

LAND DEVELOPMENT ORDINANCES INTRODUCED: SEPTEMBER 2023

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

Municipality: TOWN OF DOVER

Ordinance: 19-2023

Public Hearing Date: 9/21/23

Summary: Block 2017, Lot 17 is currently a split-zoned lot, with a portion in the R-3 - Double Family Residential District and a portion in the C-2 General Commercial District. The Zoning Map is amended to place the entire lot in the R-3 District. This 8,336 square foot lot, located at 137 King Steet, has a single-family detached home.



Municipality: TOWNSHIP OF HANOVER

Ordinance: 31-2023

Public Hearing Date: 10/12/23

Summary: Amend the Land Use and Development Regulations to permit drive-in restaurants as a small-scale development in the B-10 - Highway Business District in the same locations where gasoline stations are permitted, and not only (as in existing regulations) as part of a large-scale development. A small scale development is located on a property with a net lot area of less than five acres while a large scale development is located on a property with a net lot area of at least five acres. Additional and amended standards for drive-in and drive-through uses are established, examples of which include:

- Drive-in restaurants shall be permitted in any location in the B-10 District if part of a large-scale development. If part of a small-scale development in the B-10 District, they shall only be permitted when located on a corner lot at one of the following intersections:
 - Route 10 and North or South Jefferson Road
 - Route 10 and Whippany Road
 - Route 10 and Troy Hills Road
 - Route 10 and Algonquin Parkway
- The minimum lot area for drive-in restaurants as part of a small-scale development in the B-10 District shall be 30,000 square feet.
- Not more than one drive-in or drive-through use shall be permitted on the same lot unless the site plan application demonstrates that the multiple drive-in or drive-through operations will not impede circulation, parking and safety.

Municipality: TOWNSHIP OF MORRIS

Ordinance: 23-23

Public Hearing Date: 10/18/23

Summary: Amend the Zoning Map to rezone Block 4101, Lots 3, 3.01 and 7 from the RH-5 - Multiple Family District to the OS/GU - Open Space - Government Use District. The three parcels total 38.6 acres and are located just north of the Villa Walsh Academy with narrow frontage on Picatinny Road to the west. Southeast MCMUA property is to the east. The parcels are wooded and undeveloped with the northernmost parcel home to Jones Pond. According to tax records the three parcels are owned by Morris Township and are in conservation use.

Staff Comments: Ordinance 23-23 replaces Ordinance 18-23, which was introduced in August 2023 but then withdrawn. Both ordinances are identical.



Municipality: BOROUGH OF MORRIS PLAINS

Ordinance: 14-2023

Public Hearing Date: 10/5/23

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

- Permit warehouses in the C-1 - Highway Commercial District.
- Remove executive and administrative offices and computer data processing centers from the list of permitted uses in the Hotel and Specified Use Overlay District.
- Permit apartments on floors above the first floor in the B-4 - Business District.
- Permit “cidery, meadery” in the B-1, B-2, and B-3 - Business Districts, the OB - Office Building District, and the C-1 - Highway Commercial District.
- Add “cidery, meadery” to the list of definitions, defined as an “establishment operating with a cidery and meadery license as defined and regulated within N.J.S.A. 33:1-10” (Cider and mead are alcoholic beverages for purposes of the state regulations).
- Permit “pop-up retail” in the B-1, B-2, B-3, B-4 and B-5 - Business Districts, and the C-1 - Highway Commercial District.
- Add “pop-up retail” to the list of definitions, defined as “retail space that is temporary, utilized for short-term sales, ranging from one day to several weeks but in no instance shall the retail space be occupied for more than 120 consecutive days.”

Municipality: BOROUGH OF NETCONG

Ordinance: 2023-16

Public Hearing Date: 10/12/23

Summary: Amend the Land Development Regulations to permit cannabis retailers as a conditional use in the B - Commercial Business District subject to various regulations, examples of which include the following:

- Cannabis retailers shall only be permitted within tax blocks 37, 40, 41, 42 and 43.
 - Drive-through cannabis retail operations shall be prohibited.
 - Consumption of cannabis-related products shall be prohibited on the premises.
 - Cannabis retailers shall be prohibited on any property with a grocery store, delicatessen, indoor food market or other store engaged in retail sales of food, or where alcoholic beverages are sold.
 - No cannabis retailer shall be located within 200 feet of a school, child care facility or place of worship.
 - No cannabis retailer shall be located within 400 feet of another cannabis retailer.
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Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2023:20

Public Hearing Date: 10/17/23

Summary: Amend the Zoning Regulations as follows:

- Reduce the parking requirement for a publicly owned or operated building and use, such as a library, museum, or post office, from one space per 100 square feet of gross floor area to one space per 400 square feet of gross floor area.
 - Establish a parking requirement for bagel stores of one space per 250 square feet of gross floor area.
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Municipality: TOWNSHIP OF RANDOLPH

Ordinance: 19-23

Public Hearing Date: 10/19/23

Summary: Repeal Section 15-6 of the Land Development Ordinance, which authorizes interested parties to appeal final decisions of the Board of Adjustment approving, among other things, a use variance, to the Township Council.

Municipality: TOWNSHIP OF ROCKAWAY

Ordinance: O-23-23

Public Hearing Date: 10/10/23

Summary: Amend the Land Use and Development Regulations as follows:

- Permit fitness centers in the B-1, B-2, O-2 and R-B Districts.
 - Permit indoor recreation facilities in the B-2, I, PED and R-B Districts.
 - Permit arcades in the B-2 and PED Districts.
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LAND DEVELOPMENT ORDINANCES ADOPTED: SEPTEMBER 2023

Municipality: BOROUGH OF FLORHAM PARK

Ordinance: 23-19*

Date Adoption Filed: 9/22/23

Summary: Amend the Zoning Regulations to establish an off-street parking requirement for assembly halls of one space for every four seats. This corrects a scrivener's error in Ordinance 22-16 (adopted on December 15, 2022), which inadvertently left that text out of the ordinance.

Municipality: TOWNSHIP OF MINE HILL

Ordinance: 14-23

Date Adoption Filed: 9/8/23

Summary: Amend the Land Use Regulations to permit off-street parking in front yards in the ED - Economic Development District only in accordance with an approved site plan.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2023:10

Date Adoption Filed: 9/20/23

Summary: Amend the Zoning Regulations so that the definition of wireless telecommunications technology shall not include facilities erected or used for amateur radio operations by an FCC licensed amateur radio operator. Such amateur radio facilities shall not be subject to the setback requirements applicable to wireless telecommunications technology. Instead, free standing towers, antennas and supporting structures used solely in connection with amateur radio operations, which are not mounted on the roof or façade of any building, shall comply with the setback requirements for accessory structures in the zone district in which they are located.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2023:11

Date Adoption Filed: 9/20/23

Summary: Amend the Zoning Regulations to revise the definitions of "story" and "basement." These definitions are used in tandem to determine whether the basement level of a residential home shall be regulated as a basement or a story above grade. The definitions are revised to cure a problem where sloped topographic conditions may cause the basement of a residential home to be exposed above grade and thus improperly designated as a story. In addition, the definitions are revised to so that they no longer improperly exempt multi-car garages at the basement level of a residential home from the definition of "story."

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2023:13

Date Adoption Filed: 9/20/23

Summary: Amend the Zoning Regulations so that community residences for the developmentally disabled and shelters for victims of domestic violence, for up to fifteen persons, shall be a permitted use in any residential district. This is a change from existing regulations in which such uses are a permitted use for up to six persons and a conditional use for seven to fifteen persons.

Municipality: TOWNSHIP OF PARSIPPANY-TROY HILLS

Ordinance: 2023:14

Date Adoption Filed: 9/20/23

Summary: Amend the Zoning Regulations to remove language establishing a maximum percentage of required rear yard area that may be covered by accessory buildings in any required rear yard (was 30% in residence districts and 50% in business districts).

Municipality: BOROUGH OF ROCKAWAY

Ordinance: 23-14

Date Adoption Filed: 9/14/23

Summary: Amend the Zoning Regulations to add a new section establishing requirements for Temporary Storage Units in residential districts. Examples of the new requirements include:

- Temporary storage units may be placed on a property for no more than seven days without the issuance of a temporary storage permit.
 - No utilities, including but not limited to water, sewer, and electricity, shall be connected to any temporary storage unit.
 - No more than one temporary storage unit may be placed on any property at one time.
 - No more than one temporary storage unit permit shall be issued for the same property within any twelve-month period.
 - No flammable, explosive, or hazardous, toxic or dangerous material or organic waste shall be stored in a temporary storage unit.
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Municipality: BOROUGH OF ROCKAWAY

Ordinance: 23-15

Date Adoption Filed: 9/14/23

Summary: Amend the Land Use Regulations to adopt a model ordinance establishing NJDEP mandated regulations for privately owned salt storage. The purpose of the regulations is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

LAND DEVELOPMENT ORDINANCES WITHDRAWN: SEPTEMBER 2023

Municipality: TOWNSHIP OF MORRIS

Ordinance: 18-23

Date Filed: 9/19/23

Summary: This ordinance was introduced in August 2023 but has been withdrawn. It would have amended the Zoning Map to rezone Block 4101, Lots 3, 3.01 and 7 from the RH-5 District to the OS/GU District. It has been replaced by Ordinance 23-23, summarized in this report above.

PROPOSED ORDINANCES RECEIVED: 9

ADOPTED ORDINANCES RECEIVED: 8

ORDINANCES WITHDRAWN: 1

TOTAL ORDINANCES PROCESSED: 18