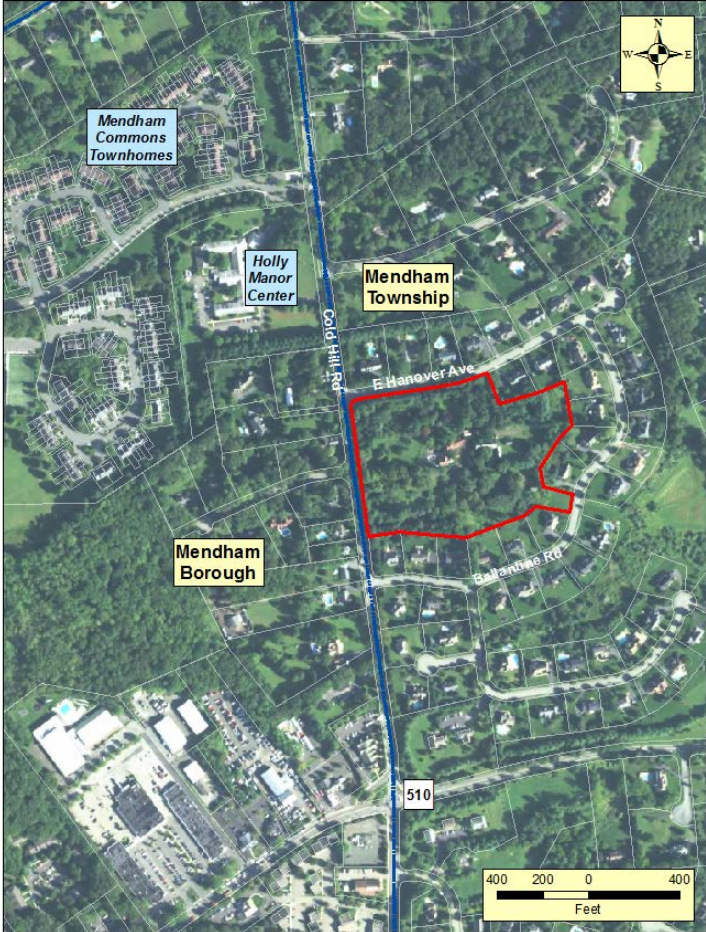




### Zoning Ordinances Introduced: August 2018

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Denville	23-18	9/18/18	<p>Amend the Zoning Regulations to repeal, in its entirety, Section 19-5.801, which established regulations for off-street parking in residence districts.</p> <p>This section is being repealed in accordance with a Superior Court order in AMEE @ 46, LLC v. Township of Denville.</p>	<p>The court reviewed a sub-section of these regulations which permitted non-residential parking in residential zones as a conditional use, provided the Planning Board found such use to be reasonably necessary for the benefit of and not detrimental to the community. The court found this to be unconstitutionally vague and further found that the entire Section 19-5.801 could not be severed from this sub-section and so also was unconstitutional.</p>
Township of Harding	15-2018	9/10/18	<p>Amend the Land Development Regulations to prohibit, in all zoning districts, marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities and retail marijuana stores, whether for medicinal or recreational purposes and such facilities or stores that manufacture, sell or dispense marijuana related paraphernalia.</p> <p>Also, amend the Right to Farm section to state that the manufacture, cultivation or farming of marijuana is prohibited.</p>	


Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Long Hill	424-18	9/12/18	<p>Amend the Land Use Regulations as they relate to the zoning and construction permit process. Examples of the changes include the following:</p> <ul style="list-style-type: none"> <li>• Upon any change of ownership, tenancy, occupancy or use of any nonresidential use on a nonresidential property, for which no construction permits have been issued, the property owner, tenant or occupant shall apply to the Construction Official for a Certificate of Continued Occupancy.</li> <li>• Upon the commencement of or change in the use, occupancy or tenancy of any nonresidential property, where no construction is proposed and therefore a zoning permit is not required, a Certificate of Continued Compliance shall be obtained before any such use, occupancy or tenancy shall commence.</li> <li>• A Pre-Application Review Committee is established as an advisory service provided by the Planning Board to provide a non-binding review of all proposals.</li> <li>• The Schedule of Fees and Escrow Deposits is adjusted.</li> </ul>	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Mendham	14-2018	10/9/18	<p>Amend the Zoning Map to rezone Block 131.01, Lot 1 from R-2 to CR-2, resulting in a reduction in the minimum lot size for single family development from two acres to 20,000 sq. ft. The 12.3-acre Township owned tract, at 1 Cold Hill Road, is the site of the historic Pitney Farm Mansion, which was destroyed by fire in February 2016.</p> 	Seven acres of this parcel were preserved as open space after the Township received funding for the purchase of the property from the Morris County Open Space Trust Fund.

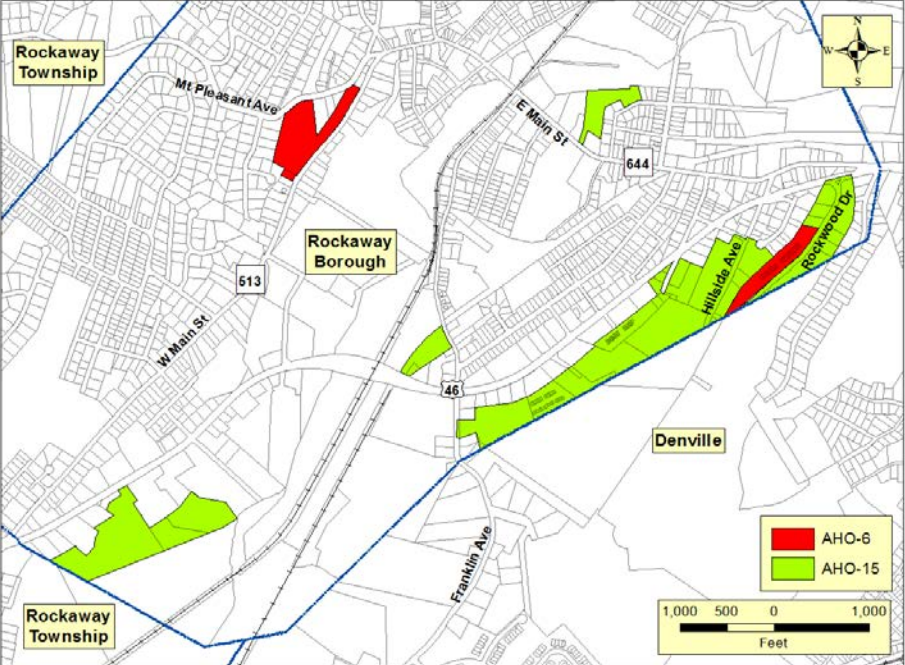
Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments																								
Township of Morris	24-18	9/13/18	<p>Amend the Zoning Regulations to eliminate the TH-8/AH - Townhouse Residential Affordable Housing Zone and replace it with a newly created zone, the TH-6/AH - Townhouse Residential Affordable Housing Zone. This zone includes 28 acres of undeveloped land in the northern portion of Block 8801, Lot 1 on Punch Bowl Rd. This lot is owned by the Sisters of Charity and the southern portion is part of the College of Saint Elizabeth. The Liberty Greens townhomes are to the southwest.</p> <p>The new TH-6/AH Zone differs from the TH-8/AH Zone it is replacing as follows:</p> <table border="0" data-bbox="636 454 1640 925"> <thead> <tr> <th></th> <th style="text-align: center;"><b>TH-6/AH</b></th> <th style="text-align: center;"><b>TH-8/AH</b></th> </tr> </thead> <tbody> <tr> <td><b>Permitted Uses:</b></td> <td>Townhouses, Stacked Townhouses Multi-Family Affordable Rentals</td> <td>Market-Rate Townhouses Multi-Family Affordable Rentals</td> </tr> <tr> <td><b>Max. Density:</b></td> <td>6 units / acre</td> <td>8 units / acre</td> </tr> <tr> <td><b>Maximum Units:</b></td> <td>165 units</td> <td>N/A</td> </tr> <tr> <td><b>Affordable Set-Aside:</b></td> <td>20%</td> <td>15%</td> </tr> <tr> <td><b>Minimum Affordable Units:</b></td> <td>N/A</td> <td>33 units</td> </tr> <tr> <td><b>Max. Height Townhouses:</b></td> <td>2 ½ stories or 3 ½ stories if stacked</td> <td>2 ½ stories</td> </tr> <tr> <td><b>Max. Height Multi-Family:</b></td> <td>3 ½ stories</td> <td>3 stories</td> </tr> </tbody> </table> 		<b>TH-6/AH</b>	<b>TH-8/AH</b>	<b>Permitted Uses:</b>	Townhouses, Stacked Townhouses Multi-Family Affordable Rentals	Market-Rate Townhouses Multi-Family Affordable Rentals	<b>Max. Density:</b>	6 units / acre	8 units / acre	<b>Maximum Units:</b>	165 units	N/A	<b>Affordable Set-Aside:</b>	20%	15%	<b>Minimum Affordable Units:</b>	N/A	33 units	<b>Max. Height Townhouses:</b>	2 ½ stories or 3 ½ stories if stacked	2 ½ stories	<b>Max. Height Multi-Family:</b>	3 ½ stories	3 stories	<p>This site is part of the December 7, 2017 Settlement Agreement between the Township and the Fair Share Housing Center.</p> <p>The TH-8/AH Zone was created by Ordinance 15-18, which was adopted on May 24, 2018.</p> <p>Although the new TH-6/AH Zone does not specify a minimum number of affordable units, applying its 20% set-aside to the maximum of 165 units results in 33 affordable units, the same as the minimum required under the TH-8/AH Zone.</p>
	<b>TH-6/AH</b>	<b>TH-8/AH</b>																										
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Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Morris Plains	15-2018	9/6/18	<p>Amend the Land Development Regulations to establish a new inclusionary zoning district, the R-8 Residence District, and amend the Zoning Map to rezone Block 11, Lot 3 from I - Industrial to the new R-8 District. The 28-acre tract has three office buildings and is located on American Road on the Hanover Township border. Office, warehouse and industrial uses are to the southwest, single family is to the north and east, and Hanover Township owned open space is to the south. The standards applicable to the new zone include the following:</p> <p><b>Maximum Development:</b> 281 units, distributed as follows:</p> <ul style="list-style-type: none"> <li>• 96 Age Restricted Townhouses</li> <li>• 60 Age-Restricted Multi-Family Condominiums</li> <li>• 125 Multi-Family Apartments</li> </ul> <p><b>Affordable Set-Aside:</b> 50 units in the multi-family apartments (22 of which shall be age-restricted)</p> <p><b>Minimum Tract:</b> 25 acres</p> <p><b>Maximum Height:</b></p> <ul style="list-style-type: none"> <li>• Townhouses: 2 stories/36 feet</li> <li>• Multi-Family Condominiums and Multi-Family Apartments: 4 stories/50 feet</li> </ul> <p><b>Maximum Building Coverage:</b> 25%</p> <p><b>Maximum Impervious Coverage:</b> 50%</p> 	This ordinance implements the settlement agreement between the Borough and the owner of this property, JMF at Morris Plains.




Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Morris Plains	16-2018	9/20/18	<p>Amend the Land Development Regulations to establish a new mixed use inclusionary zoning district, the TRPUD Tabor Road Planned Unit Development District, and amend the Zoning Map to rezone Block 121, Lot 1 from L-1 Research Laboratory to the new TRPUD District. The 62.5 acre tract was once the site of the now demolished Pfizer facility at 200 Tabor Rd. / State Hwy. 53. The vacant Johnson and Johnson facility is to the east and the new Honeywell headquarters is to the southeast while single family is to the west.</p> <p><b>Maximum Residential Development:</b> 434 units, distributed as follows:</p> <ul style="list-style-type: none"> <li>• 20 Two Story Townhouses</li> <li>• 67 Three Story Townhouses</li> <li>• 28 Interlocking Townhouses</li> <li>• 24 Stacked Townhouses</li> <li>• 295 Multi-Family Apartments</li> </ul> <p><b>Non-Residential Development:</b></p> <ul style="list-style-type: none"> <li>• Maximum Retail/Service/Restaurant Uses: 15,000 sq. ft.</li> <li>• Hotel: Minimum of 135 rooms and maximum of 200 rooms.</li> </ul> <p><b>Affordable Set-Aside:</b> 73 units</p> <p><b>Minimum Tract:</b> 60 acres</p> <p><b>Minimum Open Space:</b> 32.5 acres, divided into three separate areas, each with its own minimum acreage and permitted uses.</p> <p><b>Maximum Impervious Coverage:</b> Townhouses and Apartments, 75%; Retail/Service/Restaurant, 95%; Hotel, 90%</p> 	This ordinance implements the settlement agreement between the Borough and the owner of this property, M&M at Morris Plains.

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Morris Plains	17-2018	9/6/18	<p>Amend the Land Development Regulations add 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.</p> <p>In addition, the ordinance establishes a borough-wide affordable housing set-aside that applies to multi-family and single-family attached developments of at least five new units created through any future rezoning or Zoning Board action, use or density variance, or redevelopment plan which provides for densities at or above six units per acre. In such cases, a 15% rental / 20% for-sale affordable set-aside is imposed.</p>	This ordinance has been introduced in fulfillment of the terms of the Superior Court's grant of Substantive Certification.
Borough of Morris Plains	18-2018	9/18/18	Amend the Land Development Regulations to prohibit, in all zoning districts, businesses selling, distributing, cultivating, growing, processing or facilitating the sale or use of recreational or medicinal marijuana, including any related paraphernalia.	
Township of Parsippany-Troy Hills	2018:12	8/7/2018	<p>Amend the Zoning Regulations to permit the following accessory uses and structures in the RCW - Recreation, Conservation and Wildlife District where a tract in common ownership consists of at least 200 contiguous acres:</p> <ul style="list-style-type: none"> <li>• One environmental education center not exceeding coverage of 4,000 sq. ft. provided any improvements associated with any such development shall be located at least 150 feet from any lot line of any residentially zoned property adjacent to the RCW District. The environmental education center may include management offices, libraries, research facilities, classrooms, displays and other similar uses.</li> <li>• One maintenance garage not exceeding a building coverage of 1,000 sq. ft. provided any improvements associated with any such development shall be located at least 150 feet from any lot line of any residentially zoned property adjacent to the RCW District.</li> </ul>	<p>This ordinance is in accordance with the Township's settlement of litigation with Wildlife Preserves Inc.</p> <p>The sole tract over 200 acres in the RCW District is Block 765, Lot 81.11. This 726 acre tract in the Troy Meadows is largely wetlands (with a few uplands areas) and owned by Wildlife Preserves Inc.</p>
Borough of Rockaway	15-18	9/23/18	Amend the Land Use Regulations to revise the Affordable Housing Development Fees / Trust Fund regulations in recognition of the fact that these fees and trust fund expenditures will be reviewed by the trial court, instead of the former Council on Affordable Housing.	In 2015, the NJ Supreme Court transferred jurisdiction for municipal affordable housing obligations from COAH to the trial courts.

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Rockaway	16-18	9/23/18	<p>Amend the Zoning Regulations to establish two affordable housing overlay districts. The AHO-6 Affordable Housing Overlay District consists of two areas: Block 73, Lots 59.01 and 65 (wooded lots bounded by Mt. Pleasant Ave. on the north and W. Main St. on the south) and Block 27.02, Lot 7 (site of townhomes on Rockwood Dr.). The AHO-15 Affordable Housing Overlay District consist of lots and portions of lots in four areas: 1) Wooded land on the southwestern boundary of the Borough with access to Rt. 46; 2) Wooded land just west of the McDonalds on Rt. 46; 3) a corridor of land along the southeastern boundary of the Borough that includes apartments, townhomes, single family, a motel and wooded areas; and 4) a wooded area with access to E. Main St. / County Rt. 644.</p> <p>Permitted Uses: AHO-6: One Family, Two and Three Family, Townhouses  AHO-15: One Family, Garden Apartments, Townhouses</p> <p>The following requirements apply to townhouses in the AHO Districts:</p> <ul style="list-style-type: none"> <li>• Tract Area: 20,560 sq. ft., Lot Area: 2,000 sq. ft., Maximum Height: 35 ft.</li> </ul> <p>The following requirements apply to garden apartments in the AHO Districts:</p> <ul style="list-style-type: none"> <li>• Tract Area: 20,560 sq. ft., Maximum Density: AHO-6 - 6 dwelling units/acre, AHO-15 - 15 dwelling units/acres, Maximum Height: 3 stories</li> </ul> 	<p>The Borough planner has reported that this ordinance will be amended to eliminate density requirements for Garden Apartments in the AHO-6 District since this use is not permitted in the AHO-6 District.</p>

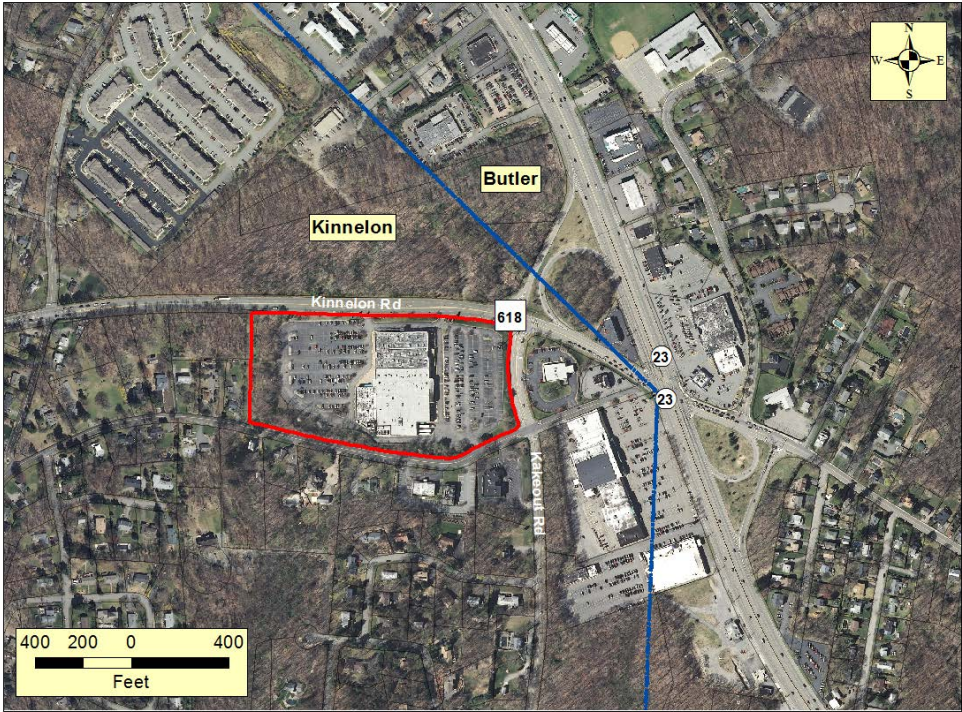


Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Rockaway	17-18	9/23/18	Amend the Zoning Regulations to permit and establish standards for Accessory Housing Units. These are defined as a second dwelling unit located on a lot containing a single family dwelling. Such a dwelling may be located within the principal structure, added to a principal structure, or located in a detached accessory building. The rents for Accessory Housing Units shall be consistent with COAH or successor entity rules.	
Borough of Rockaway	18-18	9/23/18	Amend the Officers and Employees chapter of the Borough Code to repeal the Municipal Housing Liaison section and replace it with a note that the mechanisms for meeting the Borough's affordable housing obligations are described in the Affordable Housing chapter of the code.	
Borough of Rockaway	19-18	9/23/18	<p>Amend the Borough Code to add a new Affordable Housing Chapter 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, the municipal housing liaison position and enforcement of these regulations.</p> <p>In addition, the ordinance requires that any project not associated with a specific density or affordable housing requirement as outlined in a specific zone or redevelopment plan shall be required to provide a 15% rental / 20% for-sale affordable set-aside.</p>	
Borough of Rockaway	23-18	9/27/18	Amend the Land Use Design and Performance Standards to add a new section establishing requirements for Environmental Impact Statements, which shall be required to be submitted as part of applications for either major site plan approval or preliminary approval of a major subdivision.	
Township of Washington	14-18	9/17/18	Amend the Zoning Regulations to permit, as a conditional use, Veteran's Micro Housing Units in the R-5 Washington Township Conservation District. Such units are defined as a housing unit, not exceeding 300 sq. ft. and 13.5 ft. in height, designed and constructed specifically for year-round occupancy by a U.S. veteran, which is not permanently erected upon a lot and is constructed with wheels to facilitate mobility and relocation within the community. A maximum of five Veteran's Micro Housing Units shall be permitted in the Township and only one such unit shall be permitted per lot. These units may only be installed on a commercial farm and shall be located out of public view, such as behind an existing building. These units may only be constructed on a commercial farm that also includes an occupied single family detached dwelling.	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Washington	15-18	9/17/18	<p>Amend the Zoning Regulations to establish a new mixed-use inclusionary overlay district, the AHRO Affordable Housing Redevelopment Overlay District, and amend the Zoning Map to place Block 27, Lot 22 in the new overlay zone. The 30,351 sq. ft. lot, at 20 Schooley's Mountain Rd. / County Rt. 517, was formerly the site of Ballentine Lumber and includes several lumber barns. Fronting the lot on Schooley's Mountain Road is a single family style structure used by Racks Thrift Boutique. The immediate surrounding neighborhood includes retail, commercial and office uses, many of which are housed within former single family homes, a cemetery and single family. The underlying C-1 Neighborhood Business District classification will remain. Standards for the new AHRO Overlay include:</p> <ul style="list-style-type: none"> <li>• Permitted Uses: Apartments, Townhouses and Retail</li> <li>• Maximum Development: 16 residential rental units and 1,600 sq. ft. retail</li> <li>• Affordable Set-Aside: 4 rental apartments</li> <li>• Minimum Lot: 28,000 sq. ft.</li> <li>• Maximum Height: 2 ½ stories/35 ft.</li> <li>• Maximum Improved Lot Coverage: 90%</li> <li>• The existing building on Schooley's Mountain Road shall be retained and rehabilitated and may be adoptively reused for not more than four apartments and 1,600 sq. ft. of retail (under C-1 standards).</li> <li>• Rehabilitation consistent with Washington Historic District Design Guidelines.</li> </ul> 	

### Zoning Ordinances Adopted: August 2018

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Town of Dover	09-2018	8/3/2018	Amend the Land Use and Development Regulations to revise the Development Checklist to add new items that developers must submit (such as plans in digital format) and revise the Fee Schedule to add new items (such as fees for amended site plans).	
Town of Dover	11-2018	8/3/2018	Amend the Land Use and Development Regulations to prohibit building and structure accent lighting unless approved by the Planning Board as part of a site plan application. This type of lighting includes track lighting, lamp belts, light bars, strip lights, tape lights, rope lights and string lights.	
Township of East Hanover	9-2018	8/22/18	Amend the Land Use and Zoning Regulations to establish standards for Portable On-Demand Storage Structures (PODS), which are defined as “any container storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind.” The definition further states that a PODS “does not include an accessory building complying with all building codes and land use requirements; and cannot exceed 8 x 8 x 16.” Use of a PODS shall require a temporary zoning permit issued by the Zoning Officer.	

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Kinnelon	07-18	7/31/18	<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"> <li>• Permitted Uses: <ul style="list-style-type: none"> <li>- RC Zone Uses (retail and offices)</li> <li>- Mixed use developments consisting of ground story retail/commercial/office with multifamily apartments above.</li> </ul> </li> <li>• Minimum Tract: 12 acres</li> <li>• Maximum Density: 6 units per acre</li> <li>• Maximum Height: 42 feet</li> <li>• Maximum Impervious: 75%</li> <li>• Affordable Housing Set-Aside: 20%, constructed on site</li> </ul> 	<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>

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Kinnelon	08-18	7/31/18	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	7/31/18	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	7/31/18	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.



Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Lincoln Park	13-17	8/20/18	<p>Ordinance 13-17 adopts the Lincoln Park Station Redevelopment Plan which establishes development standards for Block 139, Lots 19, 20 and 21 and amends the Zoning Map to classify them as the Lincoln Park Station Redevelopment Area. These lots were declared a Non-Condensation Redevelopment Area under the New Jersey Local Redevelopment and Housing Law by Resolution R17-195, adopted by the Borough Council on August 21, 2017.</p> <p>The Redevelopment Area consists 0.42 acres at the northwest corner of the intersection of E. Main St. (County Rt. 653), Station Rd., and Comly Rd. (County Rt. 511) and includes a tavern with a second floor apartment, a veterinary hospital and a single family home. The vicinity of the Redevelopment Area includes a mix of commercial, residential, church and public properties. The Lincoln Park Train Station is about 300 feet to the northeast. Permitted uses include:</p> <ul style="list-style-type: none"> <li>○ Multifamily on the upper floors of mixed-use buildings or the non-street facing portions of the ground floor.</li> <li>○ Retail, including stores, restaurants and similar facilities on the ground floor of mixed-use buildings. Stand-alone and drive through/in retail businesses are prohibited.</li> <li>○ Management Office for the management of multifamily rental developments.</li> </ul> <ul style="list-style-type: none"> <li>● Minimum Lot: 0.35 acres</li> <li>● Maximum Units: 92 plus one management residence</li> <li>● Maximum Height: 60 feet</li> <li>● Setbacks: Front Yard - None; Side Yard - 5 feet; Rear Yard - 5 feet</li> <li>● Maximum Impervious Coverage: 100%</li> <li>● Affordable Set-Aside: 14 units</li> <li>● Parking: The Borough will obtain 130 spaces at the NJ Transit lot on condition that the Developer shall maintain the lot. If NJ Transit cannot provide parking, the Borough shall secure alternative surface parking.</li> </ul>	<p>This site is included in the 2017 Lincoln Park Housing Element and Fair Share Plan as the “Meridia Downtown” development, named after the developer, Meridia.</p>



<b>Municipality</b>	<b>Ordinance #</b>	<b>Date Adoption Filed</b>	<b>Summary</b>	<b>Staff Comments</b>
Township of Roxbury	11-18	8/27/18	Amend the Land Development Regulations as they pertain to the performance and maintenance guarantees imposed on developers. For example, at the developers option, a “safety and stabilization guarantee” may be furnished either as a separate guarantee or as a line item of the performance guarantee. A “safety and stabilization guarantee” shall be for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition.	

### **Zoning Ordinances Defeated: August 2018**

<b>Municipality</b>	<b>Ordinance #</b>	<b>Date Filed</b>	<b>Summary</b>	<b>Staff Comments</b>
Township of Harding	13-2018	8/27/18	This ordinance was introduced in June 2018 but has been defeated. It would have amended 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.	

**Proposed Ordinances Received: 18**  
**Adopted Ordinances Received: 9**  
**Ordinances Defeated: 1**

**Total Ordinances Processed: 28**