

# BOROUGH OF NORTH HALEDON

## ORDINANCE # 14-2018

### AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING AND SUPPLEMENTING CHAPTER 600, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF NORTH HALEDON

**WHEREAS**, the Municipal Land Use Law (“MLUL”) of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

**WHEREAS**, the Borough of North Haledon (“Borough”) desires to amend and supplement the zoning code to comply with State and based on recent case law regarding certain definitions; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

**SECTION ONE.** Article I, Chapter 600, Section 2 of the Zoning Code of the Borough of North Haledon, specifically the following definitions are hereby replaced and amended as follows:

**“Dwelling”** shall mean a building or structure or part thereof containing one or more dwelling units.

**“Dwelling, One Family”** A dwelling designed for occupancy or occupied by one family or housekeeping unit.

**“Dwelling Unit”** One or more rooms occupied or intended to be used, or designed to be used for living, sleeping, cooking, and eating.

**“Family”** Any number of individuals related by blood, marriage or legal adoption, living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common. For the purpose of this chapter, foster children placed with families in a dwelling by the New Jersey State Board of Child Welfare or a duly incorporated childcare agency shall be considered as a member or members of a family.

**SECTION TWO.** Article 1, Chapter 600, Section 2 of the Code of the Borough of North Haledon, New Jersey, is hereby amended and supplemented to include the following definitions as follows:

**“Housekeeping Unit”** A group of people, regardless of familial relationship, whose members have equal and unlimited access rights to all common areas and common appliances of a dwelling unit, and constitute a single, economic entity, characterized by stability, permanence, and functionality, by maintaining a single-family dwelling unit in common. Any individual occupying either a room or an area that contains a private refrigerator, microwave oven, hot plate, or other similar appliance shall not be deemed a member of the housekeeping unit.

**“Habitable Space”** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**SECTION THREE.** A copy of this Ordinance is hereby transmitted to the Borough’s Planning Board (“Planning Board”) for its report and recommendation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Planning Board hereby has thirty-five (35) days to submit a report and if it fails to do so, then the Borough Council may proceed to adopt this Ordinance.

**SECTION FOUR.** All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION FIVE.** If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

**SECTION SIX.** This Ordinance shall take effect as provided by law.

#### NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on June 20, 2018, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on July 18, 2018 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

Renate Elatab

