

ORDINANCE

No. 23-070

1st Reading DEC 07 2023

Date to Mayor 1-5-2024

Public Hearing DEC 21 2023

Date Returned 1-8-2024

2nd Reading & Passage DEC 21 2023

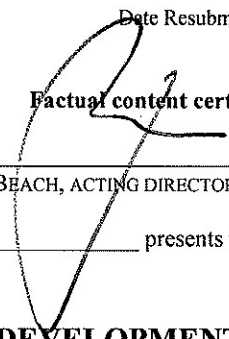
Date Resubmitted to Council _____

Withdrawn Lost

Approved as to Form and Legality

Factual content certified by


WESLEY BRIDGES, CITY ATTORNEY


JAMES BEACH, ACTING DIRECTOR, HOUSING & ECON. DEV.

Councilman/woman _____ presents the following Ordinance:

ORDINANCE ADOPTING A PROPOSED NEW LAND DEVELOPMENT ORDINANCE PURSUANT TO N.J.S.A. 40:55D-1, *ET SEQ.*

WHEREAS, the existing City of Trenton Land Development Ordinance was adopted in 2010; and

WHEREAS, the Trenton250 Master Plan was adopted by the Planning Board of the City of Trenton in 2017; and

WHEREAS, N.J.S.A 40:55D-62 of the Municipal Land Use Law (the "MLUL") requires zoning ordinances to be substantially consistent with the land use plan element and the housing plan element of the Master Plan; and

WHEREAS, the City of Trenton, by and through the Department of Housing and Economic Development, Division of Planning, has drafted a new Land Development Ordinance that replaces the existing ordinance in its entirety; and

WHEREAS, the Division of Planning has performed substantial community engagement in drafting the new Land Development Ordinance (the new "LDO"), including two (2) public comment periods totaling nine (9) months, at least eighteen (18) public presentations, tabling at community events, and responses provided to every public comment received; and

WHEREAS, pursuant to the MLUL, the Planning Board of the City of Trenton shall be given the opportunity to review said LDO and make recommendations thereto prior to action by the City Council of the City of Trenton; and

WHEREAS, the City Council of the City of Trenton did authorize the Planning Board to review the new LDO and make recommendations on said Ordinance, as may be revised or adjusted per the Planning Board review; and

WHEREAS, the Planning Board held a public hearing at its regular meeting on October 26, 2023, to review the new LDO and made a recommendation on said Ordinance, as may be revised or adjusted per the Planning Board review; and

WHEREAS, the Planning Board hearing was opened to the public, and public comments were received at the hearing; and

WHEREAS, the Planning Board adopted Resolution No. 2023-14, finding that the new LDO is entirely consistent with the City of Trenton's Master Plan in all respects; and

WHEREAS, the Planning Board did also recommend that the following changes be made to the new LDO:

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1. Block 8601, Lots 1 and 2, and Block 8903, Lots 35.01, 35.02, 36, 37, 38, 39, 40, 41, 41.01, and 42 be changed from a zoning designation of RH-1 to RH-2 to reflect and accommodate the design proposal for the new development of Donnelly Homes Redevelopment Area; and
2. Block 24005, Lots 1 & 2 be changed from a zoning designation of RH-1 to I-MU to support the present use of the property, which is contiguous with an I-MU zone directly across the street from said parcels; and

WHEREAS, the changes recommended by the Planning Board have been incorporated into the new LDO.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, County of Mercer that the Municipal Code of the City of Trenton be amended as follows:

1. The above recitals are incorporated by reference herein as if set forth at length herewith.
2. §315-74 Radio Communication Airways of the existing Land Development Code shall not be included in the new LDO and shall be identified as §315-2 in the City Code.
3. The remainder of the existing Land Development Code at §315-1, *et seq.*, shall be stricken and replaced by the Land Development Ordinance of the City of Trenton, December 2023 and shall be identified as §315-1 in the City Code.
4. The City of Trenton Zoning Map, December 2023, shall be adopted as the official zoning map of the City of Trenton.
5. Should any section, clause, sentence, phrase, or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
6. The new Land Development Ordinance and Zoning Map shall take effect upon final adoption and publication in accordance with law.

All prior ordinances or parts of same inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

INTRODUCTION:	Harrison				Edwards				ORD. AUTHORED BY:	ADOPTION	Figueroa				Feliciano			
	MOTION:				SECOND:						MOTION: Lettenburg				SECOND:			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB			AYE	NAY	NV	AB	AYE	NAY	NV	AB
EDWARDS	✓				✓				GONZALEZ	✓				FRISBY	✓			
FELICIANO	✓				✓				HARRISON	✓								
FIGUEROA	✓				✓				WILLIAMS	✓								

✓ - NO VOTE AB - ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on DEC 07 2023

Adopted on second reading after the public hearing on DEC 21 2023

Mayor [Signature] APPROVED

Reconsidered by Council – Override Vote AYE
NAY

President of Council [Signature]

City Clerk [Signature]