

BOROUGH OF NORTH HALEDON

ORDINANCE # 15-2018

AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING AND SUPPLEMENTING CHAPTER 600, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF NORTH HALEDON

WHEREAS, the Municipal Land Use Law (“MLUL”) of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Borough of North Haledon (“Borough”) desires to amend and supplement the zoning code;

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

Section 1.

Article I, Chapter 600, Section 2 of the Zoning Code of the Borough of North Haledon, following definitions are added:

BUILDING COVERAGE – That percentage (%) of the plot or lot covered by the principal building and all accessory buildings, including balconies, roof overhangs, chimney walls and other protrusions and exclusive of uncovered porches, terraces and steps.

DRIVEWAY - A defined access surfaced with an acceptable construction material that provides vehicular access from a public right-of-way to a residence, garage or structure which is maintained by the Property Owner. A driveway is not a road, street, boulevard, highway, or parkway.

IMPERVIOUS COVERAGE – That percentage (%) of the plot or lot area covered by impervious surfaces or surfaces that do not allow rainwater to be directly absorbed into the ground, including, but not limited to, buildings or structures, accessory buildings, generators and generator pads, ground mounted solar panels, HVAC units and pads, parking areas, driveway, any type of athletic courts, patios, decks, pools (both above and in-ground), pool equipment and equipment pads and walkways. Surfaces such as laid stones, slate pavers and timber (laid directly on the ground) with open joints shall constitute 50% of impervious coverage. An open joint shall be any joint which is greater than ½ inch in width. Surfaces such as loose stone, porous pavements and pervious pavers shall constitute 25% of impervious coverage.

MAXIMUM IMPERVIOUS COVERAGE – The total percentage (%) of impervious coverage as calculated by adding the Building Coverage plus the Impervious Coverage. See Zoning Attachment 1, “Borough of North Haledon Zoning Area and Limiting Schedule”, as amended.

Section 2.

Article IX, Chapter 600, Section 31, Sub-Section A of the Zoning Code of the Borough of North Haledon, following definitions are added:

(5) Impervious Coverage shall not exceed thirty-five (35%) percent of the total front yard area. For lots having more than one (1) front yard, the total front yard areas shall not be combined for the purpose of calculating this provision.

(6) The parking of vehicles on lawns or non-driveway areas is expressly prohibited in all residential zones.

(7) All driveways must be paved with one of the following materials: concrete, asphalt, brick pavers, porous pavements, decorative crushed stone or gravel.

Section 3.

Article XVII, Chapter 600, Section 85 of the Zoning Code of the Borough of North Haledon, specifically the following definition is hereby deleted in its entirety:

TOTAL SITE COVERAGE

Section 4.

Article XVII, Chapter 600, Section 92, Sub-Section D of the Zoning Code of the Borough of North Haledon, is hereby amended as follows:

(2) Maximum impervious coverage: 30%

Section 5.

Article XVIII, Chapter 600, Section 118 of the Zoning Code of the Borough of North Haledon, specifically the following definition is hereby deleted in its entirety:

TOTAL SITE COVERAGE

Section 6.

Article XVII, Chapter 600, Section 121, Sub-Section D of the Zoning Code of the Borough of North Haledon, is hereby amended as follows:

(2) Maximum impervious coverage: 50%

Section 7.

Article XX, Chapter 600, Section 170 of the Zoning Code of the Borough of North Haledon, specifically the following definition is hereby deleted in its entirety:

TOTAL SITE COVERAGE

Section 8.

Article XX, Chapter 600, Section 177, Sub-Section D of the Zoning Code of the Borough of North Haledon, is hereby amended as follows:

(2) Maximum impervious coverage: 30%

Section 9. Article XVI, Chapter 600, Section 197, Sub-Section K of the Zoning Code of the Borough of North Haledon, is hereby amended as follows:

K. Maximum impervious coverage shall be 50%.

Section 10.

Article XXII, Chapter 600, Section 209, Sub-Section K of the Zoning Code of the Borough of North Haledon, is hereby amended as follows:

K. Maximum impervious coverage shall be 45%.

Section 11.

A copy of this Ordinance is hereby transmitted to the Borough's Planning Board ("Planning Board") for its report and recommendation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Planning Board hereby has thirty-five (35) days to submit a report and if it fails to do so, then the Borough Council may proceed to adopt this Ordinance.

Section 12.

All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 13.

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

Section 14.

This Ordinance shall take effect as provided by law.

NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on July 18, 2018, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on August 15, 2018 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

Renate Elatab