ORDINANCE

No. 21-023

Date to Mayor _____________________________

Date Returned _____________________________

Date Resubmitted to Council _____________________________

Approved as to Form and Legality

CITY ATTORNEY

Councilman/woman _____________________________

presents the following Ordinance:

AN ORDINANCE AMENDING §2-29 (REDEVELOPMENT FUNCTIONS) AND §2-34 (DIVISION OF PLANNING) IN ARTICLE VII (DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT) IN CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF TRENTON.

WHEREAS, the City of Trenton is organized pursuant to N.J.S.A. 40:69A-1, et seq., commonly known as the Faulkner Act, and specifically, the Mayor-Council plan, N.J.S.A. 40:69A-31, et seq.; and

WHEREAS, under the Mayor-Council plan, the Mayor has certain powers and duties and the Council has certain powers and duties; and

WHEREAS, under the Faulkner Act, specifically N.J.S.A. 40:69A-32, the City Council is the body exercising the legislative powers of the City; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1, et seq., defines “redevelopment” and codifies New Jersey law as it pertains to the exercising of redevelopment powers by municipalities; and

WHEREAS, N.J.S.A. 40A:12A-3 defines the “Governing Body” for the purposes of the LRHL as the body exercising general legislative powers in a county or municipality according to the terms and procedural requirements set forth in the form of government adopted by the county or municipality; and

WHEREAS, under the Faulkner Act, the City Council is the body exercising general legislative powers in the City of Trenton; and

WHEREAS, under general principles of municipal law, where a statute grants power to a municipality, that power is exercised by the governing body; and

WHEREAS, the City Council of the City of Trenton has determined that it is desirable that the Code of the City of Trenton be amended to properly set forth the redevelopment functions of the Department of Housing and Economic Development in assisting the City Council to exercise its redevelopment powers;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Trenton:

SECTION 1. §2-29 (Redevelopment functions) in Article VII (Department of Housing and Economic Development) in Chapter 2 (Administration) of the Code of the City of Trenton is hereby amended by deleting §2-29 it in its entirety and replacing it as follows:
§ 2-29 Redevelopment Functions

The Department shall administer the redevelopment functions of the City under the direction of the City Council and to that end shall:

A. Administer and direct urban conservation, rehabilitation and renewal activities of the City.

B. Assist the City Council in the City Council’s exercising of the powers of the City as set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) for purposes of any urban renewal program or redevelopment program, provided that no project shall be undertaken, except upon the approval of the Council, and nothing in this section shall be construed to authorize any expenditure, except pursuant to an appropriation made by the Council.

C. Conduct studies, collect statistical and other data and after consultation with City Council make recommendations with regard to redevelopment areas and plans to the City Council.

D. Recommend appointment of or contracting with technical and professional advisors and assistants as may be required and approved for any federally or state-aided planning, renewal, development or redevelopment project, provided that nothing herein shall be construed to authorize the making of any contract without the approval of Council.

E. Recommend the creation of advisory committees, neighborhood councils and other forms of citizen participation in urban rehabilitation and redevelopment, which entities may be created, and their members appointed, by resolution of the City Council.”

SECTION 2. Article VII (Department of Housing and Economic Development) in Chapter 2 (Administration) of the Code of the City of Trenton is amended by amending § 2-30 (Planning Board Review) by deleting § 2-30 and replacing it as follows:

“§ 2-30. Planning Board Review.

Whenever any project or course of action is related to or may affect the Master Plan, the Department shall submit the matter to the Planning Board for review and recommendation and shall simultaneously transmit a copy of the material submitted to the Council.”

SECTION 3. Article VII (Department of Housing and Economic Development) in Chapter 2 (Administration) of the Code of the City of Trenton is amended by deleting § 2-34 in its entirety and replacing it as follows:

“§ 2-34. Division of Planning.

Within the Department there shall be a Division of Planning. Under the direction and supervision of the Director and subject to the Charter and Code, the Division shall:

A. Review all requests of property owners and developers for consideration by the Planning and Zoning Boards and make recommendations to such Boards.

B. Prepare redevelopment plans as directed by City Council for proposed redevelopment areas pursuant to state statute.
C. Prepare and periodically revise a Comprehensive Master Plan for the City and prepare such plans, studies, analyses, surveys and reports which may, from time to time, be necessary to implement the Master Plan or guide governmental policy to coordinate and promote the overall development of the City.

D. Review proposed landmark and historic district designations and make recommendations to the appropriate City body or bodies which review and approve such designations.

E. Assess the environmental impact of proposed facilities, programs and activities.

F. Review rehabilitation and construction plans which are required to be considered by the City Landmarks Commission for Historic Preservation and make recommendations to the Commission as to the conformity of the proposed work with the architectural standards adopted by the Commission.

G. Establish liaison with the Capital City Redevelopment Corporation (“CCRC”) and other groups involved in the planning and development of areas within the City.

H. Undertake such traffic and transportation plans, analyses and reports which may be necessary to implement the comprehensive master planning program or to guide governmental policy for the assurance of orderly and coordinated traffic and transportation planning and development of the City, including coordinating the City's traffic and transportation planning efforts with appropriate county, regional and state agencies.

I. Advise the Director on matters dealing with public transportation, including bus, railroad, taxi and other modes, as they affect the planning and development of the City.

J. Undertake plans and studies of parking needs and conditions, and coordinate the construction of additional public and private parking facilities, including those to be operated by the Trenton Parking Utility."

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 6. This ordinance shall take effect upon final passage and publication in accordance with law.

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

Adopted on second reading after the public hearing on

Mayor

President of Council

City Clerk