DENVILLE/T-6 ZONE

The following lots will be rezoned into the newly created T-6 Zone:
Block 30501, Lots 8, 32-34 and 36 -37
Block 30601, Lots 16
Block 30607, Lots 15-17
Block 30611, Lots 1-5

19.1.2 Definitions:

**Vertical flats:**
At least two single story residential dwellings with direct access to the ground floor by either individual or shared entry access.

**Interlocking dwellings:**
A multiple story residential dwelling unit that shares vertical and horizontal space within another residential dwelling unit.

19-5.25E. T-6 Multi-family Zoning.

19-5.2501E. Principal permitted uses.

The following uses are principal permitted uses in the T-6 Zone provided that a mandatory set-aside of units affordable to low and moderate income households is provided within the development of 15% if the affordable units are rentals and 20% if the affordable units are for-sale units. Affordable for-sale units shall be integrated within the development. Affordable rental units are not required to be integrated within the development:

a. Townhouses;
b. Vertical Flats;
c. Interlocking dwellings

19-5.2502E. Permitted accessory uses.

Any and all uses of land that are customarily, habitually, and by long practice, as established by reasonable association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:
a. Decks
b. Patios/Terraces
c. Gate House/Guard Booth/Welcome Booth
d. Club house, including sales and leasing offices
e. Maintenance Building
f. Pool
g. Passive and active recreation
h. Open space
i. Off street parking
j. Private Garages
k. Signs
l. Retaining Walls / Fences
m. Utilities, pump stations and other essential services
n. Model homes, including sales and leasing offices
o. Temporary trailers for construction, sales and leasing
p. Roof mounted solar panels

19-5.2503E. Bulk Standards.

a. For multifamily dwellings the following bulk standards shall apply:

1. Minimum residential building setbacks from external property lines: 50 feet, except for (1) those units fronting on Thurmont Road: 30 feet from the Thurmont Road right-of-way and (2) those units adjacent to railroad right of way: 20 feet

2. Minimum accessory structures from external property lines
   (a) From residential zoned land: 40 feet, except for (1) those units fronting on Thurmont Road: 20 feet from the Thurmont Road right-of-way and (2) those units adjacent to railroad right of way: 10 feet

3. Minimum front yard
   (a) 23 feet from any internal cart way back of curb for units fronting on sidewalks; 20 feet from any internal cart way back of curb for units with no sidewalks in front.
   (b) 8 feet from parking field

4. Minimum distance between buildings
   For the purpose of this section of the ordinance, the front of a multifamily building shall be defined as that portion of the structure that has access to the driveway and the rear shall be that portion of the structure that contains a patio/deck. Any other side of the building shall be a side.
   (a) 25 feet between side and side
(b) 35 feet between rear and rear
(c) 40 feet between side and rear
(d) 60 feet between side and front
(d) 75 feet between front and rear
(e) 60 feet between front and front

5. Minimum distance between residential building and retaining walls
   (a) From the closest point of the residential building foundation 14 Ft.

6. Allowable projections into yards or building envelope

If no separate lots are created, architectural features such as bay windows, cornices, eaves, window sills, steps, overhangs, other building protrusions or architectural features provided that said feature does not project more than twenty four (24) inches. Utility closest may project up to 36 inches. Ramps designed for American with Disabilities are not considered a building appurtenance and is not regulated by this section.

b. Coverage

1. Maximum Tract Building coverage: 25%.
2. Maximum Tract Impervious coverage: 65%.
3. Minimum Tract open space or landscaped areas: 25%
   (a) In computing the open space requirement, common recreation areas accessory to the residential use and required buffer areas, environmentally sensitive lands and stormwater facilities shall be included.
   (b) Any open space as provided herein shall be owned and maintained by the homeowners association or condominium association in accordance with the provision of N.J.S.A. 40:55D-43.

c. Maximum Building Height\(^1\)

1. 3 ½ stories
2. 45 feet

d. Maximum Units per building:

1. Townhouses: 8 per building
2. Vertical flats/Interlocking Apartments: 16 per building

\(^1\) Utilizing the definition for "Building Height" and NOT "Height of Building"
e. Maximum Length of building: 200’

f. Maximum Density: 106 Units on the entire Tract of which 16 will be affordable to low and moderate income households.

g. Fee simple townhouse subdivision
   1. Minimum Lot Area: 1,900 Square Feet
   2. Minimum Lot Width: 22 Feet
   3. Minimum Lot Depth: 85 Feet
   4. Minimum Front Yard: 20 Feet
   5. Minimum side yard (External wall): 10 Feet
   6. Minimum side yard (internal wall): 0 Feet
   7. Minimum rear yard: 15 Feet

19-5.2504E. Design Standards.

Buildings shall have architectural features, finishes and patterns that provide visual interest.

a. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, vinyl, cultured stone and wood. The exterior of the building containing the affordable units will be architecturally compatible and constructed of the same materials from the buildings containing the market units, as generally shown on the façade elevations that are included in the Settlement Agreement.

b. Trash. Each dwelling unit must be designed to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility. If there is no interior trash storage provided for, said external facility shall be constructed in such a way to be a part of or adjacent to the building with no distinction between construction material, and designed in such a way as to prevent wildlife from gaining access. If the external facility is adjacent to the building, it shall be at least six feet from the building, shall be constructed in an enclosure with a roof using compatible construction material, and designed in such a way as to prevent wildlife from gaining access.

c. Mailboxes. Mailboxes must be either provided in cluster mailboxes or located in a clubhouse, or other type of facility.

d. Lighting. The lighting requirements shall comport with Subsection 19-5.731, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.

e. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.
f. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing, landscaping or buffer areas so as to reduce its impact to surrounding land uses.

g. Signage.

1. With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign, a freestanding sign or, if an accessory building is utilized for a guard booth/welcome booth, a wall sign may be permitted.

2. A proposed monument or freestanding sign shall be located on the property, but outside any required sight triangle area, and shall contain no more than 24 square feet per side and no more than two sides. A proposed monument or freestanding sign shall not exceed eight feet in height from the base of the sign and may be externally lit.

3. A proposed wall sign may be permitted if a guard booth/welcome booth is proposed, or if a retaining wall is proposed, where said sign is incorporated into this accessory structure. This wall sign shall contain no more than 24 square feet and may be externally lit. No development identification may be permitted on any building that houses a dwelling unit, garage or clubhouse.

4. Temporary Signs: Temporary Signs shall be permitted and may include For Sale, Open House and related sale advertising, and construction activity directional signage. Said signs must meet the provisions of 19-5.904.

h. Fences and walls. Fences, walls, and retaining walls shall be permitted provided that no fence or freestanding wall shall exceed six feet in height, unless located in the front yard between a principal building and any street or roadway, in which case no fence or freestanding wall shall exceed four feet in height. Retaining walls may exceed six feet in height, where the Approving Board finds that the additional height in wall outweighs the amount of disturbance a tiered or multiple tiered wall would require. Any residential building rear yard that faces a down sloping retaining wall shall provide a four (4') fence at the top of the retaining wall. The Approving Board may, in appropriate situations require such walls to provide landscaping to be planted in front of or atop of such walls in order to reduce their visual impact. In no case shall a retaining wall exceed eight feet in height. For the purpose of applying height limits, multiple, staggered or tiered walls, and/or wall/fence combinations shall be considered single units unless the horizontal distance between the top of any section or tier shall meet or exceed 5 feet.
i. Access

1. If only one permanent point of access is proposed, an emergency access point must be provided through the use of grass pavers or other suitable methods or a boulevard access point must be utilized. The emergency access road located on the New Jersey Transit property that connects to Lackawanna Avenue may not be utilized to satisfy this emergency access point requirement. If a second point of access is not available, no guardhouse or restricted access is permitted.

2. If gates or other methods of excluding the vehicular traffic are proposed, the application must provide adequate provisions for emergency vehicles as well as turnaround provisions for visitors who have been refused entry.

3. The emergency access road located on the New Jersey Transit property that connects to Lackawanna Avenue shall not be utilized as a permanent point of access. Ingress and egress from that emergency access road is prohibited, except in the case of emergencies.

19-5.2505E. Buffer Areas.

a. The applicant shall provide and maintain a landscaped buffer area within the T-6 Townhouse Zone, which shall be no less than 25 feet in width from all exterior lot lines of the tract, except a 10 foot buffer shall be required for residential units fronting on the Railroad ROW. When natural vegetation within the buffer is sparse or non-existent, the landowner shall be required to provide a year-round visual screen as determined by the Planning Board.

b. No use or structure, including parking or loading areas but excluding fences, retaining walls, detention, retention and drainage facilities and utility structures, shall be permitted within the required buffer area.

c. Regrading within the buffer area. Every effort shall be made to minimize the amount of regrading within the buffer area.

19-5.2506E. Steep Slope Disturbance

a. The Maximum Permitted Disturbance of Slope Areas as defined in Section 19-5.729.f.1 shall be modified to allow for the following:

Notwithstanding the limitations in the Township’s General Development Land Use Ordinances regulating steep slope disturbance, the maximum amounts of steep slope disturbance for this zone shall be as follows:

<table>
<thead>
<tr>
<th>Slope %</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19.9%</td>
<td>-110,000</td>
</tr>
<tr>
<td>20-24.9%</td>
<td>- 80,000</td>
</tr>
</tbody>
</table>
The column entitled “Permitted Development Activity” from the table in Section 19-5.729.f.1 is not included in and is not applicable to this Section because this Section regulates all development activities equally per slope classification.

b. omit

19-5.2507E. Circulation, parking, utilities, planning and staging.

a. Street requirements. The requirements of N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) shall govern the design of streets unless a de minimus exception from such requirements is approved by the Board. No Belgium block curbing is required unless necessary for stormwater control.

b. Off street parking requirements.

1. Parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 (Residential Site Improvement Standards).

2. Each townhouse dwelling unit must include one garaged parking space which is assigned to said unit.

3. Double stacked affordable vertical housing units may include one garaged parking space which is assigned to one of the two affordable housing units. For triple stacked affordable vertical housing units, one garaged parking space may be assigned to one of the three affordable housing units. If no garage space is provided for an affordable housing unit, Developer shall add surface parking to meet RSIS standards. Surface parking spaces shall be dedicated and assigned to the remaining affordable housing units.

4. Parking for handicapped persons shall be provided as required by State and Federal law.

5. All parking shall be adequately landscaped, lighted and conveniently located relative to the housing to be served. Under no circumstances shall parking be more than 200 feet from the housing to be served.

c. Utility improvements
1. All developments shall be served by public water and public sanitary sewerage systems.

2. All utility improvements shall be located within a street right of way or within a utility easement, including storm drainage systems, sanitary sewerage collection and disposal systems and water supply and distribution systems, and shall be subject to review and approval by the Township in accordance with the standards and procedures established at N.J.A.C. 5-21 et seq. (Residential Site Improvement Standards) and subject to review and approval by the New Jersey Department of Environmental Protection as well as appropriate County and other State agencies, where applicable. Water supply and sanitary sewer collection and distribution facilities shall also be subject to review and approval by the Township Engineer and Fire Department and the Denville Water and Sewer Department.

3. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system and shall be located within a street right of way or within a utility easement. If such underground facilities cannot reasonably be provided throughout the development due to topographic or geological conditions of the land or due to technical circumstances, and if the landowner shall adequately demonstrate the lack of feasibility of such undertaking, an exception to this requirement may be granted by the Planning Board.

   d. Emergency facilities. All housing developed within the T-6 Townhouse Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.

   e. Sidewalks. Sidewalks shall be provided within the development in accordance with the RSIS, on one side of cartway only. The Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate.

   Sidewalks shall be provided on one side of the internal road system

Shade trees calculated based on spacing at 50’ intervals on all internal roads. Shade tree placement to be compatible with utility locations.

19-5.2508E. Applicability

To the extent that any provisions found in section 19-26 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.
19-5.2509E. Affordable Housing Requirements

a. Development must provide affordable housing consistent 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”).

b. omit

c. Fifteen percent (15%) of all residential units developed with the T-6 Townhouse Zone shall be reserved for rental occupancy by very low income, low income and moderate households (hereinafter “Affordable Units”).

d. 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. Two (2) 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. Bedroom distribution:

1. In any multifamily development there shall be the following distribution of bedrooms in affordable units:

   (a) One bedroom: a maximum of 20% of the affordable units.
   (b) Three bedrooms: a minimum of 20% of the affordable units.
   (c) Two bedrooms: the balance of the affordable units.

f. The phasing applicable to the Affordable Units shall be as follows:

The 16 AHUs (15% set-aside) shall be provided in a single building. Prior to the issuance of a certificate of occupancy for the 24th market rate Residential Unit, the Developer shall have applied for and received a building permit and commenced construction of the Affordable Units. Prior to the issuance of a certificate of occupancy for the 45th market rate Residential Unit, certificates of occupancy must be issued for 8 AHUs. Prior to the issuance of a certificate of occupancy for the 68th market rate Residential Unit, certificates of occupancy must be issued for all 16 AHUs.