

**LAND DEVELOPMENT ORDINANCES INTRODUCED: FEBRUARY 2023**

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

**Municipality: TOWNSHIP OF CHESTER**

**Ordinance:** 2023-03

**Public Hearing Date:** 3/7/23

**Summary:** Under existing Land Use Regulations, for conditional uses in the R-1, R-2, R-3, R-5 and R-10 Districts, the buildings in which such uses are conducted must be located on a parcel of land fronting on a county or state highway. All vehicular access from the lot must be limited solely to either a county or state highway. This ordinance amends the Land Use Regulations to add the following paragraph to the Conditional Uses section of the regulations:

“Notwithstanding the requirements above, any educational uses in existence at the time of the adoption of this conditional use ordinance, which have been continuously operated as such, that were located on a parcel of land fronting on a county or state highway and having all vehicular access to the property from access thereto due to a change in the designation of the roads from a county or state road to a municipal road shall be grandfathered and deemed in compliance with those conditions so long as the educational use is continued and not abandoned.”

According to the ordinance, this amendment is related to a re-zoning application from the Gill St. Bernard's School.

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**Municipality: BOROUGH OF MADISON**

**Ordinance:** 16-2023

**Public Hearing Date:** 2/27/23

**Summary:** Amend the Green Village Road Special Use Area Redevelopment Plan to expand the list of non-residential uses permitted on the ground floor of the northeastern-most building fronting Kings Road in GVRSU Sub-Zone II. This is the site of Rose Hall Apartments which, in addition to the apartments on the upper floors, has space for non-residential uses on the ground floor. Under existing zoning, various non-residential uses, such as retail and restaurants, are permitted on the ground floor. This amendment adds administrative and professional offices and medical offices to the uses permitted on the ground floor of that building. The uses permitted in the rest of the GVRSU Sub-Zone II remain unchanged.

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**LAND DEVELOPMENT ORDINANCES ADOPTED: FEBRUARY 2023**

**Municipality:** TOWNSHIP OF BOONTON

**Ordinance:** 907

**Date Adoption Filed:** 2/1/23

**Summary:** Amend the Tree Protection and Removal section of the Land Use Regulations to add a new subsection establishing tree replacement criteria (including one-for-one replacement) and a new subsection establishing a tree banking system to fund off-site tree plantings where on-site replacement plantings are impractical.

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**Municipality:** BOROUGH OF MADISON

**Ordinance:** 2-2023

**Date Adoption Filed:** 2/7/23

**Summary:** Proposed Ordinance 2-2023 repeals Ordinance 18-2022 (adopted in April 2022), which had permitted a maximum of two Medicinal Cannabis Dispensaries in the CC - Community Commercial District and the Gateway District. As a result, no zoning districts in the Borough will permit Medicinal Cannabis Dispensaries.

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**Municipality:** BOROUGH OF MADISON

**Ordinance:** 5-2022

**Date Adoption Filed:** 2/3/23

**Summary:** Amend the Land Development Regulations to remove off-street parking facilities as principal permitted uses in the CBD-1 and CBD-2 Districts.

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**Municipality:** BOROUGH OF MADISON

**Ordinance:** 16-2022

**Date Adoption Filed:** 2/3/23

**Summary:** Amend the Land Development Regulations to require proof of payment of all Borough charges at the time of submission of a zoning permit application.

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**Municipality: BOROUGH OF MENDHAM**

**Ordinance: 01-2023**

**Date Adoption Filed: 2/22/23**

**Summary:** Amend the Zoning Regulations as follows:

- In the ¼, ½, 1, 3 and 5-Acre Residence Districts, building elements which are permitted encroachments into setback requirements include but are not limited to, overhangs or porticos, awnings, steps, porches, decks, balconies, bay and box windows, fireplaces or chimneys, heating or air-conditioning units, patios and terraces, provided that no encroachment is more than 25% of the total distance of the required setback.
- The following bulk requirements shall be applicable to building elements such as overhangs or porticos, awnings, steps, porches, decks, balconies, bay and box windows, fireplaces or chimneys, heating or air-conditioning units, patios and terraces, for existing townhouse residential development in the ¼ Acre Residential District:

Townhouse Building Element Setbacks		
Front (feet)	Side Yards (feet)	Rear Yards (feet)
25	1 Interior Lots 5 Exterior Lots	5

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**Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS**

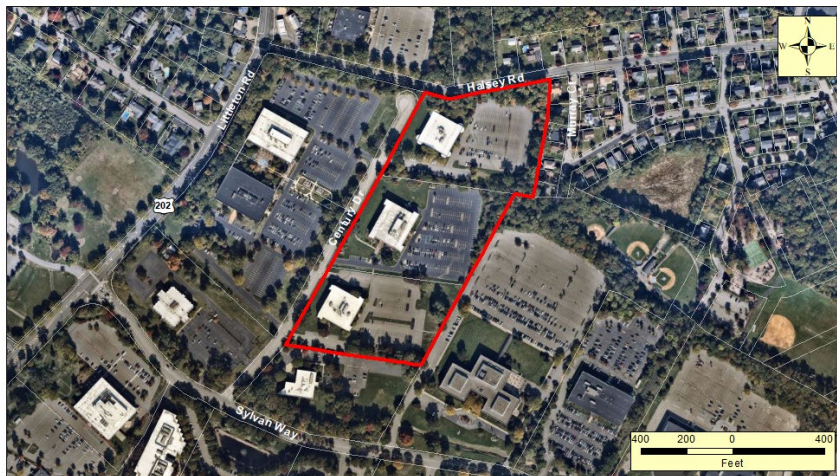
**Ordinance: 2023:01\***

**Date Adoption Filed: 2/24/23**

**Summary:** Amend the Zoning Regulations to establish a new overlay district, the OVL-8 Overlay District, and amend the Zoning Map to place Block 202, Lots 1.5, 1.6, and 1.7 within the new district. The OVL-8 Overlay District encompasses 17 acres and three office buildings on Century Drive. Commercial and office uses are located to the east, south and west. Single-family detached homes are located to the northeast. The underlying ROL - Research, Office and Laboratory District zoning shall remain. Standards applicable to the new OVL-8 Overlay District include the following:

- Permitted Uses:
  - ROL District Uses
  - Processing, warehousing and distribution facilities for finished products and raw materials, including refrigerated facilities and “Last Mile” distribution hubs
  - Digital data storage warehouses, data centers and backup system facilities
  - Fabrication and assembly of products
  - Food preparation facilities designed for off-premises delivery
- Prohibited uses shall include those uses prohibited in the underlying ROL District, except that the prohibition of “processing of raw material, other than necessary for experimentation and testing purposes” shall not apply; and the prohibition of “commercial production of goods, products or materials, except as would otherwise be permitted by the terms of this article” shall also not apply.
- Minimum Lot Size: 4 acres
- Maximum Height: 45 feet
- Maximum Building Coverage: 30%; Maximum Impervious Coverage: 70%

**Staff Comments:** *The OVL-8 Overlay District was originally created by Ordinance 2022:40, adopted in December 2022. The new ordinance re-establishes the overlay district with revisions to the regulations. The new standards for the OVL-8 Overlay District includes a new list of permitted uses and revisions to the setback requirements as well as the addition of quotes from the 2020 Master Plan describing the weakness in the office market.*



**Municipality: TOWNSHIP OF RANDOLPH**

**Ordinance: 02-23**

**Date Adoption Filed: 2/17/23**

**Summary:** Amend the Land Development Regulations to establish a new inclusionary zoning district, the R-10 - Multifamily Inclusionary District, and amend the Zoning Map to rezone Block 44, Lots 8 and 9 from the R-8 - Multifamily Inclusionary District to the newly established R-10 District. The 7.7-acre R-10 District is located at 879 - 885 Route 10 and consists of an undeveloped wooded lot and a lot with a commercial / office building. The surrounding area includes undeveloped wooded lands as well as retail, office, commercial, single-family detached homes, and townhomes. The standards applicable to the new R-10 District include the following:

- Permitted Uses: Multifamily dwelling units, townhouses and stacked townhouses
- Minimum Lot: 3.5 acres
- Maximum Density: 15 units per acre
- Affordable Set-Aside: 20%
- Maximum Height: 3 stories / 42 feet (townhome or stacked townhome); 4 stories / 50 feet (multifamily)
- Maximum Building Coverage: 30%; Maximum Impervious Coverage: 60%
- Minimum Open Space: 10%

**Staff Comments:** *These two lots were placed in the then newly created R-8 District by Ordinance 27-22, adopted in September 2022 (along with two other lots). The new R-10 District differs from the R-8 District by a reduction in the minimum setbacks as well as the addition of a leasing and maintenance office as an accessory use. According to the 2022 Randolph Township Housing Element and Fair Share Plan, Block 44, Lots 8 and 9 could accommodate 91 units, including 18 affordable units.*



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**Municipality: TOWNSHIP OF RANDOLPH**

**Ordinance: 03-23**

**Date Adoption Filed: 2/17/23**

**Summary:** Amend the Land Development Regulations to revise the language pertaining to the VCR-6 Multifamily Inclusionary District so that the requirement is for a minimum of 15 affordable *units* instead of 15 affordable *credits*.

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**LAND DEVELOPMENT ORDINANCES WITHDRAWN: FEBRUARY 2023**

**Municipality:** TOWNSHIP OF EAST HANOVER

**Ordinance:** 13-2022

**Date Filed:** 2/2/23

**Summary:** This ordinance was introduced in November 2022 but has been withdrawn. It would have amended the Zoning Map to rezone Block 39, Lots 28.03, 28.04 and 28.05 from the R-20 - One-Family Residential District to the I-3 - Light Industry District.

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**PROPOSED ORDINANCES RECEIVED: 3**

**ADOPTED ORDINANCES RECEIVED: 8**

**ORDINANCES WITHDRAWN: 1**

**TOTAL ORDINANCES PROCESSED: 12**