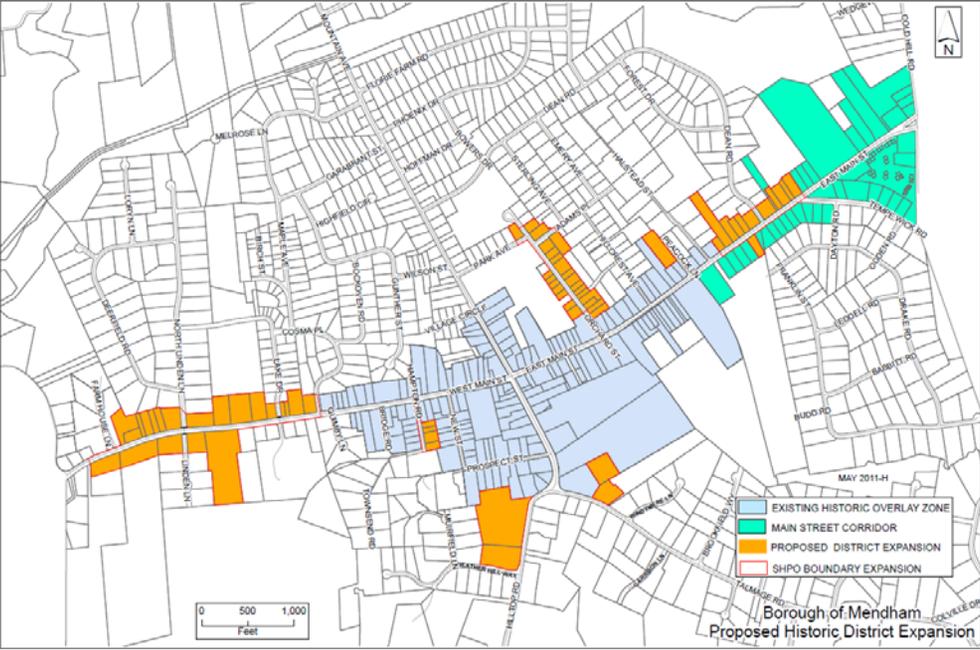


Zoning Ordinances Introduced: October 2011

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Borough of Chester	2011-19	11/14/11	<p>Amend the Land Development and Procedures Chapter of the Borough Code to revise the definition of “Conservation Easement” so that it details exactly the restrictions within such an easement. The restrictions include the following:</p> <ul style="list-style-type: none"> • Any use of a conservation easement shall require written approval of the Borough. • No trees, plants or other vegetation shall be destroyed or removed other than in the course of cutting brush to maintain such areas in a sightly condition. • No topsoil, rock or other material shall be removed. • No buildings, structures or other improvements shall be placed within the easement, except installation of movable accessory structures (such as sheds with footprints of less than 100 sq. ft. or movable play equipment, but excluding permanent structures such as swimming pools, dwelling additions or other non- movable structures). Uncovered decks and patios may be permitted as long as square footage is less than 100 sq. ft. • No roads, drives or trails for motorized vehicles shall be constructed or maintained within the easement area. • No dumping of soil, land fill, trash, etc. • No solid or liquid material which might pollute or adversely affect the flow or quality of the water in any watercourse within or near the easement shall be kept or stored within the easement area or placed or discharged into any watercourse traversing or protected by the easement. • No activities shall be permitted within the easement that might be detrimental to drainage, flood control, water quality, erosion control, etc. • If a conservation easement is within a buffer zone required by the NJDEP, before any use of the easement, a wetlands letter of interpretation shall be obtained and filed with the Borough Zoning Office. 	
Township of Chester	2011-11	11/15/11	<p>Amend the Land Use Regulations to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables to the municipal separate storm sewer systems operated by the Township.</p> <p>The stated purpose is that in conjunction with a New Jersey Pollutant Discharge Elimination Permit, the NJDEP requires new regulations regarding the control of stormwater runoff discharges into the municipal storm sewer system.</p>	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Harding	12-11	11/16/11	Amend the Land Use and Development Regulations to add provisions pertaining to emergency generators. Such generators are excluded from the calculation of lot coverage, provided they do not exceed specified power, footprint and height limits. Minimum setbacks for such generators in the RR, R-1, R-2, R-3, R-4 and B-2 Districts are specified. Emergency generators may not be located in front of the principal building and must be appropriately screened by plantings or a fence.	
Township of Harding	13-11	11/16/11	<p>Ordinance 13-11 amends both the New Vernon Village Redevelopment Plan as well as the Zoning Regulations pertaining to the B-1 Historic Village Business Zone. The purpose is to promote greater flexibility while preserving the village's historic and pedestrian oriented character. Under the existing Redevelopment Plan, food service establishments are limited to small delicatessens or coffee shops. The existing Plan encourages retention of residential uses in the village by requiring mixed uses (commercial and residential) when new nonresidential uses are established. This ordinance amends the Plan to encourage, but not mandate, such mixed uses, to permit restaurants subject to the limitation imposed by septic, onsite wells and parking, as well as to permit two-family dwellings.</p> <p>The Zoning Regulations pertaining to the B-1 Zone are amended as follows:</p> <ul style="list-style-type: none"> • Restaurants are added as a permitted use (in addition to the coffee shops and delis of the existing regulations). The total number of seats shall be limited by the capacity of the site to accommodate water supply and satisfy waste disposal requirements. • Offices continue to be permitted, but are no longer limited to a given list of professions. • Two-family dwellings are added as a permitted use. • Mixed uses continue as a permitted use, however a residential component is no longer required to be included as part of new nonresidential developments. • Franchised fast food restaurants are prohibited. 	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Harding	14-11	11/16/11	<p>Chapter 302 of the Township Code concerning the New Vernon Village Redevelopment Plan is amended by deleting Sections 302-5 and 302-6.</p> <p>Section 302-5 (to be deleted) reads as follows:</p> <p style="padding-left: 40px;">A copy of this article and the New Vernon Village Redevelopment Plan shall be submitted to the Harding Township Planning Board for their report concerning the redevelopment plan and the redevelopment plan's consistency or inconsistency with the Master Plan of the Township of Harding.</p> <p>Section 302-6 (to be deleted) reads as follows:</p> <p style="padding-left: 40px;">This article shall not take effect until the Harding Township Committee has reviewed the Harding Township Planning Board's report on the redevelopment plan or as otherwise provided by N.J.S.A. 40A:12A-7(e).</p>	
Borough of Mendham	7-11	11/7/11	<p>Amend the Zoning Map in order to expand the Historic District as called for by the Historic District Expansion Plan Element of the 2006 Master Plan Element dated August 12, 2011.</p> <p>(Blue/green area in northeast not associated with this ordinance)</p> 	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Randolph	21-11	11/3/11	Amend the Land Development Regulations to permit outdoor dining as an accessory use to restaurants and limited-service restaurants in the B-2, B-2 ENV and B-4 Districts. Seating for outdoor dining at restaurants shall be limited to 16 seats or 20% of the indoor seating, whichever is greater. There shall be no limitation on the number of seats for outdoor dining at limited-service restaurants with no indoor seating whose primary business involves the seasonal service of ice cream. Outdoor dining areas shall be permitted in all yards and shall comply with the front yard requirement, accessory structure side and rear yard requirements and buffer requirements. Restrictions are imposed on hours of operation.	
Township of Rockaway	11-14	11/1/11	Amend the Land Use and Development Regulations to add regulations pertaining to temporary political signs. Under the new regulations, temporary political signs shall be permitted in any district, subject to a 30 day time limit, a requirement that such signs be removed not more than 15 days after the date of the election referenced by the sign, and a limit of 16 square feet in size (half the size permitted for other temporary signs).	Under existing regulations, temporary political signs are treated the same as other temporary signs.

Zoning Ordinances Adopted: October 2011

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Butler	2011-16	10/21/11	<p>Amend the Land Use Ordinance to clarify that Limited Service Stations with Convenience Centers are a conditional use in the HC-1 and HC-2 Highway Commercial Districts.</p> <p>Clarify the sign use regulations in the CBD - Central Business District and the Redevelopment Zone. This includes renaming the existing sign regulation section that currently applies to the CBD District so that it now applies to the Redevelopment Zone as well. Other changes include details pertaining to size, type and placement of signs.</p>	
Borough of Chatham	11-18	10/28/11	<p>Amend the Land Development Regulations as they apply to signs. Examples of the numerous changes include the following:</p> <ul style="list-style-type: none"> • Modify the circumstances in which sign permits are not required. For example, add an exemption for houses of worship. • Specify various locations where non-profit and political signs shall not be permitted, such as the Borough Hall or the Library of the Chathams. • An exception to the existing prohibition on portable signs for commercial purposes (such as sandwich boards) has been added. In all Business and Industrial districts one portable sign shall be permitted for each lot, except for corner lots that may have two. • Political signs shall be permitted in the public right-of-way (subject to restrictions). • A maximum letter height of 10 inches on wall signs is imposed in the business and industrial districts. • Remove language pertaining to nonconforming signs, i.e. "If a change of use occurs for a business premises, all signs on that business premises or relating to it must be brought into conformance with this chapter." 	

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Township of Hanover	28-11*	10/31/11	<p>A large number of amendments to the Land Use and Development Regulations are implemented, many of which pertain to the OB-RL3 Office Building and Research Laboratory District. The amendments include the following:</p> <ul style="list-style-type: none"> • Increase the maximum floor area ratio in the OB-RL3 Zone from 20% to 33%. • Impose a maximum height of 35 feet on accessory buildings in the OB-RL3 Zone, except for parking decks which may be up to 46 feet. • Impose height restrictions on rooftop structures in the OB-RL3 Zone, which vary by the height of the roof. • Add exterior wall finishes, roofs, doors, windows and similar improvements to existing buildings to the list of minor conforming developments that are exempt from the site plan requirements. • Add detailed set back regulations pertaining to the placement of accessory buildings. Such regulations vary by whether the building is greater than or less than 500 square feet in building coverage. • Add the OB-RL3 Zone to the list of zones where more than one principle building is permitted on a lot. • Add the OB-RL3 Zone to the list of zones where the principle building on a lot may be divided to accommodate different operations or tenants within the principal building. • Amend the regulations pertaining to flags to permit flags displaying the name or logo of a business (the flagpole displaying such a flag must be at least 300 feet from any property line). • Existing regulations permit only one freestanding flagpole per lot. This is amended to permit three such flagpoles in nonresidential districts provided that the second and third flagpoles are at least 300 feet from any property line. • Exempt freestanding flagpoles accessory to single family or two-family dwellings from site plan requirements. • In nonresidential zones, no parking spaces shall be required for accessory buildings if the developer demonstrates that such accessory building do not generate any parking demand. • Amend the parking requirements for office or industrial buildings of 200,000 or more square feet of floor area to reduce them from 1 space per 275 square feet of floor area to 1 space per 300 square feet of floor area. • New sign regulations are added for the OB-RL3 Zone pertaining to maximum number, location, size and illumination. 	<p>There are two locations for the OB-RL3 Zone in Hanover Township, one of which is the site of the former Alcatel-Lucent property located at 67 Whippany Road. It has been announced that Bayer HealthCare will relocate approximately 2,500 employees from various facilities in the New York/New Jersey region to a 95 acre portion of the 194 acre Alcatel-Lucent site.</p>

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Township of Mine Hill	6-11	10/14/11	<p>Amend the Land Development Code to add a new section permitting “Small Wind Energy Systems” as an accessory use on the same lot as the principal use in the ED - Economic Development and O/I - Office/Industrial Districts. The stated purpose is to reduce dependence on nonrenewable energy sources, reduce pollution, enhance reliability of the power grid, increase competition, and respond to NJ standards that require electric providers to source a minimum percentage of their retail electricity from renewable sources, 6.5% as of June 1, 2008 and 22.5% by June 1, 2020.</p> <p>Small Wind Energy Systems are defined as wind energy systems generating a capacity of 10 kilowatts or less. The primary purpose is to provide power for the principal use of the property on which it is located and shall not be for the generation of power for commercial purposes, although excess power may be sold from time to time.</p> <p>Various standards and restrictions are imposed, such as a minimum lot size of 10 acres, a maximum freestanding turbine height of 120 feet, plus the blades (but no higher than 135 feet), no more than one turbine on a parcel, no rooftop installations and noise level restrictions.</p>	
Township of Mine Hill	7-11	10/12/11	<p>Amend the Land Development Code to add a new section permitting solar panels in the O/I - Office/Industrial and ED - Economic Development Districts. The purpose is to respond to NJ standards that require electric providers to source a minimum percentage of their retail electricity from renewable sources, 6.5% as of June 1, 2008 and 22.5% by June 1, 2020. It is also designed to promote utilization of renewable energy sources and to respond to recent changes to the MLUL which require that renewable energy facilities be identified as a permitted use on any parcel of 20 acres within every industrial district. This amendment also responds to recent legislation declaring certain renewable energy systems as inherently beneficial uses.</p> <p>Various standards and restrictions are imposed for these facilities as permitted uses, such as a 20 acre minimum lot size in the O/I District and a 2 acre minimum lot size in the ED District. Standards are also included pertaining to setbacks, prohibition on location in floodplains and C-1 water buffers, screening, maximum height, design and aesthetics. A separate set of restrictions are imposed for these facilities as accessory uses.</p>	

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments																								
Town of Morristown	O-19-11	10/18/11	<p>This ordinance would adopt the Amended Speedwell Redevelopment Plan (Amended Plan). The location of the original Speedwell Avenue Redevelopment Area will remain unchanged, but the standards in the Amended Redevelopment Plan will supersede those currently existing. The Redevelopment Area is located just north of Headquarters Plaza, running along Speedwell Avenue from Clinton Place / Spring Street north to Flagler Street.</p>  <p>The Amended Plan notes that the Original Plan required significant public and private capital investment that burdened both the municipality and the designated redeveloper and that these burdens, compounded by the recent economic downturn, negatively affected the market assumptions of the original Plan.</p> <p>The Original Plan permitted a maximum of 800 dwellings and nonresidential use between 50,000 s.f. (min.) and 65,000 s.f. (max). The Amended Plan permits 812 dwellings and between 65,000 s.f. (min) and 85,000 s.f. maximum nonresidential use. The original plan had 3 Phases; the current plan has 4 Phases. Fewer dwelling units are required to be constructed in Phase 1 of the Amended Plan (268 v. 375) and the 25,000 s.f. of nonresidential use that was required to be built in Phases 1 and 2 of the Original Plan will, under the Amended Plan, not be constructed until Phases 3 and 4. The extension of Prospect Street is still required under Phase 1, but the Early Street realignment is no longer part of this Phase. (see comments) A 20% affordable housing set-aside was required under the Original Plan. The Amended Plan requires 26 affordable units constructed in Phase 1. Future requirements are to be determined at a later date.</p> <p>Maximum & Minimum Development by Phase:</p> <table border="1" data-bbox="661 1323 1606 1502"> <thead> <tr> <th></th> <th>Developable Acres</th> <th>Residential Units (max)</th> <th>Non-Residential (sq. ft.)</th> </tr> </thead> <tbody> <tr> <td>Phase 1</td> <td>2.38</td> <td>268</td> <td>0</td> </tr> <tr> <td>Phase 2</td> <td>3.64</td> <td>214</td> <td>0</td> </tr> <tr> <td>Phase 3</td> <td>2.58</td> <td>180</td> <td>40,000</td> </tr> <tr> <td>Phase 4</td> <td>2.77</td> <td>150</td> <td>25,000 - 45,000</td> </tr> <tr> <td>Site Totals</td> <td>11.37</td> <td>809-812</td> <td>65,000 - 85,000</td> </tr> </tbody> </table>		Developable Acres	Residential Units (max)	Non-Residential (sq. ft.)	Phase 1	2.38	268	0	Phase 2	3.64	214	0	Phase 3	2.58	180	40,000	Phase 4	2.77	150	25,000 - 45,000	Site Totals	11.37	809-812	65,000 - 85,000	<p>The Amended Plan achieves cost savings by eliminating the originally required realignment of Early Street to intersect with Spring Street. This was mandated in the Original Plan as part of Phase 1. Under the Amended Plan, the issue of realignment will be reconsidered during Phase 3 and 4.</p> <p>Under the Amended Plan, Phase 1 is smaller in size in terms of acreage and number of units and no longer includes a non-residential component. The total maximum build-out of all phases combined is similar under both Plans, however under the Amended Plan, much of the development is deferred for later Phases.</p>
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Phase 1	2.38	268	0																									
Phase 2	3.64	214	0																									
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Site Totals	11.37	809-812	65,000 - 85,000																									

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Township of Washington	RO-13-11	10/24/11	Amend the Stormwater Control Regulations to establish an escrow review fee of \$700 for review of the design plan for a minor development. The balance of the escrow fee deposit, if any, shall be refunded to the applicant upon completion and final inspection of the applicable stormwater control measure.	

Proposed Ordinances Received: 9

Adopted Ordinances Received: 7

Total Ordinances Processed: 16

* Ordinance introduced and adopted during the same month.