

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

ORDINANCE 1635-21

Introduced: May 4, 2021

Adopted: June 15, 2021

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 15th day of June, 2021. A copy of Ordinance 1635-21 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON, CHAPTER 290, ENTITLED "ZONING"

WHEREAS, the Borough of Emerson recognizes the impact of the Global Pandemic on retail and office buildings in the region;

WHEREAS, the Borough of Emerson recognizes that nonresidential areas are experiencing vacancies;

WHEREAS, the Borough of Emerson recognizes that clarification and updating of certain sections of the Zoning Ordinance is needed;

WHEREAS, in response, the Borough of Emerson Land Use Board adopted a 2020 Master Plan Reexamination Report that examined the Borough's nonresidential zone districts and made specific recommendations for the Retail Commercial and Limited Business Zone Districts;

WHEREAS, the Borough of Emerson seeks to strengthen its nonresidential zones and recognizes the impact of both e-commerce and the pandemic on its "brick and mortar" commercial areas;

WHEREAS, the Borough of Emerson seeks to support and strengthen the two existing shopping centers in the Borough;

WHEREAS, the Borough's master planning documents encourage ongoing maintenance of its commercial areas;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Emerson, Bergen County, New Jersey, that Chapter 290 "Zoning" of the Borough Code of the Borough of Emerson is hereby amended as follows:

Section 1. Chapter 290-6, Article II, Definitions and Word Usage, shall be amended as follows by the addition of the following new definitions:

1. **Adult Day Care Centers:** A nonresidential facility typically operating for no more than 12 hours per day, providing meals, general supervision, social and recreational activities for elderly persons and/or persons with development or physical disabilities. Residential and/or overnight services are not provided.
2. **Club or Fraternal Organization:** A group of people formally organized with a common purpose or interest, to pursue common goals, interests or activities and typically characterized by certain membership qualifications, payment of fees and dues, regular meetings and bylaws or other organizational system. Clubs and fraternal organizations operate solely for benevolent, charitable, fraternal, social, religious, athletic or similar purposes and not for private gain.
3. **Electric Vehicle Charging Station:** An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.
4. **Lodge:** The building where members of a local club or fraternal organization hold their meetings.
5. **Medical Offices:** An office containing establishments that provide medical, dental and health care services. Such offices would include, but not be limited to, doctor and dentists' offices, physical and occupational therapy offices, chiropractic care, speech therapy, alternative medicine, nutritional services, wellness centers, laboratories and x-ray facilities.
6. **Personal Service Establishments:** Establishments primarily engaged in providing services involving the care of a person, health care services, or his/her personal goods or apparel.
7. **Retail Establishments:** Establishments engaged in the selling or rental of goods or merchandise, typically to the general public for personal use or household consumption, as well as business and institutional clients.
8. **Tattoo Parlor:** An establishment in which tattooing is performed, and people receive permanent decorative tattoos from a tattoo artist.
9. **Tattooing:** Any method of placing ink or other inert pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in a permanent colorization of the skin or mucosa. This includes all form of permanent cosmetics.
10. **Vape Shop:** A commercial establishment whose principal business is the retail sale, service, distribution, manufacture or use of electronic smoking devices, liquid nicotine or vapor products

Section 2. Chapter 290-6, Article II, Definitions and Word Usage, shall be amended as follows by the following revisions to existing additions (revisions are underlined):

1. **Shopping Center:** Two or more commercial establishments in one or more structures on six or more acres of land designed and operated as a coordinated integrated entity with respect to parking, services, signs, etc. Uses may include permitted principal uses in the Zone District in which the Shopping Center is located, as well as retail and personal service establishments, expanded pet care including but not limited to veterinarian and medical services, pet day care, grooming and boarding services, offices and office structures, theaters, recreational and entertainment facilities including those that involve social outings, the arts, group activities and physical exercise, meeting and convention facilities, museums and cultural facilities, Electric Vehicle Charging Stations, and uses accessory to all such permitted uses. Vehicular repair and maintenance shall not be permitted. Tattoo parlors shall not be permitted. Dog Kennels and Puppy Mills, as defined in Section 140 of the Emerson Ordinance, shall not be permitted. Vape Shops shall not be permitted. Marijuana and cannabis-related uses and establishments shall not be permitted.

Section 3: Chapter 290-18, Article IV, Zone Regulations, LB/Limited Business, shall be amended as follows:

1. **Amend 290-18A, Permitted Principal Uses**, to include:
 - (7) Electric Vehicle Charging Stations, as defined in Section 290-6 of the Zoning Ordinance, are permitted at existing Nursing Homes or Hospitals.
 - (8) Private Instructional Uses, including but not limited to, educational, exercise, dance, martial arts, artistic, cooking, and musical instructional lessons, classes and uses.
 - (9) Adult Day Care Centers, as defined in 290-6.
 - (10) Essential Services
 - (11) Clubs, Lodges and Fraternal Organizations
2. **Remove 290-18C, Conditional Uses**

Section 4: Chapter 290-20A, Article IV, Zone Regulations, RC/Retail Commercial, shall be amended as follows:

1. **Amend 290-20A(1)**, to state “Retail or personal service establishments, as defined in 290-6, and including but not limited to the following:”
2. **Amend 290-20A(1)** to add the following Permitted Principal Uses:
 - (cc) Medical Offices, as defined in 290-6
 - (dd) Private Instructional Uses, including but not limited to, educational, exercise, dance, martial arts, artistic, cooking, and musical instructional lessons, classes and uses.
3. **Revise 290-20C**, Conditional Uses: Revise Shopping Centers, as follows:
 - (1) Shopping Centers, when all of the following conditions are met:
 - (a) Minimum Lot Area: 6 Acres
 - (b) Uses that are Permitted in a Shopping Center are limited to : All uses permitted in the RC/Retail Commercial zone district; retail and personal service establishments; expanded pet care including veterinarian and medical care, pet day care, grooming and boarding services; offices and office structure; theaters, recreational and entertainment facilities including those that involve social outings, the arts, group activities and physical exercise; meeting and convention facilities; museums and cultural facilities; Electric Vehicle Charging Stations.
 - (c) Uses that are Prohibited in a Shopping Center Include: any use not contained in 290-20A3b; vehicular repair and maintenance; dog kennels and puppy mills as defined in Borough ordinances; tattoo parlors; vape shops; marijuana and cannabis-related uses and establishments. If a use that is not permitted in Shopping Centers seeks to locate in an existing Shopping Center, a variance pursuant to N.J.S.A. 40:55d-70d, Et. Seq. is required.
 - (d) When a permitted use as contained in 290-20A3b applies to the Borough to utilize existing space in an existing shopping center, site plan approval shall not be necessary unless the proposal includes outdoor improvements, outdoor storage, tree removal, an expansion to the existing Shopping Center’s footprint, removal of or infringement into the existing parking spaces, parking lot, or sidewalk area, or a variance due to proposed signage.

Section 5: Chapter 290-30, Article V, General Regulations, Off-Street Parking Requirements, shall be amended as follows:

1. **Amend 290-30E** to include the following parking requirements:
 - Adult Day Care Centers: 1 per 6 participants in the adult day care center, plus 1 space per employee on the maximum shift.
 - Private Instructional Uses, such as, educational, exercise, dance, martial arts, artistic, cooking, and musical instructional lessons, classes and uses: 1 space per 300 SF.

Section 6: Severability and Repealer

1. All ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.
2. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
3. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 7: Effective Date

1. This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the state of New Jersey.

ATTEST:

Jane Dietsche, RMC, Borough Clerk

Danielle DiPaola, Mayor

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
McGuire					X	
Timmerman			X			
Argenzia			X			
Hoffman	X		X			
Carbo		X	X			
Gordon			X			

I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on June 15th, 2021.

Attest: _____
Municipal Clerk