

**ORDINANCE NO. 24-09**

**AN ORDINANCE ADOPTING THE 344 US 46 (BLOCK 84, LOT 19) REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW AND AMENDING THE ROCKAWAY BOROUGH MUNICIPAL CODE CHAPTER 172, ZONING IN CONNECTION THEREWITH**

**WHEREAS**, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) (the “**Law**”) grants municipalities certain powers to promote the reinvestment in real property; and

**WHEREAS**, among those powers is the right to adopt a redevelopment plan setting forth the vision that the municipality has for some or all of its real property; and

**WHEREAS**, the Borough of Rockaway (the “**Borough**”) has determined that the use of redevelopment powers granted to municipalities under the Law would be the most effective to revitalize the parcel(s) contained at 344 US 46 identified on the Borough tax maps as Block 84, Lot 19 (the “**Property**”); and

**WHEREAS**, on January 28, 2022, the Borough adopted Resolution #25-22 designating the Property as an area in need of rehabilitation in accordance with the Law; and

**WHEREAS**, the Borough retained the services of a professional planning firm, Topology LLC, to prepare a redevelopment plan for the Property in accordance with the requirements of the Law (the “**Redevelopment Plan**”); and

**WHEREAS**, the Redevelopment Plan has been presented for consideration by the Mayor and Council of the Borough; and

**WHEREAS**, the Mayor and Council believe that the Redevelopment Plan and its implementation will encourage significant additional reinvestment, expand its tax base and increase the economic vitality of the Borough and its citizens; and

**WHEREAS**, the Borough desires to also amend and supplement the Borough Code, Chapter 172, Zoning, to include the Redevelopment Plan; and

**WHEREAS**, through introduction of this Ordinance, the Borough Council refers the Redevelopment Plan to the Borough Land Use Board for review and requests its recommendations relating to the Redevelopment Plan prior to final adoption.

**Now Therefore Be It Ordained** by the Mayor and Council of the Borough of Rockaway, New Jersey That:

**SECTION 1.** Pursuant to the Law, through introduction of this Ordinance, the Borough Council hereby refers the Redevelopment Plan to the Borough Land Use Board for review and requests its recommendations relating to the Redevelopment Plan’s consistency with the Borough Master Plan within 45 days after referral.

**SECTION 2.** The following zoning districts are hereby supplemented, amended, and/or removed as follows from Chapter 172 (**additions are underlined and deletions appear as strikethroughs**):

§ 172-3. Zone Districts. For the purpose of this chapter, the Borough of Rockaway is hereby divided into 12 standard zone districts, three overlay zone districts, and ~~one~~ redevelopment areas known as:

- |      |   |
|------|---|
| R-1A | Single-Family Residence District              |
| R-1  | Single-Family Residence District              |
| R-2  | Single-Family Residence District              |
| R-3  | Single-Family Residence District              |
| R-4  | Multiple-Family Residence District            |
| R-5  | Garden Apartment/Townhouse Residence District |
| B-C  | Borough Center Commercial District            |
| O-B  | Office Business District                      |
| N-C  | Neighborhood Commercial District              |

H-C	Highway Commercial District
GLI	General Light Industrial District
HT/LI	High-Tech/Light Industrial District
RRC	Rockaway River Corridor Overlay District
AHO-6	Affordable Housing Overlay - 6
AHO-15	Affordable Housing Overlay - 15
AHO-S	Affordable Housing Overlay - Senior
RDV	Borough of Rockaway <del>Downtown</del> <u>Downtown</u> Redevelopment Plan(s)

**SECTION 3.** Chapter 172 (Zoning) of the Code of the Borough of Rockaway is hereby amended and supplemented to update Article XVII (last updated via O-23-24), as follows (**additions are underlined and deletions appear as strikethroughs**):

Article XVII, ~~Downtown~~ Downtown Redevelopment Plan District(s)

§ 172-121. Implementation.

A. There is hereby permitted and created a ~~Downtown~~ Downtown Redevelopment District(s) as shown on the Official Zoning Map of the Borough of Rockaway. The ~~Downtown~~ Downtown Redevelopment District(s) shall apply to the properties as identified in the Borough of Rockaway ~~Downtown~~ Downtown Redevelopment Plan(s) **as adopted and may be amended from time-to-time:**

**(1) Downtown Redevelopment Plan as adopted via Ordinance #19-22 and amended via Ordinance #24-08**

**(2) 344 Route 46 Redevelopment Plan as adopted via Ordinance #24-09**

§ 172-122. Permitted principal uses. The permitted principal uses may be found in the ~~Downtown~~ Downtown Redevelopment Plan(s), **which plan may be** as requested by **from** the Borough Clerk and attached to this zoning ordinance.

§ 172-123. Compliance with scheduled requirements. The scheduled requirements may be found in the ~~Downtown~~ Downtown Redevelopment Plan(s), **which plan may be** as requested by **from** the Borough Clerk and attached to this zoning ordinance.

**SECTION 4.** Chapter 172, "Zoning," Attachment 1, "Schedule of Zoning Requirements" of the Code of the Borough is hereby amended by replacing the current Schedule of Zoning Requirements attached hereto as Exhibit A. No existing standards have been amended other than integrating the new 344 US 46 Redevelopment Plan.

**SECTION 5.** Chapter 172, "Zoning," Attachment 2, "Zoning Map" of the Code of the Borough of Rockaway is hereby amended and attached hereto as Exhibit B. No existing standards have been amended other than integrating the new 344 US 46 Redevelopment Plan.

**SECTION 6.** Chapter 172, "Zoning," Attachment 3, "344 US 46 Redevelopment Plan" of the Code of the Borough of Rockaway is hereby created and attached hereto as Exhibit C.

**SECTION 7.** All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

**SECTION 8.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 9.** The Borough Clerk is hereby authorized and directed to forward this ordinance to the Borough Planning Board for its review and comment as authorized by the Law.

**SECTION 10.** The Borough Clerk is hereby authorized and directed to provide such notice and publication of this matter so as to permit the conduct of all public hearings as are required by the Law.

**SECTION 11.** The Borough Clerk is hereby authorized and directed to forward this ordinance and the amended redevelopment plan to the Morris County Planning Board and Borough Tax Assessor after final adoption, as provided by law.

DATE: June 13, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

**CERTIFICATION**

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance fully adopted by the Mayor and Council at a meeting held on June 13, 2024.

Kimberly Cuspilich, RMC  
Borough Clerk

**EXHIBIT A**

**Chapter 172 ATTACHMENT 1 – SCHEDULE OF ZONING REQUIREMENTS**

**EXHIBIT B:**

**Chapter 172 ATTACHMENT 2– ZONING MAP**

*As adopted via Ordinance #O-25-22 where only update is 344 US 46 Redevelopment Plan update.*

**EXHIBIT C:**

**§172 ATTACHMENT 3 – 344 US 46 REDEVELOPMENT PLAN**