

AN ORDINANCE AMENDING “THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE” AS PREVIOUSLY AMENDED

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, that:

SECTION I. AMENDMENT AND READOPTION OF ORDINANCE NO. 95-820

Ordinance No. 95-820, heretofore adopted, is hereby readopted by reference, with the amendment that wherever the three (3) consecutive digits “608” appear in said ordinance, the three (3) consecutive digits “609” shall be substituted, and the section numbers of “THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE” are hereby redesignated accordingly.

SECTION II. READOPTION OF ORDINANCE NO. 706

Ordinance No. 706, amending “THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE”, heretofore adopted, is hereby readopted.

SECTION III. ENACTMENT OF AMENDMENTS

“THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE”, as amended by Ordinance No. 706, heretofore adopted and readopted by SECTION ii of this ordinance, is hereby further amended as follows:

1. Section 301.60-1 is amended to read:

“**301.60-1. TOWNHOUSE** – a one-family dwelling in a connected row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.”

2. Section 601.4-5 is deleted.

3. Section 602.4-5 is deleted.

4. Section 603.4-5 is amended to read:

“**603.4-5.** Townhouses (S-60 Zone).”

5. Section 604.1-5 is deleted.

6. Section 604.4-5 is amended to read:

“**604.4-5.** Townhouses (S-50 Zone).”

7. Section 605.1-3 is amended to read:
“**605.1-3.** Townhouses (S-80 Zone).”
8. Section 606.1q is amended to read:
“**606.1q.** Townhouses (C Zone).”
9. Section 607.1-6 is deleted.
10. Section 608 is amended to read:
“**608. Special Provisions for Townhouses.**”
11. The existing Section 608.1 is redesignated as “Section 608.1-1.”
12. A new section 608.1 is adopted to read:
“**608.1.** All townhouse development shall be subject to the requirements set forth in Section 608 through Section 608.8. For townhouse development in the S-60 and S-50 Zone districts, the area and density standards specified in Section 608.1-1 shall be considered conditional use requirements.”
13. Subsection D of section 608.1-1 is amended to read:
“D. No more than four (4) townhouse buildings, each containing the required number of dwelling units, will be permitted per acre.”
14. Subsection A of section 608.2 is amended to read:
“A. No principal building shall be located within twenty (20) feet of a front property line, nor within twenty (20) feet of a rear property line, or within ten (10) feet of a side property line.”
15. Subsection D. of section 608.2 is amended to read:
“D. On corner lots, a principal building shall meet the minimum front yard setback requirement along all roadway frontages.”
16. Subsection B of section 608.3 is amended to read:
“B. No townhouse dwelling structure shall contain less than three (3) or more than six (6) townhouse dwelling units.”

17. Subsection A of section 608.4 is amended to read:

“A. Each townhouse dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a basement for storage and utilities and a separate kitchen, which kitchen facility shall be located and apart from the other rooms in the unit with the exception of the dining room.”

18. Subsection E of section 608.4 is amended to read:

“E. Each townhouse dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar facilities intended for three (3) or more dwelling units.”

19. Subsection F of section 608.4 is amended to read:

“F. Each townhouse dwelling unit shall have an individual private front yard area adjoining the unit of at least ten (10) feet in depth and an individual private rear yard area or open patio or court adjoining the unit of at least fifteen (15) feet in depth. Each private rear yard area, patio or court shall be effectively screened from adjoining units by a fence, wall or natural screening in order to provide a reasonable degree of privacy.”

20. Section 608.6 is deleted in its entirety and reserved.

“608.6. (RESERVED)”

SECTION IV. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION V. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION VI. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION VII. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION VIII. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law, and filing with the Clerk of Somerset County.

Dated:

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Clerk

STATEMENT OF PURPOSE

The purpose of this ordinance is to correct the inadvertent duplication of section numbers in "THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE" and to regulate townhouse development in accordance with recommendations of the Master Plan Reexamination Report adopted by the planning board.

ORDINANCE #2003-979

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ALLAN	√			
		ASHER	√			
	√	PETROCK	√			
		POLAK	√			
		WEISS	√			
		WIERZBA		√		
		MAYOR CORRADINO				

PASSED this 13th day of January, 2003.

Attest: _____
Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
	√	ASHER	√			
√		PETROCK	√			
		POLAK	√			
		WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 27th day of January, 2003.

Attest: _____
Philip E. Petrone, Borough Clerk