

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: O-2024-09-R

AN ORDINANCE OF THE BOROUGH OF FANWOOD IN THE COUNTY OF UNION AND STATE OF NEW JERSEY TO REPEAL AND REPLACE THE ZONING MAP OF THE BOROUGH OF FANWOOD

WHEREAS the zoning map currently used by the Borough of Fanwood is dated June 2003 and has been revised in October 2006, April 2007, August 2007, and December 2008; and,

WHEREAS after the last amendment of the Borough's zoning map in December 2008, several zoning amendments have been made; and,

WHEREAS zoning amendments made after December 2008 relate to the creation of Commercial Corridor District, the adoption of the Old South Avenue Redevelopment Plan, and amendments to the Block 64 Redevelopment Plan; and,

WHEREAS the forgoing amendments are not reflected on the Zoning Map currently used by the Borough; and,

WHEREAS it is desirable that the forgoing amendments be reflected on the Borough's Zoning Map.

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

SECTION 1. The zoning map currently used by the Borough of Fanwood, which is dated June 2003 and has been revised in October 2006, April 2007, August 2007, and December 2008, is hereby repealed and replaced with the Zoning Map dated May 10, 2024 that is provided in Attachment A.

SECTION 2. Section 184-112 of the Code of the Borough of Fanwood is hereby amended as follows (existing text to be deleted is ~~bold and stricken through~~, new text to be added is **bold and underlined**):

To implement the Master Plan and to ~~effect~~ **affect** the purposes of this chapter, the Borough is divided into ~~10~~ **the following** zones ~~as follows~~:

- A. R-150 (Residential Zone). The R-150 Zone is designed to provide a suitable environment for one-family dwelling units and for the conservation and maintenance of the established pattern of one-family

dwelling units in this area.

- B. R-75 (Residential Zone). The R-75 Zone is designed to provide a suitable environment for one-family dwelling units at a higher density than the R-150 Zone.

- C. CC (Commercial Corridor). The Commercial Corridor Zone is comprised of the following districts: Commercial Corridor Western (CC-W); Commercial Corridor Central (CC-C); and Commercial Corridor Eastern (CC-E) and is designed to encourage compact, mixed-use developments in the downtown area through regulations that accommodate vehicles, pedestrians and transit users, stimulate pedestrian use of the corridor, develop attractive buildings and appealing site design, minimize visibility of parking lots and automobile accommodations and create a visually stimulating and economically viable commercial corridor.
 - (1) CC-W. The CC-W District serves as the western gateway into the Borough and contributes to visitors' first impressions of the Borough. The CC-W District is designed to be comfortable and attractive for pedestrians while providing for a variety of commercial, light industrial and small manufacturing enterprises to accommodate a wide range of creative, maker and innovation/start-up businesses, as well as live-work units to meet the needs of entrepreneurs, small businesses and professionals.

 - (2) The purpose of the CC-C District, similar to the Downtown/Block64 Redevelopment District, is to create a vibrant, pedestrian-oriented and mixed-use downtown in the style of a transit village with ground floors being used by convenience and specialty retail shops, personal services, and indoor and outdoor dining establishments to create an uninterrupted retail frontage to stimulate pedestrian movement and the upper stories being occupied by residential, office and other appropriate uses.

 - (3) CC-E. The CC-E District is intended to create a characteristically suburban-like defining boundary to the compactly developed downtown corridor immediately to the

west through larger-sized lots used for multifamily residential, senior housing, offices, and mixed-use development.

- D. GC (General Commercial Business Zone). The GC Zone is designed to provide for local shopping and to include retail business and service establishments which cater to the needs of the residents of nearby neighborhoods and to promote the stability of retail development.
- E. (Reserved)
- F. (Reserved)
- G. (Reserved)
- H. LGAH (LaGrande Affordable Housing Zone). The LGAH Zone is designed to provide one-family dwelling units on small lots fronting on Third Avenue and townhouse units behind the one-family units of which 20% would be affordable to low- and moderate-income families in the Borough, or where a developer contribution for the provision of affordable housing units will be made in lieu of restricting 20% of the townhouse units to low- and moderate-income families. The zoning restrictions in existence as of the time of the adoption of this chapter as applied to the LGAH Zone shall continue to be in full force and effect.
- I. TAH (Terrill Affordable Housing Zone). The TAH Zone is designed to provide for a mix of residential units wherein eleven are one-family dwelling units on small lots and six are townhouse units contained in three two-family duplexes, three of which units would be affordable to low and moderate income families in the Borough. In the event that a developer owns and develops the MAH Zone and the TAH Zone, such developer shall have the option to develop the one affordable unit scheduled to be constructed in the MAH Zone in the TAH Zone instead, provided that such developer contributes the equivalent of 60% of the contribution for the cost of one unit under the Borough's regional contribution agreement ("RCA") with the City of Elizabeth of \$18,000 and any incremental cost of the equivalent of 60% of the contribution for one such unit that results from inflation in the construction over the term of the RCA.
- J. MAH (Midway Affordable Housing Zone). The MAH Zone is

designed to provide one-family dwelling units on small lots, of which one lot would be affordable to low- and moderate-income families in the Borough, together with a developer contribution of the equivalent of 60% of the contribution for the cost of one unit under the Borough's RCA with the City of Elizabeth of \$18,000 and any incremental cost of the equivalent of 60% of the contribution for one such unit that results from inflation in the construction over the term of the RCA; all for the provision of the equivalent of 20% of the units developed in the MAH Zone. Notwithstanding anything herein to the contrary, a developer that also owns and develops the TAH Zone shall have the option to develop the one affordable unit scheduled to be constructed in the MAH Zone in the TAH Zone instead.

K. Redevelopment zones as provided in the following adopted redevelopment plans:

(1) "Redevelopment Plan For Downtown Fanwood, Block 64," as originally adopted on February 24, 2005 and revised through June 6, 2016.

(2) "Old South Avenue Redevelopment Plan," as adopted on August 5, 2019.

SECTION 3. Section 184-113 of the Code of the Borough of Fanwood is hereby repealed and replaced, as follows:

The Zones set forth in § 184-112 are hereby established by the designation, locations and boundaries thereof as set forth and indicated on the Zoning Map of the Borough, which map is dated May 10, 2024.

SECTION 4. The definition of "Historic Landmark or Landmark" that is provided in Section 168-3 of the Code of the Borough of Fanwood is hereby amended as follows (existing text to be deleted is ~~bold and stricken through~~, new text to be added is **bold and underlined**):

HISTORIC LANDMARK or LANDMARK

A. Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which have been formally designated **in the Master Plan on the Zoning Map** or **on** the Official

Map of the Borough as being of historical, archaeological, cultural, scenic or architectural significance which:

- (1) Is of particular historic, cultural, scenic or architectural significance to the Borough and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified;
- (2) Is identified with historic personages or with important events in the main current of national, state or local history;
- (3) Shows evidence of habitation, activity or the culture of prehistoric man;
- (4) Embodies a distinguishing characteristic or an architectural-type valuable as representative of a period, style or method of construction;
- (5) Represents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the Borough; or
- (6) Is imbued with traditional or legendary lore.

B. All landmarks shall specifically be identified within the ~~community facilities plan~~ **Historic Preservation Plan Element** of the Master Plan as recognized by the provisions of ~~N.J.S.A. 40:55D-28b(6)~~ **N.J.S.A. 40:55D-28b(10)**.

C. The designation of a "landmark" shall be deemed to include the lot or lots on which it is located.

SECTION 5. If any section, subsection, paragraph, sentence, or other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this ordinance but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this ordinance shall remain in full force and effect.

SECTION 6. All ordinances or parts of ordinances that are inconsistent with the provisions of

this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7. This ordinance shall take effect upon its passage and publication and filing with the Union County Planning Board, and as otherwise provided for by law.

Date Introduced: _____

Date Advertised: _____

Date Adopted: _____

Colleen Mahr, Mayor

Attest:

Courtney Agnello, RMC
Municipal Clerk

ATTACHMENT A



Zoning Map

Adopted on: ADOPTION PENDING

Legend

Zone Districts

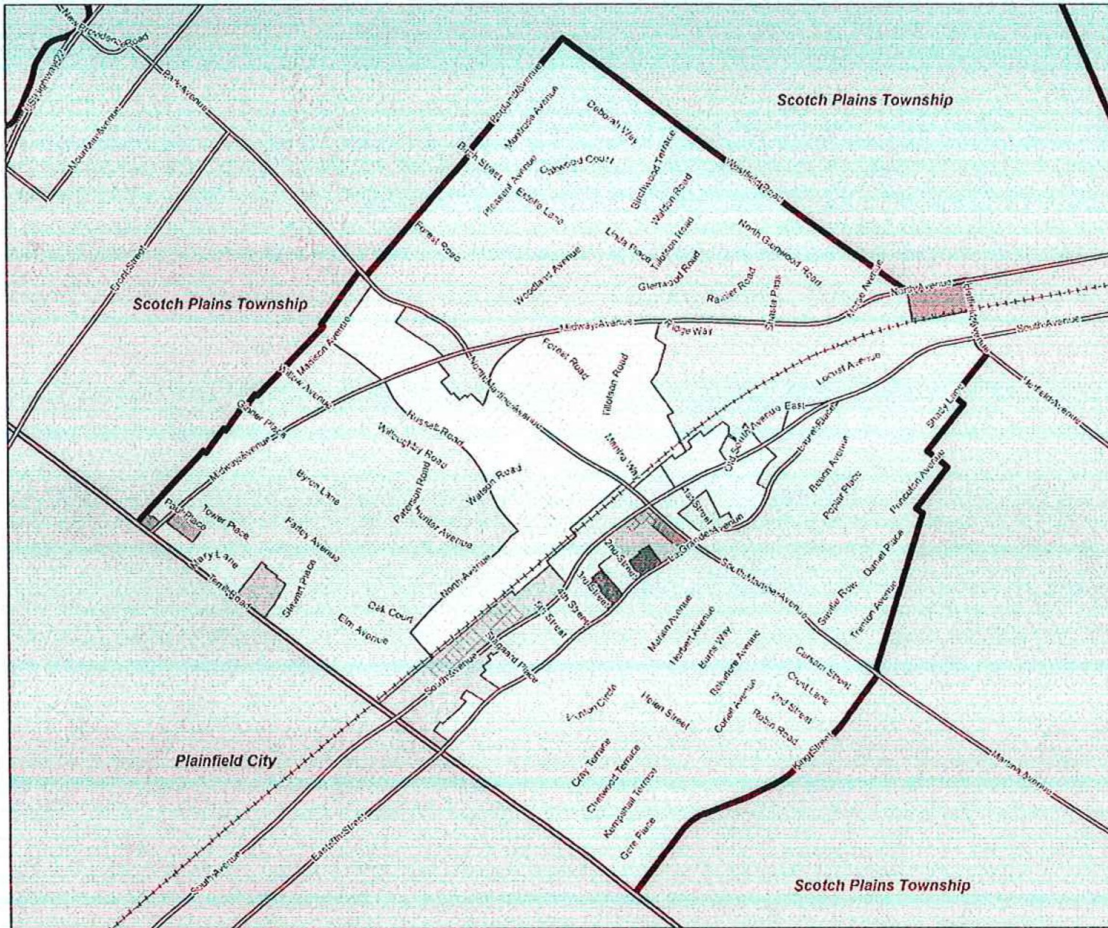
- Commercial Corridor District — Central (CC-C)
- Commercial Corridor District — East (CC-E)
- Commercial Corridor District — West (CC-W)
- General Commercial District (GC)
- Residential District (R-75)
- Residential District (R-150)
- LaGrande Affordable Housing District
- Midway Affordable Housing District
- Terril Affordable Housing District
- Block 64 Redevelopment Plan — Downtown Residential Redevelopment District (DTR)
- Block 64 Redevelopment Plan — Rehabilitation Infill District (RID)
- Block 64 Redevelopment Plan — Retail Residential District (RRD)
- Block 64 Redevelopment Plan — Maximum Height Overlay District (MHO)
- Block 64 Redevelopment Plan — Residential Overlay District (RO)
- Old South Avenue Redevelopment Plan Overlay District (OLD)

Contextual Information

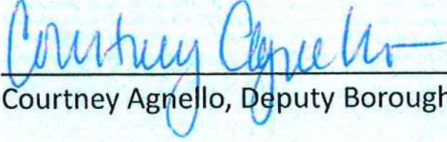
- Municipal Boundary
- Other Municipality
- Tax Parcel
- Railroad
- Local Roadway (Connects Federal and County Routes)
- County Route
- State Route
- Federal Route




T&M Associates
 400 Broadacres Drive, Suite 250
 Bloomfield, NJ 07003
www.farwoodassociates.com



Attest:



Courtney Agnello, Deputy Borough Clerk



Colleen Mahr, Mayor

INTRODUCTION DATE: July 15, 2024	ADOPTED DATE: August 22, 2024
MOTION: Jeffrey Banks	MOTION: Anthony Carter
SECOND: Patricia Walsh	SECOND: Patricia Walsh
YES: Katherine Mitchell, Jeffrey Banks, Gina Berry, Anthony Carter, Erin McElroy Barker, Patricia Walsh	YES: Anthony Carter, Erin McElroy Barker, Patricia Walsh
NO: None	NO: None
ABSTAIN: None	ABSTAIN: None
ABSENT: None	ABSENT: Jeffrey Banks, Gina Berry, Katherine Mitchell
PUBLISHED: July 25, 2024	PUBLISHED: August 29, 2024