



**BOROUGH OF FLORHAM
PARK COUNTY OF MORRIS
STATE OF NEW JERSEY
ORDINANCE # 21-4**

AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF FLORHAM PARK IN ORDER TO ESTABLISH MINIMUM STANDARDS FOR THE CONTROL OF AIRPORT AND AERONAUTICAL HAZARDS AND STANDARDS FOR LAND USE ADJACENT TO AIRPORTS IS HEREBY ADOPTED PURSUANT TO THE AIR SAFETY AND ZONING ACT OF 1983, N.J.S.A. 6:1-80 ET SEQ. AND N.J.A.C. 16:62 ET SEQ., AS AMENDED

WHEREAS, Pursuant to the Air Safety and Hazardous Zoning Act of 1983 (N.J.S.A.) 6:1-81 et seq.), and the regulations promulgated by the Commissioner of the Department of Transportation, being Chapter 62, Air Safety and Hazardous Zoning (N.J.A.C. 16:62-1.1 et seq.), each municipality which contains within its boundaries any part of a delineated airport safety zone shall enact an ordinance incorporating the standards promulgated by the Commissioner regarding land use within the airport safety zone; and

WHEREAS, portions of the airport safety zone associated with Morristown Municipal Airport are located within the boundaries of the Borough of Florham Park (“Florham Park”); and

WHEREAS, the recited purpose of the Air Safety and Hazardous Zoning Act include to prevent “the creation or establishment of airport hazards” that “endanger[] the lives and property of the users of the airport and of occupants of land in the vicinity thereof...”; and

WHEREAS, in furtherance of the statutory and regulatory requirements referred to above, and in the interest of promoting the purposes of the Act and regulations, the Florham Park Borough Council finds and declares that it would be beneficial to adopt the airport safety zone standards that have been promulgated by the Department of Transportation.

NOW, THEREFORE, it is hereby duly ordained by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, that the following amendments and revisions are made to the General Ordinances of the Borough of Florham Park, Chapter 250, entitled “Zoning”:

Section 1. Chapter 250, Zoning, Article I, General Provisions, Section 250-30.2 Airport Safety and Zoning, is hereby created as follows.

§ 250-30.2.1 Purpose.

The purpose of this Section is to amend the Zoning ordinances of the Borough of Florham Park to comply with the Air Safety and Zoning Act of 1983, N.J.S.A. 6:1-80 et seq. and the rules established in N.J.A.C. 16:62.

§ 250-30.2.2 Adoption of standards.

Pursuant to the directive of N.J.A.C. 16:62-2.1(a), the Borough Council hereby adopts the minimum obstruction and land use standards promulgated by the Department of Transportation in Chapter 62 known as "Air Safety and Hazardous Zoning," of Title 16 of the New Jersey Administrative Code, including all subsequent revisions and amendments thereto. This chapter of the Administrative Code is hereby adopted by reference as the Air Safety and Zoning Ordinance for the Borough of Florham Park. All obstruction and land use standards delineated under Chapter 62 of Title 16 of the New Jersey Administrative Code shall, by reference, set forth the minimum standards applicable within the Borough of Florham Park. Land uses specifically prohibited within an Airport safety zone are the following:

- i. Residential (dwelling units) not situated on a lot of at least three acres in size;
- ii. Planned unit developments and multifamily dwellings;
- iii. Hospitals;
- iv. Schools;
- v. Above ground bulk tank storage of compressed flammable or compressed toxic gases and liquids;
- vi. Within the RUNWAY END SUBZONES only, the above ground bulk tank storage of flammable or toxic gases and liquids;
- vii. Uses that may attract massing birds, including landfills;
- viii. Above grade major utility transmission lines and/or mains.

These standards are hereby incorporated into and made a part of the master plan of the Borough.

§ 250-30.2.3 Granting of variance.

No variance or other relief from the standards promulgated by this Section shall be granted by the Borough to itself or to any person, except upon the condition that the variance or relief is contingent upon the issuance of a permit allowing the variance or relief by the Commissioner of the Department of Transportation. Application for a variance shall be made to the Florham Park Planning Board or Zoning Board of Adjustment in accordance with its regulations and procedures.

§ 250-30.2.4 Regulations on file.

A copy of Chapter 62, known as "Air Safety and Hazardous Zoning," of Title 16 of the New Jersey Administrative Code, may be reviewed at the Florham Park Borough Clerk's office during its regular business hours.

§ 250-30.2.5 Municipality's notice to owners.

Pursuant to requirements of N.J.S.A. 6:1-85.1, the Borough of Florham Park shall notify, in writing, each owner of record of property located within an airport safety zone of the boundaries of the airport safety zone. A duly authenticated copy of this notification shall be filed with the County Recording Officer in the same manner as a deed or other instrument of conveyance. Failure to give such notice shall give rise to no cause of action against the state, Morris County, or the Borough of Florham Park.

§ 250-30.2.6 Metes and bounds description.

A metes and bounds description of the airport safety zones shall be incorporated into the Borough's maps which are used for tax purposes.

§ 250-30.2.7 Notice by seller to prospective buyers.

Pursuant to N.J.S.A. 6:1-85.2, any person who sells or transfers property in the airport safety zone and appearing on a municipal map used for tax purposes shall provide notice to a prospective buyer that the property is located in an airport safety zone, prior to the signing of a contract of sale. Failure to provide such notice may result in the suspension or revocation of the person's license to engage in real estate sales or other appropriate disciplinary action by the New Jersey Real Estate Commission in the case of a person subject to the jurisdiction of the Commission as provided by N.J.S.A. 6:1-85.2.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

Section 3. Repealer. All ordinances or parts of ordinances of the Borough of Florham Park which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Prior actions. All actions of the Borough of Florham Park taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on February 18, 2021 and will be further considered for adoption after Public Hearing held on March 18, 2021 at 6:30 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: February 18, 2021

ADOPTED: March 18, 2021

Mark Taylor, Mayor

ATTEST:

Sheila A. Williams, R.M.C., Municipal Clerk

Certified to be a true and correct copy of an Ordinance adopted by the Governing Body of Florham Park on March 18, 2021.

Sheila A. Williams, RMC