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10/13/15 CC: Adm.
HGA/ZON

TOWNSHIP OF BYRAM
NEW JERSEY



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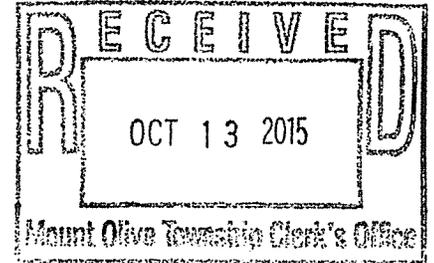
WEBSITE ADDRESS:
www.byramtwp.org

October 7, 2015

TO: Green Township Stanhope Borough
Andover Township Mt. Olive Township
Andover Borough Allamuchy Township
Sparta Township Roxbury Township
Hopatcong Borough Sussex County Planning Board

FROM: Doris J. Flynn, RMC, Township Clerk

RE: Land Use Ordinances



Pursuant to the provisions of the Municipal Land Use Law, Chapter 291, enclosed please find a copy of the following proposed ordinance:

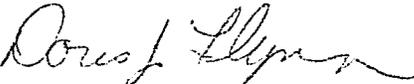
TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO. - 2015

**AN ORDINANCE TO AMEND CHAPTER 240 OF THE BYRAM
TOWNSHIP CODE ENTITLED "ZONING" TO MODIFY THE
VILLAGE BUSINESS MIXED USE DISTRICT (VB)**

Purpose Statement: The purpose of this Ordinance is to revise and amend sections of Articles IX and X of the Township Code, permitting apartments as a conditional use in the Village Business Mixed Use Zone and defining and enumerating the required conditions of said conditional use.

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey held on October 6, 2015 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on November 2, 2015 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the municipal Building to members of the general public.


Doris J. Flynn, RMC
Byram Township Clerk

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WHEREAS, the Township of Byram’s *Master Plan Strategic Plan Element 2002* recommended zone changes for a number of areas throughout the Township; and

WHEREAS, the Township of Byram’s *Master Plan for 2004* recommends zone changes for a number of areas throughout the Township; and

WHEREAS, various applications have been reviewed and approved by the Byram Township Land Use Board under the Village Business Mixed-Use District (VB), last amended in 2005; and

WHEREAS, revisions and amendments to the Village Business Mixed-Use District (VB) are necessary to efficiently and effectively administer the land use approval process; and

WHEREAS, the Planning Board, in consultation with the Township Planner, has proposed revisions and amendments to the Land Development Ordinance that will further refine the Village Business Mixed-Use District (VB), which are set forth in this Ordinance; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Council of the Township of Byram as follows:

Section 1. District Regulations.

ARTICLE IX – District regulations be and it is hereby amended to read as follows:

§240-56. VB –VILLAGE BUSINESS MIXED-USE DISTRICT

C. Conditional Uses

1. Apartments above permitted commercial uses may be permitted as second principal use, see conditions.

Section 2. Conditional Uses

ARTICLE X – Conditional Uses be and it is hereby amended to read as follows:

§240-62. Conditional Uses

- A. **Apartments** - Apartments above permitted commercial uses may be permitted as a second principal use provided that all of the following requirements are complied with:
 - a. Conditional use approval is obtained pursuant to Article X.
 - b. The following requirements apply in addition to those contained in Article X and the site plan and other data submitted in support of the conditional use application shall include:
 - (1) Floor Plans for each Apartment including square footage.

- (2) The location and use of the principal building and all accessory buildings on the applicant's property.
 - (3) The number of bedrooms.
 - (4) Location and layout of off-street parking in compliance with the requirements of Article VI of this chapter.
 - (5) Lighting in accordance with the standards of Chapter 215, Subdivision and Site Plan Review (Article V) of the Code of the Township of Byram.
 - (6) All of the details required pursuant to Chapter 215, Site Plan Review
- c. The following minimum standards apply:
- (1) Minimum Lot size of (3) three acres.
 - (2) Apartments are only to be on a second floor, no apartment shall be built on a first floor or in a one-story building.
 - (3) Minimum of 800 square feet of living area for each apartment
 - (4) No more than four apartments per principle lot. Any number of apartments in excess of two will require one apartment as per Chapter 77 of this ordinance for the purpose of providing additional opportunities for low- and moderate-income housing in the Township of Byram and per the Byram Township Housing Element and Fair Share Plan.
- d. The Planning Board may, after a hearing, order the issuance of a conditional use permit, which permit shall specify the maximum number of apartments that can be accommodated on the premises by virtue of the facilities available thereon. Such permit shall be valid so long as the permittee maintains all required facilities and complies with all of the requirements of this section and of the terms and conditions of the conditional use permit.

Section 3. **Severability.** If any section, subsection, 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. **Effective Date.** This Ordinance shall take effect in the time and manner prescribed by law.

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

NOTICE

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BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK