

ORDINANCE NO. 04-2024

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE TO AMEND CHAPTER 30 “LAND DEVELOPMENT” ARTICLE IV “ZONING” REGARDING THE REZONING OF BLOCK 32, LOT 9.01 FROM R-6 TO B-2, THE REZONING OF BLOCK 30.01, LOT 3 FROM R-2 TO OB-2, AND THE REPEAL OF THE R-2A SINGLE FAMILY OVERLAY DISTRICT

WHEREAS, the Roseland Borough Planning Board adopted a Master Plan Reexamination Report on December 21, 2020, which made the following recommendations for changes to the Borough’s zoning regulations:

1. Rezone Lot 9.01 in Block 32 from the R-6 Garden Apartment District to B-2 Business District.
2. Rezone Lot 3 in Block 30.01 from the R-2 Single-Family Residence District to OB-2 Office Building District.
3. Repeal the R-2A Single-Family Overlay District.
4. Adopt an updated Zoning Map reflect the numerous zoning changes that have been adopted since 2005, including any redevelopment zones.

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter 30 Land Development, Article IV Zoning, pursuant to the recommendations in the Master Plan Reexamination Report.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter 30 “Land Development” of the Revised General Ordinances of the Borough shall be amended as follows:

SECTION I

Article IV of Chapter 30 of the Code of the Borough of Roseland and Zoning Map is hereby amended to repeal the R-2A Single Family Overlay Zone District in its entirety. The R-2 Overlay District encompasses 28 acres along the easterly end of Prudential Drive where it intersects Eagle Rock Avenue and overlays the OB-2 Office Building District. Chapter 30 is hereby amended as follows (~~double strikethrough~~ text to be deleted):

§ 30-402.1 Zone Districts.

For the purposes of this chapter, the Borough of Roseland is hereby divided in zone districts as follows:

R-1	Detached Single-Family Residence District
R-2	Detached Single-Family Residence District
R-2A	Detached Single-Family Residence District (overlay zone)
R-3	Detached Single-Family Residence District
R-4	Detached Single-Family Residence District
R-5	Attached Single-Family Residence District
R-6	Garden Apartment District
R-7/ <u>AH-1</u>	Townhouse/Affordable Housing District 1
R-8/ <u>AH-2</u>	Townhouse/Affordable Housing District 2
R-9/ <u>AH-3</u>	Townhouse/Affordable Housing District 3
<u>R-10/AH-4</u>	<u>Affordable Housing Zone District 4</u>
<u>R-11/AH-5</u>	<u>Affordable Housing Zone District 5</u>
<u>R-12/AH-6</u>	<u>Affordable Housing Zone District 6</u>
<u>R-13/AH-7</u>	<u>Affordable Housing Zone District 7</u>
B-1	Business District
B-2	Business District
OB-1	Office Building District
OB-2	Office Building District
OB-3	Office Building District
RM	Research/Manufacturing District
C	Conservation District
CR	Conservation Recreation District
<u>MUAH</u>	<u>Mixed-Use Affordable Housing Overlay Zone District</u>

§ 30-404 DISTRICT REGULATIONS.

§ 30-404.1 R-1, R-2, ~~R-2A~~, R-3, R-4, R-5, R-6 Residential Zones.

a. Permitted Principal Uses.

1. Single-family detached dwelling in the R-1, R-2, R-3, and R-4 only.
2. Townhouses in the R-5 and R-6 Districts only.
3. Garden apartment units in the R-6 District only.
4. Public parks and playgrounds.
5. Family day-care homes.
6. Open space in all districts, ~~including the R-2A District.~~

...

~~g. Conversion of Residential Density. Nonresidential floor area may be substituted for residential density in the R-2A Zone, subject to the requirements below:~~

~~1. Both the OB-1 and the R-2A portions of a lot shall be under the same ownership.~~

~~2. F.A.R. on the R-2A portion shall be eighteen (18%) percent.~~

~~3. The R-2A portion shall be deed restricted against any further development.~~

SECTION II

The Zoning Map which is part of the Code of the Borough of Roseland is hereby amended as follows:

- a) Lot 9.01 in Block 32 on Eisenhower Parkway is hereby rezoned from R-6 Garden Apartment District to B-2 Business District.

Lot 9.01 contains approximately 1.07 acres and is the only lot within the R-6 zone not developed for residential use. The existing tract size is too small to develop the permitted garden apartment uses as required tract size is 9 acres. The lot is adjacent to the B-2 Business District where the required tract size is 40,000 square feet. The rezoning of the subject property will allow any development to occur in conformity with the surrounding business uses along Eisenhower Parkway.

- b) Lot 3 in Block 30.01 is hereby rezoned from R-2 Single-Family Residence District to OB-2 Office Building District.

Lot 3 contains approximately 4.25 acres and is adjoined on two sides by the OB-2 Zone District. Lots 4 through 8 have been rezoned throughout the years from R-2 to OB-2 where an assisted living facility was developed on four of the lots with the fifth lot is to be used for a relocated emergency access. The subject property, Lot 3, is the only R-2 zoned parcel which retains a detached single-family home. The rezoning of the property will allow any development to occur in conformity with the surrounding uses.

SECTION III

If any section or provision of this ordinance shall be invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION IV

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION V

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION VI

The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Essex County Planning board, and to all others entitled thereto pursuant to the provisions of the N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the Essex County Planning Board as required by N.J.S.A 40:55D-16 and with the Borough Tax Assessor.

SECTION VII

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: February 27, 2024

Motion to Introduce by: Councilwoman Fishman

Motion Seconded by: Councilwoman Perrotti

Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: April 23, 2024

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi			X				
Councilman Biront		X	X				
Councilwoman Fishman							X
Councilman Goldstein							X
Councilwoman Perrotti			X				
Councilman Trillo	X		X				
Mayor Spango (In case of tie)							
		VOTE:	4	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 23rd day of April, 2024.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: May 2, 2024, The Progress