

TOWNSHIP OF MENDHAM

ORDINANCE NO. 4 – 2008

AN ORDINANCE CREATING A NEW “REUSE OF EXISTING BUILDINGS OVERLAY DISTRICT” IN A PORTION OF THE R-10 ZONE, PERMITTING THE REUSE OF EXISTING BUILDINGS FOR MULTIPLE USES AS A CONDITIONAL USE, AMENDING CHAPTER XXI “ZONING REGULATIONS” OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF MENDHAM

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, as follows:

SECTION 1. Chapter XII, Definitions, is hereby amended to add the following new definitions:

“Age-restricted residences. Dwellings restricted to occupancy by residents 55 years of age or older consistent with the Federal Fair Housing Act.”

“Assisted Living Facility. Residences for the frail elderly and/or physically impaired that provide rooms, meals, personal care, supervision and other services, such as recreational activities and transportation.”

“Day Care Facility. A facility that provides for the day care, supervision, and protection of children or the elderly but provide no overnight care.”

“Hospice. An institutional use providing medical care and other services to the terminally ill.”

“Intermediate Care Facility. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and

services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.”

“Long-term Care Facility. An institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients.”

“Non-Profit Office. A room or group of rooms used for conducting the affairs of a governmental agency, or a non-profit organization qualified under the 501 (c) (3) rules, and generally furnished with desks, tables, files, and communications equipment.”

SECTION 2. Chapter XXI, Section 21-2.1, Zone Districts, of the Land Use Ordinance is hereby amended to insert a new overlay zone district as follows:

“Reuse of Existing Buildings Overlay Zone within the R-10 Zone district retaining the underlying R-10 zone plan and requirements”

SECTION 3. Section 21-2.2, Zoning Map and Schedule of Requirements, of the Land Use Ordinance of the Township of Mendham is hereby amended to read as follows:

“21-2.2 Zoning Map and Schedule of Requirements. A portion of the property designated on the official tax map of the Township of Mendham as Block 100, Lot 17.03, which portion is delineated and designated on the map entitled “Township of Mendham, Morris County, New Jersey, Zoning Map,) including the Schedule of Requirements appearing thereon, is hereby designated as an overlay zone district within the R-10 Zone entitled the “Reuse of Existing Buildings Overlay Zone.”

SECTION 4. A new section, section 21-5B is hereby created to read as follows:

“21-5B REUSE OF EXISTING BUILDINGS OVERLAY ZONE

21-5B.1 Alternate reuse of existing buildings. In addition to the uses permitted in the underlying R-10 Zone, any combination of the following uses are permitted as a conditional use provided that the standards of section 21-4.6.g., Reuse of Existing Buildings, are met:

a. Principal permitted uses:

- (1) Governmental uses.
- (2) Churches, houses of worship, and related religious uses.
- (3) Elementary, intermediate and high schools teaching academic subjects.
- (4) Public assembly hall or theater ancillary to (1), (2), or (3) above.
- (5) Non-profit office uses.
- (6) Assisted living facility.
- (7) Hospice.
- (8) Intermediate Care Facility
- (9) Long-term Care Facility
- (10) Age restricted residences.
- (11) Day care facility.
- (12) Gymnasium use in the existing gymnasium building.

Reuse of

- (13) Residences for onsite employees of the uses located in the

Existing Buildings Overlay district.

- (14) Administrative offices for building owners.

in

- (15) On-site affordable housing to accommodate any growth share

accordance with subsection c. below.

- b. Permitted accessory uses: Any use normally accessory and incidental to the principal permitted use.

- c. Affordable housing required for change of use triggering growth share. Any redevelopment of existing buildings that involves a change of use of existing structures and generates a growth share requirement or other affordable housing requirement under Council on Affordable Housing (COAH) rules (N.J.A.C. 5:94-1 et seq. as amended and supplemented) shall accommodate the required number of affordable units, including any rental requirement, on site. In this regard, the applicant shall furnish the Board with an analysis indicating the number of existing and proposed dwellings if any, as well as the amount of square footage devoted to existing nonresidential uses as compared to the square footage to be devoted to proposed nonresidential uses in accordance with COAH rules, as amended and supplemented.”

SECTION 5. Section 21-4.6, CONDITIONAL USES, is hereby amended to add a new subsection to read as follows:

“21-4.6.g., REUSE OF EXISTING BUILDINGS. Existing buildings in the Reuse of Existing Buildings Overlay Zone district may be reused for any of the uses listed in section 21-5B.1 provided the following regulations and standards are met:

1. Any reuse of existing buildings involving a change of use shall require conditional use approval in accordance with this section.
2. The lot area must be at least 18 acres in Mendham Township .
3. No new building floor area shall be created except for minor alterations that may be needed for code compliance, handicapped access or other improvements that do not significantly alter the building area.
4. The total impervious surface coverage shall be no more than 218,000 square feet.
5. Any use providing medical care shall provide its own ambulance service for its patients.
6. The amount of existing building floor area devoted to the uses permitted in the Reuse of Existing Buildings Overlay Zone shall be shown on the site plan together with a calculation of the total floor area proposed to be devoted to each use. The following parking standards shall be utilized as a gauge for determining the maximum intensity of use. For the purpose of this section, higher intensity uses are those that generate more need for parking. Accessory uses shall be counted as the principal use. The total intensity of reuse of buildings for any combination of permitted uses shall not exceed a total of 200 parking spaces theoretically needed as calculated utilizing the following standards:

BUILDING FLOOR AREA DEVOTED TO:	PARKING SPACES
Church services and other worship	One for each three seats or one for each 72 inches of bench seating; however, there shall be no theoretical parking need generated if services are limited to weekends and/or evenings after 5:00 PM .
Public assembly hall, theater	One for each three seats or one for each 75 sq. ft. of assembly area; however, there shall be no theoretical parking need generated if such uses are limited to weekends and/or evenings after 5:00 PM .
Non-profit office and governmental uses	One for each 200 sq. ft.
Hospice, Intermediate and long-term care facilities	One per unit
Gymnasium use	One for each 200 sq. ft.
Assisted living facility	0.5 per unit
On-site employee residences	One per unit
Age restricted residences	Two per unit
Day care facility	One per every 600 sq. ft.
Elementary school	Two per classroom
Intermediate school	1.5 per classroom
High school	2 per classroom

The above parking standards are solely intended for calculating the maximum intensity of use. The ability to physically provide more than 200 parking spaces on site shall not constitute a valid reason to reuse building space with a higher percentage of higher intensity uses.

SECTION 6 . This ordinance shall take effect after final passage and publication pursuant to law.

Introduced: February 26, 2008

Adopted:

Effective

Attest:

TOWNSHIP OF MENDHAM ,
IN THE COUNTY OF MORRIS

Ann Carlson, Township Clerk

By: _____

Phyllis Florek , Mayor