

ORD.#34-2012

AN ORDINANCE TO AMEND SUBSECTION K "R-5ML MULTIFAMILY RESIDENTIAL DISTRICT" IN §400-100 "RURAL AND RESIDENTIAL DISTRICTS" WITHIN ARTICLE VII OF CHAPTER 400 OF THE TOWNSHIP CODE TO INCLUDE BUILDING OPTION PLANS AS A REQUIREMENT WITHIN THE AREA, YARD AND BULK REGULATIONS FOR SINGLE-FAMILY COURT HOMES

WHEREAS, the Township of Mount Olive has established residential and nonresidential zone districts and a comprehensive set of land use regulations as set forth in Chapter 400, entitled "Land Use" in the Township Code which are consistent with the Township's comprehensive Master Plan of 2003 and amendments thereto; and

WHEREAS, there exists within the residential zone districts set forth in §400-100 a district known as the R-5ML Multifamily Residential District limited to former Block 8400, Lot 11 and established as a high-density district with an affordable housing component; and

WHEREAS, the Mount Olive Planning Board granted preliminary site plan and preliminary major subdivision approvals for a development known as Bartley Ridge on May 19, 1988 for the R-5ML zone district; and

WHEREAS, the Planning Board did subsequently grant final site plan and final major subdivision approvals to this same development which became known as "Woodfield At Mount Olive" for specific phases ("sections") containing the various housing products in the development which are single-family "court homes", townhouses and the low and moderate income apartments in the period between October 1995 and November 2002; and

WHEREAS, due to the scale and density of the development, the extensive utility easements traversing the overall site and the configuration of the single-family "court homes" on relatively small and irregularly shaped lots, the Planning Board and the Applicant agreed upon a set of standards for single-family "court homes" to regulate certain improvements including, but not limited to, decks, patios and cantilevered bay windows and fireplaces which were incorporated into plans known as Building Option Plans which included a matrix identifying the permissibility of such improvements by block and lot and by name of building models; and

WHEREAS, the original Building Option Plans for applicable "sections" were prepared by the Chester Ploussas Partnership and dated as follows:

- Sections I-A; I-B: June 1, 1999
- Section II-A (portion): April 16, 2001
- Section II-B; III-B; III-C: August 21, 2002; and

WHEREAS, in November 2011 the Woodfield At Mount Olive Homeowners Association sought and was granted approval by the Planning Board to modify the Building Option Plans for the various "sections" to permit decks, where permitted by the Building Option Plans, to have a maximum dimension of 250 square feet resulting in

Board approval of revised Building Option Plans for Sections I-A, I-B, II-A, II-B, III-B and III-C all revised through January 12, 2012; and

WHEREAS, the Planning Board considers the Building Option Plan to be an essential component of the site plan approval for the single-family “court homes” and thus recommends to the Township Council that the Building Option Plans, as revised through January 12, 2012 be incorporated into the zoning regulations applicable to single-family “court homes” as established in §400-100 for the R-5ML Multifamily Residential District in order to provide clear and unambiguous direction with respect to the development of, and improvement to, single-family “court homes” within the R-5ML zone district.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive, County of Morris and State of New Jersey that Chapter 400, the Mount Olive Township Land Use Ordinance, be amended to revise the area, yard and bulk regulations for the R-5ML zone district as set forth in Section ‘K’ of §400-100 to incorporate the Building Option Plans as revised through January 12, 2012 as additional requirements to be applied to single-family “court homes”.

Section 1. Article VII, entitled “Zoning District Use and Bulk Regulations”, §400-100, entitled “Rural and residential districts” is hereby amended as follows:

K. R-5ML: Multifamily Residential District.
Subsections (1) through (3): No change.

Section 2.

Subsection (4) shall be revised as follows:

New subsection (4)(d)[5] shall read as follows:

[5] Single-family court homes shall comply with the Building Option Plans for each applicable section for the purpose of determining if a patio, deck, cantilevered fireplace and cantilevered bay window are permitted for all units; to determine the required setback for attached garages for all units; to determine specific living and dining room size for the Ashwood unit type; and to determine the permissibility of a front porch for the Elmwood unit type. The Building Option Plans, prepared by Michael C. Nolan, P.L.S. of the Chester, Ploussas, Lisowsky Partnership and described in subsections [a] through [f] shall be available for review in the Mount Olive Township Clerk’s office and in the office of the Mount Olive Planning Department. :

- [a] Section I-A (Sheet 1 of 1) dated June 1, 1999, revised through January 12, 2012
- [b] Section I-B (Sheet 1 of 1) dated June 1, 1999, revised through January 12, 2012
- [c] Section II-A (Sheets 1 and 2) dated April 16, 2001 revised through January 12, 2012

- [d] Section II-B (Sheet 1 of 1) dated August 21, 2002, revised through January 12, 2012
- [e] Section III-B (Sheet 1 of 1) dated August 21, 2002, revised through January 12, 2012
- [f] Section III-C (Sheet 1 of 1) dated August 21, 2002, revised through January 12, 2012

Section 3.

Subsections (6) through (8): No change.

Section 4.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

Section 5.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

TOWNSHIP OF MOUNT OLIVE

Alex Roman, Council President

ATTEST:

Lisa Lashway, Township Clerk