

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NJ 07630**

NOTICE IS HEREBY GIVEN that the following ordinance 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 11th day of July 2006. A copy of Ordinance 1305-06 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

ORDINANCE NO. 1305-06

**AN ORDINANCE AMENDING CHAPTER 290 OF THE CODE OF
THE BOROUGH OF EMERSON
TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE
2006 CBD REDEVELOPMENT PLAN**

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-1, et seq. (The Local Redevelopment and Housing Law), a municipal Governing Body may undertake the redevelopment of a portion of the municipality and designate a property or properties as being "in need of redevelopment" and otherwise exercise the powers set forth in the aforesaid statute; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-4b, the Planning Board has conducted the appropriate studies, prepared the boundaries of an "area in need of redevelopment", held public hearings, and previously made recommendations that certain properties within the Borough fall within an area in need of redevelopment; and

WHEREAS, the Governing Body accepted said recommendations, and

WHEREAS, the Governing Body authorized the preparation of a Redevelopment Plan, and charged the Planning Board with undertaking the preparation of said Plan and assuring that same is consistent with the municipal Master Plan; and

WHEREAS, in order to complete the Redevelopment Plan, the Planning Board obtained the professional assistance of Burgis Associates, Inc. (hereinafter, "Burgis") and Burgis prepared a "Redevelopment Plan" that applies to the approximately 19.7 acre area previously designated as an area in need of redevelopment; and

WHEREAS, the Planning Board recommended that the Governing Body adopt the "Redevelopment Plan" and Ordinances to implement said Plan.

NOW, THEREFORE BE IT RESOLVED that the following amendments be made to the Borough of Emerson's zoning ordinance in order to implement the changes recommended in the "Redevelopment Plan" adopted by the Planning Board on March 31, 2006.

Section 1. Amend Section 290-12 Designation of Zones to include two new CBD Central Business District zones: CBD-E (Central Business District East) and CBD-W (Central Business District West).

Section 2. Amend Chapter 290 of the Borough of Emerson Code to Create ARTICLE XIII as detailed below.

ARTICLE XIII
CBD-E and CBD-W Central Business District Zones

§ 290-67. Purpose.

1. The intent and purpose of the Central Business District East (CBD-E) and Central Business District West (CBD-W) is to:
 - a. Provide standards and guidelines to implement the goals of the Redevelopment Plan.
 - b. Recognizing the fact that a majority of the lots within the Central Business District are small, allow for mixed-use development of single lots within the district that will utilize the land more efficiently by promoting shared parking and circulation.
 - c. Encourage a comprehensive design that can be completed in phases, but when completed creates a strong sense of place and a unified streetscape design.
 - d. Establish regulations that promotes the revitalization of the district, create a desirable visual environment and reestablishes a safe and efficient circulation design for vehicular and pedestrian traffic.
 - e. Ensure that all developments are planned on the basis of an integrated, comprehensive design with respect to the location and relationship of buildings, parking, landscape and buffer amenities, architectural elements, walkways, and pedestrian and vehicular traffic movement.
 - f. Establish standards and requirements that are applicable to any project requiring subdivision approval, site plan approval, or zoning permit approval within the CBD District as defined on the Borough of Emerson Zoning Map.
 - g. Affirm the goals and objectives set forth in Section 3.0 of the Redevelopment Plan.

§ 290-68. Permitted Uses.

A. Principal Uses.

1. Retail stores.
2. Personal service businesses.
3. Eating and drinking establishments (except drive-ins)
4. Professional, financial and medical offices.
5. Multi-family residential dwellings above at-grade retail commercial and other principal permitted uses.
6. Multi-family residential dwellings including buildings above at-grade parking, only in areas (a) north of Lincoln Blvd where the multi-family building is behind a building that fronts on Kinderkmack Rd, and (b) south of Demarest Rd, south of Block 610 Lot 6.
7. Instructional studio spaces including dance, artist, martial art, music and other related studios.
8. Financial institutions.
9. Child care facilities and nursery schools.

B. Accessory Uses.

1. Off-street parking designed in accordance with Section 290-69B of the ordinance and 290-13

Regulation	CBD-East of Railroad Line	CBD-West of Railroad Line
Minimum Lot Area (sf.)	10,000 (a)	15,000 (a)
Minimum Lot Width (ft.)	75	120
Minimum Lot Depth (ft.)	60	75 ¹
Minimum Front Yard (ft.): Kinderkamack Road Other Streets	10 ² 5	15 ³ -
Maximum Front Yard (ft.): Kinderkamack Road Other Streets	25 ² 15	50 ³
Minimum Side Yard – one/both (ft.)	0/0	10/20 ¹
Minimum Rear Yard	15	10
Maximum Building Height (stories/ft)	3 sty/40 feet ⁴	3 sty/40 feet ⁴
Maximum Building Coverage (%)	85	85
Maximum Impervious Coverage (%)	90	90

¹ Corner Parcels with rights of way located on three sides may reduce the required depth by 55% & reduced side yards of 5 feet for each yard.

² In accordance with the streetscape requirements set forth in Section 290-70 B1 of the ordinance.

³ In accordance with the streetscape requirements set forth in Section 290-70B2 of the ordinance.

⁴ Additional height is permitted in accordance with Section 290-70A3 of the ordinance.

- a. Provided that, where an entire block is to be redeveloped pursuant to the Redevelopment Plan, the minimum lot area shall coincide with the block as depicted on that map.

§ 290-70. Design Standards.

A. Architectural Guidelines.

1. Façade Design.

- a. *Horizontal articulation between floors.* Each façade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
- b. *Vertical articulation.* Each building façade facing a public right of way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
- i. Each vertical articulation must be a maximum of thirty (30) feet apart.
 - ii. Each vertical articulation must be a minimum of one (1) foot deep.
 - iii. Each projection, excluding projections of the main wall surface that are not designed as overhangs, may extend into the required front yard a maximum of 2 feet in depth.

- of the general zoning ordinance.
2. Outdoor eating areas designed in accordance with Section 290-67C of the ordinance.
 3. Fences and walls in accordance with Section 290-40 of the ordinance.
 4. Landscaped plazas, courtyards, alleys and other similar public amenities designed in accordance with the area and bulk regulations set forth for the CBD districts.
 5. Signs in accordance with Section 290-67A5 of the ordinance.
 6. Uses that are customarily and normally incidental to the permitted uses.

C. Prohibited Uses.

1. Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above, the following uses shall be specifically prohibited:
 - a. Automotive service stations, auto body and repair shops.
 - b. Car washes of any type.
 - c. Drive-up or through windows serving restaurants.
 - d. Automotive and motorcycle sales and service businesses.
 - e. Contractor supply and storage yards,
 - f. Industrial, warehousing, and manufacturing use.
 - g. Exterior storage of goods.
2. Any deviations from the standards provided herein that result in a "D" variance pursuant to *N.J.S.A. 40:55D-70d* shall be addressed as an amendment to the Redevelopment Plan rather than via variance relief through the Borough Zoning Board of Adjustment. "C" variance relief pursuant to *N.J.S.A. 40:55D-70c* may be addressed by the Planning Board through the development application process. All development must be approved by the Borough Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by *N.J.S.A. 40:55D, et seq.*, and the Borough Land Development Regulations.

§ 290-69. Area and Bulk Requirements.

1. The following bulk and lot regulations shall apply to all uses permitted within the CBD zone district:

TABLE A: AREA AND BULK REQUIREMENTS, CBD-E AND CBD-W

- iv. Each projection of the main wall surface that is not designed as an overhang, may extend into the required front yard a maximum of one (1) foot.
 - v. The total length of the building façade projections, identified in Section 290-70A1a and 290-70A1b above, may not exceed sixty percent (60%) of the total façade length.
- c. *Fenestration.*
- i. At least thirty (30) percent of the first floor primary building frontage used for retail or office shall be clear window glass permitting a view of the buildings' interior. This percentage shall be calculated within the area of the building façade that is located between three feet and ten feet above sidewalk level.
 - ii. Doors and windows in retail and office uses should cover a minimum of 40% of the building frontage on the street level.
 - iii. A minimum of 40% of the front door in retail and office uses shall consist of glass in order to maximize the visibility of the store interior.
 - iv. Recessed entries are encouraged to create additional pedestrian environs, provide shelter for sidewalk patrons and enlarged windows in the district.

2. Materials.

- a. Exterior building materials shall be classified as either primary, secondary or accent materials. The façade must be designed in accordance with the following:
 - i. The primary material shall cover at least sixty percent (60%) of the façade of the building.
 - ii. Secondary materials shall cover not more than forty percent (40%) of the façade.
 - iii. Accent materials may include door and window frames, lintels, cornices and other elements and may cover no more than ten percent (10%) of the façade.

3. Roof Lines/Building Height.

- a. The top of all buildings must be capped by a cornice or sloping roof element.
- b. An additional five (5) feet in height for ornamentation such as parapets and cornices is permitted. This additional height is only permitted along a maximum of sixty six percent (66%) of the façade to encourage a varying roof line.
- c. In addition to 3b above, each portion of a building that provides cornices and similar appurtenances for ornamental purposes, such elements may not be more than 25 feet in length each.
- d. All roof mounted equipment shall be screened from public view by use of parapet walls.
- e. In the CBD-W zone district 50% of a building may be 4 stories in height where the topography of land provides a minimum of a 8 foot change in elevation.
- f. Irrespective of other height restrictions, (a) buildings in the area north of Lincoln Blvd that are placed behind a building fronting Kinderkamack Rd may be a maximum 4 stories/50 feet in height and developed solely with three residential floors above at-grade parking or solely for parking or four residential floors above below grade parking; and (b) buildings in the area south of Ackerman Avenue may be developed with a maximum three residential stories above at-grade parking or above at-grade commercial, with a maximum height of 50 feet.

4. Awnings and Canopies.

- a. Canopies and awnings are encouraged at the ground floor level.

- b. In buildings with multiple storefronts all awnings or canopies shall be designed of compatible materials
- c. Awnings and cornices shall be designed with a minimum vertical clearance of 7 feet and shall not extend more than 5 feet from the face of the building.
- d. A maximum number of four colors, inclusive of black and white, are permitted.
- e. The lettering on the canopy shall be limited to the name of the occupant only, which shall be included in determining the color and other sign calculations. The lettering shall have a maximum letter size of 9 inches and occupy a maximum of 70 percent of the valence area.
- f. No awning shall be erected or maintained so as to obstruct access to any fire escape, window or door.
- g. Awnings and canopies are permitted to encroach within the front yard setback.

5. Signage.

- a. Roof signs are prohibited in the district.
- b. For multi-tenanted buildings the signs shall be designed with uniform area and height.
- c. Except as required above, all signage shall meet the regulations of Chapter 232. Any proposed sign that does not meet the requirements set forth by this chapter shall require variance relief. In the event that these new standards conflict with existing standards set forth in the Borough of Emerson Signs and Awnings Ordinance, this section of design standards supersedes.

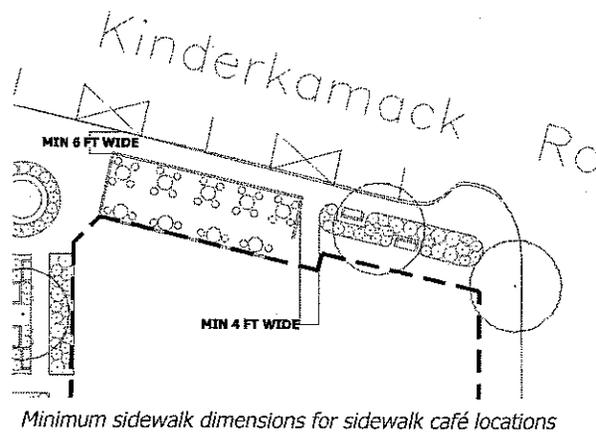
B. Streetscape Design Requirements.

- 1. All parcels along Kinderkamack Road that are located in the CBD-E zone district must comply with the following requirements.
 - a. Buildings setback between ten (10) and twelve (12) feet from the curb line shall have a minimum sidewalk width of 5 feet and a landscape planter with a minimum width of five (5) feet.
 - b. Buildings setback between twelve (12) and twenty (20) feet from the curb line shall have a minimum sidewalk width of 12 feet inclusive of a 4 foot minimum landscaped planter separating two 4 foot wide sidewalks, one of which is adjacent to the building and the other adjacent to the curb.
 - c. Landscaped planters must be at least two hundred (200) square feet in area.
 - d. A combination of perennials, ground cover and shrubs and similar material is required in proposed planters.
 - e. Streetscape amenities such as benches shall be incorporated as part of the planter design.
- 2. All parcels along Kinderkamack Road that are located in the CBD-W zone district must comply with the following requirements.
 - a. All buildings must be setback a minimum of twenty 20 feet and a maximum of 50 feet from Kinderkamack Road.
 - b. There shall be only parallel parking located between the building and Kinderkamack Road.
 - c. The area between the building and Kinderkamack Road must be landscaped in accordance with section e below.

C. Pedestrian Circulation Design: Outdoor Cafes and Plazas.

1. Outdoor Cafes.

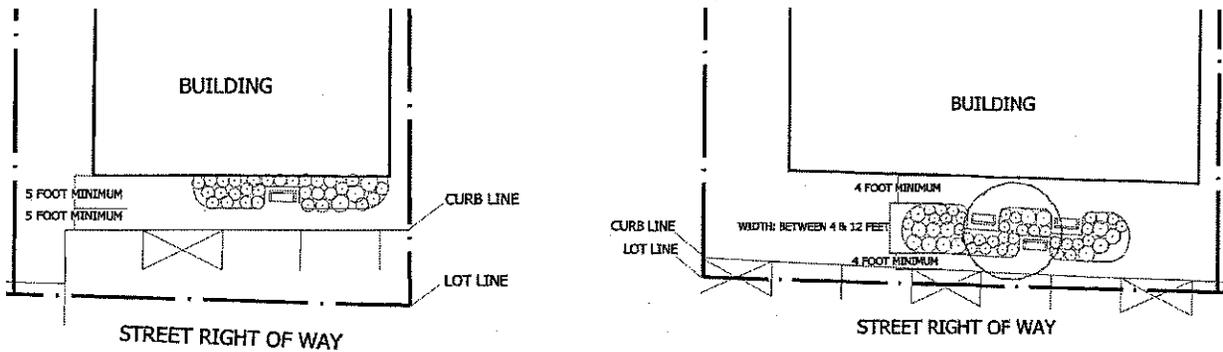
- a. Outdoor café shall be located on sidewalks, plazas, and courtyards immediately adjacent to any eating and food establishment. Such facilities shall be provided in a manner that pedestrian circulation or access to store entrances is not impaired.
- b. A minimum of six (6) feet of unobstructed sidewalk area must be available for pedestrian circulation.
- c. No outdoor loudspeaker, radio, or similar device shall be utilized.
- d. The area occupied by the café must be separated from the public walkway by a structure such as planters, posts, ropes and/or other removable enclosures.
- e. Outdoor establishments shall not be entitled to additional signage.
- f. No tables, chairs, or other equipment shall be attached, chained, or in any manner affixed to any tree, post, sign, curb or sidewalk.
- g. All outdoor equipment must be removed from the sidewalk at the end of each business day.
- h. The applicant shall be responsible for keeping the area of the outdoor café and the adjacent walks and streets free and clear of any debris or litter.
- i. No outdoor cafe shall be open for business prior to 7:30 a.m. nor remain open for business after 11:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m.
- j. Outdoor cafes shall be permitted to operate from April 1 to November 30 in any calendar year. The permit, when issued, shall be valid for one season.



2. Pedestrian Walkways and Plazas.

- a. Where redevelopment, lot consolidation or other means of land assemblage occurs within the central business district, alleyways must be incorporated into the site plan and designed in accordance with section c below.
- b. Where the redevelopment of a site includes more than 300 feet in frontage on Kinderkamack Road an alleyway designed in accordance with the section c shall be provided.
- c. When the development only includes a single tax lot, and provides a mid-block alleyway that conforms to the design standards detailed below, the parking requirement shall be reduced by 10%.

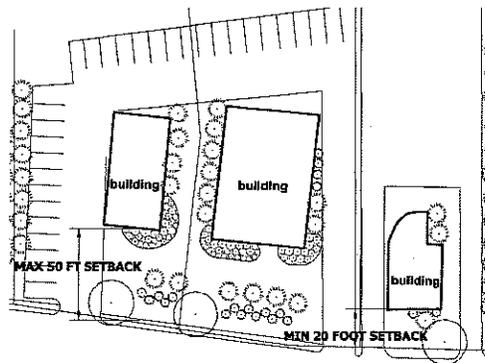
CBD-E STREETScape REQUIREMENTS



Sites located in the CBD-E district with a front yard setback between 10 and 12 feet.

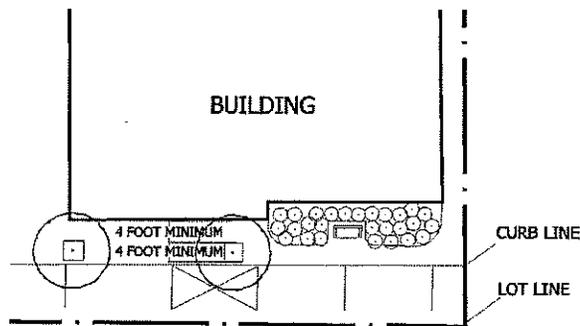
Sites located in the CBD-E district with a front yard setback between 12 and 20 feet.

CBD-W STREETScape REQUIREMENTS



Sites located in the CBD-W district

3. Street trees shall be provided along all public right of ways in accordance with the following standards.
 - a. Street trees should be located at a distance of forty (40) feet on center. The exact spacing and planting location shall be evaluated on a site-specific basis and adjusted to reflect the location of buildings to minimize potential obstruction and visibility impacts on wall business signage.
 - b. Trees shall have a minimum caliper size of three (3) inches at time of planting.



Minimum sidewalk dimensions for street tree plantings

- i. The alleyway must extend from the parking area to the front sidewalk along Kinderkamack Road.
 - ii. The design should include features such as decorative lamp posts or lighting bollards that comply with the lighting standards set forth in Section 290-67D of the ordinance.
 - iii. Pedestrian alleyways shall be minimally 12 feet in width.
 - iv. Low-lying vegetation designed in accordance with the detail below shall be provided along the walkway.
 - v. The walkway surface should be compatible in style, materials, colors, and details with other site improvements and or the public sidewalks. Brick pavers, textured or stamped sidewalk are encouraged.
- d. Plazas or courtyards adjacent to parking lots shall utilize decorative, landscaped and effective protective devices to prevent injury from vehicles that inadvertently enter into the pedestrian area.

D. Landscaping Requirements.

1. General.

- a. A landscape design plan shall be required for each site. Each design shall incorporate three or more of the following: trees, shrubs, hedges, ground covers and/or grasses as part of the overall landscape plan.
- b. Automatic irrigations systems are mandatory components of said plan.
- c. Perennial and annual flower beds shall be incorporated into the plan.

2. Parking Area Landscaping.

- a. Parking areas with less than 10 spaces shall be screened from the street with landscaping but no interior parking lot landscaping is required. The street screening shall comply with the general requirements in section 1 above.
- b. Parking areas with 10 or greater parking spaces shall be screened from the street with landscaping and interior lot landscaping shall be required in accordance with the following:
 - i. Each parking row shall include a curbed landscaped island with at least one shade tree and shrub plantings.
 - ii. A minimum of one shrub for every two parking spaces shall be planted along the perimeter of the parking spaces.
 - iii. One shade tree shall be provided for every ten (10) parking spaces.
 - iv. Street trees shall be provided along all right of ways at a distance of 40 feet on center.

3. Recommended Plant Material:

SHADE TREES

BOTANICAL NAME	COMMON NAME
<i>Acer Rubrum 'Var'</i>	Red Maple Varieties
<i>Carpinus betulus</i>	European Hornbeam
<i>Fraxinus pennsylvanica 'lanceolata'</i>	Green Ash (seedless)
<i>Gleditsia triacanthos 'inermis'</i>	Thornless Honeylocust
<i>Koelreuteria paniculata</i>	Golden Rain Tree
<i>Platanus x acerifolia</i>	London Plane
<i>Quercus rubra variety</i>	Red Oak
<i>Sophora japonica 'Regent'</i>	Regent Scholartree

Tilia cordata 'Greenspire'
Zelkova serrata 'Green Vase', 'Village Green'

Greenspire Littleleaf Linden
Green Vase Japanese Zelkova

ORNAMENTAL TREES

BOTANICAL NAME

Acer ginnala 'Flame'
Acer griseum
Amelanchier x grandiflora 'Autumn Brilliance'
Cercis Canadensis
Cornus kousa 'Chinensis'
Malus 'Var'
Prunus 'Newport'
Prunus serrulata 'Amanogawa'
Prunus x yedoensis
Pyrus calleryana 'Aristocrat', 'Chanticleer', 'Whitehouse'

COMMON NAME

Amur Maple
Paperbark Maple
Serviceberry
Eastern Redbud
Chinese Kousa Dogwood
Crab Apple Varieties
Newport Plum
Amanogawa Cherry
Yoshino Cherry
Pear Varieties

SHRUBS AND GROUND COVERS

BOTANICAL NAME

Abelia sp.
Clethra
Cotoneaster
Fothergilla/*Forsythea* sp.
Juniperous 'Var'
Ilex Crenata
Ilex Glabra
Pinus Mugo
Potentilla Fruticosa
Prunus Laurocerasus
Spirea sp.
Syringa
Taxus sp.
Thuja occidentalis Emerald Sentinel 'Spiralis'

COMMON NAME

Glossy Abelia
Summersweet
Cotoneaster
Fothergilla
Juniper Varieties
Japanese Holly
Inkberry Holly
Mugho Pine
Dwarf Potentilla
Cherry Laurel
Spirea
Lilac
Yew
Spiralis Eastern Arbovitae

E. Lighting.

1. General Site Lighting Requirements.

- a. The borough standard lighting fixture shall be utilized in all pedestrian areas such as walkways and plazas. In addition this fixture shall be utilized along the Kinderkamack road right of way.
- b. All outdoor lights shall be decorative fixtures not exceeding (12) feet in height.
- c. The maximum lighting intensity (footcandle) at any point on the subject property line shall not exceed five tenths (0.5) footcandle.
- d. All lights shall utilize color corrected lamps. The use of high pressure sodium lights, fluorescent, or mercury vapor lighting is prohibited. Use of minimum wattage metal halide is encouraged.
- e. Maximum permitted wattage of fixtures is limited to 250 watts.

2. Lighting Standards.

- a. The required lighting levels (in footcandles) for properties in the district shall be as determined in the table below:

TABLE B

Requirement	Minimum footcandles	Average footcandles	Uniformity Ratio
Parking Areas	0.5	1.0	4:1
Pedestrian Areas	1.0	1.5	4:1
Access Driveways	1.0	2.0	

3. Storefront and Façade Lighting.

- a. Lighting should be directed toward the storefront, and should be shielded and recessed to prevent spillage.
- b. Wall mounted lights shall not be located higher than the second floor.
- c. No lighting is permitted on the roof structure of a building.
- d. Use of floodlights is prohibited.

§ 290-71. Off-Street Parking Requirements.

A. Number of Parking Spaces.

1. The minimum number of off-street parking spaces required shall be as shown on Table C:

TABLE C

Land Use	Requirement
Retail stores and shops	1 space per 250 square feet of gross floor area
Banks	1 space per 500 square feet of gross floor area
Business and professional offices	1 space per 350 square feet of gross floor area
Medical and dental clinics or offices	2.5 spaces per each examining room or dental chair or like, plus 1 space for each employee
Restaurants	1 space for each 3 seats
Residence in mixed-use buildings	
1 Bedroom	1.8 spaces per unit
2 Bedroom	2.0 spaces per unit
Personal Service Establishments	1 space per 300 square feet of gross floor area
Dance, martial arts, and related studios	1 space per 500 square feet of gross floor area
Galleries	1 space per 500 square feet of gross floor area
Child Care Centers & Nursery Schools	1 space per employee plus 1 space for every ten children

B. Parking Area Design.

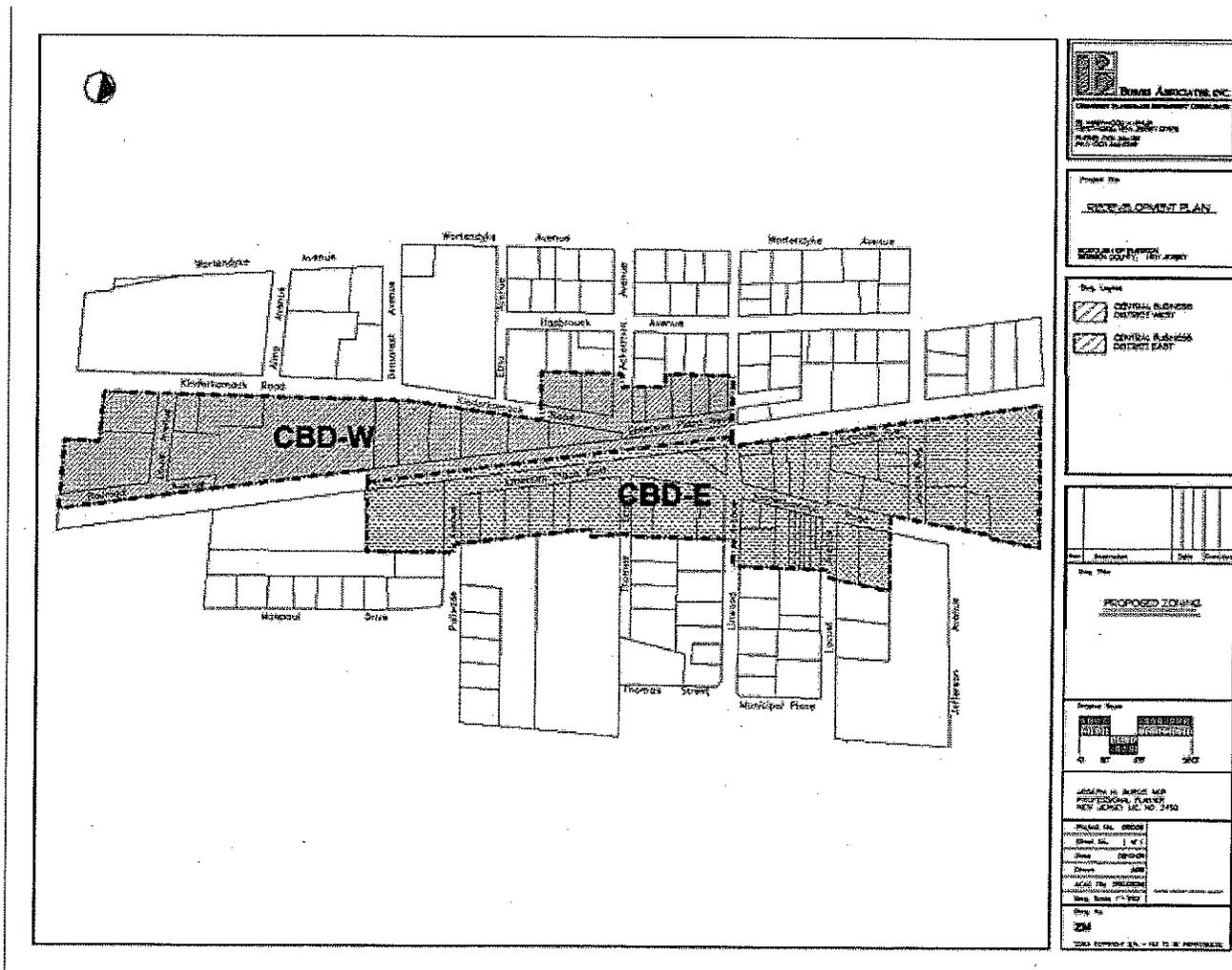
1. Location. Front yard parking shall be prohibited. Off-street parking spaces shall be limited to side and rear yards.
2. Setback. Parking spaces shall be setback minimally 5 feet from side and rear lot lines, provided that all designs must include a provision for drive connections between adjoining

lots for shared parking arrangements. Where parking abuts a single-family residential zone, the minimum setback shall be 10 feet. A landscape buffer shall be provided adjacent to the property line shared with the single-family residential zone.

3. Dimension. Parking stalls shall be nine by eighteen (9x18) feet in dimension.
4. Loading and unloading facilities shall not take place in the public right of way.
5. All such parking lots, driveways and loading areas shall be hard-surfaced with asphalt or concrete pavement or brick pavers as approved by the Borough Engineer.
6. Parking Area Landscaping Details. See Section 290-69G.
7. Shared Parking. Where there is a mixed use facility consisting of residential and non-residential uses, an applicant shall be permitted to reduce the amount of required parking by 25% from standards that would otherwise apply to the individual properties.
8. Driveways and access aisles dimensions shall be designed in accordance with Section 290-30B(2).

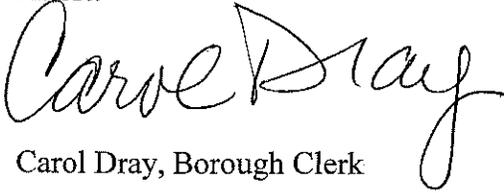
Section 3. Amend Schedule I Lot, Yard, Height and Setback Requirements to include new zone districts CBD-E and CBD-W. Insert note directing one to "See ARTICLE XIII" for requirements.

Section 4. Amend the official Zoning Map of the Borough of Emerson to reflect the changes as detailed in the map below.



BE IT FURTHER ORDAINED that this ordinance shall become effective after final passage, adoption and publication according to law.

Attest:


Carol Dray, Borough Clerk

Approved:


Steven Setteducati, Mayor

Dated: July 11, 2006