

BOROUGH OF DUNELLEN

ORDINANCE 2018-04

The following is an Amendment to Section 7.2, Relationship of the Plan to the Borough Land Development (Zoning) Regulations of Dunellen’s Redevelopment Plan.

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 2016, and November 2017.

**7.2 Relationship of Plan to the Borough Land Development (Zoning) Regulations**

The land use controls and building restrictions set forth in this Redevelopment Plan shall apply to all new development within the Redevelopment Area and shall supersede any requirements set forth in the Borough of Dunellen Zoning Ordinance. All existing uses will be permitted to remain in the Redevelopment Area; however, any change in use or major alterations to any building or structures will be required to meet the land use and building requirements contained in this Redevelopment Plan. All the redevelopment regulations not addressed herein shall remain applicable. It is recognized that all development is contingent upon all necessary state, county and local approvals.

Site plan approval from the Borough’s Planning Board in accordance with the Municipal Land Use Law (“MLUL”) shall be required for all development within the Redevelopment Area, together with any other local approvals that may be required under a Redevelopment Agreement, which shall also be required. The Planning Board shall have the authority to grant variances that would be considered (c) variances under the Municipal Land Use Law and design waivers during the site plan approval process.

Further, the Planning Board, which is a consolidated board pursuant to N.J.S.A. 40:55D-25(c), shall also have the authority to grant certain variances which are considered to be (d) variances under the MLUL, provided, however, that the power of the Planning Board to grant such variances shall be limited and restricted to those enumerated in N.J.S.A. 40:55D-70(d) 3, 4, 5 and 6.

Moreover, those (d) variances enumerated in N.J.S.A. 40:55D-70 (d)(1) and (2) shall not be within the jurisdiction of the Planning Board to grant but, rather, any such proposed variance under the aforesaid subsections (1) and (2) shall require an amendment to this Redevelopment Plan by ordinance in accordance with the local redevelopment and housing law.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length; and
2. The Redevelopment Plan is hereby amended to include an amended Section 7.2; and

3. This Ordinance shall take effect in accordance with applicable law following final adoption and publication thereof.

Adopted September 4, 2018