

**BOROUGH OF HOPATCONG
ORDINANCE #23-2015**

**AN ORDINANCE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY,
NEW JERSEY TO AMEND CHAPTER 191, ARTICLE III, PROCEDURE SECTION
191-5 OF THE BOROUGH OF HOPATCONG TO INCLUDE FENCES ON
COMMERCIAL PROPERTIES AS ELIGIBLE FOR SITE PLAN WAIVER**

BE IT ORDAINED, by the Mayor and Council of the Borough of Hopatcong as follows:

SECTION 1: The Code of the Borough of Hopatcong is amended to supplement Chapter 191 site plan review, Article III Procedure, Section 191-5. Applicability (C) Site plan waiver to read as follows:

SECTION 191-5: Applicability.

C. Site plan waiver.

- (1) Application may be made to the Zoning Officer for site plan waiver for an existing commercial building or use which has received site plan approval where the applicant is seeking approval of the a change of tenant or for installation of a fence in compliance with Ordinance 242-28 and the proposed new use is permitted in the zone.
- (2) The application shall include identification of the parcel, the applicant and a detail of the nature of the proposed use and set forth whether any exterior changes are proposed for the proposed use. In the case of installation of a fence, the applicant shall provide a copy of an application for building permit with an illustration showing the location, height and detail of the proposed fencing in compliance with Ordinance 242-28. The Zoning Officer shall review the application to determine whether:
 - (a) The proposed use is in compliance with the Zoning Ordinance.
 - (b) The parcel received site plan approval.
 - (c) The improvements on the parcel are in compliance with the terms of the site plan approval.
 - (d) The applicant proposes exterior changes to the building or site except for installation of a fence on a property zoned for commercial use.
 - (e) The proposed use would affect circulation of traffic.
 - (f) The proposed use would satisfy the parking requirements applicable for the zone.

- (g) The proposed use would affect existing circulation, drainage, relationship of building to each other, landscaping, buffering, lighting and other considerations of site plan review.
- (3) If the Zoning Officer determines that sufficient documentation has been provided by the applicant to establish that the site and proposed use would comply with the above listed paragraphs, then the Zoning Officer may waive site plan approval.
- (4) If the Zoning Officer determines that the application may not meet the terms for site plan waiver as herein set forth, then the applicant shall be referred to the applicable land use board for review of site plan waiver, amended site plan approval or site plan approval. The reviewing board may waive site plan approval requirements if construction or alternation or change of occupancy or use does not affect the existing circulation, drainage, relations of building to each other, landscaping, buffering, or any other consideration of site plan review.

The remaining Chapter 191 shall remain in force and effect in consistency.

Inconsistency. All ordinances of the Borough of Hopatcong which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Partial invalidity. If any section, paragraph, clause or provision of this Article shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provisions of adjudged and the remainder of the Article shall be deemed valid and effective.

Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Borough of Hopatcong Council duly adopted the foregoing Ordinance on the 3rd day of June, 2015

Catherine Schultz, Clerk
Borough of Hopatcong

Introduced: May 20, 2015

Adopted: June 3, 2015