

**BOROUGH OF EDGEWATER
ORDINANCE NO. 2022-017**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 240 OF THE BOROUGH CODE**

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Edgewater are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Edgewater; and

WHEREAS, pursuant to *N.J.S.A. 40:55D-62*, amendments to the zoning ordinance must be either substantially consistent with the land use and housing elements of the Master Plan, or designed to effectuate such elements; and

WHEREAS, on May 10, 2022, the Mayor and Borough Council commissioned a traffic study to support community planning and management decisions; and

WHEREAS, the Traffic Study was prepared by Streetlight Data;

WHEREAS, the results of said traffic study determined that visitors, not Edgewater residents, make up the majority of traffic in the Borough on both weekdays and weekends at 86% and 90% respectively; and

WHEREAS, the Borough wishes to help mitigate the increasing traffic concerns on its residents;

WHEREAS, Block 91, Lot 2, formerly a multi-plex cinema, has been vacant since November 14, 2018, for a total of almost 4 years, and is currently zoned B-3, Business District, which permits the following uses:

1. Retail and service establishments, excluding automobile sales
2. Business, executive and administrative offices
3. Child-care centers, subject to § 240-125
4. Marina facilities, subject to § 240-129
5. Commercial recreation
6. Health clubs
7. Movie theaters
8. Eating and drinking establishments;

WHEREAS, it is evident that these uses are traffic generators in the Borough based on data from the Streetlight Study;

WHEREAS, the Mayor and Council have deemed it in the best interests of the Borough to amend the zoning ordinance and rezone Block 91, Lot 2, and adopt the regulations set forth herein; and

WHEREAS, said changes, while not consistent with the Master Plan of the Borough of Edgewater, are in the best interest of the Borough to help mitigate traffic for the life safety of its residents; and

WHEREAS, upon passage of this Ordinance upon first reading, it shall be referred to the Planning Board for review and confirmation that the proposed amendments to the zoning ordinance and zoning map, as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, as follows:

Section 1. Section 240 of the Borough Code is hereby amended as follows:

Block 91, Lot 2 shall be rezoned to the R-3 Multi-Family Residential District.

Section 2. **Planning Board review.**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Edgewater, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section 3. **Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 4. **Effective date.**

This Ordinance shall take effect immediately upon final publication as required by law.

Section 5. **Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

INTRODUCED: October 17, 2022

ADOPTED: November 21, 2022

ATTEST:

Michael J. McPartland
Mayor

Annamarie O'Connor, RMC
Borough Clerk