

file # 34356

**ROCKAWAY TOWNSHIP
MORRIS COUNTY, NEW JERSEY
ORDINANCE O-25-02**

The ordinance, the summary terms of which are included herein and a full copy of which is attached hereto, was introduced and passed upon first reading at a meeting of the governing body of the Township of Rockaway, in the County of Morris, State of New Jersey, on February 11, 2025. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Rockaway Township Municipal Building, 65 Mount Hope Road., Rockaway, New Jersey, 07866 on March 25, 2025 at 7:00PM. The summary of the terms of such ordinance follows:

Title: AN ORDINANCE AMENDING CHAPTER 54 ENTITLED "LAND USE AND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF ROCKAWAY CREATING A NEW SECTION 54-30.71 ENTITLED "RMFO-12B HOSPITALITY AND AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT"

Purpose: The purpose of the above Ordinance is to amend Chapter 54, Land Use and Development, of the Code of the Township of Rockaway, to establish the RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District for the property known and designated as Block 11501 Lot 39, that will enable the construction of a hotel in conjunction with the production of fifteen (15) very-low, low-, and moderate-income family affordable housing units located in a building separate from the hotel structure but on the same property as a one hundred percent affordable housing project. This new overlay zone is in addition to the current underlying zoning and the inclusionary overlay zoning previously enacted, both of which will remain on the property as well.

Adele Wadleigh, Acting Township Clerk



TOWNSHIP OF ROCKAWAY COUNTY OF MORRIS, NEW JERSEY

ORDINANCE NO. O-25-02

AN ORDINANCE AMENDING CHAPTER 54 ENTITLED "LAND USE AND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF ROCKAWAY CREATING A NEW SECTION 54-30.71 ENTITLED "RMFO-12B HOSPITALITY AND AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT"

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

Section 1. Section 54-4.1, Definitions, of Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, is hereby amended by adding the following definition.

HOTEL

A building containing more than fifty (50) individual lodging accommodation units, all operated as a single business, with each unit consisting of a bedroom, bathroom and closet space and each having access to a common entrance. The building may also include conference room(s), office(s), food service area(s), pool(s), and other accessory hotel related amenities to support the lodging units. The units, with the exception of those occupied by the caretaker or manager, are designed and used exclusively to accommodate transient guests.

Section 2. Section 54-30.1, Districts, of Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, is hereby amended by adding the following zoning district.

RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District

Section 3. The Zoning Map of the Township of Rockaway is hereby amended by placing Block 11501 Lot 39 in the RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District.

Section 4. Section 54-30.71, RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District, of Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, is hereby created as follows:

§ 54-30.71 RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District.

- A. Purpose. The purpose of the RMFO-12B Hospitality and Affordable Multifamily Residential Overlay District is to enable the construction of a hotel in conjunction with the production of very-low, low-, and moderate-income family affordable units as part of a one hundred percent affordable housing development in conformance with the requirement of the court, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), the Housing Element and Fair Share Plan for the Township of Rockaway, and the court-approved settlement agreement between the Township and Fair Share Housing Center, Inc.
- B. Description. The RMFO-12B Overlay District shall encompass Block 11501 Lot 39, which shall also be referred to as the tract within this section.
- C. Permitted Principal Uses. The RMFO-12B Overlay District shall permit a hotel to be developed in conjunction with a one hundred percent affordable housing building consisting of at least fifteen (15) family affordable units, which shall be located on the same tract.
- D. Permitted Accessory Uses. Accessory uses and structures permitted in the RMFO-12B Overlay District are those uses and structures which are customarily incidental and subordinate to the permitted uses identified above. Accessory uses and structures shall include, but not be limited to, the following:
- (1) Recreational and open space facilities, including, but not limited to, pools, walkways, courtyards, and plazas.
 - (2) Off-street parking and loading.
 - (3) Street furnishings, planters, street lights, and exterior, garden-type shade structures.
 - (4) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (5) Decks, patios, and terraces (including rooftop facilities), which shall complement the architectural style, type, and design of the building and the overall project design.

(6) Open-air structures such as gazebos, pavilions, children's play areas and pet parks.

(7) Club houses.

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 apply to the RMFO-12B Overlay District.

(1) Minimum tract area. The entirety of the overlay district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one (1) development application to be submitted for both the hotel and the family affordable units, showing the proposed development for the entire district/tract.

(2) Minimum setbacks for principal buildings.

(a) There shall be a setback of at least one hundred (100) feet from all tract boundary lines for any hotel building, except that hotel canopies shall have a setback of at least seventy-five (75) feet from any tract boundary line.

(b) There shall be a setback of at least thirty (30) feet from all tract boundary lines for any multifamily building.

(c) No building shall be closer than six (6) feet to any parking area.

(3) Minimum setbacks for accessory buildings, structures, and parking.

- (a) There shall be a setback of fifteen (15) feet from all tract boundary lines for any accessory building or structure.
 - (b) Parking areas shall be setback at least forty (40) feet from any right-of-way line and ten (10) feet from all other tract boundary lines.
- (4) Minimum distance between principal buildings. The minimum distance of one hundred (100) feet between principal buildings.
- (5) Maximum impervious coverage. The maximum impervious coverage shall be sixty percent (60%); provided, however, that the maximum impervious coverage may be increased to sixty-five percent (65%) provided the stormwater runoff from all new vehicle surface areas is treated with green infrastructural measures in accordance with the New Jersey Stormwater Best Management Practices (BMP) Manual.
- (6) Maximum building height.
 - (a) Hotel building. Five (5) stories/fifty-five (55) feet as measured to the top of any flat roof, except that a height of seventy-six (76) feet as measured to the top of any rooftop equipment enclosure or gable roofline shall be permitted.
 - (b) Residential building. Five (5) stories/sixty (60) feet as measured to the top of any occupied floor roofline, except that a height of seventy-two (72) feet as measured to the top of any gable roofline peak shall be permitted.
 - (c) No accessory building shall exceed two (2) stories or thirty-five (35) feet.
- (7) Maximum number of permitted hotel guest rooms: one hundred and ten (110) rooms.
- (8) Affordable Housing

- (a) A minimum of fifteen (15) units shall be developed for very-low, low-, and moderate-income families. All affordable units shall be constructed on-site.
- (b) A certificate of occupancy for any hotel constructed on site shall not be issued until a certificate of occupancy has (or certificates of occupancy have) been issued for the entirety of the affordable units.
- (c) 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 ("NJHMFHA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), with the sole exception that 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 pursuant to the FHA.
- (d) 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-12B 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.

- (e) 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, inclusive of the at least 13% of units affordable to very-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. The very-low-income affordable units shall be proportionately distributed within each bedroom distribution.
- (f) Affordable units shall be subject to affordability controls of at least forty (40) years from the date of initial occupancy and affordable deed restrictions as otherwise provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the municipality, in its sole discretion, takes action to extend or release the unit from such controls after at least forty (40) years. In the event the municipality chooses to release the controls on rental affordable units after at least forty (40) years, the controls shall remain in effect until the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).
- (g) 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. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

- (h) An indoor and outdoor recreational amenity shall be required for the affordable housing building, which shall be approved by the appropriate land use board. The outdoor recreational amenity shall include, at a minimum:

- [1] Three grills;
- [2] Three picnic tables;
- [3] A secured trash enclosure;
- [4] A pet waste station;
- [5] An amenity for children, including but not limited to swings and/or a slide;
- [6] A community garden with an area of at least 735 square feet.

(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 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 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.

- (b) Exterior-mounted mechanical and electrical equipment exposed to the public view shall only be permitted on the ground or on rooftop areas. Such equipment shall be screened to the greatest extent feasible. 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.
- (c) 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.
- (d) 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 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 may 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) Signage

(a) Freestanding signage.

- [1] One (1) freestanding sign shall be permitted at each vehicular entrance to the development, provided that there shall be no more than two such signs.
- [2] The area of each sign shall not exceed 50 square feet.

[3] The height of each sign shall not exceed six feet.

[4] All signs shall be set back at least 10 feet from any street right-of-way.

[5] The sign shall be an identification sign only, limited to the name and address of the development on site.

[6] 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.

[7] Signs may be illuminated.

(b) Attached signage.

[1] A hotel shall be permitted two (2) attached signs on any facade predominantly facing a public roadway, provided that such signage shall not be permitted on more than two (2) facades.

[2] The area of any individual attached signs shall not exceed 120 square feet.

[3] The area of total attached signage as measured on a facade shall not exceed 225 square feet.

[4] Signage may be illuminated.

(11) The standards set forth in this section shall apply to the entirety of the overlay district/tract, and shall not be applied individually to any existing or future subdivided lots located therein.

Section 5. Any and all other ordinances or parts thereof which may be deemed to be in conflict or inconsistent with the material terms and conditions of the terms hereof are hereby repealed to the extent to which they are in conflict or inconsistent.

Section 6. This ordinance is meant as a supplement to any and all previously enacted overlays and nothing contained herein shall be construed as being in conflict or inconsistent with or as deleting, in whole or in part, either the underlying zoning of Block 11501 Lot 39 nor the RMFO-12A Multifamily Residential Overlay District.

Section 7. This Ordinance shall take effect immediately upon final passage and publication as required by law.

PURPOSE

The general purpose of this ordinance is to continue to fulfill the Township's Fair Share Housing Obligations consistent with all prior Court Orders which have been entered respecting the subject real property, and, more specifically, to take full advantage of and to maximize the unit credit potential of the subject property.

CERTIFICATION

I, **ADELE WADLEIGH**, Acting Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true and accurate copy of an ordinance that was passed by the Township Council of the Township of Rockaway at a duly convened meeting held on **February 11, 2025**.

Adele Wadleigh, Acting Municipal Clerk

Howard Morrison, Council President

Joe Jackson, Mayor