

TOWNSHIP OF MAPLE SHADE

Ordinance 2023-19

AN ORDINANCE OF THE TOWNSHIP OF MAPLE SHADE, COUNTY OF BURLINGTON, AMENDING CHAPTER 4 “ADMINISTRATION OF GOVERNMENT” AND CHAPTER 22 “LAND USE PROCEDURES” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF MAPLE SHADE SO AS TO MERGE THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT TO ESTABLISH A JOINT LAND USE BOARD

WHEREAS, the Township Council finds that a consolidated land use board would likely result in decision making consistent with the goals and objectives set forth in the Township’s Master Plan as well as uniform application of the standards and requirements set forth in Chapter 205 of the Township Code; and

WHEREAS, the Municipal Land Use Law, at N.J.S.A. 40:55D-25c (2) provides that any municipality with a population in excess of 15,000 may establish a consolidated land use board by voter referendum; and

WHEREAS, the Township Council believes it is in the best interests of the Township to submit this issue to the public for approval by way of referendum to be placed on the ballot for the November 7, 2023 General Election.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Maple Shade, County of Burlington, State of New Jersey, that the as follows:

SECTION ONE. Maple Shade Township Code Chapter 4, Article XI is amended as follows:

a) Replace §4-35 with the following:

§4-35 Joint Land Use Board.

There shall be a Joint Land Use Board established pursuant to N.J.S.A. 40:55D-1 et seq. and in accordance with Chapter 22, Article I of this code.

b) Delete §4-36 Zoning Board of Adjustment.

SECTION TWO. Chapter 22 Land Use Procedures is amended as follows:

a) Article I “Planning Board” is renamed Article I Joint Land Use Board

b) Article I, §22-1 and §22-2 are replaced with the following:

§22-1 Joint Land Use Board

A. Pursuant to the provisions of N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1, there is hereby established a Joint Land Use Board of nine (9) members, whose membership shall be as set forth in the statutes. The Joint Land Use Board shall have four (4) alternates who shall be appointed and shall serve as set forth by law.

- B. In addition to the mandatory powers and responsibilities as set forth in the statutes, the Joint Land Use Board shall participate in the preparation and review of programs or plans required by state or federal law or regulation, assemble data on a continuing basis as part of a continuous planning process and perform such other advisory duties as are assigned to it by the governing body.
- C. The Joint Land Use Board shall have the following additional powers and duties:
 - (1) To prepare and update as necessary a Master Plan in accordance with the provisions of N.J.S.A. 40:55D-28.
 - (2) To administer the provisions of Chapter 205, Land Use Procedures, of the Code of the Township of Maple Shade.
 - (3) To approve conditional use applications, in accordance with the appropriate provisions of Chapter 205, Zoning, of the Code of the Township of Maple Shade, pursuant to N.J.S.A. 40:55D-67.
- D. The Joint Land Use Board shall reorganize annually in January on some date scheduled after the annual reorganization meeting of the governing body.

§22-2 Former Zoning Board of Adjustment powers transferred to Joint Land Use Board.

- A. All powers formerly vested in the Board of Adjustment, as set forth under Chapter 122, Land Use Procedures, Article II, Zoning Board of Adjustment, and other chapters in the Township of Maple Shade Code, shall be vested in the Township of Maple Shade Joint Land Use Board.
- B. Any ordinances or sections thereof which are presently in effect in the Township of Maple Shade and refer to the “Board of Adjustment” shall hereinafter be taken to refer to the “Joint Land Use Board.”

SECTION TWO. RENUMBERING. This Ordinance may be renumbered for codification purposes.

SECTION THREE. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION FOUR. REPEALER. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION FIVE EFFECTIVE DATE This ordinance shall not take effect unless approved by voters as a public question at the next general election.

BE IT FURTHER ORDAINED that the following referendum question shall be submitted to the voters of Maple Shade Township at the November 7, 2023 general election.

Shall the Township Code of Maple Shade Township be amended to create a joint land use board?

INTERPRETIVE STATEMENT

This question asks the voter to decide whether the Township of Maple Shade should amend the Code to permit the planning board to exercise all of the powers and duties of a zoning board of adjustment, in addition to the duties of the planning board. This creates a joint land use board and provides for a single board, professionals and staff for all planning and zoning applications within the Township. A “yes” vote will result in the adoption of the ordinance amending the Township Code to establish the joint land use board in accordance with the statutes of the State of New Jersey.

NOTICE OF INTRODUCTION

The foregoing ordinance was introduced at a meeting of the Maple Shade Township Council, held on August 24, 2023, and was read for the first time.

This ordinance will be further considered for final passage at a Regular Meeting of the Township Council to be held on September 14, 2023, at 6:30 P.M. at 200 Stiles Avenue, Maple Shade, NJ 08052.

Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who request same during normal operating hours. All interested persons will be given the opportunity to be heard concerning the ordinance.

Andrea T. McVeigh, RMC
Maple Shade Township