



Melissa Velez-Morales

From: Masser, Michelle
Sent: Wednesday, May 18, 2016 11:17 AM
To: Harris, Laura
Cc: Natafalusy, Catherine; Melissa Velez-Morales
Subject: FW: An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code
Attachments: Ord - __-2016 - Amend Chapter 240-Land Use-Accessory Structures.pdf

Correspondence

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From: Cindy Church [mailto:cchurch@byramtwp.org]
Sent: Wednesday, May 18, 2016 10:40 AM
To: Amy Rhead <rheada@roxburynj.us>; Ann Marie Tracy <municipalclerk@allamuchynj.org>; Beth Brothman <Andover@tellurian.net>; Catherine Schultz <cschultz@hopatcong.org>; Diana Fransisco <dfrancisco@andovertwp.org>; Ellen Horak <ehorak@stanhopenj.gov>; Linda Peralta <clerk_admin@greentwp.com>; Masser, Michelle <clerkmichelle@mtolivetwp.org>; Mary J. Coe <Mary.Coe@spartanj.org>; awasiewica@sussex.nj.us
Cc: Doris Flynn <DFlynn@byramtwp.org>
Subject: An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code

May 18, 2016

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: Cynthia Church, Deputy Township Clerk

RE: Land Use Ordinances

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

TOWNSHIP OF BYRAM

Sussex County, New Jersey

AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE

Purpose Statement: The purpose of this Ordinance is to clarify various sections in the Byram Land Use Code.

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 17th day of May 2016. The said ordinance will be further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 6th day of June at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Cynthia Church,

Byram Twp. Deputy Municipal Clerk

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Cynthia Church, CMR
Deputy Municipal Clerk
Byram Township
10 Mansfield Drive
Stanhope NJ 07874

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**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM
CODE**

Purpose Statement: The purpose of this Ordinance is to clarify various sections in the Byram Land Use Code.

WHEREAS, the Township of Byram's Land Use Board has realized the Byram Land Use Code requires clarification; and

WHEREAS, the Township of Byram's Land Use Board has advised the Township Council on the need for amendments to the ordinance.

WHEREAS, the Planning Board, in consultation with the Township Planner and Township Engineer, has proposed changes to the Land Development Ordinance that will clarify the Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Byram, County of Sussex, State of New Jersey, that:

SECTION 1. Chapter 240 - ARTICLE III DEFINITIONS shall be revised as follows.

240-7 Terms Defined.

ACCESSORY BUILDING to be replaced by:

ACCESSORY BUILDING OR STRUCTURE- A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot, occupied by or devoted exclusively to an accessory use. When an accessory building or structure (i.e. decks, porches, garage and steps) is attached in a substantial manner by breezeway, roof, wall or the like, to a principal building or structure, it shall be considered a partof the principal building or structure. Accessory structures shall be construed to include decks and swimming pools, but shall not be construed to include paving or at-grade patios.

BUILDING to be replaced by:

BUILDING- A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

STRUCTURE to be replaced by:

STRUCTURE- A combination of materials to form a construction for occupancy, use or ornamentation constructed, installed or located below, upon, or above ground, including any excavation or foundation thereof, excepting fences, walkways, and driveways and basic accessories serving a principal structure.

New Definition:

BASIC ACCESSORIES SERVING A PRINCIPAL BUILDING OR STRUCTURE Accessory structures or features commonly required for safe, healthy and comfortable human habitation of a principal building. These include such things as drinking water wells and septic system components, garbage can enclosures, oil tanks, propane tanks, air conditioning units, and standby generators (including fuel tanks) in the side or rear yard. Basic Accessories Serving a Principal Building or Structure are permitted to encroach into required setbacks provided that no encroachment is more than half the total distance of the required setback of the zone. Basic Accessories Serving a Principal Building or Structure are not subject to the requirement of Section 240-16A and are exempt.

SECTION 2. Chapter 240 - ARTICLE IV GENERAL REGULATIONS shall be revised as follows.

240-16 Accessory Buildings & Structures. To be replaced in its entirety with the following:

240-16 ACCESSORY BUILDINGS & STRUCTURES

A. General Requirements

1. No accessory building or structure shall be constructed on any lot on which there is not a principal building.
2. Any accessory structure attached to the principal building shall be considered part of the principal building.
3. No accessory building or structure shall be used for human habitation.
4. No accessory building or structure shall exceed fifteen (15) feet in height or be more than one (1) story in height and in no circumstance shall the accessory building or structure be greater in height than the principal building.
5. The total footprint of all accessory buildings or structures on a lot, with the exception of swimming pools and those used in connection with agricultural activities, shall not exceed more than 50% of the footprint of the principal structure on the lot.
6. No portable storage unit (shipping container, trailer, POD, etc.) shall be parked in or on any grassy area that constitutes the front yard. Parking of the above mentioned classes of storage units shall not interfere with any required parking stall and shall be confined to a driveway, or other approved parking area, for no longer than ninety (90) days which may be extended by the Zoning Officer for a period up to six months.

B. The following requirements shall be complied with in all residential zones:

1. No accessory building or structure shall be located closer than ten (10) feet to any principal building (except Basic Accessories Serving a Principal Structure) and six (6)

feet to any accessory building or structure. Note: Walls are addressed under 240-24 Fences.

2. No accessory building or structure shall be located in the front yard. On corner lots, accessory buildings or structures shall not be located closer to a street than the minimum front yard requirements for the district and screened by landscaping.
3. No accessory building or structure in a residential district shall have an area greater than four hundred (400) square feet, with the exception of swimming pools.
4. An accessory building or structure less than two hundred (200) square feet in footprint shall not be closer than ten (10) feet from a side lot line or three (3) feet from a rear lot line and shall only be permitted to the rear and side of the principal building.
5. An accessory building or structure greater than two hundred (200) square feet in footprint shall meet the setbacks of the principal building and shall only be permitted to the side or rear of the principal building.
6. Swimming Pools
 - i. Only one (1) pool shall be permitted per single-family residence. No private residential pool shall be installed on any lot without a residence.
 - ii. The water edge of the pool shall be a minimum of fifteen (15) feet from the side and rear lot lines. Walkways and patios associated with any pool shall be a minimum of ten (10) feet from the side and rear lot lines.
 - iii. The water surface of any swimming pool shall not be included in the calculation of lot disturbance. Walkways and patios associated with any pool shall be included in the calculation of lot disturbance.
 - iv. Safety fencing height shall be four (4) feet.
 - v. On any corner lot or through lot, no part of any private swimming pool shall be constructed within the front yard area required to be provided on any street.
 - vi. Artificial lights used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination there from is not directed upon any adjacent property.

C. The following requirements shall be complied with in all nonresidential zones:

1. No accessory building or structure shall be permitted in any front yard.
2. Accessory buildings or structures built within the side yard must meet all side yard setbacks.
3. Accessory buildings shall not be closer than the height of the accessory building to a rear lot line.
4. No accessory building in a nonresidential district shall have an area greater than five hundred (500) square feet.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 4. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

INTRODUCED: 5/17/16

ADOPTED:

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

	Councilwoman Raffay	Deputy Mayor Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on May 17, 2016 introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on June 6, 2017 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same.