

## Zoning Ordinances Introduced: January 2015

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Town of Dover	01-2015	2/10/15	<p>Amend the Land Use and Development Regulations and the Bassett Highway Redevelopment Plan as to Eating, Drinking and Entertainment Establishments. The stated purpose is a concern that the Land Use Code does not adequately define and classify such uses, which may be significantly different from one another.</p> <p>The existing definition of “Restaurants” is replaced by one that requires such an establishment to sell prepared food and beverages in non-disposable containers. No live entertainment or dancing may take place in a use classified as a “Restaurant” (otherwise, it will fit in one of the categories below). A restaurant with a bar area exceeding 30% of the dining area shall be classified as a bar. The existing definition, “Restaurant, Drive-In,” is deleted and replaced by “Restaurants, Fast Food with Drive-Up.”</p> <p>Six new definitions are added:</p> <ul style="list-style-type: none"> <li>• Bar or Taverns</li> <li>• Bars, with Live Entertainment</li> <li>• Nightclubs</li> <li>• Restaurants, Fast Food</li> <li>• Restaurants, Fast Food with Drive-Up</li> <li>• Restaurants, Formula Fast Food</li> <li>• Restaurants with Limited Live Entertainment</li> </ul> <p>A Nightclub is distinguished from a Bar with Live Entertainment by the presence of a performance area or dance floor that exceeds 100 square feet. The three types of Fast Food Restaurants all sell prepared food in disposable containers. The Formula Fast Food Restaurants are what are commonly defined as franchised restaurants such as McDonalds. The Restaurants with Limited Live Entertainment have a performance area or dance floor that does not exceed 100 square feet.</p> <p>The permitted uses in the C-1, C-2, and C-3 Districts, the Downtown Districts and the Bassett Highway Redevelopment Plan are amended to include the above uses, except that Nightclubs shall be a conditional use and Drive-Ups shall only be permitted in the C-2 District.</p> <p>Conditional use standards for Nightclubs are added and include such factors as soundproofing, security, minimum 100 foot distance from a residential use, and site plan.</p>	

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Hanover	1-15	2/12/15	Amend the Land Use and Development Regulations to make various amendments to the floor area regulations. For example, a new section is added establishing floor areas that shall be excluded from the minimum floor area, maximum floor area and maximum floor area ratio requirements. Examples of these excluded floor areas include chimneys and unenclosed porches, breezeways, carports, gazebos and other such roofed structures not enclosed by windows.	
Borough of Madison	1-2015	1/26/15	Amend the Land Development Regulations to require a 10% affordable housing set-aside for all residential projects with ten or more units and a payment in lieu for any partial units.	The 10% affordable housing set-aside reflects recently proposed, but un-adopted, COAH rules.
Township of Randolph	01-15	2/3/15	Section 15-52, Lot Grading Permits, of the Land Development Regulations, requires a permit prior to the commencement of any land disturbance involving 1,000 sq. ft. or more of any new impervious area or 2,500 sq. ft. or more of new soil disturbance. This section was scheduled to expire on December 31, 2014. Ordinance 01-15 readopts Section 15-52 without an expiration date.	
Borough of Rockaway	02-15	2/26/15	<p>Various amendments are proposed for the Land Use Administration and Procedures, examples of which include the following:</p> <ul style="list-style-type: none"> <li>• The definition of Minor Site Plan is amended to state that it is a development plan that does not require a variance and is limited to circumstances such as a minor structural change, a change in use or tenancy, and installation of signage.</li> <li>• Procedures are established for acquiring a Change of Use permit for any party seeking to make a change from one permitted nonresidential use to another permitted nonresidential use.</li> <li>• Application, escrow, zoning permit and tax map revision fee schedules are amended.</li> </ul>	

### Zoning Ordinances Adopted: January 2015

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Township of Mendham	12-2014	1/20/15	<p>Amend the Zoning Regulations to change the name of the “Reuse of Existing Buildings Overlay Zone” to “Reuse and Reconstruction of Existing Buildings Overlay Zone” and amend the regulations pertaining to this zone. This Overlay Zone is the site of the historic Mosle Mansion, built in 1906 and purchased by the Sisters of St. John the Baptist in 1926. A convent occupied the main house and two wings were utilized as classrooms. The Overlay Zone was created in 2008 and permits, in addition to the underlying R-10 Zone uses, various conditional uses within reused existing buildings, such as schools, assisted living, age restricted residences and government uses. Amendments to the regulations include the following:</p> <ul style="list-style-type: none"> <li>• The requirement to provide on-site affordable housing for any change in use that generates a COAH Growth Share obligation has been replaced by a requirement to construct or make a payment in lieu of constructing off-site affordable units equal to 5% of the dwelling units proposed. In the alternative, the developer may pay a development fee equal to three quarters of one percent of the equalized assessed value of the new or reconstructed units.</li> <li>• A housing trust fund is established to collect development fees for uses related to addressing the Township’s affordable housing obligation.</li> <li>• The term “principle building” shall mean the original Mosle Mansion and the attached wings. All the remaining structures shall be considered “accessory buildings.”</li> <li>• The developer shall have the right to demolish accessory buildings and reconstruct them in accordance with the following: <ul style="list-style-type: none"> <li>- Minimum setback from property boundaries: 80 feet</li> <li>- Maximum height: 35 feet</li> <li>- Minimum portion of each existing building footprint upon which reconstructed building to be located: 25%</li> <li>- Maximum increase of area of each existing footprint: 20%</li> </ul> </li> <li>• Underground parking areas that are not below buildings and are covered by natural or landscaped surfaces shall not be included in the calculation for the impervious coverage limitation. However, such areas shall be considered as impervious coverage for stormwater management purposes.</li> </ul>	

**Proposed Ordinances Received: 5**  
**Adopted Ordinances Received: 1**  
**Total Ordinances Processed: 6**