

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2020 – 5

**AN ORDINANCE TO ESTABLISH A CONSOLIDATED LAND USE
BOARD IN THE TOWNSHIP OF MANSFIELD**

WHEREAS, The New Jersey Municipal Land Use Law (MLUL), N.J.S. 40:55D-25 (c) states that, in a municipality having a population of 15,000 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, according to the most recent U.S census, Mansfield Township had a population of 8,544; and is therefore eligible to create a consolidated land use board by ordinance; and

WHEREAS, the Township Committee finds that the creation of a consolidate land use board would be more cost effective for the residents of Mansfield Township, would result in a more efficient processing of land use applications in the Township, and would, therefore, be in the overall best interests of the Township and its residents.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: Pursuant to the provisions of N.J.S. 40:505D-25 (c) of the MLUL, a Consolidated Land Use Board is hereby created in the Township of Mansfield, pursuant to which the duly constituted Planning Board shall exercise, to the extent and subject to the same restrictions, all of the powers of the Zoning Board of Adjustment, but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to N.J.S. 40:55D-70 of the MLUL.

SECTION TWO: Any reference in the various chapters of the Code of the Township of Mansfield entitled "Land Use Legislation" to the "Planning Board" or "Zoning Board" are hereby amended to refer to the "Consolidated Land Use Board of Mansfield Township."

SECTION THREE: Chapter 27 of the Code of the Township of Mansfield, Article II, entitled "Zoning Board of Adjustment", is hereby amended as follows:

- (a) Section 27-9 entitled “Establishment; Composition; Vacancies” (of the Zoning Board) is hereby repealed and deleted.
- (b) Section 27-10 entitled “Officers” (of the Zoning Board) is hereby repealed and deleted, it being the intent hereof that the Consolidated Land Use Board will have Officers as set forth in Article I “Planning Board”, Section 27-4.
- (c) Section 27-11 entitled “Attorney” (of the Zoning Board) is hereby repealed and deleted, it being the intent hereof that the Consolidated Land Use Board will have an attorney as set forth in Article I “Planning Board”, Section 27-5.
- (d) Section 27-12 entitled “Experts and Staff “ (of the Zoning Board) is hereby repealed and deleted, it being the intent hereof that the Consolidated Land Use Board will have experts and staff as set forth in Article I “Planning Board”, Section 27-6.
- (e) Section 27-13 entitled “Rules and Regulations “ (of the Zoning Board) is hereby repealed and deleted, it being the intent hereof that the Consolidated Land Use Board will have rules and regulations as set forth in Article I “Planning Board”, Section 27-7.
- (f) The balance of Article II, entitled “Zoning Board of Adjustment”, Sections 27-14 “Powers”; 27-15 “Appeals and Applications”; 27-16 “Power to Reverse or Modify Decisions; 27-17 “Expiration of Variance”; 27-18 “Powers Granted by Law”; 27-19 “Additional Powers”, and 27-20 “Time Limit for Decision” are all saved from repeal but all references there in to the Zoning Board are amended to reference the Consolidated Land Use Board of Mansfield Township, when the Planning Board is sitting as a Zoning Board of Adjustment.

SECTION FOUR: Article 1, "Planning Board", Section 27-1 "Establishment; Composition", Sub-section 27-1(E) is hereby deleted and repealed, and replaced as follows:

“(E) Alternate members, four in number, meeting the qualifications of Class IV members.

(1) Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1", "Alternate No. 2", “Alternate No. 3” and “Alternate No. 4”. The terms of “Alternate No. 1” and “Alternate No. 2” shall be for two years, and the terms of “Alternate No. 3” and “Alternate No. 4” shall be for one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

(2) No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

(3) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. When the Consolidated Land Use Board, is sitting as a seven member Zoning Board of Adjustment, the alternate members may not vote in place of the Class I and Class III members who are not permitted to sit and vote. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first, then Alternate No. 2, then Alternate No. 3 and finally Alternate No. 4.”

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

Introduced: February 19, 2020

Adopted: March 5, 2020