

ORDINANCE NO. 4-2026

AN ORDINANCE TO PROVIDE THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS-LAND DEVELOPMENT ORDINANCE" TO ESTABLISH AFFORDABLE HOUSING OVERLAY ZONES IN THE BOROUGH OF MORRIS PLAINS

BE IT ORDAINED by the Borough Council of the Borough of Morris Plains, in the County of Morris and State of New Jersey, as follows:

SECTION 1: Section 13-5.1A(1) "Zone Districts" is hereby amended to add the following:

OB/AHO- Office Business/Multi-Family Affordable Housing Overlay Zone

C-1/AHO- Highway Commercial/Multi-Family Affordable Housing Overlay Zone

SECTION 2: Section 13-5.1B "Zoning Map" is hereby amended to change the zone classification of the following tax lots from OB Office Building District to OB/AHO Office Business/Multi-Family Affordable Housing Overlay Zone: Block 112, Lot 2 and Block 114, Lot 2; and the following tax lot from C-1 Highway Commercial District to the Highway Commercial/Multi-Family Affordable Housing Overlay Zone: Block 101.01, Lot 2.01.

SECTION 3. Chapter 13 is hereby amended and supplemented with the addition of a new Section 13-5.13.1 entitled "OB/AHO-Office Business/Multi-Family Affordable Housing Overlay Zone" which shall read as follows:

§13-5.13.1. OB/AHO-Office Business/Multi-Family Affordable Housing Overlay Zone

A. Permitted principal, accessory and conditional uses.

- (1) As set forth Section 13-5.1C "Schedule of permitted uses" for the OB Office Business District.
- (2) Multifamily inclusionary development consisting of townhouses and/or multifamily dwelling units as permitted principal uses with a required set-aside for low- and moderate-income households of 20%. Low- and moderate-income units shall comply with the provisions of the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP"). Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

B. Bulk and development standards.

- (1) For permitted uses other than multifamily inclusionary development, as set forth in this chapter for the OB Office Building District.
- (2) For multifamily inclusionary development, as set forth below.

- (a) Minimum lot size: one and one-half (1.5) acres.
- (b) Maximum density: 20 units per gross acre.
- (c) Maximum building height: three stories/40 feet.
- (d) Minimum front yard setback: 50 feet.
- (e) Minimum side yard setback: 50 feet.
- (f) Minimum rear yard setback: 50 feet.
- (g) Minimum setback from any lot line in the R-2 Residential zone: 300 feet.
- (h) Maximum building coverage: 25%.
- (i) Maximum improved coverage: 50%.
- (j) There shall be no more than eight townhouse units in any building.
- (k) The minimum distance between buildings shall be as follows:
 - [1] Windowless wall to windowless wall: 30 feet.
 - [2] Window wall to windowless wall: 30 feet.
 - [3] Window wall to window wall:
 - [a] Front to front: 75 feet.
 - [b] Rear to rear: 50 feet.
 - [c] End to end: 35 feet.
- (l) No parking area shall be located within 25 feet of any lot line.
- (m) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

SECTION 4. Chapter 13 is hereby amended and supplemented with the addition of a new Section 13-5.13.2 entitled "C1/AHO-Office Business/Multi-Family Affordable Housing Overlay Zone" which shall read as follows:

§13-5.13.2. C1/AHO-Office Business/Multi-Family Affordable Housing Overlay Zone

A. Permitted principal, accessory and conditional uses.

- (3) As set forth Section 13-5.1C "Schedule of permitted uses" for the C1 Highway Commercial District.
- (4) Multifamily inclusionary development consisting of townhouses and/or multifamily dwelling units as permitted principal uses with a required set-aside for low- and moderate-income households of 20%. Low- and moderate-income units shall comply with the provisions of the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP"). Permitted accessory uses shall include uses which are customarily incidental to the permitted principal use, including, but not limited to, indoor and outdoor recreational facilities and related amenities for the exclusive use of residents and guests.

B. Bulk and development standards.

- (3) For permitted uses other than multifamily inclusionary development, as set forth in this chapter for the C1 Highway Commercial District.
- (4) For multifamily inclusionary development, as set forth below.
 - (a) Minimum lot size: one and one-half (1.5) acres.
 - (b) Maximum density: 10 units per gross acre.
 - (c) Maximum building height: three stories/40 feet.
 - (d) Minimum front yard setback: 50 feet.
 - (e) Minimum side yard setback: 50 feet.
 - (f) Minimum rear yard setback: 50 feet.
 - (g) Maximum building coverage: 25%.
 - (h) Maximum improved coverage: 50%.
 - (i) There shall be no more than eight townhouse units in any building.
 - (j) The minimum distance between buildings shall be as follows:
 - [1] Windowless wall to windowless wall: 30 feet.
 - [2] Window wall to windowless wall: 30 feet.
 - [3] Window wall to window wall:
 - [d] Front to front: 75 feet.
 - [e] Rear to rear: 50 feet.
 - [f] End to end: 35 feet.
 - (k) No parking area shall be located within 25 feet of any lot line.
 - (l) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

SECTION 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 6. All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.