

ORDINANCE #2022-11

**TOWNSHIP OF HARDYSTON
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, MERGING THE TOWNSHIP PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT TO ESTABLISH A JOINT LAND USE BOARD

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 33, Land Use Procedures, Part 1, Administrative Legislation is hereby amended to establish new Part 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

§ 33-1 Joint Land Use Board.

- A. Pursuant to the provisions of N.J.S.A. 40:55D-23, there is hereby established a Joint Land Use Board of nine (9) members, whose membership shall be as set forth in the statute.
- 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 33, Land Use Procedures, of the Code of the Township of Hardyston.
 - (3) To approve conditional use applications, in accordance with the appropriate provisions of Chapter 185, Zoning, of the Code of the Township of Hardyston, pursuant to N.J.S.A. 40:55D-67.
- D. The Joint Land Use Board shall reorganize annually in January on a date to be scheduled after the annual reorganization meeting of the governing body.

§ 33-2 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 33, Land Use Procedures, Article II, Zoning board of Adjustment, and other chapters in the Township of Hardyston Code, shall be vested in the Township of Hardyston 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 Township of Hardyston 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 Township of Hardyston 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 on January 1, 2023 following final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on July 27, 2022. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on August 24, 2022, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, Clerk