

ORDINANCE NO. 15-23

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO ADOPT A REDEVELOPMENT PLAN IN CONNECTION WITH BLOCK 62002, LOT 1 (12-18 VANDERHOOF AVENUE) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), on November 22, 2022 the Township Council of the Township of Denville adopted Resolution 22-195, authorizing and directing the Township of Denville Planning Board to undertake an preliminary investigation of property identified as a non-condemnation area consisting of Block 62002, Lot 1, located at 12-18 Vanderhoof Avenue, to determine if the property qualifies as an area in need of redevelopment; and

WHEREAS, on June 14, 2023, the Planning Board conducted a public hearing to review and consider the Township Planner's preliminary investigation report entitled, "Area in Need of Redevelopment Determination" and adopted Resolution 23-04, recommending that Block 62002, Lot 1 be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, on June 27, 2023, the Township Council adopted Resolution 23-139 accepting in full the Planning Board's recommendation and directing the Township Planner to prepare a redevelopment plan; and

WHEREAS, the Township Planner has drafted the proposed ordinance for redevelopment of the property, which ordinance the Township desires to adopt based on the recommendation of the Township Planner.

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

SECTION 1. Chapter 600, Land Use, Part 4, Zoning, of the Township Code is hereby amended to establish Article LIIIG, Dock Road Redevelopment (DRR) Zone (Non-condemnation) to read as follows:

Article LIIIG Dock Road Redevelopment (DRR) Zone (Non-condemnation)

§ 600-358.41 Primary intended use.

This zone is designated for offices for business, professional, executive or administrative purposes, scientific or research laboratories and industrial and manufacturing uses, as well as warehousing.

§ 600-358.42 Prohibited use.

No land or building shall be used or occupied for any use which is prohibited in § 600-268.

§ 600-358.43 Required conditions.

- A. Height. No structure shall exceed a height of two stories, provided the building is equal to or less than 43 feet.
- B. Front yard. There shall be a minimum front yard setback of not less than 10 feet.
- C. Side yard. There shall be two side yards whose total shall be no less than 20% of the average lot width provided in no event shall any side yard be less than 50 feet. Off-street parking is permitted in the side yard, provided the parking area is no closer than 10 feet to any property line, nor five feet to any building.
- D. Rear yard. There shall be a rear yard of not less than 75 feet. Off-street parking and loading is permitted in the rear yard, provided the parking area is no closer than 10 feet to any property line, nor five feet to any building. Any non-personal vehicle must be parked or stored in the rear yard.
- E. Maximum floor area ratio. The gross floor area of all floors of all buildings shall not exceed 25% of the total lot area.
- F. Landscaping. Those portions of all yards that are not used for off-street parking shall be planted and regularly maintained as approved by the Planning Board.
- G. Parking for non-truck vehicles shall have a minimum stall size of nine (9) feet in width by eighteen (18) feet in depth. There shall be a minimum four (4) foot sidewalk of at least four inches above ground between any building and a parking area used by the public. A minimum of one (1) parking space per 2,500 square feet of gross floor area (GFA) shall be provided for all new buildings. All other standards found in § 600-179 shall be met.
- H. Lighting shall meet all requirements found in § 600-177 (Outdoor lighting).
 - (1) Interior and exterior lighting shall be equipped with motion sensors that either turn lights off, or for exterior lighting, dim lights to 25-50% output after sundown when no motion has been detected for 10 minutes.
 - (2) Outdoor storage shall meet all the requirements found in section § 600-160.
 - (3) Signs
 - (a) All signs shall conform to section 600-183
 - (b) No signs shall be permitted which are not related to the use on the premises and then only if the following requirements are complied with:
 - [1] Signs attached to a building may be permitted as regulated in the business zone.
 - [2] In addition to the above regulations, all signs permitted in the residential districts are also permitted in the industrial districts.
- (4) Retaining Walls

Due to the unique circumstances faced by the development of this lot, retaining walls, in

this zone only, shall be governed by the following regulations.

(a) Retaining walls shall not exceed the following height restrictions:

[1] Nine (9) feet when located within the side and rear yards;

[2] Five (5) feet when located within the front yard;

(b) Multiple, staggered or tiered retaining walls

[1] For the purpose of applying height limits, multiple, staggered or tiered retaining walls shall be considered single structure unless the horizontal distance between any two tiers shall meet or exceed three (3) feet.

[2] Landscaping shall be planted in front of such walls in order to reduce their visual impact.

(c) Any retaining wall, or portion thereof, exceeding five (5) feet in height shall provide a four (4) foot fence atop the retaining wall.

§ 600-358.44 Performance standards.

A. Before the issuance of any building or occupancy permit for any use in this zone all of the following minimum standards must be complied with:

(1) Fire and explosion hazard. All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters or the Township Building Code or Fire Ordinance, whichever is more restrictive. All operations shall be carried on and explosive raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of the Board of Fire Underwriters.

(2) Radioactivity. Any industrial activity which emits dangerous radioactivity at any point is prohibited.

(3) Smoke, dust, fumes, odors, gases. There shall be no emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant which is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited.

(4) Liquid or solid wastes.

(a) No operation shall discharge wastes of any kind into any reservoir, pond, lake, underground stream or underground water source. The discharge of untreated wastes into a stream is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by Township and New Jersey State Health Departments. Effluent from a treatment plant shall at all times comply with the following standards:

[1] Maximum five-day biochemical oxygen demand: five parts per million.

[2] Maximum quality of effluent: 10% of minimum daily stream flow.

- [3] Maximum five-day biochemical oxygen demand after dilution (B.O.D.) of effluent multiplied by quantity of effluent divided by quantity of stream flow: 0.25 part per million.
- [4] Maximum total solids: 5,000 parts per million.
- [5] Maximum phenol: 0.10 part per million.

(b) No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substance in solution or suspension which would create odors, discolor, poison or otherwise pollute the stream in any way.

(5) Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

(6) Noise. There shall be no noise emanating from any operation which will be audible beyond the boundaries of the immediate site except in emergency situations requiring the use of a backup generator.

- (a) Air-conditioning units, emergency generators, or other sound-producing equipment. Any emergency generators, air-conditioning units, or other sound-producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.

(7) Idling and refrigeration units. All regulations found in NJAC 7:27 on idling regulations shall be complied with.

(8) There shall be no outdoor public address systems.

(9) There shall be no outdoor loading activities.

(10) The selection of building design elements including facade materials, fenestration, color, texture and other design considerations shall be done in such a manner as to avoid starkness and create visual interest.

B. Before the issuance of a building or occupancy permit, the Planning Board shall review and approve a site development plan of the proposed use and shall ascertain that all the requirements of this section are complied with.

C. The following standards should be followed where appropriate:

- (1) All warehouse buildings should strive to be LEED Silver or higher or comply with a comparable "green building" program at the same standard or higher.
- (2) Consider using cool pavement to reduce heat island effects.
- (3) Any stand-by emergency generators are to be powered by a non-diesel fuel.
- (4) All on-site equipment, such as forklifts and yard trucks, should be electric with the

necessary electrical charging stations provided.

- (5) Electric hook-ups should be installed to eliminate idling of main and auxiliary engines during loading and unloading, and when trucks are not in use.
- (6) Electric plugs for electric transport refrigeration units at every dock door should be provided if the warehouse includes refrigeration.
- (7) Constructing electric truck charging stations proportional to the number of dock doors and parking spaces at the project.

§ 600-358.45 Permitted accessory uses.

Permitted accessory uses are established as follows:

- A. Roof-mounted solar panels as long as they are mounted parallel to the roof.
- B. Parking for personal transportation as well as non-personal vehicles.
- C. Bicycle racks.
- D. Emergency generator.
- E. Signs.
- F. Solid waste and recycling facilities.
- G. Retaining walls.
- H. Lighting.

SECTION 2. All ordinances of the Township of Denville that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. 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:

TARA M. PETTONI, RMC

MAYOR THOMAS W. ANDES

MUNICIPAL CLERK

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 July 11, 2023.

Tara M. Pettoni, RMC
Municipal Clerk