

ORDINANCE NO. 566
BOROUGH OF HARRINGTON PARK

AN ORDINANCE TO AMEND CERTAIN DEFINITIONS
IN THE ZONING ORDINANCE TO PREVENT THE USE
OF SHIPPING CONTAINERS FOR STORAGE AND TO
PREVENT THE USE OF PUBLIC RIGHTS OF WAY FOR
THE PROVISION OF PRIVATE PARKING SPACES.

WHEREAS, the Mayor and Council of the Borough of Harrington Park have determined that it is in the best interests of the Borough to preclude the indiscriminant use of shipping containers for various purposes in the Borough and further prevent owners of private property from altering the public right of way to provide parking spaces for private use in order to maintain the tranquility, health, safety and welfare of the residents of the Borough.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. Section 53-3 entitled Definitions of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended as follows:
 - a. The definition of "Building, Accessory" shall be deleted and replaced in its entirety by a new definition as follows:

Building, Accessory - A building subordinate to the principle building on a lot, the use of which is customarily incidental to the use of the principal building. "Accessory Building" shall not include any structure lacking a permanent foundation (except as set forth in "Accessory Building- Residential") including, but not limited to, shipping containers, trailers or offices, truck bodies (with or without wheels or carriages) or other constructions used for temporary or permanent storage or habitation.
 - b. The definition of "Principal Building" shall be deleted and replaced in its entirety by a new definition as follows placed in its proper alphabetical order:

Building Principal - A building in which is conducted the principal use of the site on which it is located.
 - c. The following new definitions shall be added to this section and shall be placed in their appropriate alphabetical order:

Structure, Incidental - Structures of an insignificant nature, not intended for occupancy and not constituting a separate use, normally incidental to uses on a site including sidewalks, driveways, mailboxes, light posts, signs, walls, fences, flower boxes or planters, ornamental decorations, and utility services. In residential zones such structures may also include swing sets, swimming pools and basketball backboards. Such structures shall be subject to any specific provisions of this ordinance intended to regulate them. Unless otherwise regulated by provisions of this ordinance such structures may be placed in any required yard area.

Structure, Prohibited - Any structure other than "Incidental Structures" and "Accessory Buildings-Residential", lacking a permanent foundation, located upon any lot and used for storage of any kind or duration or for human habitation. Prohibited structures include, but are not limited to, shipping containers, trailers, construction trailers or offices, storage boxes or units, and truck bodies with or without wheels unless part of an operational motor vehicle lawfully on site and which is located on the site for an intermittent basis and not for the purpose of storage. During a period of construction on site a container, the sole purpose of which is collection of debris for removal from the site, shall be permitted as long as a valid construction or demolition permit is in effect.
 - d. There shall be added to the end of the definition of "Structure, Accessory (Residential Districts)" the following:

Sheds without permanent foundations and not exceeding 100 square feet shall be permitted accessory structures in all residential districts but such structures must be located in the rear of the yard and must comply with all minimum side and rear yard dimensions applicable to the zone in which located.
2. Section 53-7A. (2) entitled R-1 Districts, Uses-Prohibited of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended as follows:
 - a) Paragraph (c) shall be re-designated as paragraph (b); paragraph (d) shall be re-designated as paragraph (c).
 - b) There shall be added a new paragraph as follows:

- (d) All uses and structures not specifically permitted are prohibited.
3. Section 53-8A. (2) entitled R-2 Districts, Uses prohibited of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended by adding a new paragraph as follows:
 - (b) All uses and structures not specifically permitted are prohibited.
 4. Section 53-9A. (2) entitled Uses prohibited of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended by adding a new paragraph as follows:
 - (b) All uses and structures not specifically permitted are prohibited.
 5. Section 53-10 entitled B-1, B-2, & I-1 Districts of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended by adding a new paragraph G as follows:
 - G. All uses or structures not specifically permitted are prohibited.
 6. Section 53-12 B of Chapter 53 Zoning of the Code of the Borough of Harrington Park shall be amended to read as follows:
 - B. All uses or structures not specifically permitted are prohibited.
 7. There shall be added to Section 53-31 entitled Off Street Parking of Chapter 53 Zoning of the Code of the Borough of Harrington Park a new Paragraph D as follows:
 - D. No person shall, without specific approval by the Planning Board or Board of Adjustment as appropriate, pave, stone, grade, designate, delineate, or otherwise prepare or use any portion of any public right of way for the provision of parking for any private motor vehicle. This prohibition shall not apply to areas or specific spaces approved by the Planning Board or Board of Adjustment or to that portion of a driveway serving the lot immediately adjacent to the portion of the public right of way, provided that the driveway in the public right of way shall be no wider than the narrowest portion of the driveway on the lot. A small return immediately adjacent to the roadway shall be allowed but shall not be used for any parking purpose.
 8. There shall be added to Section 53-31 entitled Off Street Parking of Chapter 53 Zoning of the Code of the Borough of Harrington Park a new Paragraph E as follows:
 - E. In the residential zoning districts, each lot shall be provided with a paved, stoned, concrete or concrete paver driveway connection with a public street. Such driveway shall connect directly to the public street and shall be no wider than 12 feet for a single car garage or 20 feet for a two-car garage with entry facing the public roadway. In the event of a side entry garage, the driveway from the road to the building setback shall not be greater than 12 feet. If no garage is provided, the driveway shall not exceed 12 feet in width.
 9. There shall be added to Section 53-31 entitled Off street Parking of Chapter 53 Zoning of the Code of the Borough of Harrington Park a new Paragraph F as follows:
 - F. In the residential zoning districts, no person shall enlarge or increase the width of any existing driveway, provided for additional parking area, provide a turn around area, install a circular driveway, or provide more than one driveway exit from any lot unless approval has been received from the Planning Board or Board of Adjustment as appropriate.
 10. This Ordinance repeals any portions of the Zoning ordinance which are inconsistent herewith.
 11. If any section, subsection, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the remaining portions of this Ordinance.
 12. This Ordinance shall take effective upon passage and publication according to law.