

# **SECTION 100**

**Administration**

## **101 Short Title**

This Resolution shall be known and may be cited as: "The Land Development Standards of the County of Morris, New Jersey.", hereafter sometimes referred to as the "Standards."

## **102 Authority**

The Resolution is adopted pursuant to the County Planning Act, N.J.S.A 40:27-1 et seq., L. 1935, C. 251 amended by various Laws including L. 1968, C. 285.

## **103 Purpose**

The purpose of these Standards is to:

- A. Provide rules, regulations, and standards for the subdivision, development and redevelopment of land affecting County roads or drainage facilities and to guide the design of development of land affecting County roads in the County of Morris, New Jersey in order to promote the public health, safety, convenience and general welfare of the County.
- B. Implement applicable provisions of County plans which have been adopted pursuant to the following:
  - 1. Clean Air Act of 1977 as amended —1990-(P.L. 101-549)
  - 2. Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240)
  - 3. Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500)
- C. Institute standards for assessing developers for a proportionate share of the cost of County improvements located outside of a given development which must be made to accommodate the increased traffic or runoff which would be generated as a result of the development.
- D. Provide recommendations and, where authorized, regulations to ensure that land development within the County proceeds in accordance with the goals and objectives of the County Master Plan and other adopted County plans.
- E. Provide for the coordinated review of development projects involving various other State and County agencies which have regulatory responsibilities pursuant to the requirements of the following:
  - 1. Flood Hazard Area Control Act (N.J.S.A. 58:16A-50)
  - 2. Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.)
  - 3. Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.)
  - 4. Storm Water Management Act (P.L. 1981, C. 32 N.J.S.A. 40:55D-1 et seq.)
  - 5. Freshwater Wetlands Protection Act of 1987 (N.J.S.A. 13:9B-1 et seq.)
  - 6. Realty Improvement, Water Supply & Sewer System Act (N.J.S. 58:11-37)
  - 7. State Highway Access Management Act (N.J.S.A. 27:7-1 et seq.)
  - 8. Municipal Land Use Law (N.J.S.A. 40:55-1 et seq.)

**104 Approving Agency**

The approving provisions of the Land Development Standards shall be administered by the Planning Board of the County of Morris in accordance with the New Jersey County Planning Act (N.J.S.A. 40:27-1 et seq. as amended and supplemented.)

**105 Power to Amend and Modify**

The rules, regulation, and standards herein set forth are designed to achieve minimum requirements for uniformity in the interest of the safety and general welfare of the County of Morris, and the people of the County of Morris, with due regard to the valid interest of the municipalities in the County of Morris. The County Planning Board understands that occasions may take place when the literal enforcement of one or more of these rules, regulations, or standards may be onerous, impracticable or impossible to perform or cause unnecessary hardship. In accordance with N.J.S.A. 40:27-6. 2(e), this power and authority to waive, modify, or amend, shall be exercised to achieve substantial fairness to all parties concerned, and so long as such power shall not substantially or materially prejudice the rights of other parties or interested persons.

**106 Validity**

If any section, subsection, paragraph, clause, phrase or provision of the Land Development Standards should be adjudged invalid or held unconstitutional, such adjudication shall not affect the validity of the standards as a whole or any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

**107 Appeals**

In the event an applicant for subdivision or site plan approval is aggrieved by the action taken by the Planning Director and Land Development Review Committee of the Planning Board , such applicant may file an appeal in writing to the Planning Board within ten (10) days after the date of notice by certified mail of such action. Any person aggrieved by the action of the Planning Board in regard to subdivision review and approval or site plan review and approval may file an appeal in writing to the Board of Chosen Freeholders within ten (10) days after the date of notice by certified mail of said action.

- A. The Planning Board or Board of Chosen Freeholders shall consider such an appeal at a regular or special public meeting within forty-five (45) days from the date of its filing.
- B. Notice of said hearing shall be made by certified mail at least ten (10) days prior to the hearing to the applicant and to such of the following officials as deemed appropriate for each specified case: The Municipal Clerk, Municipal Planning Board or Board of Adjustment, Building Inspector, Zoning Officer, and the County Planning Board.
- C. The Board to which the appeal is taken shall render a decision within thirty (30) days from the date of the hearing.
- D. A copy of the decision by the Board to which the appeal is heard shall be mailed by certified mail to such of the following officials as deemed appropriate for each specified case: the Municipal Clerk, Municipal Planning Board or Board of Adjustment, Building Inspector, Zoning Officer, and the County Planning Board.