

CITY OF VINELAND, NJ

ORDINANCE NO. 2024- 77

ORDINANCE AMENDING ORDINANCE 89-13, AS AMENDED, CHAPTER 425, ARTICLE I, SECTION 425-5 OF THE CODE OF THE CITY OF VINELAND ENTITLED FEES AND ORDINANCE 2009-72, AS AMENDED, CHAPTER 425, ARTICLE VI, SECTION 425-44 OF THE CODE OF THE CITY OF VINELAND ENTITLED SUBMISSION TO COUNTY PLANNING BOARD IN ACCORDANCE WITH RESOLUTION 6667 OF THE PLANNING BOARD OF THE CITY OF VINELAND.

WHEREAS, on November 13, 2024, the Planning Board of the City of Vineland considered the existing City procedures for an applicant's subdivision and site plan review and approvals including a requirement for the City to transmit plans to the County Planning Board on behalf of an applicant as set forth in Chapter 425, Article I, Section 425-5; and

WHEREAS, after review of the legalities regarding the unnecessary responsibility placed upon the City to submit the application to the County Planning Board, the Solicitor for the Planning and Zoning Boards reported that there is no statutory obligation for the City to take such responsibility from the applicant and could potentially place liability upon the City for any failure to adequately submit such an application to the County; and

WHEREAS, the Planning Board of the City of Vineland has taken testimony from Kathleen Hicks, P.P. City Planner and Ryan Headley, P.E., P.P., A.I.C.P., C.M.E. Board Planner and Engineer Planning and have adopted Resolution 6667 recommending City Council consider that Section 425-44 be amended so as to require the applicant to submit all plans to the County Planning Board; and

WHEREAS, on November 13, 2024, the Planning Board further reviewed Section 425-5 A(28) of the Code of the City of Vineland which required an applicant to pay a fee to the City for the submission of the application for subdivision and site plan review to the County by the City and determined that the fee would be unnecessary should Section 425-44 be amended by Council so as to require such documents be submitted by the applicant to the County.

WHEREAS, City Council finds it to be in the best interest of the City to make the recommended changes to the Municipal Land Use Laws of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 425, Article VI, Section 425-44 of the Code of the City of Vineland be deleted and replaced as follows:

Section 425-44 Submission to County Planning Board

Each applicant for subdivision approval, where required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), and each application for site plan approval, where required by Section 8 of P.L. 1968, C. 285 (N.J.S.A.40:27-6.6), shall be submitted by the applicant to the County Planning Board for review or approval. In such case, the municipal board shall condition its approval upon timely receipt of a favorable report from the County Planning Board or approval of said board by its failure to act within the required time period.

BE IT FURTHER ORDAINED that Section 425-5 A(28) be deleted in its entirety and the subsequent sections of 425-5A be re-numbered accordingly.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, the same shall be void to the extent of such inconsistency.

BE IT FURTHER ORDAINED that the balance of Ordinance 89-13, as amended and Ordinance 2009-72, as amended not amended hereby shall remain in full force and effect.

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BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, the balance hereof shall remain in full force and effect.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading: December 10, 2024

Passed final reading:

President of Council eaa

Approved by the Mayor:

Mayor arf

ATTEST:

City Clerk kp