

ORDINANCE NO. 7-2012

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" WITH THE AMENDMENT AND REVISION OF SECTION 13-4.5 ENTITLED "MINOR SITE PLAN PROCEDURE.

WHEREAS, the Borough Council desires to revise the land development procedures of the Borough so as to expedite and reform the consideration of minor site plan applications involving the use of premises by any new use which is a permitted use in the zone and which does not require variance relief pursuant to the Land Development Ordinance; and

WHEREAS, reduced procedural requests and prompt consideration of such proposals can be fostered pursuant to law with the result that the Borough will enhance its goal of attracting appropriate new development within existing business areas of the Borough and the vitality of these areas; and

WHEREAS, the Borough Council is desirous of amending Chapter 13, consistent with these objectives.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Section 13.4.5, entitled "Minor Site Plan Procedure" in "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" is hereby amended, supplemented and revised by deleting Paragraphs A and C in their entirety and inserting the following new Paragraphs A and C in their place and stead, which shall read as follows:

A. FILING.

- i. An application for approval of a minor site plan shall be filed in accordance with § 13-4.2 and shall contain all data and information required in Checklist D only under circumstances where the new use is not a permitted use in the zone, or otherwise requires variance relief under N.J.S.A. 40:55D-70(d) and/or new construction or land use associated with the new use would require variance relief under N.J.S.A. 40:55D-70(c).

- ii. In all other instances, as for example where the new use is a permitted use in the zone, or a use identical to the present use, the application shall be processed for consideration by the Minor Site Plan Subcommittee.
- iii. The determination as to whether an application shall proceed under subsection i or ii shall be made by the Zoning Official.

C. MINOR SITE PLAN COMMITTEE.

- i. There is hereby created a Minor Site Plan Subcommittee consisting of three Members of the Planning Board appointed by the Chairman at the Annual Reorganization Meeting to serve for the calendar year.
- ii. There is hereby delegated to the Minor Site Plan Subcommittee the power to approve applications filed pursuant to Section 13.4.5 A(ii). The Subcommittee shall have the additional authority to impose reasonable conditions on any approval which are consistent with the purposes of the Municipal Land Use Law as enumerated at N.J.S.A. 40:55-2 and Section 13-1.2 of this Land Development Ordinance.
- iii. The Minor Site Plan Subcommittee shall meet, together with the Zoning Official, as soon as reasonably possible following referral to it of an application. The Subcommittee shall make a site visit wherever practicable in order to determine the extent to which the proposed development impacts factors including, but not limited to, any effect upon adjoining properties and any peculiar conditions pertaining to the site in question.
- iv. Following consultation with the Zoning Officer, and such other officials and consultants of the Borough as it may require, the Minor Site Plan Subcommittee shall act on the application within no later than 15 days following the determination by the Zoning Officer set forth in Section 13.4.5 A(iii). In any case where approval is granted, the Minor Site Plan Subcommittee shall refer the matter to the Zoning Officer for such further permits related to construction and occupancy as are required pursuant to law. In the case of a denial, the Minor Site Plan Subcommittee shall refer the matter to the Zoning Officer who shall promptly notify the applicant. The Minor Site Plan Subcommittee shall approve an application if it finds, by majority vote, that the application is one for development of a relatively minor or immaterial nature and is otherwise suitable in terms of planning and arrangement for the site in question. In any case where the Minor Site Plan Subcommittee fails to act within 15 days, the application shall be deemed to have been approved by it and the application shall proceed to the Zoning Officer for approvals as above set forth. If the Minor Site Plan Subcommittee has met and is unable to act because it requires further information from an applicant in order to reach a conclusion or in connection with the imposition of conditions, the Minor Site Plan

Subcommittee shall have an additional 15 days within which to act commencing upon the date that the supplemental information is submitted to it by the applicant. The Minor Site Plan Subcommittee shall provide a report to the Planning Board Secretary of all actions taken by it and he/she shall notify the Planning Board of the same at its next public meeting.

Section 2:

All other provisions of "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" shall be unaffected and are hereby continued.

Section 3:

All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 4:

This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 5:

The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance

after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 6:

This Ordinance shall take effect immediately after final passage and publication and upon approval by the County Review Agency, or sixty (60) days from the receipt of the ordinance by the County Review Agency if the County Review Agency should fail to act.

Introduced: 04/05/12
Adopted: 05/03/12

/s/Frank J. Druetzler, Mayor