

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NEW JERSEY**

ORDINANCE #17-02

“ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES LOCATED ALONG ROUTE 15 IN THE TOWNSHIP OF JEFFERSON, AND AMENDING ORDINANCE NUMBER 14-11, ESTABLISHING THE REDEVELOPMENT AREA-3 ZONING DISTRICT (RA-3), BY ADDING THE PROPERTIES INCLUDED IN THIS ORDINANCE TO THE RA-3 ZONE.

CHAPTER 490 OF THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF JEFFERSON IS AMENDED TO INCLUDE THE PROPERTIES IN THIS ORDINANCE IN THE RA-3 ZONE; AND AMENDING CHAPTER 490-8, THE ZONING MAP.”

WHEREAS, on April 15, 2009 the Township Council of the Township of Jefferson adopted Ordinance #10-09 establishing a redevelopment area, located along Route 15 in the Township of Jefferson, pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on September 7, 2011 the Township Council of the Township of Jefferson adopted Ordinance #14-11, and on September 3, 2014, the Township Council of the Township of Jefferson adopted Ordinance #16-14, adding certain properties to the RA-3 Zoning District; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated and foster beneficial economic development; and

WHEREAS, on April 2, 2014, the Township Council of the Township of Jefferson adopted a motion authorizing and directing the Jefferson Planning Board to undertake a preliminary investigation to determine whether the properties in a proposed redevelopment area, which are located in the vicinity of State Highway Route 15 on Tierney Road, in the Township of Jefferson, qualify as an area in need of redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.); and

WHEREAS, the primary objectives of the Township of Jefferson redevelopment effort as indicated in the aforesaid Council resolution is to: (1) improve property conditions in the Township; (2) improve the quality of life of Township residents; and (3) improve the economic foundation of the Township so that long-term property tax stability is realized by all Jefferson taxpayers; and

WHEREAS, Jefferson Planning Board has investigated and discussed the issue of redevelopment and the process of investigating an area in need of redevelopment. This investigation included a review of the criteria set forth in the LRHL (N.J.S.A. 40A:12A-5) to determine if this commercial area of Jefferson qualifies as an area in need of redevelopment; and

WHEREAS, on December 13, 2016, the Township Planning Board adopted a resolution declaring the following properties located along Route 15 in the area of Hellers Lane to be an area in need of redevelopment, subject to the conditions set forth in said resolution:

Figure 1.

Address: Parcel ID	Street Address	Acreage (Parcel Size)
Block 273.02, Lot 1	9 Hellers Lane	3.264 Acres
Block 273.01, Lot 2.061	Route 15 South	2.285 Acres
Block 273.01 Lot 2.062	Route 15 South	2.543 Acres
Block 273.01, Lot 12	10 Hellers Lane	1.748 Acres

WHEREAS, the following properties were previously included in the RA-3 area:

Figure 2.

Address: Parcel ID	Street Address	Acreage (Parcel Size)
Block 249, Lot 3.18	Tierney Road	5.588 Acres
Block 249, Lot 3.19	Tierney Road	2.31 Acres
Block 249, Lot 3.10	Tierney Road	1.32 Acres

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, in accordance with the provisions of the LRHL, that the 2009 Jefferson Redevelopment Plan for the Route 15 Redevelopment Area, dated January 26, 2009, authorized by Ordinance #10-09, is hereby amended to include the aforementioned four properties located at Block 273.01 and 273.02 with the following additional provisions.

Section 1. Declaration of Redevelopment Area.

Based upon the recommendation of the Jefferson Planning Board and recognizing the diligent work of the Board, the properties at:

Address: Parcel ID	Street Address	Acreage (Parcel Size)
Block 273.02, Lot 1	9 Hellers Lane	3.264 Acres
Block 273.01, Lot 2.061	Route 15 South	2.285 Acres
Block 273.01 Lot 2.062	Route 15 South	2.543 Acres
Block 273.01, Lot 12	10 Hellers Lane	1.748 Acres

are hereby declared an area in need of redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq.

Section 2. Implementation of the 2009 Jefferson Redevelopment Plan; RA-3 Amendments.

- a. The 2009 Jefferson Redevelopment Plan provides for the implementation of the RA-3 Redevelopment zone along Route 15. The aforementioned four properties are hereby included in the RA-3 zone. Any redevelopment project, and accompanying site plan approval, shall be carried out in full compliance with the LRHL and any other applicable Statutes and Ordinances.
- b. Chapter 490-8, entitled "The Zoning Map of the Township of Jefferson" is hereby amended to include the properties specified in this Ordinance and to be included in the RA-3 zoning district.

Section 3. Flexible Zoning.

- a. Those properties not situated in the Highlands Preservation area and located in the RA-3 zone having greater than one (1) acre of property and having adequate water and sewer service shall have as a conditional use multifamily residences as included in §490-12 (R-10 Multifamily Residence Zone) of the Township of Jefferson Code, with three development standard modifications applicable thereto:
 - 1 The parking requirement shall be 1.5 parking spaces for each residential unit having one bedroom and 2.0 spaces for each unit having greater than one bedroom (§490-12 E. (10));
 - 2 The minimum lot area subject to development shall be greater than one (1) acre (§490-12 G. (1));
 - 3 The lot width and yard setbacks shall be determined by the Planning Board based upon their findings of the appropriate distance between any building and the property boundaries (§490-12 G. (2, 3 and 4)).
- b. The development standard modifications specified in Section 3a. 1 and 2 of this Ordinance may not be waived or have a deviation ("variance") granted to by the Planning Board or have any other relief provided to any applicant for development.
- c. All remaining bulk standards, other than those stipulated in Section 3a 1 and 2 of this Ordinance shall remain the same as found in §490- 12 with the proviso that the Planning Board may grant extensive deviations to the development ("area, yard and bulk") standards applicable to those properties having greater than one (1) acre located in the RA-3 zone and where an application for development approval is for a conditional use as found in §490-12, the R-10 Multifamily Residence Zone.
- d. The priority for the flexible zoning provided herein and to be granted by this provision shall be given to those properties identified and listed in Figure 1 and Figure 2 hereinbefore set forth. However, any property not located in the Highlands Preservation area having adequate water and sewer service together with greater than one acre located in the RA-3 zone may take advantage of the conditional zoning flexibility provided in this Section.

Section 4. Designation of Redevelopment Entity.

Pursuant to the authority granted by N.J.S.A. 40A:12A-4(c) of the LRHL, the Jefferson Township Council has been designated as the redevelopment entity for Redevelopment Area-3 as heretofore described in Ordinance #10-09 as amended. The Redevelopment Entity will exercise its powers thereof in accordance with the LRHL.

Section 5. Powers of Redevelopment Entity.

Pursuant to LRHL, the Council may, pursuant to N.J.S.A. 40A:12A-8 of the LRHL, proceed with the clearance, replanning, development and redevelopment of Redevelopment Area 3, in cooperation with the property owner(s) and, so as to carry out and effectuate said purposes, the Council may do those things necessary and specified in Ordinance #10-09 to implement the Redevelopment Plan; including but not limited to the undertaking of redevelopment projects, and for this purpose issue bonds in accordance with the provisions of N.J.S.A. 40A:12A-29; prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects; and arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area. The Council may exercise all of the powers and duties as set forth in Ordinance #10-09.

Section 6. Eminent Domain Condemnation Not Authorized.

It is further determined by the Township Council that the use of eminent domain condemnation is NOT authorized in this Redevelopment Plan Amendment. As such, NO property is identified or authorized to be acquired through eminent domain condemnation as required by N.J.S.A. 40A:12A-7.a (4).

Section 7. The Council shall study the future recommendations of the Planning Board or Township Administration regarding redevelopment initiatives or projects.

Section 8. No Use Variances Permitted.

In furtherance of the aforesaid objectives of the Township Council, the Board of Adjustment and/or Planning Board may NOT consider, grant or approve deviations (variances) from the land use provisions (including additional permitted or conditional uses) of the RA-3 zone, as specified and included in Ordinance #10-09 and this Ordinance. However, when considering site plan applications the Planning Board grant deviations (variances) to bulk standards and other pertinent zone standards, conditions and factors as it deems appropriate - with the specific exception as to use. As stipulated in Ordinance #14-11, Ordinance #10-09 is hereby amended to permit these deviations and the conditional use identified in Section 3 hereof. Consistent with the LRHL, only the Township Council may change the permitted land uses in the RA-3 zone.

Section 9. Financial Agreement.

The Township of Jefferson, may take advantage of financial incentives provided by the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., the Redevelopment Area Bond Financing Act, N.J.S.A. 40A:12A-64 et. seq., and/or any other applicable incentive program.

BE IT FURTHER ORDAINED as follows:

Section 10. Execution of Documents.

The Mayor of the Township of Jefferson is hereby designated to execute, and the Township Clerk of the Township of Jefferson ("Township Clerk") is hereby designated to attest to, any and all documents necessary to carry out any of the purposes set forth in this Ordinance.

Section 11. Notice.

The Township Clerk is hereby directed to give notice at least ten (10) days prior to the adoption of this Ordinance to the Morris County Planning Board and to all other persons, including the property owners of record, 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 Morris County Planning Board, as required by N.J.S.A. 40:55D-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, and to the Highlands Council.

Section 12. Conflict.

All Ordinances or resolutions, or parts of Ordinances or resolutions that are in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary.

Section 13. Illegal Provisions.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain full force and effect.

Section 14. Judgment.

If any sentence, section, clause or other portion of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent Jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 15. Effective Date.

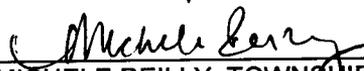
This Ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Morris County Planning Board.

Section 16. Duration of Redevelopment Plan.

The RA-3 zone and as established in Ordinance #10-09 as amended, and as may be further amended, shall expire on December 31, 2039.

Council Member	By	2 nd	Yes	No	Abstain	Absent	By	2nd	Yes	No	Abstain	Absent
Mr. Birmingham			X									X
Mr. Dunham			X				X		X			
Mrs. Finnegan		X	X									X
Vice President Sanchelli	X		X					X	X			
President Merz			X						X			

ATTEST:


 MICHELE REILLY, TOWNSHIP CLERK

COUNCIL OF THE TOWNSHIP OF JEFFERSON:


 DEBI MERZ, COUNCIL PRESIDENT

INTRODUCED: February 15, 2017
 ADOPTED: April 19, 2017

RUSSELL W. FELTER, MAYOR



DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:

April 19, 2017

CERTIFICATION

I, MICHELE REILLY, Clerk of the Township of Jefferson, do hereby certify that the foregoing **Ordinance #17-02** was duly adopted by the Township of Jefferson Council on the **19th day of April, 2017.**



MICHELE REILLY, RMC
TOWNSHIP CLERK