

**CITY OF ENGLEWOOD
NOTICE OF ORDINANCE INTRODUCTION/PUBLIC HEARING**

ORDINANCE #20-07

**AN ORDINANCE AMENDING THE MUNICIPAL LAND USE ORDINANCE OF THE
CITY OF ENGLEWOOD TO CREATE THE “ENGLEWOOD SOUTH
REDEVELOPMENT OVERLAY ZONE” (“ESROZ”) FOR THE ENGLEWOOD SOUTH
REDEVELOPMENT AREA**

WHEREAS, in furtherance of efforts to enhance and revitalize the Englewood South Redevelopment Area and vicinity and to further promote the public health, safety, morals and welfare, the City heretofore resolved to redevelop the premises located south of Route 4 in the vicinity of Sterling Boulevard known as Block 2602, Lot 3.03 and Block 2602, Lots 3.01 and 3.02 as shown on the official tax map of the City of Englewood, which area has heretofore been declared to be an “Area in Need of Redevelopment” and is encompassed within the “Englewood South Redevelopment Area” (“ESRA”); and

WHEREAS, on August 20, 2019 the City Council of the City of Englewood (the “City Council”) previously adopted Resolution No. 96-08-20-19 directing the Planning Board of the City of Englewood (the “Planning Board”) to undertake a preliminary investigation to determine whether those parcels identified on the City’s tax map as Block 2602, Lots 3.01, 3.02 and 3.03, met the statutory criteria to be designated as a non-condemnation “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3 et seq. (the “LRHL”); and

WHEREAS, as part of its preliminary investigation of the Study Area to determine whether it should be designated as a non-condemnation redevelopment area, the Planning Board authorized its consulting planner, Benecke Economics, to prepare an area of redevelopment investigation study; and

WHEREAS, Benecke Economics prepared a written report, which included the Study Area, entitled “Redevelopment Investigation Report” dated December 26, 2019; and

WHEREAS, in addition to the Redevelopment Investigation Report, Benecke Economics prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with the LRHL; and

WHEREAS, the Planning Board held a public hearing on January 9, 2020 with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the January 9, 2020 public hearing the Planning Board reviewed the area in need study, the map and associated documents and heard testimony from Benecke Economics; and

WHEREAS, at the January 9, 2020 public hearing, members of the general public were given an opportunity to be heard and to address questions to the Planning Board concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

WHEREAS, after completing its investigation and public hearing on the matter, the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the LRHL, particularly, N.J.S.A. 40A:12A-5 et seq. for designating the Study Area as a non-condemnation redevelopment area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, on January 14, 2020 the Planning Board transmitted its recommendation that the City Council designate the Study Area as a non-condemnation redevelopment area pursuant to the LRHL; and

WHEREAS, the City Council considered the Planning Board's recommendation and adopted Resolution No. 072-02-18-20 on February 18, 2020 designating the Study Area as a non-condemnation redevelopment area in accordance with the Planning Board's recommendation and the LRHL; and

WHEREAS, on August 18, 2020, the Planning Board was directed by the City Council pursuant to Resolution No. 178-08-18-20 to review a proposed Redevelopment Plan, and to transmit its recommendations relating to the Redevelopment Plan to the City Council in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, on September 24, 2020, the Planning Board reviewed the Redevelopment Plan and adopted a Resolution, which recommended the adoption of the Redevelopment Plan to the City Council subject to certain comments, and concluded that said Redevelopment Plan is consistent with the Master Plan of the City of Englewood; and

WHEREAS, the City Council incorporated the Planning Board's comments and has determined that the adoption of the Redevelopment Plan is in the best interests of the City and the development of the Study Area; and

WHEREAS, in furtherance of the foregoing, the City of Englewood heretofore adopted Ordinance No. 20-06 establishing a Redevelopment Plan and designating SHG ENGLEWOOD SOUTH V URBAN RENEWAL, LLC as redeveloper; and

WHEREAS, the City and SHG ENGLEWOOD SOUTH V URBAN RENEWAL, LLC entered into a Redevelopment Agreement dated October 28, 2020, which contemplates a Zoning Ordinance Amendment to facilitate redevelopment of the Redevelopment Area in accordance with the zoning and design criteria originally conceived by the City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

SECTION 1. ENGLEWOOD SOUTH REDEVELOPMENT OVERLAY ZONE”;

BOUNDARIES. The Englewood South Redevelopment Overlay Zone is an overlay zone located south of Route 4 in the vicinity of Sterling Boulevard known as Block 2602, Lot 3.03 and Block 2602, Lots 3.01 and 3.02 as shown on the official tax map of the City of Englewood.

SECTION 2. ZONING CRITERIA. The following zoning criteria apply to the Englewood South Redevelopment Overlay Zone:

1. The Englewood South Redevelopment Area Zone District governs the entire Englewood South Redevelopment Area, namely Block 2602, Lot 3.03 and Block 2602, Lots 3.01 and 3.02 as shown on the official tax map of the City of Englewood.
 - a. The uses permitted in this District and the terms and conditions upon which those uses are permitted are in addition to any other uses and terms and conditions otherwise permitted by the land development ordinances of the City. Property in this District may be developed in accordance with these regulations even if such development would be forbidden by, or inconsistent with, the terms of other zoning provisions governing such property.
 - b. This ordinance does not supplant or supersede any other zoning ordinance governing this district. Notwithstanding the establishment of this District, property in this District may be developed in accordance with the terms of other zoning provisions governing such property even if such development would be forbidden by, or inconsistent with, the terms of this District.
2. Permitted Uses
 - a. Multi-family residential uses
 - b. Office and commercial uses
 - c. Parking structures
3. Accessory Uses
 - a. Parking
 - b. Amenities appropriate to multi-family housing, including but not limited to, as loading areas, areas and facilities for trash disposal, maintenance facilities, management offices, courtyards, recreational facilities, community rooms, laundry facilities, a swimming pool, and other common areas
 - c. Amenities appropriate to commercial and office uses
4. Multi-family uses
 - a. No more than 220 multifamily residential units
 - b. Units may be located in one or more buildings
 - c. 15 percent of the units shall rental units be reserved for, and affordable to low and moderate income households developed in accordance with the standards set forth in Uniform Housing Affordable Controls, N.J.A.C. 5:80-1 et seq. or such regulations as may be promulgated by the State of New Jersey to supplant those standards
5. Office or commercial uses

- a. Not less than 40,000 square feet in gross area.
 - b. Office uses may include, without limitation, general purpose offices, special purpose offices, medical offices, hospital offices, professional offices, and governmental offices.
 - c. Commercial uses may include, without limitation, retail uses, rental or sales of goods or services, professional offices, medical uses, hospital uses, health care facilities, restaurants, and exercise facilities.
6. Parking
- a. Parking shall be provided at a ratio of 1.65 spaces per residential unit and 3.28 spaces for every 1,000 square feet of gross floor area of office and commercial uses, provided that up to 25 percent of the parking for office and commercial uses may be parking that is shared with residential uses.
 - b. Parking for any of the permitted uses may, in the sole discretion of the developer, be provided as surface parking, structured parking within residential or commercial and office buildings, or a separate garage structure
 - c. Parking may be provided in one or more parking garages which may provide parking for the residential uses or the office and commercial uses or both, and which may be a separate structure or a part of, or attached to, another building.
 - d. Parking spaces shall be 9 feet in width and 18 feet in length
7. Bulk standards
- a. The maximum permitted building height shall be 9 stories and 96 feet.
 - b. No other bulk standards.
8. General standards
- a. Residential uses and commercial and office uses may, in the sole discretion of the developer, be provided in separate buildings or mixed use buildings.
 - b. Building materials shall complement the adjacent buildings within the existing development.
 - c. The developer may secure development approvals in phases and may construct residential uses and office and commercial uses in any sequence. The right to construct any portion of permitted development shall not be dependent upon prior or simultaneous construction of any other portion of the development, except that low and moderate income residential units shall be phased with market priced residential units in accordance with the UHAC standards.
9. Signage
- a. In addition to any signage permitted by any other zoning provisions governing the property, the following signage shall be permitted:
 - i. A pylon sign along the eastbound side of New Jersey State Highway Route 4
 - ii. Identification signs on the frontage of the buildings
 - iii. Signs mounted on the buildings for the benefit of tenants.

- b. Pylon sign shall not exceed 20 feet in height and may have letters up to 24 inches high. Pylon sign may be internally illuminated. The location of the pylon sign shall be subject to the reasonable approval of the Planning Board;
- c. If there is one building, identification signs on the frontage of the building shall be permitted on the north, east and west facades. If there are two or more buildings, identification signs on the frontage of the building shall be permitted on the north and east facades of the northernmost building and on the north and west facades of the other buildings. Such signs may have letters up eight feet in height. Such signs may be internally illuminated.
- d. Signs mounted on the building for the benefit of tenants shall be permitted at any location in the sole discretion of the developer. Such signs may have letters up to 24 inches high.

Section 3. GENERAL ADMINISTRATIVE PROVISIONS.

A. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Redevelopment Area shall be submitted by the developer to the Planning Board of the City of Englewood for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to N.J.S.A. 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.

B. As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the City Solicitor. The amount of any such performance guarantee shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within two (2) years of final site plan approval.

C. No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.

D. The provisions of this Ordinance specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of ten (10) years from the date of passage of this Ordinance, provided, however, that any development or redevelopment projects that are commenced and/or completed within said ten (10) year period shall be deemed to comply with all applicable laws, so long as they comply with the provisions of this Ordinance. At the end of this ten (10) year period, the zoning regulations contained herein shall be incorporated into the zoning ordinance of the City of Englewood in accordance with the appropriate State statutes.

E. Deviation Requests. The Planning Board may grant minor deviations from the regulations where the purposes of this Ordinance would be advanced by a deviation from the

strict requirements of this Ordinance and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of this Ordinance.

F. The Redeveloper shall provide adequate water, sewer and other necessary utilities to the site, to the satisfaction of the City Engineer and the respective utility authority. All costs necessary for infrastructure improvements associated with a development project, off-site as well as on-site, are the responsibility of the Redeveloper.

SECTION 4: SEVERABILITY. Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION 5: REPEALER. All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

SECTION 6: EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN that the above referenced ordinance was introduced and passed at a Meeting of the City Council of the City of Englewood on November 10, 2020 and that said ordinance will be further considered for final passage at a meeting of the City Council to be held via Zoom, on December 8, 2020 at 7:30 pm, or as soon thereafter as the matter can be reached, at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance. The link to the meeting can be found on the City's website at www.cityofenglewood.org. A copy of the ordinance in full may be requested at no charge from the City Clerk's Office during regular business hours.

Yancy Wazirmas, RMC
City Clerk