

LAND DEVELOPMENT ORDINANCES INTRODUCED: MAY 2022

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

Municipality: TOWNSHIP OF CHESTER

Ordinance: 2022-09

Public Hearing Date: 6/8/22

Summary: Amend the Land Use Regulations to establish procedures whereby an applicant may request the Township to rezone a property. Such procedures shall include the submission of specified documentary evidence which shows the appropriateness of a request for a rezoning, payment of a fee and escrow, and a timeline for review and recommendations by the Township Planning Board and action by the Township Council.

Municipality: TOWNSHIP OF MINE HILL

Ordinance: 06-22

Public Hearing Date: 6/16/22

Summary: Amend the Land Use Regulations to reduce the minimum distance between a detached garage and all other structures from twenty feet to ten feet.

Municipality: BOROUGH OF WHARTON

Ordinance: O-10-22

Public Hearing Date: 6/13/22

Summary: Ordinance O-10-22 adopts the L.E. Carpenter Redevelopment Plan Amendment, dated March 9, 2022. The Plan Amendment applies to four lots totaling 29.6 acres bounded by North Main Street / County Route 634 to the northwest, Chegwiddden Way / County Route 634 Alt. to the north and Harry Shupe Boulevard to the south. The area is bisected by the Rockaway River, which runs from the east to the west. The western three lots are vacant, while the eastern lot is utilized for trailer parking. A senior apartment building and industrial uses are located to the south. Vacant wooded land is located to the north and east, some of which is state owned. The area is a designated Area in Need of Redevelopment. This Plan Amendment supersedes all prior Redevelopment Plans for the three western lots and acts as an overlay, supplemental to the underlying zoning and prior Redevelopment Plans, for the eastern lot.

The western three lots, Block 301, Lot 1.01, Block 801, Lot 3 and Block 903, Lot 2.03, shall be rezoned from the I-1 - Planned Industrial and MB - Mixed Business Districts to a newly created MFI - Multifamily Tract District, while the eastern lot, Block 903, Lot 2, shall be placed in a new MFI - Multi-Family/Industrial Overlay District, while maintaining the underlying MB - District zoning as well as the prior Redevelopment Plans. The standards applicable to the new districts include the following:

MFI District:

- Permitted Uses: Apartments, Multi-Family Dwellings, Garden Apartment Dwellings, Multi-Family Housing Developments, and/or Dwelling Units.
- Maximum Dwelling Units: 440
- Maximum Height: Block 903, Lot 2.03 - 4 st./55 ft.; Block 801, Lot 3 and Block 301, Lot 1.01 - 5 st./65 ft.
- Maximum Building Coverage 40%; Maximum Impervious Coverage: 85%
- Affordable Set-Aside: 15% (*Up to 50% of the affordable units may be provided outside the Plan Area. Such units shall be non-age-restricted and may be "market to affordable" units or newly constructed units.*)
- This Plan proposes to relocate the Wharton Borough owned Rail Trail right-of-way to permit better use of the land within the Plan Area and states that the relocation may utilize some County right-of-way such that coordination with the County will likely be required.

MFI Overlay District: In addition to uses permitted by the underlying MB District and the prior Redevelopment Plans, MFI Drainage Improvements shall be permitted.



LAND DEVELOPMENT ORDINANCES ADOPTED: MAY 2022

Municipality: TOWNSHIP OF DENVILLE

Ordinance: 05-22

Date Adoption Filed: 5/19/22

Summary: Amend the Land Use Regulations to eliminate the requirement in the POS - Public Open Space District for Planning Board review of site plans in connection with applications for existing residential structures that comply with R-1 District bulk standards. The Zoning Officer shall review such site plans instead.

Municipality: TOWNSHIP OF DENVILLE

Ordinance: 06-22

Date Adoption Filed: 5/19/22

Summary: Amend the Land Use Regulations to eliminate the requirement for Planning Board review in connection with site plan applications within flood hazard areas. The Township Engineer or the Township's Designated Flood Plain Manager shall handle such reviews instead.

Municipality: TOWNSHIP OF DENVILLE

Ordinance: 07-22

Date Adoption Filed: 5/19/22

Summary: Amend the Land Use Regulations to eliminate the requirement in the OB-1 - Office Building District for Planning Board review of site development plans for pre-existing non-conforming residential properties that comply with the bulk standards of the R-4 District. The Zoning Officer shall review such site development plans instead.

Municipality: TOWNSHIP OF HANOVER

Ordinance: 16-2022

Date Adoption Filed: 5/13/22

Summary: Amend the Zoning Map to rezone Block 2701, Lots 1, 9, 25, 26.01, 26.02, and 27 from the R-40N - Single Family Residence District to the PU - Public Use District and rezone Block 2701, Lot 24 from the R-40N - District to the R-10 - Single Family Residence District. The area to be rezoned as PU consists of 15.5 acres with frontage on Ridgedale Avenue, Malapardis Road and Boulevard Road. It includes the Beth Israel Cemetery, two single-family detached homes and a seafood restaurant. The area to be rezoned as R-10 consists of a single-family detached home on a 13,935 square foot lot at 43 Ridgedale Avenue. The R-40N District permits single-family detached homes, public buildings, and houses of worship on 40,500 square foot lots. The PU District permits nursing homes, independent/assisted living facilities, single-family attached, multi-family, government offices, police, fire, first aid, governmental maintenance facilities, sewerage and utilities authorities, parks, athletic fields, open space facilities and institutional uses. The R-10 District permits single-family detached homes, public buildings, and houses of worship on 10,500 square foot lots.

In addition, this ordinance makes various changes to the Land Use and Development Regulations; examples include:

- For independent/assisted living facilities in the PU District, the maximum number of bedrooms shall not exceed the number of dwelling units multiplied by 1.25; provided that in situations where individual bedrooms are not provided, the foregoing limitation shall apply to the number of beds (the existing limit remains at 160 units).
- Cemeteries shall be added to the list of permitted uses in the PU District.



Municipality: TOWNSHIP OF MONTVILLE

Ordinance: 2022-15

Date Adoption Filed: 5/17/22

Summary: Amend the Land Use and Development Regulations to define “temporary tent or parking lot sales” as any temporary or interim activities conducted on retail properties for the purpose of promoting seasonal sales and special events, which may be conducted under a weather-protected canopy or open air. Parking lot sales shall include carwashes, information fairs and other nonprofit and charity events as well as commercial events. Sales of food, beverages, and alcoholic beverages are excluded from the definition of temporary tent or parking lot sales and are required to acquire a mobile retail food establishment permit.

Municipality: BOROUGH OF MORRIS PLAINS

Ordinance: 5-2022

Date Adoption Filed: 5/6/22

Summary: Amend the Land Development Regulations to establish a new zoning district, the B-5 - Business District, and amend the Zoning Map to rezone Block 33, Lots 9 and 10 and the southern two-thirds of Block 34, Lot 13 from the B-1 - Business District to the newly established B-5 District. The new district is approximately one acre in size and is located at the intersection of W. Hanover Avenue / County Route 650 and Stiles Avenue. It is the site of a QuickChek convenience store, a pizza restaurant and a single-family detached home. The surrounding neighborhood is dominated by small lot single-family detached homes, although a fire station and a barber shop are located to the immediate south, in Morris Township.

Despite the creation of a new zoning classification, the standards for the new B-5 District are the same as those for the existing B-1 District. The stated purpose is that there is a need to differentiate the existing B-1 District, currently located in two non-contiguous areas of the Borough. The characteristics of the two areas differ. The remaining B-1 District includes over a dozen parcels on Speedwell Avenue in close proximity to the Morris Plains train station and the Borough's other commercial zones and uses. The other area to be rezoned from B-1 to B-5 includes only three parcels and is in close proximity to single-family detached residential zones and uses. Like the B-1 District, the B-5 District will permit such uses as retail, restaurants, banks, non-profit lodges, offices above the first floor, printing, public buildings, outdoor storage and apartments above the first floor (except over restaurants or bars).



Municipality: TOWNSHIP OF ROXBURY

Ordinance: 10-22*

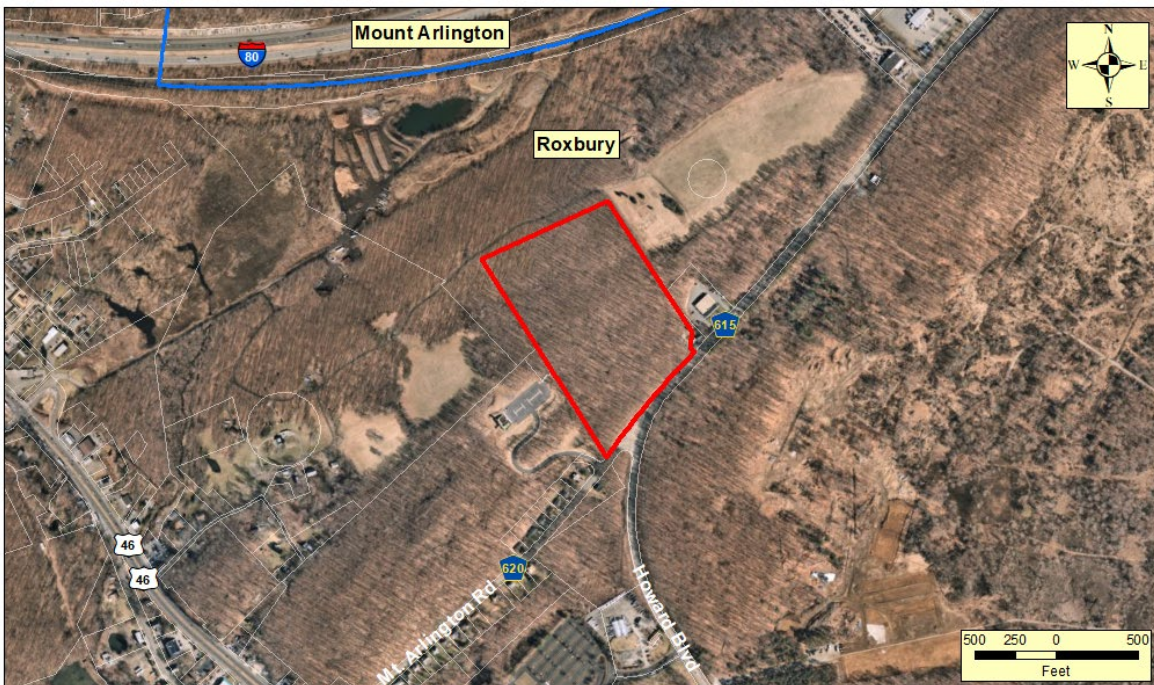
Date Adoption Filed: 5/27/22

Summary: Amend the Land Development Regulations to establish a new inclusionary zoning district, the AH-9 - Affordable Housing Residential District, and amend the Zoning Map to rezone Block 8901, Lot 5 from the OR-5 - Office Research District to the newly created AH-9 District. This 24.6-acre site is wooded and undeveloped and is located at the intersection of Mount Arlington Road / County Rt. 620 and Howard Boulevard / County Rt. 615. Portions of the site include steep slopes. The site is owned by Hercules, Inc., however, according to the Township's 2022 Housing Element and Fair Share Plan, it was not a part of the former Hercules munition activities. To the southeast is the site of the former Hercules Powder Works. Tax records show that the properties located to the north, northeast and northwest are farm qualified. The FLG X New Jersey outdoor recreation camp is located to the southwest as are single-family detached homes. Further south, down Howard Boulevard, is the Route 10 commercial corridor.

The standards applicable to the new AH-9 District include the following:

- Permitted Uses: Townhouses and Stacked Condominiums
- Affordable Set-Aside: 20%
- Maximum Density: 8 units per acre
- Maximum Height: 3 st. / 40 ft.
- Maximum Impervious Coverage: 60%
- Minimum Common Open Space: 25%; Minimum Recreation Area: 7%

Staff Comments: According to the 2022 Roxbury Township Housing Element and Fair Share Plan, at 8 du/ac, this 24.6-acre site could accommodate 196 units.



Municipality: TOWNSHIP OF ROXBURY

Ordinance: 11-22*

Date Adoption Filed: 5/27/22

Summary: Amend the Land Development Regulations to establish a new inclusionary zoning district, the AH-10 - Affordable Housing Residential District, and amend the Zoning Map to rezone Block 9301, Lots 1 and 2 from the B-1/A - Limited Business District to the newly created AH-10 District. Lot 1 is wooded and undeveloped. Lot 2 is the site of a long-abandoned gas station and auto repair shop. The new zoning district is located at the northwestern quadrant of the I-80 / US Hwy. 206 / State Hwy 183 interchange and is 14.7 acres in size. Portions of the site include wetlands and steep slopes. Single-family detached homes are located to the north, in Netcong. Netcong Borough owned wooded land is located to the west, also in Netcong.

The standards applicable to the new AH-10 District include the following:

- Permitted Uses: Apartment complexes
- Affordable Set-Aside: 20% or 23 affordable units
- Maximum Density: 8 units per acre
- Maximum Height: 3 st. / 40 ft.
- Maximum Impervious Coverage: 60%

Staff Comments: According to the 2022 Roxbury Township Housing Element and Fair Share Plan, at 8 du/ac, this 14.7-acre site could accommodate 117 units.



Municipality: TOWNSHIP OF ROXBURY

Ordinance: 12-22*

Date Adoption Filed: 5/27/22

Summary: Amend the Land Development Regulations to establish a new inclusionary zoning district, the AH-11 - Affordable Housing Residential District, and amend the Zoning Map to rezone Block 9202, Lots 1, 2 and 10 from the AH-6 District to the newly created AH-11 District. This 59.2-acre site is wooded and undeveloped, with an electric utility right-of-way running across the north, and includes wetlands and steep slopes. It is located at the southeastern quadrant of the I-80 / US Hwy. 206 / State Hwy 183 interchange and has frontage on Mountain Road to the south. Single-family detached homes are located to the immediate south, with a convenience store and gas station to the southwest.

The standards applicable to the new AH-11 District include the following:

- Permitted Uses: Apartment complexes
- Affordable Set-Aside: 20% or 106 affordable units
- Maximum Density: 9 units per acre
- Maximum Height: 3 st. / 40 ft.
- Maximum Impervious Coverage: 60%
- Minimum Common Open Space: 25%; Minimum Recreation Area: 7%

Staff Comments: At 8 du/ac, the original zoning could have accommodated a maximum of 473 units on this 59.2-acre site. According to the 2022 Roxbury Township Housing Element and Fair Share Plan, under the increased density of 9 du/ac permitted under the new zoning, 532 units could be accommodated.



LAND DEVELOPMENT ORDINANCES WITHDRAWN: MAY 2022

Municipality: TOWNSHIP OF MORRIS

Ordinance: 08-21

Date Filed: 5/9/22

Summary: This ordinance was introduced in March 2021 but has been withdrawn. It would have amended the Land Development Regulations as they relate to the Historic Preservation Commission.

PROPOSED ORDINANCES RECEIVED: 6

ADOPTED ORDINANCES RECEIVED: 9

ORDINANCES WITHDRAWN: 1

TOTAL ORDINANCES PROCESSED: 16