## **ORDINANCE 2023-06**

AN ORDINANCE OF THE BOROUGH OF CHESTER, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF CHESTER, CHAPTER 163 (LAND DEVELOPMENT PROCEDURES) ARTICLE IX (ZONING-ZONING REQUIREMENTS) SECTION 69 (SCHEDULES) SCHEDULE 1-PART 1(SCHEDULE OF LOT AREA AND BUILDING REQUIREMENTS) TO REDUCE THE SIDE AND REAR SETBACKS FOR CERTAIN ACCESSORY BUILDINGS, AND ARTICLE XII (ZONING - SIGNS) SECTION 91 (PROHIBITED SIGNS), PARAGRAPH O, TO CLARIFY THE PROHIBITION OF USING VEHICLES FOR ADVERTISING.

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, municipalities are required by statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

**WHEREAS,** municipalities are empowered to adopt and amend land use rules and regulations for the orderly development and planning of the municipality via land use and zoning ordinances; and

WHEREAS, it appears to the Mayor and Council of the Borough of Chester that Chapter 163 (Land Development Procedures) Article IX (Zoning – Zoning Requirements) Section 69 (Schedules) Schedule 1 - Part 1 (Schedule of Lot Area and Building Requirements) of the Borough code is in need of amendment to reduce the required setbacks for certain accessory buildings in the RHD and RLD residential zones in the Borough of Chester; and

**WHEREAS**, as a result of vehicles with business advertisements thereon are being used to subvert the sign restrictions within the Borough of Chester, and the Mayor and Council wish to clarify such prohibited use of vehicles by amending Chapter 163 (Land Development Procedures) Article XII (Zoning – Signs) Section 91 (Prohibited Signs), Paragraph O of the Borough Code;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Chester, County of Morris, State of New Jersey that the Chester Borough Code is to be amended as follows:

Section 1. Chapter 163 (Land Development Procedures) Article IX (Zoning – Zoning Requirements) Section 69 (Schedules) Schedule 1 - Part 1 (Schedule of Lot Area and Building Requirements) is hereby amended by adding footnote number ten ("10") to the "Accessory Building" subheading in the "Yard Requirements" columns in the "Schedule of Lot Area, Yard and Building Requirements", thus "Accessory Building <sup>10</sup>", and by adding footnote 10 to the list of "NOTES" following the Schedule of Lot Area, Yard and Building Requirements, as follows:

 $^{10}$  Accessory buildings and sheds not exceeding 200 sf. and a maximum height of 16 ft shall be permitted in the RHD and RLD zones as follows:

RHD Zone: front 50ft. side 10ft rear 10ft
RLD Zone front 75ft side 10ft. rear 10ft

<u>Section 2.</u> Chapter 163 (Land Development Procedures) Article XII (Zoning – Signs) Section 91 (Prohibited Signs), Paragraph O shall be amended to read as follows:

## § 163-91 PROHIBITED SIGNS.

The following signs shall be prohibited in all zoning districts of the Borough:

Signs erected, painted, affixed, located, or maintained on any box van, cube van, bob truck, or cube truck (ie., a chassis cab-truck with an enclosed cuboid-shaped cargo area) parked in an area visible to the general public, other than parked or stopped temporarily for active loading or unloading, which identifies or advertises a business within the immediate area of the parked vehicle is prohibited. In no case may vehicle signs extend above the top of the vehicle or impair its safe operation. Trailers or vehicles whose main use is the display of signs or media are prohibited.

**Section 3.** The Borough Clerk is directed to submit this ordinance to the Chester Borough Land Use Board for review and comment before final hearing.

**Section 4.** The Borough Clerk is directed to submit this ordinance to the Morris County Planning Board given notice of this action.

<u>Section 5.</u> If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

<u>Section 6.</u> All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take after final passage and appropriate publication according

to law.	
Dated: June 20, 2023	
	Janet Hoven, Mayor

Robin Ghebreal, RMC, Municipal Clerk

Section 7.

Attest:

## **LEGAL NOTICE OF PENDING ORDINANCE**

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 16th day of May 2023. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on June 20th, 2023 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Robin Ghebreal, RMC, Municipal Clerk