

**TOWNSHIP OF ROCKAWAY
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. O-21-10

**AN ORDINANCE AMENDING CHAPTER 54 ENTITLED "LAND USE
AND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF
ROCKAWAY CREATING A NEW SECTION 54-30.53 ENTITLED "B-2
MFO HIGHWAY BUSINESS MULTIFAMILY RESIDENTIAL OVERLAY
DISTRICT"**

BE IT ORDAINED by the Council of the Township of Rockaway as follows:

Section 1. Section 54-30.53, B-2 MFO Highway Business Multifamily Residential Overlay District, of Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, is hereby created as follows:

§ 54-30.53 RMFO-10 Multifamily Residential Overlay District.

- A. Purpose. The purpose of the B-2 MFO Highway Business Multifamily Residential Overlay District is to encourage the development of a mixed-use environment consisting of residential, retail, office, and commercial uses designed as a distinctive walkable center with a sense of place. This district is also intended to encourage the production of very-low, low-, and moderate-income units within a mixed-use environment in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.
- B. Description. The B-2 MFO District shall encompass Block 10202 Lots 27 and 28.
- C. Permitted Principal Uses. The B-2 MFO District shall permit the following uses:
 - (1) Those uses permitted in the B-2 District, except for storage buildings and yards, fuel distributing plants, lumber yards, warehouses, and wholesale distribution centers.
 - (2) Multifamily uses located on an upper-story.
- D. Permitted Accessory Uses. Accessory uses and structures permitted in the B-2 MFO District are those uses and structures which are

customarily incidental and subordinate to permitted to the permitted uses. Accessory uses and structures shall include, but not be limited to, the following:

- (1) Those accessory uses permitted in the B-2 District.
- (2) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards and plazas.
- (3) Off-street parking and loading, including parking structures attached to buildings with principal permitted uses, appropriately screened from public view.
- (4) Street furnishings, planters, street lights, and exterior, garden-type shade structures.
- (5) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (6) Decks, patios and terraces (including rooftop facilities), which shall complement the architectural style, type and design of the building and the overall project design.
- (7) Open-air structures such as gazebos, pavilions, children's play areas and pet parks.

E. Permitted Conditional Uses

- (1) None

F. Prohibited Uses

- (1) Any use other than those uses specifically permitted above are prohibited.

G. Required Standards. The following requirements shall be complied with for all multifamily.

- (1) Minimum tract area: The entirety of the District, which shall be conceptually planned in a comprehensive integrated manner showing the proposed development for the entire District.

- (2) Maximum permitted density. The maximum permitted density shall be nine and one-half (9.5) dwelling units per acre.
- (3) Minimum setbacks.
 - (a) Minimum front yard. There shall be a front yard of not less than fifty (50) feet.
 - (b) Minimum side yards. No side yard shall be less than twenty-five (25) feet, except a fifty (50) foot setback shall be provided for side yards which front along a property used or zoned for residential purposes.
 - (c) Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
 - (d) No building except for structured parking shall be closer than ten (10) feet to any parking area.
- (4) Maximum height.
 - (a) No multifamily residential building shall exceed three (3) stories or forty-two (42) feet. An additional five (5) feet of building height may be added for decorative architectural elements, such as a parapet wall or a cupola.
 - (b) No clubhouse building shall exceed two (2) stories or thirty-five (35) feet.
- (5) Minimum distance between buildings. No building shall be located closer to another building than a distance that is at least the height of the higher building.
- (6) Floor Use. Except for parking structures, nonresidential uses are required on the first story, and residential uses are required on the upper stories. Residential amenities including but not limited to lobbies and leasing offices may be permitted on a first story.

- (7) Maximum impervious coverage. The total impervious coverage on any lot shall not exceed sixty percent (60%) of the total lot area, irrespective of the CWR district.
- (8) Affordable Housing
- (a) A minimum of twenty percent (20%) of the total number of units shall be set-aside for very-low, low- and moderate-income units if they are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.
 - (b) All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable regulations of the New Jersey Council on Affordable Housing ("COAH"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").
 - (c) Bedroom distribution of very-low, low- and moderate-income housing units. The bedroom distribution of very-low, low- and moderate-income units for affordable units constructed in the RMFO-10 Overlay District shall be as follows.
 - [1] No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.
 - [2] At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.

[3] At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.

(d) Very-low, Low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

(e) Procedures regarding affirmative marketing of very-low, low- and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC and COAH rules or other rules determined appropriate by the court.

(9) Design Standards

(a) Facade design.

[1] For every sixty (60) feet of building length, there shall be a plane-break along the facade comprised of an offset of at least twelve (12) inches in depth by at least fifteen (15) feet in length. The offset shall extend from grade to the highest story.

[2] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.

[3] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings are encouraged,

provided that such are architecturally compatible with the style, materials, colors and details of the building.

- [4] Complementary building colors and materials shall be consistent with the general theme of the development.
 - [5] Horizontal articulation. Each facade should be designed to have a delineated floor line between street level and the upper floors. This delineation may be in the form of, but not limited to, a belt course, a lintel, a cornice line, or similar trim features and elements
- (b) Materials. Exterior building materials shall be classified as either primary, secondary, or accent materials. The facade shall be designed in accordance with the following:
- [1] The primary material shall cover at least 60% of the facade of the building.
 - [2] Secondary materials shall cover not more than 40% of the facade.
- (c) Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.
- (d) Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building.

(e) Streetscape. Streetscape elements along all frontages shall be encouraged, and may include, but not be limited, to benches and sitting areas, trees, decorative lighting, landscaping, and paving patterns.

(f) Landscaping standards.

[1] A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual shall be submitted with any plan for development.

[2] All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

[3] Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

[4] Landscaping shall be designed to achieve a thorough integration of the various elements

of site design, including building and parking placement and natural features.

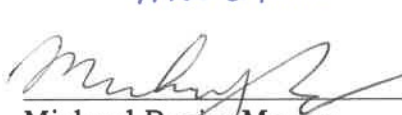
- [5] Landscaping within sight triangles shall not exceed a mature height of thirty (30) inches. Shade trees shall be pruned up to an eight-foot branching height above grade.
 - [6] The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.
 - [7] The use of passive systems such as raingardens to offset stormwater discharge shall be utilized to the extent feasible.
 - [8] Water conservation measures such as drip irrigation and soil moisture-sensing irrigation systems shall be used where practicable.
- (10) Nonresidential Signage. Nonresidential signage shall be in accordance to those standards established for the B-2 District.
- (11) Residential signage.
- (a) One (1) freestanding sign shall be permitted at each vehicular entrance to the development, provided that there shall be no more than three such signs.
 - (b) The area of each sign shall not exceed 50 square feet.
 - (c) The height of each sign shall not exceed six feet.
 - (d) All signs shall be set back at least 10 feet from any street right-of-way.

- (e) The sign shall be an identification sign only, limited to the name and address of the development on site.
- (f) The design of the sign shall be complementary to the architectural design of the buildings located on site, and shall be subject to the review and approval of the Planning Board.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

I HEREBY CERTIFY the above to be a true copy of an ordinance introduced by the Township Council of the Township of Rockaway at a duly convened meeting held on March 9, 2021 and adopted at a duly convened meeting held on March 23, 2021.




Michael Puzio, Mayor



Christina Clipperton, Township Clerk

Approved:



Joe Jackson, Council President