

ORDINANCE 2018-23

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXX, TITLED “LAND DEVELOPMENT”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, SECTION 30.78, TITLED “R-RESIDENCE DISTRICTS,” SUBSECTION 30-78.13, TITLED “REQUIREMENTS FOR ONE-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS IN THE R-6C DISTRICT” TO AMEND SECTION 30-78.13(g)(1) THE DEFINITION OF BUILDING HEIGHT, TO ADD A NEW SECTION 30-78.13(k)(7) PROVIDING FOR ADDITIONAL LANDSCAPE BUFFER, TO AMEND SECTION 30-78.13(n)(1) TO PROVIDE FOR CONSTRUCTION PHASING OF MARKET TO AFFORDABLE UNITS

BE IT ORDAINED by the Mayor and Township Committee of the Township of Chatham, in the County of Morris and State of New Jersey as follows:

SECTION 1. Chapter XXX, titled “Land Development” of the Revised General Ordinances of the Township of Chatham, Section 30.78, titled “R-Residence Districts,” Subsection 30-78.13, titled “Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District,” is hereby amended as follows:

“30-78.13 Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District.

(a) Permitted Principal and Accessory Uses

1. Principal uses - One-family dwellings and multifamily dwellings or any combination thereof.
2. Accessory Uses – Indoor and outdoor recreation facilities, including clubhouse, meeting areas and active and passive recreation.

(b) Area and Density Requirements.

1. Minimum Area. Each development shall have a minimum tract area of thirty (30) acres. Public or private roads, easements or rights-of-way shall not be deemed to divide acreage of a development.
2. Maximum Density. Two (2) dwelling units/acre, not to exceed a total of fifty-four (54) units, except as provided in Section 30-78.13(n).1 below.
3. Minimum Lot Size Per Dwelling. A minimum lot size per dwelling of 1,200 square feet shall be required for all fee simple dwelling units.

(c) Maximum Building Coverage

1. The total ground floor area of all buildings shall not exceed fifteen (15%) percent of the lot area of the development.

(d) Maximum Impervious Coverage

1. The total area of all impervious surfaces shall not exceed thirty (30%) percent of the lot area of the development.

(e) Setback Requirements.

1. No principal building shall be located within fifty (50) feet of a public street or exterior property line of the tract nor within twenty (20) feet of any internal roadway.

2. No dwelling structure shall have more than two (2) continuous attached dwelling units with the same front building line, and variations in the building line shall be at least four (4) feet.

(f) Distance Between Buildings. Minimum distances as specified below shall be maintained between principal buildings:

Positions of Building Walls	Minimum Distance Between Buildings at Any Point
Front facing front	50'
Front facing rear	50'
Front facing side	25'
Rear facing rear	50'
Rear facing side	30'
Side facing side	15'

(g) Building Requirements.

1. Height. No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is lesser, except that existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use. Building height shall be the vertical distance measured from the average post-development ground elevation as measured from the four corners of the building to a horizontal plane projected from the highest point of the roof. However, for locations in which the elevation is, for reasons of topography, one full story or less lower at the rear of the building than at the front, the height shall be measured from an average of the front two elevations only, provided that neither of the elevations at the rear two corners of the building are more than ten feet below the front two corners of that building.
2. Units Per Building. No building shall contain more than four (4) dwelling units.

h) Dwelling Unit Requirements.

1. Each dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a room for storage and utilities, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
2. Minimum Floor Area. Each dwelling unit shall have a minimum floor area, as "floor area" is defined in Article 2 of this chapter, in accordance with the following schedule:

Number of Bedrooms	Minimum Required Floor Area Per Dwelling Unit (in Sq. Ft.)
1	900
2	1,150
For each additional	200 additional

3. No basement shall contain a bedroom.
4. Each dwelling unit shall have at least two (2) private outside entrances.
5. Each dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two (2) or more units shall be permitted.
6. Each dwelling unit shall have at least one (1) individual private yard area, open patio or court adjoining the unit and having a width of at least fifteen (15) feet and an area of at least one hundred fifty (150) square feet. Each private yard area, patio, court or deck shall be effectively screened in order to provide a reasonable degree of privacy.
7. In addition to the above requirements, a storage space with separate access and containing a minimum of eighty (80) square feet of floor area shall be provided for each dwelling unit in the basement of the building in which the unit is located or in the garage serving the unit. Storage space located in a garage shall not encroach upon

or be located above a minimum area of ten feet by twenty (10' by 20') feet for the parking of a motor vehicle..

8. The layout and arrangement of buildings and their design shall incorporate energy saving and green design features where practicable.

(i) Accessory Buildings.

1. Setbacks. Accessory buildings shall meet the street, property line and internal roadway setbacks of the principal buildings and shall be at least twenty-five (25) feet from a principal building and fifteen (15) feet from another accessory building. Detached garages shall be at least fifteen (15) feet from a principal building or from any other garage or accessory building. Clubhouses, swimming pools and recreation facilities shall be at least one hundred (100) feet from a property line.
2. Height. The maximum height of an accessory building shall be fifteen (15) feet except for clubhouses which shall not exceed twenty-eight (28) feet in height. Existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use.
3. When a clubhouse or other accessory building is attached to a building containing a permitted principal use, the bulk requirements for the permitted principal use shall apply.
4. Design. Architectural design and materials used in the construction of accessory buildings shall conform to or complement those used in the construction of principal buildings.
5. Except to the extent inconsistent with the specific provisions of this subsection, the provisions of subsection 30-96.13 shall be complied with.
6. Signs. The provisions of Section 30-98 shall be complied with.

(j) Off-Street Parking and Internal Roadways. Off-street parking and internal roadways shall conform to the provisions of subsection 30-64.2, and, in addition, the following requirements shall be met:

1. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with Township of Chatham road specifications; provided, however, that, upon recommendation of the Township Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement and similar purposes.
2. Parking areas shall be located at least five (5) feet from a building and twenty-five (25) feet from a development property line.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Drives leading from internal roadways to parking areas shall be at least twenty (20) feet in width. Parking on internal roadways and drives shall be prohibited.
4. The arrangement and location of garages, parking areas and internal roadways shall be subject to approval of the Planning Board and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests.
5. Sidewalks shall be provided along at least one side of any internal road serving the development.
6. A public trail network shall be provided around and through the site and shall be designed to connect with any nearby public trail or sidewalk system.
7. Unless otherwise provided in the New Jersey Residential Site Improvements Requirements, minimum requirements for off-street parking spaces shall be as follows for low and moderate income housing units:

8.

1 bedroom or efficiency unit	1.75 parking spaces
2 bedroom unit	2.0 parking spaces
3 or more bedroom unit	2.5 parking spaces

(k) Landscaping and Common Open Space.

1. There shall be provided a minimum of forty (40%) percent of the entire tract for common open space, which shall be deed restricted against future development and managed by the homeowners association. Said open space shall not contain any impervious surfaces, detention facilities or other structural or infrastructure improvements.
2. The common open space, where improved, shall be attractively landscaped with varieties of flowering plants, grasses, trees and shrubs that will serve to minimize water use. Provision shall be made for the protection and preservation of existing trees and the prominent hedgerow along Hillside Avenue as well as natural features including those in designated critical areas.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.
4. A naturalized trail around the perimeter of the property shall be constructed by the developer and maintained and repaired by the HOA and such trail may be surfaced with wood chips or other suitable surface and need not be paved. A public access easement shall be provided allowing public access across the perimeter trail.
5. Effective screening by a fence or wall no less than five (5) feet nor more than seven (7) feet in height shall be provided to shield parking areas and other common facilities from view of adjoining residential properties, provided, however, screening by hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board as part of the site plan.
6. Lighting. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential property.
7. Additional Landscape Buffer. A landscape buffer from the adjacent property shall be provided where the physical height of the structure (post grade to highest point) exceeds thirty-five (35) feet. The buffer shall consist of plants that will screen the structure from neighboring properties year-round. The buffer shall be a combination of deciduous and conifer trees and shrubs.
8. Landscape Standards:
 - a. Deciduous trees shall have a minimum caliper of 3 to 3.5 inches. Species of trees shall be native to the region and shall have a mature height of 40 feet and up. Trees shall be planted a minimum of 15 feet from the building structure.
 - b. Conifer trees shall have a minimum height of 6 feet at the time of installation, with a mature height of 30 feet and up. Species of conifer trees shall be native to the region and shall be planted a minimum of 10 feet from the building structure
 - c. Shrubs shall be native to the region with a combination of heights to sufficiently screen the building.
 - d. All plant materials must meet minimum standards as set forth in the American Association of Nurserymen, Inc.
 - e. A sufficient number of trees and shrubs shall be provided to adequately shield the lower portion of the structure creating the height to exceed thirty-five (35) feet.
9. Landscape Plan. The site plan shall include a landscape plan which shall be prepared by a landscape architect or other professional thoroughly familiar with landscape plant materials and design. Said plan shall include and show, at a minimum:
 - a. Existing tree survey.
 - b. All trees proposed for removal.
 - c. All proposed vegetation with a planting schedule with the following information: species, size, and method of planting; with a distinct plant schedule for the planting for the building height variance buffer.
10. Guarantee. All elements of the landscape buffer shall be guaranteed by the applicant for the life of the development.

11. Maintenance. Any approved landscape plans are subject to being constructed and maintained as was presented for approval. This includes, but is not limited to, replacing dying or dead trees or shrubs, weeding landscape areas, mowing, etc.

(l) Utilities.

1. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
2. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
3. Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
4. Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of the Township Recycling Ordinance as well as the following:
 - a. Each receptacle shall be located in a completely enclosed building.
 - b. Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings
 - c. Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(m) Roads on Master Plan

If a proposed road shown on the Township Master Plan is located on any property intended to be used for the development, the Planning Board may require that provision shall be made for the dedication and improvement of that portion of said road located within the property in question in accordance with Township road specifications. The area within the right-of-way of any such road may be included in the gross acreage of the property for the purpose of determining maximum density.

(n) Developer's Obligation to Provide Affordable Housing Development.

1. Prior to the issuance of any construction permit, or as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct 24 low and moderate income, rental housing units at another site within the Township. The maximum number of market rate units on the site shall not exceed 54 units. At least 50% of the rental units shall be available to low income households with the remainder available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units at the other site and the phasing of construction of market units on the site shall provide for the construction of the affordable units in tandem with the market units according to the following phasing schedule: (a) the developer must submit a building permit application for the affordable housing at the other site by the time the first certificate of occupancy is issued for the market rate units on the site; (b) the developer must complete the foundation for the affordable housing at the other site by the time forty (40%) percent of the market rate units on the site are completed; (c) the certificate of occupancy for the affordable housing at the other site must be issued by the time seventy (70%) percent of the market rate units on the site are completed.

(o) Adaptive Reuse of Building.

1. The adaptive reuse of the existing residential structure shall meet the following standards to the maximum extent possible.

2. The existing residential structure has unique architectural features which shall be preserved through adaptive reuse of the structure.
3. The adaptive reuse of the structure shall consist of incorporating up to four (4) individual residential units on the second and third floors. The first floor of the structure shall be repurposed as a clubhouse.
4. The original elements of the front facade of the structure may not be substantially altered in size or appearance. Rehabilitation shall include restoring the building's front exterior facade to its original profile to the maximum extent reasonably feasible. Repairs should involve the least intervention possible, concentrating specifically on areas of deterioration. When repair is not possible, replacement in-kind is encouraged, reproducing by new construction the original feature exactly, including the original materials, finish, detailing and texture.
5. Remediation of hazardous material such as asbestos and lead, if present, shall be mitigated in accordance with federal and state requirements. The mitigation measures must incorporate the restoration of existing architectural features to pre-existing conditions to the maximum extent possible.

SECTION 2. All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

SECTION 3. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION 4. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: November 8, 2018

Adopted: December 13, 2018

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk