

BOROUGH OF HARRINGTON PARK

ORDINANCE 695

**AN ORDINANCE TO AMEND THE ZONING CODE
OF THE BOROUGH OF HARRINGTON PARK**

Whereas, the Mayor and Council of the Borough of Harrington Park are required by the MLUL 40:55D1, et seq. to periodically review the Master Plan to determine if the plan is consistent with desired development, growth and zoning; and

Whereas, the Mayor and Council of the Borough of Harrington Park have determined that the B-1 and B-2 zones within the Borough need to reflect current conditions both environmentally as well as compatibility with surrounding uses and to further provide that the Land Use element reference the housing overlay previously adopted by the Council;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Harrington Park as follows:

- 1) Sections 350-13 and 350-14 of Chapter 350 of the Code of the Borough of Harrington Park are hereby deleted in their entirety and are hereby superseded by the Sections 350-13 and 350-14 listed below.
- 2) All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
- 3) This ordinance shall take effect immediately after passage and publication as provided by law.
- 4) All other parts of Chapter 350 of the Code of the Borough of Harrington Park not specifically amended herein shall remain in full force and effect.
- 5) Further, providing that this Ordinance be forwarded to the Planning Board for their review and comment before final adoption by the Mayor and Council.

' 350-13 B-1 Districts

The following regulations shall apply in all B-1 Districts:

A. Uses permitted. The following uses are permitted in B-1 Districts:

- (1) All uses permitted in any residential district, subject to all the provisions specified for such residential districts.
- (2) Stores and shops for the conducting of any retail business.

- (3) Personal service shops, such as barbershops or beauty parlors.
- (4) Banks, theaters, offices, restaurants (excluding fast food establishments) and similar community service establishments.
- (5) Affordable housing, including special needs housing, provided it is in conformance with the Borough's Fair Share Plan. This use is permitted on any or all floors of the building, and may be included in a mixed use building.
- (6) Accessory buildings and accessory uses.
- (7) Other uses, including mixed uses, which, in the opinion of the Board of Adjustment, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

B. Uses conditionally permitted. The following uses are conditionally permitted in B-1 Districts:

[Added 12-17-1984 by Ord. No. 349]

- (1) A satellite antenna which complies with the following requirements:
 - (a) The surface area of any reflective dish shall not exceed 12 square feet.
 - (b) The dish shall be erected on a secure ground-mounted foundation.
 - (c) The overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall be no more than seven feet.
 - (d) The antenna shall be located in the rear yard and shall not violate the yard and setback requirements for the main building.
 - (e) The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.
 - (f) The antenna shall be designed for use by occupants of the main building only.
 - (g) There shall be only one antenna per building lot.

(h) One roof mounted satellite antenna per building lot shall also be conditionally permitted provided it is fully screened from view by parapet walls or other similar devices.

C. Uses prohibited. The following uses are prohibited in B-1 Districts:

(1) Fast food establishments.

(2) Public garages and filling stations.

(3) Establishments for the servicing of vehicles including car washes, oil change facilities, and similar establishments. Not prohibited under this citation are retail establishments for sale of vehicle parts.

(4) Outdoor storage of any materials.

(5) Industrial uses, including but not limited to any facility used for the purpose of fabricating, manufacturing, converting, altering, assembling, storing or warehousing of articles except as incidental to the particular retail trade to be conducted.

D. Building height limit: not less than 10 feet and not more than 35 feet.

E. Required lot area. The minimum lot area for business purposes shall be 5,000 square. Any building used for residence purposes shall have a lot width and lot area at least equal to that required for a similar dwelling in the least restricted residence district.

F. Percentage of lot coverage. Any building, including accessory buildings, shall not cover more than 40% of the area of the lot. No building shall be erected having less than 1,000 sq feet of ground floor area.

G. Yards required. Each lot shall have front and rear yards not less than the following depths:

(1) Front yard: 25 feet.

(2) Side yard: 6 feet.

(3) Rear yard: 15 feet.

H. Principal building limit. Not more than one principal building shall be permitted on any lot described in this section. [Added 5-16-1988 by Ord. No. 398]

I. All uses or structures not specifically permitted are prohibited. [Added 6-23-2004 by Ord. No. 566]

350-14 B-2 Districts

The following regulations shall apply in all B-2 Districts:

A. Uses permitted. The following uses are permitted in B-2 Districts:

- (1) All uses permitted in any residential district, subject to all the provisions specified for such residential districts.
- (2) Stores and shops for the conducting of any retail business.
- (3) Personal service shops, such as barbershops or beauty parlors.
- (4) Banks, theaters, offices (excluding medical offices), restaurants (excluding fast food establishments) and similar community service establishments.
- (5) Affordable housing, including special needs housing, provided it is in conformance with the Borough's Fair Share Plan. This use is permitted on upper floors of the building only, and may be included in a mixed use building.
- (6) Accessory buildings and accessory uses.
- (7) Other uses, including mixed uses, which, in the opinion of the Board of Adjustment, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

B. Uses conditionally permitted. The following uses are conditionally permitted in B-2 Districts:

[Added 12-17-1984 by Ord. No. 349]

- (1) A satellite antenna which complies with the following requirements:
 - (a) The surface area of any reflective dish shall not exceed 12 square feet.
 - (b) The dish shall be erected on a secure ground-mounted foundation.
 - (c) The overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall be no more than seven feet.
 - (d) The antenna shall be located in the rear yard and shall not violate the yard and setback requirements for the main building.
 - (e) The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent

properties shall be a major factor in determining whether or not the conditional use is approved.

(f) The antenna shall be designed for use by occupants of the main building only.

(g) There shall be only one antenna per building lot.

(h) One roof mounted satellite antenna per building lot shall also be conditionally permitted provided it is fully screened from view by parapet walls or other similar devices.

C. Uses prohibited. The following uses are prohibited in B-2 Districts:

(1) Fast food establishments.

(2) Public garages and filling stations.

(3) Establishments for the servicing of vehicles including car washes, oil change facilities, and similar establishments. Not prohibited under this citation are retail establishments for sale of vehicle parts.

(4) Outdoor storage of any materials.

(5) Industrial uses, including but not limited to any facility used for the purpose of fabricating, manufacturing, converting, altering, assembling, storing or warehousing of articles except as incidental to the particular retail trade to be conducted.

D. Building height limit: not less than 10 feet and not more than 35 feet.

E. Required lot area. The minimum lot area for business purposes shall be 5,000 square. Any building used for residence purposes shall have a lot width and lot area at least equal to that required for a similar dwelling in the least restricted residence district.

F. Percentage of lot coverage. Any building, including accessory buildings, shall not cover more than 40% of the area of the lot. No building shall be erected having less than 1,000 sq feet of ground floor area.

G. Yards required. Each lot shall have front and rear yards not less than the following depths:

(1) Front yard: 25 feet.

(2) Side yard: 6 feet.

(3) Rear yard: 15 feet.

H. Principal building limit. Not more than one principal building shall be permitted on any lot described in this section. [Added 5-16-1988 by Ord. No. 398]

I. All uses or structures not specifically permitted are prohibited. [Added 6-23-2004 by Ord. No. 566]

I hereby certify that the above referenced Ordinance was duly adopted by the Mayor and Council of the Borough of Harrington Park on second reading on December 15, 2014.

| | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|------------------|--------|--------|-----|----|---------|--------|
| Roll Call Vote | | | | | | |
| NAPOLITANO(AN) | x | | x | | | |
| EVANELLA (GE) | | | X | | | |
| PEDERSEN (JP) | | | x | | | |
| RYAN (MR) | | | x | | | |
| RUTIGLIANO(MRUT) | | x | x | | | |
| CHUNG (JC) | | | x | | | |

Ann H. Bistriz/Borough Clerk