

**ORDINANCE NO. 2014-17**

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH,  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
AMENDING THE SITE PLAN AND SUBDIVISION ORDINANCES TO EXPRESSLY  
PERMIT THE JOINT LAND USE BOARD TO GRANT GENERAL DEVELOPMENT  
PLANS, PURSUANT TO N.J.S.A. 40:55D-45.1 *ET SEQ.***

WHEREAS, in 2008, Part 2 of the Zoning Ordinance, entitled “Woolwich Regional Center and Auburn Road Village Regulations and Design Standards”, was duly and properly adopted subject to and in accordance with a Mount Laurel Judgment of Repose entered on December 22, 2004, by the Honorable James E. Rafferty, P.J.G.E. (ret); and

WHEREAS, the resulting Mount Laurel Agreements expressly required an amendment to the Zoning Ordinance to, inter alia, permit the municipal land use board to approve the contemplated development as a General Development Plan (“GDP”); and

WHEREAS, the Joint Land Use Board Ordinance, Site Plan Ordinance and Subdivision Ordinance provide authority and guidance to the Joint Land Use Board in the review of GDPs contemplated by Part 2 of the Zoning Ordinance; and

WHEREAS, the Joint Land Use Board has since 2008 relied upon the above authority in good faith to review and approve GDP applications; and

WHEREAS, notwithstanding the above, a legal challenge in a pending litigation asserts that the grant of authority must be specifically contained in the Site Plan Ordinance and the Subdivision Ordinance; and

WHEREAS, without admitting that the above-referenced legal challenge has any merit whatsoever, but instead to make clear that the Joint Land Use Board has, and always has had, the express authority to review and approve GDP applications;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Woolwich in the County of Gloucester, State of New Jersey, as follows:

1. The Township hereby ratifies the Joint Land Use Board's reliance upon the authority granted under the amendatory Zoning Ordinance referenced above and Joint Land Use Ordinance for the review and approval of GDP applications and confirms all actions heretofore taken by the Joint Land Use Board in reliance upon the amendatory Zoning Ordinance referenced above.

2. Section 149-4 of the Site Plan Ordinance and Section 163-4 of the Subdivision Ordinance are hereby amended to include the following:

In the event any single property owner or consortium of property owners owns property located within the Woolwich Regional Center and Auburn Road Village, as defined in Part 2 of the Zoning Ordinance, entitled "Woolwich Regional Center and Auburn Road Village Regulations and Design Standards," consisting of 15 acres or more, he/she or it may apply to the Joint Land Use Board for General Development Plan (GDP) approval for its portions of either Center and shall be subject to the provision of N.J.S.A. 40:55D-45 *et. seq.* regarding GDP review and approvals. Both property owners or consortiums of property owners who obtain GDP approval and those who do not obtain a GDP approval for their property shall be required to obtain site plan and/or subdivision approval as may be required by law in addition to complying with the conditions of Part 2 of the Zoning Ordinance.

3. §203-120 entitled "GENERAL PROVISIONS" shall be amended as follows:

The following language shall replace the first sentence of subsection A.

A. "This Part 2 supersedes any provisions of the Woolwich Township Site Plan Ordinance, Subdivision Ordinance or Zoning Ordinance as they apply to the Township as a whole."

4. Severability. If any section, subdivision, sentence, clause or phrase of this Ordinance amendment shall be held to be invalid for any reason, such decision shall not affect the remaining portions of the Ordinance.

5. Repealer. All Ordinances or parts thereof or Resolutions inconsistent with the provisions of this Ordinance Amendment are hereby repealed to the extent of their inconsistency.

6. When Effective. This Ordinance Amendment shall take effect immediately following its advertisement, public hearing and adoption in accordance with the manner prescribed by law.

TOWNSHIP OF WOOLWICH

\_\_\_\_\_  
Samuel Maccarone Jr., Mayor

ATTEST: \_\_\_\_\_  
Jane DiBella, Clerk

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## CERTIFICATION

The foregoing Ordinance was introduced by the Township Committee of the Township of Woolwich at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014. It will further be considered for final adoption upon second reading and subsequent to a public hearing to be conducted on such Ordinance, at the next scheduled meeting of the Woolwich Township Committee at which time and place any interested person(s) may be heard. Said meeting is to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at the Woolwich Township Municipal Building, beginning at 7:00 p.m.