

**BOROUGH OF SHREWSBURY
COUNTY OF MONMOUTH**

NOTICE OF PUBLIC HEARING ON ORDINANCE 2020-1076

Public Notice is hereby given that the following Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Shrewsbury, County of Monmouth, State of New Jersey, held on Monday, September 21, 2020 at 7:00pm. A copy of the ordinance can be obtained, without cost, by any member of the general public through the Office of the Municipal Clerk, 419 Sycamore Avenue, Shrewsbury, NJ 07702, Monday through Friday, 8:00am to 4:00pm.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on Monday, October 5, 2020 at 7:00pm at the Borough of Shrewsbury Municipal Complex, 419 Sycamore Avenue, Shrewsbury, NJ 07702.

Maureen L. Muttie, RMC, CMC
Municipal Clerk
Borough of Shrewsbury

**BOROUGH OF SHREWSBURY
COUNTY OF MONMOUTH**

ORDINANCE 2020-1076

**AN ORDINANCE ADOPTING AND CODIFYING THE ZONING AND LAND DEVELOPMENT
ORDINANCE AS CHAPTER 94 OF THE CODE OF THE BOROUGH OF SHREWSBURY,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Shrewsbury in the County of Monmouth and State of New Jersey as follows:

Chapter 1
Article IV
Codification of Zoning and Land Development

§ 1-17. Adoption of revised and renumbered legislation.

The Zoning and Land Development Ordinance of the Borough of Shrewsbury adopted May 11, 1987, by Ordinance No. 555, as amended (Chapter 94 of the 1973 Borough Code), is hereby adopted as Chapter 94 of the 2006 Code of the Borough of Shrewsbury. The provisions of said Chapter 94 of the 2006 Code, insofar as they are substantively the same as those provisions in force immediately prior to enactment by this ordinance, are intended as a continuation of said ordinances and not as new enactments.

§ 1-18. Changes to planning and development legislation.

- A. In compiling and preparing the Zoning and Land Development Ordinance for adoption and revision as part of the 2006 Code of the Borough of Shrewsbury pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in said legislation. It is the intention of the Mayor and Council that all such changes be adopted as part of the Zoning and Land Development Ordinance as if the legislation so changed had been previously formally amended to read as such.
- B. Nomenclature changes: Throughout this Chapter 94, the following nomenclature changes have been made:

(1) “Board of Adjustment” and “Zoning Board” are changed to “Zoning Board of Adjustment.”

(2) “Department of Environmental Protection and Energy (DEPE)” is changed to “Department of Environmental Protection (DEP).”

C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this article.

§ 1-19. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistencies.

§ 1-20. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this article.

§ 1-21. Copies available to public.

Copies of Chapter 94, Zoning and Land Development shall be placed on file for public examination at the Borough Clerk's office during regular business hours, and, upon final passage of the Zoning and Land Development Ordinance, copies shall be made available to the public.

§ 1-22. Sale of planning and development regulations code book.

Copies of Chapter 94, Zoning and Land Development may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Borough. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-23. Notice; publication.

The Clerk of the Borough of Shrewsbury shall cause notice of the passage of this ordinance to be given in the manner required by law.

§ 1-24. When effective.

This article shall take effect immediately upon passage and publication according to law.

**Borough of Shrewsbury
Code Adoption Ordinance**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Chapter 94, Zoning and Land Development.

A. In § 94-2.3:

- (1) The definition of “Borough Engineer” is amended to read:
BOROUGH ENGINEER-- The licensed New Jersey professional engineer appointed by the Borough in accordance with Chapter 5, Article IX, Borough Engineer, of the Borough Code.
- (2) The definition of “Borough Surveyor” is amended to delete references to N.J.S.A. 46:23-9.2 and 40:50-9 and add a reference to N.J.S.A. 46:23-9.9 et seq.
- (3) The definitions of “Coastal Area Facilities Review Act (CAFRA) permit” and “wetlands, nontidal” are each amended to change the reference to N.J.A.C. 7:7D-1.0 et seq. to refer to N.J.A.C. 7:7-1.1 et seq., Coastal Permit Program Rules.
- (4) The definition of “commercial parking facility” is amended to delete the reference to “vertical parking garage.”
- (5) The definition of “erosion and sediment control plan” is amended to revise the reference to N.J.S.A. 40:55-1.20 to refer to N.J.S.A. 40:55D-38 et seq.
- (6) The definition of “funeral home or mortuary” is amended to change the reference to N.J.S.A. 27:23-1 et seq. to refer to N.J.S.A. 45:7-32 et seq.
- (7) The definition of “mentally ill person” is amended to revise the reference to N.J.S.A. 30:4-23 to refer to N.J.S.A. 30:4-27.2.
- (8) The following definition is added:

AUCTION MARKET -- Any premises on which are held, at periodic times, auction sales of merchandise or personal property.

- B. Section § 94-3.1A(1) is amended to read “Class I: the Mayor or the Mayor’s designee in the absence of the Mayor; and § 94-3.1B(1) is amended to revise the first sentence, as indicated: “The term of the member composing Class I shall correspond to the Mayor’s official tenure or, if the member is the Mayor’s designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor’s official tenure.”

- C. In § 94-3.2, Subsection A is amended to change “two alternate members” to “not more than four alternate members”; and Subsection C is amended to revise Subsection C(1) and (2), as follows:

- (1) *The Mayor, with the advice and consent of the Council, shall appoint ~~two~~ not more than four alternate members, who shall be designated at the time of their appointment as “Alternate No. 1,” ~~and~~ “Alternate No. 2,” “Alternate No. 3” and “Alternate No. 4,” as appropriate. Alternate members shall meet the same qualifications as regular members.*
- (2) *Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, ~~Alternate No. 1 shall vote~~ alternate members shall vote in the order of their numerical designations.*

- D. In § 94-3.3, Subsection C(8) is amended to revise the reference to N.J.S.A. 2A:11-15 to refer to N.J.S.A. 2B:7-4; and Subsection D(8)(d) is amended to change “\$10” to “\$25.”
- E. Section 94-3.4D(2) is amended to delete the phrase “including specifically but not limited to § 94-7.8” in the last sentence.
- F. In § 94-3.9:
- (1) Subsection A is amended to revise the ending of the last sentence as indicated: “...be subject to a fine of not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both, a maximum of \$2,000 fine, 90 days’ imprisonment and/or 90 days of community service.”
 - (2) Subsection D is amended to change “shall be subject to a fine not to exceed \$500 or to imprisonment for not more than 90 days” to read “shall be subject to a fine not to exceed \$2,000 or to imprisonment for not more than 90 days or to community service for not more than 90 days, or any combination thereof.”
- G. Section 94-3.14O(3)(b) is amended to delete the following districts: VC, OBS and AH; and is further amended to add the following district: AH-ML8 (Affordable Housing-Multi-Family).
- H. Section 94-5.22C(2) is amended to change “\$10 fee for a permit” to “\$25 fee for a permit.”
- I. Section 94-5.33, Hours of operation at construction sites, is repealed as duplicative of other provisions.
- J. Sections 94-6.10G(2) and 94-6.11G(2) are each amended to change “one hundred (150) acres or more” to “100 acres or more.”
- K. Section 94-8.15F is amended to change the reference to N.J.A.C. 7:7D-1.0 et seq. to refer to N.J.A.C. 7:7-1.1 et seq., Coastal Permit Program Rules.
- L. Section 94-8.26N(4) is amended to change “handicapped” to “barrier-free accessible.”
- M. In § 94-8.34:
- (1) Subsection B(2) is amended to change “\$25” to “\$35.”
 - (2) Subsection H is amended to add a reference to the PSC-3 District.
 - (3) Subsection L is amended to add a reference to the B-3 District.
- N. Section 94-8.39K, which pertains to stormwater penalties, is repealed.
- O. Section 94-8.47A is amended to change “Borough Treasurer” to “Chief Financial Officer.”
- P. Section 94-10.9A(4) is amended to delete the second sentence as indicated: ~~“Uses which as prohibited by Section 94-10.11B. Prohibited uses, in the LI Light Industrial Zone District shall also be prohibited in the HC/PO Zone District.”~~
- Q. Section 94-10.10D(5), regarding community residences, is repealed.