

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2019-03

### AN ORDINANCE AMENDING CHAPTER 178-27 EXCEPTIONS FROM REQUIREMENTS; SIMULTANEOUS REVIEW AND APPROVAL

**WHEREAS**, the Subdivision and Site Plan regulations of the ordinance allow for simultaneous review by the Planning Board, and

**WHEREAS**, applicants on occasion request waivers and exceptions from certain requirements, of the ordinance, and

**WHEREAS**, the ordinance requires minor revision to clarify simultaneous review by boards, waivers and exceptions, and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Maple Shade that the Township Code is hereby amended as follows: (*Revisions are indicated as underlined and deletions by strike-through.*)

#### **Section 1.**

Ordinance 178-27.A. & B. Exceptions from requirements; simultaneous review and approval is replaced as follows:

- A. **Simultaneous review.** The reviewing board shall have the power to review and approve or deny conditional uses, variances or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the reviewing board or the reviewing board being required to hold further hearings. The longest time period for action by the reviewing board, whether it be for subdivision, conditional use, variance or site plan approval, shall apply. Whenever approval of a conditional use or variance is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional or variance use.
- B. **Waiver.** Requirement for approval. The reviewing board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect circulation, parking demands, drainage, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.
- C. Exception to application of subdivision or site plan regulations.

[a] Exceptions: subdivisions. The reviewing board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable

and within the general purpose and intent of the provisions for subdivision review and approval of this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

[b] Exceptions: site plans. The reviewing board, when acting upon application for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

**Section 3.**

**Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 4.**

**Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 5.**

This ordinance shall take effect immediately upon adoption and publication according to law.

Introduction: March 28, 2019

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Manchello						x
Nunes		x	x			
Volpe	x		x			
Wiest						x
Kauffman			x			

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on May 9, 2019.

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Andrea T. McVeigh, Township Clerk

Adoption: May 9 , 2019

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Manchello			x			
Nunes			x			
Volpe	x		x			
Wiest		x	x			
Kauffman			x			

