

**CITY OF NORTHFIELD, NJ
ORDINANCE NO. 2-2015**

**AN ORDINANCE AMENDING THE 1986 LAND USE AND
DEVELOPMENT ORDINANCE, AS AMENDED, AND AMENDING THE
CITY'S ZONING MAP**

WHEREAS, the City of Northfield adopted a 1986 Land Use and Development Ordinance, as amended (hereinafter "Land Use Ordinance");

WHEREAS, the City of Northfield adopted Ordinance No. 9- 2012 which, in pertinent part, altered, modified and changed certain zoning controls and regulations of property located in the C-C Country Club Zoning District. Said changes included but were not limited to an increase of minimum lot size for single-family development in the Country Club District from 15,000 sq. ft. to 1 acre.

WHEREAS following the City of Northfield's adoption of Ordinance No. 9-2012, Caesar's Entertainment, Inc. filed a Complaint in Lieu of Prerogative Writ against the City of Northfield wherein it is alleged that Section 30 of Resolution No. 9-2012, as it relates to the increase of minimum lot size for single-family development in the Country Club District from 15,000 sq. ft. to 1 acre, together with changes to lot width, lot depth, building setback and coverage standards is arbitrary, capricious and unreasonable and should be invalidated and set aside.

WHEREAS after the filing of the suit referenced above, the parties to the litigation engaged in pre-trial settlement negotiations which resulted in a settlement acceptable to the parties to the litigation.

WHEREAS, in furtherance of the settlement of the referenced litigation, the Superior Court of New Jersey reviewed and executed a Consent Order dated October 28, 2014, a copy of which is attached as **Exhibit "A"**. The Consent Order provides, inter alia, for the following:

1. Remand to the Council for the City of Northfield to consider the adoption of a zoning ordinance amendment to rezone the property known as Block 175, Lots 1.09 and 6 to the R-1 and R-2 zones respectively.
2. Adoption of an Ordinance in accordance with the Municipal Land Use Law including the conduct of public hearings.
3. A determination by the Court that the terms, conditions and provisions of the settlement are fair and reasonable.
4. A determination by the Court that the settlement provisions were neither illegal nor void and that the public interest is amply and adequately protected by the public hearings to be conducted by the City of Northfield following the Municipal Land-Use process for the adoption this ordinance.

WHEREAS, the City Council of Northfield desires to follow the terms and conditions of the Consent Order and has determined that it is in the best interests of the public to follow the terms and conditions of the Consent Order;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the City of Northfield, County of Atlantic and State of New Jersey that the 1986 Land Use Ordinance, as previously amended, is amended as follows:

Section 1.

- a. Block 175, Lots 1.07, 1.08 and 1.09, located on Argo Lane are hereby placed within the R-1 Single Family Zone.
- b. Block 175, Lots 3, 4, 48.01 and 48.02 located on Hemsley Place are hereby placed within the R-1 Single Family Zone.
- c. Block 175, Lot 6 located on Hemsley Place are hereby placed within the R-2 Single Family Zone.

Section 2. The current Zoning Map of the City of Northfield is hereby revised and replaced by the Zoning Map attached hereto as **Exhibit “B”**.

Section 3. A copy of this Ordinance and the Amended Map shall be referred to the Planning Board, pursuant to subsection 17a of the Act (40:55D-26) prior to the hearing on the final adoption of the Amended Map.

Section 4. To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by a Federal or State statute, rule or regulation, the remaining portions of this Ordinance shall remain in full force and effect.

Section 5. If any part or parts of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not effect, impair or invalidate the remainder of the Ordinance, but shall be confined in its effect to the part or parts of this Ordinance directly involved in the controversy in which judgment shall be rendered.

Section 6. This Ordinance and the amendments to the Land Use Ordinance shall become effective upon final adoption and publication as prescribed by law.

Erland Chau, Mayor

Mary Canesi, Municipal Clerk

The above Ordinance was introduced and passed on its first reading at the Reorganization meeting of the Council of the City of Northfield, New Jersey held on

January 6, 2015, and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held January 28, 2015 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	January 6, 2015
PUBLICATION:	January 10, 2015
SECOND READING:	January 28, 2015
PUBLICATION:	January 31, 2015

EXHIBIT “A”

TEDESCO GRUCCIO & REUSS
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Vineland, New Jersey 08362-1327
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Attorney for Plaintiff

FILED
OCT 28 2014
**ATLANTIC COUNTY
LAW DIVISION**

Plaintiff(s) CAESARS ENTERTAINMENT, INC. v Defendant(s) CITY OF NORTHFIELD	SUPERIOR COURT OF NEW JERSEY LAW DIVISION ATLANTIC COUNTY DOCKET NO. ATL-L-7733-12 CIVIL ACTION CONSENT ORDER
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THIS MATTER having been presented to the Court by counsel for the parties reporting that they have agreed to settle the within litigation, subject to the public hearings to be conducted pursuant to this Consent Order and the adoption of a zoning ordinance amendment. The terms of the settlement have been discussed with the court during the course of management conferences and have been the subject matter of separate and joint written submissions to the court by counsel for the parties. The within litigation challenges the rezoning of certain property located in the City of Northfield , more particularly that property generally known as the Atlantic City Country Club and Golf Course. The rezoning increased the minimum lot size and therefore reduced the density

allowed for residential construction within the zone and established plan development standards for a golf course community. In the rezoning process, two isolated lots were included within the rezoning which rendered the lots non-conforming. The settlement reached between the parties is to rezone the two isolated lots known as Lot 1.09, Block 175 and Lot 6, Block 175 with Lot 1.09, Block 175 being rezoned to R-1 standards and Lot 6, Block 175 being rezoned to R-2 standards.

The parties have agreed that the matter is to be remanded to the Council for the City of Northfield to consider the adoption of a zoning ordinance amendment to rezone the two subject properties.

It is the understanding and agreement of the parties that the City of Northfield may include other lands in the ordinance amendment, but the inclusion of other lands is within the sole and absolute discretion of the City of Northfield and is not required as part of this settlement.

The parties have agreed that on remand, the City of Northfield will follow the procedure for the adoption of zoning ordinance amendments as set forth by the *Municipal Land Use Law, 40:55D-1 et seq.*, including the conduct of public hearings as may be required for the adoption of ordinance amendments pursuant to that Act. The court therefore finds that the terms, conditions and provisions of this settlement are fair and reasonable in that should the zoning ordinance amendment be approved, the two isolated lots will be rezoned as set forth above subject to the applicable R-1 and R-2 zone requirements. The court further finds that the remand of this matter for the adoption of a zoning ordinance in

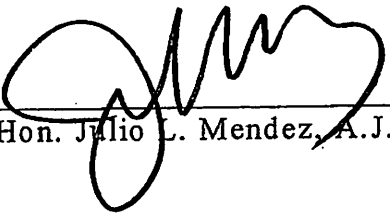
accordance with the requirements of the *Municipal Land Use Law* satisfies the court that the settlement provisions are neither illegal nor void and that the public interest is amply and adequately protected by the public hearings to be conducted by the City of Northfield following the Municipal Land Use process for the adoption and amendment of Land Use Ordinances.

Accordingly, for good cause shown:

IT IS ON THIS 28th day of October, 2014 ORDERED as follows:

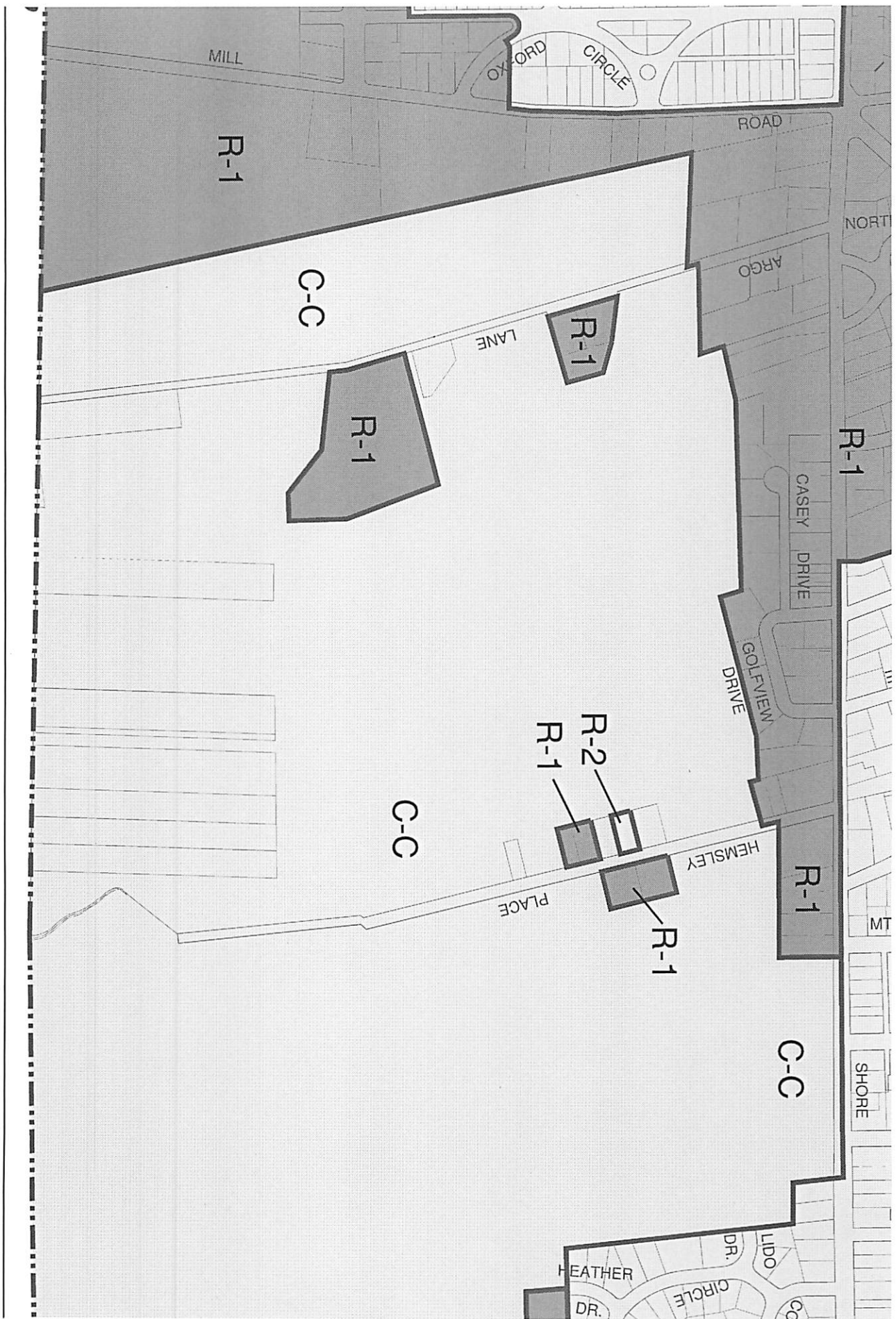
1. The matter is hereby remanded to the Council for the City of Northfield to consider the rezoning of Lot 1.09, Block 175 to R-1 standards and Lot 6 Block 175 to R-2 standards in accordance with the applicable provisions of the *Municipal Land Use Law* with the hearing on the adoption of the ordinance to take place not later than ninety (90) days from the date of this Order.
2. The City of Northfield may include other lands in the ordinance amendment, but the inclusion of other lands is within the sole and absolute discretion of the City of Northfield and is not required as part of this settlement
3. The court shall retain jurisdiction of this matter to enforce the settlement and in the event that the zoning ordinance amendment as agreed upon as part of the settlement of this litigation is not adopted or approved by the City of Northfield, then the matter shall return to this court for continuation of the discovery and litigation of this action. In the meantime, the discovery of and the litigation

of this matter shall remain stayed. In the event that the zoning ordinance amendment is adopted as anticipated by this settlement, this litigation shall be dismissed with prejudice upon the filing of a Stipulation of Dismissal with Prejudice signed by the parties.



Hon. Julio L. Mendez, A.J.S.C.

EXHIBIT “B”



LEGEND	
-----	MUNICIPAL BOUNDARY
R-1	SINGLE FAMILY 2-4 DUAC
R-1A	SINGLE FAMILY 2-4 DUAC-VARIABLE LOT SIZE
R-2	SINGLE FAMILY 4-5 DUAC
R-3	SINGLE FAMILY 6-7 DUAC
R-4	SINGLE FAMILY
AH	ADULT HOUSING 18 DUAC
NB	NEIGHBORHOOD BUSINESS
C-B	COMMUNITY BUSINESS
R-C	REGIONAL COMMERCIAL
O-P	OFFICE PROFESSIONAL
O-PB	OFFICE PROF. BUSINESS
C-C	COUNTRY CLUB
R-B	RESIDENTIAL BUSINESS
C-MF	COMMERCIAL MULTIFAMILY



DATE	BY	DESCRIPTION
1-2-15	SMS	REV. PER ORD.
11-13-14	SMS	REV. PER ORD.
10-13-13	AS	REV. PER ORD.
DATE	BY	DESCRIPTION
REVISIONS		

ZONING MAP

1600 SHORE ROAD
CITY OF NORTHFIELD
ATLANTIC COUNTY, NEW JERSEY

DORAN
ENGINEERING, PA
ENGINEERS - SURVEYORS - PLANNERS
840 NORTH MAIN STREET
PLEASANTVILLE, N.J. 08232
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SCALE: 1" = 100'
DATE: 8/22/2015
PROJECT: 15545
SHEET: 1 OF 1