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<b>Municipality:</b>	Town of Morristown
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<b>Community Type – applicable to:</b>	Urban; Suburban
<b>Title:</b>	Town of Morristown Transit Village Core Zone (TVC)
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### ***Abstract***

The Code of Ordinances for the Town of Morristown, New Jersey, provides for a Transit Village Core Zone (TVC), which is aimed at creating a livable, walkable community that decreases the need for cars. The town was the first of five transit villages designated in 2000 by New Jersey Department of Transportation and New Jersey Transit, as its downtown includes a New Jersey Transit station on the Midtown Direct Line that connects commuters to New York Penn Station. In September 2009, the town unveiled a \$75 million, 217-unit condominium project known as the Highlands at Morristown Station that is located adjacent to the train station and within a short walking distance to the town’s downtown area.

The TVC Zone aims to implement mixed-uses in the area surrounding the transit station by allowing for the development of professional offices, retail space, hotels, restaurants, banking institutions, and publicly or privately-owned open spaces, such as parks and plazas, that are available to the general public. In order to decrease automobile use, certain uses such as the sale of building materials, plumbing supplies, motor vehicles, boats, swimming pools, furniture, and large appliances, are prohibited. The ordinance also allows for the reduction of minimum parking requirements; for example, parking for residential lots may be reduced up to 25 percent. The zoning officer has the power to inspect any lot within the TVC Zone, in order to confirm that the amount of parking provided is actually being used. Additionally, the ordinance imposes aesthetic regulations for parking structures: parking structures may not be located within 20 feet of a street, and where the parking structure faces the street, an evergreen landscaped buffer of at least eight feet in height must be provided. The ordinance also requires the façade of any parking structure to be brick or some other material that is acceptable to the Planning Board. Lastly, the ordinance allows for a density “bonus” if the developer devotes five percent of the dwelling units as affordable rental residential spaces.

## ***Resource***

CODE OF ORDINANCES – TOWN OF MORRISTOWN, NJ  
Chapter XXX – Land Use Regulations  
PART I: ZONING  
ARTICLE V – DISTRICT REGULATIONS  
§ 30-502.1 to § 30-502.9

### **§ 30-502. TRANSIT VILLAGE CORE ZONE (TVC ZONE)**

#### **§ 30-502.1. Purpose.**

The general purpose of the TVC Zone is to implement the mixed-use element of the Town Master Plan. The specific purposes are:

- a. To provide for land uses and facilities beneficial to both the community and to transit users;
- b. To increase use of the rail station;
- c. To concentrate a mix of retail, office, residential, public, and open space uses within walking distance of each other and the rail station, in order to enhance the convenience for residents, shoppers, commuters and employees and to reduce auto traffic by providing an environment conducive to pedestrians, bicyclists, and transit users;
- d. To provide for land uses that will generate and encourage transit ridership;
- e. To revitalize the areas in the vicinity of the transit station and enhance economic vitality through zoning incentives;
- f. To provide for the safe and efficient flow of pedestrian and vehicular traffic, emphasizing a pedestrian-oriented environment;
- g. To provide for visual amenity, and to reinforce a sense of place or center;
- h. To maintain and/or increase existing commuter parking capacity.

#### **§ 30-502.2. Boundaries of TVC Zone.**

The boundaries of the TVC Zone are delineated on the Zoning Map of the Town which accompanies, and is hereby made part of this section.\* The properties included in this zone are:

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Block 301	Lot 4*
Block 301	Lot 5*
Block 3604	Lot 1
Block 3605	Lot 1
Block 3602	Lot 13
Block 3606	Lot 1
Block 3607	Lot 1

\*The portions of these lots identified as Class I railroad properties, although zoned TVC, may not be used for density calculation purpose or for the purpose of meeting the dimensional requirements of the Zone.

### **§ 30-502.3. Permitted, Conditional and Accessory Uses.**

In order to further the purposes of the TVC Zone, only the uses set forth in the following sections are allowed. Furthermore, all uses, except for New Jersey Transit-owned Transportation facilities and any parking structures as listed herein must be located in or adjacent to a mixed use building containing the amount of residential floor area specified in subsection 30-502.7.

#### **a. Permitted Principal Uses.**

In order to reserve the area near the train station for retail and service uses and other uses generating pedestrian traffic or serving commuters, only the following principal uses are permitted in the TVC Zone.

1. Surface parking facilities and passenger drop-off and pick-up areas, provided they are landscaped to the satisfaction of the Planning Board;
2. Retail sales, but excluding the sale of building materials, plumbing supplies, motor vehicles, boats or swimming pools, furniture and large appliances and similar items;
3. Personal and business services;
4. Restaurants and similar establishments selling food and/or beverages;
5. Public facilities such as municipal offices, a police station, library, post office, train station, museum, and similar uses that directly serve the public, but

excluding facilities such as a public works garage, water treatment plant, electric transformer station, and uses of a similar nature;

6. Banks and savings and loan institutions;
7. Publicly or privately-owned open spaces, such as parks and plazas available to the general public;
8. A combination of any permitted and/or conditional uses, provided the conditional use complies with paragraph d. below;
9. Residential uses.

**b. Conditional Uses.**

The following uses are permitted as Conditional Uses provided that such uses are located on a floor other than the street level floor of a building:

1. Professional offices;
2. Parking structures provided that they are in compliance with paragraph d. below;
3. Hotel rooms;
4. Any combination of conditional uses provided no other section of the TVC Zone requirements are violated.

**c. Permitted Accessory Uses.**

Uses customarily accessory and incidental to any permitted or conditionally permitted use shall be permitted, provided however, that no outdoor storage shall be permitted.

**d. Standards for Conditional Use.**

1. All conditional uses in this Zone shall adhere to the provisions of subsection 30-701.1 of the Morristown Land Use Regulations.
2. Only parking structures and facilities owned and/or operated by a public agency are allowed as a principal use on any lot. All other parking structures and facilities must be accessory to one (1) or more permitted or conditional uses provided that the requirements of subsection 30-502.5 are met.
3. Parking structures of no greater than six (6) levels are permitted, provided that the following conditions are met:

At least twenty-five (25%) percent of the spaces are reserved for commuters;

The parking structure is not located within twenty (20) feet of a street;

Where a parking structure faces a street, an evergreen landscaped buffer at least eight (8) feet in height shall be provided;

The facade of the parking structure shall be brick or a material acceptable to the Planning Board and the architectural design shall be compatible with the historic character of areas;

The six (6) levels are contained within a height of fifty-five (55) feet.

**§ 30-502.4. Lot and Bulk Regulations.**

In the TVC Zone, lot and bulk regulations are derived from the Schedule of Lot and Bulk Requirements of the Zoning Ordinance and are shown in Table 1.

**TABLE 1**

<b>Permitted and Conditional Uses</b>	<b>Min. Lot Area</b>	<b>Min. Lot Per Unit Area</b>	<b>Min. Lot Width</b>	<b>Min. Lot Depth</b>	<b>Max. Lot Coverage Including Accessory Bldg. %</b>	<b>Max. Improved Lot Coverage %</b>	<b>Max. Bldg. Ht. Stories/ Feet</b>	<b>Min. Front Yard Feet</b>	<b>Min. Side Yard Both Feet</b>	<b>Min. Side Yard One Feet</b>
Mixed-Use Structure	1 Acre	726 sq. ft.	100 ft.	100 ft.	80%	95%	5/55 ft.	20 ft.	None	None
Parking Structure	2 Acres	—	100 ft.	100 ft.	80%	95%	6/55 ft.	20 ft.	None	None
Hotel	2 Acres	500 sq. ft.	0 ft.	100 ft.	80%	95%	5/55 ft.	20 ft.	None	None

- a. All structures must be a minimum of three (3) stories and thirty-five (35) feet high.
- b. All hotels must be a minimum of four (4) stories and forty-five (45) feet high.
- c. No guest rooms are permitted on the street level.

**§ 30-502.5. Off-Street Parking Requirements**

**a. Number of Spaces.**

The parking requirements set forth in Table 2 shall be considered to be the minimum number of parking spaces required in the TVC Zone. See the "Parking Reduction Schedule"

in paragraph c. following, for parking reductions recommended by type of use located within the TVC Zone.

**b. Parking Requirements for Nonresidential Uses.**

All nonresidential uses shall comply with the standards contained in Section 30-803. The Board shall be guided by the Institution of Transportation Engineers Standards for those uses not included in Section 30-803.

**TABLE 2: PARKING STANDARDS FOR RESIDENTIAL USES**

<b>Use</b>	<b>Minimum Off-Street Spaces</b>
Mid-Rise Apartment Building	
1 Bedroom	1.8 per unit
2 Bedroom	2.0 per unit
3 Bedroom	2.1 per unit

**c. Reduction of Spaces.**

At the discretion of the Planning Board, the minimum parking requirements set forth in paragraph a. above may be reduced within the TVC Zone in accordance with Table 3, the Parking Reduction Schedule. These reductions are based on standards which reflect the importance of a linkage between land use planning and transit planning.

**TABLE 3: PARKING REDUCTION SCHEDULE  
Permitted Percentage Reduction**

<b>Public Use</b>	<b>Office Use</b>	<b>Nonresidential (non-office) Use</b>	<b>Residential Use</b>
10%	15%	20%	25%

**d. Shared Parking.**

For mixed-use developments, a shared parking approach to the provision of off-street parking shall be required where feasible, as determined by the approving agency. The methodology used by the developer to calculate the number of parking spaces required shall take into consideration the methods recommended in Shared Parking, published by the Urban Land Institute (1984) or other recognized standards, acceptable to the approving agency.

Any developer of a place of employment or public assembly shall undertake a study, conducted by a transportation planner or engineer, to determine the modal split for travel

by its employees and/or visitors. Based on the expected distribution of travel modes, a parking requirement shall be determined and approved by the appropriate municipal agency. The agency shall require the applicant to construct or pave only the number of parking spaces determined to be necessary, based on the agreed-upon results of the modal split study. From time to time, the zoning officer may conduct site visits to confirm that the amount of parking provided is being utilized by the development, and, in fact, that the parking remains sufficient to meet the needs of the development. If at any time it is determined that this is no longer the case, construction of additional parking spaces may be required to meet the demand.

### **§ 30-502.6. Historic Preservation Requirements.**

All development within the TVC Zone shall be compatible with the historic character of the area and individual buildings within the area as determined by the State Historic Preservation Office if that office has jurisdiction. The advice of the Morristown Historic Preservation Commission shall also be considered.

### **§ 30-502.7. General Requirements.**

#### **a. Residential Component.**

1. Any new or renovated multi-story structure, except as noted in subsection 30-502.3, that is located within the TVC Zone must have a residential component that comprises at least sixty (60%) percent of the net floor area of the structure, unless waived by the Planning Board. A hotel shall be considered a residential use for the purposes of this section only. Furthermore, any portion of a structure utilized for parking purposes shall not be included in the calculation used to determine the percentage requirements.
2. A developer may use a "density bonus" to additional "affordable" rental residential units up to a number equal to five (5%) percent of the market rental housing density. Such units shall be subject to all of the requirements of the New Jersey Council on Affordable Housing (COAH), and the developer shall enter into a developer's agreement with the Town confirming the developer's voluntary agreement to qualify the units for COAH certification as "affordable" units. The agreement shall include requirements for the filing of an irrevocable deed restriction securing the units as affordable units, in accordance with COAH regulations, and such other requirements to which the Town might be subjected at such time as its affordable housing plan is certified by COAH. In addition to the density requirements, the Planning Board may waive some or all the lot and bulk requirements, as appropriate, and only as directly related to the utilization of the density bonus, to add "affordable" units, as set forth in subsection 30-502.4.

#### **b. Retail/Service Commercial Component.**

At least sixty (60%) percent of the net ground floor area of any new or renovated structure within the TVC Zone must be utilized for retail or service commercial purposes, unless waived by the Planning Board, due to particular conditions on a property, topographic or otherwise. In no event shall the waiver permit development of less than eight thousand (8,000) square feet for such development.

**c. Landscaping and Structure Amenities.**

All projects within the TVC zone shall adhere to the streetscape design standards as promulgated by the Morristown Partnership. In addition, a landscape architect, licensed in the State of New Jersey, shall prepare a detailed landscape plan for each project. The landscape plan shall utilize a variety of trees, shrubs and other plant material plus other design features appropriate for an urban setting. Finally, each project shall employ a variety of amenities such as benches and bike racks that are intended to enhance the visual approach of the project and/or encourage intermodal transportation.

**§ 30-502.8. General Development Plan.**

**a. Purpose.**

A General Development Plan for the entire or a portion of the TVC Zone may be submitted for approval by the Planning Board. The General Development Plan is intended to establish a conceptual frame work for the development/redevelopment of the TVC Zone properties. The General Development Plan once approved shall be binding upon all property owners until such time as the Plan may be revised or amended. The General Development Plan must have the full concurrence of all of the owners whose properties are the subject of the Plan.

**b. General Provisions.**

The General Development Plan shall be guided by the procedures and requirements established in the New Jersey Municipal Land Use Law for such a Plan. The General Development Plan shall identify the location of all existing and new structures, surface parking facilities and structures, a comprehensive pedestrian network, landscaping, bicycle facilities and paths and such other features as may be warranted to implement the goals and objectives of a transit village.

**c. Approval Procedures.**

A General Development Plan at a scale of 1" = 100' shall be submitted, in sufficient detail, for review and approval by the Planning Board. All of the standard requirements normally associated with a site plan application shall apply unless waived by the Board. An application fee of one thousand five hundred (\$1,500.00) dollars and an escrow deposit of three thousand (\$3,000.00) dollars shall be submitted by the applicant.

**§ 30-502.9. Definitions.**



As used in this section:

*Hotel* shall mean a building containing seven (7) or more living or sleeping rooms designed to be occupied by individuals or groups for compensation.