

Planning Department Review Memo

To: Wayne Township Planning Board
Board Chair and Members

From: Christopher J Kok, PP, AICP
Township Planner

Date: February 24, 2020

Subject: **Master Plan Consistency of Ordinance 6-2020
Amending Section 134-26 to ban the use and placement of clothing bins.**

The purpose of this memo is to provide a review of the Master Plan implications of Ordinance 6-2020, which was introduced for a first reading by the Township Council on February 5, 2020. The ordinance proposes to delete Section 134-26.4.B, resulting in a ban in the use and placement of donation clothing bins.

Master Plan Recommendations Concerning Donation Clothing Bins

The Planning Department reviewed the 1994 Master Plan, the 2003 Master Plan Re-Examination, and the 2010 Master Plan Re-Examination and found the following:

- 1994 Master Plan
 - There are no references to donation clothing bins, and thus no policies specific to this use.
 - The Master Plan discusses recycling several times throughout the document, in regards to the Township's curbside recycling and the recycling ordinance (Chapter 141).
- 2003 Master Plan Re-Exam
 - There are no references to donation clothing bins, and thus no policies specific to this use.
 - The few references to recycling relate to adoption of the Township's recycling ordinance (Chapter 141).
- 2010 Master Plan Re-Exam
 - There are no references to donation clothing bins, and thus no policies specific to this use.
 - There are no policy recommendations regarding recycling in this re-examination.

Based on the above, it is the Planning Department's opinion that this ordinance is consistent with the recommendations of the 1994 Master Plan, 2003 Master Plan Re-Examination, and 2010 Master Plan Re-Examination. Upon review by the Planning Board, a report of its conclusions and suggestions regarding the consistency of the ordinance with provisions of the Master Plan shall be provided to the Township Council per NJSA 40:55D-26.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'CJ Kok', written over the word 'submitted' in the phrase 'Respectfully submitted,'.

Christopher J. Kok, P.P., A.I.C.P.
Township Planner

LEGAL NOTICE
ORDINANCE NO. 6
2020
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 134 (LAND DEVELOPMENT),
ARTICLE III (ZONING REGULATIONS), SECTION 134-26
(SPECIAL PERMITS) OF THE CODE OF THE TOWNSHIP OF WAYNE

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62 and 40:55D-65, the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Municipal Council has determined that the use and placement of clothing bins throughout the Township are detrimental to the public health, safety, and welfare of the Township and its inhabitants and desires to ban the use thereof; and

WHEREAS, Chapter 134 (Land Development), Article III (Zoning Regulations), Section 134-26.4 (Special Permits) (B) (Clothing bins) of the Code of the Township of Wayne ("Code") needs to be repealed in its entirety so as to effectively ban the use and placement of clothing bins throughout the Township.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 134 (Land Development), Article III (Zoning Regulations), Section 134-26.4 (Special Permits) (B) (Clothing bins) of the Code of the Township of Wayne of the Code of the Township of Wayne is hereby repealed in its entirety.

SECTION 2. Chapter 134 (Land Development), Article III (Zoning Regulations), Section 134-26.4 (Special Permits) of the Code of the Township of Wayne is hereby supplemented to read as follows [additions by bold, deletions by ~~strike through~~]:

CB. Sidewalk, tent and parking lot sales.

SECTION 3. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of a zoning ordinance, or any amendments thereto, the Municipal Council shall send a copy of this ordinance to the Wayne Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance upon introduction and adoption to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 4. Pursuant to N.J.S.A. 40:55D-10.5, this ordinance shall not be applicable to permit applications submitted prior to the date of adoption of this ordinance.

SECTION 5. All other provisions of Chapter 134, Article III (Zoning Regulations), Section 134-26 of the Code of the Township of Wayne shall remain unchanged.

SECTION 6. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.


SECTION 7. **Repeal of Inconsistent Provisions.** All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 8. **Codification.** This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 9. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE INTRODUCED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WAYNE AT A REGULAR MEETING HELD ON FEBRUARY 5, 2020

ATTEST:



PAUL V. MARGIOTTA
TOWNSHIP CLERK

