

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2019-8

**AN ORDINANCE TO REPEAL ORDINANCE 2017-16 WHICH AMENDED CHAPTER
65, ENTITLED “ZONING”, IN AND FOR THE TOWNSHIP OF MANSFIELD,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

WHEREAS, by Ordinance 2017-16, the Township Committee of the Township of Mansfield rescinded Ordinance 2017-13, and reintroduced said Ordinance in its entirety, as a result of which reintroduction, and subsequent adoption, the Township re-zoned certain properties from the LI, Light Industrial District, and made them part of the R-1 District of the Township, which properties included the following:

Block 59, Lots 7.01 and 7.02
Block 60, Lot 6
Block 800.07, Lot 1 (part of)
Block 800.08, Lot 1; and

WHEREAS, the Township of Mansfield adopted this Ordinance based upon a request from a neighboring municipality seeking to reduce the impact of potential additional truck traffic along the Route 130 corridor if the above-mentioned properties remained zoned for Light Industrial purposes; and

WHEREAS, the Township of Mansfield was also given certain representations that sewer capacity would be made available to this area of Route 130 in the event that the zoning was changed from LI, Light Industrial to R-1 Residential; but since the adoption of the Ordinance, not only has sewer not been made available, but the Township’s efforts to have sewer brought to the sites has been flatly rejected and thus the ability to develop housing on the area as permitted under the R-1 zoning district, is hampered by the inability to provide sewer to the area; and

WHEREAS, the governing body therefore believes that the Ordinance re-zoning said properties from Light Industrial to R-1 should be repealed, and the zoning should return to its previously LI, Light Industrial classification; and

WHEREAS, at the time of the adoption of Ordinance 2017-16, the Township Committee had received a recommendation from the Planning Board that notwithstanding the inconsistency of said re-zoning to R-1 with the Township’s Master Plan, the Planning Board felt that re-zoning was acceptable; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Township Committee was required to adopt a separate Resolution at the time of the adoption of Ordinance 2017-16, setting forth its specific reasons as to why it was adopting said Ordinance despite the fact that same was not consistent with the Township’s Master Plan, but the Township did not adopt that Resolution, and thus, the requirements of the Municipal Land Use Law regarding the adoption of an Ordinance re-zoning certain property, which re-zoning is not fully consistent with the Township’s Master Plan, were not followed; and

WHEREAS, therefore, the Township Committee of the Township of Mansfield deems it appropriate to repeal Ordinance 2017-16 for that reason as well.

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. ORDINANCE REPEALED.

Ordinance 2017-16, which purported to re-zone certain properties listed below from Light Industrial, to R-1 Residential, is hereby repealed. Those Blocks and Lots which were attempted to be re-zoned, and which are hereby restored to their original LI, Light Industrial zoning classification, are as follows:

- Block 59, Lots 7.01 and 7.02
- Block 60, Lot 6
- Block 800.07, Lot 1 (part of)
- Block 800.08, Lot 1

ARTICLE II. 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 April 4, 2019 at 7:00 PM at the Municipal Complex, with a Second Reading, public hearing and final adoption held on April 17, 2019 at 7:00 PM.

LINDA SEMUS, RMC, CMR
Municipal Clerk

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