

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF SOUTH HARRISON
AMENDING CHAPTER 90 OF THE SOUTH HARRISON TOWNSHIP CODE
ENTITLED "LAND USE AND DEVELOPMENT"**

WHEREAS, the Township Committee of the Township of South Harrison has determined that certain amendments to the Township Code within Chapter 90 entitled "Land Use and Development" are required by New Jersey Law; and

WHEREAS, the Township Committee of the Township of South Harrison has determined that the amendments outlined within this Ordinance are required to comply with the decision reached by the New Jersey Supreme Court in the *New Jersey Shore Builders Assoc. v. Township of Jackson, 199 N.J. 449 (2009)* case;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of South Harrison, in the County of Gloucester and State of New Jersey that Chapter 90 entitled "Land Use and Development" of the South Harrison Code is hereby amended, as follows:

SECTION I: Purpose.

The purpose of this Ordinance is to amend the following Sections within Chapter 90 of the South Harrison Code entitled "Land Use and Development": §90-1.05; §90-1.07; §90-2.29; and §90-3.29.

SECTION II: Adoption.

Chapter 90, Article IV, Section §90-1.05 of the South Harrison Township Code is hereby amended, in part, to read as follows:

§90-1.05. Off Track Improvements Required.

As a condition of final subdivision or site plan approval, the Planning/Zoning Board may require an Applicant to pay the pro-rata share of the cost of providing reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore located outside the property limits of the development, but necessitated or required by construction or improvements within such development agreed upon by the Board and the Applicant. The proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related or common area shall be based on the criteria established herein or agreed upon by the Board and the developer.

Chapter 90, Article IV, Section §90-1.07 of the South Harrison Township Code entitled "Other Improvements" is hereby amended, in part, to specifically repeal and rescind Section §90-1.07D entitled "Recreation Improvements", in its entirety.

Chapter 90, Article X, Section §90-2.29 of the South Harrison Code entitled "Recreation and Open Space" is hereby rescinded and repealed in its entirety.

Chapter 90, Article XVI, Section §90-3.29 is hereby rescinded and repealed in its entirety.

SECTION III: Effective Date.

This Ordinance shall take effect upon final adoption, publication and as otherwise provided by law.

SECTION IV: Repealer.

All Ordinances or parts of Ordinances inconsistent with the terms of this Ordinance be and are hereby repealed to the extent of such inconsistency.

SECTION V: Saved From Repeal.

All Ordinances or parts of Ordinances not inconsistent with the terms and provisions of this Ordinance are hereby saved from repeal.

SECTION VI: Notice.

The Township Clerk is hereby directed to give Notice at least ten (10) days prior to the Hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish Notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Gloucester County Planning Board as required by N.J.S.A. 40:55D-16. The Township Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

TOWNSHIP OF SOUTH HARRISON:

By: _____
James McCall, Mayor

Dated: February 11, 2010

ATTEST:

Nancy E. Kearns, RMC
Township Clerk

NOTICE

The foregoing Ordinance was introduced as a regular meeting of the Mayor and Township Committee of the Township of South Harrison conducted on February 11, 2010 and will be considered for final hearing and adoption at a meeting to be held on the 10th day of March 2010, at 8 p.m., at which time any objections hereto may be heard in the Municipal Building of South Harrison Township, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Township Clerk

NOTICE

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NOTICE is hereby given that the foregoing Ordinance O-10-04 was finally adopted at a meeting of the South Harrison Township Committee held on the 10th day of March 2010 at 8:00 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

ONLY

Information