

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #17-21

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII
("ZONING") OF THE REVISED GENERAL ORDINANCES OF THE
TOWN OF GUTTENBERG**

WHEREAS, on December 19, 2016, the Town Council of the Town of Guttenberg adopted Ordinance #32-16, which amended Chapter XXVIII of the Revised General Ordinances of the Town of Guttenberg; and

WHEREAS, in Section I of Ordinance #32-16, among the amendments to Chapter XXVIII of the Revised General Ordinances of the Town of Guttenberg, the Town Council created a new zone district designated as the R-5 High-Rise Residential Use zone district (the "R-5 zone"); and

WHEREAS, in Section II of Ordinance #32-16, the Town Council rezoned portions of Block 38, portions of Block 39, and Block 40 from R-4 Mid-Rise Mixed-Use zone district (the "R-4 zone") to the newly created R-5 zone; and

WHEREAS, portions of Block 38 and Block 39 that were not rezoned by Ordinance #32-16 remained in the R-4 zone, including lots currently designated on the Tax Map as: Block 38, Lots 1, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 3, 9, 10, 11, 12, and 13, and Block 39, Lots 1, 2, 3, 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, and 16; and

WHEREAS, the Town Council wishes to rezone the portions of Block 38 and Block 39 that remained in the R-4 zone following the adoption of Ordinance #320-16 to include them within the R-5 zone, having concluded that including those parcels within the R-5 zone would be consistent with the Master Plan Update Re-examination Report and Land Use Plan Element Amendment, dated June 15, 2009 and would likewise constitute a better land use plan for the subject parcels and for the Town of Guttenberg; and

WHEREAS, the Town Council adopted Resolution #62-2021 and referred the issue of rezoning those portions of Block 38 and Block 39 that remained in the R-4 zone following adoption of Ordinance #32-16 to include them within the R-5 zone to the Joint Planning/Zoning Board of the Town of Guttenberg (the "Board") pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

WHEREAS, by resolution adopted on April 19, 2021, the Board reported its findings and recommended the rezoning of the portions of Block 38 and Block 39 from being in the R-4 zone to the R-5 zone; and

WHEREAS, the Official Zoning Map currently in effect is dated September 22, 2010, and does not include the R-5 zone; and

WHEREAS, the Town Council wishes to update the Official Zone Map for the Town of Guttenberg pursuant to N.J.S.A. 40:55D-32 to include the parcels included in the R-5 zone, including those lots designated as the R-5 zone in Ordinance #32-16 and those lots reclassified by this Ordinance;; and

WHEREAS, the Town Engineers, Remington & Vernick Engineers, prepared a new Official Zone Map entitled *Zoning Map, Town of Guttenberg*, dated April 26, 2021 (the “Revised Official Zone Map”), which map accurately depicts the zone district boundaries; and

WHEREAS, by its resolution dated April 19, 2021, the Board recommended adoption of the updated and amended Revised Official Zone Map; and

WHEREAS, notice of the hearing on this Ordinance will be made prior to final hearing and adoption by the Town Clerk to all property owners within the zone district and to property owners within 200 feet of the new boundaries of the R-5 zone district, and to the Office of Planning Advocacy, pursuant to N.J.S.A. 40:55D-62.1, and to the Hudson County Planning Board pursuant to N.J.S.A. 40:55D-15(b);

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that the Revised General Ordinances of the Town of Guttenberg is hereby amended as follows:

SECTION I.

The first Paragraph of § 28-3.2 “Official Zoning Map” of the Revised General Ordinances of the Town of Guttenberg is hereby amended to read as follows:

The boundaries of the zoning districts shall be as shown upon the Map entitled *Zoning Map, Town of Guttenberg*, dated April 26, 2021, prepared by Remington & Vernick Engineers, on file with the Office of the Town Clerk. Any change in the boundaries as delineated on the Zoning Map shall be made on the Map promptly after any amendment to the Zoning Ordinance has been approved by the Mayor and Council of the Town of Guttenberg.

SECTION II.

A subparagraph “b.” shall be added to § 28-3.2 “Official Zoning Map” of the Revised General Ordinances of the Town of Guttenberg that shall read as follows:

b. The zoning district classifications for the following properties located between Boulevard East and Bellevue Avenue are changed as follows:

BLOCK	LOT	CURRENT ZONE	NEW ZONE
38	1	R-4	R-5

38	2.01	R-4	R-5
38	2.02	R-4	R-5
38	2.03	R-4	R-5
38	2.04	R-4	R-5
38	2.05	R-4	R-5
38	2.06	R-4	R-5
38	3	R-4	R-5
38	9	R-4	R-5
38	10	R-4	R-5
38	11	R-4	R-5
38	12	R-4	R-5
38	13	R-4	R-5
39	1	R-4	R-5
39	2	R-4	R-5
39	3	R-4	R-5
39	15.01	R-4	R-5
39	15.02	R-4	R-5
39	15.03	R-4	R-5
39	15.04	R-4	R-5
39	15.05	R-4	R-5
39	15.06	R-4	R-5
39	15.07	R-4	R-5
39	15.08	R-4	R-5
39	15.09	R-4	R-5
39	15.10	R-4	R-5
39	15.11	R-4	R-5
39	16	R-4	R-5

SECTION III.

Within thirty (30) days from final adoption of this Ordinance, the Town Clerk shall file with the Hudson County Planning Board a copy of this Ordinance pursuant to N.J.S.A. 40:55D-16.

SECTION IV.

Within thirty (30) days from final adoption of this Ordinance, the Town Clerk shall file the Revised Official Zoning Map with the Hudson County Register pursuant to N.J.S.A. 40:55D-16.

SECTION V.

Within thirty (30) days from final passage of this Ordinance, the Town Clerk shall transmit a copy of this Ordinance and the Revised Official Zoning Map to the Tax Assessor of the Town of Guttenberg.

SECTION VI.

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION VII.

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION VIII.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Revised General Ordinances. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error and to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Revised General Ordinances of the Town of Guttenberg, or as they may otherwise deem appropriate, even if headings, chapter numbers, article numbers and section numbers are otherwise provided for in this Ordinance.

SECTION IX.

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This Ordinance amends Ordinance#32-16 chapter 28 “Zoning” and authorizes re-zoning Block 38 and 39 to an R-5 Zone and updates the Zoning Map.

/S/ Alberto Cabrera

Introduction: 4.26.21

