

**AN ORDINANCE RATIFYING THE ADOPTION OF ORDINANCE NO. O.6.08
NUNC PRO TUNC AND RE-ADOPTING AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO GENERALLY REVISE THE
ZONING MAP TO IMPLEMENT THE MASTER PLAN OF THE TOWNSHIP OF
DEPTFORD, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, on June 9, 2008, the Governing Body adopted Ordinance O.6.08, which formally amended the zoning map of the Township of Deptford to add the Research, Office and Manufacturing (ROM) District; and

WHEREAS, litigation has been initiated challenging the sufficiency of the Notice of Introduction of Ordinance O.6.08; and

WHEREAS, the Township Council of the Township of Deptford, a municipal corporation in the County of Gloucester, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Zoning Map of the Township to add the ROM District; and

WHEREAS, the Planning Board of the Township of Deptford has adopted a Master Plan, dated November 20, 2007 that comprehensively provides for the appropriate use and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, this ordinance has been referred to the Planning Board of the Township of Deptford for its determination as to whether the zoning district is consistent with the intent and purpose of the Master Plan and has so determined; and

WHEREAS, based on the recommendations of the Planning Board, the Township Council has determined that the revisions and amendments to the Zoning Map are substantially consistent with said Land Use Plan Element, represent sound land use planning and therefore determines that the Zoning Map be amended to add the ROM District; and

WHEREAS, this ordinance effectuates a classification and boundary change recommended in a periodic general re-examination of the master plan pursuant to N.J.S.A. 40:55D-89; and

WHEREAS, the Governing Body has determined that it is in the best interest of the Township to adopt the within Ordinance, ratifying the adoption of Ordinance O.6.08 *nunc pro tunc* and re-adopting the amendment to the Zoning Map, upon publishing a more detailed Public Notice of Introduction to address the challenge which has been initiated in the Court.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Deptford that the Unified Development Ordinance (UDO) be hereby amended as follows:

Section 1. The Township hereby accepts the report and recommendation of the Planning Board and ratifies the adoption of Ordinance O.6.08 and re-adopts amendment to the zoning map of the Township of Deptford that adds the Research, Office and Manufacturing (ROM) District.

Section 2. Purpose. The Township of Deptford, as a municipality in the State of New Jersey, hereby declares that pursuant to the purposes of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-2, that the amendments contained herein shall promote a desirable visual environment through creative development techniques and good civic design and arrangement, while continuing to promote the establishment of appropriate land uses to avoid congestion and blight and thereby contributing to the well-being of persons, neighborhoods, the community and region as a whole.

Section 3. Section 7.B, Establishment of Zoning Districts and Zoning Map, shall be amended as follows:

2. The boundaries of these zoning districts are established on a map entitled, Zoning, Deptford Township, Gloucester County, NJ, dated December 6, 2010, which accompanies this ordinance and is incorporated herein.

Section 4. Continuation. In all other respects, the United Development Ordinance of the Township of Deptford shall remain unchanged.

Section 5. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

Section 7. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 8. Enactment. This Ordinance shall take effect upon the filing thereof with the Gloucester County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Deptford in the manner prescribed by law.



TOWNSHIP OF DEPTFORD

Paul Medany
PAUL MEDANY, MAYOR

ATTEST:

Dina L. Zawadski
DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 23rd day of April, 2012 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 21st day of May, 2012 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

Dina L. Zawadski
DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

| RECORD OF VOTE | | | | | | |
|----------------|----------------|---------------|-----|----|---------|--------|
| Council Member | Resolution No. | Ordinance No. | Yes | No | Abstain | Absent |
| | | O.18.12 | | | | |
| Medany | | | ✓ | | | |
| Hufnell | | | ✓ | | | |
| DiMarco | | | ✓ | | | |
| Lamb | | | ✓ | | | |
| Love | | | ✓ | | | |
| Schocklin | | | ✓ | | | |
| Scott | | | ✓ | | | |

Adoption

| RECORD OF VOTE | | | | | | |
|----------------|----------------|---------------|-----|----|---------|--------|
| Council Member | Resolution No. | Ordinance No. | Yes | No | Abstain | Absent |
| | | O.18.12 | | | | |
| Medany | | | ✓ | | | |
| Hufnell | | | | | | ✓ |
| DiMarco | | | ✓ | | | |
| Lamb | | | ✓ | | | |
| Love | | | ✓ | | | |
| Schocklin | | | ✓ | | | |
| Scott | | | ✓ | | | |