

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

ORDINANCE NO. 1513-16

Introduced: January 5, 2016

Adopted: January 19, 2016

NOTICE IS HEREBY GIVEN that Ordinance 1513-16 was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 19th day of January, 2016. A copy of Ordinance 1513-16 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE
BOROUGH OF EMERSON, IN ORDER TO REVISE THE RC (RETAIL
COMMERCIAL) ZONE TO ADD DRIVE-THRU ESTABLISHMENTS AS
CONDITIONAL USES**

WHEREAS, Chapter 290 of the Borough code outlines various zoning districts, specifically including Section 290-20 which details the RC Retail Commercial Zone and its uses; and

WHEREAS, drive-thrus are currently prohibited at eating and drinking places in the Borough's Commercial zones and it is understood that they are inappropriate in pedestrian zones such as the CBD; and

WHEREAS, Emerson's 2015 Master Plan amendment recommends the reevaluation of this prohibition in certain districts in order to compete with the popularity of these uses in nearby municipalities; and

WHEREAS, the Master Plan acknowledges that drive-thru establishments generally result in slight increases in traffic, however there is a related decrease in parking demand, increase in business activity, and decrease in parking lot hazards; and

WHEREAS, it has been determined that the addition of drive-thru establishments as conditional uses within the RC zone would be both appropriate and beneficial; and

WHEREAS, the municipal planner has determined that these amendments further the purposes of the Borough of Emerson Master Plan documents and is consistent with the recommendations of the 2015 Amendment;

NOW, BE IT ORDAINED by the Borough Council of the Borough of Emerson in the County of Bergen and State of New Jersey that Chapter 290 of the Code of the Borough of Emerson be and is hereby amended as follows:

SECTION ONE:

SECTION 290-20 be amended as follows:

The following regulations apply in the RC Retail Commercial Zone:

A. Principal permitted uses:

(1) Retail or personal service establishments as follows:

- a) Appliance sales.
- b) Banks.
- c) Bakeries.
- d) Barbershops and beauty parlors.
- e) Book, card and stationery stores.
- f) Bowling alleys.
- g) Candy and cigar stores.
- h) Drug, dry goods and variety stores.
- i) Dry cleaners, laundries and laundromats.
- j) Eating and drinking places (excluding drive-ins).
- k) Florists.
- l) Food stores.
- m) Garden supplies.
- n) Hardware stores.
- o) Locksmiths.
- p) Newsstands.
- q) Business and professional offices.
- r) Package liquor stores.
- s) Pet stores.
- t) Photographic supplies, services and equipment.
- u) Radio, television and appliance sales and service.
- v) Shoe sales and repair service.
- w) Soda fountains.
- x) Tailors and dressmakers.
- y) Wearing apparel stores.
- z) Automotive spare parts, provided that no repair, alteration, installation, fabrication or maintenance operations are conducted on the premises.
- aa) Gasoline service stations subject to the other provisions of this chapter.
- bb) Telephone exchange buildings, provided that such use does not include a service station or storage of trucks or construction building materials.

B. Permitted accessory uses: none.

C. Conditional uses:

- (1) Shopping centers.
- (2) *Drive-thru establishments, when all of the following requirements are met:*
 - a) *Minimum lot area: 19,600 sf*
 - b) *Minimum lot depth: 140 feet*
 - c) *Minimum lot width: 140 feet*
 - d) *Drive thru element yard setbacks: 20 feet*
 - e) *Drive thru elements may not be located between the front lot line and the building's front façade. Drive thru elements may only be located along the side and rear portions of the lot.*
 - f) *Drive-thrus may not obstruct any vehicular circulation on or off site.*
 - g) *One drive-thru menu board and one directional sign shall be permitted in addition to any other signage allowed within the zone.*

SECTION TWO:

All ordinances or parts of ordinances of the Borough of Emerson which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION THREE:

The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR:

This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

APPROVED

Lou Lamatina, Mayor

ATTEST:

Jane Dietsche, RMC, Borough Clerk