

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF AN  
“AREA IN NEED OF REDEVELOPMENT” KNOWN AS THE “L.E. CARPENTER  
REDEVELOPMENT AREA” THE PORTION OF WHICH CONSISTS OF BLOCK 301,  
LOT 1 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF WHARTON IN  
ACCORDANCE WITH N.J.S.A. 40A:12A-7, AND SUPPLEMENTING AND AMENDING  
CHAPTER 165 ENTITLED "LAND USE AND DEVELOPMENT" BY AMENDING THE  
ARTICLE 11 ENTITLED “ZONING STANDARDS” AND ADDING NEW SECTION 165-  
101.1 170 N. MAIN STREET STANDARDS”**

WHEREAS, the Borough of Wharton is authorized, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq. (the “Redevelopment Law”), to determine whether certain parcels of land within the Borough constitute "an area in need of redevelopment;" and

WHEREAS, the Borough Council of the Borough of Wharton (“Council”) adopted a Municipal Overlay Zone adopted on October 11, 2005, which created the Phase 2 Redevelopment Plan for Block 301, Lot 1 and Block 801, Lot 3 as shown on the tax map of the Borough of Wharton (“Original Redevelopment Plan”); and

WHEREAS, in May 2015, the Council amend the Municipal Overlay with an Economic Development Overlay that included additional commercial uses but not residential uses for both Block 301, Lot 1 and Block 801, Lot 3 as shown on the tax map of the Borough of Wharton (the “Amended Redevelopment Plan”); and

WHEREAS, the County of Morris is constructing a new Main Street extension between the two properties within the Original Redevelopment Plan and the Amended Redevelopment; and

WHEREAS, the contract purchaser of the Block 301, Lot 1 (170 N. Main Street) submitted a concept plan to the Borough of Wharton to redevelop the subject property with a mixed-use commercial and residential structure; and

WHEREAS, there is a separate developer working on plans for Block 801, Lot 3 and therefore a specific Redevelopment Plan for Block 301, Lot 1, 170 N. Main Street, was the best approach to promote redevelopment of this portion of the redevelopment area; and

WHEREAS, the Council now desires to adopt the Redevelopment Plan for 170 N. Main Street, a copy of which is annexed hereto and made a part hereof as Exhibit A; and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7, the Planning Board is required to review the Redevelopment Plan and transmit its recommendations to the Council; and

WHEREAS, the Council further desires to amend Chapter 165 “Land Use and Development Code” as set forth below to include (for reference purposes) the specific land use, bulk requirements and design standards contained within the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Wharton, in the County of Morris, State of New Jersey, as follows:

**SECTION 1.** The Borough Council hereby refers the 170 N. Main Street Redevelopment Plan to the Planning Board for review and recommendation. Contingent upon the receipt of the Planning Board's recommendations, the Redevelopment Plan attached hereto and made a part hereof as Exhibit A is hereby approved pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**SECTION 2.** Article XI entitled “Zoning Provisions” of Chapter 165 entitled “Land Use and Development Code” of *The Revised General Ordinances of the Borough of Wharton*, as heretofore supplemented and amended, is revised as follows:

§ 165-85 Zoning Districts. “170 N. Main Street District” shall be added to the list of zoning districts.

§ 165-86B Zoning Map. “Block 301 Lot 1 I-1 I-1 with 170 N. Main Street District Overlay.”

**SECTION 3.** Chapter 165 entitled “Land Use and Development Code” of *The Revised General Ordinances of the Borough of Wharton*, as heretofore supplemented and amended, is revised as follows:

ATTACHMENTS: “Attachment 7 - 170 N. Main Street Redevelopment Plan” (with entire plan text attached in this location.

**SECTION 4.** Article XIV entitled “Supplementary Zoning Provisions” of Chapter 165 entitled “Land Use and Development Code” of *The Revised General Ordinances of the Borough of Wharton*, as heretofore supplemented and amended, is revised as follows:

§ 165-101 170 N. Main Street District regulations. The 170 N. Main Street Redevelopment Plan standards apply as an overlay zone on Block 301 Lot 1. See Attachment 7- 170 N. Main Street Redevelopment Plan.

**SECTION 4.** A copy of this Ordinance and the Redevelopment Plan shall be forwarded, after introduction, to the Wharton Borough Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40A:12A-7e.

**SECTION 5.** All ordinances, or parts thereof, that are inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

**SECTION 6.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be deemed to be invalid, such adjudication shall apply only to such section, paragraph,

subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon (i) filing with the Morris County Planning Board in accordance with the Municipal Land Use Law, and (ii) adoption and publication according to law.

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\* New provisions indicated by underline.

First Reading: July 13, 2020  
Second Reading: August 17, 2020

ATTEST:

**BOROUGH OF WHARTON**

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Gabrielle Evangelista,  
Borough Clerk

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**WILLIAM J. CHEGWIDDEN,  
MAYOR**

**EXHIBIT A**

**170 N. MAIN STREET REDEVELOPMENT PLAN**