

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

**ORDINANCE NO. 1548-17**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE BOROUGH OF EMERSON  
TO INCORPORATE TWO OF THE REZONING RECOMMENDATIONS  
SET FORTH IN THE 2017 MASTER PLAN REEXAMINATION REPORT**

**Introduced: November 21, 2017**

**Adopted: December 5, 2017**

**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 5th day of December, 2017. A copy of Ordinance 1548-17 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630 .

**WHEREAS**, the Borough of Emerson Land Use Board held a work session on September 28<sup>th</sup>, 2017 and a public hearing on October 12<sup>th</sup>, 2017 on the 2017 Master Plan Reexamination Report.

**WHEREAS**, the Borough of Emerson Land Use Board adopted the 2017 Master Plan reexamination report on October 12, 2017 and further recommended the that Governing Body consider the rezoning recommendations contained therein.

**WHEREAS**, the final 2017 Master Plan Reexamination Report dated October 25, 2017 recommends that the Borough continue to work towards the revitalization of the entire downtown area so that the area surrounding Block 419 compliment the new redevelopment project.

**WHEREAS**, in furtherance of this recommendation, there were areas recommended for rezoning. It was recommended that both the southern end of the Central Business District as well as the entire IM Industrial Manufacturing District be rezoned to permit the existing uses.

**WHEREAS**, it was further recommended that mixed-use buildings be permitted as a conditional use on larger lots with the purpose of providing affordable housing in conjunction with a settlement agreement.

**WHEREAS**, all affordable units created under this ordinance will be affordable to low and moderate income households in accordance with the rules at N.J.A.C. 5:93-1 et seq. ("COAH's Second Round rules"), the Borough's Affordable Housing Ordinance at Chapter 290-63 of the Borough Code, and the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq.

**IT IS HEREBY ORDAINED** by the Mayor and Council of the Borough of Emerson, County of Bergen, and State of New Jersey, as follows:

**SECTION ONE:** Delete Section 290-21 in its entirety and replace it with the following:

The following regulations apply in the IM Business Zone:

A. Principal permitted uses:

- (1) Retail;
- (2) Service Commercial;
- (3) Educational Studios
- (4) Professional Office;
- (5) Automobile related services;
- (4) Printing and publishing;
- (5) Electrical, plumbing and building services and sales.
- (6) Wholesale sales
- (7) Warehousing
- (8) Industrial and manufacturing uses meeting the performance standards set forth in Article IX.
- (9) Light manufacturing which is characterized by less capital-intensive and more labor- intensive operations. Products made by a light industrial facility tend to be targeted toward end consumers rather than other businesses.
- (10) Assembly and Distribution
- (11) Storage facilities

B. Permitted accessory uses:

- (1) Parking and loading associated with the principal use
- (2) vehicles associated with the principal use may be parked and stored in delineated parking spaces

C. Conditional uses: none.

**SECTION TWO:** Amend Section 290-12 by adding new Overlay Zone Districts as follows:

MFRAH North            Multi-Family Residential Affordable Housing Overlay Zone District  
North

MFRAH South            Multi-Family Residential Affordable Housing Overlay Zone District  
South

**SECTION THREE:** Create a new Section 290-17.4 To read as follows: Section 290-17.4

MFRAH North            Multi-Family Residential Affordable Housing Overlay Zone District  
North

MFRAH South            Multi-Family Residential Affordable Housing Overlay Zone District  
South

The following regulations apply to this overlay zone

- A. Purpose:** The purpose of this overlay zone is to encourage the revitalization of the areas surrounding the central business district and to provide for the construction of affordable housing units for low and moderate income persons in order to address a portion of the Fair Share obligation of the Borough of Emerson under the New Jersey Fair Housing Act, the COAH regulations, and the Mount Laurel doctrine.
- B. Principal Permitted Uses:** Mixed-use buildings with any permitted use in the underlying district and multi-family residential or office on the upper floors, multi-family senior housing and age restricted housing.
- C. Minimum Lot Area.** 1 ½ acres of land is required for the construction of a use permitted only by virtue of these overlay districts.
- D. Density.** The maximum gross density shall be as follows:
  - a. MFRAH North: 64 dwelling units per acre.
  - b. MFRAH South: 43 dwelling units per acre.

In computing the number of units permitted per acre, any portion of a unit less than 0.5 unit shall not be considered a dwelling unit.

- E. Affordable Housing Set-a-Side.** A minimum of 15% of the multi-family housing constructed for rental purposes and a minimum of 20% of the multi-family housing constructed for sale purposes shall be set-a-side for affordable housing deed restricted units. All affordable units created under this ordinance will be affordable to low and moderate-income households in accordance with the rules at N.J.A.C. 5:93-1 et seq. (“COAH’s Second Round rules”), the Borough’s Affordable Housing Ordinance at Chapter \_\_ of the Borough Code, and the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq.
  - F. Maximum building height.** The maximum permitted building height shall be as follows:
    - a. MFRAH North: Four (4) stories and
      - Along Public Streets 42 feet\*
      - Along the Railroad ROW 50 feet\*
    - b. MFRAH South: Three (3) stories and 40 feet
- \* Additional Height is permitted in accordance with Section 290-70A3 and shall only be permitted on development parcels which are two (2) acres or greater.
- G. Area and Bulk Regulations.** All area and bulk regulations that are set forth in Section 290-69 shall apply to development proposed under this overlay district except building height and density.

**H. Design Standards.** All development proposed under this overlay district shall comply with all the design standards set forth in Section 290-70 of the Borough Code.

**I. Parking Requirements.** The required number of parking spaces shall comply with Section 290-71 of the Borough Code

**SECTION FOUR:** Rezone Block 617.01 Lots 2.01, 2.02, and 8 to the IM District.

**SECTION FIVE:** Rezone Block 616 Lot 2 to the CBD 10 District

**SECTION SIX:** Establish an Overlay District on the following Blocks and Lots:

MFRAH North overlay shall be applicable to Block 214 Lots 6,7,8.01, 8.02, and 9; Block 213 Lots 1, 2, 3, 4, 5, 6; Block 405 Lots 1, 2, 3.01, 3.02, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

MFRAH South Overlay shall be applicable to Block 616 Lots 1, 2, 16, 17, 19, 20, 21, 22, 23, 24 and Block 617.01, Lots 2.01, 2.02 and 8.

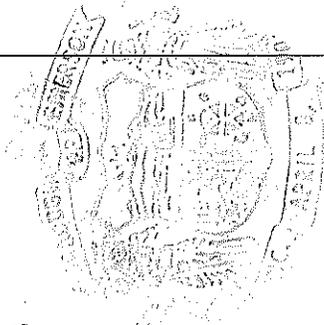
**BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision,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

**BE IT FURTHER ORDAINED,** this Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
DiPaola				X		
Falotico			X			
Lazar		X	X			
Knoller	X		X			
Downing			X			
Worthington					X	

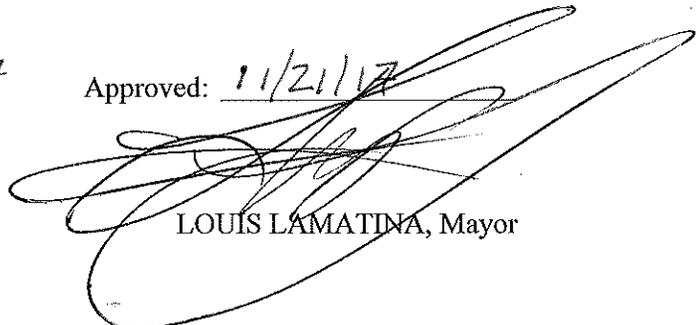
*I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on December 5, 2017.*

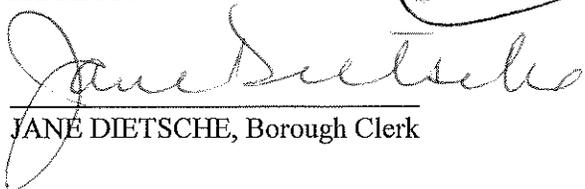
Attest:   
Municipal Clerk



Adopted: 12/5/17

Approved: 11/21/17

  
LOUIS LAMATINA, Mayor

ATTEST:  
  
JANE DIETSCH, Borough Clerk