

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #16-2020

**ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF
NEW JERSEY, MERGING THE BOROUGH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT
TO ESTABLISH A JOINT LAND USE BOARD**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 124, Land Use Procedures, Part 1, Administration and Procedures, is hereby amended to establish new Article 1, Joint Land Use Board, to read as follows in its entirety. All subsequent Articles and subsections shall be renumbered accordingly.

Article I. Joint Land Use Board

§ 124-1 Joint Land Use Board.

- A. Pursuant to the provisions of N.J.S.A. 40:55D-23 and 40:55D-69, there is hereby established a Joint Land Use Board of nine (9) members, whose membership shall be as set forth in the statute. The Joint Land Use Board shall exercise both the powers of a planning board, pursuant to N.J.S.A. 40:55D-25, and the powers of a zoning board of adjustment, pursuant to N.J.S.A. 40:55D-70. The Joint Land Use Board shall exercise the powers assigned to the Borough Planning Board, pursuant to Section 124-7 of the Code of the Borough of Mendham, and the powers assigned to the Borough Zoning Board of Adjustment, pursuant to Section 124-18 of the Code of the Borough of Mendham.
- B. In addition to the mandatory powers and responsibilities as set forth in the statute, 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 a Master Plan in accordance with the provisions of N.J.S.A. 40:55D-28.
 - (2) To administer the provisions of Chapter 124, Land Use Procedures, of the Code of the Borough of Mendham.
 - (3) To approve conditional use applications, in accordance with the appropriate provisions of Chapter 215, Zoning, of the Code of the Borough of Mendham, pursuant to N.J.S.A. 40:55D-67.
- D. The Joint Land Use Board shall reorganize annually in [INSERT MONTH] on some date scheduled after the annual reorganization meeting of the governing body.

§ 124-2 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 124, Land Use Procedures, Article II, Zoning Board of Adjustment, and other chapters in the Borough of Mendham Code, shall be vested in the Borough of Mendham Joint Land Use Board.
- B. The Joint Land Use Board shall have four (4) alternates who shall be appointed and shall serve as set forth by law.
- C. Any ordinances or sections thereof which are presently in effect in the Borough of Mendham and refer to the "Board of Adjustment" shall hereinafter be taken to refer to the "Joint Land Use Board."

SECTION 2. This Ordinance may be renumbered for purposes of codification.

SECTION 3. All ordinances of the Borough of Mendham that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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Introduced: November 23, 2020
Public Hearing: December 17, 2020

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance introduced by the Mayor and Council at a regular meeting held on November 23, 2020.

Robin R. Kline, MAS, RMC, CMR
Municipal Clerk