



BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE # 21-1

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 213 OF THE CODE OF THE BOROUGH OF FLORHAM
PARK ENTITLED “STORMWATER MANAGEMENT REQUIREMENTS
AND CONTROLS”**

WHEREAS, Chapter 213 of the Revised General Code of the Borough of Florham Park entitled Stormwater Control was adopted in 2006; and

WHEREAS, the New Jersey Department of Environmental Protection has recommended changes which will go into effect in March 2021; and

WHEREAS, the Borough Engineer has recommended substantial changes to the Ordinance so as to be compliant with the New Jersey Department of Environmental Protection; and

WHEREAS, the Borough of Florham Park adopted Ordinance #20-21 amending and supplementing Chapter 213 of the Code of Borough of Florham Park entitled “Stormwater Management Requirements and Controls” at a Public Hearing held on December 10, 2020; and

WHEREAS, the New Jersey Department of Environmental Protection has proposed new definitions for “Major development” and “Person” in relation to the regulation of stormwater management requirements and controls; and

WHEREAS, the Borough Engineer has recommended subsequent changes to the Ordinance as to be compliant with the New Jersey Department of Environmental Protection.

BE IT HEREBY ORDAINED by the Borough Council of the Borough of Florham Park, Morris County, State of New Jersey, as follows:

SECTION 1. The definition of “Major development” contained within Section 213-2 entitled “Definitions” is hereby amended and replaced in its entirety by a new definition for “Major development” that shall read in its entirety as follows:

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

SECTION 2. The definition of “Person” contained within Section 213-2 entitled “Definitions” is hereby amended and replaced in its entirety by a new definition for “Major development” that shall read in its entirety as follows:

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this ordinance is for any reason declared to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable, and such declaration shall not affect the remainder of the ordinance.

SECTION 5. This ordinance shall take effect upon final publication as provided for by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on January 21, 2021 and will be further considered for adoption after Public Hearing held on February 18, 2021 via a duly advertised virtual meeting.

INTRODUCED: January 21, 2021

ADOPTED: February 18, 2021

Mark Taylor, Mayor

ATTEST:

Sheila Williams, Borough Clerk