

DRAFT AS APPROVED BY THE HIGHLANDS COUNCIL

Please Note: This document should be read in concert with the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council Staff for Denville Township.

**TOWNSHIP OF DENVILLE,
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF
DENVILLE TO UPDATE SUBMISSION REQUIREMENTS INVOLVING PROPERTY
LOCATED WITHIN THE HIGHLANDS PRESERVATION AREA**

WHEREAS, the Governing Body of the Township of Denville has, on behalf of the municipality, petitioned the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) for Plan Conformance with respect to Township lands located within the Preservation Area portion of the Highlands Region, as required by the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-14); and

WHEREAS, the Preservation Area within the Township of Denville is comprised of that area between the Township border as the middle or center-line of Beaver Brook (P.L. 1913, c. 352), and the eastern bank of Beaver Brook (N.J.S.A. 13:20-7);

WHEREAS, the Governing Body is aware that Township lands located within the Preservation Area of the municipality are largely protected by the New Jersey Department of Environmental Protection (NJDEP) Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38-1 et seq.) already in place, which regulate any Major Highlands Development therein; and

WHEREAS, protection of the resources within the Preservation Area of the municipality consistent with the Highlands Regional Master Plan may be achieved by adoption of revised submission requirements pertinent to applications for development therein; and

WHEREAS, the Highland Council deems such protections in the Preservation Area as eligible under the provisions of the Highlands Act at N.J.S.A. 13:20-20 and -22 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances; and

WHEREAS, the Governing Body finds that the adoption of submission requirements are important not only to provide resource protections, but to ensure the proper management of applications for development involving lands within the Highlands Preservation Area of the municipality;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Denville that the Land Use Ordinance of the Township of Denville is hereby amended to incorporate the following provisions:

Section 1

HIGHLANDS CONSISTENCY DETERMINATION REQUIRED. Submission requirements pertinent to all Applications for Development (as defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.)) shall, for any application involving development activities located (or partially located) in any portion of the Township lying within the Highlands Preservation Area, be supplemented to include a Highlands Applicability Determination (HAD) or a Highlands Preservation Area Approval (HPAA) issued by the NJDEP, with regard to the portion of the property within the Highlands Preservation Area only. No such application shall be deemed complete or considered for review by the applicable Township land use Board, until and unless the applicant has obtained and provided a copy of such HAD or HPAA.

Section 2

Copies of this Ordinance are on file in the office of the municipal Clerk, located at: One St. Mary's Place, Denville, New Jersey for public inspection or purchase during regular weekday business hours (8:30 a.m. to 4:30 p.m.).

Section 3

The municipal Clerk is directed to give notice at least ten days prior to the hearing on the final adoption of this Ordinance to the clerks of all adjoining municipalities and the Morris County Planning Board, and to all others entitled to notice under N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon final passage of this Ordinance, the municipal Clerk is further directed to publish notice of passage and to file a copy of this Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16.

Section 4

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

Section 5

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

Section 6

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.