

**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE 5-24**

**"AN ORDINANCE AMENDING CHAPTERS 40 AND 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND ESTABLISHING CONDITIONAL USE STANDARDS FOR CHURCHES AND SCHOOLS"**

**WHEREAS**, the Planning Board, in its 2023 Master Plan Reexamination Report, recommended that the Borough Council amend the Land Use Ordinance to create conditional use standards for churches and schools; and

**WHEREAS**, the Borough Council, after reviewing the issues and facilitating a public presentation by the Borough Planning Consultant, desire to implement the recommendation of the Planning Board.

**BE IT ORDAINED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 40, "Land Use Administration," Section 40-3, "Definitions," of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended by the inclusion of the following additional definitions:

**PHILANTHROPIC INSTITUTION**

A private or public organization that is organized and operated for the purpose of providing a service or carrying on a trade or business without profit and for charitable purposes, and which may provide educational, cultural, recreational, religious, or similar types of programs.

**PLACE OF ASSEMBLY**

A building or structure devoted to the gathering together of persons for a common reason, such as political, civic, recreational, entertainment, or social purposes, whether for the purpose of financial gain or not, but including but not limited to an auditorium, library or museum, but not including a place of worship or a public or private school.

**PLACE OF WORSHIP**

A building that is used for prayer and/or other religious observances and that is architecturally designed and particularly adapted for the primary use of conducting religious services on a regular basis, including a church, synagogue, temple, mosque or other space.

**PUBLIC OR PRIVATE SCHOOL**

An educational institution licensed by the State providing primary and secondary education through grade 12 in subjects and classes meeting the requirements of the State Compulsory Education laws.

**Section 2.** Chapter 245, "Zoning," Section 245-7, "Residential Zones R-AA, R-A, R-1 and R-2," of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended to read in its entirety as follows:

In the R-AA, R-A, R-1 and R-2 Zones, the following uses shall be permitted:

- A. Permitted principal uses.
- (1) Single-family detached dwellings.
  - (2) Playgrounds and parks.
  - (3) Any municipally owned or operated building, other structure, facility, or use.

B. Permitted accessory uses.

- (1) Accessory uses customarily incident to a permitted use or to an authorized conditional use.
- (2) Such accessory uses shall include garages, carports, sheds, toolhouses, pergolas, gazebos, boathouses, greenhouses, playhouses, private swimming pools, exterior air-conditioning units, exterior mechanical equipment and retaining walls. Fences are permitted only in accordance with § 245-15P. Play equipment shall be permitted as an accessory use upon all improved residential lots located within residential zones, provided that play equipment shall not be located closer to any street right-of-way line than the residence located on the lot; play equipment shall be set back by no less than 10 feet from any side, rear or lake lot line; and play equipment shall not exceed 12 feet in height, measured vertically from highest point.
- (3) Those home occupations or professions that have no nonresident employees, no client visitors, show no visible external evidence of the occupation and have no other negative impact on the neighborhood. Such occupation shall be subject to the following conditions:
  - (a) The principal use of the property must be as a residence, with the amount of the property used for the home occupation limited to a maximum of 500 square feet or 1/3 of the square footage of all buildings on the property, whichever is smaller.
  - (b) The principal professional of any accessory home occupation shall reside on the premises.
- (4) Family day-care homes as defined in N.J.S.A. 40:55D-66.5.

C. Conditional uses (see also § 245-16).

- (1) Home occupations that do not meet the defined requirements of Subsection B(3) above, subject to the provisions of § 245-16. See also Schedule III.[2]
- (2) Clubs, except clubs whose chief activity is a service carried on as a business and provided that any clubhouse or open terrace adjacent thereto, swimming area, handball, tennis, badminton and similar small games area or parking lot shall be located at least 50 feet from any residential lot line and provided that the use is such as not to create undue noise beyond the lot lines.
- (3) Public and private schools; places of worship; places of assembly; YMCAs and similar philanthropic institutions, subject to the provisions of § 245-16D.
- (4) Child-care centers.

**Section 3.** Chapter 245, "Zoning," Section 245-16, "Conditional Use Requirements," Subsection D, of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended to read in its entirety as follows:

D. Public and private schools; places of worship; places of assembly; YMCAs and similar philanthropic institutions.

- (1) Minimum lot size: Two (2) acres.
- (2) Minimum lot width: 200 feet
- (3) Minimum side yard setback: 50 feet

- (4) Minimum front yard setback: 75 feet
- (5) Minimum rear yard setback: 50 feet
- (6) Maximum floor area ratio: 0.20
- (7) Maximum improved coverage: 40%
- (8) Maximum principal building height: 2.5 stories / 35 feet. Building height shall be measured as the vertical distance from the average elevation of either the existing (original) or finished grade, whichever is lower, along all sides of the building to the highest point of the roof. The average elevation shall be determined by taking measurements at approximately ten-foot intervals, six feet from the building wall, and averaging them. Steeples, bell towers, chimneys and similar decorative vertical projections shall be permitted to exceed the maximum permitted building height limitation by up to 10 feet, so long as the base area or perimeter of the vertical projection does not exceed 5% of the roof surface of the principal building.
- (9) Required planted landscaped buffer: 25 feet from all side and rear yard property lines. The planted buffer shall consist of either existing vegetation, new plantings, or a combination of existing vegetation supplemented with new plantings, in order to provide sufficient year-round screening.
- (10) The subject lot shall have frontage on a State highway, County road, or a Major Street as identified in the Circulation Element of the Master Plan. All access (ingress and egress) shall be from one of the above-referenced road types.
- (11) All required off-street parking spaces shall be provided on the same lot as the building to which they are accessory. No off-street parking shall be located within 25 feet of any lot line. All off-street parking areas shall be screened with a planted buffer in accordance with §245-16D(9), including in front yard areas, except where access driveways or pedestrian walkways are proposed to be located.

**Section 4.** Chapter 245, "Zoning," Attachment 3, Schedule III, of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended as follows:

|                                       |   |
|---------------------------------------|---|
| Places of worship; Places of assembly | The greater of one (1) parking space per every three (3) seats or one (1) parking space per 1,000 square feet of floor area |
| Philanthropic institutions            | Shall be determined by functional use most similar to that which is listed in this Schedule III.                            |
| Public and private schools            | 2 per elementary school classroom<br>1.5 per middle school classroom<br>2.5 per high school (secondary) classroom           |

**Section 5.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 6.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 7.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of the ordinance duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on May 13, 2024.

Cara Fox  
 Cara Fox, Borough Clerk

Introduced: 4/8/24

Adopted: 5/29/24

| Name       | Motion | Second | Aye | Nay | Absent | Abstain | Motion | Second | Aye | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|--------|--------|-----|-----|--------|---------|
| Cannon     |        |        | X   |     |        |         |        | X      | X   |     |        |         |
| Korman     |        |        |     |     | X      |         |        |        | X   |     |        |         |
| Menard     |        | X      | X   |     |        |         |        |        | X   |     |        |         |
| Muilenburg |        |        | X   |     |        |         |        |        | X   |     |        |         |
| Richter    | X      |        | X   |     |        |         | X      |        | X   |     |        |         |
| Barnett    |        |        | X   |     |        |         |        |        | X   |     |        |         |
| Sheikh     |        |        | X   |     |        |         |        |        |     |     | X      |         |