

**ORDINANCE NO. 48-2012**

**AN ORDINANCE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY AMENDING CHAPTER 34 OF THE CODE OF THE TOWNSHIP OF  
HARRISON ENTITLED "LAND USE PROCEDURES"**

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**WHEREAS**, the Mayor and Committee, Township of Harrison, have determined that certain amendments and additions to Chapter 34 entitled "Land Use Procedures" are necessary; and

**WHEREAS**, in all other respects Chapter 34 entitled "Land Use Procedures" shall remain in full force and effect;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**Section 1.**

§34-7. entitled "Powers and Duties" shall be amended to read as follows:

- J. The Planning Board shall have all powers set forth in N.J.S.A. 40:55D-69 et seq, granted to a Zoning Board of Adjustment, and the following:
  - (4) To grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least two-thirds (2/3) of the fully authorized membership of the Board. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Class I and Class II Members of the Planning Board shall not participate in or vote upon any application for a use variance brought under this paragraph pursuant to N.J.S.A. 40:55D-70(d).

**Section 2.**

**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Section 3.**

**Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**When effective.**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**TOWNSHIP OF HARRISON**

**BY: \_\_\_\_\_**  
**LOUIS F. MANZO, MAYOR**

**ATTEST:**

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**DIANE L. MALLOY, Municipal Clerk**

**NOTICE**

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on November 19, 2012. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on December 3, 2012, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

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DIANE L. MALLOY  
Municipal Clerk