



TOWNSHIP OF BERKELEY HEIGHTS

29 Park Avenue
Berkeley Heights, NJ 07922

Phone: (908) 464-2700

Fax: (908) 464-8150

July 2, 2026

VIA EMAIL COMMUNICATION

To: Borough of Mountainside
Borough of New Providence
Borough of Watchung
City of Summit
Township of Chatham
Township of Long Hill
Township of Scotch Plains
Township of Warren
Union County Planning Board

RE: NOTICE OF INTRODUCTION OF ORDINANCE 2026-16

PUBLIC NOTICE is hereby given that the Ordinance entitled

**AN ORDINANCE CLARIFYING THE LAND USE PROCEDURES OF THE TOWNSHIP OF
BERKELEY HEIGHTS AS IT RELATES TO PERMITTED AND ACCESSORY USES AS
WELL AS VIOLATIONS OF THIS ORDINANCE**

was introduced and passed on First Reading at the Regular Meeting of the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, held on **June 30, 2026 at 6:30 p.m.** The within Ordinance will be further considered for Final Passage, after public hearing thereon, at the Regular Meeting of the Township Council to be held in the Council Chamber at the Berkeley Heights Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ, on **July 21, 2026 at 6:30 p.m.**, or as soon thereafter, as said matter can be reached. At which time and place, all persons who are interested therein will be given an opportunity to be heard and ask questions concerning the same.

During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available at no cost in the Municipal Clerk's office in said Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ 07974, and to the members of the general public who shall request the same.

Sincerely,
Angela Lazzari, RMC
Township Clerk
Township of Berkeley Heights

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

ORDINANCE NO. 2026-16

AN ORDINANCE CLARIFYING THE LAND USE PROCEDURES OF THE TOWNSHIP OF BERKELEY HEIGHTS AS IT RELATES TO PERMITTED AND ACCESSORY USES AS WELL AS VIOLATIONS OF THIS ORDINANCE

WHEREAS, the Mayor and Council for the Township of Berkeley Heights desire to update the Township Code related to land use regulations; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey as follows:

SECTION I. Section 3.1.1, "Use Regulations" of Article 3.1, "Application of General Regulations Applicable to All Districts," of Part 3, "Part 3 – General Regulations," of Appendix A, "Municipal Land Use Procedures Ordinance" of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

Section 3.1.1 - Use Regulations

No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to, or enlarged, or rebuilt nor shall any land be designed, used, or intended to be used for any purpose other than those included among the uses listed as permitted in the applicable zone except as may be specifically permitted in Part 8 of this Ordinance. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner except in conformity to the yard, lot area, building location, building to building dimensions, percentage of impervious coverage, off-street parking space, shared parking provisions, and such other regulations designated in the Schedule of General Regulations and other provisions of this Ordinance for the zone in which such building or space is located.

- A. Permitted principal uses are permitted by the right upon proper application to the Zoning Officer for a zoning permit provided that said use is a use in conformance with the requirements of this Ordinance in the zone district in which the lots is located and for uses so requiring, subject to Part 10 of this Ordinance.
- B. Accessory uses are permitted upon proper application to, and approval by, the Zoning Officer for a zoning permit. The Zoning Officer shall rely on the following for determining the right of the applicant to establish the proposed accessory use:
 - 1. The proposed accessory use shall be customarily associated with or provided with the permitted primary use on the lot.
 - 2. The extent, size, and intensity of such proposed accessory use shall be in keeping with the scale, nature, and characteristics of the permitted primary use on the lot.

ORDINANCE NO. 2026-16

4. Accessory buildings or structures front yard, exclusive fences and walls and swimming pools associated with Hotel and/or Fitness Center uses in the OR-B Zone, shall be prohibited.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				John Foster						
		✓				Margaret Illis						
		✓				Bill Machado						
✓		✓				Alvaro Medeiros						
		✓				Andrew Moran						
	✓	✓				Susan Poage						
Introduced: June 30, 2026						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date. _____ Angela Lazzari, Township Clerk						
Final Adoption: July 21, 2026												

TOWNSHIP OF BERKELEY HEIGHTS

**NOTICE OF INTRODUCTION
ORDINANCE 2026-16**

PUBLIC NOTICE is hereby given that the Ordinance entitled

**AN ORDINANCE CLARIFYING THE LAND USE PROCEDURES OF THE TOWNSHIP
OF BERKELEY HEIGHTS AS IT RELATES TO PERMITTED AND ACCESSORY USES AS
WELL AS VIOLATIONS OF THIS ORDINANCE**

was introduced and passed on First Reading at the Regular Meeting of the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, held on **June 30, 2026 at 6:30 p.m.** The within Ordinance will be further considered for Final Passage, after public hearing thereon, at the Regular Meeting of the Township Council to be held in the Council Chamber at the Berkeley Heights Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ, on **July 21, 2026 at 6:30 p.m.**, or as soon thereafter, as said matter can be reached. At which time and place, all persons who are interested therein will be given an opportunity to be heard and ask questions concerning the same.

During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available at no cost in the Municipal Clerk's office in said Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ 07974, and to the members of the general public who shall request the same.

**Angela Lazzari
Township Clerk**