

ORDINANCE NO. 28-2010

AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS ARTICLES OF CHAPTER 400 ENTITLED "LAND USE" TO IMPLEMENT RECOMMENDATIONS OF THE JUNE 17, 2010 PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN AND DEVELOPMENT REGULATIONS - AMENDED JULY 15, 2010 AND THE OCTOBER 14, 2010 AMENDMENT TO THE MASTER PLAN LAND USE PLAN ELEMENT OF THE 2003 MASTER PLAN TO REZONE A PARCEL TO THE PUBLIC/CONSERVATION DISTRICT AND TO REZONE CERTAIN PARCELS TO NEW ZONE DISTRICTS

WHEREAS, the Mount Olive Planning Board adopted a report entitled Periodic Reexamination Report of the Master Plan and Development Regulations, dated June 17, 2010 and amended on July 15, 2010 and an Amendment to the Master Plan Land Use Plan Element of the 2003 Master Plan, dated October 14, 2010; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-62a) requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

WHEREAS, the Planning Board does recommend to the Township Council that the land use regulations and the Zoning Map as established in Chapter 400, more particularly known as the "Land Use Ordinance of the Township of Mount Olive" be amended and supplemented to rezone Block 4500, Lot 8, owned by the Township of Mount Olive to be improved with lacrosse fields and municipal offices within the existing building from R-1/Residential to the *Public/Conservation District*; and

WHEREAS, the Planning Board does further recommend to the Township Council that the land use regulations and the Zoning Map as established in Chapter 400, more particularly known as the "Land Use Ordinance of the Township of Mount Olive" be amended and supplemented to establish a new zone district to be known as the *Active Recreation Zone District* to rezone Block 4400, lots 2 and 3 from the current R-1/Residential zoning and a new zone district to be known as the *Professional/Commercial - 2 Zone District* to rezone Block 8500, lots 19, 20, and 21 from the current R-2/Residential zoning; and

WHEREAS, the Township Council of the Township of Mount Olive concurs with the recommendations put forward by the Planning Board and does find that the public health, safety, morals, and general welfare of the community shall be promoted by the proposed rezoning and new zone districts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive, County of Morris and State of New Jersey that the Township's Land Use Ordinance be modified and amended to add new subsections "N" and "O" to the established residential zone districts in Chapter 400, Article VII, §400-100 to incorporate the new *Active Recreation Zone District* and the *Professional/Commercial - 2 Zone District*, respectively and to revise the Zoning Map of the Township of Mount Olive to reflect the new zone districts for the properties in question and the rezoning of Block 4500, Lot 8.

Section 1.

§400-6, entitled “Terms defined” of Article II, entitled “Definitions” is hereby amended and supplemented to include the following definition:

Health Club – An establishment that provided facilities for aerobic exercises, running and jogging, exercise equipment, and ancillary facilities such as lockers, showers, and saunas.

Section 2.

§400-100, entitled “Rural and Residential Districts” of Article VII, entitled “Zoning District Use and Bulk Regulations” is hereby amended and supplemented to add a new zone district as follows:

N. AR/Active Recreation Zone District. The purpose of this district is to provide for a new zone district for active recreational facilities.

(1) Permitted principal uses shall be as follows:

- (a) Swimming pools, both indoor and outdoor
- (b) Health clubs
- (c) Facilities within an enclosed building with suitable acoustical construction so as to abate noise beyond the interior of the building accommodating training and playing of sports such as tennis, basketball, baseball, softball, volleyball, handball courts, and skateboarding.
- (d) Child care centers pursuant to N.J.S.A. 40:55D-66.6.

(2) Permitted accessory uses shall be as follows:

- (a) Retail sales limited to no more than 1,000 square feet
- (b) Showers and locker rooms
- (c) Party areas limited to no more than 50 participants.
- (d) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Conditional uses shall be as follows:

None

(4) Bulk regulations shall be as follows:

- (a) Minimum lot area: five (5) acres
- (b) Minimum lot width: two hundred and fifty (250) feet
- (c) Minimum lot depth: two hundred and fifty (250) feet
- (d) Minimum front yard setback (principal and accessory building or structure): seventy-five (75) feet
- (e) Minimum side yard setback (principal and accessory building or structure): twenty-five (25) feet; one hundred (100) feet contiguous to residential zone district or residential dwelling

- (f) Minimum rear yard setback (principal and accessory building or structure): twenty-five (25) feet
- (g) Accessory buildings and structures: setbacks to principal building: ten (10) feet
- (h) Maximum building coverage: twenty (20) percent
- (i) Maximum lot coverage: fifty (50) percent
- (j) Maximum height of principal building or structure: forty (40) feet
- (k) Maximum height of accessory building or structure: fifteen (15) feet
- (l) Maximum floor area ratio: 0.2

Section 3.

§400-100, entitled “Rural and Residential Districts” of Article VII, entitled “Zoning District Use and Bulk Regulations” is hereby amended and supplemented to add a new zone district as follows:

O. Professional/Commercial - 2 Zone District

The purpose of the Professional/Commercial – 2 Zone District is to allow for development and redevelopment of those properties situated along the westbound lanes of U.S. Highway 46 west of the intersection of the highway with Mine Hill Road compatible with commercial zoning to the south in Washington Township and to the west in Hackettstown.

(1) Permitted principal uses shall be as follows:

- (a) Detached residential dwellings
- (b) Offices for professional, scientific and technical services
- (c) Medical offices
- (d) Retail sales of goods and services
- (e) Restaurants
- (f) Child care centers pursuant to N.J.S.A. 40:55D-66.6.

(2) Permitted accessory uses shall be as follows:

- (a) Storage sheds
- (b) Trash and recycle container enclosure
- (c) Freestanding sign
- (d) Other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Conditional uses

None

(4) Bulk regulations shall be as follows:

- (a-1) Residential dwelling (Lot area and bulk standards of the R-1/Residential zone district shall apply)
- (a-2) Nonresidential uses:
- (b) Minimum lot area: two (2) acres

- (c) Minimum lot width: two hundred (200) feet
- (d) Minimum lot depth: two hundred and fifty (250) feet
- (e) Minimum front yard setback (principal and accessory building or structure): fifty (50) feet
- (f) Minimum side yard setback (principal and accessory building or structure): twenty-five (25) feet
- (g) Minimum rear yard setback (principal and accessory building or structure): twenty-five (25) feet
- (h) Accessory buildings and structures: setbacks to principal building: ten (10) feet
- (i) Maximum building coverage: twenty (20) percent
- (j) Maximum lot coverage: fifty (50) percent
- (k) Maximum height of principal building or structure: thirty (30) feet
- (l) Maximum height of accessory building or structure: fifteen (15) feet
- (m) Maximum floor area ratio: 0.15

Section 4.

Rezone Lot 8 in Block 4500 from the R-1/Residential Zone District to Public/Conservation Zone District.

Section 5.

§400-77, entitled "Interpretation and General Provisions" of Article VI, entitled "Zoning" is hereby amended and supplemented as follows:

- (1) Subsections A. through F: No change.
- (2) Subsection G shall be revised to reference the current Zoning Map to be prepared by the Township Engineer, Eugene Buczynski, P.E., of Van Cleef Engineering and shall reflect the modifications to the Zone Plan as set forth in this Ordinance, more particularly to show Lot 8 in Block 4500 in the Public/Conservation zone; lots 2 and 3 in Block 4400 in a new Active Recreation zone; and lots 19, 20, and 21 in Block 8500 in a new Professional/Commercial – 2 zone.
- (3) The "Schedule of Limitations, Nonresidential Districts" of Chapter 400 shall be revised to incorporate the new zone districts as set forth in this Ordinance.

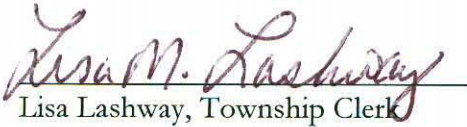
Section 6.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

Section 7.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

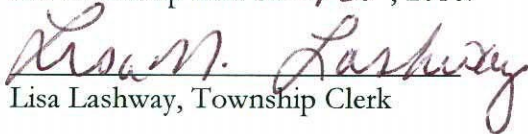
Attest


Lisa Lashway, Township Clerk


, Council President

Certification

I, Lisa Lashway, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on 11/9, 2010 and adopted by the Township Council at a regular meeting of the Township held on 11/23, 2010.


Lisa Lashway, Township Clerk