

Ordinance #2020-1235
An Ordinance Adopting The Codification Of The Land Use Volume
Of The Borough Of Manville In The County Of Somerset, New Jersey

STATEMENT OF PURPOSE

The purpose of this Ordinance (the "Adopting Ordinance") is to adopt the Codification in a single volume as "The Land Use Volume" of the previously Land Use & Development Ordinances of the Borough of Manville, to provide for continuing updates to the Land Use Volume as future land use and development ordinances are adopted, to make a complete copy of the Land Use Volume available for inspection at the office of the Borough Clerk, to make a copy of the Land Use Volume available for review and access on-line.

WHEREAS, the Borough Council of the Borough of Manville in the County of Somerset, New Jersey, has caused the Land Use and Development Ordinances to be codified, including where necessary amended and supplemented for clarity, compiled and revised to become a part of the Codification to be known as The Land Use Volume of the Revised General Ordinances of the Borough of Manville.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANVILLE IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Codification of Previously Adopted Ordinances as The Land Use Volume.

The existing previously adopted Land Use and Development Ordinances of the Borough of Manville have been amended, formatted and Codified and shall become The Land Use Volume of the Revised General Ordinances of the Borough of Manville upon final adoption and publication according to law of this adopting ordinance. The chapters contained in the Land Use Volume include:

- Chapter 25 Soil & Soil Removal
- Chapter 26 Flood Damage Prevention
- Chapter 27-29 (reserved)
- Chapter 30 Land Development
- Chapter 31 Zoning
- Chapter 32 Airport Zoning
- Chapter 33 Affordable Housing

Section 2. Codification Date; Land Use Map. The Land Use Volume as here adopted includes all amending ordinances up to and including Ordinances adopted as of January 1, 2018 and include Chapters 25 through 33; the Schedule of Limitations, and the current Borough Zoning Map dated March, 2018.

Section 3. Adoption of the Land Use Volume. This ordinance provides for the adoption by reference of the Land Use Volume, which establishes Flood Damage Prevention Regulations, Planning Board powers, Planning Board powers, including as a "Joint Land Use Board" incorporating the powers of the former Zoning Board of Adjustment); provides standards and requirements for Development Applications, Subdivisions, Design and Performance Standards, Improvements, Parking and Loading, Zoning Regulations and Site Plan Review. The Land Use Volume contains Chapters 25 to 33, related applications and schedules, and the current Borough Zoning Map dated March, 2018.

Section 4. The Land Use Volume to be Available for Inspection at the Office of the Borough Clerk. The Land Use Volume containing Chapters 25 through 33 of the Revised General Ordinances of the Borough of Manville, County of Somerset and State of New Jersey, has been filed in the office of the Municipal Clerk of the Borough of Manville and shall remain there for the use and examination of the public until final action is taken on this ordinance, and

if this ordinance shall be adopted, such copy shall be certified to by the Municipal Clerk in the Borough of Manville, by impressing thereon the seal of the Borough of Manville, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Manville, to be made available to persons desiring to examine the same during all times while this chapter is in effect.

Section 5. **The Land Use Volume to also be Available On-Line.** In addition to the copy made available at the office of the Borough Clerk per Section 4 of this Ordinance, the Borough Clerk and Borough Administrator shall take such actions as are necessary to make the Land Use Volume available on-line on the website of the Borough of Manville, within sixty (60) calendar days of the adoption of this Ordinance.

Section 6. **Publication of this Adopting Ordinance.** The Municipal Clerk of the Borough of Manville, pursuant to law, shall cause to be published in the manner required a copy of this Adopting Ordinance in a newspaper of general circulation in the Borough of Manville and shall be maintained in the office of the Municipal Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Land Use Volume for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Land Use Volume for all purposes.

Section 7. **Continuing Updates of the Land Use Volume.** The Borough Administrator and Borough Clerk shall, in consultation and cooperation with the Borough's Ordinance Codification professionals, and in further consultation if and as necessary with the Borough Attorney, the Borough Engineer, and the Planning Board Attorney, cause the Land Use Volume to be continuously updated as future Borough Land Use and Development Ordinances are adopted by the Mayor & Council of the Borough of Manville, or as future Land Use Maps are adopted or updated, by causing any such future Land Use and Development Ordinances and Land Use Maps to be codified and incorporated into the Land Use Volume promptly upon the adoption of same. The Mayor & Council may by Resolution establish future procedures for implementing such future updates of the Land Use Volume. As such future and continuing updates are made to the Land Use Volume, same shall to be made available to the public in accord with both Section 4 and Section 5 of this Adopting Ordinance.

Section 8. **Severability.** Each section of the Land Use Volume of the Revised General Ordinances of the Borough of Manville, and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or part thereof. In the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is adjudged invalid, such adjudication of invalidity shall not affect the validity of the remaining provisions same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 9: **Repealer.** All other Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 10: **Purpose of Captions.** The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

Section 11: **Effective Date:** This Ordinance shall take effect after adoption, passage, and publication according to law.

Borough of Manville,
Richard M. Onderko
Richard M. Onderko, Mayor

ORDINANCE #2020-1235

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
✓		MAEDER	✓			
		PETROCK	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

INTRODUCED this 27th day of April, 2020

Attest:

Wendy Barras

Wendy Barras, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
✓		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

[ADOPTED] [DEFEATED] this 11th day of May, 2020

Attest:

Wendy Barras

Wendy Barras, Borough Clerk

