O2024-03

A REDEVELOPMENT PLAN ORDINANCE OF TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, PERTAINING TO BLOCK 1005, LOT 13, COMMONLY KNOWN AS 540 MARSHALL STREET, AND DESIGNATED AN AREA IN NEED OF REHABILITATION BY THE TOWN OF PHILLIPSBURG, IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 ENTITLED "40A:12A-7. ADOPTION OF REDEVELOPMENT PLAN"

WHEREAS, the Town of Phillipsburg Council adopted Resolution No. 2023-159 on August 15, 2023 designating Block 1005, Lot 13, commonly known as 540 Marshall Street, "An Area in Need of Rehabilitation" in accordance with the provisions set forth at N.J.S.A. 40A:12A-14; and

WHEREAS, the State of New Jersey accepted/approved the Town findings and designation of the subject property in need redevelopment on September 12, 2023.

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:12A-7.f., the Town of Phillipsburg Council authorized the Town of Phillipsburg Planning Board to prepare a Redevelopment Plan consistent with the provisions of Town Master Plan and previously complete in need of redevelopment study for the subject property including design and development standards for development, and addressing site plan requirements and details, for referral to the Town Council; and

WHEREAS, N.J.S.A. 40A:12A-7.a., provides that "[N]o redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, ..."; and sets forth statutory requirements for the contents of a Redevelopment Plan; and

WHEREAS, the Town of Phillipsburg Council is desirous of enacting a redevelopment plan to guide the future use, development and redevelopment of Block 1005, Lot 13 heretofore designated an area in need of rehabilitation with provisions to enable redevelopment of the property; and

WHEREAS, N.J.S.A. 40A:12A-15 provides that "In accordance with the provisions of a redevelopment plan adopted pursuant to section 7 of P.L. 1992, c.79 (C.40A:12A-7), a municipality or redevelopment entity may proceed with ... development, redevelopment and rehabilitation of an area in need of rehabilitation. ...";

NOW, THEREFORE, BE IT ORDAINED,

Section 1. This Ordinance shall be known as the "540 Marshall Street Redevelopment Plan".

Section 2. The Code of the Town of Phillipsburg is hereby amended and supplemented, as follows:

1. Chapter 625, Zoning, Article III, Zoning Districts, subsection 625-5, Zoning Map, is hereby amended and supplemented by designating Town of Phillipsburg Block 1005, Lot 13 the "540 Marshall Street Redevelopment Zone" and adding the following designation to the legend on the Zoning Map: "540 Marshall Street Redevelopment Zone" and

2. Chapter 625, Zoning, Article III, Zoning Districts, subsection 625-4, is hereby amended and supplemented by adding the zone Town of Phillipsburg Block 1005, Lot 13 the "540 Marshall Street Redevelopment Zone".

3. Chapter 625, Zoning is amended to add Article XXIII "540 Marshall Street Redevelopment Zone" which will include the follow chapters:
    a. Chapter 625-112 – Purpose
    It is the purpose of this zone to provide for the redevelopment of the property known as Block 1005, Lot 13 as zone. This zone is classified as a redevelopment zone subject to review by the Redevelopment Authority and Land Use Board of the Town of Phillipsburg.

    b. Chapter 625-113 Permitted Uses –
    No lot shall be used, and no structure shall be erected, altered or occupied for any purpose except the following:
        i. Retail shops and service businesses.
        ii. Restaurants and taverns.
        iii. Parking garages and lots.
        iv. Theaters, bowling alleys, skating rinks or other similar family entertainment facilities.
        v. Office buildings intended for business, executive, professional and administrative purposes, including financial institutions.
        vi. Churches and similar places of worship.
        vii. Public buildings, including schools and excluding correctional institutions.
        viii. Medical and dental clinics and laboratories.
        ix. Small business.
        x. Apartments
        xi. Condos
        xii. Duplexes
        xiii. Townhouses
        xiv. Grocery Stores
        xv. Supermarkets
        xvi. Childcare centers

    c. Chapter 625-114 Accessory uses

    Permitted accessory uses shall be as follows:
        i. Off-street parking in accordance with Article VII (§625-25, §625-26, §625-27, §625-28, §625-29, §625-30, §625-31, §625-32, §625-33).
        ii. Signs in accordance with Article VIII (§625-34-§625-45).
        iii. Off-street parking in accordance with Article VII.
        iv. Signs in accordance with Article VIII.
        v. Other accessory uses customarily incident to the uses listed in §625-54 above.
        vi. Outdoor recreational spaces
        vii. Outdoor dining/seating facilities
        viii. Ground mounted mechanical equipment for commercial/ residential use
        ix. Shared use parking lots/garages
        x. Generators rooftop or ground mounted
        xi. Shopping cart storage

    d. Chapter 625-115 Zone Standards
    This zone shall include the following standards that supersede other standards listed in zoning, site plan and subdivision standards and codes of the Town. If this section does

not include a specific amendment this zone is subject to established zoning, site plan, subdivision and other Town codes.

i. **EV Parking Standards**
   1. The Zone shall adhere to N.J.S.A 40:55D EV parking schedule.
   2. The zone shall permit reductions in required parking based on number of EV spaces provided for per N.J.S.A 40:55D 40:55.
   3. Accessible EV spaces shall be provided per N.J.S.A 40:55D

ii. **Parking Standards**
   1. Accessible spaces shall be provided per federal regulation and state regulations.
   2. The minimum number of spaces to be provided shall conform to §625-32, except where the NJ Residential Site Improvement Standards permits a lower minimum number of spaces to be provided.
   3. Parking spaces sizes for non-ada spaces would be 9' x 18'
   4. On-street parking would be permitted to address residential parking requirements, if on street is permitted within 500' of the site.

iii. **Banked/Future Parking spaces.**
   1. Developers may at approval of Redevelopment Authority and Land Use Board, construct less parking spaces than required when the developer is able to submit a parking plan that depicts how the developer would be able to provide additional parking onsite in the future if demand warrants.

iv. **Loading Zones**
   1. Shall adhere to Town Code §625-31.

v. **Variances for Parking**
   1. Variances for parking up to 10% required may be considered and granted by the Land Use Board without review of redevelopment Authority.

   2. Variance for loading zones may be considered and granted by the Land Use Board without review of the Redevelopment Authority.

4. Article XVII Minium and Maximum Requirements Chapter 625-80 Schedule of Area, lot and Bulk requirements and associated schedule attachment is amended to include the following standards for 540 Marshall Street Redevelopment Zone.

Requirements	Required
Minimum Lot Area (Square Feet)	10,000
Minimum Lot Frontage (Feet) – Marshall	100
Minimum Lot Frontage (Feet) – Anderson	100
Minimum Lot Frontage (Feet) – Heckman	100
Minimum Front, Side, Rear Yard Setback for Principal Use (Feet)	5
Minimum Front, Side, Rear Yard for Parking Spaces (Feet)	0
Minimum Front, Side, Rear Yard for Signs (Feet)	0
Minimum Front, Side, Rear Yard Setback for Accessory Uses (Feet)	5
Maximum Lot Coverage (Percentage)	75
Maximum Height (Feet)	55
Maximum Height (Stories)	4 stories
Maximum Lot Coverage (Percentage)	80
Minimum Floor Area Studio (Square Feet)	300
Minimum Floor Area 1 bedroom (Square Feet)	450
Minimum Floor Area 2 bedroom (Square Feet)	600
Minimum Floor Area 3 bedroom (Square Feet)	900

Section 3. This section of the 540 Marshall Street Redevelopment Plan addresses the statutory requirements of N.J.S.A. 40A:12A-7. Adoption of redevelopment plan. Responses to N.J.S.A. 40A:12A7.a are provided below

NJSA 40A:12A-7.a(1) - Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

As identified in the previously completed area of need of redevelopment study for this property, the master plan promotes the development both new residential and non-residential development and redevelopment of underutilized properties within the town. Further as prior in need study for the site noted the site is in close proximity to public transportation and community facilities.

NJSA 40A:12A-7.a(2) - Proposed land uses and building requirements in the project area.

Within this plan, land uses and building requirements have been identified as required by Statute.

NJSA 40A:12A-7.a(3) – Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

The property is currently vacant for commercial use and not occupied for residential uses and as such there will be no displacement of residents.

NJSA 40A:12A-7.a(4) – An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

This redevelopment plan does not propose to acquire land by redevelopment authority of the Town of Phillipsburg and is limited to Block 1005 Lot 3 – 540 Marshall Street.

NJSA 40A:12A-7.a(5) – Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

As identified in the area of need of redevelopment study for this property this property is located in state approved Urban Enterprise Zone and State of New Jersey Smart Growth Metropolitan Planning Area as such redevelopment of this previously developed will promote revitalization and urban infill development.

NJSA 40A:12A-7.a(6) – As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

No residential units are proposed to be removed, but new residential units will become a permitted use under this redevelopment plan which may reduce the housing shortage burden for either rental and/or purchase market.

NJSA 40A:12A-7.a(7) – A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

This project does not include removal of residential properties and as such this requirement is not applicable to this redevelopment plan.

NJSA 40A:12A-7.a(8) – Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

This redevelopment plan will incorporate the current electric vehicle parking standards/guidelines of state and will permit reduction in required parking onsite should electric vehicle parking be provided.

NJSA 40A:12A-7b – A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

This redevelopment plan does not include provisions to alter or change any state required affordable housing obligations for development at this site.

NJSA 40A:12A-7c - The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

This redevelopment plan includes provisions for zoning and design standards that will amend existing zoning standards and design standards under section 2.

Section 4.

RENUMBERING. This ordinance may be renumbered for codification purposes.

Section 5.
SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6.
REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

Section 7.
EFFECTIVE DATE. This Ordinance shall not take effect until any statutory requirements are addressed.

Attest: I herein certify that the foregoing ordinance was duly adopted by the Town of Phillipsburg Council at a regular meeting held by the Town Council on March 13, 2024.

Matthew C. Hall, MPA
Acting Municipal Clerk