

TOWN OF BOONTON

ORDINANCE 19-24

AN ORDINANCE, AMENDING A SECTION WITHIN THE TOWN CODE OF THE TOWN OF BOONTON, PART II GENERAL LEGISLATION, CHAPTER 300, ZONING AND LAND USE, SECTIONS 300-4, 300-102, 300-103, 300-104, 300-104.1, 300-104.2, 300-105, 300-106, 300-107, 300-108, 300-109, 300-110, 300-111, 300-111.1, 300-111.2, 300-111.3, 300-101, 300-59, 300-60, 300-33, 300-36, 300-73, 300-92, 300-93, 300-94.1, 300-94.3, 300-100, 300-100.1, 300-115, AND 300-12 (THIS IDENTICAL ORDINANCE WAS PREVIOUSLY INTRODUCED AS ORDINANCE 18-24 AND THAT ORDINANCE WILL BE WITHDRAWN BY THE GOVERNING BODY)

WHEREAS, in order to promote the public’s health, safety and welfare, and ensure compliance with the New Jersey Municipal Law Use Law, the Mayor and Town Council of the Town of Boonton recognize the need to update the Town of Boonton’s Zoning Ordinances; and

WHEREAS, the Town of Boonton undertook a Master Plan Re-Examination, pursuant to the requirements set forth pursuant to N.J.S.A. 40:55D-1, et seq, and

WHEREAS, the Town of Boonton Planning Board provided updates and recommendations, and on August 14, 2024 approved a final form of Zoning Ordinance modifications, attached herein as “Exhibit A”; and

WHEREAS, the Mayor and Town Council of the Town of Boonton, having carefully reviewed these changes, desires to update the Town Code to ensure appropriate population densities and concentrations, and so as to continue to benefit the people and the neighborhoods of the Town of Boonton, and preserve the environment; and

WHEREAS, the Mayor and Town Council of the Town of Boonton further wish to update the Town Code to reflect these changes so as to provide sufficient space in appropriate locations and regulate the use thereof for a variety of residential, recreational, commercial and industrial uses, as well as use open space, both public and private, according to respective environmental requirements and in order to meet the needs of all the Town’s citizens; and

WHEREAS, the changes on Exhibit A, as proposed, must still be reviewed by the Town of Boonton Planning Board for a Master Plan consistency determination before formal adoption or any update may occur.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, THAT SECTION 300, ZONING AND LAND USE OF THE TOWN CODE BE UPDATED ONLY AS FOLLOWS, AND AS REFLECTED ON THE ATTACHED AND HEREIN INCORPORATED “EXHIBIT A”:

SECTION ONE.

Part II General Legislation, Chapter 300, Zoning and Land Use, SECTIONS 300-4, 300-102, 300-103, 300-104, 300-104.1, 300-104.2, 300-105, 300-106, 300-107, 300-108, 300-109, 300-110, 300-111, 300-111.1, 300-111.2, 300-111.3, 300-101, 300-59, 300-60, 300-36, 300-73, 300-92, 300-93, 300-94.1, 300-94.3, 300-100, 300-100.1, 300-115, and 300-12 only are herein repealed as replaced, as reflected as within “Exhibit A” as attached and incorporated herein.

Section 300-33 is herein repealed, with such section to be marked as “Reserved”.

SECTION TWO. All Ordinances of the Town of Boonton which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

SECTION FIVE. This Ordinance may be renumbered for purposes of codification.

INTRODUCED: September 3, 2024

Mayor and Town Council of the Town of Boonton
in the County of Morris and State of New Jersey

ADOPTED: September 16, 2024

ATTEST:

By: _____
James Lynch, Mayor

Elizabeth Bonsiewich, Town Clerk

ARTICLE II
Definitions

§ 300-4. Definitions. [Amended by Ord. No. 17-92; Ord. No. 45-92; Ord. No. 5-94; Ord. No. 31-97; Ord. No. 2-98]

A. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — Subordinate structure on the same lot with a principal building, occupied or devoted exclusively to an accessory use. When an accessory structure is attached to a principal building, it shall be considered part of the principal building.

ACCESSORY USE — A use naturally and normally incident and subordinate to the main use of the premises or lot.

ADMINISTRATIVE OFFICER — The Town Clerk, unless otherwise stated or intended by this chapter.

ALTERATION OF BUILDING — A change in the supporting members of a building, an addition to or diminution of a building, a conversion of a building or a part thereof, or removal of a building from one location to another, or a change in use.

APPLICANT — A developer submitting an application for development.

APPLICATION, COMPLETE — An application for development that is deemed complete at a public meeting of the Town of Boonton Land Use Board.[Added 12-5-2011 by Ord. No. 19-2011]

APPLICATION, DATE OF SUBMISSION — The effective date of submission of an application for development shall be the date the application is deemed complete by the Town of Boonton Land Use Board.[Added 12-5-2011 by Ord. No. 19-2011]

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, residential cluster, conditional use or zoning variance.

ATTIC — That part of the building that is immediately below and wholly or partly within the roof framing.[Added 4-6-2009 by Ord. No. 5-2009; amended 12-7-2009 by Ord. No. 28-2009]

BANKS AND FINANCIAL INSTITUTIONS — An establishment engaged in deposit banking, that is Federally Chartered or State Chartered. Typical uses include commercial banks, savings institutions, and credit unions. Banks and Financial Institutions shall be considered Retail Service establishments for the purpose of calculating parking requirements.

BASEMENT — A portion of the building partly underground, but having less than 1/2 its clear height below the average grade of the adjoining ground. (See "cellar.")

BOARDER or ROOMER — A person not a member of a family as defined in this chapter who pays for the privilege of lodging.

BREWERIES — Establishments primarily engaged in brewing beer, ale, lager, malt liquors, and nonalcoholic beer. The establishment must be licensed, under N.J.S.A 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Establishments must include an onsite retail component and may include food service if permitted by State regulations. Parking requirements for Breweries shall be the same as Restaurants.

BUILDING — A structure having a roof supported by columns, walls or similar structural parts, used or intended to be used for the housing, enclosure or shelter of persons, animals or property of any kind.

BUILDING COVERAGE — The area of a lot, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings. **[Added 4-6-2009 by Ord. No. 5-2009]**

BUILDING ENVELOPE — The area of a lot, parcel, or tract defined by minimum yard setbacks and maximum height regulations within which a structure or building is permitted to be built. **[Added 4-20-2009 by Ord. No. 4-2009; amended 12-5-2011 by Ord. No. 20-2011]**

CELLAR — A portion of the building partly underground having 1/2 or more than 1/2 of its clear height below the average grade or adjoining ground. (See "basement.")

CHANGE IN USE — The use of a building or land which is in any manner different from the previous use of the building or land by way of basic function, operation, extent, products sold or products manufactured, including a change from one permitted use to another kind of permitted use in the same zone district.

CHILD-CARE CENTER — Any facility, by whatever name known, which is maintained for the care, development and supervision of six or more children under six years of age who attend the facility for less than 24 hours a day. This term shall include, but shall not be limited to, such programs as child-care centers, day-care centers, drop-in centers, day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment related centers, child-care centers that have already received approval from the Department of Human Services Licensing Act, and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth. The term shall not include any facility excluded from the definition of "child-care centers" in the Manual of Standards for Child Care Centers, State of New Jersey, Department of Human Services.

COMMERCIAL RECREATION FACILITIES - A building or group of buildings used for recreational purposes and operated as a business and open to the public for a fee, including theaters, movie theaters, bowling, indoor tennis, museums, art galleries, amusement centers, and similar facilities.

COMMON FACILITIES — Includes, but is not limited to, facilities for the common use of two or more lots such as roads, sidewalks, swimming pool, playgrounds, tees, greens, fairways and parking areas and utilities.

COMMON OPEN SPACE — That open space shown on a recorded subdivision for the common use of two or more lots.

COMMON OWNERSHIP — Ownership of two or more contiguous parcels of real property by one person or by two or more persons owning such property jointly, as tenants by the entirety, or as tenants in common.

CONCEPT PLAN — A plan of a proposed development, submitted to the municipal agency, at the option of the developer, containing such information as may be required by this chapter, and intended to show the basic purpose and design of the proposed development prior to submission of a formal application.

CONDITIONAL USE — A use permitted in a particular zone district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter, and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL — Development other than residential cluster.

CORNER LOT — A lot at the junction of, and having frontage on, two or more intersecting streets.

CRAFT DISTILLERY — A distillery operating with a craft distillery license as defined and regulated within N.J.S.A. 33:1-10. Parking requirements for Craft Distilleries shall be the same as Restaurants.

CRITICAL ENVIRONMENTAL CHARACTERISTICS — An area with one or more of the following environmental features such as:[Added 4-20-2009 by Ord. No. 4-2009; amended 12-5-2011 by Ord. No. 20-2011]

- (1) Steep slopes;

- (2) Floodplain;
- (3) Flood hazard area;
- (4) Land formerly used for landfill operations or hazardous industrial use;
- (5) Fault areas;
- (6) Wetlands and wetland transition areas;
- (7) Habitat of endangered species;
- (8) Mature stands of native vegetation.

DECK — A platform attached to a building, extending over and above the ground and supported by posts, columns or footings extending to the ground, by joists extending from the building or a combination of both.

DENSITY — The permitted number of dwelling units per gross area of land to be developed.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this chapter.

DEVELOPMENT REGULATION — A zoning, subdivision, site plan, official map ordinance or other regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream of watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with N.J.S.A. Chapter 1A of Title 58 and including lands intended as flood control basins. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DWELLING - A dwelling or portion thereof providing complete living facilities for one family.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units.

DWELLING or DWELLING UNIT — A building or part thereof used as the residence of a family as defined in this chapter.

DWELLING, ONE-FAMILY — A building containing one dwelling unit.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

FAMILY — A person or any number of persons living together in a dwelling, with or without cooking facilities as a single housekeeping unit, provided, however, that the presence of professional assistants to aid the handicapped shall not serve to exclude the group from consideration as a single housekeeping unit.

FENCE — A vertical structure erected as a barrier, enclosure or screening and extending or suspended between posts or other supports. The term "fence" shall include the term "wall."

FINAL APPROVAL — The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

FINAL PLAT — The map of a subdivision application for which final approval is sought pursuant to this chapter.

FLOOR AREA — The area of a floor computed by measuring the dimensions of the outside walls in a building or dwelling unit excluding attic and basement floors, porches, patios, terraces or breezeways and carports, verandahs, garages and mezzanines in retail stores, provided that the public does not have access to the mezzanine.¹

FUNERAL HOMES — An establishment used for the preparation of deceased human beings for burial or interment and for the display of the deceased and ceremonies connected therewith before burial or cremation.

FLOOR AREA RATIO — The sum of the area of all floors of buildings or structures compared to the total area of the site.²

GARAGE, PRIVATE — A detached accessory building or portion of the main building used for the storage of motor vehicles.

GARAGE, PUBLIC — Any building, premises or land in which or upon which a business, service or industry involving the maintenance, washing or servicing and storage in connection therewith of motor vehicles is conducted or rendered, but not including motor vehicle service station as defined herein.

GOVERNING BODY — The Mayor and Board of Aldermen of the Town of Boonton.

HABITABLE ROOM — A room or enclosed floor space arranged for living, sleeping and eating purposes.

HEIGHT OF BUILDING — The vertical distance measured from the average ground elevation of the finished grade at the front of the building to the level of the highest point of the roof surface if the roof is flat, or in the case of sloping roofs, to a point 1/2 the distance between the top of the uppermost plate and the highest point of the roof. Average ground elevation shall be the average of the highest and lowest elevations on the finished grade at the front of the building.

HIGH-RISE CONDOMINIUM — A residential dwelling in a multifamily building three stories or higher. **[Added 11-17-2007 by Ord. No. 17-2007]**

HISTORIC PRESERVATION DISTRICT — One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

HOTEL — An establishment which contains multiple living or sleeping rooms designed to be occupied by individuals or groups for compensation and primarily serving transient customers, or not providing individual cooking facilities. Facilities which permit long-term (greater than 30 days) residency or provide cooking facilities within the guest rooms shall not be included in this definition.

IMPERVIOUS SURFACE — ~~A surface that has been compacted or covered with a layer of material, building, structure, or that it is highly resistant to infiltration by water.~~ **[Added 4-6-2009 by Ord. No.**

~~5-2009]~~ Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings, parking areas, driveways, sidewalks, paving and patios, but not swimming pools. All required parking areas which are permitted to remain unimproved, and all gravel areas and detention areas with clay lining shall be considered as impervious surfaces.

INSTITUTIONAL USES — Nonprofit public or quasi-public uses such as churches, schools, hospitals, lodges, fraternal organizations and the like. Institutional uses shall include Places of Worship. Also referred to as Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups.

INTERESTED PARTY — In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and in the case of a civil proceeding in any Court or in any administrative proceeding before a municipal agency, any person, whether residing within or without the Town, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this chapter, or whose rights to use, acquire, or enjoy property under this chapter, or under any other law of the State of New Jersey or of the United States have been denied, violated or infringed by an action or a failure to act under this chapter.

KENNEL — An establishment where domestic animals, such as dogs and cats, are boarded for compensation. Kennels shall be considered warehouse, storage buildings for the purpose of calculating parking.

LOT — A parcel or portion of land exclusive of any adjoining street, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for purpose of sale, lease or separate use.

LOT AREA — The total square unit contents included within lot lines.

LOT COVERAGE — That part of a lot that is covered by impervious surfaces. **[Added 4-6-2009 by Ord. No. 5-2009]**

LOT DEPTH— The measurement of the lot as measured from the front (street-facing) property line to the rear property line.

LOT LINE, FRONT — The lot line(s) separating a lot from a street right-of-way. On corner lots, the front lot line shall be defined by the regulations in § 300-75 Corner lots.

LOT LINE, REAR — The lot line or lines opposite the front lot line. On corner lots, the rear lot line shall be defined by the regulations in § 300-75 Corner lots.

LOT LINE, SIDE — Any lot line other than a front lot line or rear lot line.

LOT WIDTH, STREET RIGHT-OF-WAY — The width of the lot as measured along the front lot line.

LOT WIDTH, BUILDING LINE — The width between side property lines as measured at the front of the building. For corner lots, Lot Width, Building Line may be measured as the width between a side property line and a front property line.

LOW-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located, and is subject to affordability controls.

MAINTENANCE GUARANTY — Any security which may be accepted by a municipality for the maintenance of any improvements required by this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in § 300-41R and cash.

MAJOR SUBDIVISION — All subdivisions not classified as minor subdivisions or in the discretion of the municipal agency, any land wherein a minor subdivision has been granted within the next two preceding years.

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the municipality (as set forth in and adopted pursuant to P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq.).

MAXIMUM DEPTH MEASUREMENT — The distance, as specified in this chapter, measured from and parallel to a street right-of-way, within which the required minimum lot size must be measured.

MINOR SITE PLAN — A conventional site plan of a single lot limited to the following types of developments:

- (1) A change in use involving no building construction other than interior modification or interior structural alteration, and no additional off-street parking.
- (2) Minor structural changes, such as entry enclosures, porticos and other structural appurtenances, including roof appurtenances.
- (3) Building additions and accessory structures not exceeding 100 square feet in ground coverage, and not involving any additional off-street parking or any land disturbance beyond the immediate area around the structure.

MINOR SUBDIVISION — Any subdivision containing not more than two lots fronting on an existing accepted street or on a private street approved by the Planning Board or otherwise approved by the Board of Aldermen for purposes of issuing building permits not involving a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MODERATE-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to or more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located, and is subject to affordability controls.

MOTOR VEHICLE SERVICE STATION — A building or premises in which or upon which is conducted a business involving the retail sale and direct delivery to motor vehicles of gasoline and lubricating oil regardless of any other business on the premises, which business may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including facilities for body repair work or painting.

MUNICIPAL AGENCY — The Planning Board or the Mayor and Board of Aldermen of the Town of Boonton.

NONCONFORMING LOT — A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

NONCONFORMING STRUCTURE — A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform

to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

NONPROFIT CLUBS, LODGES AND FRATERNAL, CIVIC, SERVICE OR CHARITABLE ORGANIZATIONS: Any organization, whether incorporated or otherwise, which is not for profit and which is organized for the benefit of its members or for the public or for charitable purposes, but shall not include hospitals, clinics or out-patient clinics or dispensaries whose principal function is the providing of nursing or convalescent care, the furnishing of narcotic, drug or alcohol abuse treatment, or the performance of any extensive medical treatment or procedure

NONPROFIT HOUSING FOR THE ELDERLY — A building or buildings containing one or more dwelling units restricted by deed or other instrument to occupancy by persons who satisfy the requirements found under Section 202 of the Federal Housing Act of 1959, as amended, and the regulations adopted pursuant thereto.

OFFICE, MEDICAL – The office of medical practitioners, including but not limited to medical doctors, dentists, veterinarians, chiropractors, podiatrists, psychologists and licensed therapists. Office, Medical shall not include facilities for major surgical procedures or emergency care. Office, Medical shall may include urgent care, ancillary services for in-house diagnostic testing, physical therapy, medical counseling, and similar services.

OFFICE, GENERAL AND PROFESSIONAL – A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment. Office, General and Professional shall not include medical offices. Office, General and Professional shall include Co-Working spaces, meaning office uses in which common and unassigned office space is made available to individuals and companies on a short-term basis, including daily rates. Also referred to as Professional Offices.

OFFICIAL MAP — A map adopted by ordinance of the governing body pursuant to N.J.S.A. 40:55D-32 through 40:55D-36 showing the location and width of streets and drainage rights-of-way, and the location and extent of public parks and playgrounds, whether existing or proposed.³

OFF-TRACT IMPROVEMENTS — An improvement which is not located on the property which is the subject of an application for development nor on a contiguous portion of a street or right-of-way and includes any of the following:

- (1) All improvements of the types required for on-tract installation, where the need for the providing of such improvements off-tract is, in whole or in part, made necessary by the proposed application of the applicant and where the making of such improvements will confer a benefit upon the applicant's lands which are the subject of the application.
- (2) Any improvement or facility, the installation of which is required in the public interest and the public need for which would arise but for the improvement of the lands which are the subject of the applicant's application and the installation of which would confer a benefit upon the applicant's lands which are the subject of the application. In addition to improvements of the type referred to above, improvements required to maintain a safe flow of vehicular and pedestrian traffic are specifically declared to be necessary in the public interest.
- (3) Installation of new improvements and extensions and modifications of existing improvements.

ON-TRACT IMPROVEMENT — Any improvement, the installation of which may be required as part of an application for development and which is to be located on the property which is the subject of an application for development or on a contiguous street or right-of-way.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

PARKING AREA — An open area, other than a street or other public way, used for the parking of motor vehicles and available for public use whether for a fee or as a service or privilege for clients, customers, suppliers or residents.

PARKING SPACE — An accommodation for the off-street parking of a motor vehicle having an area, exclusive of access drives and aisles, as specified in § 300-60J of this chapter and having adequate provisions for ingress and egress.

PATIO — A flat or terraced surface located on the ground, constructed of brick, stone, concrete or other similar materials and intended as an outdoor seating area.

PERFORMANCE GUARANTY — Any security which may be accepted by a municipality for the maintenance of any improvements required by this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in § 300-41R and cash.

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.

PET GROOMING — An establishment where domestic animals, such as dogs and cats, are groomed for compensation. Pet Grooming facilities shall be considered Retail service establishments for the purpose of calculating parking requirements.

PLACES OF WORSHIP — A place of worship such as a church, synagogue, mosque or temple commonly recognized as such, and a parish house or other accessory building used predominantly for religious purposes, but excluding any use which is predominantly social, fraternal or charitable in nature. Also referred to as a Religious Use, or as churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups.

PLAT — A map or maps of a subdivision.

PLATFORM — A freestanding horizontal surface located on or above the ground and supported by joists, posts, columns or footings extending to the ground.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to § 300-38C of this chapter prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board.

PRELIMINARY FLOOR PLANS AND ELEVATIONS — Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

PRELIMINARY PLAT OR SITE PLAN — The preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Town Clerk for Planning Board consideration and preliminary approval.

PRIMARY STREET FACING FAÇADE — For buildings where one façade fronts along a street, the primary street facing façade shall be the façade that fronts along the street. For buildings where more than one façade fronts along a street, the primary street facing façade shall be the one with the primary pedestrian entrance to the building.

PRINCIPAL USE — The primary or predominant use of the premises.

PROCESSES OF MANUFACTURING, FABRICATION, PACKAGING, TREATMENT, OR CONVERSION OF PRODUCTS — An establishment where products are manufactured, fabricated, packed, treated, or otherwise converted. This use may include facilities for commercial kitchens where food is prepared to be consumed off-site and is not available for take-out or on-site dining.

PUBLIC OPEN SPACE — An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses. Also referred to as Municipal Parks and Playgrounds.

PUBLIC BUILDINGS — A building, structure, lot, or land owned or operated by the Town or a department thereof or any other governmental agency. Public buildings may or may not be open to the public depending on the nature of work occurring on the premises.

PUBLIC PARKING — Vehicular parking available to use by the public, whether for free or by compensation. Public parking may be metered, permitted, or managed other ways. Public parking within a structure may be referred to as Public Garages.

PUBLIC USE — Any municipal, county, state, federal or other governmental use.

PUBLIC UTILITY — Any public utility regulated by N.J.S.A. 48:2-13.

QUORUM — The majority of the full authorized membership of a municipal agency.

RESIDENTIAL CLUSTER — An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESTAURANT – An establishment whose primary business is serving prepared food or drink for consumption on or off the premises, including facilities commonly referred to as restaurants, bars, lunch counters, ice cream and pizza parlors, delicatessens, luncheonettes, food halls, coffee bars and cafes, but excluding drive-in or drive-through restaurants.

RESTAURANT, DRIVE-THROUGH – An Restaurant that contains a service window or mechanical device that allows patrons to order and receive goods or services while remaining in their vehicles.

RESUBDIVISION —

- (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or
- (2) The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

RETAIL SALES – Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

RETAIL SERVICE – Establishments providing services, as opposed to products, to the general public for personal or household use, including barbershops, beauty parlors, nail salons, dry-cleaning establishments, laundries, copy or printing establishments, tailors, tattoo parlors, household and electronic repair establishments and travel agencies.

SCIENTIFIC OR RESEARCH LABORATORIES DEVOTED TO RESEARCH, DESIGN AND/OR EXPERIMENTATION AND PROCESSING AND FABRICATING —An establishment including scientific or research laboratories that conduct research, design, and/or experimentation.

Processing or fabricating of products in these facilities is incidental, and not the primary purpose of the establishment.

SELF STORAGE FACILITY – A facility solely used for the storage of goods and materials within self-contained compartments by various users

SEXUALLY ORIENTED BUSINESS — Either or both of the following:

- (1) A commercial establishment which as one of its principal business purposes offers for sale, rental or display any of the following:
 - (a) Books, magazines, periodicals or other printed material or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a “specified sexual activity” or “specified anatomical area”; or
 - (b) Still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time and where the images so displayed are characterized by depiction of a “specified sexual activity”; or
- (2) A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or which regularly shows films, motion pictures, video cassettes, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

SHOP, RETAIL — A building or part thereof in which or from which a service is rendered directly to the public.

SINGLE OWNERSHIP — Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SITE PLAN — A development plan of one or more lots on which is shown:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;
- (2) The location of all existing and proposed buildings, streets, driveways, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and
- (3) Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter.

SLOPE — The elevation of ground level in its present natural state, before construction.[Added 4-6-2009 by Ord. No. 6-2009; amended 12-5-2011 by Ord. No. 21-2011; 7-17-2017 by Ord. No. 12-2017]

SLOPE, STEEP — The degree or percent of grade elevation at or more than 15%.[Added 4-6-2009 by Ord. No. 6-2009; amended 12-5-2011 by Ord. No. 21-2011; 7-17-2017 by Ord. No. 12-2017]

SHOPPING CENTER —A single building or group of buildings to be utilized as a single economic unit exclusively for retail sales and services or professional offices, Parking requirements for Shopping Centers shall be calculated based on the individual uses that comprise the Shopping Center (after accounting for shared parking allowances).

SPECIFIED ANATOMICAL AREA — Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY — The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breasts, or any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

STORE, RETAIL — A building or part thereof in which or from which merchandise is sold at retail directly to the public.

STORAGE AND MAINTENANCE OF CONSTRUCTION VEHICLES AND EQUIPMENT— A facility where construction vehicles and equipment are stored and maintained, either indoors or outdoors. These facilities may include ancillary office spaces and other associated uses.

STORY — That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between any floor and the ceiling next above it, including basements but excluding cellars as defined herein. **[Amended 12-7-2009 by Ord. No. 28-2009]**

STORY, HALF — A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with headroom of five feet or less occupies at least 40% of the total floor area of the story directly beneath. **[Added 12-7-2009 by Ord. No. 28-2009]**

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way:

- (1) Which is an existing state, county or municipal roadway; or
- (2) Which is shown upon a plat heretofore approved pursuant to law; or
- (3) Which is approved by official action as provided by this act; or
- (4) Which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STRUCTURE — Any combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground and including, among other things, display tanks, platforms, pools, flagpoles, standpipes, tanks and towers of any kind. The term “structure” shall include the term “building.”

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The term “subdivision” shall also include the term “resubdivision.” The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created:

- (1) Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five acres or larger in size.

- (2) Divisions of property by testamentary or intestate provisions.
- (3) Division of property upon Court order, including, but not limited to, judgments of foreclosure.
- (4) Consolidation of existing lots by deed or other recorded instrument.
- (5) The conveyance of one or more adjoining lots, tracts, or parcels of land, owned by the same person and all of which are found and certified by the Town Clerk to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts, or parcels on the tax map of the Town.

SUBDIVISION AND SITE PLAN COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board of the purpose of classifying subdivisions in accordance with the provisions of this chapter, reviewing subdivisions and site plans and such other duties relating to land subdivision which may be conferred on this Committee by the Board.

TOWN — The Town of Boonton.

STACKED TOWNHOUSE — A townhome in which one unit is "stacked" on top of the other, up to two units total. Each of the units in a stacked townhome must have its own exterior entrance.

TOWNHOUSE DEVELOPMENT — An integrated plan of townhouse dwelling structures and common properties and/or facilities.

TOWNHOUSE DWELLING STRUCTURE — A structure containing two or more townhouse dwelling units.

TOWNHOUSE DWELLING UNIT — One of a series of single-family dwelling units attached by a common wall between it and the adjacent unit or units together with individual front and rear entrances and yards designed as an integral part of each unit and having been constructed in conformity with an approved subdivision and site development plan.

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproductions thereof.

TRUCK TERMINAL — A warehouse where trucks and trailers are parked or stored as a principal use.

USABLE LOT AREA — A contiguous area within the boundaries of a lot, tract or parcel, within the building envelope, that is free of critical environmental characteristics. **[Added 4-20-2009 by Ord. No. 4-2009; amended 12-5-2011 by Ord. No. 20-2011]**

VOCATIONAL SCHOOLS, OR STUDIOS FOR THE INSTRUCTION OF THE ARTS, DANCING, MUSIC, LANGUAGES, PHOTOGRAPHY — A facility that provides education and training in a specific skill or craft, whether on a profit or not for profit basis.

VARIANCE — Permission to depart from the literal requirements of a zoning regulation.

WALL — A vertical structure erected as a barrier, enclosure or screening or for the purpose of retaining earth and continuously attached to or supported by the ground.

WAREHOUSE — An establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facility may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility.

WHOLESALE DISTRIBUTION CENTER — A facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers;

or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.

YARD —

- (1) FRONT YARD — An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the street right-of-way and the nearest point of the foundation of the principal building on the lot.
- (2) REAR YARD — An open space unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot lying between the rear lot line and the nearest point of the foundation of the principal building on the lot.
- (3) SIDE YARD — An open space unoccupied except by a use as hereinafter specifically permitted, extending from the front yard to the rear yard of a lot and lying between the side lot line and the nearest point of the foundation of the principal building on the lot.

ZONING ENFORCEMENT OFFICIAL — The individual who shall be charged by the Mayor and Board of Aldermen with the enforcement of the Zoning Ordinance and regulations of the Town of Boonton, and unless designated otherwise, shall be the Construction Official of the Town of Boonton.

- B. Terms not defined. Whenever a term is not defined in this chapter, it is intended to have the meaning set forth in P.L. 1975, c. 291 (N.J.S.A. 40:55D), if defined by that statute. In the event of conflict between the definition in this chapter and that contained in the statute, the definition in the statute shall apply.
- C. Word usage. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular. The word “lot” includes the word “plot.” The word “building” includes the word “structure.” The term “such as” where used herein shall be considered as introducing a typical or illustrative, rather than an entirely exclusive or inclusive, designation of permitted or prohibited uses, activities, establishments or structures.

ARTICLE XXII
District Regulations

§ 300-102. R-1 Residence Districts A, B, C, D and E.¹

A. Permitted principal uses.

- (1) One-family dwellings.
- ~~(2) Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups as conditional uses in accordance with the procedures and requirements of Article XXI.~~
- (3) Municipal parks, playgrounds and buildings.
- (4) Townhouses are expressly prohibited in the R-1D District; and are permitted in the R-1 B District only as regulated in § 300-102CD, provided that the provisions for residential clusters in Part 3 of this chapter are met.

B. Conditional Uses

- (1) Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups as conditional uses in accordance with the procedures and requirements of § 300-101C.
- (2) Senior Housing in the R-1E District only, subject to the procedures and requirements of § 300-101E.

C. Permitted accessory uses.

- (1) Private garages.
- (2) Normal residential storage structures.
- (3) Other normal residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.
- (4) Off-street parking areas in accordance with Article XX and applicable provisions of Part 3 of this chapter.
- (5) Signs, in accordance with the Boonton Sign Ordinance.²
- (6) The office of a member of a recognized profession who is in residence on the lot, provided that not more than 50% of the floor area of one story or the basement is devoted to such use; and further provided that not more than one person other than a resident of the premises shall be employed by such professional person.
- (7) No more than two roomers or boarders per dwelling.

1. Editor's Note: In the R-1E District, one-family dwellings are a permitted primary principal use, according to the Zoning Schedule of Requirements included as an attachment to this chapter.

2. Editor's Note: See Ch. 233, Signs.

D. Requirements for townhouses.

(1) Area and density requirements.

- (a) Lot area. There shall be a minimum lot area of 120,000 square feet.
- (b) Density. There shall be no more than 10 townhouse dwelling units per acre nor more than 25 bedrooms per acre. For the purpose of this section, a bedroom shall be construed to be any habitable room other than a living room, dining room, kitchen or bath.
- (c) Building coverage. The total ground floor area of all buildings shall not exceed 20% of the lot area.

(2) Setback requirements.

- (a) No building shall be located within 36 feet of a public street or property line.
- (b) No townhouse dwelling structure shall have more than three continuous attached townhouse dwelling units with the same setback, and variations shall be at least four feet.

(3) Distance between buildings. There shall be a minimum distance between townhouse dwelling structures of 50 feet, except that where a side wall of one townhouse dwelling structure faces a side wall of another dwelling structure, there shall be a minimum distance of 25 feet; provided, however, that if an access drive is located between principal structures, the minimum distance shall be 50 feet.

(4) Building requirements.

- (a) Height. No building shall exceed a height of 2 ½ stories or 36 feet, whichever is the lesser.
- (b) Units per building. No townhouse dwelling structure shall contain more than eight townhouse dwelling units.
- (c) Building plans and elevations shall show a variation in design of units and structures to be achieved by types of roof, heights of eaves and peaks, building materials and architectural treatment of the building façade.
- (d) Each townhouse dwelling unit shall be separated from adjoining units by a fire wall constructed in accordance with the Town Building Code.³

(5) Townhouse dwelling unit requirements.

- (a) Each townhouse dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a basement or cellar for storage and utilities, an enclosed garage and a separate kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
- (b) Minimum floor area. Each townhouse dwelling unit shall have a minimum floor area exclusive of attic, basement and cellar floors of 600 square feet plus 200 square feet for each habitable room, exclusive of living rooms, dining rooms or dinettes, kitchens and bathrooms.

3. Editor's Note: See Ch. 87, Building and Housing.

- (c) No room within the townhouse dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.
 - (d) Each townhouse dwelling unit shall have individual private outside front and rear entrances.
 - (e) Each townhouse dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two or more dwelling units shall be permitted in a townhouse development.
 - (f) Each townhouse dwelling unit shall have an individual private yard area or open patio or court adjoining the unit of at least 15 feet in depth. Steps, roof overhangs, bay windows and similar features shall not project into such area more than three feet. Each private yard area, patio or court shall be effectively screened from adjoining units by a fence, wall, or natural screening in order to provide a reasonable degree of privacy.
- (6) Accessory buildings.
- (a) Setbacks. Accessory buildings shall meet the street setback of the principal building and shall be at least 25 feet from a principal building and 15 feet from a property line or other accessory building. Clubhouses, swimming pools and recreation facilities shall be at least 50 feet from a principal building or property line.
 - (b) Height. The maximum height of an accessory building shall be 16 feet.
 - (c) Design. Architectural design and materials used in the construction of accessory buildings shall conform to those used in the construction of principal buildings.
- (7) Off-street parking. Off-street parking shall conform to the provisions of Part 3 and Article XX of this chapter. Garages may be included in calculating the number of parking spaces. All parking areas shall be designed in accordance with applicable provisions of Article III.
- (8) Landscaping and open space. Exclusive of internal roadways and parking areas, there shall be provided a minimum of 20% of the entire tract for common open space and facilities.

§ 300-103. R-2 Residence Districts A and B.

A. Permitted principal uses.

- ~~(1) Any use permitted in the R-1 Residence District.~~
- (1) One-family dwellings.
- ~~(2) Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and other such facilities of recognized religious groups as conditional uses in accordance with the procedures and requirements of Article XXI.~~
- (3) Municipal parks, playgrounds and buildings.
- (4) Townhouses as regulated in § 300-102C in the R-2 B District only.

B. Conditional Uses

- (1) Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups as conditional uses in accordance with the procedures and requirements of § 300-101C.

C. ~~Permitted accessory uses. Any accessory use permitted in the R-1 Residence District.~~

- (1) Private garages.
- (2) Normal residential storage structures.
- (3) Other normal residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.
- (4) Off-street parking areas in accordance with Article XX and applicable provisions of Part 3 of this chapter.
- (5) Signs, in accordance with the Boonton Sign Ordinance.²
- (6) The office of a member of a recognized profession who is in residence on the lot, provided that not more than 50% of the floor area of one story or the basement is devoted to such use; and further provided that not more than one person other than a resident of the premises shall be employed by such professional person.
- (7) No more than two roomers or boarders per dwelling.

§ 300-104. R-3 Residence Districts A and B.

A. Permitted principal uses.

- (1) One-family dwellings.
- (2) Municipal parks, playgrounds and buildings.
- (3) Two-family dwellings, in the R-3 B district only.
- (4) In the R-3 B District only, multifamily dwellings as regulated in § 300-104D, provided that the provisions for residential clusters in Part 3 of this chapter are met, and townhouses as regulated in § 300-102D.

B. Conditional Uses

- (1) Institutional uses, churches and similar places of worship, parish houses, convents, cemeteries and, other such facilities of recognized religious groups as conditional uses in accordance with the procedures and requirements of § 300-101C.
- (2) Two-family dwellings, in the R-3 A District only.
 - (a) Minimum lot size 9,000 square feet.

C. Permitted accessory uses.

- (1) Private garages.
- (2) Normal residential storage structures.
- (3) Other normal residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.
- (4) Off-street parking areas in accordance with Article XX and applicable provisions of Part 3 of this chapter.

- (5) Signs, in accordance with the Boonton Sign Ordinance.²
- (6) The office of a member of a recognized profession who is in residence on the lot, provided that not more than 50% of the floor area of one story or the basement is devoted to such use; and further provided that not more than one person other than a resident of the premises shall be employed by such professional person.
- (7) No more than two roomers or boarders per dwelling.

D. Requirements for multifamily dwellings.

- (1) Height, yard, area and density requirements.
 - (a) Height. No building shall exceed a height $\frac{1}{2}$ 2 1/2 stories or 35 feet, whichever is the lesser.
 - (b) Yards.
 - [1] Front yard. There shall be a front yard of not less than 25 feet.
 - [2] Side yard. There shall be two side yards and no side yard shall be less than 15 feet. On a corner lot the side yard shall meet the front yard setback on the side street.
 - [3] Rear yard. There shall be a rear yard of at least 35 feet.
 - (c) Minimum lot area. There shall be a minimum lot area of 40,000 square feet which shall be measured within 250 feet of the front property line.
 - (d) Density. There shall be a maximum density of 12 dwelling units per acre. In addition, there shall be a maximum density of 18 habitable rooms per acre, exclusive of living rooms, dining rooms or dinettes, kitchens and bathrooms.
- (2) Building requirements.
 - (a) Length of building. No building or group of buildings structurally joined end to end shall exceed 150 feet in length; provided, however, that not more than three such buildings or groups of structurally joined buildings may be structurally joined at 90°.
 - (b) Units per building. No building shall contain more than 12 dwelling units and no dwelling unit shall be located in an attic, basement or cellar.
 - (c) Distance between buildings. There shall be a minimum distance of 30 feet between principal structures. If an access drive is located between principal structures, the minimum distance between the structures shall be 50 feet. In addition, the following requirements shall be met:
 - [1] Buildings which are parallel to one another or approximately so but which overlap one another, shall be at least 30 feet apart at the closest point; provided, however, that for every foot or part thereof of overlap in excess of 30 feet, the building shall be an additional 60 inches apart.
 - [2] Buildings which are parallel to one another or approximately so but which overlap by 10 feet or less may abut one another, except that there shall be no more than three buildings so joined in a group.

- (d) Construction. The outside walls of all building shall be of fire resistant material, such as brick, stone or masonry, as approved by the Planning Board. Interior walls separating dwelling units shall also be constructed with fire-resistant material.
 - (e) Maximum building coverage. The total ground floor area of all principal and accessory buildings shall not exceed 30% of the lot area.
- (3) Dwelling unit requirements.
- (a) Minimum floor area. Each dwelling unit shall have a minimum floor area of 500 square feet plus 150 square feet for each habitable room exclusive of living room, dining room or dinette, kitchen and bathrooms.
 - (b) Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
 - (c) Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of impact sound.
 - (d) Basement storage space of 500 cubic feet shall be provided for each dwelling unit.
- (4) Garages and accessory buildings. Garages may be built into the apartment structure or separately constructed as hereinafter provided.
- (a) Size. Each garage space shall be at least 10 feet in width and 20 feet in depth. Each group of attached garages shall have a joint capacity of not more than 10 automobiles arranged in a row, and there shall be a minimum distance of 10 feet between structures.
 - (b) Height. The maximum height of any garage or accessory structure shall be 15 feet.
 - (c) Yards. Garages or other accessory structures may be built in the side and rear yards only. No such structure shall be closer than 10 feet to any property line nor 10 feet to any other buildings. No garage or accessory structure shall be located in the side yard adjoining a street.
 - (d) Design. Architectural design and materials used in the construction of garages and other accessory structures shall conform to the design and materials used in the construction of the principal buildings.
- (5) Off-street parking. Off-street parking facilities shall be provided in accordance with Article XX. Garages may be counted as parking space. All parking areas shall be designed in accordance with applicable provisions of Part 3 of this chapter.
- (6) Landscaping and open space. At least 15% of the gross site area shall be devoted to common open space suitable for use by the residents for recreation.
- (7) Miscellaneous.
- (a) Television antennas shall be limited to one master antenna per building.
 - (b) Air conditioning units shall not extend more than 18 inches from the exterior wall.

- (c) Basement laundry facilities may be provided in each building. Outside clothes drying is prohibited.
 - (d) There shall be no incinerators on the premises or in the buildings. All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area outside the building.
 - (e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
 - (f) Except for laundry machines, there shall be no coin-operated machines.
- E. Low- and moderate-income housing and nonprofit housing for the elderly. **[Amended by Ord. No. 5-94]**
- (1) Area and density requirements.
 - (a) Lot area. There shall be a minimum lot area of 100,000 square feet.
 - (b) Density. There shall be no more than 26 dwelling units per acre.
 - (c) Building coverage. The total ground floor area of all buildings shall not exceed 25% of the lot area.
 - (2) Setback requirements. No building shall be located within 35 feet of a public street or residential zone, property line nor within 15 feet of a nonresidential zone property line.
 - (3) Distance between buildings. There shall be a minimum distance between principal buildings of 40 feet.
 - (4) Building height. No building shall exceed a height $\frac{1}{2}$ 2 $\frac{1}{2}$ stories or 36 feet, whichever is the lesser.
 - (5) Community space. No less than 10 square feet of floor area for each dwelling unit shall be devoted to community room or common recreational use in a housing development for the elderly.
 - (6) Garages and accessory buildings. Garages may be built into the principal buildings or separately constructed as hereinafter provided.
 - (a) Size. Each garage space shall be at least 10 feet in width and 20 feet in depth. Each group of attached garages shall have a joint capacity of not more than 10 automobiles arranged in a row, and there shall be a minimum distance of 10 feet between structures.
 - (b) Height. The maximum height of any garage accessory structure shall be 15 feet.
 - (c) Yards. Garages or other accessory structures may be built in the side and rear yards only. No such structure shall be closer than 25 feet to any property line nor 10 feet to any other buildings. No garage or accessory structure shall be located in the side yard adjoining a street.
 - (d) Design. Architectural design and materials used in the construction of garages and other accessory structures shall conform to the design and materials used in the construction of the principal buildings.

- (7) Off-street parking. Off-street parking facilities shall be provided in accordance with Article XX. Garages may be counted as parking space. All parking areas shall be designed in accordance with applicable provisions of Part 3 of this chapter.
- (8) Landscaping and open space. At least 15% of the gross site area shall be devoted to common open space suitable for use by the residents for recreation.
- (9) Miscellaneous.
 - (a) Television antennas shall be limited to one master antenna per building.
 - (b) Air conditioning units shall not extend more than 18 inches from the exterior wall.
 - (c) Basement laundry facilities may be provided in each building. Outside clothes drying is prohibited.
 - (d) There shall be no incinerators on the premises or in the buildings. All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area outside the building.
 - (e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.

§ 300-104.1. AH-I Affordable Housing-Industrial District. [Added 8-20-2018 by Ord. No. 19-2018; amended 11-5-2018 by Ord. No. 23-2018]

- A. Purpose. The purpose of the AH-I Zone is to allow the district to continue to be developed with a mix of uses that are consistent with those permitted in the I-1 Industrial Zone, while also allowing the option of development under an alternative development scheme for the construction of inclusionary townhouse development as set forth at § 300-104.1E. This alternative development scheme creates an opportunity for the construction of low- and moderate-income housing in the Town of Boonton, which can thereby help address the fair share housing obligation of the Town of Boonton under the New Jersey Fair Housing Act.⁴ Any residential development in the AH-I Zone shall be additionally regulated by the Town of Boonton Affordable Housing Ordinance.⁵
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

STACKED TOWNHOUSE — A townhome in which one unit is "stacked" on top of the other, up to two units total. Each of the units in a stacked townhome must have its own exterior entrance.

TOWNHOUSE DWELLING STRUCTURE — A series of adjoining one-family dwelling units that are separated from the adjacent dwelling unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit. They have a totally exposed front and rear wall to be used for access, light, and ventilation.

TOWNHOUSE DWELLING UNIT — One of a series of single-family dwelling units attached by a common wall between it and the adjacent unit or units together with individual front and rear entrances and yards designed as an integral part of each unit and having been constructed in conformity with an approved subdivision and site development plan.
- C. Permitted uses. In the AH-I Zone, no lot, plot, parcel or tract of land shall be built on, altered, or have a structure erected and used for any purpose other than that of:
 - (1) Any use permitted in the I-1 Industrial District, as set forth at § 300-111; or
 - (2) Townhouse residential units, to be designed pursuant to § 300-104.1E.

- D. Requirements for uses permitted in the I-1 Industrial District. Any use permitted in the I-1 Industrial District shall be subject to all standards applicable to the I-1 Industrial District as set forth elsewhere in this chapter, including, but not limited to the Schedule of Requirements at Chapter 300, Attachment 1, and the performance standards and procedures for building permits and certificates of occupancy at § 300-111.
- E. Requirements for townhouses. Any development of townhouse residential units under the alternative development scheme shall be subject to the following requirements:
- (1) Permitted accessory uses. The following accessory uses are permitted:
 - (a) Off-street parking in accordance with Article XX and applicable provisions of Part 3 of this chapter.
 - (b) Private garages.
 - (c) Fences and walls.
 - (d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of the complex.
 - (e) Clubhouses to serve only the residents of the complex.
 - (f) Signs, in accordance with the Boonton Sign Ordinance, Chapter 233.
 - (2) Prohibited uses. Any use other than townhouse residential units and the accessory uses expressly set forth above at § 300-104.1E(1) above are prohibited under the alternative development scheme. Industrial uses otherwise permitted in the AH-I Zone are expressly prohibited on the same lot as townhouse residential development.
 - (3) Affordable housing.
 - (a) All townhouse developments constructed in the AH-I District shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set aside shall be 20%. Where units will be for rent, the minimum set aside shall be 15%. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
 - (b) All affordable units to be produced pursuant to this section shall comply with th' Town's Affordable Housing Ordinance at Chapter 70 of the Town Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and th' Town's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:
 - [1] Low/moderate income split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very-low-income units, which shall be counted as part of the required number of low-income units within the development.
 - [2] Bedroom mix. If the development is not age-restricted, the following bedroom mix shall apply:

- [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - [b] At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - [c] At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - [d] The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (c) Deed restriction and affordability control period. All affordable units shall be deed restricted for a minimum period of at least 30 years. The affordability control period on all restricted ownership and/or rental units shall commence on the date the initial certified household takes title to the unit, and shall continue to run for at least 30 years. At the conclusion of the thirty-year term, the deed restrictions and affordability controls shall continue to remain in effect until such time as the municipality elects to release the unit from the deed restrictions and affordability controls by formal adoption of an ordinance within a reasonable time after conclusion of the initial minimum thirty-year term“(the "deed restriction "eriod"). The affordability controls and deed restrictions shall not automatically expire. At the conclusion of the initial thirty-year term, the municipality may unilaterally extend the deed restrictions and affordability controls for an additional thirty-year consecutive term by formal adoption of a resolution in accordance with N.J.A.C. 5:80-26.25 of the Uniform Housing Affordability Cont“ols ”UHAC”). During the deed restriction period, sale, use, and rental of each affordable unit shall be subject to the Uniform Housing Affordability Cont“ols ”UHAC”), set forth at Title 5, Chapter 80, Subchapter 26 (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time hereafter. All sales and rentals of affordable units shall be on approved uniform affordable housing deeds and/or leases as set forth in the appendices of the UHAC. **[Amended 12-16-2019 by Ord. No. 21-2019]**
- (d) Administrative agent: All affordable units shall be administered by a qualified administrative agent paid for by the developer.
- (e) Other affordable housing unit requirements: Developers shall also comply with all of the other requirements of th’ Town's Affordable Housing Ordinance, including, but not limited to, affirmative marketing requirements, candidate qualification and screening requirements, integrating the affordable units amongst the market rate units, and unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.
- (4) Height, yard, area, and density requirements.
- (a) Height. No building shall exceed a height of three stories or 42 feet, whichever is the lesser.
 - (b) Yards.
 - [1] Front yard. There shall be a front yard of not less than 25 feet.
 - [2] Side yard. No side yard shall be less than 15 feet. On a lot that fronts two intersecting roadways, whether private or public streets, the side yard fronting on said roadway shall meet the front yard requirement.

- [3] Rear yard. There shall be a rear yard of at least 15 feet.
- (c) Minimum lot area. There shall be a minimum lot area of 290,000 square feet.
- (d) Density. There shall be a maximum density of 16 dwelling units per acre.
- (5) Building requirements.
- (a) Location of building. Dwelling units, buildings and their front facades shall be oriented towards the public and/or private roadway. Primary dwelling unit entrances shall be located on the facade of any structure that is oriented towards the public and/or private roadway. Where the dwelling unit or building does not front a public and/or private roadway, they shall be oriented towards interior open spaces. All units and buildings shall be oriented away from parking lots.
- (b) Units per building. No building shall contain more than six dwelling units in a townhome configuration and 12 dwelling units in a stacked townhome configuration and no dwelling unit shall be located in an attic, basement, or cellar.
- (c) Distance between buildings. There shall be a minimum distance of 50 feet between principal structures. If an access drive is located between principal structures, the minimum distance between the structures shall be 50 feet. In addition, the following requirements shall be met:
- [1] Buildings which are parallel to one another or approximately so but which overlap one another, shall be at least 50 feet apart at the closest point; provided, however, that for every foot or part thereof of overlap in excess of 40 feet, the buildings shall be an additional 60 inches apart.
- (d) Construction. The outside walls of a building shall be of fire-resistant material, such as brick, stone or masonry, as approved by the Planning Board. Interior walls separating dwelling units shall also be constructed with fire-resistant material.
- (e) Maximum building coverage. The total ground floor area of all principal and accessory buildings shall not exceed 30% of the lot.
- (f) Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire development and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
- [1] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
- [2] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
- [3] Varying the front entrance definition and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
- (6) Dwelling unit requirements.

- (a) Dwelling unit size. Each dwelling unit shall meet the following criteria:
 - [1] One-bedroom: minimum 800 square feet.
 - [2] Two-bedroom: minimum 1,100 square feet.
 - [3] Three-bedroom: minimum 1,250 square feet.
 - [4] As it relates to any units with dens:
 - [a] Dens must adjoin a living space.
 - [b] Dens must be built without closets and at all times post-construction have no closets.
 - [c] Dens must be accessed through a wider-than-usual opening.
 - [d] The addition of a door, wall and a closet is at all times prohibited.
 - (b) Each townhouse dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a basement or cellar for storage and utilities, an enclosed garage and a separate kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
 - (c) No room within the townhouse dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.
 - (d) Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
 - (e) Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.
 - (f) Each dwelling unit shall be provided with a completely enclosed, covered storage space. Such storage area shall be exclusive of normal interior closets and may either be contained within the dwelling unit or building, attached thereto or located separately.
 - (g) Buildings with residential uses shall provide laundry facilities and central air conditioning for each dwelling unit. No central or common laundry or similar facilities intended for two or more dwelling units shall be permitted in a townhouse development. Window air conditioning units are not permitted. Outside clothes drying is prohibited.
 - (h) Garages shall be built into the apartment structure. Each garage space shall be at least 10 feet in width and 20 feet in depth. Each townhouse dwelling structure shall have a joint capacity of not more than 10 automobiles.
 - (i) Each townhouse dwelling unit shall have an individual private yard area or open patio or court adjoining the unit of at least 15 feet in depth. Steps, roof overhangs, bay windows and similar features shall not project into such area more than three feet. Each private yard area, patio or court shall be effectively screened from adjoining units by a fence, wall, or natural screening in order to provide a reasonable degree of privacy.
- (7) Accessory structures.

- (a) All accessory structures shall be designed in accordance with applicable provisions of Part 4, § 300-77 of this chapter.
 - (b) Height. The maximum height of any accessory structure shall be 15 feet; provided however, that the maximum height of a clubhouse shall be 25 feet and two stories.
 - (c) Yards. Accessory structures may be built in the side and rear yards only. No such structure shall be closer than 15 feet to any property line nor 15 feet to any other buildings. No accessory structure shall be located in the side yard adjoining a street.
 - (d) Design. Architectural design and materials used in the construction of accessory structures shall conform to the design and materials used in the construction of the principal buildings.
 - (e) Community space. Any proposed townhome development may incorporate interior community space, such as a wellness/fitness center, business center, concierge services, recreation room, and library services. All these services should be for the use of building residents only.
 - (f) Outdoor recreational facilities. Any proposed townhome development may incorporate exterior community space, such as swimming pools, playgrounds, walking paths, and patio or picnic areas. All these services should be for the use of building residents only.
- (8) Off-street parking.
- (a) Off-street parking facilities shall be provided in accordance with Article XX and townhouse standards in the Residential Site Improvement Standards (RSIS). All parking areas shall be designed in accordance with applicable provisions of Part 3 of this chapter.
 - (b) All required parking must be provided on-site.
 - (c) Garages may be counted as parking space.
 - (d) Parking shall be located to the rear of the building and/or the interior of the site where its visual impact to adjacent properties and the public-right-of-way will be minimized. Parking is prohibited in the front yard.
 - (e) Adequate fire and emergency access must be provided subject to the Town of Boonton Fire Department.
 - (f) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
 - (g) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.
 - (h) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).
- (9) Landscaping and open space.
- (a) At least 20% of the gross site area shall be devoted to common open space suitable for use by the residents for recreation.

- (b) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (c) A landscaped buffer with a minimum of at least 15 feet in width and eight feet in height at planting shall be provided for any residential development in the AH-I Zone which abuts a nonresidential use or zone. Said buffer shall be subject to approval by the Planning Board pursuant to site plan review.
- (d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements, or streets to ensure access to or from adjacent property, and the Board may also permit a portion of a buffer area to be used for detention or retention basin, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.
- (e) Active and passive recreational areas and other public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by residents of the development. Such areas shall be designed to utilize natural features of the site, including existing vegetation, where possible, and shall be extensively landscaped with a wide variety of plant materials.

(10) Lighting.

- (a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
- (b) All outdoor lighting, including street lamps and accent lighting, should comply with dark sky standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (c) Lighting for the development must be contained on the property on which the development is located.
- (d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

(11) Miscellaneous.

- (a) Television connections shall be provided for each unit. Television antennas shall be limited to one master antenna per building.
- (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (c) There shall be no incinerators on the premises or in the buildings. All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. They may be stored in private garages or outside of buildings. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.
- (d) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.

- (e) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
- (f) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
- (g) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
- (h) Internal walkways shall be a minimum of four feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
- (i) Fences shall be permitted at a maximum height of six feet and shall be situated and designed in accordance with § 300-93.

(12) Bicycle parking requirements.

- (a) A designated area within the development shall be provided for bicycle parking. The area can be permitted inside the buildings or outside in a protected area. Parking shall be provided in such a way that allows for a bicycle to be properly secured, via a bicycle rack or locker.
- (b) A minimum of two bike parking spaces per six units shall be required.

§ 300-104.2. R-4 Residence District. [Added 10-21-2019 by Ord. No. 15-2019]

- A. Purpose. The purpose of the R-4 Zone is to create an opportunity for the construction of low- and moderate-income housing in the Town of Boonton and thereby address the fair share housing obligation of the Town of Boonton under the New Jersey Fair Housing Act.⁶ This R-4 Zone shall be additionally regulated by the Town of Boonton Affordable Housing Ordinance.⁷
- B. Permitted principal uses.
 - (1) Townhouses.
- C. Permitted accessory uses.
 - (1) Off-street parking in accordance with Article XX and applicable provisions of Part 3 of this chapter.
 - (2) Private garages.
 - (3) Fences and walls.
 - (4) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of the complex.
 - (5) Clubhouses to serve only the residents of the complex.
 - (6) Signs, in accordance with the Boonton Sign Ordinance, Chapter 233.
- D. Affordable housing.
 - (1) All townhouse developments constructed in the R-4 Residence District shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set-aside shall be 20%. Where units will be for rent, the minimum set-aside shall be

15%. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

- (2) All affordable units to be produced pursuant to this section shall comply with the Town's Affordable Housing Ordinance at Chapter 70 of the Town Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Town's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:
 - (a) Low-/moderate-income split. A maximum of 50% of the affordable units within each bedroom distribution shall be moderate-income units and a minimum of 50% of the affordable units within each bedroom distribution shall be low-income units. At least 13% of all restricted rental units shall be very-low-income units, which shall be counted as part of the required number of low-income units within the development.
 - (b) Bedroom mix. If the development is not age-restricted, the following bedroom mix shall apply:
 - [1] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - [2] At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - [3] At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - [4] The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - (c) Deed restriction and affordability control period. All affordable units shall be deed-restricted for a minimum period of at least 30 years. The affordability control period on all restricted ownership and/or rental units shall commence on the date the initial certified household takes title to the unit, and shall continue to run for at least 30 years. At the conclusion of the thirty-year term, the deed restrictions and affordability controls shall continue to remain in effect until such time as the municipality elects to release the unit from the deed restrictions and affordability controls by formal adoption of an ordinance within a reasonable time after conclusion of the initial minimum thirty-year term (the "deed restriction period"). The affordability controls and deed restrictions shall not automatically expire. At the conclusions of the initial thirty-year term, the municipality may unilaterally extend the deed restrictions and affordability controls for an additional thirty-year consecutive term by formal adoption of a resolution in accordance with N.J.A.C. 5:80-26.25 of the Uniform Housing Affordability Controls ("UHAC"). During the deed restriction period, sale, use, and rental of each affordable unit shall be subject to the Uniform Housing Affordability Controls ("UHAC"), set forth at Title 5, Chapter 80, Subchapter 26 (N.J.A.C. 5:80-26.1 et seq.) as may be amended from time to time hereafter. All sales and rentals of affordable units shall be on approved uniform affordable housing deeds and/or leases as set forth in the appendices of the UHAC.
 - (d) Administrative agent. All affordable units shall be administered by a qualified administrative agent paid for by the developer.

- (e) Other affordable housing unit requirements. Developers shall also comply with all of the other requirements of the Town's Affordable Housing Ordinance,⁸ including, but not limited to, 1) affirmative marketing requirements, 2) candidate qualification and screening requirements, 3) integrating the affordable units amongst the market rate units, and 4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

E. Requirements for townhouses.

(1) Area and density requirements.

- (a) Lot area. There shall be a minimum lot area of 120,000 square feet.
- (b) Density. There shall be no more than 20 total units.
- (c) Building coverage. The total ground floor area of all buildings shall not exceed 30% of the lot area.

(2) Setback requirements.

- (a) No building shall be located within 36 feet of a public street or property line.
- (b) No townhouse dwelling structure shall have more than three continuous attached townhouse dwelling units with the same setback, and variations shall be at least four feet.

(3) Distance between buildings. There shall be a minimum distance between townhouse dwelling structures of 50 feet, except that where a side wall of one townhouse dwelling structure faces a side wall of another dwelling structure, there shall be a minimum distance of 25 feet; provided, however, that if an access drive is located between principal structures, the minimum distance shall be 50 feet.

(4) Building requirements.

- (a) Height. No building shall exceed a height of 2 1/2 stories or 36 feet, whichever is the lesser.
- (b) Units per building. No townhouse dwelling structure shall contain more than six townhouse dwelling units.
- (c) Building plans and elevations shall show a variation in design of units and structures to be achieved by types of roof, heights of eaves and peaks, building materials and architectural treatment of the building facade.
- (d) Each townhouse dwelling unit shall be separated from adjoining units by a firewall constructed in accordance with the Town Building Code.

(5) Townhouse dwelling unit requirements.

- (a) Each townhouse dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a basement or cellar for storage and utilities, an enclosed garage, and a separate kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
- (b) Minimum floor area. Each townhouse dwelling unit shall have a minimum floor area exclusive of attic, basement and cellar floors of 600 square feet plus 200 square feet for

each habitable room, exclusive of living rooms, dining rooms or dinettes, kitchens and bathrooms.

- (c) No room within the townhouse dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.
 - (d) Each townhouse dwelling unit shall have individual private outside front and rear entrances.
 - (e) Each townhouse dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two or more dwelling units shall be permitted in a townhouse development.
 - (f) Each townhouse dwelling unit shall have an individual private yard area or open patio or court adjoining the unit of at least 15 feet in depth. Steps, roof overhangs, bay windows and similar features shall not project into such area more than three feet. Each private yard area, patio or court shall be effectively screened from adjoining units by a fence, wall, or natural screening in order to provide a reasonable degree of privacy.
- (6) Accessory buildings.
- (a) Setbacks. Accessory buildings shall meet the street setback of the principal building and shall be at least 25 feet from a principal building and 15 feet from a property line or other accessory building.
 - (b) Height. The maximum height of an accessory building shall be 15 feet.
 - (c) Design. Architectural design and materials used in the construction of accessory buildings shall conform to those used in the construction of principal buildings.
- (7) Off-street parking.
- (a) Off-street parking facilities shall be provided in accordance with Article XX and townhouse standards in the Residential Site Improvement Standards (RSIS). All parking areas shall be designed in accordance with applicable provisions of Part 3 of this chapter.
 - (b) All required parking must be provided on-site.
 - (c) Garages may be counted as parking space.
 - (d) Parking is prohibited in the front yard.
 - (e) Adequate fire and emergency access must be provided subject to the Town of Boonton Fire Department.
 - (f) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
 - (g) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.
 - (h) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).⁹

(8) Open space, landscaping, and buffers.

- (a) At least 20% of the gross site area shall be devoted to common open space for passive or active recreation, or conservation.
- (b) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (c) A landscape buffer shall be provided where a townhouse development abuts a nonresidential use or zone. The buffer shall be a minimum of 15 feet in width and eight feet in height at planting. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties.
- (d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements, or streets to ensure access to or from adjacent property, and the Board may also permit a portion of a buffer area to be used for a detention or retention basin, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.
- (e) Active and passive recreational areas and other public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by residents of the development. Such areas shall be designed to utilize natural features of the site, including existing vegetation, where possible, and shall be extensively landscaped with a wide variety of plant materials.

(9) Lighting.

- (a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
- (b) All outdoor lighting, including street lamps and accent lighting, should comply with dark-sky standards intended to reduce light pollution. Dark-sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (c) Lighting for the development must be contained on the property on which the development is located.
- (d) LED lighting shall be permitted in addition to all of the conditions of the Land Use Ordinance standards for lighting.

(10) Miscellaneous.

- (a) Television antennas or dishes shall be limited to one master antenna. Multiple antennas or dishes may be installed on the rooftop, provided they are not visible from the street level.
- (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (c) All trash and recyclables shall be stored in covered containers. They may be stored within private garages or outside of buildings. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.

- (d) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
- (e) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
- (f) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
- (g) Internal walkways shall be a minimum of four feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).¹⁰
- (h) Fences shall be permitted at a maximum height of six feet and shall be situated and designed in accordance with § 300-93.

§ 300-105. B-1 Business District.

A. Permitted principal uses.

- ~~(1) Retail stores and shops for retail business conducted entirely within the confines of a building, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided directly to the ultimate consumer; and further provided that not more than five mechanics or production workers are involved in any such process. This section shall be deemed to exclude motels, tourist and trailer camps, junk yards, warehouse storage buildings, coal or fuel storage yards, motor vehicle service stations, public garages or industrial uses, and new residential dwellings.~~
- (1) Retail Sales
- (2) Retail Services
- (3) Banks and financial institutions.
- ~~(4) Central telephone exchanges.~~
- (5) Professional Offices, on all floors except within 25 feet of the primary street facing façade of the ground floor.
- (6) Restaurants
- ~~(7) Theaters.~~
- (8) Commercial Recreation Facilities
- (9) Breweries
- (10) Craft Distillery
- (11) Hotels.
- (12) Funeral homes.
- (13) Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
- (14) Public buildings and uses, including public parking facilities

(15) Nonprofit clubs, lodges and fraternal, civic, service or charitable organizations.

~~(16) Parking garages.~~

(17) Pet Grooming

(18) Institutional uses, subject to the requirements of § 300-101C.

(19) Residential dwellings, on all floors except within 25 feet of the primary street facing façade of the ground floor. However, lobbies or entries to residential dwelling units shall be permitted within 25 feet of the primary street facing façade of the ground floor.

(20) Any combination of permitted principal uses.

B. Permitted accessory uses.

(1) Off-street parking, including parking garages, in accordance with Part 3 and Article XX of this chapter.

(2) Signs in accordance with the Boonton Sign Ordinance.¹¹

(3) Other accessory uses customarily incident to the above uses.

C. Supplementary Bulk Regulations

(1) Newly constructed facades or altered facades at the ground floor, fronting a primary street, must have a fenestration transparency of 50%.

(2) Newly constructed buildings shall have a minimum rear yard setback of 10 feet. This rear yard setback may be reduced by up to 10 feet, provided the front yard setback is increased by one foot for every decrease of the rear yard setback by one foot.

(3) Front yard parking shall not be permitted.

§ 300-106. B-2 Business District.

A. Permitted principal uses.

~~(1) Any use permitted in the B-1 Business District.~~

(1) Retail Sales

(2) Retail Services

(3) Banks and financial institutions.

(4) Professional Offices

(5) Restaurants

(6) Breweries

(7) Craft Distillery

(8) Commercial Recreation Facilities

(9) Hotels.

- (10) Funeral homes.
- (11) Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
- (12) Public buildings and uses.
- (13) Nonprofit clubs, lodges and fraternal, civic, service or charitable organizations.
- ~~(14) Motor vehicle service stations as conditional uses as regulated in Article XXI.~~
- (15) Pet Grooming
- (16) Public garages
- (17) Any combination of permitted principal uses.

B. Conditional Uses

- (1) Motor vehicle service stations, as regulated in Article XXI.
- (2) Institutional uses, subject to the requirements of § 300-101C.

~~C. Permitted accessory uses. Any accessory use permitted in the B-1 Business District.~~

- (1) Off-street parking in accordance with Part 3 and Article XX of this chapter.
- (2) Signs in accordance with the Boonton Sign Ordinance.¹¹
- (3) Other accessory uses customarily incident to the above uses.

§ 300-107. B-3 Business District.

A. Permitted principal uses. Designed shopping centers consisting of a building or group of buildings limited to the following uses: those business uses permitted in § 300-105A(1) through (7).

- (1) Retail Sales
- (2) Retail Services
- (3) Banks and financial institutions.
- (4) Professional Offices
- (5) Restaurants
- (6) Commercial Recreation Facilities
- (7) Pet Grooming
- (8) Hotels
- (9) Any combination of permitted principal uses.

B. Permitted accessory uses.

- (1) Off-street parking in accordance with Part 3 and Article XX of this chapter.
- (2) Signs in accordance with the Boonton Sign Ordinance.¹²

- (3) Other accessory uses customarily incident to the above uses.
- C. Required conditions. Shopping centers shall meet all applicable requirements of this chapter and, in addition, shall comply with the following:
 - (1) Parking spaces shall be separated from buildings by a concrete sidewalk located at least six inches above the paved surface. The sidewalk shall be at least 10 feet in width along the front of a building and six feet in width along the side and rear building walls.
 - (2) A concealed area for the orderly deposit and pickup of trash shall be provided at the rear of each building.
 - (3) A marginal access or service roadway to serve parking areas shall be provided as required by the Planning Board.

§ 300-108. B-4 Business District.

- A. Permitted principal uses. [Amended by Ord. No. 31-94]
 - (1) ~~Office buildings for business, professional and executive purposes.~~ Professional Offices.
 - (2) Banks and financial institutions.
 - (3) ~~Medical clinics with private dispensaries.~~ Medical Offices
 - (4) ~~Shops for hairdressing and dressmaking, but not including the retail sale of already-manufactured goods except for accessory articles incidental to the primary service.~~
 - (5) Retail Sales
 - (6) Retail Services
 - (7) ~~Studios for artists and musicians including instruction in art and music.~~ Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
 - (8) Institutional uses, subject to the requirements of § 300-101C.
 - (9) Pet Grooming
 - (10) One-family dwellings, existing as of 2023, subject to the bulk regulations of the R-2 Residential District.
 - (11) Any combination of permitted non-residential principal uses.
 - (12) ~~Any use permitted in the R-2 Residential District as regulated in that District.~~
- B. Permitted accessory uses.
 - (1) Off-street parking in accordance with Part 3 and Article XX of this chapter.
 - (2) Signs in accordance with the Boonton Sign Ordinance.¹³
 - (3) Other accessory uses customarily incident to the above uses.

§ 300-109. B-5 Business District. [Added by Ord. No. 15-99; amended by Ord. No. 16-99]

- A. B-5 Regional Shopping Center District. The new zone created by way of this section shall be known as the "B-5 Regional Shopping Center District."
- B. Permitted uses within the B-5 Regional Shopping Center District. **[Amended 6-20-2011 by Ord. No. 11-2011]**
- (1) The B-5 Regional Shopping Center District is designed for a single building or group of buildings to be utilized as a single economic unit exclusively for retail sales and services or professional offices, subject to the following enumeration of specifically permitted and prohibited uses:
 - (a) Retail stores and shops for retail businesses. Snacks such as hot dogs, popcorn, coffee and soda may be sold as part of the retail operation.
 - (b) Banks and financial institutions.
 - ~~(c) Central telephone exchanges.~~
 - (d) Restaurants and taverns, including drive-in restaurant.
 - (e) Theaters.
 - (f) Automotive service centers.
 - (g) Supermarkets.
 - (2) Within the B-5 Regional Shopping Center District, all retail operations shall be conducted within the confines of the buildings with the exception that in connection with a home improvement store or similar facility, there may be conducted outside the confines of the building an outdoor garden center and/or other exterior display and/or storage areas, but said areas shall not encompass more than 25% of the area of the building to which the outdoor garden center exterior display shall be attached, and area shall be appropriately screened as required by the Town Planning Board upon site plan review.
- C. Prohibited uses. The following uses are prohibited: **[Amended 6-20-2011 by Ord. No. 11-2011]**
- (1) Any use other than those listed in Subsection B is prohibited.
 - (2) Any type of residential construction or conversion.
 - (3) Any type of industrial operation or use.
 - (4) Any club warehouse.
- D. Required conditions. The following requirements must be complied with in the B-5 Regional Shopping Center District:
- (1) The maximum height of any building shall not exceed 40 feet inclusive of roof tanks and supports, chimneys or head houses or similar enclosures for elevators or air-conditioning machinery or other similar apparatus. All equipment placed on the roof shall be properly screened.
 - (2) Setbacks:
 - (a) From the street: 50 feet.
 - (b) From residential zones: 50 feet.

- (c) From property lines: 50 feet.
- (3) Minimum lot area. The minimum lot area shall be 20 acres.
- (4) Parking setbacks:
 - (a) From building front: 15 feet.
 - (b) From building side and rear: 10 feet.
 - (c) From street: 25 feet.
 - (d) From residential zone: 50 feet.
 - (e) From property line: 15 feet.
- (5) Off-street loading. Loading and unloading shall be limited to the side and rear of the building and not in a yard adjoining a street or residential zone unless screened from view.
- (6) Lot coverage. The following maximum coverage limitations are established:
 - (a) Building coverage: 25%.

(b) Impervious surfaces: 80%.

E. Site plan review. Any development in the B-5 Regional Shopping Center District shall be subject to site plan review by the Town Planning Board and in that connection the Planning Board shall specifically consider the following items:

- (1) Site lighting including the establishment of limitations on light intensity, spread of illumination and height of fixtures.
- (2) Signage.
- (3) Parking lot landscaping. The following minimum requirements for landscaped areas within parking lots shall be required:
 - (a) Within each parking area there shall be a landscaped curbed island at least 10 feet in width at each end of every parking bay. These islands shall be landscaped with grass lawns, shade and specimen trees as required by the Planning Board.
 - (b) All those portions of all front, rear and side yards that are not used for off-street parking or other impervious surfaces shall be attractively planted and maintained with trees, shrubs, plants, and grass lawns as required by the Planning Board.
- (4) Adequate storm drainage facilities shall be provided as directed by the Planning Board so that no downstream property is adversely affected as the result of storm drainage flowing from the tract.
- (5) Any development within the zone shall be subject to the requirements for site plan approval set forth in §§ 300-44 and 300-47 of this chapter.
- (6) Although an applicant for site plan approval within the B-5 Zone is not required to obtain an environmental impact statement, all development within the B-5 Zone shall not proceed until a remedial action work plan has been approved by NJDEP to address all hazardous substances in soils on the tract which is the subject of the development application.
- (7) Any applicant for the site plan review within the B-5 Zone shall be required to make reasonable traffic studies to identify traffic and circulation problems and to correct or contribute to their correction in accordance with law.
- (8) Any applicant for site plan review within the B-5 Zone shall obtain Morris County Soil Conversation District approval in accordance with law.

§ 300-110. C-1 (Hybrid Commercial/Industrial) and C-2 (Gateway Commercial) Commercial Districts.

A. Permitted principal uses.

- (1) Retail Sales
- (2) Retail Services
- (3) Banks and financial institutions.
- (4) Professional Offices
- (5) Medical Offices

- (6) Restaurants
- (7) Breweries
- (8) Craft Distillery
- (9) Commercial Recreation Facilities
- (10) Hotels.
- (11) Funeral homes.
- (12) Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
- (13) Public buildings and uses.
- (14) Nonprofit clubs, lodges and fraternal, civic, service or charitable organizations.
- (15) Kennels
- (16) Pet Grooming
- (17) Public garages.
- ~~(18) Business, commercial, and industrial uses permitted in all the business and industrial districts.~~
- (19) The following uses shall only be permitted in the C-1 Zone

- a. Operations involving the bulk storage of materials, such as lumber yards, fuel storage yards, wholesale stores, plumbing supplies and building construction supplies including the sale of such materials, except that such use shall not be located within any required front yard area.
- b. Restaurant, Drive-Through
- c. Processes of Manufacturing, Fabrication, Packaging, Treatment, or Conversion of Products
- d. Self-storage facilities
- e. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating

(20) Any combination of permitted principal uses, as permitted within each zone district.

~~(21) Buildings for recreational activities, such as bowling, tennis and similar indoor recreational uses, but not including outdoor commercial amusements.~~

B. Permitted accessory uses.

- (1) Off-street parking in accordance with Part 3 and Article XX of this chapter.
- (2) Signs in accordance with the Boonton Sign Ordinance.¹⁴
- (3) Other accessory uses customarily incident to the above uses.

C. Conditional Uses.

- (1) Motor vehicle service stations, as regulated in Article XXI.

(2) Institutional uses, subject to the requirements of § 300-101C.

D. Performance standards. All uses shall comply with performance standards in § 300-111C and the procedures in § 300-111D.

§ 300-111. I-1 and I-2 Industrial District.

A. Permitted principal uses. These zone districts are intended for the following uses conducted entirely within the confines of the buildings. **[Amended by Ord. No. 29-94]**

(1) Processes of manufacturing, fabrication, packaging, treatment or conversion of products.

(2) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.

~~(3) Office buildings for business, professional, executive and administrative purposes.~~ Professional Offices

(4) Warehouses, trucking, terminals and wholesale distribution centers.

(5) Public buildings and uses.

(6) Storage and maintenance of construction vehicles and equipment.

(7) Off-street parking in accordance with all applicable provisions of Part 3 of this chapter intended to serve an adjoining nonresidential use in an adjoining nonresidential zone, including an adjoining nonresidential zone in another municipality, provided that any access to such off-street parking shall be located at least 150 feet from an intersection. In addition, any street providing access to such parking that serves a nonresidential use in an adjoining municipality shall extend into the adjoining municipality.

(8) Kennels

(9) Any combination of permitted principal uses.

B. Permitted accessory uses.

(1) Off-street parking in accordance with Part 3 and Article XX of this chapter.

(2) Signs in accordance with the Boonton Sign Ordinance.¹⁵

(3) Private garage and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.

(4) Accessory buildings and uses customarily incident to the above uses.

(5) Child care centers in conjunction with office, research and manufacturing facilities when operated by those facilities as a service to employees as conditional uses in accordance with the procedures and requirement of § 300-101D.

C. Performance standards. Before the issuance of any building certificate of occupancy, all of the following regulations must be complied with:

(1) Fire and explosion hazards. All activities shall be carried on only in structures which conform to the standards of the National Fire Protection Association or Factory Insurance Association or Boonton Building Code or Fire Prevention Code, whichever is more restrictive. All operations shall be carried on and combustible raw materials, fuels, liquid and finished products shall be

stored in accordance with the standards of said National Fire Protection Association or Factory Insurance Association.

- (2) Smoke, fumes, gases, dust, odors. There shall be no emission of smoke, fumes, gases, dust, odors or other atmospheric pollutant which shall exceed the limitations imposed by the Town Smoke Ordinances,¹⁶ other applicable ordinance of the Town or the Board of Health, or applicable state pollution control laws, whichever is more restrictive.
- (3) Liquid or solid waste. The discharge of any industrial waste shall at all times conform to pertinent state or municipal health and sanitary codes or any other applicable ordinance of the Town of Boonton.
- (4) Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- (5) Noise. There shall be no operational noise emanating from any commercial or industrial establishment which, when measured at the property line adjacent to a residential or another commercial or industrial establishment, exceeds the requirements of Chapter 29, Noise Control Regulations, N.J.A.C. 7:29, of the New Jersey State Department of Environmental Protection.
- (6) Glare. There shall be no direct or sky reflected glare exceeding 0.5 footcandles measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

D. Procedure for building permits and certificates of occupancy.

- (1) Prior to the issuance of a building permit or certificate of occupancy, the applicant shall submit plans of the proposed use to the Planning Board in accordance with Part 3 of this chapter. The applicant shall also submit in duplicate all plans of the proposed construction and development, including a description of the proposed machinery, operation and products, as well as an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with the same at all times.
- (2) If there is any reasonable doubt as to the intended use conforming to the performance standards, the Planning Board shall request a deposit of \$1,000 to be submitted with the application which will be used to defray the cost of the special reports required to process it. The Planning Board shall refer the application for investigation and report to one or more expert consultants selected by the Board as qualified to advise on conformance to the required performance standards. Such consultant or consultants shall make their report within 45 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant. At the next regular meeting of the Board or within 30 days of receipt of consultant's report, whichever comes sooner, the Board shall render a decision in the form of a written report regarding the application. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations, in operation, conforming to the applicable performance standards and the applicant's paying fees in excess of \$1,000, if needed, to cover expert's above-mentioned reports. All moneys not used to pay for the services of the expert

12. Editor's Note: See Ch. 238, Smoke Control.

consultant or consultants deemed reasonable and necessary by the Board for advice shall be returned to the applicant at the time the Board renders the written decision.

- (3) The designated Town official shall investigate any alleged violation of the performance standards, and if there are reasonable grounds to believe that a violation exists, shall notify the Board of Aldermen. The Board of Aldermen shall investigate the alleged violation and for such investigation may employ qualified experts. If the experts find that such a violation exists, the cost of the expert's service shall be paid by the violator. If there was no violation, the Town shall pay the costs.

§ 300-111.1. RH Residential High-Density Zone. [Added 11-17-2007 by Ord. No. 17-2007; amended 9-19-2016 by Ord. No. 13-2016]

A. Permitted principal uses.

- (1) Multifamily dwellings.
- (2) Municipal park, playgrounds and buildings.

B. Permitted accessory uses.

- (1) Parking garages for use by residents.
- (2) Other customary, incidental and subordinate residential structures such as a swimming pool, fitness center, clubhouse, library, media room, fireplaces, trellises, lampposts, outdoor recreation facilities, etc.

C. Prohibited uses.

- (1) Any use other than those listed under Subsection A.
- (2) Any industrial use.
- (3) Any supermarket or club warehouse selling food produce.

D. Requirements for multifamily dwellings in RH Zone.

- (1) Height, yard, area and density requirements.
 - (a) Height. No building shall exceed a height of six stories or 85 feet, whichever is the lesser.
 - (b) Minimum yard setbacks. All buildings shall be set back a minimum of five feet from all property lines.
 - (c) Minimum lot area. There shall be a minimum lot area of 3.5 acres or 152,460 square feet.
 - (d) Density. There shall be a maximum density of 45 dwelling units per acre.
 - (e) Maximum building coverage. The total ground floor area of all principal and accessory buildings shall not exceed 60%.
- (2) Building requirements.
 - (a) Facade length. No single facade of a building shall exceed 150 feet without a jog or offset of at least four feet.

- (b) Distance between buildings. There shall be a minimum distance between principal buildings of 30 feet.
 - (c) Construction. The outside walls of all buildings shall meet the requirements of the applicable building codes and shall be of durable materials such as brick, stone or masonry or other materials approved by the Planning Board.
- (3) Dwelling unit requirements.
- (a) Bedroom distribution of affordable units, as per N.J.A.C. 5:93-7.3:
 - [1] The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low- and moderate-income units; and
 - [2] At least 30% of all low- and moderate-income units are two-bedroom units; and
 - [3] At least 20% of all low- and moderate-income units are three-bedroom units; and
 - [4] Development shall conform to N.J.A.C. 5:93-7.3(a) and (b).
 - (b) Bedroom distribution of market units: no dwelling unit shall have more than two bedrooms.
 - (c) Rentals for affordable units, as per N.J.A.C. 5:93-7.4(a) through (j):
 - [1] Efficiency units shall be affordable to one-person households;
 - [2] One-bedroom units shall be affordable to 1.5-person households;
 - [3] Two-bedroom units shall be affordable to three-person households; and
 - [4] Three-bedroom units shall be affordable to 4.5-person households.
 - (d) Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels.
 - (e) Storage space of 500 cubic feet shall be provided for each dwelling unit.
 - (f) Minimum floor areas:
 - [1] Efficiency: 600 square feet.
 - [2] One-bedroom: 800 square feet.
 - [3] Two-bedroom: 1,100 square feet.
 - [4] Three-bedroom: 1,300 square feet.
- (4) Garages and accessory buildings. Garages may be provided in structures below the building or within separate structures.
- (a) The maximum height of any separate garage structure shall be two stories or 25 feet.
 - (b) Accessory structures, excluding retaining walls, shall only be built in the side and rear yards, except for retaining walls. No accessory structure shall be closer than 10 feet to any property line and 20 feet to any other building. No accessory structure shall be located in the side yard adjacent to a street.

- (c) Architectural design and materials used in construction of garages and other accessory structures shall be compatible with the design and materials used in the construction of the principal buildings.
- (5) Off-street parking. Off-street parking facilities shall be provided in accordance with the New Jersey Residential Site Improvement Standards (RSIS) as modified and identified below. All parking areas shall be designed in accordance with applicable provisions of Part 4 of this chapter unless otherwise provided for in these sections.
- (a) The minimum number of parking spaces for an efficiency unit in a high-rise, multifamily building is 0.8 spaces per unit.
 - (b) The minimum number of parking spaces for one-bedroom units in a high-rise, multifamily building is 1.3 spaces per unit.
 - (c) The minimum number of parking spaces for two-bedroom units in a high-rise, multifamily building is 1.8 spaces per unit.
 - (d) The minimum number of parking spaces for three-bedroom units in a high-rise, multifamily building is 2.0.
 - (e) Each parking space shall be at least nine feet in width and 18 feet in depth.
 - (f) All parking areas and driveways shall be located in a minimum of five feet from property lines and buildings.
- (6) Landscaping and open space.
- (a) At least 15% of the gross site area shall be devoted to common open space suitable for use by the residents for either passive or active recreation.
 - (b) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject of the approval of the Planning Board.
- (7) Miscellaneous.
- (a) Television antennas or dishes shall be limited to one master antenna per building and placed on the roof.
 - (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
 - (c) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
 - (d) All trash and recyclables shall be stored in covered containers. They may be stored within the building or garage area. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a convenient location approved by the Planning Board.
 - (e) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
 - (f) Proposed developments shall attempt to preserve substantial historic features and buildings. In addition, building facades shall be treated in a manner compatible with the

sites' historical features.

- (g) Proposed developments shall attempt to enhance and provide public access and connectivity to adjacent green acres property and Main Street via pedestrian paths and nodes.

(8) Site plan review. Any development in the RH Residential High-Density District shall be subject to site plan review by the Planning Board as required by Article IX of this chapter. In addition, the Planning Board shall specifically consider the following items:

- (a) The Planning Board shall evaluate site lighting, including the establishment of limitations on light intensity, spread of illumination and height of fixtures, pursuant to the requirements in § 300-60.

- (b) Parking lot landscaping. The following minimum requirements for landscaped areas within at-grade parking lots shall be required:

- [1] Within each parking area, there shall be landscaped curbed islands at least five feet in width at each end of every parking bay. These islands shall be landscaped with grass, lawns, shade and specimen trees as required by the Planning Board.

- [2] All those portions of all front, rear and side yards that are not used for off-street parking or other impervious surfaces, such as sidewalks and driveways, shall be attractively planted and maintained with trees, shrubs, plants and grass lawns as approved by the Planning Board.

- (c) Adequate storm drainage facilities shall be provided in conformance with all federal, state, county and local regulations with specific concern so that no downstream property or open waters are adversely affected as the result of storm drainage flowing from the tract.

- (d) Any development within the zone shall be subject to the requirements for site plan approval set forth in § 300-44 and § 300-47 of the Code of the Town of Boonton.

- (e) Although an applicant for site plan approval within the RH Zone is not required to obtain an environmental impact statement, all development within the RH Zone shall not proceed until a remedial action work plan has been approved by NJDEP to address all hazardous substances in soils and on the tract which is the subject of the development application.

- (f) Any applicant for site plan approval within the RH Zone shall be required to make reasonable traffic studies to identify traffic and circulation problems and to correct or contribute to the fair share cost of his or her correction in accordance with law.

- (g) Any applicant for site plan review within the RH Zone shall obtain Morris County Soil Conservation District approval in accordance with law.

E. Affordable obligations.

- (1) At least 20% of the residential units constructed shall be rental units, reserved for occupancy by low- and moderate-income households. The minimum number of affordable units shall be 18 rental units.

F. Applicant shall submit a marketing program in conformance with Substantive Rule 5:93-11.3 as part of site plan submissions.

- G. The Zoning or Land Use Map of the Town of Boonton is hereby amended to provide that lots 1.01 and 1.02 in Block 34 are included in the RH, Residential High-Density Zone.
- H. Homeowners' association documents. When units are condominium or cooperatively owned, a homeowners' association document shall be submitted to the Town of Boonton Planning Board for review and approval before submission to the N.J.D.C.A.

§ 300-111.2. ARU Adaptive Re-Use Zone. [Added 7-17-2017 by Ord. No. 13-2017]

- A. Goals of ARU Adaptive Re-Use District are as follows. It is the intent of this zone to:
 - (1) Provide regulations tailored to encourage and promote the rehabilitation/conservation of older nonused and underutilized industrial and institutional buildings.
 - (2) Provide for a mix of uses within said adaptive reuse developments which promote the economic revitalization of the Town of Boonton.
 - (3) Promote the retention of older buildings and lands which enhance the image and preserve the heritage of the Town of Boonton.
 - (4) Provide reasonable standards for the blending of new construction with existing buildings, so as to allow quality development of older structures within contemporary development and building standards.
 - (5) Encourage bicycle and pedestrian accessibility to the Boonton Train Station and the Main Street Commercial District, which are within one-quarter-mile distance from the zone.
- B. Permitted principal uses.
 - (1) Apartments or condominiums.
 - (2) Live-work art studios.
 - (3) Collaborative work spaces.
 - (4) Technology and light manufacturing incubators.
 - (5) Public buildings and use.
 - (6) Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
 - (7) Processes of manufacturing, fabrication, treatment, warehousing, or conversion of products.
- C. Permitted accessory uses.
 - (1) Parking garages or structure for use by residents.
 - (2) Off-street parking areas.
 - (3) Private garage and storage buildings which are necessary to store any vehicles, equipment or material on the premises.
- D. Requirements for developments in ARU Zone.
 - (1) Height, yard, area and density requirements.

- (a) Height. No building shall exceed a height of five stories or 75 feet, whichever is the lesser.
 - (b) Minimum yard setbacks. All buildings shall be set back a minimum of five feet from all property lines.
 - (c) Minimum lot area. There shall be a minimum lot area of 1.9 acres or 82,764 square feet.
 - (d) Density. There shall be a maximum density of 35 dwelling units per acre nor more than 127 bedrooms.
- (2) Building requirements.
- (a) Principal structures within the ARU Zone shall be maintained.
 - (b) Distance between buildings. There shall be a minimum distance between principal buildings of 30 feet.
 - (c) Setbacks. The following setbacks are established:
 - [1] Front-yard: 15 feet.
 - [2] Side-yard: 10 feet.
 - [3] Rear-yard: zero feet.
 - (d) Construction. The outside walls of all buildings shall meet the requirements of the applicable building codes and shall be of durable materials such as brick, stone or masonry or other materials approved by the Planning Board.
- (3) Dwelling unit requirements.
- (a) Bedrooms. No dwelling unit shall have more than two bedrooms.
 - (b) Minimum floor area. All dwelling units shall be a minimum of 750 square feet.
 - (c) Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels.
 - (d) Livable space. As it relates to any one-bedroom units with dens and/or two-bedroom units with dens:
 - [1] The dens must adjoin a living space;
 - [2] They must be built without closets and at all times after construction have no closets;
 - [3] They must be accessed through a wider-than-usual opening;
 - [4] The addition of a door, wall and a closet must be prohibited.
- (4) Parking structure and accessory buildings. Garages may be provided in structures below the building or within separate structures.
- (a) The maximum height of any garage structure shall be three stories or 25 feet, inclusive of ground floor parking.
 - (b) Accessory structures shall only be built in the side and rear yards, except for retaining walls. No accessory structure other than an accessory parking structure shall be closer than

10 feet to any property line and 20 feet to any other building.

- (c) Architectural design and materials used in the construction of parking structures and other accessory structures shall be compatible with the design and materials used in the construction of the principal building. In addition, the facade of the parking structure facing a public street or an adjacent residential use or zone boundary shall have an architectural finish in keeping with the principal structure within the zone.
 - (d) Internal lighting within the parking deck shall not glare onto adjacent properties or the right-of-way.
 - (e) The proposed deck shall comply with all requirements of the Americans with Disabilities Act.
- (5) Off-street parking. For residential developments, off-street parking facilities shall be provided in accordance with Article XX and the New Jersey Residential Site Improvement Standards (RSIS) as identified below. All parking areas shall be designed in accordance with applicable provisions of Part 4 of this chapter. In accordance with those standards that state that alternate parking standards shall be accepted if the applicant demonstrates that these standards better reflect local conditions and factors such as household characteristics, mass transit options, urban versus suburban location, and off-street parking resources, the Planning Board may grant deviations and exceptions.
- (a) Parking ratio. The following parking ratios shall be applied:
 - [1] Residential: 1.5 spaces per dwelling unit.
 - [2] All other principal permitted uses: two spaces per 1,000 square feet.
 - (b) Each parking space shall be at least nine feet in width and 18 feet in depth. Compact car parking spaces are permitted with dimensions of at least eight feet in width and 16 feet in depth. However, compact car spaces may not comprise more than 10% of the overall parking supply, and shall be signed indicating the spaces are for compact car parking only.
 - (c) All parking areas and driveways shall be located a minimum of five feet from property lines and buildings.
 - (d) Signage shall be provided where parking spaces are to be reserved for residents and/or for areas used for visitor parking.
 - (e) Striped on-street parking may be provided adjacent to the site; however, such parking may not be used to meeting parking requirements of a site plan application.
- (6) Lighting, landscaping, and open space.
- (a) Adequate lighting shall be provided for all parking areas and pedestrian walkways. All outdoor lighting, including street lamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies. Lighting for a building must be contained on the property on which the building is located. LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting. This shall be the responsibility of the property owner.

- (b) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
 - (c) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (7) Miscellaneous.
- (a) Television antennas or master dishes shall be limited to one master antenna. Multiple antennas or dishes may be installed on the rooftop, provided they are not visible from the street level.
 - (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
 - (c) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
 - (d) All trash and recyclables shall be stored in covered containers. They may be stored within the building or garage area. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a convenient location approved by the Planning Board.
 - (e) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
 - (f) Proposed developments shall attempt to preserve substantial historic features and buildings. In addition, building facades shall be treated in a manner compatible with the sites' historical features.
 - (g) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
 - (h) Internal walkways shall be a minimum of five feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
 - (i) Bicycle parking shall be provided to make cycling a more convenient transportation option. A minimum of one bike rack space per eight units shall be required.
 - (j) Flat section of the building roof may be utilized by building occupants for recreational purposes.
- (8) Site plan review. Any development in the ARU Adaptive Re-Use District shall be subject to site plan review by the Planning Board as required by Article IX of this chapter. In addition, the Planning Board shall specifically consider the following items:
- (a) The Planning Board shall evaluate site lighting, including the establishment of limitations on light intensity, spread of illumination and height of fixtures, pursuant to the requirements in § 300-60.
 - (b) Parking lot landscaping. The following minimum requirements for landscaped areas within at-grade parking lots shall be required:
 - [1] Within each parking area, there shall be landscaped curbed islands at least five feet in

width at each end of every parking bay. These islands shall be landscaped with grass lawns, shade and specimen trees as required by the Planning Board.

[2] All those portions of all front, rear and side yards that are not used for off-street parking or other impervious surfaces, such as sidewalks and driveways, shall be attractively planted and maintained with trees, shrubs, plants and grass lawns as approved by the Planning Board.

- (c) Adequate storm drainage facilities shall be provided in conformance with all federal, state, county and local regulations with specific concern so that no downstream property or open waters are adversely affected as the result of storm drainage flowing from the tract.
- (d) Any development within the zone shall be subject to the requirements for site plan approval set forth in § 300-44 and § 300-47 of the Code of the Town of Boonton.
- (e) Any applicant for site plan approval within the ARU Zone shall be required to make reasonable traffic studies to identify traffic and circulation problems and to correct or contribute to the fair share cost of his or her correction in accordance with law.
- (f) Any applicant for site plan review within the ARU Zone shall obtain Morris County Soil Conservation District approval in accordance with law.
- (g) Any site plan shall consider the section of any parcel fronting Lincoln Street as the front yard.

- E. Performance standards. Any manufacturing or industrial use shall conform to the regulations listed in § 300-111C(1) through (6).
- F. Affordable housing. Any residential project in any of the ARU Zone shall set aside 15% of the total number of rental units for the provision of affordable housing units. Developments that include units for sale shall provide a set-aside of affordable units of 20%. Affordable housing units shall be developed in accordance with the second round COAH rules and regulations.
- G. Homeowners' association documents. Any condo or homeowners' association documents shall be submitted to the Town of Boonton Planning Board for review and approval before submission to the N.J.D.C.A.

§ 300-111.3. MAO Myrtle Avenue Multifamily Residential Overlay District. [Added 8-20-2018 by Ord. No. 20-2018]

- A. Purpose. The purpose of the MAO Myrtle Avenue Multifamily Residential Overlay District is to create a realistic opportunity for the construction of low- and moderate-income housing in a suitable portion of the Town of Boonton, and thereby help to address the fair share housing obligation of the Town of Boonton under the New Jersey Fair Housing Act (FHA),¹⁷ applicable Council on Affordable Housing (COAH) regulations, the settlement agreement entered into between the Town and Fair Share Housing Center (FSHC) on March 22, 2018, and the Town's Housing Element and Fair Share Plan. The MAO Overlay District encourages the development of low- and moderate-income housing by allowing for inclusionary multifamily residential; however, developers shall also have the option of developing in accordance with the underlying C-1 Zone standards.
- B. Permitted principal uses. The uses set forth below shall be permitted as a development alternative to

13. Editor's Note: See N.J.S.A. 52:27D-301 et seq.

the underlying zoned uses allowed by this chapter, but shall not replace the underlying zoning district. The principal permitted uses in the MAO Overlay Zoning District are as follows:

(1) Multifamily dwellings.

C. Permitted accessory uses. Permitted accessory uses shall include accessory uses permitted in the underlying zone, and any other accessory use that is customary and incidental to the permitted uses in the MAO Overlay Zoning District, including but not limited to:

(1) Off-street parking in accordance with Article XX and applicable provisions of Part 3 of this chapter.

(2) Private garages, subject to the dimensional requirements herein.

(3) Fences and walls, subject to the dimensional requirements herein.

(4) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of the complex.

(5) Community room to serve only the residents of the complex.

(6) Signs, in accordance with the Boonton Sign Ordinance, Chapter 233.

D. Affordable housing.

(1) All multifamily developments constructed in the MAO Overlay Zoning District shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set-aside shall be 20%. Where units will be for rent, the minimum set-aside shall be 15%. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

(2) All affordable units to be produced pursuant to this section shall comply with the Town's Affordable Housing Ordinance at Chapter 70 of the Town Code, as may be amended and supplemented, the Uniform Housing Affordability Controls (UHAC) (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Town's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

(a) Low-/moderate-income split. A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very-low-income units, which shall be counted as part of the required number of low-income units within the development.

(b) Bedroom mix. If the development is not age-restricted, the following bedroom mix shall apply:

[1] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

[2] At least 30% of all low- and moderate-income units shall be two-bedroom units;

[3] At least 20% of all low- and moderate-income units shall be three-bedroom units; and

[4] The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

- (c) Deed restriction and affordability control period. All affordable units shall be deed-restricted for a minimum period of at least 30 years. The affordability control period on all restricted ownership and/or rental units shall commence on the date the initial certified household takes title to the unit, and shall continue to run for at least 30 years. At the conclusion of the thirty-year term, the deed restrictions and affordability controls shall continue to remain in effect until such time as the municipality elects to release the unit from the deed restrictions and affordability controls by formal adoption of an ordinance within a reasonable time after conclusion of the initial minimum thirty-year term (the "deed restriction period"). The affordability controls and deed restrictions shall not automatically expire. At the conclusion of the initial thirty-year term, the municipality may unilaterally extend the deed restrictions and affordability controls for an additional thirty- year consecutive term by formal adoption of a resolution in accordance with N.J.A.C. 5:80-26.5 of the Uniform Housing Affordability Controls ("UHAC"). During the deed restriction period, sale, use, and rental of each affordable unit shall be subject to the Uniform Housing Affordability Controls ("UHAC"), set forth at Title 5, Chapter 80, Subchapter 26 (N.J.A.C. 5:80-26.1 et seq.) as may be amended from time to time hereafter. All sales and rentals of affordable units shall be on approved uniform affordable housing deeds and/or leases as set forth in the appendices of the UHAC. **[Amended 12-16-2019 by Ord. No. 19-2019]**
- (d) Administrative agent. All affordable units shall be administered by a qualified administrative agent paid for by the developer.
- (e) Other affordable housing unit requirements. Developers shall also comply with all of the other requirements of the Town's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market-rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

E. Requirements for multifamily dwellings.

(1) Area, bulk and density requirements.

- (a) Height. No building shall exceed a height of 2 1/2 stories or 36 feet, whichever is the lesser.
- (b) Yards.
 - [1] Front yard. There shall be a front yard of not less than 25 feet.
 - [2] Side yard. There shall be two side yards and no side yard shall be less than 15 feet. On a corner lot, the side yard shall meet the front yard setback on the side street.
 - [3] Rear yard. There shall be a rear yard of at least 35 feet.
- (c) Lot area. There shall be a minimum lot area of 40,000 square feet, which shall be measured within 265 feet of the front property line.
- (d) Density. There shall be a maximum density of 16 dwelling units per acre. **[Amended 10-21-2019 by Ord. No. 10-2019]**

- (e) Lot coverage.
 - [1] The total ground floor area of all principal and accessory buildings shall not exceed 30% of the lot area.
 - [2] The total impervious coverage of all surfaces shall not exceed 75% of the lot area.
- (2) Building requirements.
 - (a) Length of building. No building or group of buildings structurally joined end to end shall exceed 150 feet in length; provided, however, that not more than three such buildings or groups of structurally joined buildings may be structurally joined at 90°.
 - (b) Units per building. No building shall contain more than 12 dwelling units and no dwelling unit shall be located in an attic, basement or cellar.
 - (c) Distance between buildings. There shall be a minimum distance of 30 feet between principal structures. If an access drive is located between principal structures, the minimum distance between the structures shall be 50 feet. In addition, the following requirements shall be met:
 - [1] Buildings which are parallel to one another or approximately so but which overlap one another shall be at least 30 feet apart at the closest point; provided, however, that for every foot or part thereof of overlap in excess of 30 feet, the building shall be an additional 60 inches apart.
 - [2] Buildings which are parallel to one another or approximately so but which overlap by 10 feet or less may abut one another, except that there shall be no more than three buildings so joined in a group.
 - (d) Construction. The outside walls of all buildings shall be of fire-resistant material, such as brick, stone or masonry, as approved by the Planning Board. Interior walls separating dwelling units shall also be constructed with fire-resistant material.
- (3) Dwelling unit requirements.
 - (a) Minimum floor area. Each dwelling unit shall have a minimum floor area of 500 square feet plus 150 square feet for each habitable room exclusive of living room, dining room or dinette, kitchen and bathrooms.
 - (b) Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
 - (c) Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of impact sound.
 - (d) Basement storage space of 500 cubic feet shall be provided for each dwelling unit.
- (4) Garages and accessory buildings. Garages may be built into the multifamily dwelling structure or separately constructed as hereinafter provided.
 - (a) Size. Each garage space shall be at least 10 feet in width and 20 feet in depth. Each group of attached garages shall have a joint capacity of not more than 10 automobiles arranged

in a row, and there shall be a minimum distance of 10 feet between structures.

- (b) Height. The maximum height of any garage or accessory structure shall be 15 feet.
 - (c) Yards. Garages or other accessory structures may be built in the side and rear yards only. No such structure shall be closer than 10 feet to any property line nor 10 feet to any other buildings. No garage or accessory structure shall be located in the side yard adjoining a street.
 - (d) Design. Architectural design and materials used in the construction of garages and other accessory structures shall conform to the design and materials used in the construction of the principal buildings.
- (5) Off-street parking.
- (a) Off-street parking facilities shall be provided in accordance with Article XX and the Residential Site Improvement Standards (RSIS). All parking areas shall be designed in accordance with applicable provisions of Part 3 of this chapter.
 - (b) All required parking must be provided on-site.
 - (c) Garages may be counted as parking space.
 - (d) Adequate fire and emergency access must be provided subject to the Town of Boonton Fire Department.
 - (e) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
 - (f) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.
 - (g) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).
- (6) Open space, landscaping, and buffers.
- (a) At least 15% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
 - (b) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
 - (c) A landscape buffer shall be provided where a multifamily development abuts a nonresidential use. The buffer shall be a minimum of 10 feet in width. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties.
- (7) Lighting.
- (a) Adequate lighting shall be provided for all parking areas and pedestrian walkways.
 - (b) All outdoor lighting, including street lamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting

is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.

- (c) Lighting for a building must be contained on the property on which the building is located.
 - (d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.
- (8) Miscellaneous.
- (a) Television antennas or dishes shall be limited to one master antenna. Multiple antennas or dishes may be installed on the rooftop provided they are not visible from the street level.
 - (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
 - (c) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
 - (d) All trash and recyclables shall be stored in covered containers. They may be stored within or outside the building. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.
 - (e) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
 - (f) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
 - (g) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
 - (h) Internal walkways shall be a minimum of four feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
 - (i) Fences shall be permitted at a maximum height of eight feet and shall be situated and designed in accordance with § 300-93.
- (9) Bicycle parking requirements.
- (a) A designated area within the development shall be provided for bicycle parking. The area can be permitted inside the buildings or outside in a protected area. Parking shall be provided in such a way that allows for a bicycle to be properly secured, via a bicycle rack or locker.
 - (b) A minimum of one bike parking space per 10 units shall be required.

Article XXI – Conditional Uses

§ 300-101 Application; granting of use.

Pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), the Planning Board may grant conditional uses wherever hereinafter permitted in this chapter. Application for a conditional use shall be made in accordance with procedures set forth in Article III for preliminary subdivision plat approval and the Planning Board shall act on the application in accordance with the procedures for preliminary subdivision plat approval. Application for a conditional use shall include any required site plan application pursuant

to Article III. No conditional use shall be granted unless the same will not be detrimental to the health, safety and general welfare of the community, is not likely to involve unusual risks of traffic safety or traffic congestion and is reasonably necessary for the convenience of the community. Whenever an application for a conditional use involves a deviation from a specification or standard pertaining solely to the conditional use, application for relief shall be made to the Planning Board pursuant to N.J.S.A. 40:55D-70(d)(3) and the Planning Board shall have jurisdiction over the entire application. Requirements for conditional uses provided for in this chapter shall be as follows:

A. Motor vehicle service stations.

- (1) Any lot containing a motor vehicle service station within the B-2 and C-2 Zones shall contain no other principal use and any building containing a motor vehicle service station shall be construed as being devoted entirely to motor vehicle service station use for purposes of meeting the requirements of this subsection.
- (2) Motor vehicle service stations shall not be permitted in residential zoning districts.
- (3) Any lot containing a motor vehicle service station within the C-1 Zone may be accompanied by a building containing a retail sales use, as a subordinate use to the motor vehicle service station.
- (4) The lot or parcel of land shall meet the minimum lot size requirements for its zone district.
- (5) The lot or parcel of land so to be used has a street frontage of at least 150 feet and an average depth of at least 125 feet.
- (6) The walls of the building or structure are set back at least 25 feet from every adjoining property line and at least 40 feet from a street line.
- (7) Entrance and exit driveways shall be at least 30 feet in width with a three-foot radius at the curb line. There shall be a safety zone between driveways of at least 25 feet and driveways shall be at least 10 feet from adjoining property lines. Corner lots shall have a curb radius of at least 25 feet and driveway entrances shall start at least 20 feet from the radius tangent points.
- (8) The nearest boundary line of the lot or parcel of land so to be used is at least 300 feet on either the same or opposite side of the street from any boundary line of property which is used as, or upon which is erected:
 - (a) A public or private school.
 - (b) A church or other place of worship.
 - (c) A hospital.
 - (d) A public library, public museum or other public building.
 - (e) A theatre which shall include a motor vehicle drive-in theatre, opera house or other building or structure used or intended to be used for motion picture, theatrical or operatic productions, or for public entertainment.
 - (f) A public playground or civic center.
 - (g) A firehouse or fire station.
 - (h) An existing service station.
- (9) Gasoline pumps and other apparatus shall be so located as to permit safe and convenient traffic circulation. Every gasoline or oil tank, pump or other device, appliance or apparatus shall be located at least 25 feet from a street right-of-way line, at least 25 feet from a residential zone boundary and at least 10 feet from any property line.
- (10) A six-foot high unpierced fence shall be installed along any residential zone boundary.

- (11) All paved areas within the property shall be at least five feet from a property line, 10 feet from a street right-of-way line and 10 feet from a residential zone boundary and bounded by concrete or granite block curbing at least six inches above the surface.
- (12) Curbing shall be installed in the street right-of-way in accordance with Town specifications.
- (13) Adequate on-site parking for automobiles of employees and patrons shall be provided.
- (14) Entrance and exit driveways shall be at least 30 feet in width with a three-foot radius at the curb line. There shall be a safety zone between driveways of at least 25 feet and driveways shall be at least 10 feet from adjoining property lines.
- (15) There shall be no outdoor storage of supplies, materials or automobile parts, whether for sale, storage or waste.
- (16) Repair work, other than incidental minor repair, shall take place within the building and all repair or service apparatus shall be located within the building.
- (17) Floor drains shall not be connected to any sanitary sewer system or storm drain.
- (18) All storage tanks shall be installed below ground level. Where the possibility of contamination of underground water resources exists, the Board may require ample precautions against leakage and seepage.
- (19) The Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, the minimizing of traffic congestion by appropriate arrangement of entrances and exits, to assure public safety.

§ 300-59. Subdivisions.

- A. General. The applicant shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof:
1. Development pattern. The subdivision plat shall conform to design standards that will encourage good development patterns within the Town.
 2. Conformance to Master Plan and Official Map. Where either or both an official map or master plan has been adopted, the subdivision shall conform to the proposals and conditions shown therein. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map shall be considered in the approval of subdivision plats.
 3. Further conformance. Where no master plan or official map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with the applicable statutes of New Jersey and shall be such as to lend themselves to the harmonious development of the Town.
- B. Streets
1. General. Streets shall be designed and constructed in accordance with ordinances of the Town of Boonton.
 2. Arrangement. The arrangement of streets not shown on the master plan or official map shall be such as to provide for the appropriate extension of existing streets.
 3. Minor streets. Minor streets shall be so designated as to discourage through traffic.
 4. Marginal access. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip or planting or some other means of separation of through and local traffic as the Planning Board may determine appropriate.
 5. Right-of-way width. The right-of-way width shall be measured from lot line to lot line and shall not be less than 50 feet unless a greater width is shown on the master plan or official map.
 6. Pavement width. The pavement width of public streets shall be measured from curb to curb and shall not be less than 34 feet unless a greater width is shown on the master plan.
 7. Private street. Any private street hereafter created for the purpose of providing access to lots or buildings shall meet the following requirements.
 - a. The street shall have a right-of-way of at least 50 feet definable by bearings and dimensions incorporated in the deed or deeds of the property or properties it serves.
 - b. The establishment of any such street shall include provision for access to all properties it adjoins and no such street which would eliminate existing access to any property shall be created.
 - c. Provisions shall be made to ensure proper and continuous maintenance by the owner or owners of any such street hereafter created.
 - d. Included with the creation of any such street shall be the granting to the Town of Boonton, other public agency or public utility company of any necessary utility easements.
 - e. The street shall be improved with pavement, curbs, sidewalks, drainage and other utility facilities as found necessary by the Planning Board based upon anticipated

type and volume of traffic, storm water conditions and other utility requirements. In determining the necessary improvements, the Planning Board shall be guided by the standards and requirements for public streets.

8. Reserve strips. No subdivision showing reserve strips controlling access to streets shall be approved, except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the Planning Board.
9. Existing streets. Subdivisions that adjoin or include existing streets that do not conform to the widths as shown on the master plan or official map or the street width requirements of this chapter shall dedicate additional width along either one or both sides of the road. If the subdivision is along one side only, 1/2 of the required extra width shall be dedicated.
10. Grades. Street grades shall not be less than 1/2 of 1% nor more than 10%.
11. Street intersections. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curb line with curve having a radius of not less than 20 feet.
12. Street jogs. Street jogs with center line offsets of less than 125 feet shall be prohibited.
13. Tangents. A tangent at least 100 feet long shall be introduced between reversed curves.
14. Street line deflection. When connection street lines deflect from each other at any one point by more than 10° and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet.
15. Changes in grade. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
16. Dead-end streets (culs-de-sac). Dead-end streets shall not be longer than 600 feet and shall provide a turnaround at the end with an outside radius of not less than 50 feet and tangent whenever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
17. Street names. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

C. Blocks

1. Length and width. Block lengths and width or acreage within bounding roads shall be of such sizes and shapes as to accommodate the size of lot required in the area by the Zoning Ordinance and consideration of topography and street layout shall dictate and to provide for convenient access, circulation control and safety of street traffic.
2. Crosswalks. In blocks over 1,000 feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board. Such walkways shall be 10 feet wide and be straight from street to street.

D. Lots

1. Dimensions. Lot dimensions and area shall be not less than the requirements of Part 4, Zoning, of this chapter.
2. Side lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curve streets.

3. Frontage. Each lot must front upon an approved street at least 50 feet in width.
 4. Setbacks. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setback shall be measured from such line.
 5. Suitability. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.
- E. Public use and service areas.
1. Easements. In large scale development, easements along rear property lines or elsewhere for utility installations may be required. Such easements shall be at least 15 feet wide and located in consultation with the companies or Town departments concerned.
 2. Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or street, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction or both, as will be adequate for the purpose.
 3. Natural features. Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.
- F. Drainage Design Stormwater Management – Project shall demonstrate compliance with Boonton Code and applicable state standards.
- ~~1. The rational formula shall be used for design. The coefficient of runoff should be based on good engineering judgment and should take into account the ultimate use of the total drainage area. The range of coefficients is listed below:~~

Description of Area	Runoff Coefficient
Business (B-1, B-2, B-3 Zones) Business (B-4 Zone)	0.70 to 0.95
Business (B-5 Zone) [Added by Ord. No. 16-99]	0.50 to 0.70
Residential areas (R-1A, R-2A, R-3A Zones)	0.50 to 0.70
Multi-units, attached (R-1B, R-2B Zones)	0.40 to 0.60
Apartment areas (R-3B Zone)	0.60 to 0.75
Light industrial (C-1, I-1 Zones)	0.50 to 0.70
Heavy industrial (I-2, C-2 Zone)	0.50 to 0.80
Parks, cemeteries	0.60 to 0.90

- ~~2. Rainfall intensity should be based on rainfall curves for northern New Jersey. The design storm frequency shall be 25 years except that a one hundred year design storm frequency criteria shall be used when specifically required by the Planning Board in individual cases as mandated by other governmental entities having jurisdiction. Inlet time shall be 15 minutes.~~
- ~~3. Manning's formula shall be used for design of pipes and open channels where the coefficient of roughness (n) is:~~

Description	n

Reinforced concrete pipe Corrugated metal pipe	0.013
Corrugated metal pipe	0.024
Corrugated metal pipe, coated and 25% paved	0.022
Corrugated metal pipe with smooth asphalt lining:	0.013

G. Sidewalks

1. Sidewalks shall be required in all subdivisions. Sidewalks shall be four feet wide. The Planning Board, however, may determine that there should be sidewalks on only one side of the street or that no sidewalks should be provided if it finds that one of the following conditions exists and if it further finds that the public safety will not be adversely affected thereby:
 - a. The new street shown on the subdivision plat is an extension of an existing street where there is a sidewalk on only one side or there is no sidewalk, as the case may be.
 - b. There are other subdivisions in the neighborhood where there are sidewalks on only one side of the street or no sidewalks, and it would be unreasonable to require a sidewalk on more than one side of the street or any sidewalk.
 - c. The open or rural character of the subdivision development would be best preserved by a sidewalk on only one side of the street or by no sidewalk.

H. Standards for pavements and curbs

The subdivider shall construct curbs and pavements in accordance with all applicable provisions of Chapter 254, Streets and Sidewalks, and in compliance with the engineering requirements of the Department of Public Works of the Town.

I. Trees and shrubs

1. Provision shall be made for the planting of shade trees of such type and size and at such reasonable intervals as shall be approved by the Planning Board. Shade trees shall be located on the property line and shall not be planted closer than 25 feet to an existing or proposed street intersection.
2. Existing trees near street rights-of-way and within the property shall be preserved by the subdivider where practical.
3. Shade trees will not be required if the Board finds that the trees already existing on the property to be subdivided, and which will not be required to be destroyed by the subdivision, will provide sufficient foliage and that the resulting informal arrangement of trees in the subdivision will be at least equally desirable. In any such instance, the Board may require the planting of such shrubs as it may designate in lieu of such street border trees.

§ 300-60. Site plans.

Purpose. The purpose of these design standards for site plans is to create a functional and attractive development, to minimize adverse impacts and to ensure a project will be an asset to the Town.

- A. In general, site plans adhere to the principles of design relating to subdivisions where applicable.
- B. The provisions of Town ordinances with respect to height, minimum lot areas, mandatory open spaces and the like shall be complied with.

- C. Adequate provision shall be made for off-street parking in accordance with this chapter and adequate traffic circulation, traffic safety and protection to adjoining property shall be provided.
- D. Adequate provision shall be made for the disposal of storm water as approved by the Town Engineer.
- E. The location, design or construction of any building shall not involve risks of traffic congestion, public safety or hazard.
- F. The design or construction of any building or use shall not be so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property.
- G. ~~Lighting. Any lighting in connection with off street parking shall be so arranged and shielded as to reflect the light downward away from adjoining streets or properties.~~
 - 1. Lighting plan. A lighting plan prepared by a qualified individual shall be provided with all major subdivision and site plan applications.
 - 2. Street lighting. Street lighting of a type supplied by or approved by the utility and of a type and number approved by the Board shall be provided for all street intersections and along all arterial, collector and local streets as deemed necessary for safety reasons. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for street lighting.
 - 3. Parking areas.
 - a. All parking areas and walkways thereto and appurtenant passageways, building entrances, loading areas and driveways required for nonresidential or multifamily uses shall be adequately illuminated during the hours of operation which occur after sunset.
 - b. Any adjacent residential zone or use shall be shielded from the glare of illumination from site lighting and automobile headlights.
 - c. Freestanding lights within parking lots shall be protected to avoid being damaged by vehicles. Freestanding lights at the perimeter of parking lots shall be aligned with the parking stall striping and located a minimum of 2 1/2 feet to the edge of curb. The exposed concrete light foundation shall not exceed two inches above grade or six inches above grade if located within a lawn area.
 - 4. Security lighting. With the exception of light sources with twenty-four-hour businesses, commercial property shall provide security lighting required for safety not to exceed 40% of the site lighting or those required for safety. Lighting in mixed or residential use areas shall be turned off between 11:00 p.m. and 6:00 a.m. in residential or mixed-use areas. This shall also apply to signage lighting. Provisions shall be made for reduction in the intensity of illumination to the minimum need for security purposes when a facility is not in operation.
 - 5. Lighting color and intensity.
 - a. The lighting plan shall show the proposed light intensity (including fixtures noted to remain) at ground level indicated where 0.5 footcandles occur.
 - b. All proposed fixtures shall have a correlated color temperature of between 2,400K and 4,000K.
 - c. Dimensioned manufacturer's lighting details and specifications including footcandle distributions shall be provided.

- d. All lights shall be concealed source nonglare lighting and shall be focused downward with cutoffs so that the direct source of light is not visible from adjoining streets or properties. No light shall shine into building windows or onto streets and driveways to interfere with or distract driver vision.
 - e. The lens of the light shall be flush with the fixture housing and shall be parallel to the ground. Movable fixture housing is prohibited.
 - f. The minimum footcandle in areas used by the public shall be 0.5; the maximum footcandle is 2, with an overall average footcandle of 1 for areas used by the public. The light intensity shall not exceed 0.3 footcandles along any property line and shall be so arranged and shielded to reflect the light away from adjoining streets and/or properties.
6. Height of fixture. Lighting shall be provided by fixtures with a mounting height not more than 15 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.
7. Style. The style of any light or light standard shall be consistent with the architectural style of the principal building and, where appropriate, the architectural character of the surrounding area.
8. Other requirements
- a. Freestanding lights or light fixtures attached to utility poles are prohibited within the road right-of-way with the exception of streetlights.
 - b. Any other outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan, in sufficient detail to allow a determination of effects upon adjacent properties, traffic safety and overhead sky glow.
 - c. To achieve the above requirements, the intensity of light sources, light shielding, and similar characteristics shall be subject to site plan approval.
 - d. Shade trees shall be planted a minimum of 10 feet from any freestanding lighting fixture.
- H. No signs other than "entrance," "exit," "traffic controls" or "conditions of use" signs shall be maintained.
- I. ~~Off street parking areas shall be used solely for the parking of passenger automobiles and no commercial repair work or service of any kind shall be conducted on the parking lot nor shall such lots be used for the parking of disabled, dismantled, inoperable or unregistered vehicles.~~

Landscaping.

1. General provisions. The following general provisions shall apply to the installation and design of landscapes and streetscapes:
 - a. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in common as well as other inanimate materials such as rocks, water, sculpture, art, walls, fences, and paving materials.
 - b. A landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply

with the minimum standards as set forth in this section.

- c. The approving authority may require additional plant material to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.
 - d. Where subdivisions only are applied for the minimum standards shall apply only to street trees and to common open space and areas proposed to be dedicated to the public.
 - e. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.
 - f. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and stormwater management facilities and should generally be no closer than 10 feet, measured horizontally.
 - g. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, nonnative invasive plant species shall not be permitted.
2. Landscape design guidelines. The following guidelines are to be used when designing the landscape plan:
- a. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building(s) proposed.
 - b. Every possible consideration shall be given and every possible measure taken in the interest of retaining all standing live trees with special emphasis on trees in excess of six inches diameter breast height (d.b.h.). All dead or diseased trees shall be removed.
 - c. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.
 - d. Plants' susceptibility to disease, their colors, textures, shapes, blossoms, foliage characteristics and drought tolerance shall be considered in the overall design of a landscape plan.
 - e. Local soil conditions and water availability shall be considered in the choice of landscaping.
 - f. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.
3. Street trees. The following street tree standards shall be met in any application for development:
- a. Location. Street trees shall be installed on both sides of all streets in

accordance with an approved landscape plan, unless off tract. Trees shall be spaced evenly along the street between the curb or edge of cartway and sidewalk or bikeway.

b. Spacing. Street trees should be planted at predetermined intervals along streets depending on the size of the tree.

1. Street trees shall be planted to meet the following planting intervals:

<u>Tree Size at Maturity (height in feet)</u>	<u>Planting Interval (in feet)</u>
<u>Large Trees (45+)</u>	<u>40</u>
<u>Medium Trees (30 to 45)</u>	<u>30</u>
<u>Small Trees (less than 30)</u>	<u>20</u>

2. Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and streetlights. Street tree species shall be as approved by the Township Arborist.

c. Planting specifications. All street trees shall be deciduous varieties and have a minimum caliper as noted in § 300-60(I)(4). Street trees shall be substantially uniform in size and shape and shall have straight trunks. Trees shall be properly planted and staked in accordance with ANSI or American Association of Nurserymen. Provision shall be made by the developer for regular watering and maintenance until the street trees are established. Dead or dying trees shall be replaced by the developer during the next suitable planting season.

4. Landscape buffers. Landscaping buffers are areas that are required to minimize and visually screen any adverse impacts or nuisances from a site or from any adjacent area.

a. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms and, if appropriate, fences or walls in sufficient quantities and sizes designed to continuously limit the view of and/or sound from the site to adjacent sites or properties. Fences and walls may only be used for decoration or as supplements to required landscaping to achieve a higher degree of visual blocking.

b. Landscape buffers shall be continuous except for access drives as approved by the approving authority.

5. Minimum planting sizes. The following minimum plant sizes shall be required:

a. Deciduous trees. The minimum planting size (measured in calipers) shall be three inches for large trees, 2 1/2 inches for medium-sized trees and two inches for small trees, balled and burlapped.

b. Coniferous and evergreen trees. The minimum planting size shall be five feet to six feet, except that, when used as a landscape buffer, plant material between residential and nonresidential uses shall be increased to a minimum planting size of six feet to eight feet.

c. Large evergreen and deciduous shrubs. The minimum planting size for large evergreen and deciduous shrubs shall be three feet to four feet, except that arbovitae shall be a minimum of five feet to six feet in height.

- d. Small evergreen and deciduous shrubs. The minimum planting size for small evergreen and deciduous shrubs shall be 18 inches to 24 inches.

J. Ingress and egress of parking areas. Parking Areas, Loading Areas and Driveways

1. Garages and parking spaces shall be paved with a hard-surface paving and shall be accessible from similarly paved areas (herein called "aisles") which must be connected directly or by means of a similarly paved driveway to a public street. Any driveway used as an aisle must satisfy the aisle width requirements. All such paving shall be properly drained and maintained.
2. Each parking space shall contain an area of at least 180 square feet with a minimum width of nine feet measured perpendicular to the axis of the length and with a minimum length of 18 feet. Required parking spaces parallel to or disposed at an angle of less than 30° from the axis of the aisles serving them shall be not less than 22 feet in length.
3. All parking areas shall provide for adequate ingress and egress and safe and convenient traffic circulation. All parking areas shall be designed with service aisles to meet the following standards:
 - a. Parallel parking: twelve-foot aisle width.
 - b. Thirty-degree angle parking: twelve-foot aisle width.
 - c. Forty-five-degree angle parking: thirteen-foot aisle width. Sixty-degree angle parking: eighteen-foot aisle width.
 - d. Ninety-degree angle parking: twenty-four-foot aisle width.
4. In addition, there shall be a minimum distance between parallel parking spaces of six feet when found necessary to provide convenient access.
5. All off-street parking areas and establishments with loading bays or spaces for the temporary parking of commercial vehicles shall be effectively screened on each side which adjoins a residential district or an institutional premises. Such screening shall be a solid wall or a solid fence not less than five feet in height or a compact evergreen hedge of not less than three feet in height at the time of planting. The fence, wall or hedge shall be maintained in good condition, and no advertising shall be placed thereon. The screening shall be so designed that vehicle sight distance shall not be affected at entrances, exits and street intersections. Where an off-street parking area abuts or adjoins another, a five-foot-wide planting strip maintained in good condition may be used in lieu of the required screening.
6. All off-street parking areas setbacks pursuant to 300-100G shall be appropriately landscaped.
7. All off-street parking lots or groups of lots on the same property accommodating 50 or more cars in total shall provide landscaped areas within the pavement perimeter amounting to at least 5% of the paved area.
8. A two-way driveway shall be not less than 18 feet wide, and a one-way driveway shall be not less than 12 feet wide. The maximum driveway gradient shall be 10%.
9. Each required parking space shall consist of a suitably graded, drained and unobstructed rectangular area in the plane of which no straight line shall have a grade in excess of 6%.
10. Off-street loading and unloading space.
 - i. In all districts except the B-1 District, for every building or part thereof hereafter

erected, which is to be occupied by manufacturing, storage, goods display, retail store, wholesale store or warehouse, market, hospital, laundry, dry cleaning or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space as follows:

1. One loading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height.
 2. All off-street loading and unloading shall take place from the loading space and not from the street.
- ii. In the B-5 Zone, loading and unloading shall be limited to the side and rear of the building and not in a yard adjoining a street or residential zone unless screened from view. [Added by Ord. No. 16-99]

K. Off-street parking and loading space requirement.

1. Each parking space shall contain an area of at least 180 square feet with a minimum width of nine feet measured perpendicular to the axis of the length and with a minimum length of 20 feet.
2. Off-street parking space standards.
 - a. For all new buildings or uses or additions or alterations to existing buildings or uses in all zone districts, there shall be provided the number of parking spaces required by specific use as prescribed in the following schedule:

Uses	Required Parking Space
One and two family dwellings	2 for each dwelling unit
Townhouses and multifamily dwellings	3 for each 2 dwelling units*
Housing for the elderly	1 for each 2 dwelling units
Churches, places of worship	1 for each 4 seats
Theaters, auditoriums, including school auditoriums, assembly halls, community buildings, social clubs, institutions, etc.	1 for each 200 square feet of floor area
Hospitals, motels	3 for each 2 beds
Hotels, motels	1 for each unit
Nursing Homes	1 for each bed
Funeral homes, mortuaries	1 for each 100 square feet of floor area
Retail store or service establishment	1 for each 200 square feet of floor area
Banks, business, professional executive offices and medical and dental clinics or offices	1 for each 200 square feet of floor area
Restaurant, eating and drinking	1 for each 50 square feet of floor

places	area devoted to patron use
Furniture and appliance stores, motor vehicle sales, wholesale store, building materials stores and similar hardgoods sales	1 for each 400 square feet of floor area
Manufacturing plant, research laboratory industry	1 for each 500 square feet of floor area
Warehouse, storage building	1 for each 1,000 square feet of floor area
Low and moderate income housing excluding housing for the elderly:	
Studio, one bedroom unit	1.25 per each unit
Two bedroom unit	1.50 per each unit
Three or more bedroom unit	1.75 per each unit

NOTES:

*Garages may be counted for up to 50% of the required parking.

b. Any building containing more than one use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use.

c. A fractional space of less than 1/2 space shall not be counted. A fractional space of 1/2 space or more shall be counted as a full space.

3. Off-street loading and unloading space.

a. In all districts except the B-1 District, for every building or part thereof hereafter erected, which is to be occupied by manufacturing, storage, goods display, retail store, wholesale store or warehouse, market, hospital, laundry, dry cleaning or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space as follows:

1. One loading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height.

2. All off-street loading and unloading shall take place from the loading space and not from the street.

b. In the B-5 Zone, loading and unloading shall be limited to the side and rear of the building and not in a yard adjoining a street or residential zone unless screened from view. [Added by Ord. No. 16-99]

4. If it can be clearly demonstrated that, because of the peculiar nature of any use, all parking required by Subsection K(2) above is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved; provided, however, that the entire required parking area shall be shown on the site plan so that it will be available should future conditions require it.

L. All off-street parking and loading areas, except for parking which is accessory to one and two-

family dwellings, shall, unless otherwise provided by this chapter, meet the location requirements prescribed in the following schedule:

Schedule				
Minimum Distances in Feet for Location of Parking and Loading Areas				
Zone¹	From Buildings	From Streets	From Property Lines	Residential Zone
R-1A, B and C	10	35	10	10
R-2A and B	10	25	10	10
R-3A and B	10	25	10 ⁴	10
B-1	0 ³	5	0	5
B-2	0 ³	5	0	5
B-3	10	10	5	10
B-4	10	10	5	10
B-5 [Added by Ord. No. 16-99]	15 ⁴	25	15	50
C-1	5	5	5	5
C-2	5	5	5	5
I-1	10	10	10	10
I-2	5	5	5	10

NOTES:

1 All uses except one- and two-family dwellings.

2 Loading areas excepted.

3 Ten feet from front of building.

4 Ten feet from building side and rear.

M. Parking Design Standards for residential cluster, townhouse, garden apartment. In the case of a site plan for a residential, cluster, such as townhouse or garden apartment development, review of the site plan shall consider the following criteria:

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject to property conform to the zoning regulations in Part 4 of this chapter.
2. That the proposals for maintenance and conservation of the common open space are realistic, and the amount, location and purpose of the common open space are adequate.
3. That provision through the physical design of the proposed development for public services, control over vehicular pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
4. That the proposed planned development will not have an unreasonably adverse impact

upon the area in which it is proposed to be established.

5. On-site parking spaces shall not be entered directly from a public street.
 6. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with Article XI.
 7. Parking areas and internal roadways shall be located at least 10 feet from a building or development property line and shall be located in side and rear yards only with proper screening satisfactory to the Planning Board.
 8. Internal roadways shall be at least 20 feet in width for two-way traffic and 12 feet in width for one-way traffic and shall not enter a street within 50 feet of an intersection. Parking in internal roadways shall be prohibited.
 9. The arrangement and location of garages, parking areas and internal roadways shall be subject to approval of the Planning Board and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests.
 10. All common open spaces shall be attractively landscaped with grass lawns, trees and shrubs. Provision shall be made for the preservation of existing trees and natural features.
 11. Hard-surfaced sidewalks shall be provided in such location as will insure convenient pedestrian traffic as required by the Planning Board.
 12. Screening and fencing shall be provided to shield parking areas and other common facilities from view of adjoining property.
 13. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways, and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent resident area.
 14. Adequate provisions shall be made for the installation of storm drainage facilities, public water supply and connection to a public sanitary sewer.
 15. All telephone and electric service on the property shall be by underground conduit.
- N. Internal roadways shall be at least 20 feet in width for two-way traffic and 12 feet in width for one-way traffic and shall not enter a street within 50 feet of an intersection. Parking in internal roadways shall be prohibited.
- O. That all other applicable provisions of this chapter are met.
- P. That the applicant has obtained necessary approvals of any state, county or municipal agencies.
- Q. The Planning Board shall give consideration to such other elements or aspects of the site plan or proposed use as may relate to the design of the plan, the general environment of the area or the health, safety and general welfare of the public.
- R. Recycling/Refuse Storage
1. Exterior garbage and recycling storage areas. Exterior garbage and recycling storage areas for multifamily and commercial developments shall be screened around their perimeter by wood fence enclosures with a roof or by solid walls of compatible design with the adjacent facade materials. Chain link fences are not permitted. Such enclosures shall have a minimum height of five feet and a maximum height of seven feet and shall extend on three sides of the area with a wooden gate or solid door on the fourth side. The

storage area shall have a concrete pad as its surface and shall be safely and easily accessible by recycling personnel and vehicles. The design and dimensions should be consistent with anticipated usage, current methods of garbage and recycling collection and any district recycling plan adopted pursuant to N.J.S.A. 13:1E-99.

~~§ 300-33 Time of filing.~~

~~An application for subdivision or site plan approval shall be filed with the Town Clerk at least 20 calendar days prior to a regular meeting of the Planning Board.~~

§ 300-36 Completeness of application; checklists

C. For the purpose of administering this section, the checklist entitled, "~~Checklist for Determining Completeness of Application for Development, Zoning and Land Use Ordinance, Town of Boonton, New Jersey, including Addenda A through F inclusive, dated March 15, 1993, Town of Boonton Land Development Application Checklists, dated June 11, 2024,~~" is hereby adopted and made a part of this chapter and is on file in the office of the Town Clerk.

§ 300-73 Existing platted lots.

A. Any lot or plot as recorded at the time of passage of this chapter that fails to comply with the minimum requirements of this chapter may be used for any use not otherwise prohibited in such district in which it lies, provided that all of the following requirements are complied with:

(1) The lot is in a single ownership as defined in this chapter.

~~(2) All yard requirements are complied with except that where the average lot width is less than its zone district requirements the side yards may be reduced by the percentage that the lot width bears to the zone district requirements; provided, however, that no side yard shall be less than six feet.~~

§ 300-92 Extensions into yards.

No part of any building shall extend more than one foot beyond the foundation into any required yard except the following which shall not extend more than two feet beyond the foundation into any required yard:

- A. Roof overhangs.
- B. Bay or bow windows.
- C. Steps, except that front steps shall not extend more than five feet into the required front yards, but nothing in this provision shall be read to restrict the right to provide ramps and other reasonable means of access for the handicapped consistent with the Federal Fair Housing Act, 42 U.S.C.A. § 3601 et seq.
- D. Chimneys.
- ~~E. Decks and platforms, whether freestanding or attached to a building, shall not extend closer to a side property line than 2/3 of the side yard requirement. Decks and platforms, whether freestanding or attached to a building, shall extend into a required rear yard by not more than 25% of the rear yard requirement. Decks and platforms, when attached to a principal building, shall be subject to all setback requirements for the principal building. Freestanding decks and platforms, as well as those attached to an accessory building, shall be subject to all setback requirements for accessory buildings and structures.~~

§ 300-93 Fences and Walls. [Amended by Ord. No. 15-94]

Any fence hereafter erected shall be subject to the following conditions:

- A. Permit; fee. No person shall erect a fence without first obtaining a permit from the Town Official Zoning Officer. All applications for a fence permit shall be submitted on forms issued by the Town and shall include a current survey showing the location of existing buildings and existing and proposed fences. All applications shall be accompanied by the appropriate fee provided therefor by Chapter 87, Building and Housing. The Zoning Officer shall issue the permit if the proposed fence meets all of the requirements of this subsection. All fences shall be constructed in accordance with the approved plans. Within seven days after completion of construction, the applicant shall notify the Zoning Officer, who shall inspect the completed fence to ensure compliance with this subsection. [Amended 7-18-2005 by Ord. No. 20-2005]
- B. Bulk requirements.
- (1) No fence shall be erected within 25 feet of the intersection of any two street right-of-way lines.
 - (2) Except as provided hereinbelow in Subsection B(3), no fence, excepting a retaining wall, exceeding three feet in height above curb level, shall be erected within 25 feet of a street right-of-way line.
 - (3) A fence or wall may be erected in a side yard or in a rear yard. In the case of a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot, a fence exceeding three feet in height may be located within the twenty-five-foot buffer required in Subsection B(2) above, other than the buffer along the street upon which the building faces, provided all of the following requirements are met: The fence or wall will not obstruct traffic line-of-sight or interfere with sight distance.
- C. Maximum height.
- (1) In the R and B Zones, no fence or wall shall exceed a height of six feet above ground level.
 - (2) In the C and I Zones, no fence or wall shall exceed a height of eight feet above ground level.
 - (3) The limitations in Subsection B(1) above shall not prevent the erection of an open wire fence, not exceeding eight feet above ground level, on any public property.
 - (4) Where a fence, guard rail or wall is erected above a wall, the combined height of the fence, guard rail or wall and wall measured on either side shall not exceed the foregoing height limits, except that the height limits may be exceeded by one foot for each foot of separation between the fence and wall.
- D. Miscellaneous provisions.
- (1) No fence shall be erected so as to create a safety hazard or sight problem for vehicle or pedestrian traffic.
 - (2) Any fence facing on a street or property line shall have the front surface exposed to the street or property line.
 - (3) Retaining walls. The location, height, construction and drainage provisions of retaining walls in excess of three feet in height shall be subject to approval by the Town Engineer.
 - (4) Terraced retaining walls involving more than one section of wall above or below each other shall be construed as one wall unless the base of the upper wall is separated from the face of the lower wall by at least the height of the lower wall, measured horizontally.
 - (5) If a retaining wall is permitted by variance to exceed the maximum permitted height, the Board granting the variance may require an appropriate guard rail, fence or wall in order to protect persons from falling over the edge of the retaining wall.
 - (6) New fences may not be placed directly next to existing fence that will be left in place. In this case, old fencing must be removed, except that when two independent property

owners install fencing under a separate permit, fences may be permitted to be back to back.

§ 300-94.1 Steep slope regulations

C. Landscaping and revegetation plan.

(1) Where disturbance of pre-development slopes of 15% or more is proposed, a landscaping plan for the revegetation of the steep slopes disturbed on the lot shall be submitted to the Land Use Board, Town Planner, or Town Engineer, as the case may be. The landscaping plan shall accompany any application to the Land Use Board or application for a land disturbance permit. The landscaping plan shall include a complete existing conditions plan showing the locations of all existing vegetative types, including meadow, forest and scrub lands, and shall identify the locations, size, and species of each type of tree, shrub, or other ~~and area of each~~ type of vegetation to be removed and the locations, size, and species of each type of tree, shrub, or other ~~and area of each~~ type of vegetation to be preserved. Wherever feasible, natural vegetation shall be retained and protected.

§ 300-94.3 Signage

Signage shall be regulated pursuant to provisions included in Chapter 233: Signs.

Article XX Off-Street Parking and Loading

§ 300-100 Requirements.

- A. Adequate off-street parking and loading facilities shall be provided for new buildings or uses or additions to existing buildings and uses.
- B. Off-street parking space standards:
 - (1) For all new buildings or uses or additions or alterations to existing buildings or uses in all zone districts, there shall be provided the number of parking spaces required by specific use as prescribed in the following schedule:

<u>Uses</u>	<u>Required Parking Space</u>
<u>One- and two-family dwellings</u>	<u>2 for each dwelling unit</u>
<u>Townhouses and multifamily dwellings</u>	<u>3 for each 2 dwelling units*</u>
<u>Housing for the elderly</u>	<u>1 for each 2 dwelling units</u>
<u>Churches, places of worship</u>	<u>1 for each 4 seats</u>
<u>Commercial Recreation Facilities, Theaters, auditoriums, including school auditoriums, assembly halls, non-profit clubs, community buildings, vocational schools, social clubs, institutions, etc.</u>	<u>1 for each 200 square feet of floor area</u>
<u>Hospitals</u>	<u>3 for each 2 beds</u>
<u>Hotels, motels</u>	<u>1 for each unit</u>
<u>Nursing Homes</u>	<u>1 for each bed</u>
<u>Funeral homes, mortuaries</u>	<u>1 for each 100 square feet of floor area</u>
<u>Retail sales, retail service</u>	<u>1 for each 200 square feet of floor area</u>
<u>Banks and financial institutions, Medical Office, Professional Office, Institutional Uses</u>	<u>1 for each 200 square feet of floor area</u>

<u>Restaurant, all classes</u>	<u>1 for each 50 square feet of floor area devoted to patron use</u>
<u>Wholesale distribution center, motor vehicle service stations</u>	<u>1 for each 400 square feet of floor area</u>
<u>Processes of manufacturing, fabrication, packaging, treatment, or conversion of products; scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating</u>	<u>1 for each 500 square feet of floor area</u>
<u>Warehouse, truck terminal</u>	<u>1 for each 1,000 square feet of floor area</u>
<u>Other non-residential uses</u>	<u>1 for each 200 square feet of floor area</u>
<u>Low- and moderate-income housing excluding housing for the elderly:</u>	
<u>Studio, one-bedroom unit</u>	<u>1.25 per each unit</u>
<u>Two-bedroom unit</u>	<u>1.50 per each unit</u>
<u>Three-or-more-bedroom unit</u>	<u>1.75 per each unit</u>

*Garages may be counted for up to 50% of the required parking.

- (2) Any building containing more than one use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use. The number of required parking spaces for two or more land uses shall be determined by the following procedure:
- i. Establish baseline: Determine the minimum amount of parking for each use, as set forth in Section 300-100.
 - ii. Factor in occupancy rates: For each of the time periods in the table below, multiply the minimum parking required for each individual use by the appropriate percentage indicated in the table below:

<u>Land Use</u>	<u>Monday-Friday</u>			<u>Saturday-Sunday</u>		
	<u>8 am–6 pm</u>	<u>6pm–Mid</u>	<u>Mid–8 am</u>	<u>8 am–6 pm</u>	<u>6pm–Mid</u>	<u>Mid–8 am</u>
<u>Institutional (not place of worship)</u>	<u>100%</u>	<u>20%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>5%</u>
<u>Institutional (place of worship)</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>100%</u>	<u>50%</u>	<u>5%</u>
<u>Professional Office, Medical Office</u>	<u>100%</u>	<u>20%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Commercial Recreation Facilities</u>	<u>40%</u>	<u>80%</u>	<u>10%</u>	<u>80%</u>	<u>100%</u>	<u>10%</u>
<u>Residential</u>	<u>80%</u>	<u>100%</u>	<u>100%</u>	<u>80%</u>	<u>100%</u>	<u>100%</u>
<u>Restaurant</u>	<u>70%</u>	<u>100%</u>	<u>10%</u>	<u>70%</u>	<u>100%</u>	<u>20%</u>
<u>Retail</u>	<u>90%</u>	<u>80%</u>	<u>5%</u>	<u>100%</u>	<u>70%</u>	<u>5%</u>

<u>Other Non-Residential Uses</u>	<u>90%</u>	<u>80%</u>	<u>5%</u>	<u>100%</u>	<u>70%</u>	<u>5%</u>
<u>Hotel</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>
<u>Hospital</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

NOTE: Add each of the columns individually. The column with the highest value shall serve as the parking requirement.

- (3) A fractional space of less than 1/2 space shall not be counted. A fractional space of 1/2 space or more shall be counted as a full space.
- C. Parking areas for nonresidential uses are permitted in the residential zones that are contiguous to the B-1 and B-2 Zones, provided that all the requirements of § 300-47 are complied with; and further provided that:
- (1) The parking area does not extend more than 120 feet into the residential zone.
 - (2) The parking area shall extend continuously from the nonresidential zone.
 - (3) The parking area is on the same side of the street and in the same block as the principal use.
 - (4) The parking area shall screened from the remainder of the residential zone be a solid wall or a solid fence not less than five feet in height or a compact evergreen hedge of not less than three feet in height at the time of planting.
- D. Any owner or group of owners of a business building or buildings may jointly sponsor off-street parking facilities. No such parking area shall be further than 360 feet from any business it serves.
- E. Driveways
- (1) Driveways shall have a minimum width of 10 feet and a maximum gradient of 10% within 20 feet of the property line.
- F. Off-street loading and unloading space.
- (1) In all districts except the B-1 District, for every building or part thereof hereafter erected, which is to be occupied by manufacturing, storage, goods display, retail store, wholesale store or warehouse, market, hospital, laundry, dry cleaning or other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space as follows:
 - i. One loading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height.
 - ii. All off-street loading and unloading shall take place from the loading space and not from the street.
 - (2) In the B-5 Zone, loading and unloading shall be limited to the side and rear of the building and not in a yard adjoining a street or residential zone unless screened from view. [Added by Ord. No. 16-99]
- G. If it can be clearly demonstrated that, because of the peculiar nature of any use, all parking required by Subsection K(2) above is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved; provided, however, that the entire required parking area shall be shown on the site plan so that it will be available should future conditions require it.
- H. All off-street parking and loading areas, except for parking which is accessory to one- and two-family dwellings, shall, unless otherwise provided by this chapter, meet the location requirements prescribed in the following schedule:

Schedule

Minimum Distances in Feet for Location of Parking and Loading Areas				
<u>Zone</u>¹	<u>From Buildings</u>	<u>From Streets</u>	<u>From Property Lines</u>	<u>Residential Zone</u>
R-1A, B and C	<u>10</u>	<u>35</u>	<u>10</u>	<u>10</u>
R-2A and B	<u>10</u>	<u>25</u>	<u>10</u>	<u>10</u>
R-3A and B	<u>10</u>	<u>25</u>	<u>10</u> ⁴	<u>10</u>
B-1	<u>0</u> ³	<u>5</u>	<u>0</u>	<u>5</u>
B-2	<u>0</u> ³	<u>5</u>	<u>0</u>	<u>5</u>
B-3	<u>10</u>	<u>10</u>	<u>5</u>	<u>10</u>
B-4	<u>10</u>	<u>10</u>	<u>5</u>	<u>10</u>
<u>B-5 [Added by Ord. No. 16-99]</u>	<u>15</u> ⁴	<u>25</u>	<u>15</u>	<u>50</u>
C-1	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
C-2	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
I-1	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
I-2	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>

NOTES:

1 All uses except one- and two-family dwellings.

2 Loading areas excepted.

3 Ten feet from front of building.

4 Ten feet from building side and rear.

§ 300-100.1 Waiver of off-street parking requirements.

[Added 5-7-2001 by Ord. No. 5-01; amended 10-18-2004 by Ord. No. 22-2004]

The provisions of §§ 300-60K and 300-84 of the Code of the Town of Boonton are hereby waived as to any building with frontage on Main Street within the B-1 Zone which cannot provide off-street parking because the lot has been built out or the buildings located thereon encompass the entire lot, provided that if the owner shall expand said building, he shall pay \$10,000 for each parking space required by way of § 300-60K as a result of the addition to the Town for parking purposes upon the issuance of a certificate of occupancy.

§ 300-115 Zoning permits.

- A. ~~No building shall hereafter be erected, constructed, reconstructed, moved, extended, converted, modified, altered or demolished, nor shall any land be used for any nonbuilding use controlled by the within chapter, unless the owner, his agent or contractor shall first obtain a zoning permit from the Zoning Enforcement Official. A zoning permit, issued by the Zoning Officer, is required prior to the issuance of any building permit or certificate of occupancy covering the use and location of said building. A zoning permit shall also be required prior to any construction, change of use type or alteration or construction of an accessory use, building or structure, or alteration of structures. A zoning permit shall also be required before a change in occupancy or tenancy of a nonresidential building or tenant space.~~
- B. Whenever an application is made to the Zoning Enforcement Official for a zoning permit for the erection or construction of a proposed new building or for the addition to an existing building in any zone for any use other than a one family detached residential dwelling, he shall not issue the

zoning permit until he has received a final approval of a site plan and/or subdivision plat and maps and/or variance from the Town Planning Board.

- C. Except for applications for minor repairs, as defined by the Uniform Construction Code, no construction permit or certificate of occupancy shall be issued unless a zoning permit has been obtained from the Zoning Officer.
- D. Required inspection. Inspection of the subject premises prior to issuance of a zoning permit shall be at the discretion of the Zoning Officer.
- E. Zoning permit exceptions. Pursuant to the above, all applicants for building permits shall apply for a zoning permit. Notwithstanding the foregoing to the contrary, the following items shall not be subject to a zoning permit:
 - (1) Replacement roofing.
 - (2) Replacement siding.
 - (3) Replacement windows and doors, where there is no change in glazing area or opening size.
 - (4) Replacing chimneys and chimney liners, where a new chimney is the same size and material as the original.
 - (5) Interior oil tank replacement.
 - (6) Furnace/boiler replacement.
 - (7) Garage door replacement, same size.
 - (8) Replacement bathroom fixtures.
 - (9) Replacement floors/ceilings.
 - (10) Replacement kitchen cabinets/fixtures/appliances.
 - (11) Installation of radon mitigation systems (interior systems only).
 - (12) Installation of commercial carpet for nonresidential uses.
 - (13) Minor work or ordinary maintenance as defined by the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.
 - (14) Interior electrical work.

§ 300-12 Fees. [Amended by Ord. No. 37-92; 9-20-2021 by Ord. No. 26-21]

Submission/Application	Application Fee	Initial Escrow Deposit
<i>Subdivision</i>		
Minor Concept plan	\$150	\$1,000
Minor, simple lot line change	\$200 <u>\$250</u>	\$1,500, plus \$500 per lot
Minor, other	\$500	\$2,000
Amendment to approved minor	\$200	\$1,500
Major sketch plat	\$250	\$1,500
Major preliminary plat	\$1,000 plus \$125 per lot	\$2,000 plus <u>\$250 per lot</u>
Major final plat	\$750 plus \$50 per lot <u>50% of preliminary application fee</u>	\$2,000 <u>50% of preliminary escrow fee</u>
<u>Amendment to approved plat</u>	<u>50% of original application fee</u>	<u>50% of original escrow fee</u>
Amendment to approved prelim	\$250 plus \$50 per lot	\$1,500
Amendment to approved final	\$125 plus \$25 per lot	\$1,500
<i>Site plans</i>		
Expedited waiver site plan (EWSP)	\$200	\$750
Concept plan	\$150	\$1,000
Minor	\$500	\$1,000
Preliminary; conventional <u>nonresidential</u>	\$500 plus \$10 per square foot of lot area plus \$10 per <u>1,000 square foot of floor area</u>	\$2,000, plus \$100 per <u>1,000 square foot of floor area</u>
Preliminary; multifamily <u>residential</u>	\$500 plus \$100 <u>\$25 per dwelling unit</u>	\$2,000, plus \$100 per <u>dwelling unit</u>
Amendment to previously approved preliminary site plan	\$500	\$1,500
Final site plan	50% of prelim <u>application fee</u>	\$500 <u>50% of prelim escrow fee</u>
Prelim and final combined	125% of prelim fee	\$2,000
Amendment to previously approved final site plan	50% of prelim fee <u>50% of original application fee</u>	\$1,000 <u>50% of original escrow fee</u>
<i>Variances and appeals pursuant to:</i>		
N.J.S.A. 40:55D-70a (Appealing Decision of Zoning Officer)	\$250	\$500
N.J.S.A. 40:55D-70b (Zoning Map Interpretation)	\$250	\$500
N.J.S.A. 40:55D-70c ("C" Variance)	\$300	\$600
Each additional N.J.S.A. 40:55D-70c ("C" Variance)	\$50	\$75
N.J.S.A. 40:55D-70d ("D" Variance)	\$750	\$1,000
N.J.S.A. 40:55D-17 (Appealing ZBA Decision)	\$250	\$500
N.J.S.A. 40:55D-34 (Building in public street of ROW)	\$250	\$500
N.J.S.A. 40:55D-35 (Building not abutting street)	\$250	\$500
N.J.S.A. 40:55D-36 (Appeal of 40:55D-35)	\$250	\$500

N.J.S.A. 40:55D-67 (Conditional Use)	\$500 plus site plan fee	\$500 plus site plan escrow deposit
N.J.S.A. 40:55D-68 (Certificate of Non-Conforming)	\$500	\$500
Rezoning	\$500	\$1,000
Publication by Town in official newspaper when applicable	-	-
Publication of hearing notice or re notice	-	\$20-
Publication of decision	-	\$20-
Publication of decision on an appeal	-	\$20-
Special meeting at applicant's request	-	\$500 \$750
Cancellation or postponement of special hearing at applicant's request less than 3 working days prior to hearing	-	-
Conditional use	=	\$500-
Preliminary lot grading plan	-	\$200
As-built lot grading plan	-	\$150
Zoning Permit	\$75	-

Town of Boonton Land Development Application Checklists

June 11, 2024

The administrative checklist must be submitted for all land development applications. The applicant should identify the type of application (i.e. Major Subdivision) on the application form, and submit the corresponding checklist and materials. One original and 17 copies of all required documents and plans should be provided, unless specified otherwise. An application shall not be considered complete until all the materials and information specified below have been submitted.

The applicant should make a mark under the "Applicant Response" column to indicate either compliance or that a submission waiver is sought. If an item is considered by the applicant to be "not applicable," a waiver request should be made, and the waiver requested box should be checked. The applicant should submit an attached statement identifying the submission waiver requirement and an explanation of why an exemption is sought. This waiver request will be adjudicated as part of the Completeness Determination, and within 45 days of receipt of said request.

Any questions regarding the submission of Land Development Application documents should be directed to the Board Secretary (973) 402-9410 ext. 630. All application materials should be submitted to the Board Secretary, 100 Washington Street, Boonton, NJ 07005.

Administrative Checklist (To Be Submitted For All Applications)

Administrative Checklist Requirement	Applicant Response	Staff Response
1. COMPLETED CHECKLIST · This shall include written explanations for all requested completeness waivers, signed by the applicant.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
2. APPLICATION FORM · Completed Town of Boonton application form.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
3. SUBMISSION WAIVER STATEMENT · Completed statement attachment for the explanation of any submission waiver requests, identifying the submission requirement and the reason for desired exemption.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
4. APPLICATION FEE CHECK · This shall be made out to the Town of Boonton and include the applicant's Federal ID number. · See Sections 300-12 & 300-13.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
5. ESCROW REVIEW FEE CHECK · This shall be made out to the Town of Boonton and include the applicant's Federal ID number. · See Sections 300-12 & 300-13.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
6. TAX COLLECTOR CERTIFICATION (2 COPIES) · This shall be obtained from the Town of Boonton Tax Collector to confirm all taxes and assessments are paid in full.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
7. CERTIFIED LIST OF PROPERTY OWNERS WITHIN 200 FEET (2 COPIES) · To be obtained by the Town of Boonton Tax Assessor.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
8. DEED(S) FOR LANDS (5 COPIES) · If applicable, this shall be provided for all land related to protective covenants, deed restrictions, road widening, sight triangles, open space, recreation, utilities, and existing and proposed easements.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
9. COMPLETED ESCROW AGREEMENT + W9 FORM (2 COPIES)	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Administrative Checklist Requirement	Applicant Response	Staff Response
10. OWNERSHIP DISCLOSURE AFFIDAVIT (FORM ATTACHED) (2 COPIES)	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
11. SITE INSPECTION AUTHORIZATION (FORM ATTACHED) (2 COPIES)	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
12. DIGITAL COPY OF ALL APPLICATION DOCUMENTS · Email attachments or web link. A copy of all application documents shall be submitted to the Board Secretary.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
13. PHOTOGRAPHS OF SUBJECT PREMISES · Photographs of site's existing conditions and areas affected by proposal.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
14. PROFESSIONAL SEALED PLANS (18 COPIES TOTAL – 5 SEALED) · All plans or plats prepared by a New Jersey licensed engineer or licensed Land Surveyor. Each sheet must be signed and sealed by the appropriate professional and contain all contact information of the professional. · One- and Two-Family Applications are exempt from this requirement.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
15. PROPERTY/BOUNDARY SURVEY · This shall be the survey used to prepare the plan showing any deed restrictions, covenants, or easements. This survey shall be recent (within the past 5 years) and reflect the conditions as they currently exist.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
16. HISTORIC SITE OR DISTRICT IDENTIFICATION · Identification of this site as a historic site or part hereof, or within a historic district as included in the Historic Preservation Ordinance (Section 300-68) or Master Plan.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
17. PLAN DETAILS - TITLE BLOCK (ALL SHEETS) · This shall include lot and block number(s) of subject property, original plan date and date(s) of all revisions, scale, and graphic scale.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
18. PLAN DETAILS – OWNER + APPLICANT INFORMATION · This shall include names, addresses, and telephone numbers.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
19. PLAN DETAILS – NORTH ARROW WITH REFERENCE (ALL SHEETS)	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
20. PLAN DETAILS – SCALE · Drawn at a scale not less than 1 inch equals 50 feet.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
21. PLAN DETAILS - ZONING COMPLIANCE TABLE · This shall include information regarding compliance with all applicable zoning requirements (i.e. use, bulk, design, sign, parking, etc.) and any notation as to any variances and/or design waivers requested.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
22. PLAN DETAILS – BOUNDARY + LOT INFORMATION · Existing and proposed boundary information and lot lines with bearing and distance including existing lot lines to be removed based upon a current survey. Existing and proposed lot areas shown in acres and square feet. The minimum lot area within 100 feet of the front property line should be identified if different from the total area measured within 100 feet and the total lot area.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
23. PLAN DETAILS – SHORTEST DISTANCE LINES · All existing and proposed front, side, and rear yard setback lines shall be shown on the plans and be consistent with the zoning compliance table. · All required front, side, and rear yard setback lines shall be shown on the plans in accordance with the applicable zoning. · All shortest distance lines between any existing and/or proposed buildings and structures.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
24. PLAN DETAILS – SIGNATURE BLOCKS · This shall be for the Board Chairperson, Secretary, and Engineer.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Administrative Checklist Requirement	Applicant Response	Staff Response
25. PLAN DETAILS – KEY MAP · This shall be at a scale of not less than 1 inch equals 400 feet showing street names and zone district.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
26. PLAN DETAILS – ADJACENT PROPERTIES · All structures, driveways, and tree canopies within 100 feet of the subject parcel shall be depicted. The dimensions on this plan can be approximate if physical access for accurate measurement is not available.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
27. EXISTING CRITICAL ENVIRONMENTAL AREAS · This shall include the location of any critical environmental areas as defined in N.J. Admin. Code § 7:1E-1.8, and as may be amended.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
28. STORMWATER RUNOFF · The Applicant shall demonstrate how the project will comply with Municipal and State Stormwater Standards.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
29. EXISTING TREES · The location, species, and size of all existing trees. · Tree removal, protection, and replacement plan, identifying all existing trees to be removed or protected, as well as a plan for tree replacement as required.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
30. EXISTING UTILITY CONNECTIONS · Including wells and septic systems on the property.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
31. POST-APPROVAL CONTINGENCIES · Acknowledgement that the following items may be required as part of resolution compliance and/or as part of the construction approval process: <ul style="list-style-type: none"> ○ Developer’s Fees (Chapter 70) and Affordable Housing Obligation (Section 300-85) ○ Final Plat/Site Plan ○ Engineer’s Cost Estimate ○ Approved Block and Lot Designations ○ “As Built” Plans or Final Plats ○ Approved Road Names and Subdivision Name ○ Certification from the Applicant’s Engineer 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Preliminary + Final Major Site Plan Checklist

Preliminary + Final Major Site Plan Checklist Requirement	Applicant Response	Staff Response
<p>1. SIGNED UTILITY LETTERS (2 COPIES)</p> <ul style="list-style-type: none"> · Letter(s) signed by a responsible officer of the water company, sewer authority, or other utility company which provides water, sewer, gas, telephone and/or electricity, stating availability of service. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>2. ENVIRONMENTAL IMPACT STATEMENT</p> <ul style="list-style-type: none"> · This shall include the following: <ul style="list-style-type: none"> ○ Map of the site ○ Description of proposed development ○ Inventory of existing conditions including, hydrology, geology, soils, topography and slope, drainage, vegetation, air quality, wildlife, noise, and information about site contamination, if any ○ Calculation of water and sewer demand for both existing and proposed conditions ○ Required permits and approvals ○ Assessment of impacts ○ Impact mitigation steps ○ Alternatives to development 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>3. TRAFFIC + PARKING IMPACT ASSESSMENT</p> <ul style="list-style-type: none"> · This shall include the following: <ul style="list-style-type: none"> ○ Peak traffic generation (AM/PM) ○ Predicted future conditions (build/no-build) ○ Level of Service impacts ○ Mitigation requirements ○ Parking generation ○ Onsite & offsite parking capacity ○ Compliance with ordinance standards 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>4. RIGHTS-OF-WAY + EASEMENTS</p> <ul style="list-style-type: none"> · Existing and proposed rights-of-way and easements within and adjoining the tract, with dimensions and existing improvements accurately shown. This shall include 1-foot contours for areas up to 20% grade and 2-foot contours for all grades above 20%. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>5. TOPOGRAPHIC SURVEY</p> <ul style="list-style-type: none"> · This shall show contours at 2-foot intervals within the tract and within 50 feet of the tract, if the off-site information is reasonably available. This shall include 1-foot contours for areas up to 20% grade and 2-foot contours for all grades above 20%. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>6. GRADING PLAN</p> <ul style="list-style-type: none"> · This shall show all grading on site and off site based upon 2-foot contour topographic survey; provide typical cross sections and detailed grading where necessary. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>7. STORMWATER MANAGEMENT PLAN</p> <ul style="list-style-type: none"> · This shall show how stormwater will be controlled and in what manner it will be released, including pre- and post- development drainage area map, drainage calculations and water quality control methods. This report shall demonstrate compliance with applicable stormwater management requirements, which includes, but is not limited to, a geotechnical investigation, groundwater mounding analysis and compliance with other regulatory requirements. This Plan shall be compliant with the standards in Chapter 249, if applicable. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>8. CIRCULATION PLAN</p> <ul style="list-style-type: none"> · This shall show proposed vehicular and pedestrian circulation systems, showing how the proposed ties into the existing system including: <ul style="list-style-type: none"> ○ Location of off-street parking and loading spaces with dimensions 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	

Preliminary + Final Major Site Plan Checklist Requirement	Applicant Response	Staff Response
<ul style="list-style-type: none"> o Width of traffic aisles o Direction of traffic flow o Profiles, and cross sections of all streets, common driveways or private roads o Sight clearance triangles at street intersections and where driveways and curb cuts intersect with streets o Specifications and construction details sheet of existing and proposed paving and curbing o Dimensions, location, and treatment of proposed entrances and gates to public rights-of-way o Identify use of traffic control devices, signs and traffic signals, channelization and all other traffic alterations o Identify accessible routes in accordance with accessibility requirements o Truck turning diagrams o Emergency vehicle access and routes <p>• Inclusive, of all requirements of Ordinance Section 300-60.J.</p>		
<p>9. PARKING PLAN</p> <ul style="list-style-type: none"> • This shall include, but not limited to: <ul style="list-style-type: none"> o Number of required parking spaces o Number of proposed parking spaces o Location of the parking area o Dimensions from parking spaces to the property lines, street, and structures o Identification of electric vehicle parking and details of such as required by State Law 2021, Chapter 171 o Identification of any required variance relief <p>• Inclusive of all requirements of Ordinance Section 300-100.</p>	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>10. LIGHTING PLAN</p> <ul style="list-style-type: none"> • This shall clearly delineate all exterior lighting including: <ul style="list-style-type: none"> o Proposed isolux patterns with footcandle levels o Mounting height o Manufacturer’s specifications and construction details including materials, colors, fixture and pole type o Color temperature <p>• See lighting requirements at Ordinance Section 300-60.G.</p>	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>11. LANDSCAPING PLAN</p> <ul style="list-style-type: none"> • This shall delineate all proposed exterior plantings, including ground cover, shrubs and trees, including size (planted and mature) and species of all materials, including common names. <p>• See landscaping requirements at Ordinance Section 300-60.I. and 300-94.1C</p>	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>12. SIGN PLANS</p> <ul style="list-style-type: none"> • This shall show all exterior signage, both identification and traffic control. The size, height, type, materials, and colors of the signs shall be delineated. <p>• Sign compliance chart indicating compliance or variance requested.</p> <p>• See sign requirements at Ordinance Section 233.</p>	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>13. ARCHITECTURAL PLANS, ELEVATIONS, FLOOR PLANS, COLORED RENDERINGS + MATERIAL BOARD SAMPLES</p> <ul style="list-style-type: none"> • For existing buildings, elevations and floor plans shall be provided. • For proposed buildings and structures, elevations, floor plans, colored renderings, and material board samples shall be provided. Materials and colors shall be labeled on the plans. • Height information and measurements including grade point / elevations at corners of building to highest points of structure. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	

Preliminary + Final Major Site Plan Checklist Requirement	Applicant Response	Staff Response
<p>14. SUSTAINABILITY STATEMENT</p> <ul style="list-style-type: none"> • A statement regarding the proposed developments incorporation of sustainable practices shall be provided on the plans. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>15. UTILITY SYSTEMS</p> <ul style="list-style-type: none"> • This shall show connections to existing and proposed systems including, but not limited to: <ul style="list-style-type: none"> ◦ Plans and profiles of storm drainage facilities (ditches, pipes, detention facilities, etc.) showing materials, sizes, and elevations ◦ Drainage area map and drainage calculations ◦ Plans and profiles of existing and proposed sanitary sewers and appurtenant facilities ◦ Existing and proposed water mains, showing sizes and materials ◦ Location of any proposed individual sewage disposal system along with percolation test results approved by the Board of Health ◦ Existing electric and natural gas lines and proposed connections thereto ◦ Location of existing and proposed water wells ◦ Building service size connections ◦ Letter of intent to serve the property from utilities (gas, electric, telephone, etc.) ◦ A statement containing estimated daily water consumption, volume, and nature of sewage, waste and water to be disposed of and descriptions of water supply and sewage treatment facilities. ◦ Screening details 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>16. SOIL EROSION + SEDIMENT CONTROL PLAN</p> <ul style="list-style-type: none"> • This shall be designed in accord with the Morris County Soil Conservation District, including 2 copies of the application(s) made thereto. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>17. COMMON OPEN SPACE DETAILS</p> <ul style="list-style-type: none"> • If applicable, this shall include the amount (SF and acres) and location of common open space to be provided, location and description of the organization to be established for the ownership, and maintenance of any common space. • See open space requirements in Section 300-60.M. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>18. SOIL PERMEABILITY LOGS</p> <ul style="list-style-type: none"> • This shall include a minimum of two logs with the permeability test results for each proposed lot or use if on-site sewage disposal system proposed. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<ul style="list-style-type: none"> • APPROVALS STATEMENT –Applicant to confirm via a statement that all federal, state, county, and local permits or approvals will be obtained and a complete listing of the same. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>19. ON-SITE STRUCTURE LOCATIONS + USE</p> <ul style="list-style-type: none"> • For existing and proposed structures, the following must be provided: <ul style="list-style-type: none"> ◦ Residential – Number of proposed units and bedrooms ◦ Office/Commercial/Industrial – Number of employees, total and in maximum shift ◦ Description of any proposed machinery operation, products, by-products and processes to be contained on the site, including a description of raw materials to be stored on-site. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>20. SOLID WASTE + RECYCLABLE MATERIAL</p> <ul style="list-style-type: none"> • If applicable, a statement and/or details identifying provisions for the collection, storage and disposal of such shall be shown on the plan. • See requirements in Section 300-48. 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	
<p>21. MORRIS COUNTY PLANNING BOARD APPLICATION FORM (2 COPIES)</p> <ul style="list-style-type: none"> • Completed County Planning Board application forms (if applicable, i.e. on a County Road or impacting County drainage facility), including copy of a check made payable to Morris County. • Link to application webpage: https://www.morriscountynj.gov/Departments/Planning-and- 	<p>SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/></p>	

Preliminary + Final Major Site Plan Checklist Requirement	Applicant Response	Staff Response
Preservation/Boards-Committees/Planning-Board		
22. MORRIS COUNTY HEALTH DEPARTMENT APPLICATION (2 COPIES) · Completed County Health Department application forms, including copy of a check made payable to Morris County.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
23. MORRIS COUNTY SOIL CONSERVATION DISTRICT APPLICATION (5 COPIES) · Completed Morris County Soil Conservation District application and submitted soil erosion and sediment control plan, including copy of check made payable to "MCSCD". · Link to application webpage: https://mcscd.org/	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
24. NEW JERSEY STATE APPROVALS (5 COPIES) · Copies of any and all Department of Transportation and Department of Environmental Protection approvals.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Minor Site Plan Checklist

Minor Site Plan Checklist Requirement	Applicant Response	Staff Response
<p>1. SIGNED UTILITY LETTERS (2 COPIES)</p> <ul style="list-style-type: none"> • Letter(s) signed by a responsible officer of the water company, sewer authority, or other utility company which provides water, sewer, gas, telephone and/or electricity, stating availability of service. 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	
<p>2. LANDSCAPING PLAN</p> <ul style="list-style-type: none"> • This shall delineate all proposed exterior plantings, including ground cover, shrubs and trees, including size (planted and mature) and species of all materials, including common names. • See landscaping requirements at Ordinance Section 300-60.1. 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	
<p>3. STORMWATER MANAGEMENT PLAN</p> <ul style="list-style-type: none"> • This shall show how stormwater will be controlled and in what manner it will be released, including pre- and post- development drainage area map, drainage calculations and water quality control methods. This report shall demonstrate compliance with applicable stormwater management requirements, which includes, but is not limited to, a geotechnical investigation, groundwater mounding analysis and compliance with other regulatory requirements. This Plan shall be compliant with the standards in Chapter 249, if applicable. 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	
<p>4. UTILITY SYSTEMS</p> <ul style="list-style-type: none"> • This shall show connections to existing and proposed systems including, but not limited to: <ul style="list-style-type: none"> ○ Plans and profiles of storm drainage facilities (ditches, pipes, detention facilities, etc.) showing materials, sizes, and elevations ○ Drainage area map and drainage calculations ○ Plans and profiles of existing and proposed sanitary sewers and appurtenant facilities ○ Existing and proposed water mains, showing sizes and materials ○ Location of any proposed individual sewage disposal system along with percolation test results approved by the Board of Health ○ Existing electric and natural gas lines and proposed connections thereto ○ Location of existing and proposed water wells ○ Letter of intent to serve the property from utilities (gas, electric, telephone, etc.) ○ A statement containing estimated daily water consumption, volume, and nature of sewage, waste and water to be disposed of and descriptions of water supply and sewage treatment facilities. ○ Screening details 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	
<p>5. ARCHITECTURAL PLANS, ELEVATIONS, FLOOR PLANS, COLORED RENDERINGS + MATERIAL BOARD SAMPLES</p> <ul style="list-style-type: none"> • For existing buildings, elevations and floor plans shall be provided. • For proposed buildings and structures, elevations, floor plans, colored renderings, and material board samples shall be provided. Materials and colors shall be labeled on the plans. • Height information and measurements including grade point / elevations at corners of building to highest points of structure. 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	
<p>6. SUSTAINABILITY STATEMENT</p> <ul style="list-style-type: none"> • A statement regarding the proposed developments incorporation of sustainable practices shall be provided on the plans. 	<p style="text-align: center;">WAIVER SUBMITTED <input type="checkbox"/> REQUESTED <input type="checkbox"/></p>	

Minor Site Plan Checklist Requirement	Applicant Response	Staff Response
7. SOLID WASTE + RECYCLABLE MATERIAL · A statement and/or details identifying provisions for the collection, storage and disposal of such shall be shown on the plan.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
8. RIGHTS-OF-WAY + EASEMENTS · Existing and proposed rights-of-way and easements within and adjoining the tract, with dimensions and existing improvements accurately shown.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
9. LIGHTING PLAN · This shall clearly delineate all exterior lighting including: <ul style="list-style-type: none"> ○ Proposed isolux patterns with footcandle levels ○ Mounting height ○ Manufacturer’s specifications and construction details including materials, colors, fixture and pole type ○ Color temperature · See lighting requirements at Ordinance Section 300-60.G.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
10. SIGN PLANS · This shall show all exterior signage, both identification and traffic control. The size, height, type, materials, and colors of the signs shall be delineated. · Sign compliance chart indicating compliance or variance requested. · See sign requirements at Ordinance Section 233.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
11. APPROVALS STATEMENT · Confirmation that all federal, state, county, and local permits or approvals will be obtained and a complete listing of the same.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
12. MORRIS COUNTY PLANNING BOARD APPLICATION FORM (2 COPIES) · Completed County Planning Board application forms (if applicable, i.e. on a County Road or impacting County drainage facility), including copy of a check made payable to Morris County. · Link to application webpage: https://www.morriscountynj.gov/Departments/Planning-and-Preservation/Boards-Committees/Planning-Board	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
13. MORRIS COUNTY HEALTH DEPARTMENT APPLICATION (2 COPIES) · Completed County Health Department application forms, including copy of a check made payable to Morris County.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
14. MORRIS COUNTY SOIL CONSERVATION DISTRICT APPLICATION (5 COPIES) · Completed Morris County Soil Conservation District application and submitted soil erosion and sediment control plan, including copy of check made payable to “MCSCD”. · Link to application webpage: https://mcscd.org/	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
15. NEW JERSEY STATE APPROVALS (5 COPIES) · Copies of any and all Department of Transportation and Department of Environmental Protection approvals.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Preliminary + Final Major Subdivision Checklist

Preliminary + Final Subdivision Checklist Requirement	Applicant Response	Staff Response
1. KEY MAP · A key map showing the entire subdivision and its relation to the surrounding areas at a scale of not more than 400 feet to the inch.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
2. LOCATION & MONUMENTS · The location of existing and proposed property liens, streets, buildings, watercourses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas, large trees and rock formations. · Location and description of all monuments.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
3. STRUCTURES & WOODED AREAS · All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
4. OWNERS · The name and address of the owner and the name of all adjoining property owners, as disclosed by the most recent Town tax records.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
5. DEED RESTRICTIONS AND EASEMENTS · A copy of any protective covenants, easements or deed restrictions applying to land being subdivided.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
6. STREETS · Plans and profiles of all proposed streets within the subdivision and profiles of existing or future continuing streets a minimum distance of 200 feet beyond the subdivision boundaries. · See additional requirements in Section 300-59.B.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
7. BLOCKS · Length and width of blocks and crosswalks. · See additional requirements in Section 300-59.C.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
8. LOTS & ACREAGE · The lot layout, lot dimensions, the total area of each lot in square feet and the area in square feet of that portion of each lot lying within the maximum allowable distance of the front street property line permitted by the zoning regulations. · The acreage of the tract to be subdivided to the nearest tenth of an acre. · See additional requirements in Section 300-59.D.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
9. TOPOGRAPHY · Existing and proposed contours at five-foot vertical intervals for slopes averaging 20% or greater and at two-foot vertical intervals for land of lesser slope to determine the general slope and natural drainage of the land and the high and low points. Datum of all elevations shall be that of the United States Coast and Geodetical Survey's latest available figures and set forth on all plats.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
10. PUBLIC USE & SERVICE AREAS · Property line, utility, and drainage easements and identification of natural features. · The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted. · See additional requirements in Section 300-59.E.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
11. IDENTITY & GENERAL INFORMATION · The tract name, tax map sheet, block and lot number, date, and, graphic scale. · The name and address of the person preparing the map which shall be either a licensed New Jersey professional engineer or land surveyor, the scale of no more than 1 inch equals 50 feet, and reference meridian. · See additional requirements in Section 300-43.C(2) and Section 300-59.A.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Preliminary + Final Subdivision Checklist Requirement	Applicant Response	Staff Response
12. ZONE BOUNDARIES & SETBACKS • Zone district boundaries, if any, on or adjoining the property to be subdivided and identification of zones. • Minimum building setback lines on all lots and other sites.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
13. TAXES • Certification from the tax collector that no taxes or assessments for local improvements are due or delinquent.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
14. CERTIFICATIONS & APPROVALS • See requirements in Sections 300-43.D(8), (9), and (10).	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
15. SOIL EROSION & SEDIMENT CONTROL PLAN • This shall be in accordance with P.L. 1975, c. 251 (N.J.S.A. 4:24-39 et seq.). The plan shall be submitted to the Soil Conservation District in accordance with said statute and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the district.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
16. MORRIS COUNTY SOIL CONSERVATION DISTRICT APPLICATION (5 COPIES) • Completed Morris County Soil Conservation District application and submitted soil erosion and sediment control plan, including copy of check made payable to "MCSCD". • Link to application webpage: https://mcscd.org/	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
17. MORRIS COUNTY PLANNING BOARD APPLICATION FORM (2 COPIES) • Completed County Planning Board application forms (if applicable, i.e. on a County Road or impacting County drainage facility), including copy of a check made payable to Morris County. • Link to application webpage: https://www.morriscountynj.gov/Departments/Planning-and-Preservation/Boards-Committees/Planning-Board	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
18. LOT GRADING PLAN • See requirements in Section 300-43.D(14).	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
19. DRAINAGE DESIGN • Plans and profiles of all proposed and existing water mains, sanitary sewer systems, storm drains, drainage ditches and streams, within the subdivision together with the location, sizes, elevations, grades and capacities of any existing sanitary sewer systems, storm drain, drainage ditch or stream to which the proposed facility shall be connected. • Map showing the entire drainage area contributing to each pertinent drainage structure along with drainage tabulation sheets showing calculations for each drainage area. Each drainage area shall be marked for identification purposes. • See additional requirements in Section 300-59.F.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
20. SEWAGE DISPOSAL SYSTEM • When an individual sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, county or state health agency. When a public sewage system is not available, the developer shall have percolation tests made in accordance with local requirements and submit the results with the preliminary plat. Percolation tests shall be made under the supervision of the Town Engineer. The Town will receive a fee of \$10 per test hole with a minimum of \$25 in each case or, at the discretion of the Planning Board, by the Board of Health at their rates and fees as published.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
21. RECYCLING • See requirements in Section 300-43.C(14).	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
22. SIDEWALKS, PAVEMENT & CURBS • See requirements in Section 300-59.G and Section 300-59.H.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Preliminary + Final Subdivision Checklist Requirement	Applicant Response	Staff Response
23. TREES & SHRUBS • See requirements in Section 300-59.1.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
24. ENVIRONMENTAL IMPACT STATEMENT • This shall include the following: <ul style="list-style-type: none"> ○ Map of the site ○ Description of proposed development ○ Inventory of existing conditions including, hydrology, geology, soils, topography and slope, drainage, vegetation, air quality, wildlife, noise, and information about site contamination, if any ○ Required permits and approvals ○ Assessment of impacts ○ Impact mitigation steps • Alternatives to development	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
25. STORMWATER MANAGEMENT PLAN • This shall show how stormwater will be controlled and in what manner it will be released; including pre- and post- development drainage area map, drainage calculations and water quality control methods. This Plan shall be compliant with the standards in Chapter 249, if applicable.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
26. SUBDIVISION MAP • If the subdivision is to be developed in sections, a map showing the various sections and a list of improvements to be installed in each section shall accompany the application. The Planning Board may withhold final approval of any prior section that has not been completed to its satisfaction.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Minor Subdivision Checklist

Minor Subdivision Checklist Requirement	Applicant Response	Staff Response
1. LOCATION · The location of that portion which is to be subdivided in relation to the entire tract.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
2. STRUCTURES & WOODED AREAS · All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
3. OWNERS · The name and address of the owner and the name of all adjoining property owners, as disclosed by the most recent Town tax records.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
4. IDENTITY · The tax map sheet, block and lot number of the property to be subdivided. Lot numbers of lots to be created shall be supplied by the Tax Assessor.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
5. STREETS · All existing or proposed streets, roads, easements, public rights-of-way, streams, drainage ditches and natural watercourses in and within 200 feet of the subdivision. · See additional requirements in Section 300-59.B.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
6. BLOCKS · Length and width of blocks and crosswalks. · See additional requirements in Section 300-59.C.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
7. LOTS · The original and proposed lot layout, lot dimension and total area of each lot in square feet. · See additional requirements in Section 300-59.D.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
8. TOPOGRAPHY · Existing contours at sufficient intervals to determine the general slope and natural drainage of the land shall accompany the plat if physical conditions of the land are likely to result in drainage problems or otherwise cause concern in connection with future development of the property.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
9. PUBLIC USE & SERVICE AREAS · Property line, utility, and drainage easements and identification of natural features. · See additional requirements in Section 300-59.E.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
10. GENERAL INFORMATION · The name and address of the person preparing the map which shall be either a licensed New Jersey professional engineer or land surveyor, the scale of no more than 1 inch equals 100 feet, and reference meridian. · See additional requirements in Section 300-59.A.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
11. ZONE BOUNDARIES · Zone district boundaries, if any, on or adjoining the property to be subdivided and identification of zones.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
12. TAXES · Certification from the tax collector that no taxes or assessments for local improvements are due or delinquent.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
13. SOIL EROSION & SEDIMENT CONTROL PLAN · This shall be in accordance with P.L. 1975, c. 251 (N.J.S.A. 4:24-39 et seq.). The plan shall be submitted to the Soil Conservation District in accordance with said statute and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the district.	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
14. MORRIS COUNTY SOIL CONSERVATION DISTRICT APPLICATION (5 COPIES)	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Minor Subdivision Checklist Requirement	Applicant Response	Staff Response
<ul style="list-style-type: none"> Completed Morris County Soil Conservation District application and submitted soil erosion and sediment control plan, including copy of check made payable to "MCSCD". Link to application webpage: https://mcscd.org/ 		
<p>15. MORRIS COUNTY PLANNING BOARD APPLICATION FORM (2 COPIES)</p> <ul style="list-style-type: none"> Completed County Planning Board application forms (if applicable, i.e. on a County Road or impacting County drainage facility), including copy of a check made payable to Morris County. Link to application webpage: https://www.morriscountynj.gov/Departments/Planning-and-Preservation/Boards-Committees/Planning-Board 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
<p>16. LOT GRADING PLAN</p> <ul style="list-style-type: none"> Following approval of a minor subdivision that involves the creation of a new lot or lots, lot grading plans shall be submitted in accordance with the procedures and requirements of Section 300-43.D(14). 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
<p>17. DRAINAGE DESIGN</p> <ul style="list-style-type: none"> See requirements in Section 300-59.F. 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
<p>18. SIDEWALKS, PAVEMENT & CURBS</p> <ul style="list-style-type: none"> See requirements in Section 300-59.G and Section 300-59.H. 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	
<p>19. TREES & SHRUBS</p> <ul style="list-style-type: none"> See requirements in Section 300-59.I. 	SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/>	

Use + Bulk Variance Checklist

Use + Bulk Variance Checklist Requirement	Applicant Response	Staff Response
<p>1. ARCHITECTURAL PLANS, ELEVATIONS, FLOOR PLANS, COLORED RENDERINGS + MATERIAL BOARD SAMPLES</p> <ul style="list-style-type: none"> · For existing buildings, elevations and floor plans shall be provided. · For proposed buildings and structures, elevations, floor plans, colored renderings, and material board samples shall be provided. Materials and colors shall be labeled on the plans. · Height information and measurements including grade point / elevations at corners of building to highest points of structure. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	
<p>2. ADDITIONAL SUPPORTIVE INFORMATION</p> <ul style="list-style-type: none"> · Other information necessary to show the nature and extent of the variance requested. 	<p style="text-align: center;"> SUBMITTED <input type="checkbox"/> WAIVER REQUESTED <input type="checkbox"/> </p>	

ZONING AND LAND USE

300 Attachment 1

Zoning Schedule of Requirements

Town of Boonton, New Jersey

[Amended 2-21-2006 by Ord. No. 3-2006; 5-1-2006 by Ord. No. 9-2006; 6-5-2006 by Ord. No. 10-2006;
12-4-2006 by Ord. No. 27-2006; 11-17-2007 by Ord. No. 17-2007; 12-7-2009 by Ord. No. 28-2009; 8-20-2018 by Ord. No. 19-2018; 11-5-2018 by Ord. No. 23-2018;
10-21-2019 by Ord. No. 15-2019]

Zone	Primary Principal Uses	Minimum Lot Area (square feet)	Maximum Depth of Measurement (feet) For Minimum Lot Area	Minimum Lot Depth (feet)	Minimum Lot Width (feet)			Minimum Yards (feet)			Minimum Corner Lot Setback From Side Street (feet)	Maximum Stories	Maximum Height (feet) ¹	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Maximum Floor Area Ratio	Minimum Floor (square feet)
					Street Right-of-Way	Building Line		Front	Rear	Side							
R-1A	One-family dwellings	12,500	125	--	60	100		35	35	15	17 1/2	2 1/2	36	15%	29%	0.26	1,200
R-1B	One-family dwellings	12,500	125	--	60	100		35	35	15	17 1/2	2 1/2	36	15%	29%	0.26	1,200
R-1B	Townhouses (See §300-102D)	120,000	--	--	--	--		36	36	36	36	2 1/2	36	20%	40%	0.35	(See §300-102D)
R-1C	One-family dwellings	9,350	110	--	40	70		25 ¹	35	10 ²	25 ¹	2 1/2	36	17%	33%	0.29	1,200
R-1D	One-family dwellings	85,000	400	--	175	225		100	100	50	75	2 1/2	36	7%	14%	0.12	2,000
R-1E	One-family dwellings	8,000	135	--	40	70		25	35	10	--	2 1/2	36	18%	35%	0.31	1,600
R-2A	One-family dwellings	6,250	125	100	60	60		25	35	6	12 1/2	2 1/2	36	20%	40%	0.35	900
R-2B	One-family dwellings	6,250	125	100	60	60		25	35	6	12 1/2	2 1/2	36	20%	40%	0.35	900
R-2B	Townhouses (See §300-102D)	120,000	--	--	--	--		36	36	36	36	2 1/2	36	20%	40%	0.35	(See §300-102D)
R-3A	One-family dwellings	6,250	125	100	60	60		25	35	6	12 1/2	2 1/2	36	22%	44%	0.39	900
R-3A	Two-family dwellings (See §300-104B)	9,000	125	100	60	60		25	35	6	12 1/2	2 1/2	36	17%	33%	0.29	600 per unit
R-3B	One-family dwellings	6,250	125	100	60	60		25	35	6	12 1/2	2 1/2	36	20%	40%	0.35	900
R-3B	Two-family dwellings	6,250	125	100	60	60		25	35	6	12 1/2	2 1/2	36	20%	40%	0.35	600 per unit
R-3B	Multifamily dwellings (See §300-104)	40,000	250	--	--	--		25	35	15	25	2 1/2	36	30%	60%	0.53	(See §300-104D)
R-4	Townhouses	See §300-104.2															
RH	Residential High Density	See §300-4 and §300-111.1															
AH-1	Industry Townhouses	See §300-104.1 for area and bulk requirements															
B-1	All permitted uses	--	--	--	--	--		--	0 or 10	0 or 10	--	--	50	--	--	--	--
B-2	All permitted uses	6,250	125	--	50	50		--	0 or 10	10	10	--	36	--	--	--	--

BOONTON CODE

Zone	Primary Principal Uses	Minimum Lot Area (square feet)	Maximum Depth of Measurement (feet) For Minimum Lot Area		Minimum Lot (feet)			Minimum Yards (feet)			Minimum Corner Lot Setback From Side Street (feet)	Maximum Stories	Maximum Height (feet) ³	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Maximum Floor Area Ratio	Minimum Floor (square feet)
					Street Right-of-Way	Building Line		Front	Rear	Side							
B-3	Shopping centers (See §300-107)	--	--	--	--	--		50	50	50	50	--	36	--	--	--	20,000
B-4	Commercial Uses (See §300-108)	12,500	125	--	75	100		25	35	10	12 1/2	2 1/2	36	--	--	--	--
B-4	One-family dwellings	6,250	125	--	30	50		25	35	6	12 1/2	2 1/2	36	--	--	--	900
B-4	Senior citizen housing (See §300-104D)	40,000	250	--	--	--		35	35	35	35	3	36	--	--	--	--
B-5	Regional Shopping Center (See §300-109)	20 acres	--	--	--	--		50	50	50	50	--	40	25%	80%	--	--
C-1	Business and industry	40,000	265	--	150	150		25	25	15	25	--	36	--	--	--	--
C-2	Business and industry	20,000	200	--	100	100		10	25	10	25	--	36	--	--	--	--
I-1	Industry	100,000	400	--	200	250		75	40	40	50	--	45	--	--	--	--

NOTES:

¹ Thirty-five feet on primary town roads as shown on the Master Plan.

² Side yards combined shall not be less than 25 feet.

³ No building facade in the "R" zone districts shall be higher than 40 feet (grade to peak).