

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2019-3

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF
MANSFIELD AND RE-ZONING CERTAIN PROPERTY KNOWN AS BLOCK 3,
LOT 6.06 (537 WHITE PINE ROAD) FROM “C-2” TO “R-1”**

WHEREAS, the Township of Mansfield is the owner, by way of an In Rem Tax Foreclosure of certain property now known as Block 3, Lot 6.06, located at 537 White Pine Road and located in the Township’s C-2 commercial zoning district; and

WHEREAS, said property is a remnant portion from a piece previously known as Lot 6.01, which was previously subdivided, and the other half of which has been developed for commercial purposes, while the 3.0 +/- acres owned by the Township of Mansfield has not been developed at all; and

WHEREAS, said property was the subject of a Zoning Board application seeking a use variance to construct a residence on Lot 6.01, situated in the C-2 zone, in 2003-2004; and

WHEREAS, at the time of the application, the Zoning Board found as a fact that:

“The present line between the C-2 Zone District and the R-1 Zone District was drawn to follow tax lot lines. Had the lot lines been drawn as now proposed by the applicant at the time of the drafting of the Master Plan and Zoning Ordinances, the demarcation between the C-2 Zone District and the R-1 Zone District likely would have been as is presently proposed by the applicant. This is because the proposed residential use of the southeasterly part of Lot 6.01 (proposed Lot 6.06), will provide a more regular line of demarcation between use types and cause commercial uses to obtrude less into the residential zone.” (ZBA Resolution 2004-01-04, “Findings of Fact”, par. 7); and

WHEREAS, no development ever occurred on the Lot 6.06 property, following said subdivision, taxes were not paid, and the Township was forced to exercise its rights under the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-104.29 *et seq.*; and

WHEREAS, in consultation with the Township Planner, it has been recommended that the property be re-zoned for R-1 residential purposes, for the very reasons articulated by the Zoning Board in its above quoted par. 7 of Resolution 2004-01-04; and

WHEREAS, it is in the public interest not only to re-zone the property for planning purposes as articulated by the Zoning Board in 2004, but also to improve the ability of the Township, as the current owner of the property, to sell same at auction, thereby creating a benefit to the taxpayers of the Township of Mansfield.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey as follows:

Article I. The boundaries of the R-1 residential zoning district are hereby re-drawn to include Block 3, Lot 6.06, subject to all standards, requirements, benefits and limitations of said zoning district, and of Zoning Board of Adjustment Resolution 2004-01-04, as said re-drawing of said boundary will better reflect the land use pattern for the area, as articulated by the Zoning Board of Adjustment in 2004, which articulation is incorporated herein and adopted hereby as if set forth at length as one of the premises for the adoption of the Ordinance.

Article II. Upon final adoption of this Ordinance, the Township Engineer is direct to amend the Mansfield Township Zoning Map to include Block 3, Lot 6.06 within the boundaries of the R-1 residential zoning district as indicated above.

Article III. 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.

CERTIFICATION

I, LINDA SEMUS, RMC, CMR, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on January 15, 2019 at 6:00 PM at the Municipal Complex, with a Second Reading, public hearing and final adoption scheduled for February 7, 2019 at 6:00 PM.

LINDA SEMUS, RMC, CMR
Municipal Clerk