

**TOWNSHIP OF FAIRFIELD  
ORDINANCE #2017-02**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XLV, ZONING, OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY, NEW JERSEY, TO ESTABLISH AN OVERLAY ZONE ENCOMPASSING CERTAIN LANDS ON THE WESTERLY SIDE OF FAIRFIELD ROAD BETWEEN HORSENECK ROAD AND KULICK ROAD WITHIN THE ROUTE 46 SPECIAL HIGHWAY DISTRICT**

**WHEREAS**, the Township of Fairfield recognizes the changing nature of the demographic character of the community and region, and the fact that the Township population is aging while at the same time younger people are becoming more interested in communities that are more pedestrian friendly, and which have a greater mix of land uses in the form of a centralized business area where there are a variety of retail and service commercial uses which reinforce a strong sense of place., or where they may reside in attached residential development as one stage in the home buying cycle; and

**WHEREAS**, it is appropriate to establish a land use ordinance that recognizes the propriety of mixed use development and attached residential development in select areas within the context of an overlay zone that does not have an adverse impact on established businesses; and

**WHEREAS**, the Township has experienced a significant increase in loss of ratables that has had an impact on the local budgetary process which requires that the Township consider a planning response to address the adaptive reuse of underutilized properties; and

**WHEREAS**, the Township has recently amended the Township Zoning Ordinance to create a Mixed Use Overlay -1 Zone District (MUO-1) that permits ground level retail development with residences above pursuant to a Master Plan Amendment Study prepared by Burgis Associates, dated October 5, 2016, and adopted by the Township Planning Board, which recommended the creation of a mixed overlay zone district that would permit ground level retail with residential development above in certain areas within the Township; and

**WHEREAS**, the subject area of this amendment is located directly across the street from a section of Fairfield Road that was recently rezoned to permit the MUO-1 Zone; and

**WHEREAS**, the present underlying zoning for the subject area is the Route 46 Special Highway District Zone (HD); and

**WHEREAS**, the Township's current Master Plan Land Use Map contemplates highway type commercial development in the subject area although the properties lack frontage along Route 46; and

**WHEREAS**, it is the determination of the Township that the inclusion of the subject area within the MUO-1 Zone, while not exactly consistent with the Township Master Plan, is not inconsistent with the intent and purposes of the Master Plan and is, in fact, compatible with the 2016 Master Plan Amendment that created the MUO-1 Zone directly across the street; and

**WHEREAS**, extending the MUO-1 Zone to the subject area will reinforce the development pattern sought by the Township as recommended by the Master Plan Amendment referenced above.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Fairfield, County of Essex, New Jersey, that the following amendment to the Township zoning ordinance and zoning map be adopted:

**SECTION 1:** Article II Section 45-5.2 Zoning Map is hereby amended to include the following properties within the MUO-1 Mixed Use Overlay Zone. The underlying HD zone shall remain in effect; the overlay zones are supplemental to the underlying zones.


Block 1202 Lots 7-20

**SECTION 2:** Article II Section 45-18.1 Schedule of Are, Yard and Building Regulations, is hereby amended to permit a 20-foot front yard setback for mixed use development within the MUO-1 overlay district.

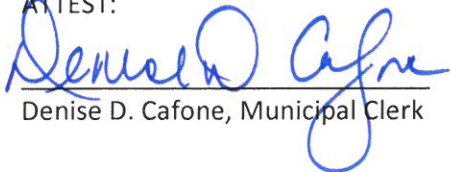
**SECTION 3:** All ordinances of the Township of Fairfield that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 5:** This ordinance shall take effect immediately upon final passage, approval, filing with the Essex County Planning Board, and publication as required by law.

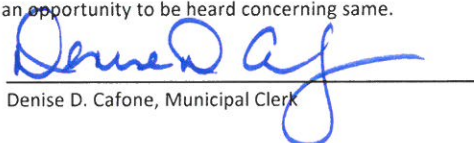
  
\_\_\_\_\_  
Mayor James Gasparini

ATTEST:

  
\_\_\_\_\_  
Denise D. Cafone, Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **January 23, 2017**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **March 13, 2017 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

  
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Denise D. Cafone, Municipal Clerk

Introduced 1/23/17  
Adopted 3/13/17

**INTRODUCTION OF ORDINANCE - JANUARY 23, 2017: ORDINANCE #2017-02 – “AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XLV, ZONING, OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY, NEW JERSEY, TO ESTABLISH AN OVERLAY ZONE ENCOMPASSING CERTAIN LANDS ON THE WESTERLY SIDE OF FAIRFIELD ROAD BETWEEN HORSENECK ROAD AND KULICK ROAD WITHIN THE ROUTE 46 SPECIAL HIGHWAY DISTRICT”**

**INTRODUCED BY: COUNCILMAN CIFELLI**  
**SECONDED BY: COUNCIL PRESIDENT MCGLYNN**  
**PUBLISHED: FEBRUARY 2, 2017**

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
MAYOR JAMES GASPARINI	X				

**2<sup>ND</sup> READING AND PUBLIC HEARING – MARCH 13, 2017**

**INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN**  
**SECONDED BY: COUNCILMAN LAFORGIA**  
**PUBLISHED: MARCH 23, 2017**

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B MCGLYNN	X				
COUNCILMAN THOMAS J. MORGAN					X
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
MAYOR JAMES GASPARINI	X				