Required Parking

How many parking spaces are required and proposed? (auto, bike, loading)

PARKING STANDARD	EXISTING	PERMITTED	PROPOSED
AUTOMOBILES SPACES			
BICYCLES SPACES			
LOADING SPACES			

If application proposes changes to parking, please complete the **PARKING AND LOADING APPLICATION SHEET**

30-2. Or 30-3 Bulk Standards

BULK STANDARD	EXISTING	PERMITTED	PROPOSED
LOT WIDTH			
LOT DEPTH			
LOT AREA			
MAXIMUM BUILDING COVERAGE			
MAXIMUM IMPROVED COVERAGE			
MINIMUM INDIVIDUAL SIDE YARD			
MINIMUM TOTAL SIDE YARD			
MINIMUM REAR YARD			

What is the build-to-line?

PROPOSED MIN REQUIRED
 MAX PERMITTED

If build-to-line is regulated by the 'Prevailing Setback', please complete the **PREVAILING SETBACK APPLICATION SHEET.**

30-2. E Building Height

HEIGHT STANDARD	EXISTING	PERMITTED	PROPOSED
BUILDING HEIGHT (STORIES)			
BUILDING HEIGHT (FEET)			
FINISHED FLOOR ELEVATION			
GROUND FLOOR-TO-CEILING HEIGHT (FEET)			
UPPER FLOOR-TO-CEILING HEIGHT (FEET)			

If application proposes height change, please complete the **BUILDING HEIGHT APPLICATION SHEET.**

30-3 Building Details

BUILDING STANDARD	EXISTING	PERMITTED	PROPOSED
BUILDING WIDTH			
BUILDING DEPTH			
AVERAGE UNIT WIDTH (TOWNHOUSE ONLY)			
LOCATION OF MAIN ENTRANCE			
BUILD-TO-LINE OCCUPANCY*			
MAIN DRIVEWAY WIDTH			
DISTANCE BETWEEN ENTRANCES			
TRANSPARENCY, GROUND LEVEL			
TRANSPARENCY, UPPER LEVEL			
STEPBACK (IF REQUIRED)			
MID-BLOCK CONNECTION (URBAN LARGE ONLY)			
PRINCIPAL ROOF PITCH (RISE:RUN)			
ANCILLARY ROOF PITCH (RISE:RUN)			

*Build-to-line occupancy is calculated as the portion of the building located on the build-to-line divided by the width of the building.

VARIANCES & DESIGN RELIEF

Does your application require design waivers?

YES NO

Does your application require any C (Bulk) Variance relief?

YES NO

Does your application require any D (Use) Variance relief?

YES NO

List variance/design waiver and section in ordinance

FLOOD PLAIN DATA

Is your property located in a floodway or flood fringe?

FLOODWAY FLOOD FRINGE NO (If no, proceed to next section)

What is the permissibility of your use PER FLOOD HAZARD REGULATIONS

PERMITTED RESTRICTED PROHIBITED

Has NJ DEP approval been sought?

YES NO

List reasons for granting permit

TAX INFORMATION

All taxes and sewer user fees on the property in question have been paid through:

QUARTER 1 QUARTER 2 QUARTER 3 QUARTER 4

of year:

SIGNATURE

I hereby certify that all of the facts contained within the application are true to the best of my knowledge or belief. I realize that I may be subject to prosecution if any information contained herein is willfully or deliberately false.

DATE

Signature of Applicant or Legally Authorized Officer/Partner

Signature of Property Owner (If other than Applicant)

APPEAL & INTERPRETATION FORM

OFFICE STAFF ONLY

FILE NUMBER

SUBMISSION DATE

Requests for application appeal by any decision of an administrative officer of the municipality or interpretation of the Land Development Ordinance pursuant to NJSA 40:55D-70 shall complete this form and the M-1 Checklist.

PROJECT ADDRESS							
PROPERTY BLOCK		PROPERTY LOT		PROPERTY ZONE		PROPERTY OVERLAY	
APPLICANT'S NAME							
APPLICANT'S ADDRESS							
APPLICANT'S CITY		APPLICANT'S STATE		APPLICANT'S ZIP CODE			
APPLICANT'S PHONE		APPLICANT'S EMAIL					
EMAIL ADDRESS TO SEND COPY OF PROFESSIONAL ESCROW STATEMENTS PER 40:55D-53.2							

Specific Application Type

APPEAL INTERPRETATION

Relevant Ordinances

What section(s) of the ordinance is relevant to your application?

Basis of application

If Appeal: What was the decision of the zoning officer?

If Interpretation Request: What is the basis for the request for interpretation?
(Please indicate if attorney rider is attached).

What facts are relevant to the appeal or interpretation as it pertains to this application?

Attachment

Map, documents, exhibits, and denial which clarifies in sufficient detail the nature of the appeal or interpretation.

DATE

Signature of Applicant

CONCEPT REVIEW APPLICATION

OFFICE STAFF ONLY

FILE NUMBER

SUBMISSION DATE

Requests for pre-application / concept reviews with the Town's technical professional staff fill out this form.

PROPERTY ADDRESS

PROPERTY BLOCK PROPERTY LOT

PROPERTY ZONE PROPERTY OVERLAY PROPERTY FRONTAGE

APPLICANT TYPE Corporation Partnership Other

If applicant is a corporation with owners (10% or more of stock) or partnership, provide information for all partners.

APPLICANT'S NAME

APPLICANT'S ADDRESS

APPLICANT'S CITY APPLICANT'S STATE APPLICANT'S ZIP CODE

APPLICANT'S PHONE APPLICANT'S EMAIL

ATTORNEY NAME

ATTORNEY'S ADDRESS

ATTORNEY'S CITY ATTORNEY'S STATE ATTORNEY'S ZIP CODE

ATTORNEY'S PHONE ATTORNEY'S EMAIL

EMAIL ADDRESS TO SEND COPY OF PROFESSIONAL ESCROW STATEMENTS PER 40:55D-53.2

BRIEF SUMMARY OF APPLICATION

DATE

Signature of Applicant or Legally Authorized Officer/Partner

Signature of Property Owner (If other than Applicant)

PARKING AND LOADING WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

PROJECT
ADDRESS

30-2.F.4 Parking

What is the proposed use? (If multiple uses, fill out the shared parking worksheet)

What is the gross square footage of the proposed use? (for non-residential uses)

What are the number of units proposed? (for residential uses)

What is the minimum and maximum shared parking calculation?

MAXIMUM MINIMUM

30-2.F.4.d.vi. Off-Site Parking

Are you using an off-site parking agreement?

YES NO # of spaces location

30-2.F.4.e. Loading

Review the Loading Table to determine the number of loading spaces and loading berths required.

	Required	Existing	Proposed
Loading Spaces	<input type="text"/>	<input type="text"/>	<input type="text"/>
Loading Berths	<input type="text"/>	<input type="text"/>	<input type="text"/>

30-2.F.4.f. Bike Parking

Determine the number of bicycle parking spaces required.

	Required	Existing	Proposed
Bike Parking	<input type="text"/>	<input type="text"/>	<input type="text"/>

SHARED PARKING WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S NAME

PROJECT ADDRESS

30-2.F.4.a.i Parking

Please list all proposed uses, sizes of the uses, measurement of use, and subsequent required parking spaces. For measurement of use, specify whether the parking requirement is measured in terms of square feet, occupants, seats, units, etc.

PROPOSED USE	SIZE OF USE	UNIT OF MEASUREMENT	# SPACES
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

30-2.F.4.a.ii Shared Parking

Review the list of shared parking classifications and sum up the number of parking spaces required for each of the below listed use categories.

PROPOSED USE	# SPACES	PROPOSED USE	# SPACES
EDUCATION	<input type="text"/>	RESIDENTIAL	<input type="text"/>
INSTITUTIONAL	<input type="text"/>	RETAIL/COMMERCIAL	<input type="text"/>
OFFICE	<input type="text"/>	HOTEL	<input type="text"/>
THEATER	<input type="text"/>	HOSPITAL	<input type="text"/>
RELIGIOUS	<input type="text"/>		

30-2. F.4.a.ii Shared Parking

Use the consolidated parking values on the previous page and the occupancy rates in the following table to calculate parking demand in the subsequent table.

	MONDAY TO FRIDAY			SATURDAY TO SUNDAY		
	8AM - 6PM	6PM - MID	MID - 8AM	8AM - 6PM	6PM - MID	MID - 8AM
EDUCATION	100%	20%	5%	10%	10%	5%
INSTITUTIONAL	100%	20%	5%	10%	10%	5%
OFFICE	100%	20%	5%	5%	5%	5%
THEATER	40%	80%	10%	80%	100%	10%
RELIGIOUS	10%	5%	5%	100%	50%	5%
RESIDENTIAL	80%	100%	100%	80%	100%	100%
RESTAURANT	70%	100%	10%	70%	100%	20%
RETAIL/COMMERCIAL	90%	80%	5%	100%	70%	5%
HOTEL	70%	100%	100%	70%	100%	100%
HOSPITAL	100%	100%	100%	100%	100%	100%

30-2.F.4.a.ii Shared Parking

Use the consolidated parking values on the previous page and the occupancy rates in the table above to calculate parking demand in the subsequent table.

	MONDAY TO FRIDAY			SATURDAY TO SUNDAY		
	8AM - 6PM	6PM - MID	MID - 8AM	8AM - 6PM	6PM - MID	MID - 8AM
EDUCATION	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
INSTITUTIONAL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
OFFICE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
THEATER	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
RELIGIOUS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
RESIDENTIAL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
RESTAURANT	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
RETAIL/COMMERCIAL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
HOTEL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
HOSPITAL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

30-2.F.4.a.ii Shared Parking

Add the number of parking spaces required in each column above and write the total of each column below. The parking requirement of the column with the largest total is your parking requirement.

TOTAL	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PARKING REQUIREMENT	<input type="text"/>					

BUILDING HEIGHT WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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30-2.E Building Height

What method of building height measurement are you using?

Singular

Incremental

Properties in which there is significant slope may benefit from using an incremental measurement rather than measuring the building with a singular measurement. If you choose to use the incremental measurement, fill out this sheet for each building increment. Also, include a diagram showing the division of the building into incremental segments and the associated elevations.

What is the elevation at each of the building's corners? (or building section)

Point 1

Point 2

Point 3

Point 4

Please calculate the average of elevations at all corners.

What is the elevation at the building's highest point? (midpoint of gable/pitch)

Please subtract the average grade elevation from the highest point.

PREVAILING SETBACK WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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30-2.E Build-to-line

Please list all properties within the prevailing setback area and their setbacks?

PROPERTY	SETBACK
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

What is the average of all listed setbacks?

Average x .75
MINIMUM

Average x 1.25
MAXIMUM

ACCESSORY STRUCTURE WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S NAME

PROJECT ADDRESS

30-2.E Lot Standards

What are the required dimensional standards for accessory structures?

	MIN SIDE YARD	MIN REAR YARD	BUILD-TO-LINE SETBACK	MAX HEIGHT	REAR YARD LOT COVERAGE
REQUIRED DIMENSIONAL STANDARDS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

	MIN SIDE YARD	MIN REAR YARD	BUILD-TO-LINE SETBACK	MAX HEIGHT	REAR YARD LOT COVERAGE
ACCESSORY STRUCTURE 1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

What type of accessory structure is proposed?

	MIN SIDE YARD	MIN REAR YARD	BUILD-TO-LINE SETBACK	MAX HEIGHT	REAR YARD LOT COVERAGE
ACCESSORY STRUCTURE 2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

What type of accessory structure is proposed?

	MIN SIDE YARD	MIN REAR YARD	BUILD-TO-LINE SETBACK	MAX HEIGHT	REAR YARD LOT COVERAGE
ACCESSORY STRUCTURE 3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

What type of accessory structure is proposed?

	MIN SIDE YARD	MIN REAR YARD	BUILD-TO-LINE SETBACK	MAX HEIGHT	REAR YARD LOT COVERAGE
ACCESSORY STRUCTURE 4	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

What type of accessory structure is proposed?

SUBDIVISION WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S NAME

PROJECT ADDRESS

Application Summary

How many lots currently exist and how many lots are proposed?

EXISTING PROPOSED

30-2.E Lot Standards

What are the dimensional requirements for lots in your zone and what are the proposed dimensions of the subdivided lots?

	LOT AREA	LOT DEPTH	LOT WIDTH	VARIANCE REQUIRED? Y/N	EXISTING OR PROPOSED BUILDINGS? Y/N
REQUIRED LOT DIMENSIONS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 4	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 5	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
PROPOSED LOT 6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Notes:

1. If your property is located in the R or MF-1 District, use the Prevailing Lot Standards worksheet.

PREVAILING LOT STANDARDS WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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**R and MF-1
DISTRICT SUBDIVISION**

Please list all properties within the prevailing setback area and their lot widths and areas.

PROPERTY	LOT WIDTH	LOT AREA
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

What is the average lot width?

What is the average lot area?

COAH DEVELOPER FEE WORKSHEET

MORRISTOWN ZONING CODE

APPLICANT'S
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Within all zoning districts, non-residential and residential developers, except for developers of the types of development specifically exempted, shall pay to the Town of Morristown's Affordable Housing Trust Fund a developer fee. See [Section 30-6.B](#) for full description of the Affordable Housing Trust Fund fee requirements and exemptions.

Applicant's must fill this worksheet if they proposed an increase in a new residential unit(s) and/or new non-residential construction. **If your application is subject to a developer fee per question 7 or 8, then a developer fee is required. Fifty-percent (50%) shall be paid prior to building permit and the remaining fifty-percent (50%) shall be paid prior to issuance of CO.**

1. Does your application consist of a new residential unit(s)? If you checked "NO" please skip to question 5. YES
 NO
2. Does your application provide the required on- or off-site affordable housing units per [Section 30-6.A](#), or payment-in-lieu of on-site affordable housing units to the Town? YES
 NO
3. Does your application consist of a single-family house only replacing a housing unit destroyed by flood, fire or natural disaster? YES
 NO
4. Does your application have preliminary or final approval for residential construction prior to April 9, 2013 and does not seek a change in units? YES
 NO
5. Does your application consist of any non-residential (i.e. commercial) construction? If you checked "NO" please skip to question 7. YES
 NO
6. Does your application involve new construction that is NOT limited to alterations, change in use within existing footprint, reconstruction, renovations and/or repairs only? YES
 NO

Residential Developer Fee Obligation:

7. Please select the following as applicable:
- FEE EXEMPT:** I selected "NO" to question 1 or I selected "YES" to any question 2, 3, OR 4.
- FEE OF 1.5% OF EQUALIZED ASSESSED VALUE:** I did not select "YES" to question 2, 3, OR 4 and I do NOT require an increased density variance more than permitted.
- FEE OF 6% OF EQUALIZED ASSESSED VALUE:** I did not select "YES" to question 2, 3, OR 4 and I DO require an increased density variance more than permitted.

Non-Residential Developer Fee Obligation:

8. Please select the following as applicable:
- FEE EXEMPT:** I selected "NO" to question 5 or 6
- FEE OF 2.5% OF EQUALIZED ASSESSED VALUE:** I selected "YES" to question 5 and 6

M-1 ADMINISTRATIVE CHECKLIST

MORRISTOWN LAND DEVELOPMENT ORDINANCE

Page 1 of 2

APPLICANT'S
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Checklist Requirement	Applicant Response	Staff Response (Not to Be Filled Out by Applicant)
1. COMPLETED LAND USE APPLICATION FORM WITH SIGNED AUTHORIZATION • Note: If off-site improvements are occurring, owners authorization is required and property must be included as part of application.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. REQUIRED WORKSHEETS • Parking and Loading Worksheet if new parking, loading or bicycle parking is required; • Shared Parking Worksheet if shared parking is proposed; • Building Height Worksheet if new building and/or change in height is proposed; • Prevailing Setback Worksheet if build-to-line is regulated by "Prevailing Setback"; • Accessory Structure Worksheet if a new accessory structure is proposed; • Subdivision Worksheet if a minor or major subdivision is proposed; • Prevailing Lot Standards Worksheet if subdivision is proposed in the R or MF-1 District; • COAH Developer Fee Worksheet if commercial construction or residential is proposed.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. COMPLETED SUBMISSION CHECKLISTS • M-2 Checklist if a minor site plan is proposed; • M-3 Checklist if a minor subdivision is proposed; • M-4 Checklist if major site plan is proposed; • M-5 Checklist if preliminary major subdivision is proposed; • M-6 Checklist if final major subdivision is proposed; and/or • M-8 Checklist if a "c" or "d" variance is required.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. COPIES OF ALL MATERIALS: 6 paper copies upon initial submission, and 21 paper copies upon "completeness" determination of application.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. ALL FEES AND ESCROW DEPOSITS PAID Two separate checks for required fees and required escrow deposit, each made payable to the "Town of Morristown." Escrow deposits must be submitted along with (1) Contact Information and Escrow Fee / Calculation Form (See Appendix C); and (2) W-9 Form.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
6. SITE INSPECTION AUTHORIZATION (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
7. OWNER CONTRIBUTION DISCLOSURE FORM (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
8. DISCLOSURE OF CORPORATE OWNERSHIP (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
9. TAX COLLECTOR CERTIFICATION THAT ALL PROPERTY TAXES HAVE BEEN PAID	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
10. PRIOR APPROVALS AND DENIALS Copy of previous zoning permits and/or land use approvals and/or denials from the Planning Board or Board of Adjustment.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
11. PHOTOGRAPHIC SURVEY OF SUBJECT SITE	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
12. LIST OF PROPERTY OWNERS WITHIN 200' OF SUBJECT PROPERTY IF NOTICING IS REQUIRED	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	

M-1 ADMINISTRATIVE CHECKLIST

MORRISTOWN LAND DEVELOPMENT ORDINANCE

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APPLICANT'S
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Checklist Requirement	Applicant Response	Staff Response (Not to Be Filled Out by Applicant)
13. LIST OF ANTICIPATED INTER-AGENCY AND GOVERNMENT PERMITS REQUIRED List or copies of all expected outside inter-agency and government permits/approvals for the application. Examples include Morris County Planning Board, Morris County Soil Conservation District, Southeast Morris County Municipal Utilities Authority, NJDOT, NJDEP, Treatment Works Application, and all other relevant agencies related to the proposed project.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
14. ALCOHOLIC BEVERAGE CONTROL BOARD APPROVALS Copies of any and all approvals and/or resolutions issued by the Town Council of the Town of Morristown, sitting as the Alcoholic Beverage Control Board, for the project, if applicable.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
15. CALCULATION OF AFFORDABLE HOUSING OBLIGATION For multi-family (See Section 30-6), a calculation of affordable housing set-aside, if applicable. Applicant must provide floorplan of any affordable unit demonstrating UCC and UHAC compliance.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
16. SHADE TREE COMMISSION (STC) CHECKLIST FORM (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
17. DESCRIPTION IN WRITING FOR BASIS OF GRANTING ANY APPLICATION SUBMISSION WAIVERS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> NOT APPLICABLE	
18. ELECTRONIC SUBMISSION OF ALL SUBMITTED DOCUMENTS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
19. EXECUTED REDEVELOPMENT AGREEMENT / APPLICABLE LEGAL AUTHORIZATIONS TO PROCEED WITH PROJECT IN REDEVELOPMENT AREA, AS DETERMINED TO BE NECESSARY BY BOARD ATTORNEY (IF WITHIN REDEVELOPMENT PLAN)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
20. IF OFF-SITE PARKING OR OFF-SITE VALET PARKING IS PROPOSED, AN EXECUTED LETTER OF AVAILABILITY FROM THE MORRISTOWN PARKING AUTHORITY OR EXECUTED PARKING AGREEMENT (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

M-2 MINOR SITE PLAN CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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Checklist Requirement	Applicant Response	Staff Response (Not to Be Filled Out by Applicant)
1. COMPLETED M-1 ADMINISTRATIVE CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. SIGNED AND SEALED PROFESSIONAL SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. MINOR SITE PLAN DRAWINGS (SIGNED, SEALED, AND DATED) (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. FACADE DESIGN REVIEW GUIDELINE CONFORMANCE FORM, IF WITHIN TC DISTRICT (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
5. TREE PLOT PLAN (WHEN TREES ARE REMOVED) Where there is removal or the destruction wholly or partially of any tree as defined in Chapter 17, a plot plan should be provided showing the location of all trees and which trees designated, if any, are to be removed or destroyed.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
6. STEEP SLOPE ANALYSIS PER 30-5.B (WHEN STEEP SLOPES ARE DISTURBED)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
7. SUMMARY OF CHANGES (REVISED PLANS ONLY) Summary of all changes from prior submission and summary of changes, if applicable.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

M-3 MINOR SUBDIVISION CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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Checklist Requirement	Applicant Response	Staff Response <small>(Not to Be Filled Out by Applicant)</small>
1. COMPLETED M-1 ADMINISTRATIVE CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. PROFESSIONAL SIGNED AND SEALED SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. SITE MAP: Showing entire tract based on a current survey, including bearing and distance data, at scale where 1" equals not more than 50'.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. ZONING DISTRICT INFORMATION Including zoning dimensional requirements and flood hazard areas if any.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. KEY MAP	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
6. ALL EXISTING STRUCTURES.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
7. SEWER, WATER, RIGHT-OF-WAY INFORMATION	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
8. LIST OF PROPERTY OWNERS WITHIN 200' OF SUBJECT PROPERTY.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
9. EXISTING AND PROPOSED BLOCK AND LOT NUMBERS (AS PROVIDED BY MORRISTOWN TAX ASSESSOR)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
10. NORTH ARROW, SIGNATURE BLOCK, GRAPHIC SCALE, TITLE BLOCK, NAME OF LAND SURVEYOR WHO PREPARED THE MAP	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
11. SIGNED, SEALED, AND DATED DRAWINGS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	

M-4 MAJOR SITE PLAN CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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NOTE: All site plan applications are considered to be for preliminary and final approval unless the application otherwise states.

Checklist Requirement	Applicant Response	Staff Response <small>(Not to Be Filled Out by Applicant)</small>
1. COMPLETED M-1 ADMINISTRATIVE CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. PROFESSIONAL SIGNED AND SEALED SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. MAJOR SITE PLAN DRAWINGS (SIGNED, SEALED, AND DATED) (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. COVENANTS, EASEMENTS, AND DEED RESTRICTIONS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. ENVIRONMENTAL IMPACT STATEMENT (PER SECTION 30-8.B.8)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
6. TRAFFIC STUDY (PER SECTION 30-8.B.9)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
7. SEWER CONNECTION FEE DETERMINATION (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
8. SUSTAINABLE DEVELOPMENT / GREEN BUILDING FORM (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
9. COMPLETE STREETS CHECKLIST (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
10. FACADE DESIGN REVIEW GUIDELINE CONFORMANCE FORM, IF WITHIN TC DISTRICT (See Appendix C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
11. STORMWATER MANAGEMENT PLAN	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
12. TREE PLOT PLAN (WHEN TREES ARE REMOVED) Where there is removal or the destruction wholly or partially of any tree as defined in Chapter 17, a plot plan should be provided showing the location of all trees and which trees designated, if any, are to be removed or destroyed.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
13. STEEP SLOPE ANALYSIS PER 30-5.B (WHEN STEEP SLOPES ARE DISTURBED)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
14. SUMMARY OF CHANGES (REVISED PLANS ONLY) Summary of all changes from prior submission and summary of changes, if applicable.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

M-5 MAJOR SUBDIVISION

(Preliminary) CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

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Checklist Requirement	Applicant Response	Staff Response <small>(Not to Be Filled Out by Applicant)</small>
1. COMPLETED M-1 ADMINISTRATIVE CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. PROFESSIONAL SIGNED AND SEALED SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. PRELIMINARY PLAT: Prepared by licensed surveyor, planner, architect, or professional Engineer, at scale no less than 1" equals 50' and including date of preparation and any revision dates.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. KEY MAP	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. TRACT NAME, NAMES AND ADDRESSES AS REQUIRED.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
6. PROPERTY LINES AND ACREAGE OF TRACT TO NEAREST 1/10TH ACRE	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
7. EXISTING INTERVAL CONTOURS AS REQUIRED.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
8. ALL WATERCOURSES, FLOOD PLAINS, FLOODWAYS, AND FLOOD AREAS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
9. LOCATION OF TREE MASSES AND TREES MORE THAN 10" DBH	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
10. EXISTING BUILDINGS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
11. EXISTING UTILITIES	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
12. OTHER SIGNIFICANT FEATURES (I.e., bridges, culverts, rock formations, etc.)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
13. PROPOSED PROPERTIES (Including lot lines, street names, alleys, and easements.)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
14. PROPOSED PHYSICAL IMPROVEMENTS (Including cross-sections and center-line profiles.)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
15. COPY OF PROTECTIVE COVENANTS AND DEED RESTRICTIONS.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
16. OPEN SPACES	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
17. SIGHT TRIANGLE DATA	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
18. ENVIRONMENTAL IMPACT STATEMENT	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
19. TRAFFIC STUDY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
20. SOIL EROSION AND SEDIMENT CONTROL PLAN	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
21. SUSTAINABLE DEVELOPMENT / GREEN BUILDING FORM (SEE APPENDIX C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
22. FOR REVISED PLANS Summary of all changes from prior submission and summary of changes.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

M-6 MAJOR SUBDIVISION

(Final)

CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

PROJECT
ADDRESS

Checklist Requirement	Applicant Response	Staff Response <small>(Not to Be Filled Out by Applicant)</small>
1. COMPLETED M-1 ADMINISTRATIVE CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. PROFESSIONAL SIGNED AND SEALED SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. FINAL PLAT: Prepared by licensed surveyor, planner, architect, or professional Engineer, at scale no less than 1" equals 50' and including date of preparation and any revision dates.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. DATE, NAME, LOCATION, OWNER(S), SCALE, AND REFERENCE MERIDIAN.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. TRACT BOUNDARY LINES, RIGHTS-OF-WAY, EASEMENTS.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
6. BLOCK AND LOT NUMBERS AS DIRECTED BY MORRISTOWN TAX ASSESSOR.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
7. ALL SETBACK LINES.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
8. LOCATION AND DESCRIPTION OF ALL MONUMENTS.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
9. NAMES OF ADJOINING LAND OWNERS.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
10. ENGINEER'S CERTIFICATION AS TO ACCURACY OF DETAILS OF PLAT.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
11. CERTIFICATION THAT APPLICANT IS OWNER, AGENT OF OWNER, OR HAS OWNER'S CONSENT UNDER AN OPTION AGREEMENT.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
12. CERTIFICATION OF BLOCKS ON PLAT AS TO ANY REQUIRED APPROVALS BY TOWN, COUNTY, OR STATE OFFICES OR BODIES.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
13. CROSS SECTIONS AND PROFILES OF STREETS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
14. CONTOURS	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
15. PLANS AND PROFILES OF STORM SEWERS, SANITARY SEWERS, AND WATER MAINS.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
16. DEVELOPER'S AGREEMENT IF REQUIRED.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
17. SUSTAINABLE DEVELOPMENT / GREEN BUILDING FORM (SEE APPENDIX C)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
18. FOR REVISED PLANS Summary of all changes from prior submission and summary of changes.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

M-7 CONCEPT PLAN CHECKLIST

APPLICANT'S
NAME

PROJECT
ADDRESS

Checklist Requirement	Applicant Response
1. CONCEPT REVIEW APPLICATION FORM	<input type="checkbox"/> SUBMITTED
2. COPIES OF ALL MATERIALS: 6 copies of concept plan(s), which may include a property survey, engineer and/or architectural drawings	<input type="checkbox"/> SUBMITTED
3. REQUIRED FEE OF \$400 AND \$1,500 ESCROW DEPOSIT Two separate checks for required fees and required escrow deposit, each made payable to the "Town of Morristown." Escrow deposits must be submitted along with (1) Contact Information and Escrow Fee / Calculation Form (See Appendix C); and (2) W-9 Form.	<input type="checkbox"/> SUBMITTED
4. SITE INSPECTION AUTHORIZATION (See Appendix C)	<input type="checkbox"/> SUBMITTED
5. OWNER CONTRIBUTION DISCLOSURE FORM (See Appendix C)	<input type="checkbox"/> SUBMITTED
6. DISCLOSURE OF CORPORATE OWNERSHIP (See Appendix C)	<input type="checkbox"/> SUBMITTED
7. ELECTRONIC SUBMISSION OF CONCEPT PLANS	<input type="checkbox"/> SUBMITTED

M-8 VARIANCES (C&D) CHECKLIST

MORRISTOWN ZONING CODE

APPLICANT'S
NAME

PROJECT
ADDRESS

FOR ALL ONE AND TWO FAMILY HOUSES

Checklist Requirement	Applicant Response	Staff Response (Not to Be Filled Out by Applicant)
1. COMPLETED M-1 CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. SIGNED AND SEALED PROFESSIONAL SURVEY	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. SITE IMPROVEMENTS PLAN Plan drawings showing existing and proposed site improvements, lot boundaries, dimensions, and bulk chart.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
4. INTERIOR LAYOUT AND ELEVATION PLAN Must be professionally prepared.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
5. TREE PLOT PLAN (WHEN TREES ARE REMOVED) Where there is removal or the destruction wholly or partially of any tree as defined in Chapter 17, a plot plan should be provided showing the location of all trees and which trees designated, if any, are to be removed or destroyed.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
6. STEEP SLOPE ANALYSIS PER 30-5.B (WHEN STEEP SLOPES ARE DISTURBED)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

ALL OTHER C & D VARIANCE APPLICATIONS

Checklist Requirement	Applicant Response	Staff Response (Not to Be Filled Out by Applicant)
1. COMPLETED M-1 CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
2. COMPLETED MAJOR SITE PLAN OR SUBDIVISION CHECKLIST	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
3. PARKING STUDY, IF PARKING VARIANCE REQUIRED (PER SECTION 30-8.B.10)	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
4. CROSS-SECTION, IF HEIGHT VARIANCE EXCEEDS 10' OR 110% Cross-section of proposed property development and next two adjacent properties on either side. For properties located on a corner lot or through lot, this requirement shall apply to all frontages.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	
5. IF BIFURCATED APPLICATION Professionally prepared plan showing lot or tract dimensions, dimensions between all structures and property lines, proposed improvements, preliminary drainage scheme, and preliminary environmental impact statement addressing storm water management and traffic impact to provide sufficient data upon which a decision can be based.	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> NOT APPLICABLE	

APPENDIX C

SUPPLEMENTAL ATTACHMENTS

MORRISTOWN LAND DEVELOPMENT
ORDINANCE CODE



Contact Information and Escrow / Fee Calculation Form

This form is required for land use applications completing the M-1 or M-7 Checklist

CONTACT INFORMATION:

Contact Name

Contact Address

Contact Telephone #

Contact E-mail

If you are filing for concept plan review only, you do not need to complete the remainder of this form.

ESCROW CALCULATION:	Fee	Quantity	Total
Preliminary Major Subdivisions	\$5,000		
Final Major Subdivisions	\$5,000		
Major Site Plan	\$5,000		
Minor Site Plan	\$1,500		
Minor Subdivisions	\$1,500		
Variance (dimensional or bulk C) - Single-family flat fee	\$1,500		
Variance (dimensional or bulk C) - All other C per variance (max 3 variances)	\$1,500		
Conditional Use	\$1,500		
Use Variance D	\$5,000		
Flood Hazard Area Restricted	\$600		
EIS	\$600		
Plus (+) Per 10K SF over 10K SF Lot Area	\$100		
Plus (+) Per 1K SF over 1K SF Floor Area	\$20		
Appeals to Board of Adjustment Alleging errors by the Administration Officer	\$1,500		
Seeking Interpretation of Ordinance	\$1,500		
Amendments/Revised Plans	\$1,500		
Extension of Final Approval single-family	\$400		
Extension of Final Approval all others	\$1,500		
Checklist waiver requests	\$400		
Waiver of site plan approval	\$600		
Certification of a pre-existing or nonconforming use by Board of Adjustment	\$500		
Total Escrow Fees:			

TOWN FEE CALCULATION:	Fee	Quantity	Total
Preliminary Major Subdivision	\$500		
Plus (+) Per Lot	\$40		
Final Major Subdivision	\$300		
Plus (+) Per Lot	\$30		
Minor Subdivision	\$350		
Major Site Plan	\$500		
Plus (+) Per 10K SF over 20,K SF Lot Area	\$150		
Plus (+) Per 1K SF over 1K SF Floor Area	\$20		
Minor Site Plan	\$250		
Dimensional or Bulk Variances (except Parking)			
1 Dwelling Unit	\$60		
2-5 Dwelling Units	\$250		
5 or More Dwelling Units	\$400		
Per Each Unit Over 5	\$30		
Nonresidential	\$500		
Conditional Uses			
Home Occupation	\$350		
Residential	\$150		
Nonresidential	\$500		
Use Variance			
1-5 Dwelling Units	\$400		
5 or More Dwelling Units	\$750		
Nonresidential	\$850		
Environmental Impact Statement	\$300		
Plus (+) Per 1K SF over 1K SF Area	\$30		
Plus (+) Per 1K SF over 1K SF Floor Area	\$20		
Requests for interpretation			
1-4 Dwelling Units	\$250		
5 or More Dwelling Units	\$400		
Nonresidential	\$450		
Request for concept or zone change	\$400		
Request for final approval extension			
1 Dwelling Unit	\$150		
All other residential C and minor subdivision	\$350		
Nonresidential C and major subdivision	\$600		
Site plan	\$600		
Use variance	\$1,500		
Request for special meeting Board of Adjustment or Planning Board	\$1,500		
Application for Checklist Waiver			
Waiver of site plan	\$200		
Waiver of EIS	\$200		
All other checklist items per item (max 4 per each type of checklist)	\$60		
Submission of Revised Plans and Applications	\$200		
Submission of Signature Review Plans	\$200		
Certification of Pre-existing or Nonconforming Use	\$250		
Zoning Permits			
1 dwelling unit	\$50		
2-4 dwelling units	\$75		
5 or more dwelling units	\$110		
Nonresidential	\$175		
Flood Hazard Restricted Area Development Permit	\$200		
Sign Permit			
Except roof sign	\$100		
Roof sign permit	\$200		
Amendments to approved site plans, subdivisions or other applications after Board approval is granted	50% of original application fee		
Issuance and certification of list of property owners by Tax Assessor pursuant to N.J.S.A. 40:55D-12C	Greater of \$0.25 per name or \$10		
Total Town Fees:			



SITE INSPECTION AUTHORIZATION

200 South Street
Morristown, NJ 07960

This form is required for land use applications completing the M-1 or M-7 Checklist

I, _____, the undersigned property owner or lessee, do hereby authorize Morristown Officials to inspect the property owned/leased by me at _____ in connection with my application to the Planning Board or Zoning Board of Adjustment.

Name (Please Print)

Signature

Date

Telephone #



Owner Contribution Disclosure Form

200 South Street
Morristown, NJ 07960

This form is required for land use applications completing the M-1 or M-7 Checklist

Applicant / Developer Name	Name and Address of Recipient of Contribution	Description of Contribution	Date of Contribution

Professional Name	Name and Address of Recipient of Contribution	Description of Contribution	Date of Contribution



Owner Corporation Disclosure Form

200 South Street
Morristown, NJ 07960

This form is required for land use applications completing the M-1 or M-7 Checklist

If applicant is a corporation with owners (10% or more of stock) or partnership, provide information for all partners.

Owner Name	Name and Address	Interest %



200 South Street
Morristown, NJ 07960

Shade Tree Commission (STC) Development Checklist

This form is required for land use applications completing the M-1 Checklist.

Checklist Consideration	Y/N	COMMENTS
1. Are you going to plant trees in the public right-of-way? If you checked "NO" please skip to question 11.	<input type="checkbox"/> YES <input type="checkbox"/> NO	
2. Do you have a copy of the Tree Planting Specifications?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3. Have you met with the Town Forester?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
4. Has the species been approved by the STC or Town Forester?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
5. Has the Town Arborist approved the tree species in your landscape plan?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
6. Has the STC signed off on your planning plan?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
7. Are you aware that new tree wells must be 4'x8'?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
8. Will you be using porous pavement (Cypress Pebbled) after trees have passed inspection by the Town Arborist?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
9. Has the Town Engineer signed off on the porous pavement company specifications?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
10. Are you aware that Boichar must be added after planting (___ per cubic foot)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
11. Will the proposed development be in close proximity to any existing public trees?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
12. If you checked "YES" to question 11: Have you read the Protection of Tree ordinance to ensure the safety of our public trees?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

BOARD OF COMMISSIONERS

Margret Brady, Commissioner

Cary Lloyd, Commissioner

Anthony Lucia, Commissioner

Linda Stamato, Commissioner

Richard L. Tighe, Commissioner



MORRISTOWN
PARKING AUTHORITY
ESTABLISHED MARCH 6, 1956

ADMINISTRATION

Nicole S. Fox, Executive Director

Mark Axelrod, Director of Operations

Gregory S. Deal, Director of Facilities

Robert S. Goldsmith, Attorney

Gerard Giosa, Parking Consultant

LETTER OF AVAILABILITY

Date

Applicant
ADDRESS
ADDRESS

Re: Applicant: _____ (the "Applicant")
Project: _____ (the "Project")

Dear Applicant:

You have requested that the Parking Authority of the Town of Morristown (the "Authority") advise whether it could accommodate a long-term parking license agreement (an "Agreement") with the Applicant for ___ parking passes in support of the Project. The Authority has considered the Applicant's request and based upon current and historical parking counts, and in consultation with our parking consultants, the Authority has determined that the Authority could support an Agreement upon the following terms:

Number of Parking Passes: _____

Facility¹: _____ (or _____ at MPA Discretion)

Term: _____ years

Monthly Rent Per Space²: _____ initial rent per space

Use: _____

The Authority will hold the above number of passes at the above facility through _____³ (the "Hold End Date"). Provided the Applicant is diligently pursuing its approvals for the Project, the Applicant may request an extension of the Hold End Date upon written request to the Authority no earlier than sixty (60) days prior to the Hold End Date. Any requests to modify the above request (i.e. number of parking passes, facility location, etc.) will be treated as a separate application.

Following adoption of a resolution of approval for the Project by the Planning Board or Zoning Board of Adjustment, as applicable, the Applicant shall have 90 days to negotiate and execute an Agreement with the Authority. If an Agreement is not negotiated and executed within such timeframe, the Authority will no longer hold the parking passes available for the Applicant. Following a denial of an application for the Project from either Board, the Authority will immediately release the parking space hold, regardless of whether Applicant files an appeal of the Board's denial.

This letter shall not be interpreted in any way as an agreement between the Applicant and the Authority or a commitment on the Authority's behalf to enter into an Agreement with the Applicant. Rather, this letter is provided for the sole purpose of allowing the Applicant to represent the potential availability

14 Maple Avenue, Suite 101
Morristown, NJ 07960

Tel. No. (973) 539-4810 Fax No. (973) 539-7114

E-Mail inquiries@morristownparkingauthority.org

for parking passes in the above facility in support of the Project. Ultimately, the Authority's Board of Commissioners have final approval over any long-term parking license agreement and must approve same by resolution at an open meeting.

A copy of this letter is being transmitted simultaneously to the Town Administrator, the Chair of the Planning Board, the Chair of the Zoning Board of Adjustment, and the Town Planner. The Authority respectfully requests that any approval granted by the Planning Board or Zoning Board of Adjustment be conditioned upon the Applicant entering into an Agreement with the Authority upon the terms set forth in this letter. The Authority will not enter into an agreement with the applicant until the applicant has received land use approvals from the appropriate town board(s).

Sincerely,

Nicole S. Fox
Executive Director
Parking Authority of the Town of Morristown

cc: Ms. Jillian Barrick, Town Administrator
Mr. Joseph Stanley, Planning Board Chair
Mr. Steve Pylypchuk, Zoning Board of Adjustment Chairs
Mr. Phil Abramson, Town Planner
Mr. Robert Goldsmith, Authority General Counsel

¹ With respect to the location of the parking passes, the Agreement may provide for the Authority to relocate such parking passes to an alternative facility(ies) to allow the Authority the flexibility to meet parking demand needs.

² With respect to the monthly rent, the Commissioners have delegated authority to the Authority's Executive Director and its professional consultants to establish the monthly rent for all new long-term license agreements based upon various factors including, but not limited to, the proposed use, the proposed hours of need, the facility location, the term, and the prevailing market conditions. All Agreements with the Authority will include mandatory periodic increases to the monthly rent as well as a provision that the monthly rent may never be less than the then-prevailing rate for monthly passes for the facility. Further, during the period between execution of the Agreement and the Full Rent Commencement Date (as will be defined in the Agreement), the Applicant understands and agrees that the Applicant will be responsible for a monthly payment in the amount of 50% of the monthly rent to hold the parking passes.

³ The Commissioners have authorized the Executive Director to hold parking passes in accordance with the terms outlined herein for a period of three (3) months with an extension of six (6) months after consultation with appropriate town authorities.



200 South Street
Morristown, NJ 07960

Facade Design Review Guideline Form

This form is required for land use applications completing the M-2 or M-4 Checklist and in the TC District.

The Facade Design Guidelines have been developed to preserve and improve the appearance of the buildings and streetscapes in the Town of Morristown's Town Center (TC) District, formally known as the Central Business District (CBD). These improvements will help to make Morristown's Town Center a more attractive and inviting destination in which to shop, visit, dine and walk. Below are a few of the tangible benefits our community will realize from the implementation of these guidelines:

- Create a desirable location for new businesses.
- Improve commerce for existing retailers.
- Create human-scaled and welcoming streetscapes for residents and visitors.
- Protect and improve commercial property values.
- Enhance the downtown quality of life by improving it's historic charm and character.
- Create a "destination" for travelers and shoppers.
- Improve the "walking" experience in the Town Center.

It is the intent of these guidelines to ensure that appropriate consideration is given to preserving the historic context of the many existing, late 19th century, commercial buildings during their possible renovation process. In addition, the guidelines are intended to be used as a reference material. The approval of these Guidelines by the Planning Board and their adoption by the Town Council reflect a commitment to the preservation and betterment of Morristown as a community greater than the sum of its parts. This document forms the framework within which one remains free to exercise creativity, invention and innovation, although individual restraint is encouraged where necessary to maintain or achieve harmonious relationships among the components of a streetscape.

FULL GUIDELINES ARE AVAILABLE WITH THE BOARD SECRETARY OR ACCESSIBLE ONLINE AT: https://www.townofmorristown.org/vertical/sites/%7B0813EA2E-B627-4F82-BBB0-DDEE646947B5%7D/uploads/CBD_Facade_Design_Guidelines.pdf

CHECK APPLICABLE DISTRICT:

- TOWN CENTER, NO OVERLAY
- TOWN CENTER, TRANSITIONAL OVERLAY DISTRICT (T)
- TOWN CENTER, TRANSIT OVERLAY DISTRICT (TOD)
- TOWN CENTER, MORRISTOWN GREEN (MG)
- TOWN CENTER, HEADQUARTERS PLAZA (HQP)

DESCRIBE HOW YOUR PROJECT CONFORMS WITH THE FACADE DESIGN GUIDELINES:

Site Plan Drawings TABLE

REQUIRED PAGES TABLE

The following will determine which pages are required as part of a submission of a Major or Minor Site Plan. All pages must include the following:

1. Title or name of the Applicant.
2. Name and address of the applicant and the record owner of all lots comprising any part of the plan.
3. Name, address, profession, New Jersey license number, signature and seal of the preparer of the site plan.
4. The date of preparation of the plan and all revision dates.
5. Indication of scale.
6. North Arrow.
7. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the in degrees, minutes, and seconds to a precision matching existing boundary information. The error of closure shall not exceed one (1) to ten thousand (10,000).

	MAJOR SITE PLANS	MINOR SITE PLANS	APPLICANT RESPONSE	Staff Response (Not to Be Filled Out by Applicant)
i. Cover Page 1. Signature Block for Chairperson, Secretary and Board Engineer. 2. Name and addresses of properties within a 200' radius when noticing required. 3. Block and lot numbers. 4. Aerial Imagery with tract location. 5. Zoning boundaries. 6. School Zone and Municipal Boundaries (if applicable).	X	X	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
ii. Demolition Plan 1. Lot boundaries. 2. Easements. 3. Signs. 4. Utilities. 5. Streets and intersections. 6. Buildings and structures. 7. Landscaping and trees. 8. Pedestrian and bicycle detours. 9. Notes indicating features to be removed or remain.	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
iii. Site Plan 1. Lot boundaries. 2. Easements. 3. Dimensions of setbacks. 4. Streets and intersections. 5. Buildings and structures with active, inactive and freight entrance locations. 6. Site circulation patterns. 7. Loading facilities. 8. Parking facilities. 9. Signs. 10. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable). 11. Minor Site Plans Only - Notes indicating features to be removed or remain.	X	X	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
iv. Grading and Drainage Plan 1. Lot boundaries. 2. Streets and intersections. 3. Buildings and structures. 4. Elevations (2' contours when slopes less than 15%, 5' contours when slope greater than 15%). 5. Permeable pavement. 6. Drainage / Stormwater facilities, structures, and pipes including invert and grate or rim elevations. 7. Direction of drainage flow. 8. Top, bottom, and flush elevations of curbs and structural walls. 9. Rain gardens or green roofs if proposed. 10. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	

	MAJOR SITE PLANS	MINOR SITE PLANS	APPLICANT RESPONSE	Staff Response (Not to Be Filled Out by Applicant)
iv. Soil Erosion and Sediment Control Plan 1. Lot boundaries. 2. Streets and intersections. 3. Buildings and structures. 4. Pre- and post-construction contours. 5. Location of all erosion control structures, inlet protection structures, protective fencing and stockpile location. 6. Limits of disturbance boundary and area of disturbance. 7. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
v. Utility Plan 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and Structures. 4. Transformer, generator, HVAC, exterior meters and all ground-mounted utilities. 5. Electrical, Gas, Water and Sanitary Sewer lines, whether publicly or privately owned, with pipe sizes, grades and direction of flow. • Location of all proposed waterlines, valves and hydrants and all sewer lines or alternate means of water supply or sewage disposal and treatment in conformance with the applicable standards of the Town of Morristown and of the appropriate utility company. • Stormwater drainage system designed to handle a ten-year storm, using a one-hour intensity of two (2) inches. All site plans shall be accompanied by a key map showing all existing drainage within five hundred (500) feet of the tract and all areas such as paved areas, grassed areas, wooded areas and any other surface area contributing to the surface water runoff and calculations of the runoff, with methods of computation. 6. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
vi. Landscape Plan 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and Structures . 4. 10-Year Shade Coverage. 5. Lawns, gardens and planted areas. 6. Impervious coverage. 7. Plant schedule including species, quantity, and size. 8. A table shall be provided listing the specifications and area for all impervious coverage and for all pervious improvements such as rain gardens and permeable pavers that meet the design requirements in Section 30-4.J.3 . 9. Natural features, freshwater wetlands, transition areas, riparian boundaries, and/or flood hazard boundaries (if applicable).	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
vii. Lighting Plan 1. Lot Boundaries. 2. Streets and Intersections. 3. Buildings and Structures including building entrances. 4. Footcandle levels with table of the applicable standards of Section 30-4.D . 5. The proposed location, direction of illumination, lighting levels, power and time of existing and proposed outdoor lighting. 6. Lighting fixture specifications and details.	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
viii. Architectural Details 1. Existing elevations if construction or rehab of an existing structure is proposed. 2. Proposed elevations of each facade. 3. Existing floor plans if change of use is proposed. 4. Proposed floor plans. 5. Roof plan. 6. Specifications and colors for all exterior materials, including trim materials, doors, windows, signs, and light fixtures.	X	X	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
ix. Construction Details 1. Construction details for any proposed signage, sidewalks, curbs, structural retaining wall design, drainage structures, ADA markings, accessory structures, bioswales and rain gardens, pervious pavings, fences/walls, and tree planting details. Projects in the S2 or S3 frontage classification shall conform to the Morristown Partnership Standards (See Appendix C).	X		<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	
x. Variance and Design Waiver Details 1. Chart of "C" bulk variances, design waivers and "d" use variances.	X	X	<input type="checkbox"/> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED	



Town of Morristown
 Department of Public Works
 Division of Engineering

200 South Street, P.O. Box 914
 Morristown, NJ 07963-0914
 973-644-4367, Fax: 973-292-6663

SEWER CONNECTION FEE DETERMINATION APPLICATION

THE INFORMATION BELOW SHALL BE FURNISHED TO THE TOWN OF MORRISTOWN ENGINEERING OFFICE TO DETERMINE IF SEWER CONNECTION FEES WILL BE REQUIRED PER RESOLUTION R-105-2015 (SEE ATTACHED).

PROJECT INFORMATION

LOCATION: _____, BLOCK: _____, LOT: _____
 PROPERTY OWNER: _____, PHONE: _____
 ADDRESS: _____, CITY: _____
 APPLICANT: _____, PHONE: _____
 ADDRESS: _____, CITY: _____
 DESCRIPTION OF PROJECT: _____

PLEASE FILL IN THE APPLICABLE INFORMATION BELOW

Existing Property Use (owner to fill in)	Proposed Property Use (owner to fill in)
Please check off all combinations of existing use that apply to property in question for sewer connection:	Please check off all combinations of proposed use that apply to property in question for sewer connection:
Single family Residential: Quantity of 2-Bedrooms <input type="checkbox"/> Quantity of 3-Bedrooms <input type="checkbox"/> Quantity of 4-Bedrooms <input type="checkbox"/> Quantity of 5-Bedrooms <input type="checkbox"/>	Single family Residential: Quantity of 2-Bedrooms <input type="checkbox"/> Quantity of 3-Bedrooms <input type="checkbox"/> Quantity of 4-Bedrooms <input type="checkbox"/> Quantity of 5-Bedrooms <input type="checkbox"/>
<u>Apartments, Townhouses, Condos:</u> Quantity of Studio Apts <input type="checkbox"/> Quantity of 1-Bedrooms <input type="checkbox"/> Quantity of 2-Bedrooms <input type="checkbox"/> Quantity of 3-Bedrooms <input type="checkbox"/> Quantity of 4-Bedrooms <input type="checkbox"/>	<u>Apartments, Townhouses, Condos:</u> Quantity of Studio Apts <input type="checkbox"/> Quantity of 1-Bedrooms <input type="checkbox"/> Quantity of 2-Bedrooms <input type="checkbox"/> Quantity of 3-Bedrooms <input type="checkbox"/> Quantity of 4-Bedrooms <input type="checkbox"/>
Office Space: square feet _____ Retail Space: square feet _____	Office Space: square feet _____ Retail Space: square feet _____

IF YOU HAVE ANY QUESTIONS REGARDING **THIS FORM**, PLEASE CALL RALPH PANEI AT (973) 644-4367.

- DO NOT WRITE IN BELOW BOX -

DEPARTMENT FOR SEWER CONNECTION FEE DETERMINATION FROM ZONING
DATE RECEIVED: _____, DATE REVIEWED: _____ BY: _____
CONNECTION FEE: _____, COMMENTS: _____



200 South Street
Morristown, NJ 07960

Sustainable Development / Green Building Form

This form is required for land use applications completing the M-4, M-5 or M-6 Checklist.

As a participating community of Sustainable New Jersey, Morristown developed a user-friendly set of guidelines to help achieve its commitment to making Morristown a healthier and more sustainable place through strategies that reduce greenhouse gas emissions, more effectively manage water and energy resources, and create more livable communities. In addition, these Green Building Guidelines satisfy various good government objectives stated in Morristown's 2014 Master Plan, such as Objective 6.2-Streamline and strengthen the permitting, compliance review, and code enforcement process., Morristown Moving Forward, which encouraged streamlining and Morristown's permitting, compliance review, and code enforcement process. Implementation of this strategy represents Morristown Moving Forward toward achieving its vision of being "the most welcoming, beautiful, healthy, resilient, and sustainable place to live, work, and play in New Jersey".

These Green Building Guidelines are created as a checklist for architects, engineers, planners, developers, and builders to apply to their design and construction proposals. A completed copy of this checklist shall be submitted along with all Major Site Plan or Subdivision applications for which approval is sought from the Town's Planning or Zoning Boards. This checklist may be optionally submitted along with applications for Minor Site Plans, facade alterations and minor subdivisions.

The following Green Building Guidelines are simple and easy measures. The checklist does not create new zoning standards or other legal requirements upon Applicant's submitting development proposals before Morristown land use boards. Rather, the items in this checklist are to be considered a collection of best practices identified by the Town's Planning Division. These items were extracted from various national green certification programs and selected because they describe smart and sustainable methods of designing and constructing quality, efficient, durable, and marketable buildings and sites. Applicants may elect to include one or all of the following items in their development proposal as a way to demonstrate compliance the Town's 2014 Master Plan, such as Objective 3.2 - Promote sustainable building practices.

Beyond smart design and construction methods, another objective of these Green Building Guidelines is to promote new job and business opportunities in the "Green Collar" business sector. With increased jobs and business opportunities in green construction trades, maintenance and repair, supplies, and materials, Morristown's Green Building Guidelines provide an important opportunity to both advance our commitments to improving the physical and economic health of our town, as well as to environmental and climate protection at the local, regional , and global scale of which we are a part.

The checklist is designed with a series of actions for you to ask yourself if it applies to your project. Did you consider it and use it as part of the design and construction of your project? If yes, simply check the actions that you did incorporate into your project. There is also a resource section at the end of this document to provide additional assistance and guidance.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN

1. Design the project to meet or exceed baseline certification requirements under one of the USGBC LEED rating systems? http://www.usgbc.org/certification	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. As an alternative, for residential projects only, design the project to meet baseline Enterprise Green Communities Criteria certification? https://www.enterprisecommunity.org/solutions-and-innovation/green-communities	<input type="checkbox"/> YES <input type="checkbox"/> NO

If you answered yes to one of the above, you do not need to complete the remainder of the checklist.

SITE SUSTAINABILITY AND PRESERVATION

1. Conduct an Environmental Site Assessment (ESA) that meets the requirements of the NJ DEP for preliminary assessments.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Implement local or state erosion and sedimentation controls during construction, and use the EPA's Sediment and Erosion Control Best Management Practices (also see EPA's Low Impact Development guidelines).	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Implement local or state storm water management requirements, and use the EPA's Storm Water Management Best Practices (Also see EPA's Green Infrastructure guidelines).	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Design landscaped areas, select native trees and plants indigenous to the region, preserve existing mature trees whenever possible, add mulch or soil enhancement as appropriate. Install onsite deciduous trees or shrubs at areas prone to solar gain whenever possible. Install water efficient, such as drip systems, timers, and water efficient systems, for irrigation.	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Limit turf areas and use only drought tolerant turf or other ground covers and plant materials that do not require chemical inputs and significant mowing.	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Minimize impervious surfaces through the use of gravel, permeable pavers, etc.	<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Select and install street trees (or preserve existing, if possible) to shade at least 50% of sidewalks.	<input type="checkbox"/> YES <input type="checkbox"/> NO

WALKABLE AND BIKABLE NEIGHBORHOODS

1. Design the project such that all of the following are achieved:	
a. A principal functional entry of each building has a front façade that faces and addresses a public space such as a street, square, park, or plaza.	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Continuous public sidewalks or equivalent provisions for walking are provided along all streets adjacent to the project site.	<input type="checkbox"/> YES <input type="checkbox"/> NO
c. Parking garages are located and designed to have minimal visual impact from public streets and open spaces.	<input type="checkbox"/> YES <input type="checkbox"/> NO
d. Building accommodates bicycles and bicycle facilities, such as covered and secure Bike racks within the building or site.	<input type="checkbox"/> YES <input type="checkbox"/> NO
e. Exterior lighting is sufficient to achieve safety and comfort and is designed to prevent night sky pollution and off-site lighting (Reference for lighting densities and controls: ANSI/ASHRAE/IESNA Standard 90.1-2007 with Addenda).	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Other neighborhood development measures to consider in your project:	
a. No blank walls (without doors or windows) longer than 50 feet occur along sidewalks. Walls with public art installations such as murals may be exempted.	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Any ground-level storefront windows are kept visible at night.	<input type="checkbox"/> YES <input type="checkbox"/> NO
c. Transportation choices and alternatives are offered, such as shuttles service, car share program, other.	<input type="checkbox"/> YES <input type="checkbox"/> NO
d. Project is located within walking distance (1/4 mile) to local and regional mass transit systems, such as bus or train.	<input type="checkbox"/> YES <input type="checkbox"/> NO

ENERGY EFFICIENCY - RESIDENTIAL PROJECTS

Skip this section if residential is not proposed.

1. Use an Energy Star Certified Home Energy Rater in the design process.	<input type="checkbox"/> YES <input type="checkbox"/> NO
a. Use Energy Star Qualified Homes: Builder Option Package for IECC Climate Zone 4; Thermal By-Pass Inspection Checklist; or Energy Star Advanced Lighting Package.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Install Energy Star labeled windows.	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Install Energy Star labeled appliances.	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Install Energy Star labeled ceiling fans in bedrooms and family rooms.	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Install exterior vented Energy Star labeled fans in all bathrooms.	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Install exterior vented Energy Star kitchen cooking range exhaust fan.	<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Install individual or sub-metered electric meters for each unit.	<input type="checkbox"/> YES <input type="checkbox"/> NO
8. Install Energy Star or high-efficiency fixtures in all common areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO
9. Shape Install Energy Star light fixtures at primary switch in kitchen and bathroom, and install Energy Star fixtures and bulbs throughout unit interior. Install Energy Star light fixtures in basement, garage, closets and/or storage areas.	<input type="checkbox"/> YES <input type="checkbox"/> NO
10. Install motion sensors in selected areas, such as closets, bathrooms, hallways.	<input type="checkbox"/> YES <input type="checkbox"/> NO
11. Install outdoor fixtures with daylight sensors, photocells, or timers.	<input type="checkbox"/> YES <input type="checkbox"/> NO
12. Install water distribution system that minimizes distances between heated water source and faucets, consolidates water lines within a minimum of "water walls". Not install lines on exterior walls. Insulate all hot wateriness, and cold lines in unconditioned spaces.	<input type="checkbox"/> YES <input type="checkbox"/> NO
13. Design and install heating/ ventilation/ air-conditioning (hvac) system with certified Energy Star Home Energy Rater (ACCAM Parts J and S) to ensure whole-house design that incorporates solar orientation, climate zone, window size and placement, room volume, building envelope and insulation value.	<input type="checkbox"/> YES <input type="checkbox"/> NO

ENERGY EFFICIENCY - NON-RESIDENTIAL PROJECTS

Skip this section if non-residential is not proposed.

1. Design the building envelope and systems to achieve one of the following baselines: a. Comply with the prescriptive measures of the ASHRAE Advanced Energy Design Guide appropriate to the project. b. Improve building performance by 5% above the baseline performance method in Appendix G of ANSI/ASHRAE/IESNA Standard 90.1-2007 (with errata but without addenda). c. Comply with the prescriptive measures identified in the Advanced building Core Performance Guide developed by the New Buildings Institute.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Not use any chlorofluorocarbon (CFC)based refrigerants in new base building heating, ventilating, air conditioning and refrigeration (RVAC&R) systems. Or, if reusing existing base building HVAC equipment, complete a comprehensive CFC phase-out conversion prior to project completion. .	<input type="checkbox"/> YES <input type="checkbox"/> NO

OTHER ENERGY EFFICIENCY GREEN BUILDING CHOICES:

1. Install thermal comfort system controls as individualized or zoned, as possible.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Install lighting control systems as individualized or zoned, as possible.	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Provide clear and unshaded area on-site and install photovoltaics: or, wire the building to accommodate the installation of PV in the future.	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Use Energy Star compliant (reflectivity of > 6.5) and high-emissivity roofing (with an emissivity of at least 0.8).	<input type="checkbox"/> YES <input type="checkbox"/> NO

WATER EFFICIENCY

1. Specify Energy Star water conserving appliances.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Specify EPA Water Sense labeled water efficient plumbing fixtures.	<input type="checkbox"/> YES <input type="checkbox"/> NO

INDOOR AIR QUALITY

1. Residential Only: Comply with the requirements of the Energy Star Indoor Air Package.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Non-Residential Only: Design the building ventilation systems to achieve one of the following: A) Meet the minimum requirements of Sections 4 through 7 of ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality (with errata but without addenda); or B) For naturally ventilated buildings, comply with ASHRAE Standard 62.1-2007, Paragraph 5.1 (with errata but without addenda).	<input type="checkbox"/> YES <input type="checkbox"/> NO

HEALTHY MATERIALS AND RENEWABLE RESOURCES

1. Use recycled or recyclable environmentally preferable materials (e.g. metals, concreted cementitious materials, masonry, acoustic tile, drywall, carpet, ceramic tile, insulation; reclaimed woods; bio-based; agricultural residue, recycled rubber, reclaimed wood and sawdust, recycled plastics).	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Use locally available, indigenous materials, and/or green products that are durable and promote a healthy and easy to maintain living environment (FSC-certified woods, Green Label products; low- or no- VOC products).	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Specify wood and agrifiber products and laminating adhesives that contain no added urea-formaldehyde resins.	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Select flooring products that are either certified under the Green Label Plus program or for which testing has been done by qualified independent laboratories for appropriate environmental criteria.	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Specify low-VOC materials in construction documents, including paints and coatings, and sealants and adhesives.	<input type="checkbox"/> YES <input type="checkbox"/> NO

UNIVERSAL DESIGN

1. Install ADA certified fixtures throughout.	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Install entry doors with minimum dimension of 3' and interior doors with minimum dimension of 2'-8".	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Install ADA certified door hardware throughout.	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Design a primary entrance so that a ramp is not necessary, to the greatest extent possible. If ramp is necessary or required, design ramp to be fully integrated into the design of the building and entryway.	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Reduce on-site curbs, especially from parking area to primary entrance.	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Design on- and off- site circulation routes to meet ADA standards.	<input type="checkbox"/> YES <input type="checkbox"/> NO

MORRISTOWN COMPLETE STREETS CHECKLIST

PLANNING BOARD, BOARD OF ADJUSTMENT & REDEVELOPMENT CHECKLIST

Instructions:

The Planning Board, Board of Adjustment & Redevelopment Checklist should be applied to all major applications and redevelopment projects that include commercial, retail, office and multi-family residential land uses. This checklist is intended to inform board members and professionals as to how well the proposed plans accommodate pedestrians, bicyclists and handicapped persons.

For each box checked, please provide a brief description for how the item is addressed, not addressed or not applicable and include documentation to support your answer.

Item to be Addressed	Checklist Consideration	YES	NO	N/A	Required Description
<i>Existing Bicycle and Pedestrian Accommodations</i>	Will bicyclists or pedestrians regularly access the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Are there accommodations for bicyclists and pedestrians at or within close proximity to the site? Examples include: bicycle parking, changing rooms, sidewalks, ADA ramps, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Handicap Accessible</i>	Does the property accommodate handicapped (including visually impaired) persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TOWN/BOARD PLANNING CONSULTANT SIGN-OFF

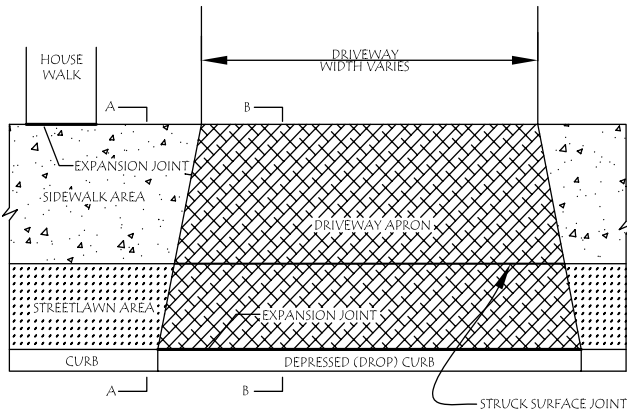
Statement of Compliance	YES	NO	If NO, Please Describe Why (refer to Exemptions Clause)
The proposed site plan accommodates bicyclists and pedestrians as set forth in Morristown’s Complete Streets Policy.	<input type="checkbox"/>	<input type="checkbox"/>	

Morristown Partnership Standards

Applicable design standards to improvements on streets classified as Downtown, Main Street, Office, Flex Corridor, Downtown Feeder, and Main Street
(Please request full scale drawing from Zoning Officer)

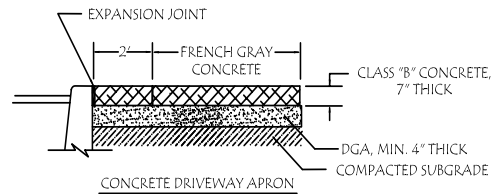
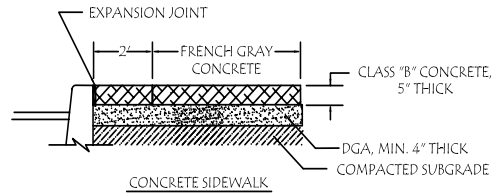
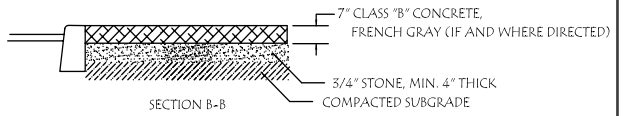
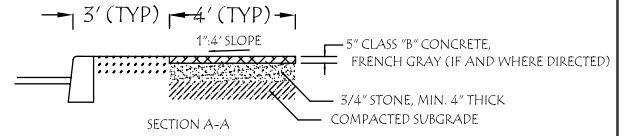
Select Partnership Details (Please request full scale drawing from Zoning Officer)

**Concrete Driveway Apron, 7" Thick, French Gray
+ Concrete Sidewalk, 5" Thick, French Gray**

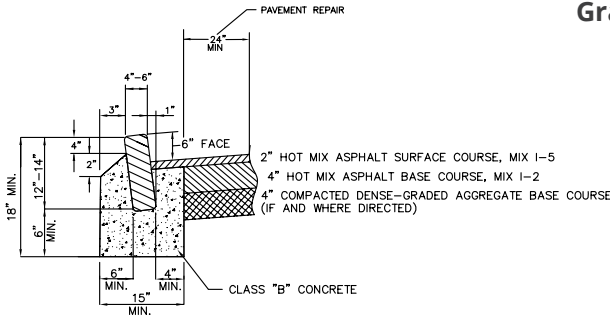


NOTES:

1. ALL CONCRETE SHALL BE CLASS 'B'
2. EXPANSION JOINTS OF 3/8" MASTIC MATERIAL SHALL BE PLACED NO MORE THAN 15' APART & ALONG CONTIGUOUS FACES.
3. INTERMEDIATE SLABS TO BE CREATED BY STRUCK SURFACE JOINTS.
4. ALL JOINTS AND EDGES SHALL BE TOOLED.
6. CONCRETE SHALL BE "FRENCH GRAY" IN COLOR WHERE DIRECTED.
5. SURFACES SHALL BE BRUSHED AT RIGHT ANGLES TO CURB.

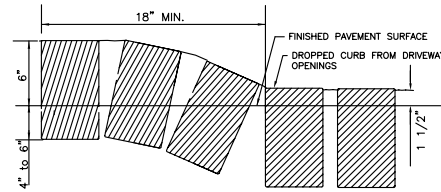


Granite Block Curb + Depressed Curb



GRANITE BLOCK CURB

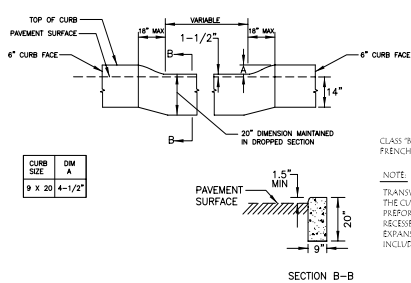
N.T.S.



GRANITE BLOCK DEPRESSED CURB

N.T.S.

Concrete Curb



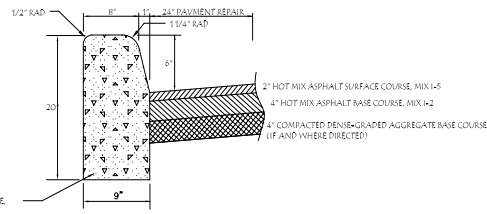
CURB SIZE	DM A
9 x 20	4-1/2"

SECTION B-B

CLASS 'B' CONCRETE, FRENCH GRAY

NOTE:

TRANSVERSE JOINT 1/2" WIDE SHALL BE INSTALLED IN THE CURB 20'-0" APART AND SHALL BE FILLED WITH PREFORMED BITUMINOUS-IMPREGNATED FIBER JOINT FILLER. RECESS 1/4" IN FROM FRONT FACE AND TOP OF CURB. EXPANSION JOINTS THRU AND ADJACENT TO CURB SHALL BE INCLUDED IN THE UNIT PRICE BID FOR CURB.



9" x 20" CONCRETE VERTICAL CURB, FRENCH GRAY

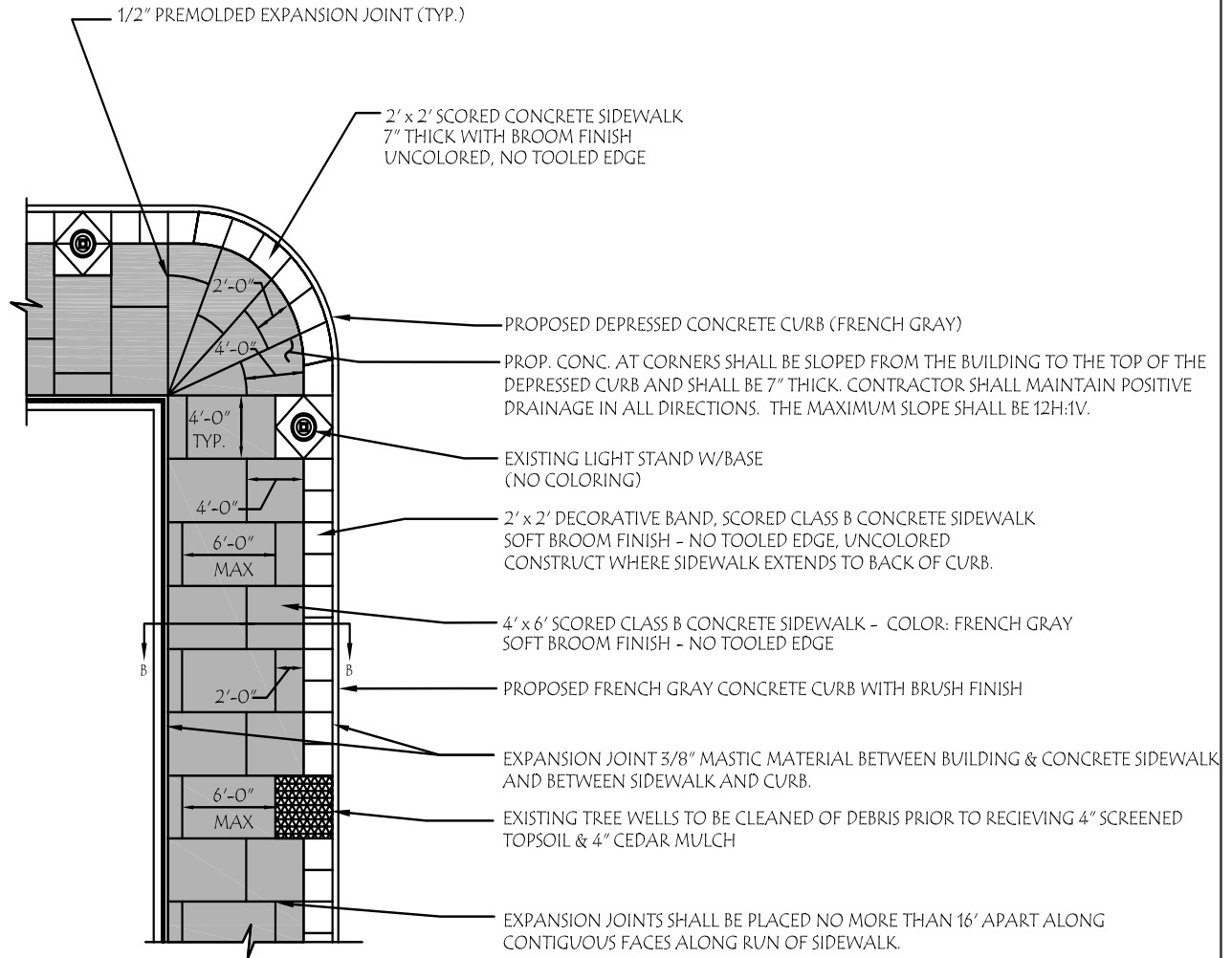
N.T.S.

METHOD OF DEPRESSING CONCRETE CURB AT DRIVEWAYS

N.T.S.

1. THE COST TO CONSTRUCT CONCRETE CURB INCLUDES EXCAVATION, COMPACTION, BACKFILL, CONCRETE, LABOR AND ALL OTHER INCIDENTALS REQUIRED TO PROPERLY CONSTRUCT.
2. PAVEMENT REPAIR IN FRONT OF THE CURB SHALL BE IN ACCORDANCE WITH THIS DETAIL. THE COST FOR PAVEMENT REPAIR SHALL BE INCLUDED IN THE COST OF CONCRETE CURB.

Scoring Pattern for Concrete Sidewalks + Driveways
 (Note: Color and scoring patterns shall match that of the existing sidewalk)



JOINT LINE LAYOUT:

JOINT LINES SHALL REFER TO BOTH CONTROL JOINTS AND EXPANSION JOINTS. PLEASE NOTE THAT JOINT LAYOUT WITHIN THE CONCRETE SIDEWALK AREAS ARE CRITICAL TO THE AESTHETIC SUCCESS OF THE COMPLETED PROJECT. JOINT LAYOUT SHALL BE AS APPROVED IN THE FIELD.

ACTUAL NUMBER OF JOINT LINES DURING FIELD LAYOUT MAY DIFFER FROM WHAT IS SHOWN ON THE DRAWINGS, IF CONDITIONS REQUIRE A MODIFICATION TO THE LAYOUT, THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO INSTALLATION OF CONCRETE.

JOINT LINES PERPENDICULAR TO CURB TO ACCOMMODATE TREES AND STREET LIGHTS:

THE SPACING OF SCORING/JOINT LINES PERPENDICULAR TO THE CURB MAY BE INCREASED OR DECREASED BY NOT MORE THAN 12" TO ACCOMMODATE EXISTING TREE AND STREET LIGHT LOCATIONS, SUBJECT TO THE APPROVAL OF THE ENGINEER.

JOINT LINES PARALLEL TO CURB:

JOINT LINES PARALLEL TO CURB ARE TO BE MEASURED FROM THE BUILDING SIDE OF THE 2' x 2' DECORATIVE BAND. THE JOINT LINES SHALL ALTERNATE DISTANCES OF 2'-0" AND 4'-0" FROM THE EDGE OF THE DECORATIVE PAVER BAND. SUBSEQUENT JOINT LINES ARE TO OFFSET A MAXIMUM OF 6'-0" FROM THE FIRST JOINT LINE.

WHERE SIDEWALK IS LESS THAN 6' WIDE, ELIMINATE PARALLEL SCORE JOINTS

Morristown Historic District

Source: National Register of Historic Places, U.S. Department of Interior
(<https://catalog.archives.gov/id/135813521>)

