

Zoning Ordinances Introduced: June 2018

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Harding	6-2018	7/9/18	<p>Amend the Land Use Regulations to establish a new inclusionary zoning district, the TH-1 Townhouse Zone, and amend the Zoning Map to rezone Block 23.02, Lot 5 from the R-2 Residence Zone (permits single family on 30,000 sq. ft.) to the newly created TH-1 Zone. The 15.8 acre wooded lot is located between I-287 and the Morris Township border. Just north of the Morris Township border are office buildings that have access to Mt. Kemble Ave. The standards applicable to the new zone include the following:</p> <ul style="list-style-type: none"> • Permitted Use: Inclusionary Development Market Rate Units: Single Family, Twin House and/or Townhouse Affordable Units: Townhouses or Stacked Flats • Maximum Units: 96 • Affordable Set-Aside: 16 units • Maximum Height: 3 stories/45 feet • Minimum Open Space: 20% • There shall be no means of ingress or egress via Blackwell Ave. or Sand Spring Rd. <div data-bbox="865 805 1404 1511" style="text-align: center;"> </div>	<p>This ordinance implements the February 12, 2018 Settlement Agreement between the Township and Mt. Kemble Associates, which calls for 80 market rate for-sale townhouse units and 16 affordable stacked flat units, which may be rental or for sale.</p> <p>The Township Clerk indicates that the method of vehicular access to this site has yet to be determined.</p>

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Township of Harding	13-2018	7/9/18	<p>Amend the Land Use and Development Regulations to establish regulations pertaining to the placement of small cell equipment, wireless cabinets and wireless poles in the municipal right-of-way. This ordinance is in response to recent developments in wireless technology, specifically the development of 5G technology, which involves the placement of this type of equipment within public rights-of-way. The following are examples of the new standards applicable to this type of development:</p> <ul style="list-style-type: none"> • Placement of small cell equipment, wireless cabinets and wireless poles in the municipal right-of-way shall require a Master License Agreement with the Township. Placement of such equipment on existing poles shall only require a supplemental license. • Wireless cabinets and wireless poles shall be conditional uses in the non-residential zones. • The wireless pole must be at least 100 feet from any existing pole. • The wireless cabinet must be less than 14 cubic feet in volume. 	

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Borough of Kinnelon	07-18	7/19/18	<p>Amend the Zoning Regulations to establish a new mixed-use inclusionary overlay zone, the AH-2 Affordable Housing 2 Overlay Zone, and amend the Zoning Map to place Block 45201, Lot 102 in the new overlay zone. The new overlay zone is the 13 acre site of the Kinnelon Mall, located at the intersection of Kinnelon Rd./County Rt. 618 and Kakeout Rd., just west of State Hwy. 23. The existing underlying zoning, RC - Restricted Commercial, will remain. The standards applicable to the new overlay include the following:</p> <ul style="list-style-type: none"> • Permitted Uses: <ul style="list-style-type: none"> - RC Zone Uses (retail and offices) - Mixed use developments consisting of ground story retail/commercial/office with multifamily apartments above. • Minimum Tract: 12 acres • Maximum Density: 6 units per acre • Maximum Height: 42 feet • Maximum Impervious: 75% • Affordable Housing Set-Aside: 20%, constructed on site 	<p>This ordinance has been introduced in fulfillment of the terms of the Superior Court's grant of Substantive Certification that the Borough is compliant with its affordable housing obligations under the Mount Laurel doctrine.</p> <p>At six units per acre, this 13 acre site could accommodate a maximum of 78 units, pending potential reductions for other physical or environmental constraints.</p>

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Borough of Kinnelon	08-18	7/19/18	Amend the Zoning Regulations to permit affordable accessory apartments in all residential and commercial zones, provided the accessory apartment is located on a property with a residential and/or commercial use, and further provided that the property is not used for any industrial purpose. The maximum number of creditable accessory apartments shall be equal to no more than ten or an amount equal to 10% of the Borough's Fair Share obligation, whichever is greater. Additional units may be approved by the state or the courts if the municipality has demonstrated successful completion of its accessory apartment program.	This ordinance has been introduced in fulfillment of the terms of the Superior Court's grant of Substantive Certification.
Borough of Kinnelon	09-18	7/19/18	This ordinance amends the Zoning Regulations as pertains to any development application proposing five or more units that becomes permissible through either 1) a use or density variance, 2) a rezoning permitting multi-family where not previously permitted, or 3) a new redevelopment plan. Under the ordinance, such applications would be required to set-aside 20% of said units for affordable housing.	This ordinance has been introduced in fulfillment of the terms of the Superior Court's grant of Substantive.
Borough of Kinnelon	10-18	7/19/18	Amend the Zoning Regulations to delete the existing Controls on Affordability section and replace it with a new Affordable Housing Ordinance to provide for and regulate affordable housing in the Borough. This ordinance establishes regulations pertaining to such matters as control periods, price and rent restrictions, buyer and tenant income eligibility, affirmative marketing, and enforcement of these regulations.	This ordinance has been introduced in fulfillment of the terms of the Superior Court's grant of Substantive Certification.

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Town of Morristown	O-25-2018	7/10/18	<p>The existing Land Development Ordinance (LDO) is replaced by an all new document. Under the new ordinance the existing two dozen zones are cut to one dozen mostly newly designated zones. Conversely, where there had only been a single overlay zone, there are now nine overlay zones. The new list of zoning designations are as follows;</p> <table border="0" data-bbox="646 342 1625 678"> <tr> <td>Underlying Zones:</td> <td>Overlay Zones:</td> </tr> <tr> <td>R- Single Family Detached</td> <td>Estate Building Type (R)</td> </tr> <tr> <td>MF-1 - Single Family and Semi-Attached</td> <td>Retail (MX-1)</td> </tr> <tr> <td>MF-2 - Multi-Family, Low Intensity</td> <td>Neighborhood (MF-3)</td> </tr> <tr> <td>MF-3 - Multi-Family, Moderate Intensity</td> <td>Planned Walkable Neighborhood (MF-2)</td> </tr> <tr> <td>MX-1 - Mixed Use, Low Intensity</td> <td>Planned Walkable Neighborhood/Critical Infrastructure (MF-2)</td> </tr> <tr> <td>MX-2 - Mixed Use, High Intensity</td> <td>Large Lot (MX-2)</td> </tr> <tr> <td>TC - Town Center</td> <td>Morristown Green (TC)</td> </tr> <tr> <td>H - Hospital Development</td> <td>Transit (TC)</td> </tr> <tr> <td>H-1 - Hospital Development</td> <td>Headquarters Plaza (TC)</td> </tr> <tr> <td>PP - Public Purpose</td> <td></td> </tr> <tr> <td>PPU - Public Purpose Undevelopable</td> <td></td> </tr> <tr> <td>RDV – Redevelopment Plan Area</td> <td></td> </tr> </table> <p>Most importantly, these new land development regulations incorporate a form-based code; i.e. physical form is used as an organizing principle for the code in association with a separation of uses designated by zoning districts. Standards vary by the permitted development/building “types” allowed in each zone and the density / intensity of development may vary based on these building types. Certain standards also vary depending on on the type of street on which the proposed building has frontage. Permitted uses may be allowed in any permitted building type and building types may include requirements for certain aesthetic and functional elements. Other changes identified:</p> <ul data-bbox="646 976 1625 1474" style="list-style-type: none"> • The downtown area (CBD-1 and CBD-2) is experiencing the greatest change in zoning and is largely placed in the new TC Zone, subject to multiple overlays. The former CBD-1 District sees density generally increased from a maximum of 15 ½ units per acre to 30 units per acre (conditionally, by building type), while the former CBD-2 District, which previously had no controls on density, will have a maximum density of 50 units per acre. • The maximum height for the area in the former CBD-1 is generally increased from 3 stories to 4 stories, while the maximum height in the former CBD-2 is decreased from 6 stories to 5 stories. • The former UR159 District (site of Headquarters Plaza) had permitted residential development, so it would have been possible to redevelop the office towers as residential. Under the new ordinance, residential development will be prohibited for this site. • Previously, Floor Area Ratios only existed in the Hospital districts. Now FAR’s will be used more widely, although exemptions are not provided for certain building types. 	Underlying Zones:	Overlay Zones:	R- Single Family Detached	Estate Building Type (R)	MF-1 - Single Family and Semi-Attached	Retail (MX-1)	MF-2 - Multi-Family, Low Intensity	Neighborhood (MF-3)	MF-3 - Multi-Family, Moderate Intensity	Planned Walkable Neighborhood (MF-2)	MX-1 - Mixed Use, Low Intensity	Planned Walkable Neighborhood/Critical Infrastructure (MF-2)	MX-2 - Mixed Use, High Intensity	Large Lot (MX-2)	TC - Town Center	Morristown Green (TC)	H - Hospital Development	Transit (TC)	H-1 - Hospital Development	Headquarters Plaza (TC)	PP - Public Purpose		PPU - Public Purpose Undevelopable		RDV – Redevelopment Plan Area		<p>Highlights of the new Land Development Ordinance were informed by discussion with the planning consultant for the Town of Morristown:</p> <p>As per the introduction to this new LDO, “the standards in this new code include practical and context sensitive standards for what uses are permitted in the Towns’ neighborhoods and how buildings are designed in the Town. These concepts are rooted in the 2014 Morristown Moving Forward Master Plan which focused on circulation and community form, and the this proposed form-based code respects the Town’s existing character and historic assets.”</p>
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Zoning Ordinances Adopted: June 2018

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Chatham	18-06	6/1/18	<p>Repeal Chapter 165, "Protection of Trees," and replace it with a new Chapter 257, "Tree Protection and Preservation." The new chapter covers tree removal prohibitions and exemptions, permits for tree removal, standards for tree removal, the requirement for licensed tree removal contractors, the required escrow account for tree replenishment, and rules for tree protection during home construction.</p>	
Township of Chatham	2018-12	6/4/18	<p>Amend the Land Development Regulations to repeal the section entitled "Referral to Tree Protection Committee."</p> <p>The section to be repealed requires that each application for development pending before the Planning Board or the Board of Adjustment which involves removal of trees must be referred to the Tree Protection Committee for review and comment.</p>	
Township of Chester	2018-06	6/20/18	<p>Amend the Zoning Map to correct a drafting error by rezoning Block 10, Lot 104 from the P - Public District to the R-2 - Single Family Residential District. The 1.1 acre lot on Cooper Lane has a single family home. Township owned woodlands in the P - District are to the north and east. Single family homes in the R-2 - District are to the southwest and west</p> <div data-bbox="793 768 1480 1279" style="text-align: center;"> </div>	

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Township of East Hanover	7-2018	6/12/18	<p>Ordinance 7-2018 adopts the Varityper Redevelopment Plan, dated April 4, 2018. The Plan has been revised since the December 12, 2017 version of the Plan was adopted in March 2018 to add the following permitted uses:</p> <ul style="list-style-type: none"> • Professional and Medical Offices • Assisted Living Facility • Nursing Home • Rehabilitation Center <p>The Plan for the 37 acre redevelopment area, which includes the site of the former Varityper Plant, continues to permit such uses as warehouse storage and distribution centers, assembly and research.</p> 	
Township of Hanover	15-2018	6/21/18	Amend the Zoning Regulations in order to specify the application of setback based height restrictions on accessory buildings that have varying heights. Also, amend the separation requirements for institutional uses.	
Township of Harding	10-2018	6/12/18	Amend the Land Use and Development Regulations to alter the definition of “Story” so that any space that meets the definition of Half Story shall not be considered a story. Also, amend the definition of “Half Story” so that the portion of the definition that refers to the intersection of the roof and wall face clarifies that this refers to the <i>outside</i> wall face.	
Township of Harding	11-2018	6/12/18	Amend the Land Use and Development Regulations to delete the following from the list of cases where a zoning permit shall not be required: Any development activity that is the subject of a development application approved by the Board of Adjustment or Planning Board.	

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Borough of Madison	26-2018	6/4/18	Amend the Land Development Regulations as they apply to the R-1, R-2 and R-3 Single Family Residential Zones and R-4 Two Family Residential Zone. The bulk of the homes permitted on a lot is reduced by such methods as a maximum exposed facade height limitation and (in the R-1 and R-2 Zones) increasing the required setback for taller homes. Architectural variety is encouraged by requiring that where more than one single or two family homes are proposed, a variety in designs will be achieved by types of roofs, heights of eaves and peaks, building materials and architectural treatments of building facades. Restrictions on the location and size of attached garages are specified as well.	Borough Planner Susan Blickstein was quoted in the April 10, 2018 edition of newjerseyhills.com as explaining that the purpose of this ordinance is to prevent “boxy” and “cookie cutter” homes.
Township of Morris	09-18	6/21/18	<p>Amend the Zoning Regulations to establish regulations pertaining to the placement of small cell equipment, wireless cabinets and wireless poles in the municipal right-of-way. This ordinance is in response to recent developments in wireless technology, specifically the development of 5G technology, which involves the placement of this type of equipment within public rights-of-way. The following are examples of the new standards applicable to this type of development:</p> <ul style="list-style-type: none"> • Placement of small cell equipment, wireless cabinets and wireless poles in the municipal right-of-way shall require a Master License Agreement with the Township. Placement of such equipment on existing poles shall only require a supplemental license. • Wireless cabinets and wireless poles shall be conditional uses in the non-residential zones. • The wireless pole must be at least 100 feet from any existing pole. • The wireless cabinet must be less than 14 cubic feet in volume. 	
Township of Morris	10-18	6/21/18	Amend the Zoning Regulations to implement Section 6409(a) of the federal Spectrum Act of 2012, which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station. This ordinance establishes an application review process for modifications to these type of facilities.	

Proposed Ordinances Received: 7
Adopted Ordinances Received: 10
Total Ordinances Processed: 17