



**TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL
REGULAR MEETING
October 6, 2026 7:30 P.M.**

Salute to the Flag

Invocation

Statement of Compliance with Open Public Meetings Act

Roll Call:

Council Members

_____ Borowiec	_____ Kovacs	_____ Maffei	_____ Simpson
_____ Venis	_____ Zimmermann	_____ Buie, Council President	

In Attendance

_____ Mayor Andes	_____ Administrator Ward	_____ Other: _____
_____ Attorney Sharpe	_____ Clerk Bansch	

PROCLAMATIONS / PRESENTATIONS / CEREMONIAL MATTERS

(Presentations are coordinated in advance with the Council President and limited to 30 minutes or less)

Council Liaison/Committee Reports

Mayor's Report

Administrator's Report

Public Portion (Please limit comments to a maximum of three (3) minutes)

Matters of Old/New Business

ORDINANCES FOR INTRODUCTION

22-26: An Ordinance of the Township of Denville, County of Morris, State of New Jersey, Amending Miscellaneous Provisions of the Township Administrative and Land Use Codes

ORDINANCES FOR ADOPTION – None

ITEMS FOR DISCUSSION AND/OR ACTION – None

RESOLUTIONS

CONSENT AGENDA:

R-26-168: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate from Tax Sale

R-26-169: Resolution Refunding the Overpayment of 2026 Taxes

NON-CONSENT AGENDA:

- R-26-170: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to Mayoral Appointment for the Rockaway Regional Sewerage Authority Commissioner**
- R-26-171: Resolution Authorizing Issuance of Social Affair Permits by the State of New Jersey Division of Alcoholic Beverage Control**
- R-26-172: Resolution Authorizing the Execution of Change Order No. 1 with Regal Utility Services Inc for Additional Work in Connection with the Galvanized Water Main Replacement Project**
-

EXECUTIVE SESSION – None

MINUTES FOR ADOPTION

- **June 9, 2026 Council Regular Meeting**
 - **June 16, 2026 Council Workshop Meeting**
 - **June 23, 2026 Council Regular Meeting**
-

MOTION TO ADJOURN

ORDINANCE NO. 22-26

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING MISCELLANEOUS PROVISIONS OF THE TOWNSHIP ADMINISTRATIVE AND LAND USE CODES

WHEREAS, the Township Planner has conducted an extensive review of the Land Use Code, and certain related provision of the Administrative Code, and recommends adopting revisions as detailed in his Memorandum attached hereto as Exhibit A, to bring the Code up to date with current law and clarify certain language; and

WHEREAS, these changes include making certain fence requirements less restrictive to reduce the burden on homeowners and reduce the necessity for applications to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has reviewed the recommended changes and desires to revise the Code accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, in the County of Morris, State of New Jersey, as follows:

SECTION 1. Scattered provisions of the Township of Denville Administrative and Land Use Codes are hereby amended as detailed in the Memorandum attached hereto as Exhibit A. **Italicized words are new language to be added and strike outs are existing language to be deleted.**

SECTION 2. This Ordinance may be renumbered for the purpose of codification.

SECTION 3. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

ATTEST:

APPROVED:

MATTHEW N. BANSCH
MUNICIPAL CLERK

MAYOR THOMAS W. ANDES
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on November 10, 2026

Matthew N. Bansch, Municipal Clerk

KASLER ASSOCIATES, PA

LAND USE CONSULTANTS

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Jason L. Kasler, AICP, PP

Malcolm Kasler, AICP, PP (1938-2005)

MEMORANDUM

TO: DENVILLE MAYOR & COUNCIL
FROM: JASON L. KASLER, AICP, PP
SUBJECT: ZONING ORDINANCE UPDATE
DATE: MAY 12, 2026 (MODIFIED 6/14/26 & 6/30/26 & 9/17/26)

Below please find the proposed modifications to the Denville Zoning Ordinance. Portions which are proposed to be deleted are in a ~~strike through~~ font and new verbiage is in *Italics*.

§ 1-14. Publication; filing.

The Clerk of the Township of Denville, pursuant to law, shall cause this Adopting Ordinance to be ~~published, in the manner required, in a newspaper of general circulation in the Township~~ *posted on the Township's official Internet Website in a conspicuous location, available to the public free of charge.* Sufficient copies of this Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and ~~publication~~ posting of this Adopting Ordinance, coupled with availability of copies of this Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of this Code for all purposes.

§ 7-4 Meetings of Municipal Council.

A. Regular meetings.

(2) Within seven days following the annual organization of the Council, the Council shall file with the Municipal Clerk a schedule of the regular meetings of the Council to be held during the succeeding year and:

- a. Prominently post and maintain posted throughout the year the schedule in at least one public place reserved for such or similar announcements; and
- b. ~~Mail, telephone, telegraph, e-mail, fax or hand deliver the schedule to at least two newspapers, which newspapers shall be designated by the Council to receive such notices because they have the greatest likelihood of informing the public within the Township of such meetings, one of which shall be the official newspaper,~~

~~where any such has been designated by the Council.~~ *Posting of the schedule of regular meetings of the Council on the Township's official Internet Website in a conspicuous location, available to the public free of charge.*

- (3) Such schedule shall contain the location of each meeting to the extent it is known and the time and date of each meeting. In the event that such schedule is thereafter revised, the Council, within seven days following such revision, shall post ~~mail and submit~~ such revision in the manner described above.

B. Special meetings.

- (3) There shall be written advance notice of at least 48 hours, giving the time, date, location and to the extent known, the agenda of the special meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be:

- a. Prominently posted in at least one public place reserved for such or similar announcements;
- b. *Posting of the special meetings of the Council on the Township's official Internet Website in a conspicuous location, available to the public free of charge.* ~~Mailed, telephoned, telegraphed or hand delivered to at least two newspapers, which newspapers shall be designated by the Council to receive such notices because they have the greatest likelihood of informing the public within the Township of such meeting, one of which shall be the official newspaper, where any such has been designated by Council; and~~

§ 155-10. Service of complaint.

Complaints or orders issued by the Construction Official pursuant hereto shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and same cannot be ascertained by the Construction Official in the exercise of reasonable diligence and the Construction Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made ~~by publishing the same once in a newspaper printed and published in the Township or, in the absence of such newspaper, in one printed and published in the county and circulating in the Township~~ *posting of said notice on the Township's official internet Website in a conspicuous location, available to the public free of charge.* A copy of the complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of the complaint or order shall be recorded or lodged for recording in the office of the County Clerk.

§ 449-7. Procedure for sale of unclaimed carts.

- A. When any shopping cart that meets the requirements of § 449-2 of this chapter remains in the custody of the Township for a period exceeding five business days after proper notice has been provided to the owner or owners of the cart, and with respect to

which no person has presented to the Township proof establishing to its satisfaction such person's ownership or right to possession, the Township shall *post notice on the Township's official Internet Website in a conspicuous location, available to the public free of charge* ~~give public notice in its official newspaper that~~, at a specified place and time, not less than five days after such notice is published, the shopping cart will be sold at public auction for an amount not less than \$50.

§ 600-2. Purpose.

It is the intent and purpose of this chapter:

- P. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and*
- Q. To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.*

§ 600-4. Definitions. [Amended by Ord. No. 18-91; Ord. No. 1-92; Ord. No. 16-92; Ord. No. 7-93; Ord. No. 14-98; Ord. No. 3-99; Ord. No. 18-01; Ord. No. 9-02; Ord. No. 12-02; Ord. No. 23-05; Ord. No. 16-07; Ord. No. 7-10; 4-5-2011 by Ord. No. 3-11; 4-5-2011 by Ord. No. 5-11; 9-3-2013 by Ord. No. 17-13; 4-22-2014 by Ord. No. 6-14]

- A. The term "shall" indicates a mandatory requirement and the term "may" indicates a permissive action.
- B. For the purpose of this article, unless the context clearly indicates a different meaning:

ACCESSORY STRUCTURE

A subordinate ~~building or~~ structure on the same lot with a principal building ~~or structure~~, occupied or devoted exclusively for an accessory use. Where an accessory structure is attached to a principal ~~structure building by a wall or roof~~, such accessory structure shall be considered part of the principal ~~structure building~~.

ACCESSORY STRUCTURE, REGULATED, RESIDENTIAL

Any accessory structure located within a residential zone, or accessory to a residential use, which is greater than fifty (50) square feet.

ACCESSORY BUILDING

A subordinate building on the same lot with a principal building, occupied or devoted exclusively for an accessory use. Where an accessory building is attached to a principal building, such accessory building shall be considered part of the principal building.

ACCESSORY BUILDING, REGULATED, RESIDENTIAL

Any accessory building located within a residential zone, or accessory to a residential use, which is greater than twenty-five (25) square feet.

APPROVING AUTHORITY

The municipal board or official empowered under the MLUL to review and decide a land development or zoning application.

BUILDING COVERAGE

That portion of a lot which is occupied by principal and accessory buildings and structures, but not including walkways, driveways, patios and open parking lots.

BUILDING HEIGHT

~~The vertical distance from the mean finished grade (measured along the perimeter of the building, measured at a minimum of four corners of the structure) of the ground adjoining the building to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. In multifamily buildings, the building height shall be calculated for each vertical unit.~~

The vertical measurement from the average finished ground level around a building (grade plane) to the average elevation of the roof. For sloped roofs, the measurement is taken to the midpoint between the eave and the ridge; for flat roofs, it is taken to the roof surface.

CONDITIONAL USE

*A use permitted in a particular zoning 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 article, and upon the issuance of an authorization therefore by the ~~Planning Board~~. *approving authority*.*

CORNER LOT

A lot located at the intersection of two or more streets where the interior angle of intersection does not exceed 135 degrees.

DECK

An exterior floor system supported by posts, piers, or other independent supports

DWELLING, ONE-FAMILY

A building occupied or intended for occupancy exclusively by one family or one household with cooking, sleeping and sanitary facilities for the use of the occupants of the unit. Also referred to as a "single-family dwelling."

DWELLING UNIT

~~Living accommodations designed and used for occupancy by one family only. Living accommodations which include one or more rooms with private living, sleeping, cooking, and bathing facilities comprising an independent self-contained dwelling unit.~~

FAMILY

~~Any number of One or more persons related by blood, marriage or adoption living together as a single housekeeping unit and bearing the characteristics of a relatively permanent functioning family unit and using certain rooms and cooking facilities in common.~~ The term "family" shall not include residents of a boardinghouse or lodging house serving more than two paying guests. A "family" shall also include foster children placed with a family in such dwelling by the New Jersey State Board of Child Welfare or a duly incorporated child care agency.

FOOD TRUCK

A motorized, self-contained vehicle or trailer from which food or beverages are prepared, cooked, served, or sold for immediate consumption, and which is capable of being moved from place to place.

FRONT STREET PROPERTY LINE

That property line which is situated along an *improved* street right-of-way line. ~~as it may be modified by the definition of "side yard" as contained in this article.~~

GARAGE

A building or a structure used for *or intended to be utilized for* the storage of one or more vehicles. If it is maintained primarily for the convenience of the resident-occupant of the premises and no service is rendered to the public or business conducted therein, it is a private garage. Any garage other than a private garage is a public garage.

HOUSEHOLD

~~A group of persons who are not related by blood, marriage or adoption, living together as a single housekeeping unit. One or more persons living together in a single dwelling unit as a single, noncommercial housekeeping unit, with common access to and shared use of living, sleeping, cooking, and sanitary facilities.~~

HEIGHT OF BUILDING

The vertical distance from the average ground elevation around the foundation to the level of the highest point of the roof surface. **[Amended 6-26-2018 by Ord. No. 15-18]**

Interior Retail Unit: *A non-storefront tenant space located entirely within a building and not directly accessible from or visible to a public street. An interior unit shall not have a primary entrance, display windows, or façade frontage facing a public right-of-way and shall be accessed solely from an interior corridor, lobby, or similar common area.*

LOT AREA

~~The area within the boundaries of a lot exclusive of any area lying within any abutting street right of way, or within 25 feet of street center line, or lying beyond the allowed measurable depth specified for each zone by this article, or lying within a street right-of-way, as shown and laid out on the master plan or Official Map.~~

The total horizontal area within the property lines of a lot, excluding any portion of the lot located within a public right-of-way or street, whether improved or unimproved, and regardless of whether fee title to such land is held by the property owner or the public.

LOT COVERAGE

~~That portion of a lot which is occupied by principal and accessory buildings and structures, but not including walkways, driveways, patios and open parking lots.~~

LOT LINE, FRONT

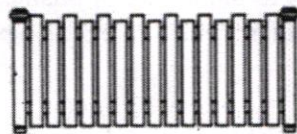
The lot line separating the lot from ~~the~~ an improved street right-of-way; also referred to as a "street line."

LOT LINE, REAR

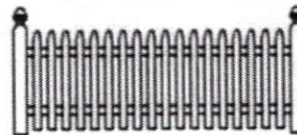
The lot line opposite and most distant from ~~the~~ a front lot line.

OPACITY

The measurement of how effectively a fence blocks the view from the property to another or the street. It is expressed as a percentage from 0% (completely transparent) to 100% (totally solid).



More than 50% opacity



50% opacity



Less than 50% opacity

PARKING SPACE

~~The parking area for the parking of one motor vehicle. Such a parking space shall provide for a rectangular area of not less than 200 square feet exclusive of access drives or aisles and shall be a minimum of 10 feet in width measured perpendicular to the axis of the length. Each space shall abut an access driveway or aisle. A temporary storage area for a motor vehicle that is directly accessible to an access route.~~

PRINCIPAL USE

~~A principal building shall be one containing a principal use. The main or dominant use of a lot or of a structure on a lot, which use is permitted in the zoning district and to which all accessory uses and structures are subordinate and incidental.~~

PRIVATE GARAGE

A detached accessory building or portion of a main building, used for or intended to be utilized for the storage of passenger vehicles or a permitted commercial vehicle.

PUBLIC RIGHT-OF-WAY

A strip of land dedicated, deeded, or otherwise established for public street, roadway, or transportation purposes, including the cartway, shoulders, sidewalks, and any area reserved for present or future public use.

RAISED UTILITY PAD

An elevated structure utilized to raise external utilities, such as air conditioning compressors, generators, etc. so they are located above the required flood elevation level.

STRUCTURE

~~A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. Anything constructed, erected, or installed on or in the ground or attached to something having a location on or in the ground, including but not limited to buildings, signs, fences, walls, decks, and similar improvements.~~

SUBJECT PROPERTY

A property or properties that is the subject of an application.

WALL, RETAINING

A structure constructed and erected between lands of different elevations to protect structures and/or to prevent soil erosion; structure erected to provide enclosure and screening of areas.

YARDS; FRONT YARD

An open space, unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the front street property line

and the nearest point of any structure on the lot. ~~Any lot abutting a street less than 50 feet in width shall be construed as having a front street property line or side street property line located 25 feet from the center line of the street. Any lot abutting a street shown as greater than 50 feet on the master plan or Official Map shall provide a front yard or side street setback measured from the right of way required herein. Any lot abutting a designated LCR street as defined in § 600-167B shall provide a front yard setback measured from the actual right of way width, or a right of way width of 30 feet, whichever is greater.~~

YARDS; SIDE YARD

An open space unoccupied, except by a use as hereinafter specifically permitted, extending between the front yard and the rear yard of a lot and lying between the side lot line and the nearest point of any structure on the lot, *or with irregularly shaped lots, any remaining yard which is neither a front or rear yard.*

§ 600-7. Planning Board fees. [Amended by Ord. No. 3-99; Ord. No. 9-2000; Ord. No. 6-07]

B. Minor subdivisions.

~~(1) Lot line removals: \$5.~~

D. ~~When an applicant has been notified, in writing, that an application is so incomplete or improperly prepared as to render it unsuitable for Board review, it will be returned to the applicant and 20% of the application fee will be retained by the Township. The balance of the application fee and the inspection fee deposit will be returned to the applicant. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]~~

§ 600-8. Board of Adjustment fees. [Amended by Ord. No. 9-2000; Ord. No. 19-01; Ord. No. 9-05; 8-16-2011 by Ord. No. 18-11]

A. The following schedule of fees shall be paid to the Township in connection with matters before the Board of Adjustment, such payment to be made to the Township Clerk prior to the time that an application is filed with the Board of Adjustment.

- (1) All proceedings under L. 1975, c. 291, Section 57 (N.J.S.A. 40:55D-70a) to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of Part 4, Zoning, of this chapter: ~~\$100-~~ \$250.
- (2) All proceedings under L. 1975, c. 291, Section 57 (N.J.S.A. 40:55D-70b) to hear and decide requests for interpretation of the Zoning Map or ordinance or for decisions upon other special questions upon which the Board of Adjustment is authorized to pass: ~~\$150-~~ \$300.

(3) Bulk variance.

- (a) All applications for a variance under L. 1975, c. 291, Section 57 (N.J.S.A. 40:55D-70c), where the property involved lies within a residential zone: ~~\$150.~~ \$250.
- (b) All applications for a variance under L. 1975, c. 291, Section 57 (N.J.S.A. 40:55D-70c), where the property involved lies within a zone other than a residential zone: ~~\$250.~~ \$500

(6) Review fee deposit.

- ~~(b) Exemption. No review fee shall be required where the property involved is a single family home and the application is for a permitted accessory structure, deck or fence.~~

§ 600-24. Publication of decision.

A brief notice of the decision shall be *posted on the Township's official Internet Website in a conspicuous location, available to the public free of charge.* ~~published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained in the Municipal Land Use Law, N.J.S.A. 40:55D-32 et seq., shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication posting of the decision, whether arranged by the municipality or the applicant.~~

§ 600-28. Approval of application for development by reason of failure of municipal agency to grant or deny approval within allowable time period.

An applicant shall comply with the provisions of this section whenever the applicant wishes to claim approval of his application for development by reason of the failure of the municipal agency to grant or deny approval within the time period provided in the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.) or any supplement thereto.

- A. The applicant shall provide notice of the default approval to the municipal agency and to all those entitled to notice by personal service or certified mail of the hearing on the application for development; but for purposes of determining who is entitled to notice, the hearing on the application for development shall be deemed to have required public notice pursuant to Subsection a of Section 7.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-12).
- B. The applicant shall arrange ~~publication for the posting~~ of a notice of the default approval in the official ~~newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.~~ *on an online publication that*

meets the requirements of N.J.S.A. 35:1-2.1.

- C. The applicant shall file an affidavit of proof of service and publication with the Administrative Officer, who in the case of a minor subdivision or final approval of a major subdivision, shall be the officer who issues certificates pursuant to Section 35, Subsection b of Section 38 or Subsection c of Section 63 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-47; N.J.S.A. 40:55D-50; N.J.S.A. 40:55D-76), as the case may be

§ 600-30. Notice of applications. [Amended by Ord. No. 7-93]

Notice pursuant to Subsections A, B, D, E, F and G of this section shall be given by the applicant. Notice pursuant to Subsections A, B, D, E, F and G of this section shall be given at least 10 days prior to the date of the hearing.

- A. Public notice of a hearing on an application for development shall be given except for: (1) minor subdivisions pursuant to N.J.S.A. 40:55D-47; and (2) final approval pursuant to N.J.S.A. 40:55D-50, and provided further that public notice shall be given in the event that relief is requested pursuant to N.J.S.A. 40:55D-60 or N.J.S.A. 40:55D-76 as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by ~~publication~~ *posting legal notice on an in the official newspaper of the municipality online publication that meets the requirements of N.J.S.A. 35:1-2.1, if there be one, or in a newspaper of general circulation in the municipality.*

§ 600-31. Notice concerning master plan.

The Planning Board shall give:

- A. Public notice of a hearing on adoption, revision or amendment of the master plan; such notice shall be *posted on the Township's official Internet Website in a conspicuous location, available to the public free of charge* ~~given by publication in the official newspaper of the municipality or in a newspaper of general circulation in the municipality~~ at least 10 days prior to the date of hearing.

§ 600-60. Powers. [Amended by Ord. No. 16-92]

The Board of Adjustment shall have the power to:

- C. ~~Use variances.~~ *Bulk Variances:*
D. ~~Bulk variances.~~ *Use Variances:*

- (4) No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan (*master plan*) and Part 4, Zoning, of this chapter.

§ 600-70. Minimum requirements; variances permitted.

The rules, regulations and standards contained in this article shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the ~~Planning Board~~ *approving authority* under the terms of this article shall give primary consideration to the above- mentioned matters and to the welfare of the entire community. However, if the applicant or his agency can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the ~~Planning Board~~ *approving authority* may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this article.

§ 600-71. Variances.

The purpose of this section is to provide for variance from the terms of this chapter and not from the terms of Part 4, Zoning, of this chapter. In making its findings, as required herein below, the ~~Planning Board~~ *approving authority* shall take into account the nature of the proposed use and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the ~~Planning Board~~ *approving authority* finds:

§ 600-77. Checklist for complete application. [Added by Ord. No. 15-86; amended Ord. No. 20-89; Ord. No. 16-92; Ord. No. 7-93; Ord. No. 14-98; Ord. No. 17-05]

The accordance with Section 5 of Chapter 20 of the Laws of 1984, adopted on March 22, 1984,² for the purpose of determining a completed application for development, the following are the checklists for the Board of Adjustment and for the Planning Board of the Township of Denville:

A. Minor subdivision - checklist.

- (2) ~~Eighteen~~ *Three physical and one digital copy of plans: signed, sealed and folded.*
- (3) ~~Eighteen copies~~ *Three physical and one digital copy of applications signed by owner.*
- (4) ~~Reverse line sepia.~~ *Map Details*
 - (a) Details per § 600-116 of this chapter. The map scale shall not be less than one inch equal to 40 feet. A New Jersey licensed land surveyor shall prepare the plat.
- [3] Name of owner and names of ~~adjoining~~ *property owners within 200 feet of subject property.*
- [5] All existing structures on tract and ~~adjoining land.~~ *within 200 feet of*

subject property.

[8] *Minimum Front, side and rear yard setbacks.*

- (b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[7] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

[7] *Section 600-170 of this chapter outlines floodplain requirements. The applicant shall also utilize the currently effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), including any applicable Flood Insurance Study (FIS), to assist in determining floodplain boundaries and elevations.*

B. Major subdivision sketch plat - checklist.

- (2) ~~Eighteen~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

- (3) ~~Eighteen copies~~ *Three physical and one digital* copy of applications signed by owner.

(4) ~~Reverse line sepia-~~ *Map Details*

(a) Details per § 600-117 of this chapter.

- [4] Name of owner and names of ~~adjoining~~ property owners *within 200 feet of subject property.*

[9] *Minimum Front, side and rear yard setbacks.*

- (b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[8] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

[8] *Section 600-170 of this chapter outlines floodplain requirements. The applicant shall also utilize the currently effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), including any applicable Flood Insurance Study (FIS), to assist in determining floodplain boundaries and elevations.*

C. Major subdivision preliminary plat - checklist.

(2) ~~Eighteen~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of applications signed by owner.

(4) ~~Reverse line sepia-~~ *Map Details*

1. Details per § 600-118 of this chapter.

[4] Names of adjoining ~~landowners~~ property owners within 200 feet of subject property.

[13] *Minimum* front, side and rear yard setbacks.

(b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[10] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

[10] *Section 600-170 of this chapter outlines floodplain requirements. The applicant shall also utilize the currently effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), including any applicable Flood Insurance Study (FIS), to assist in determining floodplain boundaries and elevations.*

D. Major subdivision final plat - checklist.

(2) ~~Eighteen~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of applications signed by owner.

(4) ~~Reverse line sepia-~~ *Map Details*

[6] *Minimum* front, side and rear yard setbacks.

E. Major subdivision final plat - checklist.

(2) ~~Eighteen~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of applications signed by owner.

(4) ~~Reverse line sepia-~~ *Map Details*

(a) Details per § 600-120 of this chapter. The map scale shall be at least one inch equal to 30 feet. Site plan must be prepared by a New Jersey licensed professional engineer.

[2] Signature block for ~~Planning Board~~ *the approving authority* Chairman and Secretary.

[23] *Location for the temporary storage of snow during winter months.*

[24] *Location for make ready and electric vehicle charging stations.*

F. Final site plan - checklist.

(2) ~~Eighteen~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of applications signed by owner.

(4) ~~Reverse line sepia-~~ *Map Details*

(a) Details per § 600-123 of this chapter:

[11] *For applications utilizing shopping carts, the location of all cart corrals*

[12] *For all commercial applications, the location of all solid waste receptacles (dumpsters) and all recycling facilities.*

(b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[3] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

G. Applications pursuant to § 600-60C, D, E and F - checklist.

(1) *Residential Fence Applications*

a. *Application Fee*

b. *Three physical and one digital copy of applications signed by owner.*

c. *Permit fee submitted*

d. *Reason for non compliance*

e. *Three physical and one digital copy of survey, plan or map, which shall be no older than twenty years old and must accurately reflect the current development of the subject property, showing:*

1. *Property address*

2. *Owner contact information*

3. *Contractor information (if applicable)*

4. *Proposed fence location*
5. *Fence height*
6. *Location of maximum fence height*
7. *Fence type/material*
8. *Gate locations*
9. *Distance from property lines indicated*
10. *Opacity of fence*
11. *Location of all accessory structures and buildings*
12. *Location of Easements (if any)*
13. *Number of trees required to be removed*
14. *Fence photo, brochure, or manufacturer spec sheet attached*

(2) Residential Deck Applications

- a. *Three physical and one digital copy of applications signed by owner.*
- b. *Permit fee submitted*
- c. *Reason for non compliance*
- d. *Three physical and one digital copy of survey, plan or map, which shall be no older than twenty years old and must accurately reflect the current development of the subject property, showing:*
 1. *Property address*
 2. *Owner contact information*
 3. *Contractor information (if applicable)*
 4. *Proposed deck drawn to scale on survey*
 5. *Proposed stairs drawn to scale on survey (if applicable)*
 6. *Setback measurement from deck or stairs*
 7. *Location of well, septic system, easement(s) (if applicable)*
 8. *Distance from property lines indicated*
 9. *Opacity of fence*
 10. *Location of all accessory structures and buildings*
 11. *Proposed lighting (if any)*
 12. *Underside treatment*
 13. *Number of trees required to be removed*
 14. *Topography of yards (Flat/Gentle Slope/Steep slopes)*
 15. *Steep slopes application: § 600-175 of this chapter, if applicable*
 16. *Photos of proposed deck location and surrounding area*

(3) Residential Shed Applications

- a. *Three physical and one digital copy of applications signed by owner.*
- b. *Permit fee submitted*
- c. *Reason for non compliance*
- d. *Three physical and one digital copy of survey, plan or map, which shall be no older than twenty years old and must accurately reflect the current development of the subject property, showing:*
 1. *Property address*

2. *Owner contact information*
3. *Proposed shed location drawn to scale*
4. *Distances to all property lines shown*
5. *Length of shed*
6. *Width of shed*
7. *Overall height of shed*
8. *Foundation or anchoring information*
9. *Location and number of all accessory structures and buildings on site*
10. *Location of well, septic system, easement(s) (if applicable)*
11. *Number of trees required to be removed*
12. *Shed photo, brochure, or manufacturer spec sheet*
13. *Utilities to shed (if any)*
14. *If gutters are proposed, location of run off*
15. *Topography of yards (Flat/Gentle Slope/Steep slopes)*
16. *Steep slopes application: § 600-175 of this chapter, if applicable*

(4) All other applications

- a. *Three physical and one digital copy of applications signed by owner.*
- b. *Permit fee submitted*
- c. *Reason for non compliance*
- d. *Three physical and one digital copy of survey, plan or map, which shall be no older than twenty years old and must accurately reflect the current development of the subject property, showing:*
 1. *All existing buildings and other structures on the subject property;*
 2. *All proposed buildings and other structures on the subject property;*
 3. *Location of well, septic system, easement(s), license(s), if applicable;*
 4. *All setback measurements from lot lines to existing and/or proposed buildings and other structures on the subject property;*
 5. *Tax block, lot numbers and street names;*
 6. *Signed and sealed.*
 7. *Eighteen copies of complete list of variances sought, if any.*
 8. *Eighteen copies of elevation drawings, if applicable.*
 9. *A statement as to whether any taxes, assessments for local improvements or other municipal charges are outstanding on the subject property.*
 10. *Steep slopes application: § 600-175 of this chapter, if applicable.*
 11. *A statement by the applicant that all landscaping shall meet the requirements set forth in § 535-35.*

- (9) *Photos of the subject property including photos of and around the area of proposed development.*

H. Major subdivision cluster option - checklist.

- (2) ~~Eighteen copies~~ *Three physical and one digital copy of plans: signed, sealed and folded.*

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of application signed by owner.

(6) Reproducible drawing for conventional subdivision plan and cluster option plan.

(b) Details per § 600-213:

[4] Names of adjoining ~~landowners~~, property owners within 200 feet of subject property.

[11] *Minimum* Front, side and rear yard setbacks.

(b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[2] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

[2] *Section 600-170 of this chapter outlines floodplain requirements. The applicant shall also utilize the currently effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), including any applicable Flood Insurance Study (FIS), to assist in determining floodplain boundaries and elevations.*

I. Major subdivision cluster option open space plan - checklist.

(2) ~~Eighteen copies~~ *Three physical and one digital* copy of plans: signed, sealed and folded.

(3) ~~Eighteen copies~~ *Three physical and one digital* copy of application signed by owner.

(5) Details.

(b) There may be other applications, permits or requirements applicable to the proposed development as listed below:

~~[2] Section 600-170 of this chapter on floodplain requirements. The applicant should also consult a plan entitled "Rockaway River Floodplain Elevations - A Study" dated February 1979, revised to February 17, 1982, prepared by Jeffrey A. Biggs, P.E., to assist in determining the floodplain elevations.~~

[2] *Section 600-170 of this chapter outlines floodplain requirements. The applicant shall also utilize the currently effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), including any applicable Flood Insurance Study (FIS), to assist in*

determining floodplain boundaries and elevations.

§ 600-116. Minor subdivision details. [Amended by Ord. No. 9-81]

The plat shall be based on Tax Map information or some other similarly accurate information at a scale to enable the entire tract to be legibly shown on one sheet. The scale shall not be less than 40 feet to the inch but need not be larger than 10 feet to the inch. Where this scale would result in an unduly large map, the Planning Board may permit the use of a key map to show the entire tract. The plat shall be prepared by a New Jersey licensed land surveyor and shall show and include the following information:

- C. Owners. The name of owner and of all ~~adjoining~~ landowners *within 200 feet of subject property* as disclosed by the most recent Township tax records.
- E. Structures. All existing structures on the tract to be subdivided and ~~on adjoining tracts~~ *within 200 feet of subject property*.
- H. Yard setbacks. *Minimum* Front, rear and side yard setback lines as required by Part 4, Zoning, of this chapter.
- O. *Flood Prevention: Limits of floodplain per the most current FIRM map.*

§ 600-117. Major subdivision sketch plat details. [Amended by Ord. No. 9-81]

The sketch plat shall be based on Tax Map information or some other similarly accurate information. The plat shall be drawn by a New Jersey licensed land surveyor and shall show and include the following information:

- D. Owners. The name of owner and of all ~~adjoining~~ landowners *within 200 feet of subject property* as disclosed by the most recent Township tax records.
- I. Yard setbacks. *Minimum* Front, rear and side yard setback lines as required by Part 4, Zoning, of this chapter.
- O. *Flood Prevention: Limits of floodplain per the most current adopted FIRM map.*

§ 600-118. Preliminary plat details. [Amended by Ord. No. 9-81]

Preliminary plats shall be drawn by a New Jersey licensed professional engineer and land surveyor and shall meet all provisions of this chapter and shall show or be accompanied by the following information:

- D. Owners. The name of owner and of all ~~adjoining~~ landowners *within 200 feet of subject property* as disclosed by the most recent Township tax records.
- M. Setback. *Minimum* Building setback lines as required by Part 4, Zoning, of this chapter.

§ 600-119. Final plat details. [Amended by Ord. No. 9-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- H. Adjoining property ownership. Names of owners of ~~adjoining~~ land *within 200 feet of subject property.*

§ 600-120. Preliminary site plan details. [Amended by Ord. No. 9-81]

The preliminary site plan shall be drawn at a scale at least one inch equals 30 feet provided, however, where this scale would result in an unduly large map, the Planning Board may permit a larger scale. All engineering detail shown on the site plan shall be prepared and certified by a New Jersey licensed professional engineer. The site plan shall include the following information:

- I. *Minimum* Front, side and rear setback dimensions.
- L. The principal buildings and all accessory *buildings and* structures, with dimensions, including the height, number of stories and first floor elevation.
- P. Location and type of ~~all~~ *existing and* proposed lighting.
- Q. Location, size and general description of all *existing and* proposed signs, including both business signs and those related to off-street parking or loading areas.

§ 600-122. Deviations from details for preliminary site plan review.

If it can be demonstrated that because of peculiar conditions relating to the property or proposed construction, any of the above details are not necessary to properly evaluate the site plan, the ~~Site Plan Committee~~ *appropriate board* may modify or waive any of the specific site plan details.

§ 600-127. Specific improvement requirements.

Prior to the granting of final approval of all major subdivisions, the subdivider shall have installed or shall have furnished performance guarantees for the ultimate installation of the following:

- F. Sidewalk. The subdivider shall construct a four-foot concrete sidewalk on both sides of the street, provided, however, for any major subdivision constructed in and meeting all zone requirements of the R-1 Zone, the ~~Planning Board~~ *approving board* may waive the sidewalk requirements on one side of the street unless needed to provide access to schools.

§ 600-128. General provisions for Non-Residential Residential Rights of Way.

A. ~~Dead end streets.~~

~~(1) Dead end streets should not exceed the following lengths according to zone:~~

~~— R-1 Zone: 1,000 feet.~~

~~— R-2 Zone: 800 feet.~~

~~— R-3 Zone: 600 feet.~~

~~— R-4 Zone: 600 feet.~~

~~(2) There shall be a turn around roadway with a minimum outside curb radius of 40 feet at the closed end, the turn around being tangent to the right side of the street and right of way radius of 50 feet.~~

§ 600-146. ~~Zone boundaries.~~

~~Where a zone boundary line does not coincide with a lot line or the center line of a street as it exists on December 12, 1978, such zone boundary line shall be deemed to be that distance back from the nearest parallel street right of way line or property line as indicated by dimensions set forth on the Zoning Map.~~

§ 600-148. Effect of zoning.

No land may be used and no structure or building may be erected, raised, moved, extended, enlarged, altered, demolished, or used, for any purpose other than that permitted herein for the zone in which it is located, and all construction shall be in conformity with the regulations provided for the zone in which such construction is located.

§ 600-151. Accessory buildings and structures. [Amended by Ord. No. 9-85; Ord. No. 9-02; Ord. No. 13-04; Ord. No. 22-08]

Buildings and structures which are accessory to a principal use or building are permitted in all zones provided:

B. *Regulated* Accessory buildings and *regulated* structures in residential zones:

- (1) *In the R-3 and R-4 Zones they shall be at least six feet from any principal building situated on the same lot*
- (2) *In all other residential zones they shall be at least 10 feet from any principal building on the same lot*
- (3) *All regulated buildings and structures shall be at least six feet from any other regulated accessory building or structure.*

- B. ~~Accessory buildings in the R-3 and R-4 Zones shall be at least six feet from any principal building situated on the same lot, then 10 feet from any principal building on the same lot in all other zones and at least six feet from any other accessory building. Accessory buildings built within the front half of the side yard shall meet the side yard setback requirements for the principal building.~~
- C. ~~Accessory buildings in residential zones built within the rear yard and the rear half of the side yard shall be no closer than five feet to any lot line, except where a rear lot line is coincidental to a side lot line, there shall be a setback of at least 20 feet.~~
- G. No accessory building or structure may be built on any lot on which there is no principal building or structure.

Property line setbacks. *Regulated* Accessory buildings located within residential districts shall meet the following setback requirements:

- (1) Structures built within the side yard shall meet the *minimum* side yard setback requirements for the principal building within the particular zone district.
 - (4) ~~Except as which may be modified by Subsection J(3), where a rear lot line is coincidental to a side lot line there shall be a minimum setback of at least: 15 feet within the R-3 and R-4 Zones; 25 feet within the R-2 and R-2A Zones, 30 feet within the R-1 Zone and 40 feet in the remaining residential zone districts.~~
 - (5) ~~There shall be a maximum number of two accessory and/or utility structures on lots with areas less than 81,000 square feet.~~
- J. Property line setbacks. Accessory buildings located within residential districts shall meet the following setback requirements:
- a. Structures built within the rear yard shall meet the following minimum setbacks:

Zone	Minimum Setback Side Yard (feet)	Minimum Setback Rear Yard (feet)
R-3	5	10 5
R-4	5	10 5

- K. Maximum lot coverage.

- (1) Within all single- and two-family residential zones, *regulated* accessory building(s), *regulated structures*, and utility structure(s) shall meet the following coverage limitations:

§ 600-152. Continuance of nonconforming use or structure.

Any nonconforming use of a structure or building existing on July 22, 1964, may be continued upon the lot or in the building so occupied and any such structure may be restored or repaired in the event of a partial destruction thereof. A nonconforming use changed to a conforming use may not thereafter be changed back to a nonconforming use. Cessation of use or failure to diligently prosecute the rebuilding of a partially destroyed building for a period of 12 consecutive months shall be deemed to be an abandonment of such nonconforming use.

- A. A structure or use of land which is nonconforming in use shall not be enlarged or extended in any manner whatsoever. A *residential* building or use of land which is nonconforming in a manner other than use may be extended or enlarged provided that the nonconformance is not further increased, *including a propose second story addition upon a nonconforming building.*
- ~~B. Nothing in this article shall require any change in plans, construction or designated use of a structure for which a building permit has been heretofore issued when construction has been diligently prosecuted within six months of the date of such permit.~~

B. Nonconforming Use.

Any structure or building of or use of land that is nonconforming due to its use shall not be enlarged, expanded, extended, or intensified in any manner whatsoever. Such nonconforming use may be continued in accordance with applicable provisions of this ordinance but shall not be increased in scope or area.

C. Nonconforming Structure or Building

A building or structure that is nonconforming in a manner other than use (including, but not limited to, nonconforming setbacks, height, or lot coverage) may be enlarged, altered, or extended, provided that such enlargement, alteration, or extension does not increase the degree of nonconformity in any of the three dimensions.

D. Permitted Vertical Expansion.

Without limiting the foregoing, vertical expansions, including the addition of a second story to a nonconforming structure, shall be permitted, provided that such expansion does not further encroach upon any required yard, setback, or other dimensional standard, nor otherwise increase the existing nonconformity.

- E. Nothing in this article shall require any change in plans, construction or designated use of a structure for which a building permit has been heretofore issued when construction has been diligently prosecuted within six months of the date of such permit.

§ 600-153. Corner lots.

~~Where a lot is bounded by more than one street, the front yard setback requirement from each abutting street shall be met. The width of a corner lot measured at the front yard setback line shall be increased over the width specified in the schedule shown on the Zoning Map by the difference in feet between the required front yard setback and the required side yard setback.~~

§ 600-159. Incongruous buildings.

No building, *structure* or use which is so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property shall be constructed, erected or used.

§ 600-162. Principal building. [Amended by Ord. No. 19-88; Ord. No. 4-90; Ord. No. 10-90; Ord. No. 36-99; Ord. No. 2-01; Ord. No. 18-01; Ord. No. 27-01; Ord. No. 12-02]

No lot shall contain more than one principal building, provided, however, that more than one principal building will be permitted in the B-2A, I-1, I-2, AH, T-1, T-3, T-4, PARC and OB-4 Zones if they conform to all of the following requirements:

- D. No structure, *building*, or uses shall be located closer to the front, side or rear lot lines than the minimum distances required by its *minimum yard requirement for the zone it is located within.* ~~zone district.~~

§ 600-166. Walls and fences. [Amended 4-5-2011 by Ord. No. 5-11]

- ~~A. Walls and fences are permitted in the required yards of all zones, provided they are not higher than four feet. In all residential zones, fences not higher than six feet are permitted in the side and rear yards, provided they are not more than 10% solid. Fences more than 10% solid are permitted only in the rear yards of residential zones, provided they do not exceed six feet in height.~~

A. Residential Fences and Walls

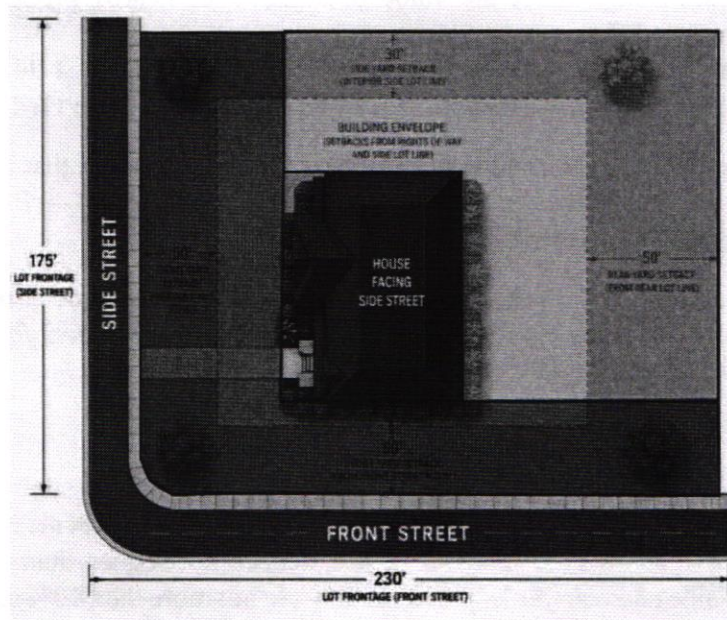
1. *Fences and walls shall be permitted in all yards within residential zones, subject to the following requirements:*
 - i. *In any front yard, no fence or wall shall exceed four (4) feet in height and shall maintain a maximum opacity of fifty percent (50%).*
 - ii. *In side yards and rear yards, fences and walls may be up to six (6) feet in height and may have up to one hundred percent (100%) opacity, ie. privacy fence.*

2. Corner Lots

Fences and walls shall be permitted in all yards within residential zones on corner

lots, subject to the following requirements:

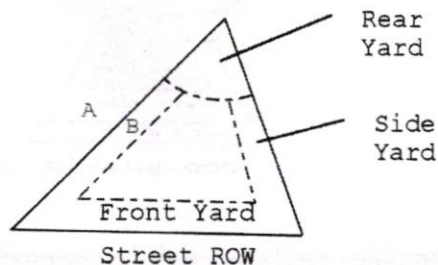
- i. From the front property line to the front building plane of the principal structure, fences and walls shall not exceed four (4) feet in height and shall maintain a maximum opacity of fifty percent (50%). (represented in green below)
- ii. From the front plane of the principal to side lot line, and from the other front plane of the principal structure to the lot line most distant to either front lot lines, fences and walls may be up to six (6) feet in height and may be fully opaque. ie. privacy fence. (represented in yellow below)



- B. In the business and industrial zones, fences or walls shall not exceed four (4) feet in any front yard, and shall not exceeding seven (7) feet in height shall be permitted in the any side and or rear yard. A fence or wall used for screening, if required by the Planning Board, may be higher.
- C. In all zones, any fence facing on a public street or property line shall have the front (finished) surface exposed to said street or property line.
- D. Fencing which only contains one (1) finished side, in any yard shall have said finished side facing outward.

§ 600-167. Yards. [Amended by Ord. No. 19-88; Ord. No. 16-07]

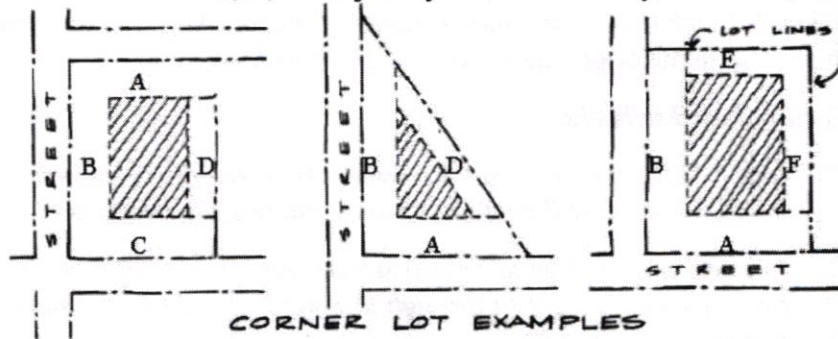
- A. Every lot must provide front yard, and any additional yards as required by the zone it is located within and the configurations of the lot. All front yards must face upon an improved public or private street or right-of-way.
- B. *Required yard setbacks.*
- (1) *Interior lot, frontage upon one street. An interior lot containing frontage upon an improved street will contain a front yard, two side yards and a rear yard.*
 - (2) *Interior lot, frontage upon two streets. An interior lot containing frontage upon two improved streets (a through lot) shall contain two required front yards and two required side yards.*
 - (3) *Corner lot, frontage upon two streets. A corner lot having frontage upon two improved streets shall have two front yards, one side yard and one rear yard. The rear yard shall be located opposite the more narrow frontage. In the event the two lot widths are equal, the lot shall contain two front yards and two rear yards.*
 - (4) *Lot containing three frontages. A lot containing frontage upon three improved streets shall contain three required front yards. The fourth required setback shall be a required rear yard setback.*
 - (5) *Three-sided triangular shaped lot.*
 - (a) *If fronting on two streets, a three-sided triangular-shaped lot shall contain two required front yard and one required rear yard setback.*
 - (b) *If fronting on one street, a three-sided triangular-shaped lot shall contain one required front yard, two side yards and one required rear yard setback.*



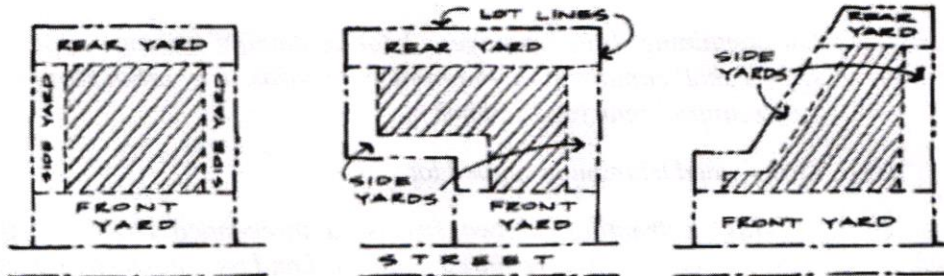
If A is a street right-of-way, B is a front yard

If A is an adjacent lot, B is a side yard

A, B, C are front yards/D is a rear yard



*If A = B, then E and F are rear yards
 If A > B, then F is a rear yard and E is a side yard
 If A < B, then F is a side yard and E is a rear yard*



C. ~~Lake community roadways (LCR roadways). The following roadways are hereby designated as LCR roadways and are subject to the modified front yard setback as defined in § 600 4:~~

~~Cedar Lake~~

~~Bald Knob~~

~~Cedar Lake East~~

~~Cedar Lake~~

~~North~~

Cedar Lake Road
Cedar Lake West
Cypress Drive
Florence Drive
Hardman Terrace
Hillcrest Drive
Larsens Drive
Oak Avenue
Overlook Avenue
Pine Lane
Rockway Avenue
Seymour Road
Spring Road
Vans Drive
Watchtower
Road
Wildwood
Terrace

Cedar Lake

Woodland Road

**Indian Lake/Bay of Sunset
Water**

Algonquin Trail
Base Road
Beechwood Trail
Cherokee Trail
Cherry Trail
Chestnut Hill Drive East
Chestnut Hill Drive West
Cliffside Trail
Comanche Trail
Deleware Trail
East Shore Road
Fernwood Trail

Filbert Trail
Forest Trail
Guterl Place
Highland Trail
Hilltop Trail
Huron Place
Hussa Place
Indian Spring Trail
Iroquois Trail
Lakeview Trail
Landing Trail
Laurel Trail
Lenape Trail
Locust Trail
Longview Trail
Longview Trail
Merrie Trail
Mohawk Trail

Mountain Trail
North Shore
Road
Orange Trail
Riekens Trail
Seneca Trail
Seminole Trail
Shawger Road
Shawnee Trail
Sioux Trail
South Shore
Road
Sunset Trail
Warren Trail
West Shore
Road

White Birch
Trail
Whitten Place

Lake Arrowhead/Great Bay
Basswood Drive
Elm Street
Garwood Trail
Hornbeck Road
Ironwood Trail
Lakewood Drive
Maywood Avenue
Mosswood Trail
Oak Street
Ridgewood Parkway
East Ridgewood Parkway
Walnut Street
Woodland Avenue

D. Projections into yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage: **[Added 6-26-2018 by Ord. No. 15-18]**

- (1) Architectural features such as bay windows, cornices, eaves, window sills or other architectural features, provided that said feature does not project more than 24 inches.
- (2) *Any raised utility pad required to prevent the flooding of utilities and the steps to access said pad, is permitted in any side or rear yard so long and said pad is less than twenty (20) square feet and is more than five (5) feet from a property line.*
- (3) *Any ramp whose sole purpose is to provide access to a single family home for those with decreased mobility, is permitted in any yard so long as said ramp follows all Federal Americans with Disability standards, is not located closer than five (5) feet to a property line and does not contain a wall or roof.*

§ 600-171. Lot frontage. [Added by Ord. No. 13-96]

~~Where a property borders on more than one street (i.e., corner or through lot) the determination of the lot's frontage shall be at the option of the owner or developer and shall be so designated on all maps and official records. For purposes of determining compliance with zone standards, only the designated frontage shall be considered as frontage. All driveway and utility connections shall be from this designated frontage, except for corner lots with two conforming frontages which may utilize either frontage for driveway and utility connections. The remaining street right of way lines shall be considered lot lines. Nothing in this section is intended to in any way modify the definition of front yard.~~

§ 600-175. Development within critical environmental steep-slope areas. [Added by Ord. No. 17-05]

- C. Definitions. For the purpose of this section, certain terms are defined and shall be construed as follows:

MINOR TOPOGRAPHIC VARIATION — ~~That slopes of 25% or more shall not occur in more than 10% of any area of the lot. 500 square feet of any slope classification.~~

- E. Steep slope map details. A steep slope map shall include the following information:

- (14) The proposed elevations of the levels of land above and below retaining walls as well as top of wall elevations *measured at a minimum of ten (10 feet) apart.*

- F. Development regulations. Within any area of steep or excessive slopes, no soil or vegetation shall be disturbed nor shall any building or structure be erected, constructed or substantially enlarged or lot created unless and until it can be demonstrated by information, plans and studies furnished by the applicant that the following requirements can be met:

- (1) Construction control limitations. Disturbance of steep slopes shall be limited to the following based on the indicated slope classifications:

Slope	Maximum Permitted Disturbance of Slope Area	Permitted Development Activity
Less than 15%	100%	All activities
15% to 19.9%	50%	All activities subject to compliance with this section
20% to 24.9%	25%	All activities subject to compliance with this section
25% to 29.9%	10%	Only transitional grading
30% or more	0%	No disturbance permitted

§ 600-177. Outdoor lighting. [Added by Ord. No. 24-10]

B. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two- family dwellings, shall comply with the requirements as specified below:

(1) Adequate lighting shall be provided for parking areas during the period when the facility is in operation between 1/2 hour before sunset and 1/2 hour after closing. In addition, the premises shall have adequate lighting for security purposes during the period when the facility is not in operation. Battery or other emergency backup power shall be provided in order to maintain correct timing of lighting in the event of a power failure. All exterior lighting shall meet the following criteria:

(h) ~~Shoebox style light fixtures shall be provided unless other styles are approved by the Planning Board or Board of Adjustment.~~ The style of any light or light standard stanchion shall be consistent with the architectural style of the principal building.

§ 600-178.1 Off-street parking in residential zones.

In all residential zoning districts, off-street parking requirements shall conform to the Residential Site Improvement Standards (RSIS). Such standards shall be applied as both the maximum permitted parking supply, in accordance with current statewide interpretation, and the minimum required parking supply, consistent with prior interpretation.

§ 600-179 General requirements for all nonresidential off-street parking areas.

L. *Each parking space shall provide for a rectangular area of not less than 200 square feet exclusive of access drives or aisles and shall be a minimum of 10 feet in width measured perpendicular to the axis of the length. Each space shall abut an access driveway or aisle.*

§ 600-195 Temporary uses.

c. **Food Trucks**

The Mayor and Council may authorize, by resolution, temporary mobile food vendors in connection with:

- (1) municipally sponsored or approved special events;*
- (2) use of public property; or*
- (3) other limited-duration activities deemed to serve a public purpose.*

Such approvals shall be subject but not limited to:

- duration (e.g., maximum number of days per year)*
- location restrictions*

- health department compliance
- traffic and safety considerations
- hours of operation
- insurance requirements

§ 600-203 Prohibited uses.

- A) Any uses other than those listed in § 600-202 are prohibited in all residential zones.
- B) *There shall be no retail sales in any residential zone.*
- C) *No building or structure located in a district permitting only single-family use shall be:*
 - (1) *Designed, constructed, altered, or occupied in a manner that creates, facilitates, or simulates more than one dwelling unit, whether by temporary or permanent means; or*
 - (2) *Arranged in a way that allows separate occupancy by multiple households through nominal, easily removable, or non-structural divisions, including but not limited to doors, partition walls, or blocked openings*

§ 600-202. Primary intended use. [Amended by Ord. No. 9-85; Ord. No. 27-86; Ord. No. 18-01]

The C, R-C, R-1, R-1B, R-2, R-2A and R-3 Zones permit single-family residences only. The R-4 Zone permits one- and two-family residences only. In addition to the above, the C, R-C, R-1, R-1B, R-2, R-2A, R-3 and R-4 Zones permit the following uses:

- E. ~~The office or studio of a doctor, physician, surgeon, dentist, teacher of academic subjects, artist, musician, lawyer, architect, engineer or like professional persons residing on the premises as may be determined by the Board of Adjustment, provided that not more than one person not a resident in the dwelling is employed in such office, and not more than 1/2 the floor area of one story of the dwelling is devoted to such use.~~
conducted entirely with a residential dwelling meeting the following criteria:
 - A. *Secondary to the principal use*
 - B. *Must be conducted entirely indoors.*
 - C. *Limited employees to the occupants of the home and one non resident employee.*
 - D. *No retail sales*
 - E. *Must not produce noise, vibration, smoke, dust, odors, heat, glare, or other effects that are detectable beyond the property line or that exceed those normally associated with residential use of the property.*

F. *No signage permitted*

G. *Parking for employees and customers shall be accommodated on site.*

§ 600-204. Required conditions in C Conservation District. [Amended by Ord. No. 1-92; Ord. No. 23-97]

The following requirements must be complied with in the C Conservation District.

- B. Yards. There shall be a front yard of not less than 100 feet, ~~with a rear yards shall be of at least 100 feet and side yards of at least 50 feet,~~ provided, however, under the terms of open space reductions as hereinafter regulated, the front yard may be reduced to 50 feet and side yards to 30 feet.

§ 600-205. Required conditions in the R-C Residential Conservation District. [Amended by Ord. No. 1-92; Ord. No. 23-97]

The following requirements must be complied with in the R-C Residence District:

- B. Yards. There shall be a front yard of not less than 50 feet, ~~a rear yards shall be of at least 50 feet and side yards of shall be at least 30 feet each.~~

§ 600-206. Required conditions in the R-1 District. [Amended by Ord. No. 16-87; Ord. No. 1-92; Ord. No. 23-97]

The following requirements must be complied with in the R-1 Residence District:

- B. Yards. There shall be a front yard of not less than 50 feet, ~~a rear yards shall be of at least 50 feet and side yards of shall be at least 30 feet each.~~

§ 600-207. Required conditions in the R-1A Zone. [Added by Ord. No. 7-87; amended by Ord. No. 19-87; Ord. No. 1-92]

The following requirements must be complied with in the R-1A Zone:

- B. Yards. There shall be a front yard ~~and rear yards shall be of at least 100 feet and a side yard setback of at least 50 feet.~~ *and any side yard shall be at least 50 feet.*

§ 600-208. Required conditions in the R-1B Zone. [Added by Ord. No. 27-86; amended by Ord. No. 19-87; Ord. No. 1-92]

The following requirements must be complied with in the R-1B Zone:

- B. Yards. There shall be a front yard of not less than 100 feet, ~~with a rear yard of at least 100 feet and side yards of at least 50 feet,~~ *any rear yard shall be at least 100 feet and any side yard shall be at least 50 feet,* provided, however, under the terms of open

space reductions as hereinafter regulated, the front yard may be reduced to 50 feet, the rear yard to 50 feet and side yards to 30 feet.

§ 600-209. Required conditions in the R-2 Zone. [Amended by Ord. No. 10-96; Ord. No. 23-97]

The following requirements must be complied with in the R-2 Zone:

- B. Yards. There shall be a front yard of at least 35 feet, ~~a rear yard of at least 50 feet and two side yards each at least 17 feet.~~ *any rear yard shall have at least 50 feet and side yards shall have at least 17 feet.*

§ 600-210. Required conditions in the R-2A Zone. [Amended by Ord. No. 23-97; Ord. No. 12-02]

The following requirements must be complied with in the R-2A Zone:

- C. Yards. There shall be a front yard of at least 30 feet, ~~a rear yard of at least 40 feet and two side yards each at least 15 feet.~~ *any rear yard shall have at least 40 feet and any side yard shall have at least 15 feet.*

§ 600-211. Required conditions in the R-3 Zone. [Amended by Ord. No. 10-90; Ord. No. 23-97; Ord. No. 10-02]

The following requirements must be complied with in the R-3 Zone:

- B. Yards. There shall be a front yard of at least 25 feet, ~~a rear yard of at least 35 feet and side yards based on the following variable setback formula: Lot width (feet) ÷ 60 feet X eight feet. In no instances shall the minimum side yard setback be less than eight feet for lots having widths (at setback) of less than 60 feet.~~ *any rear yards shall have of at least 35 feet and any side yards based on the following variable setback formula: Lot width (feet) ÷ 60 feet X eight feet. In no instances shall the minimum side yard setback be less than eight feet for lots having widths (at setback) of less than 60 feet.*

§ 600-212. Required conditions in the R-4 Zone. [Amended by Ord. No. 10-02]

The following requirements must be complied with in the R-4 Zone:

- B. Yards. There shall be a front yard of at least 25 feet, ~~a rear yard of at least 35 feet and side yards based on the following variable setback formula: Lot width (feet) divided by 50 feet X five feet. In no instances shall the minimum side yard setback be less than five feet for lots having widths (at setback) of less than 50 feet.~~ *any rear yard shall contain of at least 35 feet and any side yards based on the following variable setback formula: Lot width (feet) divided by 50 feet X five feet. In no instances shall the minimum side yard setback be less than five feet for lots having widths (at setback) of less than 50 feet.*

§ 600-213. Cluster option. [Added by Ord. No. 1-92]

F. Resolution of Planning Board.

- (3) A brief notice of the adoption of a resolution of the Planning Board concerning the use of the cluster option plan shall be published *pursuant to the rules and regulations found in N.J.S.A. 10:4-8 commonly known as the Open Public Meetings Act (OPMA)* ~~in a newspaper of general circulation in the Township~~ within 30 days of the adoption of the resolution.

§ 600-230. Primary intended use. [Amended 10-16-2018 by Ord. No. 24-18]

This zone is designed for businesses of a retail sales and retail services type, but also permits professional or service offices on the second floor.

A. The following uses are permitted on the first or ground floor:

- (1) Retail sales.
- (2) Craft service facilities.
- (3) Retail services, excluding the following:
 - (a) Health clubs and facilities.
 - (b) Educational facilities.
 - (c) Recreational facilities.
 - (d) Social services.
- (4) *Where an internal retail unit is located on the first floor, any use listed in B. below shall be permitted.*

§ 600-231 Prohibited uses.

[Amended by Ord. No. 32-01; Ord. No. 16-07]

Any use other than those listed in § 600-230 is prohibited. Specifically prohibited are professional offices on the first floor (street level), new and used car sales or rentals, used car lots, automotive repair/body shops, public garages and service stations, car washing establishments, lubrication services, outdoor storage or parking in the open of trucks or of tractors, cranes, bulldozers, power shovels, or other similar apparatus or construction equipment except during the course of construction at or on the premises, any process of manufacture, fabrication, assembly and disassembly other than repair, conversion or alteration of any material, fuel distributing plants, lumber yards, motels, businesses conducted outside the confines of a building, residential uses, construction or conversion or residential use including apartments over businesses and any use prohibited in the Industrial Zone unless specifically permitted in § 600-230 above. Also prohibited are coin-operated vending machines *and food trucks* outside the confines of a building.

§ 600-235 Prohibited uses.

[Amended by Ord. No. 12-02]

No business shall be conducted outside the confines of a building unless specifically permitted in § 600-234, nor shall the following be permitted:

L. Food trucks

§ 600-245 Prohibited uses.

[Amended by Ord. No. 26-82; Ord. No. 16-07]

Any use other than those listed in § 600-244 is prohibited. Specifically prohibited are any process or manufacture, fabrication, assembly and disassembly other than repair, conversion or alteration of any materials, fuel distribution plants, car washing establishments, automobile rental/leasing, lumber yards, motels, businesses including coin operated vending machines conducted or situated outside the confines of a building, construction or conversion of residential uses including apartments over businesses, *food trucks* and any use prohibited in the industrial zones unless specifically permitted in § 600-244.

§ 600-250 Prohibited uses.

[Amended by Ord. No. 16-07]

Any use other than those listed in § 600-249 is prohibited. Specifically prohibited are professional offices on the first floor (street level), any process of manufacture, fabrication, assembly and disassembly other than repair, conversion or alteration of any material, fuel distributing plants, car washing establishments, automobile rental/leasing, lumber yards, motels, businesses conducted outside the confines of a building, residential uses, construction or conversion or residential use including apartments over businesses and any use prohibited in the industrial zone unless specifically permitted in § 600-249 above. Also prohibited are coin-operated vending machines outside the confines of a building *and food trucks*.

§ 600-268 Prohibited uses.

[Amended by Ord. No. 12-02]

No land or building shall be used or occupied which does not conform to the performance standards of § 600-271. In addition, the following uses are specifically prohibited.

I. Food trucks.

TOWNSHIP OF DENVILLE
COUNTY OF MORRIS, STATE OF NEW JERSEY

ORDINANCE NO. _

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF DENVILLE TO PROHIBIT HIGH-INTENSITY COMPUTING
FACILITIES, INCLUDING ARTIFICIAL INTELLIGENCE DATA CENTERS AND
CRYPTOCURRENCY MINING FACILITIES**

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the authority granted to municipalities under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., including the authority to regulate land uses in order to protect the public health, safety, welfare, environment, and community character.

SECTION 2. PURPOSE AND INTENT

- A. The purpose of this Ordinance is to advance the goals of N.J.S.A. 40:55D-2, including but not limited to subsections (a), (c), (d), (e), and (i), by regulating and prohibiting land uses whose intensity of operation and infrastructure demand is incompatible with the Township's planned development pattern and available public resources.
- B. The Township Council intends to prevent land uses that impose extraordinary and continuous demands on electrical infrastructure, cooling systems, water resources, and backup power generation, and that generate off-site impacts such as noise, vibration, heat, and utility strain.
- C. This Ordinance is impact-driven rather than technology-driven, and is adopted based on land use intensity, operational characteristics, and infrastructure demands rather than opposition to any particular industry or emerging technology.

SECTION 3. LEGISLATIVE FINDINGS

The Township Council hereby finds and determines that:

- A. Certain high-intensity computing facilities operate on a continuous, industrial scale and require electrical and mechanical infrastructure well beyond that typically associated with permitted commercial, office, or light industrial uses within the Township.
- B. Such facilities often utilize large-scale mechanical cooling systems, emergency and supplemental backup power generation, and specialized electrical equipment that may generate continuous noise, vibration, and heat affecting surrounding properties.
- C. The Township's infrastructure, including electrical distribution, water supply, stormwater systems, and roadway network, was not planned or sized to accommodate such uses without adverse impacts.

- D. These facilities typically employ relatively few permanent on-site workers and provide limited direct benefit to the local economy or community services.
- E. The Township of Denville is characterized by established residential neighborhoods, environmentally sensitive areas, and small-scale commercial and mixed-use development, and seeks to maintain a land use pattern consistent with its Master Plan.
- F. Alternative locations within the region and State of New Jersey exist that are more appropriately suited to accommodate high-intensity computing facilities due to greater utility capacity and industrial infrastructure.
- G. Prohibiting such uses within the Township will not result in a regional or statewide shortage of land for these activities.

Based on these findings, the Township Council determines that such uses are inconsistent with the Township's land use objectives and should be prohibited.

SECTION 4. DEFINITIONS

Chapter 600 of the Land Development Ordinance is hereby amended to add the following definitions:

A. High-Intensity Computing Facility

Any building, structure, or use whose primary or dominant function involves continuous, large-scale digital data processing and which, by design or operation, requires one or more of the following:

1. Continuous 24-hour operation for industrial-scale processing;
2. High-density server clusters or specialized computing hardware;
3. Mechanical cooling systems not customarily accessory to office or commercial buildings;
4. Electrical demand materially exceeding that of customary commercial or office uses of comparable size; or
5. On-site backup or supplemental power generation exceeding minimum emergency code requirements.

B. Artificial Intelligence Data Center

A type of High-Intensity Computing Facility primarily devoted to the training, operation, or inference of artificial intelligence or machine learning models, including facilities designed for large-scale computational workloads.

C. Cryptocurrency Mining Facility

A type of High-Intensity Computing Facility used primarily for validating, mining, generating, or processing cryptocurrencies or blockchain-based digital assets through computational processes such as proof-of-work or similar mechanisms.

D. Data Center

A facility primarily devoted to the storage, processing, or transmission of digital data, excluding ordinary server rooms or information technology equipment that are clearly accessory and incidental to a permitted principal use.

SECTION 5. PROHIBITED USES

Chapter ____ of the Land Development Ordinance is hereby amended to add the following:

Prohibited Principal Uses — All Zoning Districts

- A. High-Intensity Computing Facilities are hereby **prohibited in all zoning districts** within the Township of Denville.
- B. This prohibition includes, but is not limited to:
 - 1. Artificial Intelligence Data Centers;
 - 2. Cryptocurrency Mining Facilities; and
 - 3. Any other data processing or computing facility that meets the definition of a High-Intensity Computing Facility.
- C. Such uses shall not be permitted as a principal use, conditional use, accessory use, temporary use, or home occupation.

SECTION 6. CLARIFICATIONS AND EXPRESS EXCLUSIONS

Nothing in this Ordinance shall be construed to prohibit:

- A. Server rooms, networking equipment, or information technology systems that are **clearly accessory and incidental** to a permitted office, institutional, educational, medical, research, manufacturing, or municipal use;
- B. Telecommunications facilities or infrastructure regulated by state or federal law;
- C. Computing or data processing equipment incidental to a permitted principal use, provided that such equipment does not constitute the dominant or primary function of the site.

SECTION 7. NONCONFORMING USES

- A. The Township finds that no Artificial Intelligence Data Center, Cryptocurrency Mining Facility, or High-Intensity Computing Facility lawfully existed within the Township of Denville as of the effective date of this Ordinance.
- B. Accordingly, no such use shall be recognized as a lawful nonconforming use pursuant to N.J.S.A. 40:55D-68.

SECTION 8. ENFORCEMENT AND PENALTIES

- A. This Ordinance shall be enforced by the Zoning Officer, Construction Official, and any other authorized Township representatives.
- B. Any violation shall be subject to enforcement and penalties as provided in Chapter ____ of the Township Code, including fines, injunctive relief, and orders to cease unlawful use.
- C. Each day that a violation continues shall constitute a separate offense.

SECTION 9. SEVERABILITY

If any section, subsection, clause, or provision of this Ordinance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 10. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

TOWNSHIP OF DENVILLE
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE NO. _

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF DENVILLE TO PROHIBIT ARTIFICIAL INTELLIGENCE (AI) DATA NODES

WHEREAS, the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*) authorizes municipalities to regulate land use in a manner that promotes the public health, safety, morals, and general welfare; and

WHEREAS, the Governing Body has determined that artificial intelligence-related micro computing infrastructure presents emerging land use impacts not adequately addressed by existing zoning regulations; and

WHEREAS, the Governing Body seeks to proactively address such impacts consistent with the Municipality's Master Plan and zoning objectives;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Denville:

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE

A. Findings

The Governing Body hereby finds and determines:

1. This ordinance is adopted pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*).
2. Artificial Intelligence (AI) Data Nodes represent high-intensity computational uses with substantial and continuous energy demands, infrastructure requirements, and operational impacts.
3. AI Data Nodes, while individually limited in scale, are frequently deployed in a distributed and networked manner such that multiple installations operate collectively as a unified system.
4. The aggregate operation of AI Data Nodes is functionally equivalent to a centralized AI Data Center and produces comparable impacts, including:
 - Significant electrical consumption and infrastructure strain;
 - Continuous heat generation requiring intensive cooling systems;
 - Noise associated with equipment and HVAC operations;
 - Increased reliance on backup generation and utility upgrades.

5. Distributed deployment of AI Data Nodes may be used to circumvent zoning restrictions applicable to large-scale data centers, including through segmentation across parcels, buildings, or tenant spaces.
6. The cumulative impacts of such uses may impose substantial burdens on municipal infrastructure, utilities, emergency services, and community character.
7. Such uses are inconsistent with the goals and objectives of the Municipal Master Plan, including appropriate scale of development, energy efficiency, and preservation of residential and community environments.
8. Regulation on an individual, site-specific basis is insufficient to address the cumulative impacts of distributed computing systems.

B. Purpose

The purpose of this ordinance is:

1. To promote the public health, safety, and general welfare in accordance with *N.J.S.A. 40:55D-2*;
2. To prohibit distributed AI data processing systems (AI Nodes);
3. To close potential regulatory loopholes involving segmented or distributed infrastructure;
4. To regulate land uses based on functional and cumulative impacts rather than physical size alone;
5. To protect municipal infrastructure and resources from excessive demand.

SECTION 2. DEFINITIONS

Chapter 600 of the Land Development Ordinance is hereby amended to add the following definitions:

Artificial Intelligence (AI) Data Node

A facility, device, or installation of computing hardware designed to process, transmit, cache, store, or distribute data in support of artificial intelligence, machine learning, or advanced computational systems, including but not limited to edge computing facilities, micro data centers, inference servers, distributed processing units, or similar infrastructure, whether operating independently or as part of a larger network.

AI Data Nodes shall include installations located within buildings, freestanding or containerized units, or co-located within other infrastructure where the primary or substantial function is AI-related data processing.

AI Data Nodes shall not include customary and incidental business IT equipment used solely for on-site operations, provided such systems do not exceed typical energy, cooling, or operational thresholds.

SECTION 3. PROHIBITED USE

A. Prohibition

AI Data Nodes are hereby prohibited in all zoning districts within the municipality.

B. No Accessory Use

AI Data Nodes shall not be permitted as accessory uses to any principal permitted use.

C. Anti-Segmentation

The distribution, division, or placement of computing equipment across multiple locations, structures, parcels, or tenants, which collectively function as an AI Data Center or AI Data Node system, shall be considered a single prohibited use.

SECTION 4. USE DETERMINATION

A. Authority

The Zoning Officer shall have the authority to determine whether a proposed or existing use constitutes an AI Data Node.

B. Factors for Determination

The following factors may be considered:

1. Electrical load and power demand;
2. Presence of clustered or rack-mounted computing systems;
3. Use for AI model training, inference, or distributed computing;
4. Cooling systems exceeding normal commercial requirements;
5. Off-site or network-based data processing services;
6. Continuous or high-intensity operational characteristics.

C. Burden of Proof

The applicant shall bear the burden of demonstrating that a proposed use does not constitute a prohibited AI Data Center or AI Data Node.

SECTION 5. UTILITY AND PERMIT RESTRICTIONS

No zoning permit, construction permit, electrical permit, or certificate of occupancy shall be issued for any use determined to be an AI Data Node.

This includes infrastructure primarily intended to support such uses, including:

- High-density electrical upgrades;
- Specialized cooling systems;
- Backup generation systems.

SECTION 6. INTERPRETATION

This ordinance shall be liberally construed to effectuate its purposes.

Classification of uses shall be based on actual function and operational characteristics rather than nomenclature, labels, or form of ownership.

SECTION 7. SEVERABILITY

If any section, subsection, paragraph, or provision of this ordinance is adjudged invalid, such adjudication shall apply only to that portion and the remainder shall remain in full force and effect.

SECTION 8. REPEALER

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 9. EFFECTIVE DATE

This ordinance shall take effect upon final passage and publication according to law.

**RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
REDEMPTION OF A TAX SALE CERTIFICATE FROM TAX SALE**

BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to prepare vouchers to refund the amounts shown below to the named lien holders.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized and directed to forward the checks to the Tax Collector to be delivered to the following lien holders after proper notation has been made on the Tax Records:

<u>Cert #</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Purchaser of Lien</u>	<u>Refund Amt.</u>	<u>Premium Amt.</u>
25-00060	70101	15	109 Ford Rd N	RAM Tax Lien Fund II LP 4247 Kingsview Rd. Moorpark, CA 93021	\$768.84	\$500.00

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Matthew N. Bansch, Municipal Clerk for the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council Meeting held on October 6, 2026.

Certification Date

Matthew N. Bansch, Municipal Clerk

RESOLUTION REFUNDING THE OVERPAYMENT OF 2026 TAXES

WHEREAS, it has been found that the following overpayment has occurred.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment, due to reason stated below.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the check to the Tax Collector to be delivered to said taxpayer after the refund has been recorded in the taxpayer's history file.

Block/Lot	Reason for Refund	Owner or Mortgage Co.	Refund Amount
41303 18	Duplicate Payment	Moore, Matthew Short/Anjelica 232 Riverside Drive Denville, NJ 07834	\$2,775.52
40907 635	Duplicate Payment	Hegarty, Brendan Somogyi, Dana 67 East Shore Road Denville, NJ 07834	\$3,162.73
20901 1 C0904	Duplicate payment	Toth, Theodor 904 Hawley Court Denville, NJ 07834	\$2,367.04

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Matthew N. Bansch, Municipal Clerk for the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council Meeting held on October 6, 2026.

Certification Date

Matthew N. Bansch, Municipal Clerk

**RESOLUTION EXTENDING ADVICE AND CONSENT OF THE TOWNSHIP OF
DENVILLE MUNICIPAL COUNCIL TO MAYORAL APPOINTMENT FOR THE
ROCKAWAY VALLEY REGIONAL SEWER AUTHORITY (RVRSA) COMMISSIONER**

WHEREAS, Thomas W. Andes, Mayor of the Township of Denville, wishes to make a Mayoral appointment; and

WHEREAS, Mayor Andes hereby submits Nicholas Petrillo, Denville's Licensed Water and Sewer Operator, holding the title of Denville Utilities Superintendent, as the RVRSA Commissioner for Denville, to fill an unexpired term ending on January 31, 2029 and his hereby requesting the Municipal Council's advice and consent on said appointment.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, that advice and consent is extended to the aforementioned appointment made by Mayor Thomas W. Andes.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Matthew N. Bansch, Municipal Clerk for the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council Meeting held on October 6, 2026.

Certification Date

Matthew N. Bansch, Municipal Clerk

**RESOLUTION AUTHORIZING ISSUANCE OF SOCIAL AFFAIR PERMIT BY THE
STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, the below listed organization has applied for a Social Affair Permit; and

WHEREAS, the Municipal Council, the License Issuing Authority of the Township of Denville, has no objection to the granting of the Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the issuance of said Social Affair Permit is not contrary to any Township ordinance, resolution, regulation or policy.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, that authorization is hereby granted for the issuance of Social Affair Permit to the following organization for the identified event:

<u>ORGANIZATION</u>	<u>EVENT</u>	<u>LOCATION</u>	<u>DATES</u>	<u>HOURS</u>
Kathy Olenowski Foundation Inc	Pink Witches Night Out	Downtown Denville, 23 Broadway	10/16/26; Rain date of 10/23/26	5:00 PM to 10:00 PM

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Matthew N. Bansch, Municipal Clerk for the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council Meeting held on October 6, 2026.

Certification Date

Matthew N. Bansch, Municipal Clerk

**RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 WITH
REGAL UTILITY SERVICES INC FOR ADDITIONAL WORK IN CONNECTION WITH THE
GALVANIZED WATER MAIN REPLACEMENT PROJECT**

WHEREAS, on June 23, 2026 the Township of Denville awarded a contract to Regal Utility Services Inc for the Galvanized Water Main Replacement Project in the amount of \$3,928,339.70; and

WHEREAS, the Township has determined that an increase in the allowance for off-duty police officers is necessary, as the police presence requested for the Project exceeds the level originally anticipated in the bid specifications; and

WHEREAS, Change Order No. 1 results in a net increase of \$200,000.00 to the contract amount, for a revised total contract price of \$4,128,339.70; and

WHEREAS, the Chief Financial Officer of the Township of Denville has certified in certification #26-32 which is annexed hereto and made a part thereof, that this contract will be charged to the following budget appropriations and that adequate funds are available under the following line-item accounts:

06-215-55-964-901	\$200,000.00
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NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey, as follows:

1. Change Order No. 1 for the Galvanized Water Main Replacement Project, reflecting an increase of \$200,000 and resulting in a total contract price of \$4,128,339.70 with Regality Utility Services, Inc is hereby authorized.
2. The Township hereby accepts and authorizes Change Order No. 1 for the additional off duty police officer allowance described herein.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Matthew N. Bansch, Municipal Clerk for the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council Meeting held on October 6, 2026.

Certification Date

Matthew N. Bansch, Municipal Clerk