
LAND USE PLAN ELEMENT

UPDATE

Township of Roxbury
Morris County, New Jersey

Adopted: September 16, 2009

Prepared by
Roxbury Township Planning Board

in consultation with Banisch Associates, Inc.
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The original of this report was signed and sealed
in accordance with N.J.A.C. 13:41-1.3.

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LAND USE PLAN ELEMENT UPDATE
TOWNSHIP OF ROXBURY
MORRIS COUNTY, NEW JERSEY

This amendment to Roxbury’s Land Use Plan updates the 2000 Land Use Plan Element, and the following portions of the 2000 Land Use Plan are superceded as noted below:

I. Insert the following in place of the Introduction:

1.0 Introduction

The Township of Roxbury has a history of comprehensive planning which dates back to 1958 when the Planning Board adopted its first Township Master Plan. With the adoption of the Municipal Land Use Law in 1976, municipalities in the State were required to reexamine their master plans at least every six (6) years. The Planning Board adopted reexamination reports in July 1982, and August 1988. A Master Plan subcommittee of the Planning Board was established in 1988, and developed a program with the aid of a consultant to establish a new master plan. In 1990, the Planning Board adopted a comprehensive revision to the Master Plan, which included the following elements:

Land Use Plan	Stormwater Management Plan
Housing Plan	Recreation Plan
Circulation Plan	Historic Preservation Plan
Utilities Plan	Recycling Plan
Community Facilities Plan	Economic Development Plan
Conservation Plan	Visual Design Plan

The Housing Plan Element was updated with the adoption of a new Housing Plan in 1997 and a Master Plan Reexamination Report was adopted on June 24, 1998.

The 1998 Reexamination was followed by an active agenda of planning activities and accomplishments, which include the completion of the 2000 Master Plan Land Use Element, 2001 Open Space Plan Element and adoption by the Governing Body in 2001 of updated zoning and development regulations.

More recently, the Planning Board adopted the 2005 Reexamination Report, 2005 Housing Plan Element and Fair Share Plan and a 2006 Build-out and Capacity Analysis.

The Reexamination Report recommended and adopted amended goals and objectives, which are included in this 2009 Land Use Plan Update. The 2005 Reexamination Report also identified a series of other issues and/or recommendations, including:

- The need to update the 1990 Circulation Plan,

- preparation of a Conservation Plan,
- Master Plan Endorsement by the State Planning Commission,
- COAH Substantive Certification,
- Redevelopment Options for the Hercules Tract,
- Route 46 Revitalization,
- monitoring the actions of the Highlands Council, and Highland Regional Master Plan), and
- a number of zoning and design issues.

The Build-out and Capacity Analysis examined all properties within Roxbury that were either vacant and undeveloped or underdeveloped, and utilized zoning ordinance provisions to forecast potential future development of these properties. The result provided a picture of Roxbury if developed to its maximum potential in terms of residential and nonresidential development.

The analysis demonstrated that Roxbury is in the mature phase of development and, as zoned, has limited capacity for additional residential development. At the time of the 2006 Build-out Analysis, Roxbury had 267 vacant or subdividable parcels. Most of these parcels are located in the Protection Zone in the Highlands Planning Area, and are within a sewer service area. Future planning efforts should focus on development that is sensitive to the critical environmental features and the character of the Township.

To achieve this, the build-out forecast projects numerical trends in population, school-age children, impervious cover, dwelling units and non-residential square footage, and their impacts on storm water runoff management, water and sewer use, traffic, and public infrastructure and facilities. The State's most recent stormwater and Highlands regulations also were incorporated into the analysis.

Based on the results of the analysis, policy and ordinance changes were suggested to address projected impacts and assist Roxbury Township in making decisions regarding future development projects.

A Planning Board subcommittee examined the recommendations from the Reexamination Report and the Build-out and Capacity Analysis to help the Planning Board develop an updated Land Use Plan. This Land Use Plan Element update is a reflection of their effort, pursuant to the requirements of the Municipal Land Use Law in N.J.S.A. 40:55D-28. The statute requires that the municipal zoning and development ordinances be substantially consistent with the land use and housing plans, or designed to effectuate those plans. This land use plan is developed as the policy basis for the Township's land use and development ordinances.

Other significant factors or actions guiding development of the Plan include:

- Adoption of Water Master Plan,
- 2001 Alamatong Wellhead Protection Study,
- Expansion of the Historic District along Eyland Avenue,
- 2001 Land Development Ordinance,

- 2002 Natural Resources Inventory Update by the Environmental Commission,
- Substantial acquisition of open space by the Township,
- Rezoning of residential and non-residential district areas to better address master plan goals,
- Development of a significant amount of affordable housing, especially rental units,
- Beginning of revitalization along the Route 46 corridor,
- Municipal Stormwater Management Plan with Amendments adopted 5/3/06,
- Stormwater Management Ordinance adopted 5/22/07,
- Development of a senior center and youth center,
- Improvements to the Horseshoe Lake recreational and community complex,
- Establishment of a park and ride and completion of the Mount Arlington train station,
- Improved architecture in new development, such as Dianne's Gifts, the BMW dealership, Emanse and the Learning Experience,
- Establishment of a tree replacement fund,
- Establishment of a Traffic Advisory Committee,
- Establishment of a Trails Committee,
- Creation of a Trails Plan,
- Active involvement by the Economic Development Committee, and
- Active involvement by the Open Space Committee.

The Land Use Plan has also recognized the adoption of the Highlands Master Plan and the requirement of conformance of the Township lands in the Preservation Area. The Preservation Area includes 4,301 acres, over 30% of the land area in the Township.

2.0 Insert the following in place of the Goals and Objectives:

3.0 Goals and Objectives

The 2005 Reexamination Report updated and provided new Master Plan Goals and Objectives for future planning efforts. While these Goals and Objectives remain appropriate and integral in long term planning for the Township, recent State regulatory changes, such as the Wastewater Management Regulations, COAH, the State Development and Redevelopment Plan and Highlands may impact some of these Goals and Objectives. The Master Plan Goals and Objectives are hereby amended as follows:

3.1 Land Use Plan Element

3.1.1 Residential

To preserve the integrity of existing residential areas.

- By decreasing the development intensity on undeveloped and underdeveloped land in residential areas and increasing the protection of open space, environmentally

sensitive areas and natural areas to promote and maintain the overall quality of life for residents throughout the Township.

- By assuring the compatibility of adjacent and infill land uses and development to protect neighborhoods from inappropriate types and densities of commercial, industrial and residential development, to maintain property values and protect the quality of life of residents in existing neighborhoods.
- By encouraging cluster development where it is beneficial and appropriate to protect the character of the area and to create useable patterns of open space that benefit of the community.
- By amending development regulations where appropriate to maintain the scale of development in existing neighborhoods, the open space character and visual quality via the use of methods such as, but not limited to: architectural standards, setbacks, residential floor area ratios, maximum square footage requirements and impervious cover requirements.

3.1.2 Commercial

To control commercial development and its impacts.

- By preventing direct vehicular access into existing residential zones and neighborhoods from non-residential development.
- By limiting the hours of operation of commercial establishments within 200 feet of a residential district.
- By siting commercial development along specified highway corridors and by arranging such development on sites in a manner which best protects nearby residential areas from potential conflicts, avoids environmentally sensitive areas and provides adequate landscape and setback areas from adjacent roadway.
- By regulating the appearance and functioning of new and redeveloped commercial development through enhanced landscaping, architecture and site layout, thus promoting an improved visual environment making the Township a more desirable place to live and work.
- By ensuring that the intensity of development does not result in traffic, which exceeds the capacity of the adjoining roadway to reasonably accommodate it safely and within an acceptable level of service.
- By developing regulations to promote a scale, type, design and intensity of commercial development in appropriate locations, which is compatible with the protection of surface and groundwater, quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.
- By promoting commercial and industrial roadways to provide access to adjacent commercial and industrial properties where feasible.
- By prohibiting the use of neon in historic districts.
- By improving sign regulations to reduce visual clutter.
- By improving parking lot designs so as to reduce pedestrian and vehicle conflicts and improve overall circulation.

- By promoting all retail establishments to have a rear loading area in an effort to prevent delivery of goods through the front door and parking of delivery trucks in the drive aisle.

3.1.3 Major Office and Industrial

To control major office and industrial development.

- By identifying land suitable for industrial use in relation to utilities, access to arterial and primary roadways and rail access.
- By siting such development in a manner to preserve the greatest amount of open space, avoid environmentally sensitive areas, minimize adverse impacts to adjacent properties and reduce impervious coverage.
- By developing regulations to promote a scale, type, design and intensity of office and industrial development in appropriate locations, which is compatible with the protection of surface and groundwater quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.
- By further defining the types of permitted industrial uses in the Township and to exclude from those permitted uses any which are found to be potentially dangerous and/or in conflict with the goal of protecting the surface and groundwater quality of the Township and region.

3.1.4 General

To recognize that the Township is part of a special resource area, the Highlands, and that the Township intends to consider the goals and objectives of the Highlands Water Protection and Planning Council in implementing the Regional Highlands Master Plan.

To consider the State Development and Redevelopment Plan policies as they apply in Roxbury Township

3.2 Housing Plan Element

3.2.1 To provide for a variety of housing densities and types.

- By permitting densities and building types appropriate to local needs with consideration given to infrastructure capacity and municipal services, protection of natural resources and protection of environmentally sensitive areas thus maintaining a high quality of life for Township residents.
- By designating appropriate land areas for various types of residential development, with suitable characteristics to accommodate each existing or proposed residential land use type.

3.2.2 To maintain the quality of existing housing.

- By maintaining the quality of municipal services to residential areas.
- By considering maintenance codes and enforcement regulations.

3.2.3 To meet affordable housing obligations in connection with COAH requirements.

- By requiring new developments to provide for any mandated growth share obligation they produce.
- By exploring opportunities to address these requirements using COAH approved compliance techniques.
- By adopting an updated Housing Element

3.3 Circulation Plan Element

3.3.1 To improve the efficiency of the Township road network.

- By strongly discouraging non-local and commercial truck traffic in residential neighborhoods.
- By improving local circulation and discouraging non-residential traffic and excessive speed in residential neighborhoods.
- By continuing the coordinated capital improvement program for road improvements, construction and reconstruction.
- By encouraging improvements to intersections that are unsafe or congested.
- By encouraging major roadway and interchange improvements, including the realignment of Commerce Boulevard and access to the south side of the Route 10/46 intersection.
- By encouraging the realignment of Hillside Avenue and Route 10 intersection.
- By regulating the quality of the roadside environment, reducing visual clutter, increasing landscaping, increasing parking setbacks from adjoining roadways and reducing the number of driveways.
- By encouraging bus service serving major commercial and suitably dense residential areas of the Township in cooperation with such organizations as McRides of Morris County.
- By encouraging regional mass transit and encouraging ride sharing programs, staggered work hours, and other traffic management programs.
- By continuing to encourage development of bikeway and walkway systems, particularly in and between residential developments, with connections, to public land.
- By developing a sidewalk plan linking residential areas to schools, public uses, recreation and non-residential areas.
- By strongly encouraging sidewalks on major roadways and linking residential neighborhoods to schools, parks, commercial areas and community services.

3.3.2 To provide revised street design standards that accommodate streets that are safe, economical and appropriate to the classification of the particular street.

- By working with Morris County and New Jersey Department of Transportation to address the needs of the Township on County and State roadways.

- By securing funding from Morris County and the State of New Jersey to advance local circulation objectives and improve local roadways.

3.4 Utility Service Plan Element

3.4.1 To monitor potable water supply and encourage programs to provide an adequate supply of potable water for future needs in accordance with the principles of the Safe Drinking Water Act, while maintaining a financially viable utility.

- By ensuring future water supply and storage facilities in the Township’s water system will adequately provide for public health and safety.
- By maximizing the operating efficiency and use of existing infrastructure.
- By integrating infrastructure contemplated to serve presently proposed development with the concept for ultimate service area build-out.
- By planning for additional supply of water.
- By recognizing that improvements to be made must be suitable for phasing.
- By optimizing capital investment in new facilities.
- By improving connectivity of water system to more efficiently use available water supplies.
- By reflecting a policy of looping all proposed water mains where practical and in accordance with the Residential Site Improvement Standards (RSIS).
- By reflecting a policy that the costs for water system improvements required for future development are borne by the sponsors of the development projects.
- By allowing that the costs for water system improvements, which are sized beyond what is needed to provide potable water service for the development proposing the improvements, shall be eligible for cost recovery from future developers benefiting from such improvements.
- By protecting water rates for existing system users.
- By reflecting a policy of not accepting new stand alone water systems in the Township.
- By developing a written Policy and Procedures Manual for the Water Department.
- By formalizing the procedure for determining available water system capacity and assigning water allocations.
- By regular testing of municipal wells to ensure potability, including the testing of municipal and non-public community wells.
- By encouraging residents to test their on-site private wells.
- By promoting the extension, where necessary, of public water to developed areas experiencing groundwater contamination, to protect the public health.
- By discouraging large amounts of interbasin transfer of potable water to prevent the depletion of groundwater resources.

3.4.2 To provide adequate sanitary sewer service and reasonable rates to all customers.

- By supporting required maintenance of existing treatment plants and collection systems, and enforcement of septic management regulations.

- By reviewing sewer service areas as necessary to account for existing development, topography and environmental constraints
- By limiting service in sparsely populated areas or where infeasible due to natural constraints.

3.4.3 To regulate storm drainage effectively and alleviate flooding damage in the Township and in downstream areas.

- By adhering to the adopted Stormwater Management Plan and regional drainage planning.
- By preserving natural system corridors through various means including expansions of stream buffer setbacks.
- By discouraging development in flood hazard areas.
- By using technology, such as geographic information systems (GIS) in the development of water management plans.
- By promoting best management practices in all residential and non-residential site designs.

3.5 Community Facilities Plan Element

3.5.1 To promote a superior level of community facilities well located in regard to population and accessibility, and built with due consideration to site amenities, needed facilities and adjacent land uses.

- By continuing to provide information to the school district regarding population growth and development trends for assessing educational facility needs.

3.5.2 To plan for and provide adequate fire protection and emergency services for Township residents especially during the day.

- By encouraging the coordination of emergency services with surrounding municipalities.
- By encouraging appropriately located emergency access in all subdivision and site designs in coordination with review by local emergency service providers.

3.5.3 To continue to maintain facilities for community groups and cultural activities as needed.

3.5.4 To provide facilities necessary for efficient operation of all municipal functions.

3.6 Recreation, Park and Open Space Plan Element

3.6.1 To provide a network of publicly owned and other park areas and permanently preserved open space of appropriate type and location to support a full range of active and passive recreational activities; of sufficient size and quality to maintain an

ecologically balanced community; located within walking or bicycling distance to serve residential, school and employment locations.

- By prioritizing and addressing the needs for the continued maintenance of the existing parks, recreation and open space areas.
- By identifying priority acquisition sites to enlarge existing open space lands.
- By encouraging County acquisition of parklands.
- By encouraging the long-term preservation of private and semi-public park and open space areas.
- By protecting valuable conservation areas and preserving them for limited recreational use.
- By requiring future higher density development to provide useable open space and recreational areas, and by requiring proper development and continuing maintenance of on-site recreational facilities.
- By developing park facilities with an emphasis on broadening the outdoor recreation opportunities within neighborhoods, and with an emphasis on good ecology and sound development and maintenance practices.
- By developing a Greenways Plan connecting residential neighborhoods to recreational areas, and schools and encouraging adoption of the Plan as an element of the Master Plan.
- By updating the open space plan regularly in consideration of changing needs of the community.
- By pursuing acquisition of open space as described in the open space plan.
- By implementing the Trails Plan.

3.7 Conservation Plan Element

3.7.1 To preserve and maintain the ecological, historic, visual, agricultural and scenic resources of the Township; to preserve the environment and to maintain and enhance the overall quality of life for Township residents.

- By limiting or prohibiting development in critical environmental areas and areas subject to environmental constraints.
- By limiting environmental degradation and adverse impacts such as noise, run-off, water and air pollution due to improper use of land.
- By discouraging types and intensity of development which may cause, individually or cumulatively, significant environmental degradation or pollution.
- By encouraging the highest quality site design which limits potential environmental degradation.
- By discouraging land development that would aggravate existing drainage problems affecting the township.
- By prohibiting stream channel relocation and development and by providing for suitable wildlife habitat.

- By continuing to work with State and County officials to promote their efforts to identify and protect wellhead protection areas and other environmentally sensitive areas throughout the community.
- By seeking open space funding from the State and the County whenever available.
- By acquiring land through fee-simple acquisition, the acquisition of development rights and clustering for a linked open space system, along the major stream corridors and hillsides in Roxbury Township.
- By protecting, maintaining and where possible, enhancing historical and cultural resources.
- By developing regulations that require identification of viewsheds and mitigation of viewshed impacts.
- By planning for appropriate stewardship of Township owned open space and recreation lands to protect the value and integrity of these resources over time.

3.7.2 To encourage recycling and alternatives to the incineration of toxic and solid wastes.

3.8 Visual Design Plan Element

3.8.1 To preserve and enhance the visual environment, both natural and man-made.

- By cataloging the visual assets and liabilities present in the Township as part of a separate Master Plan study.
- By working with adjoining communities to ensure that intermunicipal scenic resources such as ridgelines are protected from unnecessary or visually intrusive disturbance.
- By continuing to improve design standards for building and site improvements and examining current architectural guidelines with the goal of providing enhanced visual character for all new or renovated structures.
- By encouraging the most appropriate architectural and site design features possible for all new residential and nonresidential projects.
- By reviewing and upgrading the design standards for landscaping, particularly in nonresidential areas and in connection with buffer yards, detention basin location and landscaping associated with the roadside environment.
- By continuing to review and upgrade design standards for all signage and to eliminate visual clutter.

III. Insert where appropriate in Section 4.0 of the 2000 Land Use Plan Element:

4.0 Land Use Plan Element

The Land Use Plan addresses the physical development of the Township. It is intended to guide the use of lands and intensity of development within the community. The Municipal Land Use Law requires the zoning ordinance to, "be substantially consistent

with the land use plan element and the housing plan element of the Master Plan or designed to effectuate such plan elements." The Land Use Plan therefore is not intended to be interchangeable with the zoning ordinance, but rather it should provide the specific guidance necessary to craft zoning and development ordinances needed to implement the plan's goals and objectives. This element will describe the proposals and techniques recommended to implement those goals and objectives.

The Land Use Plan is presented in graphic and narrative form. The Land Use Plan Map illustrates boundaries for the proposed land uses, which form the basis for the zoning map when the Zoning Ordinance is amended to conform to the Land Use Plan. The narrative describes the Land Use Plan and future action by the Planning Board and Governing Body in furtherance of the implementation of the Land Use Plan.

4.1 Residential Land Uses

There are thirteen (13) categories of residential land uses proposed in the Land Use Plan. Additionally, there are two (2) land use categories which permit nonresidential development and also allow residences as a permitted use, and some residential use is permitted in the Open Space District and Government Use District.

The thirteen (13) residential use categories range from rural residential districts which allow single family dwellings on lots with a minimum size of five (5) acres, to multi-family districts with affordable housing components. Within the Preservation Area, the Highlands Regional Master Plan (RMP) will require Roxbury to modify its Master Plan to reflect the reduced densities required for conformance with the RMP.

4.1.1 Open Space and Government Use Zones

There are many areas throughout the Township which have been designated as Open Space Districts, or Government Use Districts. These are lands either currently in public ownership or identified in the Township Open Space Plan as proposed for public ownership or preservation, or within or encumbered by a conservation easement which ensures their preservation as open space. The intent of the Open Space District is the preservation and enhancement of open space, environmentally sensitive areas and recreation lands.

The Land Use Plan recommends that the minimum lot size permitted in the Open Space Zone located within the Highlands Preservation Area be increased from three (3) acres to five (5) acres. This change is in keeping with the intent of the zone to preserve land and lower the intensity of development within the Highland's Preservation Area. Highland's regulations with limitations on lot coverage (3%), septic systems (25 acres for lots with less than 50% forest coverage or 88 acres for lots with more than 50% forest coverage) and water limitations will have a significant impact on the potential for new development.

The Government Use (GU) Zone designation is intended for institutional uses such as schools, government buildings, and municipal buildings and facilities. Municipally-

owned property within the GU District may be used to meet the Township's State mandated affordable housing obligation. Minor adjustments to the Land Use Plan Map have included the municipal building (Block 9603, Lot 5) in the GU District and rezoned adjacent Lot 6 from the GU District to the Highway Business District (B-2).

4.2 Single-Family Detached Districts

The bulk of the housing in Roxbury consists of single-family detached dwellings on lots between 7,500 square feet and one acre. Most of these areas are fully developed, although scattered undeveloped or under-developed parcels are found in some areas. Adjustments to the Land Use Plan have been made in the R-1, R-1.8 and R-3 Districts as noted below.

4.2.1 Mooney Road and Conkling Road

One of the proposed changes involves Block 8302. The lots fronting on Mooney Road are presently in the R-1 zone and are adjacent to lots along Conkling Road which are in the R-1.8 district. The recommendation is take the larger R-1.8 Zone portion of Lot 3, and rezone to OS as this parcel is adjacent to OS Open Space zoned land and has no physical connection to the R1.8 District. The remaining R-1.8 portion of Block 8501, Lot 4 that adjoins Block 8302, Lots 1, 2 and 3 will also be zoned OS to be consistent with the majority of its current OS zoning.

4.2.2 Mount Arlington Boulevard

The Land Use Plan recommends several adjustments to the R-3 District along Mount Arlington Boulevard. These include shifting six residential lots (Block 11301, Lot 11 to 15 and Block 11101, Lot 36) and one quasi-public parcel (Block 11301, Lot 10) from the Limited Business District (B-1) to the R-3 District, to be consistent with the present uses and residential neighborhood.

4.2.3 Corrections and Adjustments

The Land Use Plan map has also been updated to correct scrivener's errors in the 2000 Land Use Plan Element and Land Use Plan Map that carried through to the 2001 Zoning Map. This includes rezoning a small portion of R-3 zoned land on the southeasterly side of Block 4901, Lot 4 and Block 5004, Lot 5 to B-3. Additional refinements to residential zoning requirements should include limitations on the maximum size of a residential accessory building (no more than 50% of the principal building footprint or 450 square feet, whichever is smaller), and detailed grading and drainage plans with drywell specifications for the roof area of all residential additions over 500 square feet.

4.3 Nonresidential Land Uses

There are 12 non-residential land use designations in Roxbury Township and one, the professional office/residential district, which allows a mix of residential and

nonresidential development. The Land Use Plan calls for several adjustments to nonresidential districts.

4.3.1 Commercial Land Uses on Mount Arlington Boulevard

Several changes recommended along Mount Arlington Boulevard (Block 11301, Lot 16, Block 11101, Lot 37 and Block 11601, Lot 1) would replace the Limited Business District (B-1) with B-1/A, another Limited Business District that allows commercial uses. The principal difference between the two zones are a more limited scope of permitted uses in the B-1/A District, further impervious coverage restrictions and a larger lot size (B-1/A zone requires 20,000 square feet vs. B-1 zone requires 10,000 square feet lots).

4.4 Build-Out Analysis and Capacity Analysis Summary

Since the 2000 Land Use Plan, the Planning Board has adopted a Build-Out and Capacity Analysis, which identified the potential for 825 new residential lots and 16,269,829 square feet of nonresidential development based upon zoning, environmental constraints and the Highlands Act, which was performed prior to the creation of the Highlands Regional Master Plan. Unapproved development amounts to 267 residential lots and 15,565,239 square feet of nonresidential floor area. Under present land use designations, these areas have the potential to generate approximately 759 new residents, 175,601 new vehicle trips and a demand for 982,301 gallons of water per day. It will also result in 178 school-age children at an annual education cost of \$1,917,156 (2006 dollars). Considering these estimates are based on present zoning an analysis of possible changes in land use designation was undertaken.

The Build-Out and Capacity Analysis provides a number of recommendations. One in particular that impacts the Land Use Plan Map is the recommendation to analyze zoning of vacant parcels, particularly in the PO/LI and LI/OR, as these generate the greatest potential for growth. The Hercules tract is within the Planned Office/Light Industrial District, PO/LI, and is the site which would produce most of the future nonresidential development in the Township as zoned. The Hercules Tract accounts for 59.8% of potential floor area in the PO/LI and LI/OR. The tract is now located completely within the Highlands Planning Area and has been designated by the Highlands Regional Master Plan as an area with depleted water availability. This will require additional water and wastewater management strategies to address the Highlands Regional Master Plan policies.

To gain greater control and predictability over the nature and mix of future development at the Hercules tract, the Land Use Plan recommends a General Development Plan process, which could phase the development over an extended period. While the M.L.U.L. authorizes up to a twenty year vesting period, a shorter period of vesting appears appropriate and the GDP would also provide the Township with the detailed studies of the potential impact of the proposal before any approvals are granted. This phasing would have to be closely monitored and remain current with all applicable regulations. This would alleviate any potential problems when legislation and

regulations, such as COAH and DEP legislation, can change significantly over time, and would require additional review to meet any new standards. Any GDP approval(s) should incorporate provisions requiring the developer to provide additional affordable housing in the event COAH and/or State mandated requirements change during the vesting period. Furthermore, any GDP approval(s) involving allocations of sewer and/or water capacity should incorporate provisions requiring the developer to pay an amount equivalent to the value of retaining such allocations over the vesting period. Other tools to address the large-scale development permitted at the PO/LI and LI/OR sites include NJ's redevelopment laws, which can permit greater municipal discretion.

Additionally, the Highlands Regional Plan identified methods to encourage brownfield reuse and redevelopment. Redevelopment and reuse of brownfields and underutilized sites is a key strategy in the Highlands Regional Plan. Reusing sites is an effective and appropriate strategy for efficient land use. Brownfield redevelopment opportunities may, on a case-by-case basis, exempt Brownfield redevelopment and remediation from the Highlands Regulations. There are three "Tracks" under which Brownfield redevelopment may be approved, these include:

1. Track One - sanitary landfill facility;
2. Track Two - current or former commercial or industrial site where a Letter of No Further Action (NOFA) has been supplied; and
3. Track Three - current or former commercial or industrial site listed on the State's "Known Contaminated Sites".

After a determination of which Track applies, Brownfield redevelopment may occur on the site. If remediation of the site is required in order to deem the land safe and usable, remediation efforts can occur with the approval of a work plan with an end result of obtaining a "No Further Action Letter".

The undeveloped LI/OR properties in the Township account for 24.8% of the future nonresidential development, and a number of the available parcels are near the Hercules site. Another major area of LI/OR parcels is to the north along Route 46 as it extends into Netcong Borough.

The LI/OR District, a recommendation of the 2000 Land Use Plan, was intended to permit only those manufacturing uses which assemble or package materials manufactured elsewhere. No manufacturing of raw materials, no outdoor storage of materials, and no processes which create emissions or effluent are permitted due to the sensitive environmental nature of most of the municipality. Offices are a permitted use and warehousing of packaged goods are a permitted accessory use. Self storage facilities are permitted in this zone. The minimum lot size within this proposed district is five (5) acres.

Another zone with a significant amount of available land is the Office Research District (OR-5). This zone contains the potential for 813,613 square feet, or 14.5% of the total nonresidential developable space. The Office Research District (OR-5) is currently found

along Route 206 near the Mount Olive border in proximity to the I-80 interchange with Route 206. The OR-5 District is also found on properties located on the west side of Howard Boulevard and Ledgewood / Mount Arlington Road, south of the Route 80 right of way.

4.5 Additional Land Use Plan Recommendations

The Land Use Plan offers these additional recommendations, which are not reflected on the Land Use Plan map.

4.5.1 Vehicular Service Stations

Vehicular Service Station conditional use standards should be further analyzed regarding, size, hours of operations, facility design and accessory uses and structures. Increasing development pressure for corporate-driven retail gas and large scale convenience store designs threaten to extend a highway commercial character along the major arteries and undermine what makes Roxbury a desirable and unique place. The total size of convenience stores and the hours of operation allowable should be examined. Larger convenience stores that are associated with gas stations can create traffic and parking issues in areas not well suited to handle the increased frequency and volume of traffic, as well as, impact adjoining residential neighborhoods. The Township should examine its vehicular service station conditional use standards considering the trend toward larger combined gas stations/convenience stores operating 24 hours a day 7 days a week and whether a separate set of standards is desired for small gas stations versus larger combination gas stations/convenience stores.

Consideration should also be given to establishing vehicular service station guidelines intended to address exterior elements of gas station and convenience store design to help promote an overall cohesive design and enable comprehensive review of such cases. Guidelines can address exterior items such as:

- Site Design,
- Architecture,
- Canopies,
- Pump Islands,
- Landscape Design,
- Lighting, and
- Signage/Corporate Identification.

An in-depth understanding of local context and a thorough site analysis is needed to determine site design that takes into consideration the optimal layout of any individual site. Creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of the community is also encouraged. Pump islands are an integral part of service stations and should be well organized and consolidated to minimize visual clutter. Landscaping should be considered integral to the overall design and be carefully planned to serve more than one purpose. Site lighting of gas stations and convenience stores should enhance the visual aspects of the site and not be intrusive, such

as LED lit signs. Gas station and convenience store signage plans should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of Roxbury's major thoroughfare streetscapes.

4.5.2 Parking Standards

As land use trends change, the standards that govern development review need to be updated to reflect these changing trends. One area of particular concern is parking requirements, since insufficient parking can cause congestion and safety problems and excessive parking increases runoff and heat island effect. The Institute of Transportation Engineers (ITE) and the Urban Land Institute conduct peer-reviewed studies throughout the country to document various aspects of traffic and transportation, including parking generation. These organizations regularly update these standards to address the continuing changes in land use, and the latest effort is ITE's Parking Generation 3rd Edition. To bring Roxbury's ordinance in line with contemporary transportation engineering standards, Appendix A to this report should be considered to replace Exhibit II of Roxbury's Off-Street parking Requirements for Nonresidential Land Uses.

4.5.3 Architectural Design Standards

Roxbury's face is changing, architecturally speaking. Development of formerly vacant parcels and redevelopment will shape the public perception of the kind of place Roxbury is becoming. As this occurs, local land use policy should encourage sustainable site and building design and promote energy conservation.

The major nonresidential development that is currently permitted by zoning will contribute to the character and appeal of new development, and continue to mold the Township's emerging image in the 21st Century. Thus, Roxbury should establish architectural design standards for nonresidential development. These standards should address features such as streetscape design, commercial parking, landscape elements such as commons, greens and plazas, as well as architectural and building design standards, including massing of buildings, façade design and materials, articulation of buildings, and use of windows, color and materials.

4.5.4 Resource Conservation Calculations

Because of the environmental conditions within Roxbury Township, the 2005 Reexamination Report recommended enacting standards that require minimum lot requirements to be calculated by excluding critical environmental features. This approach was endorsed by the Supreme Court in the matter of Rumson Estates vs. Fair Haven.

This approach would require that permitted development be calculated based on a net site area, after subtracting identified critical environmental features (steep slopes, wetlands and wetland buffers, floodplains, etc). For example, a 10 acre lot which has 3 acres of regulated environmental constraints would have a developable lot area of 7 acres. If this

lot was in the R-1 Residential zone, which has a minimum lot area of 40,250 square feet, the 7 unconstrained acres would allow for seven new units as opposed to 10 units if the full 10 acres counted. If this lot was in the I-1 Industrial zone, with a minimum lot area of 43,560 square feet and a Floor Area Ratio of .25, the maximum building floor area would be reduced from 108,900 square feet to 76,230 square feet. This approach would establish the maximum permitted density of residential development or intensity of nonresidential development on the tract and will assist the Board in guiding, to the greatest extent practicable, all development activities to suitable area(s) of the tract.

A maximum tract yield calculation would be prepared by the applicant and submitted to the Board, along with a map of the entire tract illustrating natural resource features including steep slopes and ridgelines, flood plains, wetlands, NJDEP-required wetlands transition areas, buffers to Category 1 Waters, areas of required buffers, stream channels, stream corridors and other water bodies.

Thus, regulation of “net density” should be considered within the land use ordinance, along with the use of resource conservation calculations to determine the maximum number of residential units or non-residential square footage permitted on the net tract area, after resource conservation factors are deducted.

4.5.5 Stormwater

Roxbury Township adopted a stormwater management plan and stormwater management ordinance as required by the State incorporating best management practices and techniques to retain water so it can infiltrate into the groundwater system. One of the techniques recommended for nonresidential development is the use of subsurface stormwater management, which is deemed a desirable alternative to typical unnatural, geometric-shaped excavated basins designed to control or minimize stormwater/nonpoint source pollution and improve water quality.

The use of retention basins and some other structural and nonstructural techniques, which are not deemed appropriate for the front yards of nonresidential and residential uses, should be restricted to the side or rear yards of these facilities or utilize subsurface systems as a viable technique to address stormwater management needs wherever topography and best stormwater management strategies make placement to the rear or side yards impossible. In addition, stormwater detention basins for both residential and nonresidential properties should be required to landscape to the greatest extent possible to create the most aesthetically pleasing and efficient design. Native plantings in detention basins will help to allow the basin to hold and release water in a more natural way.

4.4.6 Main Street Succasunna Streetscape Design Standards

The Township’s Main Street Streetscape Committee has developed and recommended a set of design standards to preserve and enhance the Main Street Succasunna Historic District. These standards should be adopted as a part of the Land Development Ordinance.

4.4.7 Route 46 Corridor Revitalization

The Township's Economic Development Committee is examining the revitalization of the Route 46 corridor with particular focus east of the Hillside Avenue/Route 46 intersection. The Township should further identify areas of concern and continue to explore appropriate revitalization strategies.

4.6 Residential Land Use Plan Recommendations

The scarcity of new residential lots and desirability of Roxbury as a residential location will likely precipitate an increasing rate of teardowns and re-subdivision activity, as has been seen throughout the region.

While the established character of Roxbury has been determined throughout most of the Township, new development and redevelopment have the potential to alter this character substantially. The Township should develop a variety of regulatory tools to assure that new development and redevelopment protect desirable neighborhood character to the extent reasonably possible.

4.6.1 Protect Community Character

As municipalities seek to maintain the character of established neighborhoods, and protect the quality of life in these areas, many are seeking out new regulatory tools to aid this objective. Teardowns, which replace smaller older dwellings with larger new homes, unsettle the fabric of established neighborhoods by removing an existing dwelling and replacing it with a much larger house of a different style, lot configuration scale or possibly more than one house.

In neighborhoods which have an established character, such changes can be a dramatic contrast and imply that the prior neighborhood character is no longer valued. When this occurs in neighborhoods of modest-sized homes, it frequently eliminates housing affordable to the middle class and replaces it with substantially more expensive housing. Side yard setback requirements play an important role in controlling the massing of buildings and the rhythm of built vs. open areas, but other controls may also prove useful in preventing major disruptions of scale in residential neighborhoods. Additionally, Roxbury should re-examine techniques that have been utilized successfully to reduce the market incentive for teardowns, such as maximum building coverage, maximum impervious coverage and maximum building width.

Development and redevelopment which is consistent with existing community character and allows for the enhancement and refurbishment of areas should be encouraged. The goal is to maintain neighborhood character and allow for new development and redevelopment that address residential and non-residential needs and positively impact older established areas. It is recognized that new zoning tools can create pre-existing nonconformities that will need to be considered in any zoning revision. Nonconforming

lot standards are further enumerated in section 4.6.4. (This section number no longer exists- please revise accordingly.)

Among the methods used to address community character, proper standards can be among the most useful protection. The following recommendations are from the Build-Out and Capacity Analysis:

4.6.1.1 Lot Dimensions

The Build-Out and Capacity Analysis recommended the incorporation of minimum lot depth standard for each of the residential zones. Lot depth is the average distance measured from the front lot line to the rear lot line¹. The recommended lot depth, the distance between the front and rear lot lines as measured from the mid point of the lot, establish a minimum uniformity in lot sizes for the basic zoning districts in the Township. Typical minimum lot depths in a residential neighborhood could range from 150 to 250 feet. In rural residential zones such depths may be increased to 400 to 550 feet. The Township should review and consider appropriate lot depth standards throughout the residential districts.

4.6.1.2 Setbacks

Spacing between homes determines the feeling of openness in single-family residential neighborhoods, and Roxbury requires a minimum side yard on each side of the house. In the smaller lot zones (R-3 and R-4) these yard requirements allow buildings to fill 80% to 85% of the lot width. The R-3 zone, which will host over 60 of the potential 140 new dwellings, requires a 15,000 square foot minimum area, 100 feet minimum lot width and side yards of 10 feet each (aggregate of at least 20% of lot width at setback). If new, larger homes extend across 80% of the lot width, the perception of openness of these neighborhoods will change dramatically. Refinement of the combined side yard requirements in all zones is warranted, since teardowns and additions can have the same effect on the character of a neighborhood. The Township should review current side yard setbacks and determine if the existing standards are sufficient to reduce building envelopes enough to allow for modest additions to existing homes while lessening the impact of teardowns that tend to fill allowable building envelopes. In residential neighborhoods a typical side yard set back can range from 10 to 30 feet with a combined side of 20 to 90 feet. For rural residential areas these are increased to 50 to 60 feet per side with a combined side of 120 to 130 feet. In addition, side yards can be limited to a percentage of the lot.

4.6.1.3 Maximum Building Coverage Requirement

Another method of protecting community character is to ensure a minimum of buildable area on each lot through a method calculating the minimum improvable lot area.

¹ Moskowitz, Harvey and Carl Lindbloom. "The Latest Book of Development Definitions". Rutgers State University of New Jersey. 2004.

Presently Roxbury regulates building coverage within each residential zone. While building coverage is not defined within the ordinance, building coverage is typically the ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total area of the lot². While this definition can be altered to meet the needs of the Township, it will allow for control over the overall size and bulk of new development dependant on the size of the existing lot. For example, this type of requirement will allow for new development and redevelopment to occur but at a scale that fits the existing development pattern. This requirement allows for a secondary standard that would prohibit new development or redevelopment to seek to maximize the allowable building footprint without regard to existing neighboring development. Roxbury may wish to amend the building coverage standard to exclude certain features, such as a covered porch, shed or other such structure that could make the standard unduly burdensome on property owners.

4.6.1.4 Maximum Impervious Coverage Requirement

As noted previously, protecting community character through a variety of bulk standards will allow for future development and redevelopment to be constructed in a manner that is consistent with existing patterns. Another method to achieve this is through Maximum Impervious Coverage Standards.

This is another tool that can limit the impact of knockdown redevelopment or overly ambitious additions to existing buildings. These standards limit the footprint area of buildings and other impervious surfaces and can be combined with other controls to manage the size and limit the scale of new development, a key feature in maintaining neighborhood character.

Roxbury presently defines impervious coverage as, “the percentage of the lot area which is improved or is proposed to be improved with buildings and structures, including but not limited to driveways, parking lots pedestrian walkways, signs and other man-made improvements, which cover the ground surface and are more impervious than the natural ground surface Provided however, that for residential lots the following structures shall not be deemed to constitute impervious coverage (a) decks which allow water to flow between the decking to the ground beneath, (b) areas utilizing gravel or decorative stone in conjunction with landscaping and (c) children's play structures. For residential lots 75% of the area of bricks, concrete pavers", and/or bluestone laid in sand shall be considered impervious coverage. This definition shall not apply to stormwater management calculations.” The Township may want to make a special provision to exclude swimming pools from the impervious coverage definition.

4.6.1.5 Maximum Building Width/Lot Width Ratio

Side yards play a controlling role in the feeling of openness in neighborhoods, and controlling the ratio of open to built space will be increasingly important. Refining

² Moskowitz, Harvey and Carl Lindbloom. “The Latest Illustrated Book of Development Definitions”. Center for Urban Policy Research, New Brunswick, NJ. 2004.

aggregate side yard requirements can help maintain the scale and character of existing neighborhoods. In many instances, ordinances require combined side yards that exceed the sum of the separate side yards. A maximum ratio of built to open area on the lot can help protect the open character in single family residential neighborhoods.

4.6.1.7 Floor Area Ratio

Floor area ratio (FAR) controls are frequently used for non-residential zones, but FAR is increasingly a regulatory tool within residential zones. It can be particularly useful by preventing the introduction of large buildings which may disregard historic architectural styles, village form or neighborhood scale. If FAR ratio controls are used, they should not be unrealistically low, since relief requires a trip to the Board of Adjustment, and many homeowners will need to modify existing dwellings to accommodate the needs of growing families or other lifestyle changes.

A workable definition for FAR could be the ratio of the gross floor area of all principal buildings on a residential lot to the total lot area. This would typically exclude cellars, terraces, sheds, detached garages, patios, decks, gazebos, open balconies and open porches which are more than 50% open.

The Township has investigated the possibility of utilizing a FAR standard for residential districts. However, the overall scope and requirements necessary to make such a strategy work is not appropriate for the overall goals of the Township. Instead Roxbury will institute a variety of other mechanisms in order to achieve appropriately scaled development in established residential districts.

4.6.1.8 Flag Lot Limitations

Flag lots are lots that do not meet the minimum frontage requirements and where access to the public road is by a private right-of-way or driveway³. These lots use narrow flag stems, or poles, to access remote lands, are frequently a key feature in further subdivision of lands previously passed over for development or otherwise inaccessible.

Flag lots are only permitted in the R-R and RR-5 Rural Residential Districts and the R-1 Residence District as a conditional use. Flag lots are usually permitted in rural and developing municipalities to allow development of back-land areas while still maintaining their rural character. The requirements for a flag lot are as follows:

- A subdivision containing a flag lot shall have no more than two lots.
- The flag lot and remaining lot must be deed restricted to prevent any future subdivision.
- Only one flag lot is permitted.
- The body of the lot, excluding the pole, must be at least 4 acres in the R-R district, 6 acres in the RR-5 District, and two and a half in the R-1 District.

³ Moskowitz, Harvey and Carl Lindbloom. "The Latest Illustrated Book of Development Definitions". Center for Urban Policy Research, New Brunswick, NJ. 2004.

- The pole must be a minimum width of 50 feet.
- The pole must be between 200 and 400 feet in the R-1 District, and no more than 500 feet in the R-R and R-5 Districts.
- Pole must accommodate emergency vehicle access.
- The front lot line of the body of the lot must be 200 feet from the roadway and run parallel to that roadway.
- A shared common driveway involving the flag lot will be permitted only with Planning Board approval.
- Front yard, rear yard and side yard setbacks shall be twice the requirements necessary in each zone.
- The Township is not obligated to maintain the lane of the flag lot.

While flag lots can assist in retaining the rural character of an area, they are subject to abuses. The most prevalent is when the flag lot owner wants to further subdivide and use the private right-of-way for access. The municipality may then have a major subdivision without adequate access. Flag lot provisions in the R-1, RR and RR-5 Districts, which allow a flag lot as a conditional use, should be removed. The Township does not support the creation of new flag lots and any applications proposing flag lots would be treated and classified as a bulk variance.

4.6.1.9 Redefine Building Height

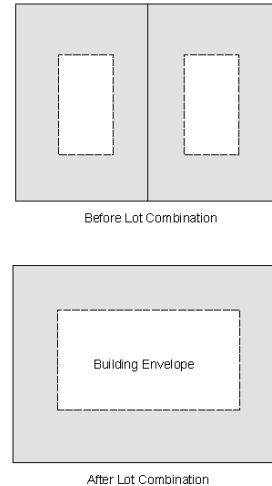
In Roxbury, building height is defined as “the vertical distance from the average finished grade at the four corners of the foundation: (a) to the highest point of the roof for flat or shed roofs, (b) to the deck level for mansard roofs, or (c) to the midpoint between eaves and the ridge level, for gable, hip and gambrel roofs. Where a building has more than one roof, the building height shall be the maximum of the heights determined for all of the roofs”. Currently the maximum allowable height is 35 feet.

Manipulation of the grade around the foundation can result in building heights out of character with the neighborhoods where homes were built with finished first floors close to natural grade during most of the 20th Century. A new trend has seen homes constructed with the basement floor at or near natural grade, and transitional grading up to the first floor. To address this issue, many communities define building height as measured some distance from the foundation. Roxbury could amend the definition one of two ways. The first option would be to remove “average” from the existing definition to read “the vertical distance from the finished grade..”. The second option would be to amend the definition to measure the building height to the highest point of the roof from the average grade at a point 10 feet away from the foundation wall. Additionally, a reduction of the allowable building height may be more appropriately scaled to 35 feet to the top of roof measured 10 feet from foundation to allow for variations in topography and architecture.

4.6.1.10 Lot-of-Record Restrictions

Restrictions on the use of lots-of-record are intended to prevent the combination of lots

into larger parcels to create larger development opportunities. When this happens, the scale and character of established neighborhoods can be radically altered, as it results in fewer buildings of larger size through the merger of lots and elimination of side yard requirements. This can result in larger and wider buildings, since the “disappearing” side yards can now house building area. In the example below, if the envelopes of the two former lots could each hold a 1,000 square foot footprint, the “new” envelope could fit a 3,000 square foot footprint.



Lot-of-record restrictions can acknowledge the use and level of existing development and place appropriate controls on bulk and intensity. By limiting the combined lots to their former development potential as individual lots (total building coverage, total impervious coverage and setbacks), such restrictions work to prevent the consolidation of two existing lots, elimination of the intervening side yard and creation of an “oversized” lot that could accommodate a substantially larger building.

4.7 Nonresidential Land Use Plan Recommendations

Apart from changes at the neighborhood level, attributable to tear downs, redevelopment and further subdivision, the most significant alteration to the established character of Roxbury will come from over 16 million square feet of potential non-residential space that is currently enabled by ordinance. More than half of this space will be located within the PO/LI zone on the Hercules tract. Additional floor area will also be accommodated in the OR-5, B-2, I-3 and LI/OR Zones.

While the light industrial uses will produce significant additional traffic, the greatest traffic concerns relate to the potential for office development, with its peak hour impacts and substantial affordable housing obligations. Although overbuilding in the office market has slowed interest in major new office development, this is a cyclical trend and will likely change over time.

The Planning Board has reviewed the range of uses permitted in the various non residential zones, and finds that the permitted uses will contribute to the intended land use character. However, the PO/LI Zone merits further consideration, as its current designation may fail to deliver the wide range of benefits that can be provided for Roxbury residents at this location. Given its size and location, the Hercules tract will play a key role in shaping the future development character of the community.

Since the Hercules tract will be the site of most of the future non-residential development in Roxbury, it is appropriate for Roxbury to examine alternative options that can yield beneficial ratable generation, as intended by the PO/LI Zone, but also meet a wider range of community needs. The new Mt. Arlington train station adjacent to the Hercules site offers enhanced regional access to this tract and the greater Roxbury area and poses a unique opportunity for community building and place-making.

The Township should carefully consider the long term effects associated with full development of the property and whether it is time to develop a new vision for this part of Roxbury. Fine-tuning the nature and mix of permitted uses for this property can yield significant benefits to Roxbury, related to both the quality of life and the township's long-term fiscal health.

4.7.1 Nursing Homes and Assisted Living Facilities

Roxbury, like many other municipalities, permits nursing homes and assisted living facilities as a conditional use within many of its nonresidential zones, which are usually served by public transportation, retail and service necessities.

These facilities provide housing, food services and personal services for elderly or disabled adults who require supervision or assistance with the activities of daily living. Assisted Living facilities may provide apartment living (multi room facilities) for an individual, where the residents have a choice of, for instance, taking their meals in a restaurant type facility or individually in their apartments. Top rated facilities also provide leisure activities such as theater, music, golf, aerobics etc.

Six zones where this use is a conditional use are the B-2, B-3, OB, PO/LI, OR-5 and LI/OR Districts. Standards for these uses should include a maximum density of 8 to 12 units/acre, where each independent living unit counts as one (1) dwelling unit and each skilled nursing bed equals 0.5 residential unit. The conditional use standard should be revised to allow retail and service uses for the nursing home/assisted living residents, provided that such services are located within the buildings operated by the nursing home and/or assisted living facility.

4.7.2 Warehousing in OR-5 and LI/OR Districts

The OR-5 Zone permits flex space, with a restriction permitting up to 50% of a "flex" building to be used for warehousing, as a principal permitted use. Flex space, the "chameleon of commercial real estate" is commonly defined as a building providing its occupants the flexibility of utilizing the space for a combination of office or showroom space in combination with warehouse, and other permitted industrial uses.

In the LI/OR Zone, flex space is only permitted as an accessory use with a limitation of 49% of a building devoted to warehouse. It is the recommendation of this Land Use Plan to allow flex space as a principal permitted use with a maximum of 50% of the building designated for warehouse.

4.7.3 LI/OR and Industrial Districts

Another use that may be appropriately accommodated within the Industrial and LI/OR Districts is commercial recreation. This involves a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities, operated for profit or not-for-profit and which

can be open only to bona fide members and guests of the organization or open to the public for a fee.

These uses may include gymnastics, indoor archery ranges, indoor tennis courts, racquet ball and hand ball courts, indoor skating rinks, soccer, lacrosse, football, softball, athletic playing surfaces and similar forms of indoor commercial recreation. Stadiums and large outdoor arenas are not appropriate.

4.8 Nonconforming Lots

Roxbury presently does not provide “grandfather” protection for setbacks on undersized lots. This can lead to construction delays, zoning board appeals, and increased cost. Many municipalities provide grandfather treatment for non-conforming undersized lots. Suggested text for such a provision could state that any existing undersized lot would allow a side yard reduction on insufficient width lots in proportion to the zone requirement provided that the reduction is no more than 50% to 75% of the current side yard regulation.

IV. Insert the following in place of Relationship to Other Plans:

5.0 Relationship to Other Plans

5.1 Neighboring Municipalities

The review of zoning for the adjacent portions of Roxbury’s neighboring municipalities included Hopatcong Borough in Sussex County, and the Morris County communities of Mount Arlington Borough, Jefferson Township, Wharton Borough, Mine Hill Township, Randolph Township, Chester Township, Mount Olive Township and Netcong Borough. Considering the locations and minor nature of the Land Use Plan map changes, the proposed land uses in Roxbury remain generally compatible with the zoning and land uses of the adjacent communities.

Roxbury’s residential zones generally adjoin neighboring residential areas. The residential zoning in Mount Olive is at a lower density than that in the Township, while in Chester Township, 2-acre residential zoning abuts Roxbury’s Rural Residential 5-acre zone. In Mine Hill Township, the adjoining portion is residentially zoned with lots varying from 20,000 square feet to 40,000 square feet depending on the availability of infrastructure. These are adjacent to open space and residential 7,500 square feet lots in Roxbury Township. Above Route 46, the zoning in Mine Hill changes to commercial/industrial, which conflicts with the Township’s Rural Residential 3-acre zoning but is physically separated by significant steep slope grade changes and lack of roads.. This is also the case with Wharton Borough, which is zoned light industrial (CI-2), and Jefferson Township, which is zoned industrial park adjacent to the RR-3 Zone.

Most of Jefferson Township is compatibly zoned, however, being mostly open space or Rural Residential 3-acre. In Jefferson, the small area of its 40,000 square foot lots are

interspersed with its Rural Conservation District of five-acre zoning.

In the case of Netcong Borough, the Borough's Limited Office, Industrial and Business zones are consistent with Roxbury's Office Research, Limited Business and Industrial Zones. Toward the Musconetcong River, both municipalities provide open space and residential zoning.

Physical barriers which form municipal boundaries, such as the Black River, the Musconetcong River, Lake Hopatcong and Interstate Route 80 help to mitigate potential land use conflicts. Along the Black River, open space is found within Randolph and Roxbury. One area of minimal conflict is the continuation of open space in the Township and a change to industrial in Randolph. The two municipalities each have business-oriented zoning along Route 10.

Lake Hopatcong and the Musconetcong River form a border between the Borough of Hopatcong in Sussex County and Roxbury. Interstate 80 forms the southern border between the Township and Mt. Arlington, which adjoins Roxbury on the west and east with open space and residential zoning.

5.2 County Plans

The last land use plan completed for Morris County was adopted by the Morris County Planning Board in December, 1975. In spite of its age, it remains relevant to today's situation. The Future Land Use Element was built upon two basic principles as follows:

- 1) That all future development proceeds only after careful analysis of environmental considerations, and within any limitations imposed by such an analysis;
- 2) That future growth be clustered, in order to preserve open land, and to render utility services and public transportation feasible and economical.

The County Land Use Plan identified centers in various locations throughout the County in which development was intended to concentrate and focus. These centers were meant to suggest an area of flexible size with a mix of land uses and a shared commercial focus. Centers are further partitioned into "traditional" and "growth" centers -reflecting locations where there are existing concentrations of development and those where new concentrations should be encouraged. Succasunna was identified as a growth center in the 1975 plan, and recognized as the center within Roxbury Township.

This Roxbury Township Land Use Plan Element is substantially consistent with the Morris County Future Land Use Plan, and the Solid Waste Management Plan utilizing environmental considerations in land use decisions and promoting clustering to preserve environmentally sensitive lands are consistent with the municipal plans. There has been a significant amount of development which has occurred in Roxbury since the 1975 plan, this Land Use Plan encourages context sensitive design coupled with redevelopment and reuse of sites for appropriate growth strategies.

5.3 Highlands Master Plan

Future land use, or land use capability is a primary issue that arises in relation to this plan. Land Use Capability is to be governed through the interpretation of a series of maps (Land Use Capability, Water Availability, Public Community Water Systems, Domestic Sewerage Facilities and Septic System Yield), using a methodology that will be provided by the Council to municipalities as part of Regional Master Plan (RMP) conformance process. The final RMP does not appear to quantify future development for the various overlay zones within the Preservation and Planning Areas as a units/acre value (i.e. 1 d.u./15-ac.). Instead, the RMP describes a process to determine future land use capability that involves the Council providing each Highlands municipality the information developed for the RMP and the Land Use Capability Map (LUCM) series specific and relevant to the individual municipality, and providing the municipality with technical and planning assistance to assist 'local use' of the information. The RMP describes training programs that will be provided for local officials, employees and consultants as part of the plan conformance process. The precise controls the RMP will impose on Roxbury remain to be fully outlined and understood as the conformance process proceeds.

5.4 State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was initially adopted in 1992, after a cross-acceptance process with the municipalities and counties of the state. The SDRP was revised and readopted on March 1, 2001. The SDRP includes a State Plan Policy Map which designates Planning Areas, parklands, centers, and nodes. The SDRP is now in its third iteration, in the final stages of the cross-acceptance process.

The 2001 SDRP includes a number of Planning Areas within the boundaries of Roxbury Township reflective of the various conditions and development patterns within the community.

The sewered and developed areas of the municipality, which include most of the Route 10 and Route 46 corridors as well as Succasunna, have been designated as Planning Area 1 -Metropolitan Planning Area.

The developed areas of Landing and Port Morris are Planning Area 2 -Suburban Planning Area. This designation is included along the Howard Boulevard corridor and the western portion of the Hercules Tract.

The eastern portion of the Hercules Tract and most of the remainder of that portion of the Township east of Mine Hill are Planning Area 5 -Environmentally Sensitive Planning Area. The Emmans Road area, and the Route 206 corridor, are PA-5.

The Land Use Plan's proposal for the Hercules tract conforms to the adopted State Plan, in that development is to be concentrated in the western portion of the site,

while the eastern portion, designated PA-5 is proposed for open space and preservation. Additionally, the areas previously zoned I-10, within PA-5 were designated for more environmentally sensitive uses, including open space.

Parkland which includes the State owned land in Berkshire Valley and Hopatcong State Park are also recognized.

The SDRP maps also recognize Critical Environmental Sites (CES) where ever they occur regardless of what Planning Area they are located. These may include wetlands, flood plains, steep slopes, water bodies, or other sensitive environmental conditions. This Land Use Plan concurs with the efforts to preserve these sensitive sites.

In 2005 the Morris County Planning Board adopted a Cross-Acceptance Report in response to the Preliminary SDRP issued in 2004 by the State Planning Commission. Two specific responses were made by the Township to the preliminary State Plan Policy Map. One was to reflect open space changes consistent with the County data set and to reflect them as provided within Roxbury. The second change involves retaining Planning Area 1 in the south-central portion of the Township, where the preliminary map proposes a change to Planning Area 5. The County and the Township were able in negotiations to convince the State Planning Commission that the area in question is developed, and the “linear park” area is a freight rail line that was mistakenly designated as park.

The exact boundaries of the State Plan designations do not correspond to all locations of proposed development within the Township. While some locations of higher intensity or density within Roxbury are within Planning Area 5, the State Plan mapping is not intended to be a zoning map, and this municipal land use plan is substantially consistent with the State Development and Redevelopment Plan.

APPENDIX A

Exhibit II Parking Requirements for Nonresidential Development⁴

Land Use	Existing Standard	Recommended Standard
Automobile sales	8 spaces & 1 per employee	8 spaces & 1 per employee
Bowling Alley	4 per ally	5.6 per lane
Doctor's & Veterinary offices under 10,000 sq ft	1 per 200 GFA	1 per 255 or 3.9/1000 GFA
Banks	1 per 300 GFA	Walk In 1 per 295 or 3.4 per 1000 GFA plus 1.3 spaces per employee Drive In Bank 1 space per 145 or 7 per 1000 GFA plus 1 space per employee per 415 GFA
Flex office/warehouse	1 per 300 GFA or 1 per 225 GFA office & 1.5 GFA warehouse	1 per 300 GFA or 1 per 225 GFA office & 1.5 GFA warehouse
Funeral Home	1 per 150 sq ft GFA	1 per 150 sq ft GFA
Garden Center	1 per 200 sq ft GFA	1 per 200 sq ft GFA
Hotel	1.2 per room plus additional required for other uses on property (restaurant & meeting rooms)	1.3 per room
House of Worship	1 per 3 seats	0.27 spaces per seat
Industrial	1 per 800 sq ft GFA	1 per 909 sq ft GFA Industrial Park 1 space per 625 sq ft GFA
Library	1 per 300 sq ft GFA	1 per 285 sq ft GFA or 3.5 per 1000 sq ft GFA
Manufacturing	1 per 800 sq ft GFA	1 per 770 sq ft GFA or 1.3 spaces per 1000 sq ft GFA
Medical Center	1 per 250 sq ft GFA	Hospital 5.5 per bed & 0.90 per employee Surgery Center 5.67 spaces per operating room Clinic 1 space per 180 sq ft GFA or 5.5 spaces per 1,000 sq ft GFA
Offices		
Under 49,999 sq ft GFA	1 space per 225 sq ft GFA	1 space per 250 sq ft or 4 spaces per 1,000 sq ft GFA
50,000-99,999 sq ft GFA	1 space per 250 sq ft GFA	
100,000+ sq ft GFA	1 space per 285 sq ft GFA	
Restaurant	1 per 3 seats or 1 space for	Quality Restaurant ⁵ 1 space

⁴ "Parking Generation", Institute of Transportation Engineers, 3rd Edition, 2004.

Restaurant	each 40 sq ft & 1 space per 2 employees	per 50 sq ft or 0.52 spaces per seat High Turnover ⁶ (Sit down) Restaurant 1 space per 70 sq ft GFA or 0.53 per seat
Fast Food Establishment	1 per 50 sq ft GFA	Without Drive Thru Window 1 space per 45 sq ft With Drive Thru Window 1 space per 65 sq ft GFA
Retail Stores, business services and personal services (5 or less tenants)	1 space per 225 Sq ft GFA	See below
Shopping Center (6 or more tenants) Under 400,000 sq ft GLA 400,000-599,999 GLA 600,000 sq ft GLA	1 per 250 sq ft GLA 1 per 225 sq ft GLA 1 per 200 sq ft GLA	Under 30,000 sq ft GLA 1 space per 245 sq ft 30,000 to 100,000 one space per 230 sq ft GLA 100,000 to 400,000 1 space per 190 sq ft GLA 400,000 to 800,000 1 space per 165 sq ft GLA Greater than 800,000 1 space per 195 sq ft GLA
Storage Areas	1 per 2000 sq ft GFA & 1 per 250 sq ft GFA related offices	1 space per 1,750 sq ft GLA
Theater In shopping Center	1 per 3 seats 1 per 4 seats	0.27 spaces per seat
Vehicular service station	4 per bay & work area & 1 per 225 sq ft GFA retail area, or 5 stall plus 1 per peak hour shift whichever is greater	4 per bay & work area & 1 per 225 sq ft GFA retail area, or 5 stall plus 1 per peak hour shift whichever is greater
Warehouse	1 per 2,000 sq ft GFA & 1 per 250 sq ft related offices	1 per 2,000 sq ft GFA

Retail Stores, business services and personal services (5 or less tenants)

Recommended Services

Building Materials and Lumber Yard	1 space per 265 sq ft
Free Standing Discount Store	1 space per 200 sq ft
Hardware/Paint Store	1 space per 150 sq ft

⁵ "...high quality, full-service eating establishment with turnover rates usually of at least one hour or longer. Quality restaurants generally do not serve breakfast; some do not serve lunch; all serve dinner. This type of restaurant usually requires reservation and is generally not part of a chain."

⁶ "...sit-down, full-service eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain."

Tire Store Automotive supply	1 space per 200 sq ft
Supermarket	1 space per 150 sq ft
Convenience Market (open 24 hours)	1 space per 190 sq ft
Discount Supermarket	1 space per 145 sq ft
Discount Club	1 space per 200 sq ft
Liquor Store	1 space per 140 sq ft
Sporting Goods Superstore	1 space per 205 sq ft
Home Improvement Superstore	1 space per 205 sq ft
Electronics Superstore	1 space per 330 sq ft
Toy/Children Superstore	1 space per 515 sq ft
Pet Supply Superstore	1 space per 245 sq ft
Office Supply Superstore	1 space per 835 sq ft
Book Superstore	1 space per 1,125 sq ft
Pharmacy/Drug store	1 space per 180 sq ft
Pharmacy/Drug store with Drive thru	1 space per 205 sq ft
Furniture Store	1 space per 475 sq ft
Carpet Store	1 space per 255 sq ft
Dry Cleaners	1 space per 280 sq ft
Multipurpose Recreational Facility	1 space per 65 sq ft
Billiard Hall	1 space per 145 sq ft
Roller Skating Rink	1 space per 170 sq ft
Ice Skating Rink	1 space per 255 sq ft
Tennis Courts	6 spaces per court
Racquet/Tennis club	3.6 spaces per court
Health/Fitness Club	1 space per 170 sq ft
Recreational Community Center	1 space per 335 sq ft
Elementary School	0.35 spaces per student
Middle School	0.14 spaces per student
High School	1.1 spaces per student
Day Care Center	0.24 spaces per student
Nursing Home	1 space per 665 sq ft
Animal Hospital/Veterinary Clinic	1 space per 435 sq ft