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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 1481-14 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

ORDINANCE NO. 1481-14

WHEREAS, the Mayor and Council adopted an Ordinance No. 1305-06 on July 11, 2006 rezoning several blocks and lots from the LBE and a portion of LBW and a portion of the RC zone districts to CBD-W and CBD-E districts; and renaming the remaining lots in the LBE & LBW districts LB.

WHEREAS, the land use board has determined that the following names will more accurately reflect the regulations of the district, CBD-10, CBD-15 and LB

WHEREAS, the current language throughout Chapter 290 does not consistently reflect these names; and

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

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 290-12 be amended as follows:

For the purpose of this chapter, the Borough of Emerson is hereby divided into 13 zones, differentiated according to use and building regulations, and designated as follows:

R-22.5	Residential Single-Family
R-10	Residential Single-Family
R-7.5	Residential Single-Family
LB	Limited Business
RC	Retail Commercial
RB	Residential, Single-Family and Two-Family
IM	Industrial and Manufacturing
OSC	Open Space Conservation
PCD	Planned Commercial Development
ML-10	Single-Family
MS-AHO	Municipally-Sponsored Affordable Housing Overlay Zone-1
AHO	Affordable Housing Overlay Zone
R-2/ARC	Age Restricted Community Residence Zone
CBD-10	Central Business District – 10,000 sf

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CBD-15 Central Business District – 15,000 sf

SECTION TWO: Section 290-18 to be amended as follows:

Section 290-18. The following regulations apply in the LB Limited Business Zone:

- A. Principal permitted uses:
 - (1) Professional business and governmental offices.
 - (2) Medical and dental clinics.
 - (3) Banks and other financial institutions.
 - (4) Funeral homes.
 - (5) Nursing homes.
 - (6) Hospitals and schools.
- B. Permitted accessory uses: none.
- C. Conditional uses:
 - (1) Clubs, lodges and fraternal organizations.
 - (2) Essential services.

SECTION THREE: Section 290-31C(1)(a) be amended as follows:

(a) That any part of the lot or plot on which the station is to be situated shall be in the RC Retail Commercial Zone and a distance of 1,500 linear feet from the nearest gasoline station. Such distance shall be measured along the center line of the street or streets from a point opposite the nearest boundary line of a lot or plot line of the property to be occupied by the proposed gasoline station.

SECTION FIVE: Section 290-48(B) to be amended as follows:

B. Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristic	R-10, R-22.5, R-7.5, -LB , RB	Zone		
		RC,	IM	
Smoke		VS	VS	VS
Solid particles		VS	VS	VS
Odors		SL	PL	ZL
Liquid wastes		BW	PL	PL
Solid wastes		BW	SL	SL
Radiation		VS	VS	VS
Noise		PL	PL	PL
Vibration		BW	PL	PL
Glare		BW	PL	PL
Heat*		VS/LW/PL	VS/PL	VS/PL

*NOTE: For heat, measurement shall be made at the vent or smokestack for heated air and at the property line for heated liquid or solid discharge.

Code: VS=vent or smokestack; PL=property line; ZL=zone line; BW=building wall; *SL* SK=required setback line.

SECTION SIX: Article XIII heading to be amended as follows:

CBD-10 and CBD-15 Central Business District Zones

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SECTION SEVEN: Section 290-67 to be amended as follows:

The intent and purpose of the Central Business District 10 and Central Business District 15 CBD-15) 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 promote 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.

SECTION EIGHT: Section 290-69 to be amended as follows:

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

Table A: Area and Bulk Requirements for CBD-10 and CBD-15

Regulation	CBD-10	CBD-15
Minimum lot area (square feet)	10,000 ^(a)	15,000 ^(a)
Minimum lot width (feet)	75	120
Minimum lot depth (feet)	60	75 ¹
Minimum front yard (feet):		
Kinderkamack Road	10 ²	15 ³
Other streets	5	
Maximum front yard (feet):		
Kinderkamack Road	25 ²	50 ³
Other streets	15	
Minimum side yard — one/both (feet)	0/0	10/20 ¹
Minimum rear yard	15	10
Maximum building height (stories/feet)	3 stories/40 feet ⁴	3 stories/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% and reduced side yards of five feet for each yard.

² In accordance with the streetscape requirements set forth in § 290-70B(1) of the article.

³ In accordance with the streetscape requirements set forth in § 290-70B(2) of the ^{article}.

⁴ Additional height is permitted in accordance with § 290-70A(3) of the article.

^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.

SECTION NINE: Section 290-70B to be amended as follows:

B. Streetscape design requirements.

- (1) All parcels along Kinderkamack Road that are located in the CBD-10 Zone District must

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comply with the following requirements.

- (a) Buildings set back between 10 and 12 feet from the curbline shall have a minimum sidewalk width of five feet and a landscape planter with a minimum width of five feet.
 - (b) Buildings set back between 12 and 20 feet from the curbline shall have a minimum sidewalk width of 12 feet inclusive of a four-foot-minimum landscaped planter separating two four-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 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-15 Zone District must comply with the following requirements.
- (a) All buildings must be set back a minimum of 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 Subsection D below.
- (3) Street trees shall be provided along all public rights-of-way in accordance with the following standards:
- (a) Street trees should be located at a distance of 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 inches at time of planting.

SECTION TEN:

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 ELEVEN:

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 TWELVE:

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