

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 23-2023** - Ordinance of the Borough of Eatontown Entitled "An Ordinance Amending The Redevelopment Plan For The Properties Designated As Block 2201, Lots, 1.01, 1.02, 2, 3, 4 And 5, Block 2201, Lot 1 Known As The Monmouth Mall" was passed after a public hearing at the regular meeting of August 23, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 23-2023

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTIES DESIGNATED AS BLOCK 2201, LOTS, 1.01, 1.02, 2, 3, 4 and 5, BLOCK 2201, LOT 1 KNOWN AS THE MONMOUTH MALL

WHEREAS, the Mayor and Council of the Borough of Eatontown adopted Resolution 70-2021 on April 14, 2021 Authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202, Lot 1 on the Borough Tax Map, commonly known as the Monmouth Mall Property (the "Monmouth Mall Property"), meets the criteria to be designated as a non-condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5 (the "LRHL"); and

WHEREAS, the Planning Board adopted a Resolution on December 6, 2021, determining that the Property meets the criteria under the LRHL to be declared a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, Borough Council reviewed the recommendations of the Planning Board and adopted Resolution 208-202 designating the Property as a Non-Condemnation Area in Need of Redevelopment under the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 (b) and (h) on December 8, 2021; and

WHEREAS, the Borough Council adopted Ordinance 05-2023, approving the Monmouth Mall Redevelopment Plan on April 26, 2023 for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 (the "Property") on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7 and it amended the Zoning District Map because the Redevelopment Plan contains superseding zoning; and

WHEREAS, the Borough Council seeks to amend the approved Redevelopment Plan to clarify the type of residential buildings to be a permitted principal use so as to conform to the proposed Concept Plan.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Monmouth Mall Redevelopment Plan for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 on the Borough of Eatontown Tax Map, Article II General Guidelines, Section C. Permitted Land Uses, Permitted Principal Uses, shall be amended as follows:

[Additions are underscored]

19. Multi-Family Residential Buildings.

BE IT FURTHER ORDAINED THAT in accordance with N.J.S.A. 40A:12A-7 (c), the Monmouth Mall Redevelopment Plan contains superseding zoning and the Zoning District Map of the Borough of Eatontown is hereby amended to include the Amended Monmouth Mall Redevelopment Plan as a zoning district as amended.

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Amended Monmouth Mall Redevelopment Plan as amended shall supersede the applicable regulations in the Eatontown Borough Land Use Ordinances governing the Monmouth Mall Property and if a particular land use, development regulations or site standards are not addressed in this Redevelopment Plan, compliance with the Eatontown Borough Land Use Ordinances or other applicable code requirements apply.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.