

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2008-17

**ORDINANCE AMENDING CHAPTER 190, "ZONING," ARTICLE II, "WORD USAGE AND DEFINITIONS," SECTION 190-4, "DEFINITIONS," ARTICLE IV, "ESTABLISHMENT OF ZONES," SECTION 190-33, "ZONING DISTRICTS," ARTICLE IX, "ZONE MAP," SECTION 190-74, "ZONE BOUNDARIES," AND ARTICLE V "USE AND BULK REGULATIONS," BY ADDING A NEW SECTION 190-46, ENTITLED "PO/R PROFESSIONAL OFFICE/RESIDENTIAL ZONE," OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER**

**WHEREAS**, the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations, as amended on May 20, 2008, (the "Reexamination Report") recommends rezoning certain properties having frontage on the south side of Newton Sparta Road (also known as County Route 616) situated between Yates Avenue and Stickles Pond Road currently zoned R-1.0/Single-Family Residential and those properties on the north side of said roadway west of Club Road currently zoned CB-Community Business to a new zone to be known as the Professional Office/Residential Zone District (PO/R); and

**WHEREAS**, the Township Committee wishes to implement the recommendation of the Reexamination Report.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, that the Revised Ordinances of the Township of Andover shall be amended as follows:

**SECTION 1.** Chapter 190, "Zoning," Article II, "Word Usage and Definitions," Section 190-4, "Definitions," shall be amended by adding the following new definitions:

**MEDICAL OFFICES** – An office or offices for the practice of general or specialized medicine and/or therapeutic services by licensed or State-certified practitioners.

**PROFESSIONAL, BUSINESS, AND ADMINISTRATIVE OFFICES** – An office or offices for those professional, scientific and technical services, including, but not limited to, the practice of law, real estate and appraisal services, accounting, architecture, landscape architecture, engineering, land use planning, interior design, land surveying, graphic design, computer systems design and consulting, marketing and sales management services, administrative management, human resources consulting, environmental consulting services and advertising and public relations services.

**SECTION 2.** Article IV, "Establishment of Zones," Section 190-33, "Zoning Districts," is amended by adding the following:

PO/R Professional Office/Residential

**SECTION 3.** Chapter 190, "Zoning," Article IX, "Zone Map," Section 190-74, "Zone Boundaries," shall be amended by including the following properties in the newly created PO/R Professional Office/Residential Zone District:

- Block 124, Lots 12, 13, 14, 14.01, 16, 17, 19, 22, 23 and 24.02
- Block 111, Lots 1, 3.01, 3.02, 5.02
- Block 111.02, Lots 28.01, 29

**SECTION 4.** Article V, "Use and Bulk Regulations," is amended by adding a new Section 190-46, entitled "PO/R Professional Office/Residential Zone" to read as follows:

A. Principal permitted uses

1. Office buildings, including business, professional, medical and administrative
2. Home offices
3. Child care centers licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
4. Essential services
5. Places of worship and religious institutions
6. Financial institutions

B. Permitted accessory uses

1. Fences and walls in accordance with Article XII of Chapter 190
2. Off-street parking
3. Private garages
4. Signs in accordance with Article XI of Chapter 190
5. Uses customarily related to and incidental to the principal use

C. Permitted conditional uses

1. Expansion of existing single-family detached residential dwellings, provided that any such expansion shall maintain the character and single-family use of the existing dwelling and conform to the setback requirements of the PO/R zone district.
2. Banks with drive-through windows and/or automatic teller machines (ATM's), provided that a landscaped buffer with a minimum depth of fifty (50) feet is provided between any drive-through lane or ATM and the closest residential use or residential zone district boundary.

D. Lot area and bulk standards:

The recommended lot area and bulk standards shall be as follows:

1. Minimum lot area: One acre (43,560 square feet)
2. Minimum lot width: 150 feet
3. Principal building setbacks:
  - Front yard: 50 feet
  - Side yard: 20 feet (each side)
  - Rear yard: 50 feet
4. Accessory buildings and structures:
  - Side yard: 20 feet
  - Rear yard: 30 feet
  - Side and rear yard: 20 feet for parking areas, driveways and traffic aisles
5. Maximum building height: 2 ½ stories / 35 feet
6. Maximum structure lot coverage: 20 percent
7. Maximum impervious surface coverage: 60 percent

**SECTION 5.** The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning

Board as required by N.J.S.A. 40:55-D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

**SECTION 7.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 8.** If any section, subsection, sentence, 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 9.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE IS HEREBY GIVEN**, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey, held the 22<sup>nd</sup> day of September, 2008, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 27<sup>th</sup> day of October, 2008, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**INTRODUCED: September 22, 2008**

**ADOPTED: October 27, 2008**

**Attest: October 28, 2008**

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Vita Thompson, R.M.C.  
Municipal Clerk

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Gail Phoebus, Mayor

EFFECTIVE DATE: October 31, 2008

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**NOTICE OF FINAL ADOPTION**

**NOTICE** is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 22nd day of September 2008. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 27<sup>th</sup> day of October 2008, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.  
Municipal Clerk