

SOUTHAMPTON TOWNSHIP

ORDINANCE 2024-01

**AMENDING CHAPTER 12 OF THE TOWNSHIP CODE TO COMBINE THE
PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT
INTO A SINGLE LAND DEVELOPMENT BOARD**

WHEREAS, Southampton Township currently has a Planning Board and a Zoning Board of Adjustment, pursuant to the Municipal Land Use Law and Chapter 12-9.1 through 12-9.3 and 9.4 through 9.5 of the Township Code, respectively; and

WHEREAS, under the Municipal Land Use Law, at N.J.S.A. 40:55D-25c municipalities of a population of 15,000 or less are enabled to streamline and economize their land use boards through authorization by ordinance of the exercise of the powers of the Zoning Board of Adjustment by the Planning Board; and

WHEREAS, the Municipal Land Use Law provides that the Planning Board remains and is vested with the powers of the Zoning Board of Adjustment, and that the Planning Board is expanded to nine (9) members and four (4) alternate members; and

WHEREAS, the Township Committee desires to authorize the Planning Board to expand its membership and exercise the powers of the Zoning Board of Adjustment; and

WHEREAS, the expanded Planning Board exercising the powers of the Zoning Board of Adjustment shall be known as the "Southampton Township Land Development Board".

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the township of Southampton, County of Burlington, State of New Jersey, that Chapter 12 of the Township Code is hereby amended as follows:

Section 1. Chapter §12-9.1 through §12-9.4, governing the Zoning Board of Adjustment and Planning Board, is hereby repealed and replaced in their entirety to read as follows:

Chapter 12-9 Land Development Board

12-9.1. Establishment; composition

A. Regular members. There is hereby established, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-23 and 25(c)(1), a Land Development Board of nine members and four alternate members, consisting of the following classes:

- (1) Class I. The Mayor or the Mayor's designee in the absence of the Mayor.
- (2) Class II. One of the officials of the Township other than a member of the Committee, to be appointed by the Mayor;
- (3) Class III. A member of the Committee, appointed by the Committee.
- (4) Class IV. Six other citizens of the Township appointed by the Committee. The members of Class IV shall hold no other Township office, position or employment. One member of

the Board of Education may be a Class IV member of the Land Development Board. For the purpose of this section, membership on a Township Board or a commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of Township office.

- B. Alternate members. The Committee shall appoint four alternate members, who shall meet the qualifications of Class IV members. At the time of their appointment the Mayor shall designate the alternate members as "Alternate No. 1" and "Alternate No. 2" etc., Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. A vacancy occurring otherwise than by expiration of term shall be filled by the Committee for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. In the event that choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote and then in order thereafter.

Chapter 12-9.2. Terms of office; removal.

- A. The term of the member composing Class I shall correspond to the Class I member's official tenure. The terms of the members composing Class II shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The term of the Class III member shall be for one year or the termination of their office, whichever occurs first. The terms of all Class IV members first appointed under this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the Joint Land Use Board term, it shall be filled by appointment, as above provided, for the unexpired term.
- B. No member of the Land Development Board shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if the member requests one, may be removed by the Township Committee for cause.
- C. When any hearing before a Land Development Board shall carry over two or more meetings, a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding that members absence from one or more of the meetings; provided, however, that such Board member has available to the Member a transcript or recording of the meeting from which the Member was absent, and certifies in writing to the Board that the Member has read such transcript or listened to such recording.

Chapter 12-9.3. Organization.

The Land Development Board shall elect a chairperson and vice chairperson from the members of Class IV, and select a secretary who may or may not be a member of the Land Development Board or a municipal employee. It may employ, or contract for, and fix the compensation of legal counsel, other than the Township Attorney, a planning consultant, a civil engineer, and other staff and

services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

Chapter 12-9.4. Powers.

- A. The Land Development Board shall follow the provisions of this chapter and shall accordingly exercise its power in regard to:
- (1) The Master Plan.
 - (2) Subdivision control and site plan review.
 - (3) The Official Map.
 - (4) The Zoning Ordinance including conditional uses pursuant to NJSA 40:55D-67.
 - (5) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval.
 - (6) Historic resource preservation.
 - (7) The powers of a Land Development Board, pursuant to N.J.S.A. 40:55D-25c, NJSA 40:55D-70 and NJSA 40:55D-76.
- B. The Land Development Board may:
- (1) Participate in the preparation and review of programs or plans required by state or federal law or regulations;
 - (2) Assemble data on a continuing basis as part of a continuous planning process; and
 - (3) Perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.

Section 2. The following additional Sections of the Land Development Ordinance are hereby amended to reflect the creation of the Land Development Board.

Chapters 12-9.5 through 12-9.9 are amended only to replace the term "Planning Board" with "Land Development Board" and to strike the term "Zoning Board" or "Zoning Board of Adjustment" throughout. The remainder of these sections shall continue in full force and effect.

Section 3. Consistency.

All references to the Planning Board and/or the Zoning Board of Adjustment throughout the General Code are amended to read Land Development Board consistent with the adoption of this ordinance.

Section 5. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and

effect to the extent that it allows the Township to meet the goals of the Ordinance.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law, and no sooner than March 1, 2024 except that any application that has already been the subject of one (1) or more public hearings before the Zoning Board of Adjustment shall be completed by the Zoning Board of Adjustment at which time that board and all of its rights, duties and obligations shall permanently expire.

ACTION ON INTRODUCTION:

Motion made by: Mikulski
Motion seconded by: Rafferty

VOTE:

Committeeman Heston: Yes No Abstain Not Present
Committeeman Rafferty: Yes No Abstain Not Present
Committeewoman Rossell: Yes No Abstain Not Present
Committeeman Young: Yes No Abstain Not Present
Committeeman Mikulski: Yes No Abstain Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Rafferty
Motion seconded by: Rossell

VOTE:

Committeeman Heston: Yes No Abstain Not Present
Committeeman Rafferty: Yes No Abstain Not Present
Committeewoman Rossell: Yes No Abstain Not Present
Committeeman Young: Yes No Abstain Not Present
Committeeman Mikulski: Yes No Abstain Not Present

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Southampton Township Committee held on January 2nd, 2024 and adopted after a public hearing at a meeting of the Southampton Township Committee held on February 20th, 2024.

Kathleen D. Hoffman
Kathleen D. Hoffman, RMC
Township Clerk / Administrator