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

Introduced: May 6, 2014

Adopted: May 20, 2014

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 20th day of May, 2014. A copy of Ordinance 1478-14 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

ORDINANCE NO. 1478-14

AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO CLARIFY EXISTING REGULATIONS AND FURTHER DETAIL REQUIREMENTS AS RECOMMENDED BY THE LAND USE BOARD

WHEREAS, the Borough Land Use Board has recommended several amendments to existing zoning ordinances to clarify the intent of existing regulations; and

WHEREAS, the Borough Land Use Board has recommend adding impervious coverage regulations to the current area and bulk requirements for residential districts, since none currently exist;

WHEREAS, said recommendations have been evaluated in terms of the borough's master plan documents; and

WHEREAS, the municipal planner has determined that these amendments further the purposes of the Borough of Emerson Master Plan documents;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Emerson in the County of Bergen and State of New Jersey that Chapter 232 and 290 of the Code of the Borough of Emerson be and is hereby amended as follows:

SECTION ONE:

SECTION 290-40J be added as follows:

Temporary fences for construction purposes are permitted to remain in place during the length of construction. All other temporary fences may remain in place for a period of 60 days.

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SECTION TWO:

Section 232-2M be amended as follows:

Pennants, banners or buntings are permitted, subject to the approval of and permit from the Construction Official for a consecutive period of no more than 60 days and for no more than 2 non-consecutive periods per calendar year. The minimum duration of the break between the non-consecutive periods shall be 60 days. No pennants, banners or buntings, either permanent or temporary, shall be displayed upon public property, streets or rights-of-way nor shall they hinder or affect any sight triangle. The United States flag, the state flag, the county and the municipal flag may be displayed. In addition, flags of other states of the United States, other sovereign nations, MIA/POW flags and seasonal decorative flags may also be displayed. Multiple displays of any flag or flags in such a manner as to be reasonably considered advertising shall not be permitted.

SECTION THREE:

Amending the yard definitions in Section 290-6 of the Borough Code as follows:

BERM: A mound of earth, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or stormwater control.

COVERAGE, BUILDING: The ratio of horizontal area measure from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

COVERAGE IMPERVIOUS: The ratio of impervious material coverage to the total lot area. Impervious materials are any material that reduces or prevents absorption of stormwater into land and which reduces percolation to a rate slower than 120 minutes per inch.

CURB LEVEL: The permanently established natural grade at the midpoint of the front building line.

YARD- An open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted.

A. **YARD, FRONT-** An open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward, and except as may be specified elsewhere in this chapter. Soffits less than or equal to 12 inches in depth, may extend into the required front yard.

B. **YARD, REAR -** An open space extending the full width of the lot between a principal building and rear lot line, unoccupied and unobstructed from the ground upward, except as may be specified elsewhere in this chapter. Parking is permitted in the rear yard, except as otherwise specified in this chapter. Soffits less than or equal to 12 inches in depth, may extend into the required rear yard.

C. **YARD, SIDE —** An open space extending from the front lot line to the rear lot line between a principal building and the nearest side lot line, unoccupied and obstructed from the ground upward, except as may be specified elsewhere in this chapter. Soffits less than or equal to 12 inches in depth, may extend into the required side yard. Gutters shall not be included in the soffit measurement.

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SECTION FOUR:

Add Section 290-13G Pools. All pools in residential zone districts shall comply with the following regulations:

- (1) Pools are not permitted in any front yard area or the required front yard of a corner lot.
- (2) Pools must be located at least ten (10) feet from the side property line and five (5) feet from the rear property line.
- (3) Pool water surface shall not exceed 50% of the rear yard area.
- (4) Water surface for in-ground pools shall not be higher than 12 inches above the existing property grade.
- (5) Above ground pools shall not exceed 24 feet in length, width or diameter.
- (6) Pool equipment shall be setback a minimum of two (2) feet from the side and rear property lines.
- (7) The pool equipment enclosure shall not exceed eight (8) feet in height.
- (8) All fences, which act as a pool barrier in accordance with the building code, shall be a minimum of 48 inches in height.

SECTION FIVE:

Add Section 290-40J: No fence or wall shall be erected on a berm.

SECTION SIX:

Schedule I in Section 290:A4 shall be amended as per the attached schedule.

SECTION SEVEN:

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 EIGHT:

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 NINE:

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

APPROVED

Carlos Colina, Mayor

ATTEST:

Jane Dietsche RMC, Deputy Borough Clerk