

**BOROUGH OF GARWOOD**

**ORDINANCE NO. 23-13**

Adopted: \_\_\_\_\_

Introduced:	June 22, 2023
Motion:	Councilman Lazarow
Seconded:	Councilwoman Nolde

Public Hearing:	
Motion:	
Seconded:	

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY AMENDING THE SOUTH AVENUE – TRANSIT ORIENTED REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et. seq.**

**WHEREAS**, the Borough of Garwood, in the County of Union, New Jersey (the “**Borough**”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

**WHEREAS**, on June 10, 2014, the Borough Council (the “**Borough Council**”) adopted Resolution No. 14-220 authorizing the Planning Board of the Borough (the “**Planning Board**”) to investigate whether the area commonly known on the Borough tax maps as Block 401, Lots 1-5 and Block 403, Lots 1-6 and 19-22 (the “**Property**”) met certain criteria under the Redevelopment Law as an "area in need of redevelopment"; and

**WHEREAS**, on May 27, 2015, the Planning Board recommended to the Borough Council that the Property met certain criteria under the Redevelopment Law as an “area in need of redevelopment”; and

**WHEREAS**, by Resolution 15-274, the Borough Council designated the Property as an “area in need of redevelopment” in accordance with the Redevelopment Law (the “**Redevelopment Area**”) and directed the Planning Board to prepare a redevelopment plan for the Redevelopment Area; and

**WHEREAS**, the Planning Board held public hearings on April 18, 2016 and April 25, 2016 to review and comment on the proposed redevelopment plan entitled “South Avenue - Transit Oriented Redevelopment Plan,” (the “**Redevelopment Plan**”), and at its meeting held on May 25, 2016, the Planning Board resolved to transmit the Redevelopment Plan to the Borough Council with a recommendation that the Redevelopment Plan be adopted; and

**WHEREAS**, the Planning Board thereafter prepared additional revisions to the Redevelopment Plan, and at a Planning Board meeting on July 11, 2016, the Planning Board reviewed and revised the Redevelopment Plan and recommended that the Redevelopment Plan pertain only to Block 401, Lots 1-5; and

**WHEREAS**, at the Borough Council's September 13, 2016 council meeting, the Borough Council voted to table the vote as to the adoption of the Redevelopment Plan; and

**WHEREAS**, on March 14, 2017, by Resolution 17-079, the Borough Council referred certain, additional revisions to the Redevelopment Plan to the Planning Board for review and comment pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, on April 17, 2017, the Planning Board reviewed the Redevelopment Plan and voted in favor of the Redevelopment Plan, with additional recommendations regarding parking; and

**WHEREAS**, the Borough Council considered the additional recommendations of the Planning Board regarding parking and disapproved of such proposed requirement in favor of a total minimum requirement of 469 parking spaces for the project; and

**WHEREAS**, on or about May 23, 2017, the Borough Council adopted the Redevelopment Plan via Ordinance, which established permitted land uses and building requirements for a portion of the Redevelopment Area, which is attached hereto as *Exhibit A*; and

**WHEREAS**, the Borough Council now desires to adopt an amendment to the Redevelopment Plan to modify Section V (Development Regulations), i. (Land Use), prohibited uses, for the continued revitalization of the Borough; and

**WHEREAS**, the Borough Council specifically seeks to remove the prohibition of a pharmacy from uses and amend the Redevelopment Plan to allow for a pharmacy as a permitted use; and

**WHEREAS**, upon receipt and review of the Planning Board's recommendations related to the amendments to the Redevelopment Plan, the Borough Council desires to adopt the amendments in order to effectuate a plan that is consistent with the goals and objectives of the Borough for the redevelopment of the Redevelopment Area.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Garwood, County of Union, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth length.

Section 2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby amended as follows (additions underscored, deletions ~~struck through~~):

V. Development Regulations

i. Land Use

The following uses are permitted principal uses:

1. Multifamily Residential, consisting of studio, one, two and three bedroom apartments.
2. Small Scale Retail & Restaurant/Café Uses. The permitted retail, restaurant and commercial uses shall be limited to those uses permitted in the CC Community Commercial Zone District under Chapter 106 of the Borough of Garwood Land Use Code. Nevertheless, no commercial, restaurant or retail store shall be greater than 10,000 square feet in gross floor area.
3. Office Uses
4. Pharmacy not to exceed 3,000 square feet.

The following uses are permitted accessory uses:

1. Inclusionary Affordable Housing Units (as described under Section V-vi).
2. Off-street parking lots and structured parking decks. Standalone structured parking decks are prohibited.
3. Loading areas.
4. Streetscape improvements and public plazas.
5. Public outdoor space (including dining and seating) on the ground level and roof top.
6. Leasing office.
7. Amenities such as, but not limited to a club room, fitness areas, and swimming pools.
8. Off tract public parking lots (Section V-vi-20).
9. Commuter Parking Spaces, either on sit or off-site.
10. Green roofs.

The following uses are prohibited in the Plan:

~~A. Pharmacy;~~

AB. Nail salons;

BC. Beauty Parlors / Salons;

CD. Tattoo & body piercing;

DE. Mobile Home Sales;

EF. Hardware Stores;

FG. Barber Shops;

GH. Hat Cleaning;

HI. Video Stores;

IJ. Motorcycle, Automobile, and/or Truck Repairs;

J. All classes of medical and personal use cannabis establishments in accordance with Ordinance 21-12.

Section 3. The Redevelopment Plan, attached hereto as Exhibit A and the amendments set forth herein, is hereby introduced pursuant to the terms of N.J.S.A. 40A:12A-7.

Section 4. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 5. This Ordinance and Exhibit A shall be forwarded to the Planning Board for consideration and review.

Section 6. If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, portion or other part of this Ordinance directly involved in the controversy in which such judgment shall be rendered.

Section 7. This Ordinance shall take effect immediately upon final passage and publication according to law.

**ATTEST:**

**APPROVED:**

Catherine D. Cameron, R.M.C.  
Borough Clerk

Jennifer Blumenstock, Mayor

<b>RECORDED VOTE</b>	<b>INTRODUCTION:</b>	<b>ADOPTION</b>
<b>COUNCILWOMAN HERZ</b>	<b>NAY</b>	
<b>COUNCILMAN KEARNEY</b>	<b>AYE</b>	
<b>COUNCILMAN LAZAROW</b>	<b>AYE</b>	
<b>COUNCILWOMAN NOLDE</b>	<b>AYE</b>	
<b>COUNCILWOMAN SALMON</b>	<b>NAY</b>	
<b>COUNCIL PRESIDENT GRAHAM</b>	<b>AYE</b>	