

BOROUGH OF BERGENFIELD
Ordinance No. 18-2532

**AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD,
ENTITLED "LAND DEVELOPMENT"**

WHEREAS, Chapter 186 of the Code of the Borough of Bergenfield sets forth all regulations regarding Land Development within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 186: Land Development

Sec. 186-3 entitled Definitions.

Fitness Centers – An establishment, either for profit or non-profit, that offers facilities that include a combination of the following features or activities: aerobic exercises, stretching running and jogging, exercise equipment, game courts, stationary bicycles and spin machines, swimming facilities, saunas, showers, massage rooms and lockers. Participants may exercise individually, one-on-one with a trainer, or as part of a class. Daycare services and refreshment counters may also be offered.

Sec. 186-37 entitled Schedules

Schedule A. Permitted Principal Uses.

Re-adopted in its entirety, except as amended, specifically:

Luncheonettes and restaurants with no drive-through facility.

B1 & B2 Zones: Residential units above ground floor commercial retail uses.

Fitness centers to be added as a permitted use in the B-1 Zone.

Schedule B. Limiting

B-1 Zone Retail Business:

Re-adopted in its entirety, except as amended, specifically:

i. permitted building height of 40 feet or 3 stories; and

B-2 Business and Professional:

Re-adopted in its entirety, except as amended, specifically:

i. permitted building height of 40 feet or 3 stories; and

R-40 Single Family Residential:

Re-adopted in its entirety, except as amended, specifically:

i. maximum building height of 30 feet or 2 stories; and

R-15 Single Family Residential:

Re-adopted in its entirety, except as amended, specifically:

i. forty (40%) impervious lot coverage standard

ii. permitted building height of 30 feet 2 stories

R-6 & R-5 Single and Two Family Residential

Re-adopted in its entirety, except as amended, specifically:

- i. thirty-five (35%) percent impervious lot coverage standard for R-6 zone and forty (40%) percent for R-5 zone.
- ii. permitted building height of 30 feet or 2 stories

R-M Multi-Family Residential

Re-adopted in its entirety, except as amended, specifically:

- i. Townhouses and "other apartment type buildings other than garden apartments".
- ii. Permitted building height for multifamily buildings other than townhouses of 40 feet and 3 stories; townhouse building of 35 feet and 2 stories.
- iii. Parking requirements per RSIS

M-Industrial & Automotive

Re-adopted in its entirety, except as amended, specifically:

- i. Permitted and conditional uses to be consistent with Sec. 186-64 Conditional Uses.
- ii. Maximum impervious lot coverage standard of seventy (70%) percent

Sec. 186-38 entitled Zoning Map

B-1 Zone

Re-adopted in its entirety, except as amended, specifically:

- i. Permitted and conditional uses as set forth in Sec. 186-64 Conditional Uses.
- ii. Residential units above retail uses are permitted in the B1 zone.
- iii. Woodbine Street and New Bridge Road
- iv. Washington Avenue to allow retail businesses on the ground floor and professionals/housings above the ground floor.

B-2 Business Zone

Re-adopted in its entirety, except as amended, specifically:

- i. Miller Street and West Englewood Avenue on the west side of South Washington Avenue: Block 258, Lots 1, 4 and 5.
- ii. Residential units above retail uses are permitted in the B2 zone.

RM-1 Zone

Re-adopted in its entirety, except as amended, specifically:

- i. Irving Place (east side): Block 86, Lots 1, 2, 3, 4, 5, 6, 7 and 8
- ii. Annex Place/DeMott Avenue: Block 88, Lots 1, 2, 3, 4, 5 and 6

Sec. 186-45 entitled Fences

M. only "open" fences and embankment obstructions within required site triangle.

Sec. 186-49 entitled Off Street Parking and loading areas

A. Type of building or use.

Residential (single-family, two-family, Multifamily, townhouses) shall comply with the RSIS parking requirements.

Parking on non-driveway areas on residential lots is prohibited

Parking standards for auditoriums and assembly halls to be based on the number of seats unless no seats are provided in which case parking to be based on the ratio of the number of occupants based on occupancy load limitations established by the Construction Official/Fire SubCode Official. Parking standards for retail: 4 per 1,000 square feet of gross floor area.

Industrial parking: 1 per 1,000 square feet of gross floor area.

Auditorium and Assembly Halls parking to be 1 parking space per 3 seats.

Restaurant parking to be 1 parking space per 3 seats.

Veterans Plaza: parking on the east side from the post office driveway north to be 60 degree angle parking only.

T. Driveways.

Re-adopted in its entirety, except as amended, specifically:

- i. width is limited to 19 feet or 40 percent of property frontage with a cap of 25 feet in width; maintain a setback of at least 2 feet from the property line.
- ii. no circular driveways on lots with less than 100 feet of frontage.
- iii. Limit of one curb cut for lots with less than 100 feet of frontage; circular driveways on lots with frontage of 100 feet or more permitted to have 2 curb cuts.
- iv. Curb cuts limited to maximum opening of 20 feet.
- v. Driveway pavement to consist of one of the following: concrete, asphalt, brick pavers, crushed stone (red or blue stone chips) and/or turf pavers.
- vi. Any resident wishing to widen, alter, construct or repair a driveway with appropriate details and survey must obtain a permit from the Building Department.
- vii. Driveways constructed, installed or extended shall not interfere with and/or alter any existing Borough sidewalk.

NEW SECTION. GARAGES

All new one family dwelling are required to provide at minimum a one car garage.

All new two family dwellings are required to provide at minimum a two car garage.

Conversion of any new or existing garage(s) into a living space is strictly prohibited.

F. Procedural Matters.

Re-adopted in its entirety, except as amended, specifically:

- i. Sec. 186-10: appeal of a Zoning Board of Adjustment decision lies in the jurisdiction of the courts.
- ii. development approval timelines and submission procedure are to be consistent with the MLUL.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 21st day of August, 2018 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the

Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 4th day of September, 2018 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk