

**THE CITY OF
EAST ORANGE, NEW JERSEY
ORDINANCE NO. 2 OF 2021**

AN ORDINANCE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ., AMENDING AND SUPPLEMENTING THE TRANSIT VILLAGE DISTRICT REDEVELOPMENT PLAN TO CORRECT ERRORS IN THE REDEVELOPMENT PLAN IDENTIFIED SINCE ITS ORIGINAL ADOPTION IN DECEMBER OF 2015.

WHEREAS, in 2012, the New Jersey Department of Transportation designated the one-half mile radius around Brick Church train station in the City of East Orange a Transit Village District; and

WHEREAS, all parcels within the East Orange Transit Village District (“TVD”) were previously included within an area in need of redevelopment or an area in need of rehabilitation, so designated pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “LRHL”); and

WHEREAS, following the procedures set forth in the LRHL, the Planning Board adopted a resolution on November 26, 2015, recommending a redevelopment plan to the City Council to govern development in the TVD; and

WHEREAS, on December 28, 2015, the City Council of the City of East Orange accepted the recommendation of the Planning Board and adopted Ordinance No. 57 of 2015, thereby enacting the East Orange Transit Village District Redevelopment Plan (the “TVD Plan”); and

WHEREAS, the TVD Plan is divided into nine separate subdistricts, seven of which, the Arts and Cultural District, the North Walnut Neighborhood District, the Evergreen Halstead District, TR-2 Residential Neighborhood District; the TR-3 Residential Neighborhood District, the TR-4 Residential Neighborhood District; and the TR-O High-Rise Residential and Office District, permit detached one-family and two-family dwellings; and

WHEREAS, the TVD Plan has been amended and supplemented via Ordinance 8 of 2019; Ordinance 18 of 2019 and Ordinance 34 of 2020; and

WHEREAS, the bulk standards for detached one and two-family dwellings under the TVD Plan were intended to replicate the bulk standards for such uses set forth in the City’s Lands Use Ordinance governing the R-2, R-3, R-4 and R-O Residential Districts; and

WHEREAS, a discrepancy was identified between the bulk regulations governing the permitted number of stories for detached one and two-family dwellings in the R-2, R-3, R-4 and R-O Districts and the TVD Plan’s regulations governing those same uses in the seven subdistricts where they are permitted, with the Ordinance permitting three stories and the TVD Plan permitting 2.5 stories; and

WHEREAS, this discrepancy is inhibiting development in those districts which otherwise would be consistent with the goals and the land use regulations of the TVD Plan; and

WHEREAS, in addition to amending the TVD Plan to correct these discrepancies, several typographical errors and ambiguities were identified over the nearly five years of implementing the TVD Plan, which this amending Ordinance will remedy; and

WHEREAS, the Mayor and Council therefore deem it in the interests of the City of East Orange and its residents to amend the TVD Plan to correct errors in the originally adopted version of the Plan which are consistent with its original intent.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST ORANGE AS FOLLOWS:

The Transit Village District Redevelopment Plan is hereby amended and supplemented as set forth in the sections below.

SECTION 1. Article V, Section 5.3, Arts and Cultural District – ACD, “BULK STANDARDS,” paragraph 4, be and hereby is amended as follows:

BULK STANDARDS

4. ~~Building Height~~ (Maximum Height):

Descriptions	Max. Bldg. Height/St
a. One Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st
<u>b</u> c. Two Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st
<u>c</u> d. Three Family Detached Dwellings:	40' - 3.0 st
<u>d</u> e. Houses of Worship:	40' - 3.0 st
<u>e</u> f. For all other residential uses, and for commercial uses or mixed uses, the maximum height of principal buildings shall be as follows*:	

SECTION 2. Article V, Section 5.4, North Walnut Neighborhood District – NWD, “BULK STANDARDS,” paragraphs 2(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

2. Maximum Height:

a. One Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st
b. Two Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st

SECTION 3. Article V, Section 5.5, Evergreen Square Halsted District – ESH, “BULK STANDARDS,” paragraphs 4(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

43. ~~Building Height~~ (Maximum Height):

a. One Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st
b. Two Family Detached Dwellings:	35' - 2.5 <u>3.0</u> st

SECTION 4. Article V, Section 5.6, Central Avenue Commercial District - CAC, be and hereby is amended to clarify the permitted uses, to remove all references to the Central Business District and to replace misidentified roadways with proper references to Central Avenue, as follows:

PERMITTED USES:

2. **Residential Uses:**

- a. Multi-family dwellings and mixed-use buildings as follows: On lots with any frontage on ~~MLK Jr. Boulevard, Brick Church Plaza, Freeway Drive East or Freeway Drive West~~ Central Avenue, multi-family residential dwellings are permitted only above ground floor commercial uses. On lots fronting on any other street, multifamily dwellings with either ground floor commercial or residential uses ~~is-are~~ permitted.
- b. All multi-family dwellings and mixed-use buildings with frontage on ~~MLK Jr. Boulevard~~ Central Avenue shall have their primary residential access from a lobby with an entrance on ~~Main Street~~ Central Avenue. All ~~other residential~~ buildings fronting on any other street shall have the primary entrance on the street with the longest frontage. A lobby shall occupy no more than 25% of the street frontage of the proposed development. Deviations from the provisions of this sub-paragraph (b) shall be classified as (c) variances.

ACCESSORY STRUCTURES AND USES:

The following uses shall be permitted as accessory uses in the Central ~~Business Avenue~~ Commercial District ~~Sub-District~~:

SECTION 5. Article V, Section 5.7, TR-2 Residential Neighborhood District, “BULK STANDARDS,” paragraphs 2(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

2. **Maximum Height:**

- a. One Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st
- b. Two Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st

SECTION 6. Article V, Section 5.7~~8~~, TR-3 Residential Neighborhood District

Article V, Section 5.7~~8~~, TR-3 Residential Neighborhood District, “BULK STANDARDS,” paragraphs 2(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

2. **Maximum Height:**

- a. One Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st
- b. Two Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st

SECTION 7. Article V, Section 5.89, TR-4 Residential Neighborhood District

Article V, Section 5.89, TR-4 Residential Neighborhood District, “BULK STANDARDS,” paragraphs 2(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

2. Maximum Height:

- a. One Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st
- b. Two Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st

SECTION 8. Article V, Section 5.810, TR-O High-Rise Residential and Office District

Article V, Section 5.810, TR-O High-Rise Residential and Office District, “BULK STANDARDS,” paragraphs 2(a) and (b), be and hereby are amended as follows:

BULK STANDARDS

2. Maximum Height:

- a. One Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st
- b. Two Family Detached Dwellings: 35’- ~~2.5~~ 3.0 st

SECTION 9. Severability of Ordinance Provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 10. That all ordinances and parts of ordinances and conflicts that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

SECTION 11. That this ordinance shall take effect upon final passage upon expiration of twenty (20) days following publication unless otherwise provided.