

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE NO. 2009-03**

**ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, CHAPTER 74, LAND USE PROCEDURES, ARTICLE V, GENERAL PROVISIONS, BY DELETING SECTION 74-50, PENDING APPLICATIONS, AND REPLACING IT WITH A NEW SECTION 74-50, ENTITLED "LOT LINE ADJUSTMENT APPROVAL"**

**WHEREAS**, the Township Council finds that certain adjustments to the property line between adjoining lots can be more expeditiously and economically handled administratively, without the need for minor subdivision approvals as required under the Township's current Land Use Procedures.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Chapter 74, Land Use Procedures, Article V, General Provisions, is amended by deleting the current Section 74-50, entitled "Pending Applications," and replacing it with a new Section 74-50, to read as follows:

**§74-50 Lot Line Adjustment Approvals.**

**A. Application.**

An application for approval of a lot line adjustment shall be submitted to the Township Engineer. The applicant shall submit five (5) copies of the application and a survey prepared by a licensed land surveyor indicating the existing and proposed lot lines and all existing structures and buildings, as well as such other information as the Township Engineer may require. The applicant shall also submit an application fee of one hundred (\$100.00) dollars and review fees of five hundred (\$500.00) dollars. Upon approval of the lot line adjustment, the applicant shall also submit to the secretary an administrative fee in the amount of one hundred (\$100.00) dollars to cover the cost of revisions to the municipal tax maps.

**B. Findings.**

The Township Engineer may approve a lot line adjustment subject to the following criteria:

- A. The adjustment involves one lot line between two adjoining lots;
- B. Owner(s) of both lots consent(s) in writing to the adjustment;
- C. No new lots are created; and
- D. Both lots are conforming after the adjustment, or any pre-existing nonconformities are not increased.

**C. Subsequent Subdivision.**

Subsequent subdivision of either of the adjusted lots within two years of the filing of the adjusted lot deeds in the County Clerk's office shall be accepted only as a major subdivision.

**SECTION 2.** The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55-D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 3.** This Ordinance may be renumbered for codification purposes.

**SECTION 4.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE IS HEREBY GIVEN,** that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey, held on the 23<sup>rd</sup> day of February, 2009, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 23<sup>rd</sup> day of March, 2009, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

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Vita Thompson, R.M.C.  
Municipal Clerk

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Vita Thompson, R.M.C.  
Municipal Clerk

**INTRODUCED: Feb. 23, 2009**  
**ADOPTED: March 23, 2009**  
**EFFECTIVE DATE: March 30, 2009**