

ORDINANCE 2013-8

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING ARTICLE IX “ZONING – ZONE REQUIREMENTS” OF CHAPTER 163 “LAND DEVELOPMENT AND PROCEDURES,” OF THE CODE OF THE BOROUGH OF CHESTER TO PERMIT ADDITIONS AND/OR ALTERATIONS TO EXISTING NON-CONFORMING SINGLE FAMILY RESIDENTIAL DWELLINGS.

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, Section 163-70 (General regulations and exceptions for all zones) of Chapter 163 (Land Development and Procedures), Article IX (Zoning – Zone Requirements) provides requirements for zoning approvals and development within the Borough; and

WHEREAS, the Borough Zoning Board of Adjustment has suggested, and the Borough Planning Board has agreed, that a zoning amendment be adopted to permit approval of certain additions or alternations to existing single family dwellings on undersized lots without the necessity of obtaining variance approval; and

WHEREAS, upon review of the Zoning and Planning Boards’ recommendations, the Mayor and Council agree that it is in the best interests of the residents of the Borough of Chester to adopt the recommended ordinance amendment; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

SECTION 1: §163-70 of the Code of the Borough of Chester is hereby amended to include a new sub-section “V” which shall read in its entirety as follows:

V. Alteration or enlargement of a nonconforming, detached, one-family residence.

A lawfully existing, one-family dwelling that is located on a nonconforming lot due to lot size, may have an addition or be altered or enlarged as a one-family dwelling use, provided that the Zoning Officer determines that the proposed addition, alteration or enlargement will not extend any existing nonconforming condition, and provided further that the dwelling with the addition, alteration or enlargement will not exceed:

- (1) the maximum permitted percentage of lot covered by buildings, structures, and/or impervious surface, or
- (2) the maximum permitted height, or
- (3) any other applicable zoning or development standards of the Borough Code or regulation of any other authority having jurisdiction.

SECTION 2. §163-6 (Definitions) of the Code of the Borough of Chester is hereby changed to amend the definitions of “ADDITION” to read as follows: “An extension or increase in building size, floor area or height and/or including a porch, patio or deck.”

SECTION 3. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 4: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon passage and publication according to law.

Dated: _____

Robert L. Davis, Mayor

Attest:

Valerie A. Egan, Administrator/Borough Clerk

LEGAL NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Chester, in the County of Morris, State of New Jersey, held in the municipal building on the 2nd day of July 2013, and the same came up for final passage at a meeting of the said Borough Council on the 6th day of August, 2013 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Valerie A. Egan, Municipal Clerk