

ZONING ORDINANCES INTRODUCED: JULY 2019

Municipality: BOROUGH OF BUTLER

Ordinance: 2019-12

Public Hearing Date: 7/16/19

Summary: The Land Use Regulations are subject to various amendments by this ordinance. Examples include the following:

- Reconfigure the R-6 and R-7 District Regulations so that they are in a single merged section.
- Remove the separate R-8 District section while maintaining the R-8 District in the bulk regulations schedule with a reference from the schedule to the newly combined R-6 / R-7 section. The intent is that this reference will serve to regulate apartment and townhouse development in the R-8 District.
- Eliminate references to COAH regulations as they relate to the R-7 and R-8 Districts .
- Reduce the minimum lot size from 17,250 sq. ft. to 12,500 sq. ft. and the minimum lot width from 100 ft. to 75 ft. in the R-1 District.
- Add Nail and Hair Salons and Barber Shops as a principal permitted use in the HC, CBD and LI/CBD Districts.
- Amend the definition of Recreational Vehicle to eliminate the 15,000 pound weight restriction and increase the maximum length from 24 feet to 36 feet.

Staff Comments: The Borough Zoning Officer reports that he will modify this ordinance in order to clarify the R-6, R-7 and R-8 regulations. It will then be reintroduced.

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 10-2019

Public Hearing Date: 8/5/19

Summary: Amend the Land Use and Zoning Regulations to require installation of decorative bollards to protect outdoor seating areas at restaurants when the seating area is immediately adjacent to surface parking.

Municipality: TOWNSHIP OF EAST HANOVER

Ordinance: 11-2019

Public Hearing Date: 8/5/19

Summary: Amend the Land Use and Zoning Regulations to establish a new inclusionary housing district permitting 548 units on a portion of the Mondelēz International site. Block 42, Lots 37, 38 and 41 are rezoned from the R-L -Research Laboratories and Office District to the newly established RMF - Residential Multi-Family District. The 75-acre tract, at the intersection of Deforest Ave. and River Rd., is the site of an office building recently vacated by Mondelēz. To the northeast is a second office building where Mondelēz will continue to maintain a presence. Small commercial uses are to the northwest, while a cemetery is to the west. Small lot single family homes are to the south and east, while the Hanover Park Condos are further south.

Standards for the new RMF District include the following:

- **Permitted Uses:** Duplex, multi-family, townhouse, stacked townhouse, affordable housing within a townhouse building, which may be designed as one-over-one apartment flats within a townhouse configuration, and public or private open space and recreation areas.
- **Minimum Tract:** 70 acres
- **Minimum Parcel:** 12 acres (residential); 5 acres (parks and open spaces)
(The standards below apply to the entire tract area on an entire tract basis)
- **Maximum Density:** 7.4 units per acre
- **Maximum Units:** 548
- **Maximum Height:** 55 ft. (multifamily); 40 ft. (all others)
- **Maximum Building Coverage:** 45%; **Maximum Impervious Coverage:** 60%
- **Affordable Set-Aside:** 96 units (a minimum of 50 of the affordable units shall be family rental units)

Staff Comments: This ordinance implements a portion of the June 2019 Settlement Agreement between the Township and the Fair Share Housing Center.



Municipality: TOWNSHIP OF HANOVER

Ordinance: 32-2019

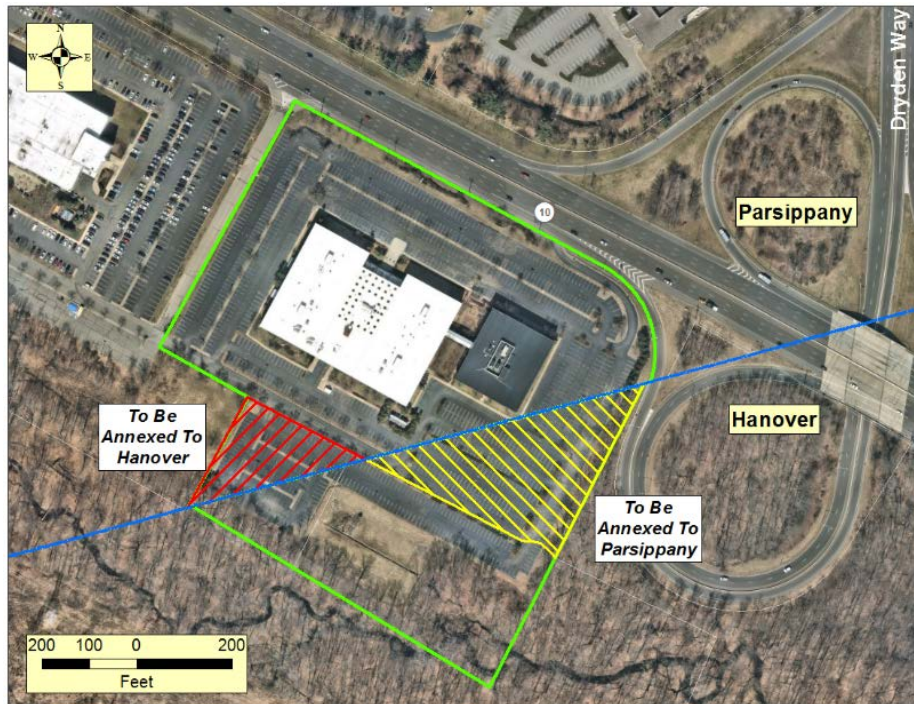
Public Hearing Date: 8/8/19

Summary: Parsippany Ordinance 2019:27, adopted on June 11, 2019, consents to the annexation of a portion of Parsippany Block 200, Lot 1.2 by Hanover (highlighted in red below) and accepts the annexation of a portion of Hanover Block 303, Lot 14 by Parsippany (highlighted in yellow below). Hanover Resolution 83-2019, adopted on April 11, 2019, approves the same transfer for both of the above lots, while proposed Hanover Ordinance 28-2019 (scheduled for public hearing on August 8, 2019) accepts the annexation of the Parsippany lot to Hanover. Both municipalities subject the transfer to the condition that the transferred areas be newly designated as Areas in Need of Redevelopment.

The two areas subject to municipal annexation are part of a larger site (highlighted in green below) that has been separately designated as Areas in Need of Redevelopment and placed in redevelopment zone overlays by each municipality as part of the 1515 Rt. 10 redevelopment project.

Ordinance 32-2019 amends the Zoning Map to place the area that is to be transferred from Parsippany to Hanover within the I-P Industrial Park District, which is the same underlying zoning as the rest of the area in green on the Hanover side of the border.

Staff Comments: The annexation comes at the request of the developer of this site, 1515 Parsippany, LLC, which intends to develop the site on both sides of the border according to a unified plan. The developer argues that as the entire property should be treated as a single site, the municipal boundary line separating the Parsippany property from the Hanover property should be realigned to create more regularly shaped development areas in each municipality.



Municipality: TOWN OF MORRISTOWN

Ordinance: O-28-2019

Public Hearing Date: 8/13/19

Summary: Amend the Land Use Regulations to address the use of basements and attic space. Examples of the new regulations include the following:

- Kitchens or kitchen facilities, sinks and bathrooms shall be prohibited in any attic space.
- Kitchens or kitchen facilities shall be prohibited in basements.
- Attic spaces may not be used for sleeping purposes.
- Bedrooms shall not be permitted in basements except in owner-occupied single family residences that meet certain listed conditions such as sufficient light and ventilation, a second means of egress, and separation of furnaces from living areas by fireproof partition.

ZONING ORDINANCES ADOPTED: JULY 2019

Municipality: TOWNSHIP OF CHATHAM

Ordinance: 2019-10

Date Adoption Filed: 7/1/19

Summary: Amend the Land Development Regulations to make various changes to the Lot Grading Plans section of the regulations. Examples of the changes include the following:

- Placement of more than twenty cubic yards of fill is removed from the list of activities necessitating a Lot Grading Plan.
- The Lot Grading Plan shall fully comply with the Township's Tree Management Ordinance.
- If a notice of violation is issued, the applicant shall submit an amended Lot Grading Plan within ten days of notice.

Municipality: BOROUGH OF MADISON

Ordinance: 23-2019

Date Adoption Filed: 6/28/19

Summary: Amend the Land Development Regulations so that corner lots are exempted from the prohibition on attached garages facing and opening onto a public street in the R-1 and R-2 Districts. For corner lots, garages facing the secondary front yard shall be permitted.

Municipality: BOROUGH OF MADISON

Ordinance: 32-2019*

Public Hearing Date: 7/23/19

Summary: Amend the Zoning Map to rezone Block 2801, Lot 5 from the P - Professional Office Zone / Residential District to the CBD-1 - Central Business District. This 7,149 sq. ft. lot is located on Kings Rd. near its intersection with Green Ave. and has a commercial structure. According to this ordinance, the property had been placed in the P District in error and as a result is in a zone that does not permit broad commercial uses. This rezoning will result in permitted uses consistent with the existing commercial structure as well as the adjacent CBD-1 neighborhood.

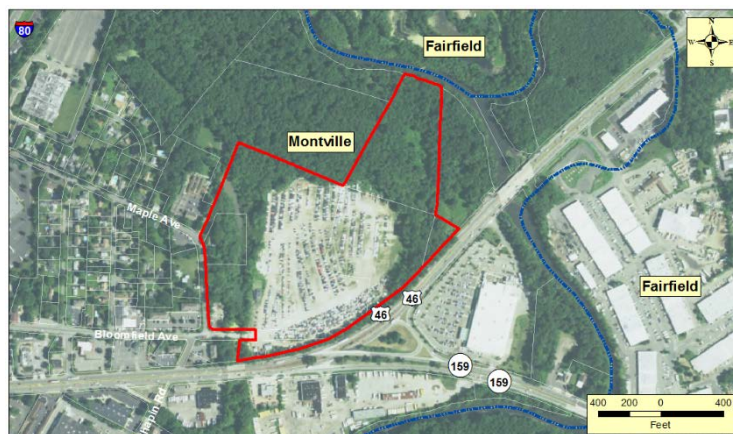


Municipality: TOWN OF MONTVILLE

Ordinance: 2019-08

Date Adoption Filed: 7/24/19

Summary: Ordinance 2019-08 adopts the Non-Condemnation Redevelopment Plan for Block 167, Lots 28-32, Block 178, Lot 3 and Block 179, Lot 1. It permits a 349-unit inclusionary multifamily development at the G.I. Auto Salvage site. In addition, the Land Use and Development Regulations are amended to implement the terms of the redevelopment plan. The 39-acre redevelopment area is located on Rt. 46, with frontage on Maple Ave. and Bloomfield Ave. This site was once used as an automobile salvage yard, but is currently used for storage of car dealership inventory. The entire redevelopment area is in common ownership, except for Block 167, Lot 28, which is a single family lot on Maple Ave. A Home Depot is to the southeast. To the south and west, along Rt. 46, are a mixture of commercial uses. Single family homes are located to the west. The area to the north is predominantly open space lands owned by the state and the Township.



The B-6 Business District is removed from the Land Use and Development Regulations and replaced on the Zoning Map by a newly established zone at the location of the redevelopment area, the AHR-1 Affordable Housing Redevelopment 1 District. In addition, Block 178, Lot 3 is rezoned from the B-3 Business District to the newly established AHR-1. Standards for the AHR-1 Zone include the following:

- **Permitted Uses:** Multifamily and essential public utility and service facilities
- **Minimum Lot:** 35 acres
- **Maximum Density:** 9 units per acre
- **Maximum Units:** 349
- **Maximum Height:** 4 ½ stories / 58 ft.
- **Maximum Building Coverage:** 20%; **Maximum Impervious Coverage:** 35%
- **Minimum Open Space:** 65% of tract
- **Affordable Set-Aside:** 15% (all affordable units shall be rental)

Staff Comments: This Redevelopment Plan implements the December 2018 Settlement Agreement between the Township and the Fair Share Housing Center. As indicated by the agreement, the developer will be Avalon Bay. Ordinance 2019-08, in addition to adopting the plan, also amends the Land Use and Development Regulations.

Municipality: TOWNSHIP OF MONTVILLE

Ordinance: 2019-23*

Date Adoption Filed: 7/24/19

Summary: Block 159, Lot 5.01 was designated a Non-Condemnation Area in Need of Redevelopment by Resolution 2019-113, adopted by the Township Committee on April 9, 2019. Ordinance 2019-23 adopts the Non-Condemnation Redevelopment Plan for Block 159, Lot 5.01 and amends the Land Use and Development Regulations to establish standards for development of this property as a 295 unit multifamily inclusionary development. This 13.5 acre parcel has frontage on Hook Mountain Rd. with shared driveway access to Changebridge Rd. / County Rt. 621. The property contains an office building that is reported by the Redevelopment Plan to have been vacant for five years and is in severely deteriorated condition. Toward the northwest and east are single family neighborhoods. Toward the southeast are light industrial buildings.



This parcel is to be rezoned from the OB-3 Office Building District to the newly established AHR-2 Affordable Housing Redevelopment 2 District. Standards for the new AHR-2 District include the following:

- **Principal Permitted Uses:** 1) Multifamily and 2) Essential public utility and service facilities including maintenance facilities and structures.
- **Maximum Density:** 22 units per acre
- **Maximum Units:** 295
- **Affordable Set-Aside:** 15% of the first 250 units constructed and 20% of the remainder
- **Minimum Lot:** 12 acres
- **Maximum Building Height:** 4 ½ stories / 70 ft.
- **Maximum Building Coverage:** No Maximum
- **Maximum Impervious Coverage:** 45%

Staff Comments: This ordinance is as called for by the December 2018 Settlement Agreement between the Township and the Fair Share Housing Center. According to the settlement, the developer of the property will construct 295 apartments, 47 of which will be affordable.

Municipality: BOROUGH OF MORRIS PLAINS

Ordinance: 7-2019

Date Adoption Filed: 7/22/19

Summary: The Performance and Maintenance Guarantees Section of the Land Use and Development Regulations is revised. Examples of the changes include the following:

- A “safety and stabilization guarantee” in favor of the Borough shall be provided for the purpose of returning property that has been disturbed to a safe and stable condition.
- The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Borough Council by resolution.

Municipality: TOWNSHIP OF RANDOLPH

Ordinance: 17-19

Date Adoption Filed: 7/16/19

Summary: Amend the Land Development Regulations to establish regulations pertaining to Portable Storage Containers. Such containers shall be permitted on a temporary basis in residential districts. Examples of the standards applicable to such containers include:

- No more than one container per property.
- The size of the container shall not exceed 10 feet in height by 10 feet in width by 20 feet in length.
- No hazardous, toxic or dangerous material is permitted to be stores in such containers.

*Ordinance introduced and adopted during the same month.

PROPOSED ORDINANCES RECEIVED: 7
ADOPTED ORDINANCES RECEIVED: 7
TOTAL ORDINANCES PROCESSED: 14