

LAND DEVELOPMENT ORDINANCES INTRODUCED: NOVEMBER 2021

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2021-28

Public Hearing Date: 12/16/21

Summary: Amend the Land Development Regulations to repeal the section entitled “Requirements for Developments Increasing the Township’s Growth Share Obligation for Affordable Housing.” This section was made obsolete when Ordinance 2020-22 was adopted by the Township in November 2020 and established a new affordable housing chapter consistent with New Jersey Supreme Court rulings striking down the growth share mechanism and transferring responsibility for determining affordable housing obligations from the Council on Affordable Housing to the trial courts.

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2021-29

Public Hearing Date: 12/16/21

Summary: Amend the Land Development Regulations to repeal the section entitled “Affirmative Marketing.” This section was effectively replaced by a new affordable housing chapter when Ordinance 2020-22 was adopted by the Township in November 2020.

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2021-30

Public Hearing Date: 12/16/21

Summary: Amend the Land Development Regulations to repeal the section entitled “Development Fees.” This section was effectively replaced when Ordinance 2019-22 was adopted by the Township in December 2019 and established affordable housing development fee regulations elsewhere within the Township Code.

Municipality: TOWNSHIP OF CHESTER

Ordinance: 2021-16

Public Hearing Date: 12/7/21

Summary: Amend the Land Use Regulations to clarify and expand upon the regulations pertaining to home occupations. Examples of the changes include the following:

- The use of the home occupation shall be clearly incidental and subordinate to the use of the dwelling unit for residential purposes.
- Customary home occupations shall include, but are not limited to, the following:
 - Providing instruction to not more than two individuals at a time.
 - Home offices for accountants, architects, attorneys, brokers, engineers, insurance agents, medical professionals and wellness providers, realtors, and members of similar professions with no more than two patients or clients at a time. Visits by patients or clients must be by appointment.
 - Home studios of an artist, photographer, craftsman, writer, composer, or similar person, provided they are not subject to the Industrial Site Recovery Act or Health Department regulations.
- Fulfillment centers for dropshipping shall not be construed to be a home occupation and are hereby prohibited.
- The hours of operation for any home occupation shall be 7am to 8pm.
- Nothing in this ordinance shall be construed to prevent working remotely from home, excluding any activities otherwise prohibited or regulated by the Township.

Municipality: TOWN OF DOVER

Ordinance: 25-2021

Public Hearing Date: 11/23/21

Summary: Amend the Land Use and Development Regulations to permit Licensed Cannabis Retailers and Licensed Medical Marijuana Dispensaries as conditional uses in the C-2 District, and Licensed Cannabis Entities, excluding Retailers, as conditional uses in the IND District.

This ordinance also establishes a separate chapter (not a part of the Land Use and Development Regulations) establishing cannabis licensing requirements. Under this chapter, no cannabis retail store or site shall be permitted in the C-2 District unless it has frontage on Route 46 and no Cannabis Entity in the IND District shall be located within 50 feet of a residential district or residential property line.

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 11-2021

Public Hearing Date: 12/6/21

Summary: Amend the Land Use and Zoning Regulations to permit and establish regulations for permanent freestanding signs in the B-2 and B-2B Districts. Also, prohibit digital signs in all zoning districts, except where the message is limited to "open."

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 12-2021

Public Hearing Date: 12/6/21

Summary: Amend the Land Use and Zoning Regulations to impose a maximum impervious coverage of 85% in the I-1 and I-3 Districts.

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 13-2021

Public Hearing Date: 12/6/21

Summary: Amend the Land Use and Zoning Regulations as they relate to applications for seasonal permits to provide temporary outdoor seating in the front or side yard of restaurants in the B-1, B-2 and B-2B Districts. Under existing regulations, such outdoor seating is limited to 10% of the establishment's existing interior seating, or eight seats, whichever is greater. This is amended to increase the percentage to 20% and eliminate the eight seat limit.

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 14-2021

Public Hearing Date: 12/6/21

Summary: Amend the Land Use and Zoning Regulations to make various changes, examples of which include:

- Under existing regulations, the following is a permitted use in the B-2, B-2B, I-1 and I-3 Districts:
“Warehouse facilities, provided that the goods or merchandise being stored is actually owned by the owner of the parcel or a bona fide tenant.”

This language is replaced by the following:

“Automated and non-automated wholesale, warehouse storage and distribution facilities, and wholesale distribution centers, provided such activities and inventories are conducted entirely within an enclosed structure.”

- Impose a maximum impervious coverage of 70% in the SED District.
 - Require that development within the SED District comply with the Township’s Affordable Housing Development Fee Ordinance.
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Municipality: BOROUGH OF MADISON

Ordinance: 45-2021

Public Hearing Date: 11/22/21

Summary: Amend the Land Development Regulations to make a variety of changes. Examples include the following:

- Remove language that permits assisted living residences as a conditional use in all zones (they continue to be permitted as a conditional use in several zones).
- In the PCD-O - Planned Commercial Development-Office District (site of the Giralda Farms office park), eliminate the restriction that up to 10% of any permitted office building may be used for any combination of nonhazardous laboratories, research and development and high technology/innovation business incubator facilities. Those uses are now stand-alone permitted uses instead.
- Add medical offices as a permitted use in the PCD-O District.
- Remove facilities for higher education and/or partnerships between the private sector and higher education as permitted uses in the PCD-O District.
- Hotels in the PCD-O District must now have at least 100 rooms.
- Add the following conditional uses to the PCD-O District: Assisted living (up to 150 units), supportive housing (up to 125 beds), short-term, acute physical rehabilitation centers (up to 100 beds), continuing care retirement communities (up to 150 independent living units), culinary destination center (up to 50 acres) and artist galleries/work lofts.
- All conditional uses in the PCD-O District must be located entirely within existing structures, except for the culinary destination center, 90% of the floor area of which must be located within existing structures.
- Establish an Overlay Zone at Block 3202, Lot 1 (site of the Atlantic Rehabilitation Institute, within the Giralda Farms office park). In addition to the underlying PCD-O District permitted uses, the following shall be permitted uses in the new overlay zone: Licensed supportive housing (up to 100 beds), licensed assisted living (up to 100 units) and licensed continuing care retirement community (up to 100 independent units).



Staff Comments: According to an article posted on November 23, 2021 at [NewJerseyHills.com](https://www.newjerseyhills.com), this ordinance was introduced in the context of the office buildings at Giralda Farms being half-vacant.

Municipality: TOWNSHIP OF MORRIS

Ordinance: 27-21

Public Hearing Date: 12/2/21

Summary: Amend the Zoning Regulations to replace the OL - Office/Lab Overlay Zone with a newly established overlay, the NR - Non-Residential Overlay Zone, in order to permit development of athletic training facilities. The new overlay consists of approximately 87 acres on the site of the former Honeywell Headquarters, with frontage on Columbia Rd./County Rt. 510 to the north. It is largely vacant except for a self-storage facility on a 3.8-acre lot in the northwest corner. The underlying OL-40/PUD - Office and Research Laboratory / Planned Unit Development Zone is currently split between three overlay zones, the Residential East and Residential West Overlay Zones (sites of the recently developed Residences at Columbia Park townhomes), as well as the OL Overlay, to be replaced by the new NR Overlay. The previous OL Overlay permitted executive, professional and general business offices. The new NR Overlay will permit the following:

- Office/research/laboratory use, which may contain executive, professional and general business offices; research laboratories; or combined office and research laboratory use.
- Athletic training facilities use, which shall mean facilities intended for professional, academy and youth sports teams, and which may include, in addition to outdoor fields, buildings used for administrative and business offices, gymnasiums and/or field houses, athletic training and fitness, classrooms, dormitories, a single indoor athletic field, food service operations, physical therapy and ancillary facilities.

Development may consist of either of the two above use alternatives, but not a combination. The standards applicable to the office/research/laboratory use shall remain as existed for the executive, professional and general business offices use under the previous OL Overlay zoning (including a maximum gross floor area of 900,000 sq. ft.). The standards for the athletic training facilities use shall include the following:

- Maximum Gross Floor Area: 275,000 sq. ft.
- Maximum Height: 3 st. / 50 ft., except that a single indoor athletic field building may be up to 65 ft. in height, provided that said building shall be located at least 400 ft. from a residential overlay boundary.
- Maximum Impervious Coverage: 35%; Maximum Building Coverage: 10%
- Minimum building setback to Columbia Road: 450 ft.
- Primary access shall be from Columbia Road via Stockton Drive

Staff Comments: According to an article posted on November 3, 2021 at MorristownGreen.com, the Red Bulls soccer team has proposed a soccer training complex for this site.



Municipality: TOWN OF MORRISTOWN

Ordinance: O-33-2021

Public Hearing Date: 12/14/21

Summary: Amend the Land Development Regulations to permit and establish standards for Cannabis Dispensaries and Medical Cannabis Dispensaries as conditional uses in the TC and MX-2 Districts. Examples of the new regulations include the following:

- Medical Cannabis Dispensaries may obtain approval to operate as Class 5 Cannabis Licensed Retailers (dispensing recreational cannabis in addition to medical cannabis).
- Cannabis establishments cannot be located within 1,000 feet of an elementary, middle, or high school or another cannabis establishment.
- Cannabis establishments cannot be located within 200 feet of a house of worship.
- The consumption of marijuana, drugs and alcohol in the establishment shall be prohibited.

This ordinance also establishes a separate chapter (not a part of the Land Development Regulations) establishing cannabis licensing requirements. Under this chapter, a maximum of two cannabis licenses may be issued by the Town.

Municipality: TOWNSHIP OF WASHINGTON

Ordinance: RO-19-21

Public Hearing Date: 12/20/21

Summary: Amend the Zoning Regulations in response to the New Jersey Legislature's relaxation of certain permitting requirements related to the ordinary maintenance of structures. As a result, a Certificate of Appropriateness shall no longer be required in the Historic Preservation Overlay Zone for ordinary maintenance as defined by N.J.A.C. 5:23-2.7.

LAND DEVELOPMENT ORDINANCES ADOPTED: NOVEMBER 2021

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2021-24

Date Adoption Filed: 11/19/21

Summary: Amend the Land Development Regulations so that all projections that increase the floor area of a principal structure shall be included in the building coverage calculation for single-family lots in residence districts.

Municipality: BOROUGH OF MADISON

Ordinance: 42-2021

Date Adoption Filed: 11/9/21

Summary: Amend the Off-Street Parking section of the Land Development Regulations to establish regulations for Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces. P.L. 2021, c.171, signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces to be designated as a permitted accessory use in all zoning districts and establishes associated installation and parking requirements. Examples of the standards applicable to these uses include the following:

- EVSE shall be defined as the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSE is synonymous with the term “electric vehicle charging station.”
 - Make-Ready Parking Space shall be defined as the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of ESVE. “Make-Ready” is synonymous with the term “charger ready.”
 - An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts.
 - EVSE and Make-Ready parking spaces installed pursuant to an application involving a multiple dwelling with five or more units that are subject to site plan approval are considered a permitted accessory use.
 - As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units, the developer shall prepare as Make-Ready parking spaces at least 15% of the required off-street parking spaces and install EVSE in those Make-Ready parking spaces within six years following the date of issuance of the certificate of occupancy.
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Municipality: BOROUGH OF MENDHAM

Ordinance: 13-2021

Date Adoption Filed: 11/12/21

Summary: Amend the Zoning Regulations to permit and establish standards for outdoor dining and outdoor seating. Examples of the standards for this use include the following:

- Outdoor dining and outdoor seating shall be permitted as an accessory use to restaurants and food and beverage service establishments in the Historic District and East Business District.
- A permit for this use must be obtained from the Zoning Officer. If a permit is denied, the applicant may file an appeal with the Zoning Board.
- Permits shall be issued for the period commencing March 1 and ending November 30.
- No furniture or apparatus used in connection with the operation of this use shall be placed within 50 feet of any fire hydrant, plug or standpipe without the specific written authorization of the chief of the Fire Department.
- The maximum outdoor seating capacity shall not increase the total seating capacity (inside and out) of the eating establishment by more than 20%. For food or beverage service establishments that have no indoor seating, up to 12 seats may be added for an outdoor seating area.

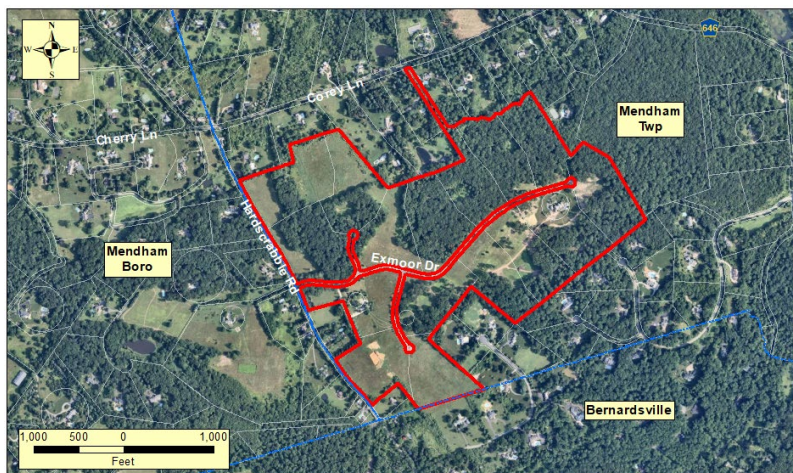
Municipality: TOWNSHIP OF MENDHAM

Ordinance: 15-2021

Date Adoption Filed: 11/24/21

Summary: Amend the Zoning Regulations to rezone Block 147, Lots 42.01 through 42.16 from R-10 (permits single-family detached on 10-acre lots) to R-5 (permits single-family detached on 5-acre lots). These 16 lots, located on Exmoor Dr. and Hardscrabble Rd., total 175.3 acres and range in size from nine acres to 13.6 acres. All of the lots are farm assessed in tax records. One lot has a single family detached home. Fourteen of the lots are in common ownership. The surrounding neighborhood consists predominantly of single-family detached homes.

Staff Comments: *With a minimum lot size of five acres under R-5 zoning, these 175.3 acres could accommodate a maximum of 35 units, pending potential reductions for other physical or environmental constraints.*



Municipality: BOROUGH OF MORRIS PLAINS

Ordinance: 14-2021

Date Adoption Filed: 11/12/21

Summary: Amend the Land Development Regulations to permit Urgent Care Medical Facilities in the B-3 - Business District and C-1 - Highway Commercial District.

Municipality: BOROUGH OF MOUNT ARLINGTON

Ordinance: 14-2021

Date Adoption Filed: 11/22/21

Summary: Amend the Land Development Regulations to add a new section establishing Aesthetic Design Standards. Examples of the new standards include the following:

- Aesthetic design standards shall apply to all minor, preliminary and final major site plans.
 - Buildings shall be designed to evoke the architectural attributes of “Lakeside Resort” architecture and/or existing architecturally significant buildings in the Borough (photographic examples of the desired architecture are included with the standards).
 - Aluminum siding, non-decorative concrete block and other similar materials are prohibited.
 - Blank, windowless walls are discouraged. The façade shall be broken up into sections or bays to provide variety and interest. Columns, recesses and variations in the rooflines shall be used to break up the wall of the building into smaller sections.
 - The buildings shall be located to front towards and relate to public streets, both functionally and visually.
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Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2021:23*

Date Adoption Filed: 11/30/21

Summary: Amend the Zoning Regulations implement various changes. Examples of the amendments include the following:

- Add Personal Services to the list of permitted uses in the B-1, B-2, B-2A, B-3, B-3A, B-4, B-5, O-S and O-T Districts.
- Add Educational Instruction and Recreational Instruction to the list of permitted uses in the B-1, B-2, B-2A, B-3, B-3A, B-5, O-S and O-T Districts.
- The Planning Board or Board of Adjustment, as appropriate, may approve the joint use of a parking space by two or more establishments on the same lot, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will be sufficient to meet parking demand due to variation in the probable time of peak use by patrons or employees at such establishments, and provided that such approval of the shared parking shall be automatically terminated upon a change of use at either establishment.
- The Planning Board or Board of Adjustment, as appropriate, may permit a nonresidential use to satisfy a portion of its required parking requirement off-site on a property located within 250 feet of the property line of said use. Such off-site parking shall be shown on an approved site plan and shall be located on property under common ownership or subject to a lease or cross-access easement with the nonresidential use to which it is appurtenant. The off-site parking spaces may be shared by the uses on each site pursuant to the provisions of these regulations.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2021:24*

Date Adoption Filed: 11/30/21

Summary: Amend the Zoning Regulations as well as the Land Use Subdivision and Site Plan Regulations to implement various changes. Examples of the amendments include the following:

- Change or establish the number of copies of various listed application forms that must be submitted.
- Increase the fees charged for various listed applications.
- Any use variance relief granted by the Board of Adjustment shall expire unless a zoning permit shall have been applied for within 180 days from the date of publication of the final decision, unless such time is extended upon application and for good cause shown.
- The Schedule of Area, Yard and Building Requirements is amended so that the column “Maximum Percent Lot Coverage” shall be based on Impervious Coverage as that term is defined by the regulations.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2021:25*

Date Adoption Filed: 11/30/21

Summary: Amend the Off-Street Parking section of the Zoning Regulations to establish regulations for Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces. P.L. 2021, c.171, signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces to be designated as a permitted accessory use in all zoning districts and establishes associated installation and parking requirements.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2021:26*

Date Adoption Filed: 11/30/21

Summary: Amend the Zoning Regulations to implement various changes. Examples of the amendments include the following:

- Remove Mobile Food Vendor Establishments from the list of permitted uses in the B-1, B-2, B-3, B-4, B-5, COD, LIW-2, LIW-5, O-3, POD, ROL, SED 3, SED 3A, SED 5, SED 5A, and SED 10 Districts. This ordinance also establishes, within a separate chapter (not a part of the Zoning Regulations), Mobile Food Vender regulations. Under this chapter, Mobile Food Venders are permitted to operate in all non-residential zone districts. This ordinance therefore effectively moves regulation of Mobile Food Vendors from the Zoning Regulations to a separate chapter of the Township Code.
 - A “Restaurant” shall now be defined as a business or establishment where food and drink are prepared, served and consumed on premises within an enclosed principal building, including outdoor dining where permitted, and wherein food is served primarily by providing table service. Restaurants may also provide take-out or delivery service in addition to table service. No restaurant shall have any drive-through or walk-up window.
 - A “Fast-Food Restaurant” shall now be defined as a business or establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages, which are sold directly to the customer in a ready-to-consume state for consumption, either on or off the premises. Such operations shall occur within an enclosed principal building, with or without a drive-through or walk-up window. Fast food restaurants may also provide take-out or delivery service.
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Municipality: TOWNSHIP OF PEQUANNOCK

Ordinance: 2021-16*

Date Adoption Filed: 11/29/21

Summary: Amend the Zoning Regulations to establish seven new zoning districts, eliminate the I-3 - Industrial District, and implement various other amendments. The new zoning districts are as follows:

AG-1 - Agricultural District 1: Permitted Uses: Farm-based business, plant nurseries, greenhouses, propagating houses or other farming operations, nursery and garden centers, one-family detached dwellings, public recreation areas, and public parks and playgrounds; Conditional uses include cultivation of cannabis on listed lots; Minimum Lot: 87,120 sf.; Maximum Height: 2 ½ st. / 35 ft.

AG-2 - Agricultural District 2: Permitted Uses: Farm-based business, plant nurseries, greenhouses, propagating houses or other farming operations, nursery and garden centers, public recreation areas, and public parks and playgrounds; Minimum Lot: 87,120 sf.; Maximum Height: 2 ½ st. / 35 ft.

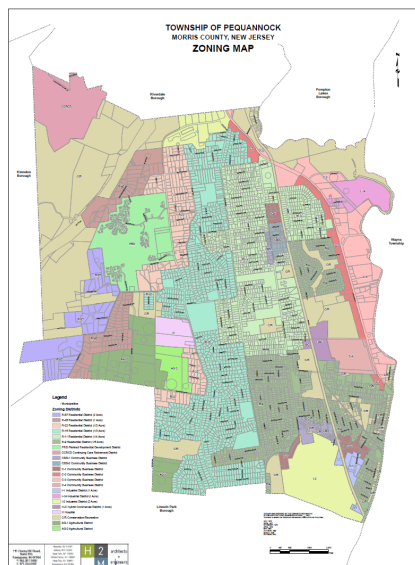
CBD-1 - Central Business District-1: Permitted Uses: Retail sales, retail services, personal services, restaurants, bars, commercial entertainment, business, professional and governmental offices and banks, houses of worship, parish houses and convents, community centers operated as an accessory use to houses of worship, public parks and playgrounds. Minimum Lot: 4,000 sf.; Maximum Height: 3 st. / 35 ft.

CBD-2 - Central Business District-2: Permitted Uses: Retail sales, retail services, personal services, restaurants, bars, commercial entertainment, business, professional and governmental offices and banks, houses of worship, parish houses and convents, community centers operated as an accessory use to houses of worship, public parks and playgrounds. Minimum Lot: 4,000 sf.; Maximum Height: 4 st. / 45 ft.

H-C - Hybrid-Commercial District: Permitted Uses: Retail services, offices, medical offices, medical or dental labs, hotels, public recreation areas, and public parks and playgrounds. Minimum Lot: 2.5 acres; Maximum Height: 4 st. / 40 ft.

H - Hospital District: Permitted Uses: Hospitals, health care facilities or institutions, medical offices, medical or dental lab, nursing homes, staff residences and overnight accommodations for employees or patients' visitors, public recreation areas, and public parks and playgrounds. Minimum Lot: 22,000 sf.; Max. Height: 5 st. / 75 ft.

C-R - Conservation-Recreation District: Permitted Uses: Public recreation areas, public parks and playgrounds, and outdoor noncommercial recreational uses.



Municipality: BOROUGH OF RIVERDALE

Ordinance: 09-2021

Date Adoption Filed: 11/16/21

Summary: Amend the Zoning Regulations to permit Cannabis Testing Facilities in the CRD - Community Redevelopment District.

*Ordinance introduction and adoption notices received during the same month.

PROPOSED ORDINANCES RECEIVED: 18

ADOPTED ORDINANCES RECEIVED: 12

TOTAL ORDINANCES PROCESSED: 30