

STATE OF NEW JERSEY
COUNTY OF CAMDEN – BOROUGH OF TAVISTOCK
ORDINANCE NO. 3-2021

ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE BOROUGH OF TAVISTOCK, CAMDEN COUNTY, STATE OF NEW JERSEY TO MODIFY THE COMPOSITION OF THE COMBINED PLANNING BOARD AND TO ESTABLISH PROCEDURAL RULES FOR ITS OPERATION CONSISTENT WITH BOTH THE DOCTRINE OF NECESSITY AND THE REQUIREMENTS OF THE NEW JERSEY MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-1 ET SEQ.

WHEREAS, provisions of the Unified Development Ordinance of the Borough of Tavistock, adopted in 1994, providing for the operation of its Combined Planning Board have proven impractical and ineffective in implementation; and

WHEREAS, the Mayor and Board of Commissioners desires to improve the efficiency of the Combined Planning Board’s operations through Zoning Amendments that are intended to simplify the process for taking formal action, taking into consideration that only four (4) residential households exist within the Borough of Tavistock’s municipal borders; and

WHEREAS, these proposed Zoning Amendments to the operations of the Combined Planning Board are consistent with the Legal Doctrine of Necessity and are designed to conform to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. to the fullest extent possible.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Borough of Tavistock as follows:

Section One. Article I, Section 102.2 “Definitions” amends the definition of the term “COMBINED PLANNING BOARD” as follows:

COMBINED PLANNING BOARD – A three (3) member planning board, as hereinafter defined in Section 301, with the additional powers granted to a zoning board of adjustment pursuant to N.J.S.A. 40:55D-25c.

Section Two. Article II, “Meetings” is hereby amended and replaced with the following:

Section 201. Administrative Procedures. [No Change].

Section 202. Fees. [No Change].

Section 203. Meetings” is hereby amended and replaced with the following:

203.1 [No Change].

203.2 [No Change].

203.3 No action shall be taken at a meeting with a quorum of at least two (2) members being present.

203.4 All actions shall be taken by a majority vote, except that a minimum two (2) of affirmative votes shall be required for the granting of any variance relief, pursuant to N.J.S.A. 40:55D-70(c) or (d).

203.5 [No Change].

203.6 [No Change].

203.7 [No Change].

Section 204. Hearings. [No Change].

Section 205. Notice Requirements for Hearings. [No Change].

Section 206. Filing of Ordinances. [No Change].

Section 207. Taxes. [No Change].

Section 208. Appeals from Board. [Repealed]

Section Three. Article III, “Combined Planning Board” is hereby amended and replaced with the following:

Section 301. Establishment.

There is hereby established, pursuant to the requirements of the *Municipal Land Use Law* and the legal doctrine of necessity a Combined Planning Board, consisting of the three (3) members of the Mayor and Board of Commissioners of the Borough of Tavistock.

Section 302. Terms.

The three (3) members of the Mayor and Board of Commissioners of the Borough of Tavistock shall serve on the Combined Planning Board for a term running concurrently with their respective terms on the Mayor and Board of Commissioners.

Section 303. Compensation. [No Change].

Section 304. Applications Heard Over More Than One Meeting. [No Change].

Section 305. Organization.

The Combined Planning Board is authorized to adopt by-laws and such other rules and regulations which shall be consistent with the provisions of this Ordinance and N.J.S.A. 40:55D-

1 et seq. The Mayor shall preside as the Chair of the Combined Planning Board and the Deputy Mayor shall preside as the Vice-Chair. The Combined Planning Board shall appoint a Board Secretary, who shall not be the Board Chair. The Combined Planning Board may employ, or contract for, and fix the compensation of legal counsel and experts and other staff and services as it may deem necessary not exceeding, exclusive of gifts and grants, the amount appropriated by the Mayor and Board of Commissioners for its use.

Section 306. Powers and Duties Generally. [No Change].

Section 307. Referral Powers. [Repealed].

Section 308. Simultaneous Review. [No Change].

Section 309. Modification on Appeal. [No Change].

Section 310. Stay of Proceedings By Appeal. [No Change].

Section Four. Article VI, “Zoning Regulations” is hereby amended to repeal Section 609 “Amendments”, which Section unnecessarily and effectively requires the Mayor and Board of Commissioners to refer Zoning Amendments to itself for review and recommendations.

Section Five. Any article, section, paragraph, subsection, clause or other provision of the Borough of Tavistock Unified Development Ordinance inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section Six. In any section paragraph, subsection, clause or other provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of the this ordinance shall be deemed valid and effective.

Section Seven. This ordinance shall take effect upon its passage and publication and filing with the Camden County Planning Board, and as otherwise provided for by law.

BOROUGH OF TAVISTOCK

JOSEPH DEL DUCA, Mayor

ATTEST:

DENISE K MOULES, Clerk

Introduction/First Reading
Roll Call Vote:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Del Duca				
Commissioner Mack-Allen				
Commissioner Del Duca				

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Public Hearing:

Adoption

Roll Call Vote:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Del Duca				
Commissioner Mack-Allen				
Commissioner Del Duca				

CERTIFICATION

This Ordinance was introduced at a Meeting of the Mayor and Board of Commissioners of the Borough of Tavistock held on _____, 2021 and after a public hearing, was finally adopted on _____, 2021.

Denise K. Moules
Clerk