

**LAND DEVELOPMENT ORDINANCES INTRODUCED: JUNE 2023**

**Municipality:** TOWNSHIP OF CHESTER

**Ordinance:** 2023-10

**Public Hearing Date:** 7/18/23

**Summary:** Amend the Land Use Regulations as they pertain to stormwater detention. Examples of the changes include:

- Dry well overflows shall not be permitted to discharge to any impervious surface, adjacent properties or public rights-of-way and shall be setback a minimum of 25 feet from all property lines.
- Exemptions from the drywell requirements shall be granted in accordance with the following schedule:

Lot Area	New or additional building footprint area exempt from drywell installation	Min. Distance from all property lines for new building or addition *
Less than 1 acre	500 Sq. Ft.	25 Ft.
1 acre – 1.99 acres	800 Sq. Ft.	35 Ft.
2 acres – 4.99 acres	1,000 Sq. Ft.	35 Ft.
5 acres – 9.99 acres	1,200 Sq. Ft.	50 Ft.
10 acres or greater	1,500 Sq. Ft.	50 Ft.

\* The minimum distance from the rear property lines for a new building or addition in the R-1 Zone shall be 20 feet.

**Staff Comments:** *This ordinance was originally introduced in March 2023 but was then withdrawn. It has now been reintroduced with several changes, examples of which include the following:*

- *The standards for determining exemptions from the drywell requirements shall be applied at the site’s boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.*
- *Nothing in the standards for determining exemptions from the drywell requirements shall preclude the use of the applicable components of a farm conservation plan approved by the United States Department of Agriculture, National Resource Conservation Service, to demonstrate compliance with the requirements.*

**Municipality: TOWNSHIP OF MONTVILLE**

**Ordinance: 2023-19**

**Public Hearing Date: 7/18/23**

**Summary:** Amend the Land Use and Development Regulations to establish a maximum height of 20 feet for flagpoles in all zoning districts, unless a different flagpole height is otherwise permitted in the regulations. In addition, all flagpoles shall be subject to a new Schedule H, Flag Size Requirements Based on Pole Height, as follows:

<b>Flagpole Height</b>	<b>Required Flag Size</b>
6' House Pole	3' x 5'
20'	3' x 5' (min) 4' x 6' (max)
25'	4' x 6'
30'	5' x 8'
35'	6' x 10'
40'	8' x 12'
45'	8' x 12'
50'	10' x 15'
60'	12' x 18'
70'	15' x 25'
80'	20' x 30'

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**Municipality: TOWN OF MORRISTOWN**

**Ordinance: O-19-2023**

**Public Hearing Date: 8/8/23**

**Summary:** Amend the Land Development Regulations to eliminate the option to construct up to 50% of a residential development's required affordable units off-site. The stated purpose is concern that "the vast majority of the off-site affordable housing constructed over the past 10 years is built in the 2nd Ward, where land costs are least expensive."

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**LAND DEVELOPMENT ORDINANCES ADOPTED: JUNE 2023**

**Municipality:** BOROUGH OF CHESTER

**Ordinance:** 2023-06

**Date Adoption Filed:** 6/21/23

**Summary:** Amend the Land Development Regulations as follows:

- Reduce the side and rear setback requirements for accessory buildings and sheds in the RHD - Residential High Density District and the RLD - Residential Low Density District.
- Accessory buildings and sheds shall not exceed 200 square feet, with a maximum height of 16 feet, in the RHD and RLD Districts.
- Signs erected, painted, affixed, located, or maintained on any box van, cube van, bob truck, or cube truck parked in an area visible to the general public, other than parked or stopped temporarily for active loading or unloading, which identifies or advertises a business within the immediate area of the parked vehicle shall be prohibited in all zoning districts.

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**Municipality:** TOWN OF DOVER

**Ordinance:** 1-2021

**Date Adoption Filed:** 6/5/23

**Summary:** Amend the Land Use and Development Regulations to establish standards for Electric Vehicle Charging Stations. Level 1 and Level 2 charging stations shall be permitted when accessory to a permitted use. Level 3 charging stations shall be permitted when accessory to a permitted use other than single family detached or two-family dwellings. The levels are defined in the regulations by the speed and voltage of the charge. Notwithstanding the above regulations, public electric vehicle charging stations can be constructed in any public parking lot maintained and operated by the Town or other public entity. New parking facilities and expansions of existing parking facilities resulting in an increase in parking capacity by more than 50% that are associated with multifamily residential or non-residential uses shall include electric vehicle charging stations in accordance with a schedule based on the required number of parking spaces.

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**Municipality:** TOWN OF DOVER

**Ordinance:** 25-2021

**Date Adoption Filed:** 6/5/23

**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 DENVILLE**

**Ordinance: 13-20**

**Date Adoption Filed: 6/23/23**

**Summary:** Amend the Land Use Regulations to establish a new inclusionary zoning district, the T-6 Multi-Family District, and amend the Zoning Map to rezone 23 lots from the R-1B and R-3 Districts to the newly established T-6 District. The new district is bounded by Estling Lake Rd. to the north and the NJ Transit rail line to the northeast and east. Most of the lots that make up the 27.7-acre T-6 District are wooded and undeveloped, although there are four single-family lots in the southeastern portion of the district. The Estling Village townhomes are to the northwest and the Denville Rail Station is to the northeast. Single-family homes are to the west and south. Commercial and industrial uses are to the southeast.



Standards applicable to the new T-6 District include the following:

- Permitted Uses: Townhouses, Vertical Flats, and Interlocking Dwellings
- Maximum Units: 106 (of which 16 must be affordable)
- Maximum Height: 3 ½ stories / 45 ft.
- Maximum Building Coverage: 25%; Maximum Impervious Coverage: 65%
- Minimum Open Space or Landscaped Area: 25%

**Municipality: TOWNSHIP OF EAST HANOVER**

**Ordinance: 02-2023**

**Date Adoption Filed: 6/6/23**

**Summary:** Amend the Land Use and Zoning Regulations as they relate to the uses permitted in the SED - Special Economic Development Industrial District. Under existing regulations, the permitted uses in the SED District consist of 1) business campus uses primarily related to the pharmaceutical industry and 2) permitted principal uses in the I-3 Light Industry District. This is amended to remove reference to I-3 District permitted uses and replace them with the following:

- The finishing or assembling of articles made from previously prepared or refined materials.
- The preparation and fabrication of metals and metal products or chemicals and chemical products.
- Research activities, including laboratories and structures and facilities used in connection therewith and the testing, sale, or lease of articles designed and produced in such laboratories.
- Electronic data centers.
- The manufacture and/or assembly of plastic products.
- Technical training institutions and schools.

The impact of this change is to remove wholesale, warehouse storage and distribution facilities, municipally owned and operated uses, craftsman's or contractor's shops, electrical equipment and appliances, heating, ventilating, air-conditioning, plumbing and refrigeration equipment service businesses, self-storage facilities, public utilities and instructional uses from the list of uses permitted in the SED District.

In addition, warehousing unrelated to the storage of chemicals and pharmaceuticals are added to the list of uses prohibited in the SED District.

**Staff Comments:** *The 195-acre SED District predominantly consists of the Novartis pharmaceutical company campus, which has been proposed for significant redevelopment. The introduction to Ordinance 02-2023 references the State Planning Commission's "Distribution Warehousing and Goods Movement Guidelines," and expresses concern regarding the impact of large-scale warehouse development, given the SED District's location in proximity to residential and commercial areas and the highly traveled Route 10 and Ridgedale Avenue.*

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**Municipality: BOROUGH OF MADISON**

**Ordinance:** 45-2021

**Date Adoption Filed:** 6/5/23

**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:** BOROUGH OF MADISON

**Ordinance:** 16-2023

**Date Adoption Filed:** 6/5/23

**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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**Municipality:** BOROUGH OF MENDHAM

**Ordinance:** 09-2023

**Date Adoption Filed:** 6/21/23

**Summary:** Amend the Zoning Regulations so that the circumstances in which lot grading permits are required are consistent with the requirements of the stormwater control ordinance.

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**Municipality:** TOWNSHIP OF MONTVILLE

**Ordinance:** 2019-12

**Date Adoption Filed:** 6/5/23

**Summary:** Amend the Historic Districts and Historic Sites section of the Land Use and Development Regulations to establish regulations insuring that no officially designated historic site or landmark within the Historic District shall be allowed to deteriorate due to neglect by the owner. The new regulations provide standards for defining such deterioration as well as enforcement mechanisms.

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**Municipality: TOWNSHIP OF MONTVILLE**

**Ordinance: 2022-35**

**Date Adoption Filed: 6/5/23**

**Summary:** This ordinance amends the Route 46 Non-Condemnation Redevelopment Plan for Block 162, Lots 4, 6 and 7 and further amends the related sections of the Land Use and Development Regulations that implement the plan. The three parcels total 5.4 acres with frontage on Route 46, Bloomfield Ave., and Changebridge Rd. / County Rt. 621 and are in the PBR - Pine Brook Redevelopment Zone. The various commercial buildings on the site, including the former Pine Brook Motel, are reported to be in such serious disrepair that they are no longer viable for use in their present condition.

This Redevelopment Plan was most recently amended in September 2021 to permit new motor vehicle sales under alternative development regulations in the PBR Zone. In addition, in September 2022 the Redevelopment Area was changed from a Condemnation Area in Need of Redevelopment to a *Non-Condemnation* Area in Need of Redevelopment. The Redevelopment Plan, and related sections of the Land Use and Development Regulations, are now being further amended as follows:

- The name of the plan and related text is changed to incorporate the non-condemnation status of the redevelopment area.
- The minimum lot size for motor vehicle sales is reduced from five acres to three acres.
- The following are added as permitted uses:
  - Sales of pre-owned certified motor vehicles that are available for purchase at a dealership that also sells new motor vehicles.
  - Motor vehicle service stations on corner lots, subject to B-3 District standards for such use.

The reduction in minimum lot size “is necessary as the Township has unsuccessfully sought to assemble all of the properties within” the redevelopment area over the years. The change to permit sales of pre-owned certified motor vehicles comes “in recognition of the current market realities of the automobile sales industry.”

**Staff Comments:** *This ordinance replaces Ordinance 2022-31, which was introduced in September 2022 but was defeated. It differs by adding motor vehicle service stations as a permitted use and incorporating the new non-condemnation status of the redevelopment area.*





**Municipality:** TOWNSHIP OF MORRIS

**Ordinance:** 11-23

**Date Adoption Filed:** 6/28/23

**Summary:** Amend the Land Development and Zoning Regulations to make various changes, examples include:

- Remove restaurants and financial institutions as permitted uses in the OL-5 Office and Research Laboratory District.
- Add outdoor dining areas as a permitted accessory use in the B-11 Business District and establish standards for such a use, examples of which include:
  - Must be an accessory use only in conjunction with a restaurant.
  - Must obtain site plan approval.
  - No amplified music or entertainment shall be permitted.
  - Shall not be permitted within the public right-of-way.

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**Municipality:** TOWNSHIP OF MORRIS

**Ordinance:** 13-23

**Date Adoption Filed:** 6/28/23

**Summary:** Amend the Zoning Map to place Block 10001, Lot 7 in the MF-10/AH - Multi-Family Affordable Housing Overlay District. This 4.5-acre tract is located at 15 Lindsley Drive and is almost entirely wooded except for a small portion at the southern end of the tract which serves as a continuation of the parking lot for the Westin Governor Morris Hotel, located to the immediate south. An office building is located to the north and the Lindsley Arms apartment complex is located to the east. The underlying OL-5 - Office and Research Laboratory District zoning will remain unchanged.

In addition, the Zoning Regulations are amended to increase the maximum density permitted in the MF-10/AH Overlay District from 10 units per acre to 12 units per acre, with the same 15% set-aside for affordable units. The maximum density may be further increased to 15 units per acre provided that 20% of the units are set-aside as affordable.

**Staff Comments:** *This ordinance is intended to implement the terms of the Global Settlement Agreement between Morris Township and the Fair Share Housing Center, which settles the litigation involving the rezoning of the site of the future Red Bulls soccer training facility off Columbia Road.*



**Municipality: BOROUGH OF WHARTON**

**Ordinance: O-11-23**

**Date Adoption Filed: 6/27/23**

**Summary:** Amend the Land Use and Development Regulations to list Cannabis Retailer as a permitted use, east of West Union Turnpike, in the B-2 - Regional Business District. A new section is added to the regulations establishing zoning and licensing requirements for regulated cannabis facilities. Examples of the requirements include:

- Prior to the operation of any cannabis facility, a permit or license must be obtained from the State of New Jersey and from the Borough of Wharton for the applicable type of cannabis facility.
- The Borough may issue no more than one cannabis retailer license.
- A cannabis facility shall not be located within 1,000 feet of a school or child-care center.
- The consumption of any cannabis items shall be prohibited on the cannabis facility's premises.
- Cannabis facilities shall have equipment to mitigate odor.
- No cannabis facility may open to customers for business before 8:00 a.m. or remain open to customers for business after 10:00 p.m.

**Staff Comments:** *Ordinance O-12-21, adopted on June 28, 2021, prohibited all classes of cannabis establishments from operating in the Borough. The introduction to Ordinance O-11-23 explains that the Borough had been concerned about the potential effects of a new and untested industry but, having now had the opportunity to monitor the impacts of cannabis businesses on the municipalities where they operate, is ready to permit the operation of a licensed retailer in the Borough.*

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**LAND DEVELOPMENT ORDINANCES TABLED OR WITHDRAWN: JUNE 2023**

**Municipality:** TOWNSHIP OF CHESTER

**Ordinance:** 2019-04

**Date Filed:** 6/5/23

**Summary:** This ordinance was introduced in April 2019 but has been withdrawn. It would have amended the Land Use Regulations as they apply to exemptions from the requirements to provide dry wells to manage stormwater runoff from roof areas.

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**Municipality:** TOWNSHIP OF CHESTER

**Ordinance:** 2021-16

**Date Filed:** 6/5/23

**Summary:** This ordinance was introduced in November 2021 but has been withdrawn. It would have amended the Land Use Regulations to clarify and expand upon the regulations pertaining to home occupations.

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**Municipality:** BOROUGH OF MADISON

**Ordinance:** 14-2022

**Date Filed:** 6/5/23

**Summary:** This ordinance was introduced in March 2022 but has been tabled. It would have amended the Land Development Regulations to permit a maximum of two Medicinal Cannabis Dispensaries in the CBD-1, CBD-2, CC, G-I and G-II Districts.

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**PROPOSED ORDINANCES RECEIVED: 3  
ADOPTED ORDINANCES RECEIVED: 13  
ORDINANCES TABLED OR WITHDRAWN: 3  
TOTAL ORDINANCES PROCESSED: 19**