

TOWNSHIP OF NORTH BERGEN, NEW JERSEY

ZONING ORDINANCE

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TABLE OF CONTENTS

Article I	TITLE AND PURPOSE	
1.1	Title	I-1
1.2	General Intent	I-1
1.3	Purpose	I-1
1.4	Scope	I-2
Article II	DEFINITIONS	II-1
Article III	ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS	
3.1	Establishment of Districts	III-1
3.2	Zoning Map	III-1
3.3	Interpretation of District Boundaries	III-1
3.4	Application of Regulations	III-2
3.5	General Use Restriction	III-2
3.6	Cross-Reference	III-3
3.7	Residential Districts	III-4
3.8	Commercial Districts	III-13
3.9	Industrial Districts	III-20
3.10	Waterfront Districts	III-22
Article IV	SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS	
4.1	General Application	IV-1
4.2	Lot Regulations	IV-1
4.3	Height Regulations	IV-1
4.4	Yard Regulations	IV-1
4.5	Accessory Structures	IV-2
4.6	Landscaping	IV-3
4.7	Miscellaneous Regulations	IV-4
4.8	Fences	IV-5
Article V	SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES	
5.1	Essential Utility or Public Services	V-1
5.2	Home Occupation	V-1
5.3	Outdoor Storage Area	V-2
5.4	Signs	V-3
5.5	Multi-Family Dwellings	V-6
5.6	Child Care Centers	V-7
5.7	Shopping Center and Associated Movie Theaters	V-8

Article VI	CONDITIONAL USES	
6.1	General Provisions	VI-1
6.2	Procedure	VI-1
6.3	Conditional Use Standards	VI-3
	Houses of Worship	VI-3
	Residential in C-1 Zone	VI-3
	Hotels	VI-4
	Nursing Homes, Homes for the Aged	VI-4
	Public Utility Installation	VI-4
	Service Stations	VI-5
	Shopping Centers	VI-5
	Swimming Pools	VI-6
	Wholesale Business	VI-6
	Bus, Van, Taxi, Limo Storage	VI-7
	Cemeteries	VI-7
	Commercial Recreation	VI-8
	Eating & Drinking Places	VI-8
Article VII	OFF-STREET PARKING AND LOADING REGULATIONS	
7.1	Off-Street Parking	VII-1
7.2	Minimum Off-Street Parking Requirements	VII-5
7.3	Off-Street Loading	VII-7
7.4	Minimum Off-Street Loading Requirements	VII-8
7.5	Additional Regulations	VII-9
Article VIII	NON-CONFORMING USES	
8.1	Continuation	VIII-1
8.2	Reconstruction or Alteration	VIII-1
8.3	Termination of Non-Conforming Uses	VIII-2
8.4	Construction Under Permit Granted Prior to Passage	VIII-2
Article IX	PERFORMANCE STANDARDS	
9.1	General Application	IX-1
9.2	Performance Standards Procedure	IX-2
9.3	Regulation of Nuisance Elements	IX-2
9.4	Standards to be Enforced	IX-3

Article X	SITE PLAN REVIEW	
10.1	General Application	X-1
10.2	Exceptions	X-1
10.3	General Conditions	X-2
10.4	Time for Decision on Applications	X-2
10.5	Procedures, Hearings, Notice	X-3
10.6	Submission Requirements	X-5
10.7	Special Submission Requirements: Recycling Plan	X-7
10.8	Special Submission Requirements: Planned Developments	X-10
Article XI	WATERFRONT DEVELOPMENT/PLANNED DEVELOPMENT	
11.1	General Application	XI-1
11.2	Planned Development Permitted in P-1 District	XI-1
11.3	Supplementary Lot, Height, Yard and Landscaping Regulations	XI-4
11.4	View Corridors	XI-7
Article XII	AMENDMENTS VALIDITY, REPEALER, ENFORCEMENT AND EFFECTIVE DATE	
12.1	Repealer	XII-1
12.2	Validity	XII-1
12.3	Effective Date	XII-1
12.4	Enforcement	XII-1
12.5	Violations & Penalties	XII-2
Appendix	ZONING ILLUSTRATIONS (see Appendix divider sheet for list of Figures)	

Amendments

- Re-zoning of land on Paterson Plank Road from C-2 Highway Commercial Zone to Industrial Zone
- Regulation of Sign
- Permitting Multi-family buildings in C-1B Zone and creating C-1R Zone
- Permitting Regional Commercial Center in C-2 Zone
- Redevelopment at Kennedy Boulevard/58th Street
- Church Hill Road Town House Overlay Zone
- Re-zoning of land on east side of Tonnelle between 60th and 69th Street
- Re-zoning of land bounded by Granton Ave., Liberty Ave., and 69th
- Re-zoning of land South of 37th to Columbia Park
- Re-zoning of portion of P-2 Zone to newly created P-3 Zone
- Regulation of Mobile Cellular Communications
- Re-zoning of Portion of P-2 Zone to newly created RRC Zone

ARTICLE I

TITLE AND PURPOSE

1.1 Title

This ordinance shall be known and may be cited as "Zoning Ordinance of the Township of North Bergen in the County of Hudson".

1.2 General Intent

The intent of this ordinance is to establish a detailed plan relating to the nature and extent of the uses of land and of buildings and structures thereon. The regulations and districts set forth herein have been based on the land use plan element of the master plan as adopted and subsequently amended by the North Bergen Planning Board and designed to be substantially consistent therewith with respect to, among other factors, the character of each district and its peculiar suitability for certain uses with a view to encouraging the most appropriate uses of land throughout the Township of North Bergen.

1.3 Purpose

This ordinance is adopted pursuant to the authority conferred by Chapter 291, Laws of New Jersey, 1975 for the general purposes set forth herein and more specifically to further the advancement of the city as a social, economic and political unit, to promote the general welfare and achieve the following purposes:

- a. To promote orderly development.
- b. To protect the character and maintain the suitability of residential, business, waterfront and industrial areas within the Township and to promote orderly and beneficial development and redevelopment of such areas.
- c. To limit congestion in the public streets by providing for off-street parking of motor vehicles and for the loading and unloading of motor vehicles.
- d. To promote the public safety by providing protection against fire, explosion, noxious fumes and other hazards.
- e. To regulate the intensity of use of the land, and to determine the area of open spaces surrounding buildings, which spaces are necessary to provide adequate light, air, privacy and convenience of access to property and to protect the public health.
- f. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

Article I

- g. To prevent such additions to, and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- h. To conserve the taxable value of land and buildings throughout the Township.
- i. To encourage the preservation of the natural beauty of the Palisades and to maintain physical access to the Hudson River and visual access to the Manhattan skyline.
- j. To promote the maximum practicable recovery and recycling of recyclable materials from the municipal solid waste stream (as designated in the adopted municipal recycling ordinance and supported in the Recycling Plan Element of the North Bergen Master Plan as adopted and amended) through the establishment of appropriate site plan review design requirements for the storage, disposition and recycling of designated recyclables.

1.4 Scope

This ordinance applies within the township limits of the Township of North Bergen, Hudson County, as now and hereafter established. The provisions of this ordinance may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience and welfare. This ordinance is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued and in full force and effect on the effective date of this ordinance. Nor is this ordinance intended to apply to that district which has been designated the Hackensack Meadowlands Development district and is identified with an "H" on the Township Zoning Map.

ARTICLE II
DEFINITIONS

Accessory Building, Structure or Use: A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. (An accessory building attached to the principal building shall comply in all respects with the requirements applicable to the principal building).

Alterations or Addition, Structural: Any change or rearrangement of the means of egress or in the supporting members of a building such as walls, foundations, columns, beams, girders, post or piers, or additions to or enlargements of an existing structure requiring walls, foundations, columns, beams, girders, posts or piers; or the moving from one location or position to another.

Apartment: One or more rooms comprising a dwelling unit in a multi-family dwelling or serving as the home or residence of an individual, or a family, or a household.

Basement: A portion of the building partly underground, but having less than half its clear height below contact grade around the periphery of the foundations. See Figure 1.

Billboard: A sign on which lettered or pictorial matter is displayed for advertising purposes other than that on a building or its grounds giving the name, occupation, user, the nature of the business conducted therein, or the products primarily sold or manufactured therein.

Building: Any structure, part of a structure, extension thereof, or addition thereto having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals, or property.

Building Attached: Two or more buildings sharing a common unpierced wall or common stairwell.

Building Coverage: That area of a lot which, when viewed directly from above, may be covered by a building or any part of a building, expressed as a percentage of the total lot area. Calculation of building coverage on a lot comprised partially of water shall not include land under water. See Figure 2.

Building Height: The vertical distance measured from the average elevation of the finished grade at all corners of the building to the highest point of the roof for flat roofs; to the mean height level (between the eaves and ridge) for gable and hip roofs; and to the deck line for mansard roofs. See Figure 3.

Article II

Building, Principal: See "Principal Use"

Cellar: A portion of a building having half or more than half of its clear height below average contact grade around the periphery of the foundation. See Figure 1.

Child Care Center: any building or portion thereof in which child care services are provided for six (6) or more children and for which services a license is required from the Department of Human Services. See Article V, Section 5.6 for supplementary regulations.

Clinic: A professional office where the services of more than one practitioner can be obtained and where persons are studied or treated on an out-patient basis and where no over-night accommodations are provided.

Common Property: A parcel or parcels of land, together with the improvements thereon, intended for the use and enjoyment of residents and owners of the individual dwelling units in the development.

Conditional Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use contained in the zoning ordinance, and upon issuance of an authorization therefore by the Municipal Agency.

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on three or more sides by the wall of such building.

Cultural Facility: A place of assembly in which the principal activity is entertainment such as movies, legitimate theater, museums, dance, music or art galleries but excluding such activities as participatory and spectator sports.

Customer Service Area: The floor area of a retail establishment including retail business and services, eating and drinking places and retail food establishments in which customers assemble to receive the goods or services offered and in which goods are displayed and sales transacted. It does not include those areas of the establishment used for bulk storage, kitchens and toilets.

Density: The permitted number of dwelling units per gross acre of exposed land to be developed.

Dwelling: Any building or portion thereof designed or used primarily as the permanent residence or sleeping place of one or more persons. A dwelling is not a hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house or similar structure under the terms of this ordinance.

- a. Dwelling, Single-Family: A building containing one dwelling unit only.
- b. Dwelling, Two-Family: A building containing two dwelling units only.
- c. Dwelling, Two-Family, semi-attached: A 2-family dwelling attached to another 2-family dwelling by a common vertical wall, with each 2-family dwelling located on a separate lot.
- d. Dwelling, Multi-Family: A building or portion thereof containing three or more dwelling units respectively.

Dwelling Unit: A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require the use of outside stairs passing through another dwelling unit, nor shall one dwelling unit require shared facilities with another dwelling unit.

Eating & Drinking Places: Retail establishments selling food and drinks for immediate on-site consumption with no waiter service (such as lunch counters, coffee bars, pizza and refreshment stands).

Family Day Care: A private residence registered as a family day care home pursuant to the "Family Day Care Provider Registration Act". See Article V, Section 5.2.d.6) for supplementary regulations.

Floor Area Ratio: The sum of the area of all floors of buildings or structures compared to the total area of the site, exclusive of parking structures. See Figure 4.

Garage, Private: A garage or garage facility used as an accessory to a residential building on the same lot, which provides for the parking of passenger motor vehicles and in which no occupation, business, or service for profit is conducted.

Garage, Public: Buildings used exclusively for the parking of more than four (4) passenger vehicles or storing of motor vehicles and in which services limited to washing, polishing and other cleaning services may be provided.

Garden Apartments: A building or group of buildings situated on one lot not exceeding three stories or 30 ft. in height containing off-street parking, landscaped areas and other appurtenant facilities.

Article II

Grade , Finished: The final elevation of the ground level after development:

Gross Floor Area: Gross floor area in residences shall be measured by using the outside dimension of the building, excluding the area of a garage, attic, open porch or patio and further excluding the areas used as a cellar, basement and utility, heating and cooling rooms. Only those portions of floor areas in residential structures which are at or above grade and have a ceiling height above them of seven and one-half feet (7.5) or more, or those floor areas on the top story which meet the definition of a half story shall be included in the gross floor area. In non-residential structures, floor areas used for storage and other purposes, regardless of the ceiling height, shall be included in the gross floor area, but floor areas used for utility, heating and cooling rooms shall be excluded. The gross floor area of any use sharing a common wall with another use shall be measured from the center of interior walls and the outside of exterior walls. See Figure 1.

Home Occupation: An occupation or a profession including Family Day Care which See Section 5.2.:

- a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and
- b. Is carried on by a member of the family residing in the dwelling unit, and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hospital: A building containing beds for temporary occupancy by four or more patients and used for the diagnosis, treatment or other care of human ailments.

Hotel: A facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

House of Worship: A building or group of buildings for the assembly of members of a designated faith for worship, religious instruction and ancillary activities normally associated with such a facility (such as parish houses, religious schools and residences).

Impervious Coverage: Any material which reduces or prevents absorption of stormwater into land and which reduces percolation to a rate slower than one hundred twenty (120) minutes per inch.

Junk Yard: Any lot or portion thereof with or without buildings used for the storage, keeping or abandonment of used or discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or for the dismantling, demolition, processing, salvage, sale or other use or disposition of the same. The storage or keeping of three or more abandoned, wrecked or broken vehicles, or the major parts thereof shall be deemed to make the lot a "junk" yard.

Lot: A tract or parcel of land abutting a street, but not including any portion of a street, which tract or parcel of land is legally separate from any other tract or parcel of land. See Figures 5 & 6.

- a. Lot Area: The area contained within the lot lines of a lot but shall not include any portion of a street right-of-way.
- b. Lot, Corner: A lot abutting two or more intersecting streets, where the interior angle of intersection does not exceed 135 degrees.
- c. Lot Coverage: The total square footage of all buildings and paved surfaces occupying a lot as viewed directly from above, expressed as a percentage of the total lot area. See Figure 2.
- d. Lot Depth: The shortest horizontal distance between the street line and a line drawn parallel to the street line through the midpoint of the rear lot line. The greater dimension on a corner lot is its depth.
- e. Lot Frontage: The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that where side lot lines are not parallel or where the lot fronts on a street with a curved alignment with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five (75) percent of the required minimum lot width. In the case of a corner lot, either street frontage which meets the minimum frontage required for that zone may be considered the lot frontage.
- f. Lot, Interior: A lot other than a corner lot.
- g. Lot Line: Any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street. Lot lines extend vertically in both directions from ground level.
- h. Lot Width: The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line.

Article II

Marina: A boat basin with facilities for berthing, servicing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions, storage and fueling facilities. The following facilities may be provided: boat slips, boat handling equipment, repair and maintenance facilities; marine and hardware supplies, launching facilities, fuel station; locker and sanitary facilities; a restaurant and club house; recreational facilities such as swimming pools and picnic grounds; spectator area; pedestrian area; and motor vehicle parking.

Mezzanine: An intermediate level between the floor and ceiling of any story and covering not more than 33 percent of the floor area of the room in which it is located. See Figure 1.

Mixed Use: A lot or structure containing more than one (1) use.

Mobile Home: Any vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof as a dwelling structure for sleeping and/or living purposes, whether resting on wheels, jacks or other supports and used or so constructed as to permit its use as a conveyance upon a street or highway. The terms "trailer house" shall also mean "mobile home".

Motel: A building or group of buildings whether detached or in connected units used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and by similar appellations.

Multi-Family: A building containing five or more dwelling units which are entirely separated from each other by vertical walls or horizontal floors, unpierced, except for access to the outside or a common cellar.

- a. Mid Rise: A residential building not more than 5 stories or 60 feet in height which ever is less.
- b. High Rise: A residential building more than 5 stories or 60 feet in height.

Non-Conforming Use: A use or activity which does not conform to the requirements of the zoning district in which it is located by reasons of adoption, revision or amendment to the zoning ordinance.

- a. Non-Conforming Building or Structure: A building or structure which does not conform to the regulations of this ordinance for the district in which it is located.
- b. Non-Conforming Lot: A lot of record which does not have the minimum width, frontage, depth or contain the minimum area for the district in which it is located.

Office: A place for the transaction of business where services are rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.

Office Building: A building, comprised of offices and accessory uses.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Parking Area, Private: An open area, other than a street, intended for the same use as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation of clients or customers.

Parking Facility: Garage or parking area.

Parking Space: An area either within a structure or in the open for the parking of motor vehicles See Article VII for design requirements.

Performance Standard: Criteria establishing controls on noise, odor, smoke, toxic or noxious matter, vibration, fire and explosion hazards and glare or heat generated by or inherent in uses of land or buildings.

Permitted Use: Any use of land or buildings as permitted by this ordinance.

Planned Commercial Development: An area of with a minimum contiguous acreage of four (4) acres, to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted Article XI, Section 11.2 of this ordinance.

Planned Development: Unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Planned Unit Residential Development: An area of with a minimum contiguous acreage of five (5) acres, to be developed according to a plan as a single entity containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses, all primarily for the benefit of the residential development as specified in Article XI, Section 11.2 of this ordinance.

Plaza: An open area for general public use which is designed for pedestrian access from the street level(s) which it abuts and which is an open area designed in addition to any required yard areas or open spaces generated by maximum coverage regulations and which has improved surfacing, sitting areas and landscaping.

Article II

Principal Structure: A structure in which the principal use of a lot on which the structure is located, is conducted.

Principal Use: The main use of land or structures as distinguished from a subordinate or accessory use.

Professional Office: The office of any recognized profession as licensed by the State of New Jersey.

Public Purpose: The use of land or buildings by the governing body, township school board or some officially created township agency or authority or by any other government entity whether county, state or federal.

Recreation:

- a. Recreation, Commercial: Recreation facilities operated as a business and open to the general public for a fee.
- b. Recreation, Private, Non-Commercial: Clubs or recreation facilities, operated by a non-profit organization and open to bona fide members of such non-profit organization.
- c. Recreation, Public: Recreation facilities operated as a non-profit enterprise by the Township of North Bergen or by any other governmental entity or any non-profit organization open to the general public.

Research Laboratory: A building in which the principal activity is the systematic investigation of problems in order to discover answers or new facts and their interpretation. Reports and prototype objects shall be considered the principal products of a research laboratory.

Residential Cluster: An area with a minimum contiguous acreage of two (2) acres to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance subject to the specifications of Article XI, Section 11.2 of this ordinance.

Restaurant: A place of business where food and drink are prepared and consumed while patrons are seated at tables in the premises and are served by waiters.

Sanitary Landfill: The means by which refuse is deposited, compacted and covered with clean fill and meeting all the standards of the State of New Jersey and the Municipal Agency.

Setback Line: A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established as a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line. See Figure 2.

Shopping Center: A group of stores, shops or similar retail establishments occupying a single building or adjoining structures all of which may be deemed one building if designed as an architectural unit. Space for parking, loading and unloading shall be provided on the same site in accordance with standards set forth in this ordinance.

Sign: A "sign" is a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public notices nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A "sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within shop windows. Each display surface of a sign shall be considered a "sign".

- a. Sign, Advertising: A sign, structure or symbol erected and maintained by an individual or corporation engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or commercial enterprises upon which space there is displayed by means of painting, posting or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed. This is also known as a "billboard".
- b. Sign, Business: A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. Equivalent to 10 feet as used in the bulk regulations. See Figure 7.

Story, half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Article II

Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county, or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or approved by official action as provided by the Municipal Planning Act (R.S. 40:55-1.1 et seq., as amended) or on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and any way shown on a plat approved by the Township, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

Street Line: The edge of the street right-of-way forming the dividing line between the street and a lot.

Street, Private: A street that has not been dedicated to or accepted by the municipality or other governmental entity.

Structure: Anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including but not limited to buildings, signs, fences, tanks, towers or poles, but excluding walks, walkways, driveways, streets and roads.

Town Houses: A building or group of buildings not exceeding 30 feet in height, containing one or two dwelling units situated on one lot.

Tract: An area of land or property comprised of one (1) or more contiguous lots having sufficient dimensions and area to make one lot meeting the requirements of this ordinance for the use(s) intended. The original land area may be divided by one (1) existing public street and still be considered one (1) tract.

Utility: Water, sewerage, telephone, gas, cable TV or electric service from a private or public utility company under the regulations of the New Jersey Public Utility Commission. On-site storage of gasoline, compressed gas, steam or use of conveyor belts, elevators, water mains or other means of storing, servicing, or transporting goods and services on-site shall not be considered a utility.

Yard: An open space, as may be required by this ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space 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. See Figure 8.

- a. Yard, Front: An open unoccupied space on a lot between the street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.
- b. Yard, Rear: An open unoccupied space on a lot between the rear lot line and a line parallel thereto to such distance therefrom as may be specified herein for the district in which said lot is located.
- c. Yard, Side: An open unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

Zoning Map: The Zoning Map or maps of the Township of North Bergen, New Jersey together with all amendments subsequently adopted.

ARTICLE III
ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

3.1 Establishment of Districts

For the purpose of this ordinance, the Township of North Bergen is hereby divided into districts as follows:

- R-1: Low-density residential
- R-2: Intermediate-density residential
- R-3: Moderate-density residential
- C-1: General Business
 - C1-A: Limited Mixed Use
 - C1-B: Limited Mixed Use, Bergenline Avenue
 - C1-C: Mixed Use
- C-2: Highway Business
- I: Industrial
- P-1: Waterfront/Riverside
- P-2: Waterfront/Edgecliff

3.2 Zoning Map

The boundaries of each of these districts are hereby established as shown on a map entitled "Zoning Map, Township of North Bergen", dated Adopted April 1987 and as amended which map accompanies and is hereby declared to be part of this ordinance. The "H" district shown on the map is solely under the jurisdiction of the Hackensack Meadowlands Development Commission and is not described in this zoning ordinance.

3.3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

- a. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway or railroad right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries. District boundary lines shown along the Hudson River are intended to be coincident with the pierhead line.
- b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c. Where district boundaries are so indicated that they are approximately

Article III

parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

3.4 Application of Regulations

Except as hereinafter otherwise provided:

- a. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used, for any purposes or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- b. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
- c. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the zone in which such building or open space is located.
- d. No yard or other open space provided about any building for one lot for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building on any other lot.
- e. No off-street parking area, loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for one use or structure shall be considered as providing off-street parking, loading or unloading for a use or structure on any other lot.
- f. In the case of a mixed-use building, minimum off-street parking requirements will be calculated for each use and added together and the total shall be provided for on the same lot.

3.5 General Use Restriction

Any use not designated as a principal permitted use, a permitted accessory use or a conditional use is specifically prohibited from any zoning district in the Township of North Bergen.

3.6 Cross-Reference

The restrictions and controls intended to regulate development in each district are set forth in Sections 3.7 through 3.10 which are supplemented by other sections of this ordinance. Section references in parentheses indicate specific regulations pertaining to a specific use.

- a. Lot, height and yard regulations may vary under special circumstances noted in Article IV.
- b. Utilities, home occupations, outdoor storage areas, signs, multi-family dwellings and child care centers are further governed by Article V.
- c. All conditional uses are governed by regulations set forth in Article VI.
- d. Off-street parking and loading requirements are detailed in Article VII.
- e. Requirements for non-conforming uses are specified in Article VIII.
- f. Requirements for site plans and recycling plans are specified in Article X.
- g. Waterfront developments and planned developments are further governed by Article XI. Submission requirements for planned developments and for general development plans are detailed in Article X, Sec. 10.8.

Article III

3.7 Residential Districts

a. District R-1: Low-Density Residential

- 1) Purpose: To preserve the traditional scale and pattern of North Bergen's low-density neighborhoods and to otherwise reinforce the residential character of the district and to regulate those buildings and activities not compatible with district objectives as expressed in the Land Use Plan
- 2) Principal Permitted Uses:
One and two family detached dwellings
Public and private schools
Parks and playgrounds
- 3) Accessory Uses:
Off-street parking space or garages
Home professions and occupations
Signs, but not including billboards.
- 4) Conditional Uses:
Houses of worships and associated parish houses, youth centers, convents, monasteries and similar related use.
Public utility installation
Swimming Pools

5) Area, Yard and Bulk
R-1 DISTRICT REGULATIONS

- (a) Building Type: 1-Family Dwelling ,detached
- | | | |
|-----|---------------------------------|---------------|
| (1) | Max. Bldg. Coverage: | 35% |
| (2) | Max. Lot Coverage: | 65% |
| (3) | Min. Lot Width: | 25' |
| (4) | Min. Lot Depth: | 100' |
| (5) | Min. Lot Area: | 2,500 sq. ft. |
| (6) | Max. Ht.: | 30' |
| (7) | Min. Yards for Princ. Buildings | |
| | Front: | 10' |
| | Side: | 4' |
| | Rear: | 30' |
- (b) Building Type: 2-Family Dwelling ,detached
- | | | |
|-----|---------------------------------|--------------|
| (1) | Max. Bldg. Coverage: | 35% |
| (2) | Max. Lot Coverage: | 65% |
| (3) | Min. Lot Width: | 30' |
| (4) | Min. Lot Depth: | 100' |
| (5) | Min. Lot Area: | 3,000 sq.ft. |
| (6) | Max. Ht.: | 30' |
| (7) | Min. Yards for Princ. Buildings | |
| | Front: | 10' |
| | Side: | 4' |
| | Rear: | 30' |
- (c) Building Type: Other Permitted Uses
- | | | |
|-----|------------------------------------|----------------|
| (1) | Max. Bldg. Coverage: | 35% |
| (2) | Max. Lot Coverage: | 65% |
| (3) | Min. Lot Width: | 100' |
| (4) | Min. Lot Depth: | 100' |
| (5) | Min. Lot Area: | 10,000 sq. ft. |
| (6) | Max. Ht.: | 30' |
| (7) | Min. Yards for Principal Buildings | |
| | Front: | 10' |
| | Side: | 15' |
| | Rear: | 30' |

Article III

b. District R-2: (Intermediate)-Density Residential

- 7) Purpose: To preserve the traditional pattern of North Bergen's mid-density neighborhoods, to reinforce the intermediate scale and character of the district and to provide for a density at an intermediate level in the form of 2-family semi-attached dwellings and 3 & 4-family houses.

- 2) Principal Permitted Uses
One and two-family detached dwellings
Two-family, semi-attached
Three and four-family detached dwellings
Public and private schools
Parks and playgrounds

- 3) Accessory Uses
Off-street parking space or garages
Home professions and occupations
Signs, but not including billboards.

- 4) Conditional Uses
Houses of worships and associated parish houses, youth centers, convents, monasteries and similar related use.
Public utility installation
Swimming Pools
Nursing Home or Home for the Aged
Cemeteries

5)

Area, Yard and Bulk
R-2 DISTRICT REGULATIONS

- (a) Building Type: 1-Fam. Dwelling, detached
(see R-1 district regulations)
- (b) Building Type: 2-Fam. Dwelling, detached
(see R-1 district regulations)
- (c) Building Type: 2-Fam. Dwelling, semi-att'd
 - (1) Bldg. Coverage:

principal bldg.	35%
accessory bldg.	12%
 - (2) Max. Lot Coverage: 65%
 - (3) Min. Tract Width: 60'
 - (4) Min. Lot Width: 30'
 - (5) Min. Lot Depth: 100'
 - (6) Min. Lot Area: 6,000 sq. ft.
(3,000 per 2-family)
 - (7) Max. Ht.: 25'
 - (8) Min. Yards for Principal Buildings

Front:	10'
Side:	8.5'
Rear:	30'
- (d) Building Type: 3 & 4 Family Dwelling detached
 - (1) Bldg. Coverage: 35%
 - (2) Max. Lot Coverage: 65%
 - (3) Min. Lot Width: 40'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 4,000 sq. ft.
 - (6) Max. Ht.: 35'
 - (7) Min. Yards for Principal Buildings

Front:	10'
Side:	4'
Rear:	30'
- (e) Building Type: Other Permitted Uses
 - (1) Max. Bldg. Coverage: 35%
 - (2) Min. Lot Coverage: 65%
 - (3) Min. Lot Width: 100'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 10,000 sq.ft.
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Principal Buildings

Front:	10'
Side:	15'
Rear:	30'

Article III

c. District R- 3 : Moderate-Density Residential

- 1) Purpose: To recognize the existence of neighborhoods with a greater variety of housing types including townhouses and garden apartments, mid and high-rise apartments; to allow greater flexibility in areas having developmental constraints; to permit higher densities adjacent to open space.

- 2) Principal Permitted Use
One and two-family detached dwellings
Two-family semi-attached dwellings
Three and four-family detached dwellings
Multi-family dwellings including mid and high-rise buildings, garden apartments, and townhouses
Public and private schools
Parks and playgrounds

- 3) Accessory Uses
Off-street parking space or garages
Home professions and occupations
Signs, but not including billboards

- 4) Conditional Uses
Houses of worships and associated parish houses, youth centers, convents, monasteries and similar related use.
Swimming pools
Public utility installation
Nursing home or home for the aged,
Cemeteries

5)

Area, Yard and Bulk
R-3 DISTRICT REGULATIONS

- (a) Building Type: 1-Fam. Dwelling, detached
(see R-1 district regulations)
- (b) Building Type: 2-Fam. Dwelling, detached
(see R-1 district regulations)
- (c) Building Type: 2-Fam. Dwelling, semi-att'd
(see R-2 district regulations)
- (d) Building Type: 3 & 4-Fam. Dwelling, detached
(see R-2 district regulations)
- (e) Building Type: Multi-Family/Mid-Rise
 - (1) Max. Bldg. Coverage: 35%
 - (2) Max. Lot Coverage: 90%
 - (3) Min. Lot Width: 50'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 5,000 sq.ft.
 - (6) Max. Ht.: 35'
(3 residential story. over
1 story parking)
 - (7) Min. Yards for Princ. Buildings
 - Front: 10'
 - Side: 10'
 - Rear: 30'

Article III

- (f) Building Type: Multi-Family/High Rise
- (1) Max. Bldg. Coverage: 20% for residential bldg.
35% for parking. structure*
 - (2) Max. Lot Coverage: 85%
 - (3) Min. Lot Width: 200'
 - (4) Min. Lot Depth: 200'
 - (5) Min. Lot Area: 40,000 sq.ft.
 - (6) Max. Ht.: 12 sty. or 120 ft.
(10 residential story. over
2 story parking structure)
 - (7) Min. Yards for Principal Buildings
 - Front: 30'
 - Side: 30'
 - Rear: 50' for residential building
45' for parking structure*

* Exterior must be clad to resemble, as much as practical, the residential building above; no open roof parking; roof must be landscaped

- (g) Building Type: Garden Apartments
- (1) Max. Bldg. Coverage: 25%
 - (2) Max. Lot Coverage: 90%
 - (3) Min. Lot Width: 150'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 15,000 sq. ft.
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Principal Buildings
 - Front: 10'
 - Side: 25'
 - Rear: 40'
 - (8) Max. length of bldg. 100'
 - (9) Min. dist. between. bldg. 20'

- (h) Building Type: Townhouses
 - (1) Max. Bldg. Coverage: 35%
 - (2) Max. Lot Coverage: 90%
 - (3) Min. Bldg. Frontage: 20'/townhouse
 - (4) Min. Tract Depth: 100'
 - (5) Min. Tract Area: 10,000 sq. ft.
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Principal Buildings
 - Front: 10'
 - Side: 10'
 - Rear: 50'

- (i) Building Type: Other Permitted Uses
 - (1) Max. Bldg. Coverage: 35%
 - (2) Min. Lot Coverage: 65%
 - (3) Min. Lot Width: 100'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 10,000 sq.ft.
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Principal Buildings
 - Front: 10'
 - Side: 15'
 - Rear: 30'

TABLE 3.7
Area Yard and Bulk Regulations
Residential Districts

Zoning District	Building Type *	Lot Requirements			Yard Requirements			Max Height
		Min Size (sf)	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear	
R-1	1 Family Detached	2,500	25 x 100 ft.	35/65%	10 ft.	4 ft.	30 ft.	30 ft.
	2 Family Detached	3,000	30 x 100 ft.	35/65%	10 ft.	4 ft.	30 ft.	30 ft.
R-2	2 Family Semi Attached	6,000 (3,000 per 2 family)	60 x 100 ft.	35/65%	10 ft.	8.5 ft.	30 ft.	25 ft.
	3,4 Family Detached	4,000	40 x 100 ft.	35/65%	10 ft.	4 ft.	30 ft.	35 ft.
R-3	Multi Family mid rise	5,000	50 x 100 ft.	35/65%	10 ft.	10 ft.	30 ft.	35 ft. (3 stry. res. over 1 stry. prk'g.)
	Multi family high rise	40,000	200 x 200 ft.	20 res., 35 (prk'g.) / 85%	30 ft.	30 ft.	50 ft. (res.) 40 ft. (prk'g)	120 ft. (10 stry. res. over 2 stry. prk'g)
All Zones	Garden apartments	15,000	150 x 100 ft.	25/90%	10 ft.	25 ft.	40 ft.	30 ft.
	Townhouses (TH)	10,000	20 ft. per Unit x 100 ft.	35/90%	10 ft.	10 ft.	50 ft.	30 ft.
	Other Permitted Uses	10,000	100 x 100 ft.	35/65%	10 ft.	15 ft.	30 ft.	30 ft.

* Note: Each zoning district also permits the housing type of the previous district

* Note: Garden apartments may have a maximum length of 100 feet per building and minimum of 20 feet between buildings

3.8 Commercial Districts

a. District C-1: General Commercial

- 1) Purpose: To maintain the existing pattern of commercial development along the major north-south arteries (Broadway, Bergenline Avenue and Kennedy Boulevard); to allow a limited amount of residential use in the commercial zones with the proviso that development on Bergenline Ave. must have ground-floor commercial use and that, in any mixed use building, all non-residential uses must be below residential floors.
- 2) Principal Permitted Uses:
Retail sales, but not including the sale of used cars, video parlors, tattoo parlors, motels, hotels, gas stations or other motor vehicle repair shops; and no live animal uses (such as vets or pet stores) below residential units.
Restaurants
Eating & Drinking Places
Commercial services and offices.
Governmental buildings
Houses of worship and associated parish houses, youth centers, convents, monasteries and similar related uses.
Child Care Centers.
- 3) Accessory Uses:
Off-street parking spaces or garages and loading.
Signs, but not including billboards.
Home professions and occupations.
- 4) Conditional Uses:
Residential use in C1-A District: See Article VI, Sec. 6.3.b
Residential use in C1-B District: See Article VI, Sec. 6.3.b
Residential use in C1-C District: See Article VI, Sec. 6.3.b

5)

**Area, Yard and Bulk:
C-1 DISTRICT REGULATIONS**

(a) Building Type: Commercial buildings with or without dwelling units

- (1) Max. Bldg. coverage: 75%
- (2) Max. lot coverage: 90%
- (3) Minimum lot width: 25 Feet
- (4) Minimum lot depth: 100 Feet
- (5) Minimum lot area: 2,500 Square Feet
- (6) Maximum height: 4 stories or 45ft., whichever is less
- (7) Minimum yards
 - Front: 7 Feet
 - Each Side: 3 Feet
 - Rear: 20 Feet

(b) Building Type: 2-Fam. Dwelling, detached

- (1) Max. Bldg. Coverage: 35%
- (2) Max. Lot Coverage: 65%
- (3) Min. Lot Width: 30'
- (4) Min. Lot Depth: 100'
- (5) Min. Lot Area: 3,000 sq.ft.
- (6) Max. Ht.: 30'
- (7) Min. Yards for Princ. Buildings
 - Front: 10'
 - Side: 4'
 - Rear: 30'

- (c) Building Type: Townhouses
- (1) Max. Bldg. Coverage: 35%
 - (2) Max. Lot Coverage: 90%
 - (3) Min. Bldg. Frontage: 20'/townhouse
 - (4) Min. Tract Depth: 100'
 - (5) Min. Tract Area: 10,000 square feet
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Princ. Buildings
 - Front: 10'
 - Side: 10'
 - Rear: 50'

- (d) Building Type: Houses of Worship
- (1) Max. Bldg. Coverage: 35%
 - (2) Min. Lot Coverage: 65%
 - (3) Min. Lot Width: 100'
 - (4) Min. Lot Depth: 100'
 - (5) Min. Lot Area: 10,000 sq.ft.
 - (6) Max. Ht.: 30'
 - (7) Min. Yards for Princ. Buildings
 - Front: 10'
 - Side: 15'
 - Rear: 30'

TABLE 3.8.a
Area Yard and Bulk Regulations
Commercial Districts

Zoning District	Permitted/ Conditional Uses	Lot Requirements			Yard Requirements			Max Height
		Min Size	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear	
C-1- A, B, C General Commercial	Retail Sales	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	Restaurants	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	Eating & Drinking Places	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	Commercial Services & Offices	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
Conditional	Governmental Buildings	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	Houses of Worship	2,500	25 x 100 ft.	35/65%	10 ft.	15 ft.	30 ft.	30 ft.
	Child Care Centers	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	Commercial Bldg. with or without res.	2,500	25 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	4 stry. / 45 ft.
	2- fam. det'd with or without commercial	3,000	30 x 100 ft.	35/65%	10 ft.	4 ft.	30 ft.	30 ft.
	Townhouse (TH) with or without commercial	10,000	20/Unit x 100 ft.	35/90%	10 ft.	10 ft.	50 ft.	30 ft.

* Note: Each zoning district also permits the housing type of the previous district

b. District C-2 Highway Commercial

2) Purpose: To allow for larger scale general commercial development such as shopping centers, car sales and repair and warehouse/office buildings with greater space requirements for operation, parking and materials transfer.

2) Principal Permitted Uses:

- Eating and drinking places
- Hotels, but not motels
- Public utility installations
- Commercial services, but no video arcades or tattoo parlors
- Office buildings
- Houses of Worship
- Child Care Centers
- Shopping Center & associated movie theaters

3) Accessory Uses:

Signs, but not including billboards

4) Conditional Uses:

- Gasoline service stations and motor vehicle repair shops
- Wholesale business, storage, distribution & warehousing
- Storage of busses, passenger vans, taxis, cabs & limo's

Area, Yard and Bulk: all uses except Houses of Worship, Child Care Centers & Shopping Centers

5)

Area, Yard and Bulk:

C-2 DISTRICT REGULATIONS

(a) Building Type: Commercial Buildings

- (1) Maximum bldg. coverage: 40%
- (2) Maximum lot coverage: 90%
- (3) Minimum lot width: 100'
- (4) Minimum lot depth: 100'
- (5) Minimum lot area: 10,000 square feet
- (6) Maximum height: 40', except 100' hotels and office buildings
- (7) Minimum yards
 - Front: 15'
 - Each Side 10'
 - Rear: 30'

Article III

- (b) Building Type: Houses of Worship
(see C-1 district regulations)
- (c) Building Type: Child Care Centers
(see C-1 district regulations)
- (d) Building Type: Shopping Centers
 - (1) Maximum bldg. coverage: 50%
 - (2) Maximum lot coverage: 95%
 - (3) Minimum lot width: 300'
 - (4) Minimum lot depth: 500'
 - (5) Minimum lot area: 10 acres
 - (6) Maximum height: 2 stories of 40 ft.
 - (7) Minimum yards
 - Front: 50'
 - Each Side 10'
 - Rear: 10'

TABLE 3.8.b
Area Yard and Bulk Regulations
Commercial Districts

Zoning District	Permitted/ Conditional Uses	Lot Requirements			Yard Requirements			Max Height
		Min Size	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear	
C-2 Highway Commercial Principal Permitted Uses	Eating & Drinking Places	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.
	Hotels	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	100 ft.
	Public Utility Installations	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.
	Commercial Services	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.
	Office Buildings	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	100 ft.
	Houses of Worship	10,000	100 x 100 ft.	35/65%	10 ft.	15 ft.	30 ft.	30 ft.
	Child Care Centers	10,000	100 x 100 ft.	75/90%	7 ft.	3 ft.	20 ft.	40 ft.
	Shopping Centers and Associated Theaters	10 Acres	300 x 500 ft.	50/90%	50 ft.	10 ft.	10 ft.	40ft. or 2 stry.
	Gas Stations/ Vehicle Repair	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.
	Wholesale Storage/ Warehousing	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.
Conditional	Storage of Buses, Vans, Taxis, Limo's	10,000	100 x 100 ft.	40/90%	15 ft.	10 ft.	30 ft.	40 ft.

* Note: See Article VI for standards on conditional uses, See article V, Section 5.7 for supplementary regulations governing shopping centers

Article III

3.9 Industrial Districts

a. District I: Industrial

- 1) Purpose: To strengthen the tax base; to provide employment opportunities and appropriate development of land in relation to existing uses; to protect environmental standards.
- 2) Principal Permitted Uses:
Uses of a light manufacturing nature, employing a process free from objectionable odors, fumes, dust, vibrations or noise, subject to performance standards.
Wholesale business, storage, distribution and warehousing.
Truck terminals.
Motor vehicle repairs, but not automobile body repair shops.
Storage of busses, passenger vans, taxis, cabs & limousines
- 3) Accessory Uses:
Signs, but not including billboards.
- 4) Conditional Uses:
Shopping centers
Hotels

5) **Area, Yard and Bulk:**
I DISTRICT REGULATIONS

- (1) Maximum Bldg. coverage: 30%
- (2) Maximum lot coverage: 90%
- (3) Minimum lot width: 150'
- (4) Minimum lot depth: 100'
- (5) Minimum lot area: 20,000 sq.ft.
- (6) Maximum height: 40'
- (7) Minimum yards for principal buildings
 - Front: 20'
 - Each Side: 15'
 - Rear: 40'

TABLE 3.9
Area Yard and Bulk Regulations
Industrial Districts

Zoning District	Permitted/ Conditional Uses	Lot Requirements			Yard Requirements			Max Height
		Min Size (sf)	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear	
I Industrial Principal Permitted Uses	Light Manufacturing	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	40 ft.	40 ft.
	Wholesale Storage/ Warehousing	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	40 ft.	40 ft.
	Truck Terminals	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	40 ft.	40 ft.
	Motor vehicle repairs	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	40 ft.	40 ft.
	Storage of Buses, Vans, Taxis, Limo's	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	40 ft.	100 ft.
Conditional	Shopping Centers & Associated Theaters	10 Acres	300 x 500 ft.	50/95%	50 ft.	10 ft.	10 ft.	40 ft or 2 stry..
	Hotels	20,000	150 x 100 ft.	30/90%	20 ft.	15 ft.	50 ft.	40 ft.

* Note: See Article VI for standards on conditional uses, See article V, Section 5.7 for supplementary regulations governing shopping centers

Article III

3.10 Waterfront Districts

a. District P-1: Waterfront/Riverside

- 1) Purpose: To enhance the waterfront of the Township through encouragement of water related and other low intensity uses such as residential and recreational ones; to ensure visual and physical access to the water through coordination with applicable programs and regulations of state and federal agencies and the application of view corridors for buildings over 50ft. in height; to encourage mixture of uses of high design standards.

- 2) Principal Permitted Uses
Planned Unit Residential Development
Residential Cluster
Planned Commercial Development
Public parks/playgrounds
Office Buildings (medical, professional, commercial)
Marinas
Restaurants
Research laboratories

- 3) Accessory Uses
Signs
Uses customarily incident to principal permitted uses within the district and on the same lot.

- 4) Conditional Uses
Commercial recreation
Hotel

5) **Area, Yard and Bulk:**
P-1 DISTRICT REGULATIONS

See Following Table 3.10.a and Article XI for general requirements. See Section 10.8 for submission requirements

TABLE 3.10.a
Area Yard and Bulk Regulations
Waterfront Districts

Zoning District	Permitted/ Conditional Uses	Lot Requirements			Yard Requirements				Max Height
		Min Size (sf)	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear		
P-1 Riverside Principal Permitted Uses	PURD	5 Acres	250 x 250 ft.	35/75%	75 ft. to ctr. line River Road	25 ft. of which 10 ft. is landscaped	25 ft. of which 10 ft. is landscaped	120 ft., residential 50 ft. other*	75 DU/Acre
	PCD	4 Acres	250 x 250 ft.	35/75%	75 ft. to ctr. line River Road	25 ft. of which 10 ft. is landscaped	25 ft. of which 10 ft. is landscaped	50 ft.	
	Residential Cluster	2 Acres	250 x 250 ft.	35/75%	75 ft. to ctr. line River Road	25 ft. of which 10 ft. is landscaped	25 ft. of which 10 ft. is landscaped	120 ft., residential 50 ft. other*	75 DU/Acre
	Office Bldg. Research Lab.	40,000	100 ft.	35/75%	40 ft.	20 ft.	40 ft.	50ft.	
	Restaurants	40,000	100 ft.	35/75%	40 ft.	30 ft.	40 ft.	300 ft.	
	Marinas	80,000	100 ft.	35/75%	Any structure must be min. 20 ft. from any access road			40 ft.	
Conditional Uses	Public Park/ Playgrounds	40,000	100 ft.	100/75%	Any structure must be min. 20 ft. from any access road			20 ft.	
	Commercial Recreation	40,000	100 ft.	35/75%	40 ft.	30 ft.	10 ft.	30 ft.	
	Hotels	40,000	100 ft.	35/75%	30 ft.	20 ft.	50 ft.	50 ft.	

* Note: See Article VI for standards on conditional uses, See article V, Section 5.7 for supplementary regulations governing shopping centers

Article III

b. District P-2: Waterfront/Edgecliff

- 1) Purpose: To allow maximum potential development against the Palisades while preserving the view of and from the cliff from within as well as outside the waterfront area through height and lot coverage restrictions; to allow flexibility in site design by acknowledging the topographical limitations inherent in potential sites.
- 2) Principal Permitted Uses
Residential (multi-family)
Office buildings (medical, professional, commercial)
Research laboratories
Public parks/playgrounds
- 3) Accessory Uses
Signs
Other uses customarily incident to principal permitted use within the district and on the same lot
- 4) Conditional Use
- 5) Area, Yard and Bulk:

P-2 DISTRICT REGULATIONS

See Following Table 3.10.b

TABLE 3.10.b
Area Yard and Bulk Regulations
Waterfront Districts

Zoning District	Permitted/ Conditional Uses	Lot Requirements			Yard Requirements				Max Height	
		Min Size	Min Width x Depth	Max Coverage Bldg./ Lot	Front	Side	Rear			
P-2 EDGECLIFF	Multi-Family Residential	5 Acres	250 x 250 ft.	25/65%	See note *	20 ft.	40 ft.: See note *	75 ft.	75 DU/Acre	
	Office Bldg. Research Lab.	4 Acres	250 x 250 ft.	25/65%	See note *	20 ft.	40 ft.: See note *	75 ft.		
Principal Permitted Uses	Public Park/ Playgrounds	40,000	100 ft.	100/65%	Any structure must be min. 20 ft. from any access road				20 ft.	

Note*: See Article XI for supplementary regulations regarding waterfront development

Note: Maximum impervious coverage for any lot is 65%

ARTICLE IV

SUPPLEMENTARY LOT, HEIGHT, AND YARD REGULATIONS

4.1 General Application

The regulations governing lot, height, yards and accessory structures detailed below apply to all districts including the Waterfront District except as varied by the special regulations for the Waterfront Districts outlined in Article XI.

4.2 Lot Regulations

a. Sight Triangle

At all street intersections, no obstruction to vision exceeding thirty inches in height above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained on any lot within the triangle formed on two sides by the street lot lines extending from the point of intersection and on the third side by an imaginary line connecting points on either street lot line twenty-feet distant from the point of intersection. See Figure 9.

b. Required Area or Space Cannot be Reduced

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this ordinance; said area or dimension may be continued and shall not be further reduced.

c. Lot Frontage and Traffic Plan

Where a building lot has frontage upon a street which is on the Traffic Plan or Official map of the Township of North Bergen is designated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.

4.3 Height Regulations

No building or structure shall have a greater number of stories or greater number of feet than are permitted in the district where such building is located. Article XI details the special height regulations of the Waterfront Districts. A parapet wall of up to four feet in height may be required, at the Board's discretion, on the roof of a building to screen rooftop appurtenances. Such parapet wall shall be designed in a manner which is consistent with the building's facade. A parapet wall shall not be included in any measurement of building height.

Article IV

4.4 Yard Regulations

a. Multiple Frontage Lots

1) Front Yard of Corner Lot

The front yard of any corner lot shall be established on the wider of the two streets abutting said lot, except where the widths of the two abutting streets are equal, then the front yard may be established on either street. See Figure 8.

2) Through Lot

Wherever a lot abuts on more than one street, the front yard of such lot shall be established on the wider of the abutting streets. Where the abutting streets are of equal width the front yard may be established on either street. See Figure 5.

3) Side Yard of Corner Lot

That lot line of a corner lot determined to be the side lot line shall be required to comply with the side street setback line. See Figure 8.

b. Side Yard Width May Be Varied

Where the side wall of a building is not parallel to the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required minimum width.

c. Multiple Detached Principal Buildings on Same Lot

Will not be permitted, except where specified in district regulations (e.g., planned developments and garden apartments).

d. Front Yard Setback Line

The minimum front yard setback line shall be measured from the street right-of-way line or as specified in Article XI for planned developments. If a planned right-of-way line has been established on an official map for future streets or the future widening or extension of existing streets, setbacks shall be measured from such planned line as if it were a street line.

e. Exceptions to Yard Requirements

No architectural features may project into required yards.

4.5 Accessory Structures and Use

a. Location

No accessory building permitted by this ordinance shall be placed in any required side or front yard except as specified hereinafter in this Article.

b. Limitation and Coverage

The aggregate ground area covered by any accessory buildings as viewed from above in any rear yard, shall not exceed 20 percent of the rear yard area in any Residential District, or 40 percent of the rear yard in any Commercial or Industrial District.

c. Accessory Buildings and Uses

When an accessory structure is attached to a principal building it shall comply in all respects with the requirements of this ordinance applicable to principal buildings.

d. Detached Accessory Building

- 1) No accessory building shall be located closer to the street than the street wall of the principal building.
- 2) No accessory building shall be located closer to a principal building than a distance equal to the height of the accessory building or the minimum requirements of applicable fire, health and safety regulations of the building and/or housing codes and any state regulations.
- 3) No accessory building shall be located closer to the side and rear lot lines than a distance equivalent to the side yard required for the principal building.

e. Un-Enclosed Accessory Uses

Accessory uses not enclosed in a building, including swimming pools and tennis courts shall be erected only on the same lot as the principal building and may not be constructed in the front or side yards of such lot. Such uses must not be located closer than ten feet from the rear lot line and shall not adversely affect the character of any residential area by reason of noise, glare or safety hazards. Pools shall be enclosed by a wall or fence at least 6 feet high with a gate or other device which can be locked when they are more than three feet in depth. All in-ground pools and portable pools higher than four feet or longer or wider than fifteen feet shall be considered conditional uses.

Article IV

4.6 Landscaping

All lots regardless of the type of use shall have a minimum of 10% of the lot area landscaped as indicated below. See Figure 10.

a. Interior Lots

On a lot adjacent to one public or private road, there shall be created along the lot line abutting that road a landscaped buffer strip. The buffer strip shall extend the full length of that lot line with allowance for entry points for vehicles and/or pedestrians. The buffer strip shall not be less than 5 feet wide and shall cover an area, alone or combined with other landscaped areas in the front or side yards, which shall equal a minimum of 10% of the lot area.

b. Corner Lots

Corner lots shall have a buffer strip along both adjacent roadways not less than 3 feet deep along the lot lines abutting the roads. Such buffer strip shall equal, alone or in combination with other landscaped areas in the front or side yards, a minimum of 10% of the lot area.

c. General

- 1) Plantings in side yards shall not encroach in any passageway necessary for an emergency vehicle.
- 2) The landscaping plan shall be submitted in sufficient detail to show size, type and arrangement of plant materials at full growth.
- 3) A tree shall be planted every 50 feet along the front facade of a commercial building provided that the Planning Board may permit a variation from the 50 foot dimensions where it is necessary to facilitate pedestrian movement, placement of architectural elements, light fixtures, benches, and related elements.

4.7 Miscellaneous Regulations

a. Existing Lots of Records

In any Residential District only a single-family detached dwelling may be erected on a non-conforming zone lot of official record at the effective date of this Ordinance irrespective of its area or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot, provided, however, that no lot or lots in single ownership shall hereafter be reduced so as to create one or more non-conforming lots, and provided further, that on any non-conforming lot there shall be a side yard no less than 3 feet; and provided further that the rear yard of any such lot shall in no case be less than 10 feet.

b. Unenclosed Industrial Uses

All industrial uses which are not conducted wholly within a completely enclosed building shall be not less than 50 feet distant from any Residential District.

4.8 Fences

No fence in the front of a principal building shall be permitted to be higher than four (4) feet. No fence in the rear of such building shall exceed a height of six (6) feet. The finished side of a fence shall face away from the building.

ARTICLE V

SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES

5.1 Essential Utility or Public Service

An essential utility or public service shall meet the following requirements:

- a. Essential public service such as firehouses and emergency squads shall not be located within five hundred feet of a place of public assembly.
- b. In such event that essential public utilities and related facilities cannot be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with an evergreen hedge.

5.2 Home Occupations - Must comply with off-street parking requirements.

Permitted home occupation operated in any dwelling unit may be operated only if it complies with all of the following conditions:

- a. Where Permitted. Within a single-family residence or other structures accessory to the residence and only by the person or persons maintaining a dwelling therein and not more than 2 additional persons shall be employed in the home occupation. In buildings containing more than one dwelling unit.
- b. Evidence of Use. Does not display or create outside the building any evidence of the home occupation, except that one un-animated non-illuminated flat or window sign having an area not more than 2 square feet shall be permitted on each street front of the zone lot on which the building is situated.
- c. Extent of Use. Does not utilize more than 20 percent of the gross floor area of the dwelling unit (except family day care, group homes and foster family care) and except that medical and dental offices may utilize not more than 50 percent of the gross floor area of the dwelling unit.

Article V

- d. Permitted Uses. Includes not more than one of the following uses:
- 1) Medical, dental or other professional offices in accordance with provisions for off-street parking as required herein with not more than two non-resident assistants.
 - 2) Rooming and/or boarding of not more than two (2) persons.
 - 3) Custom dressmaking.
 - 4) Group homes for not more than twelve (12) children simultaneously.
 - 5) Tutoring for not more than four (4) students simultaneously but not including music, dancing or business schools, or similar activities. Must be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - 6) Family day care. A private residence registered as a family day care home pursuant to the "Family Day Care Provider Registration Act" in which child care services are provided for a fee to not less than three and no more than five children at any one time for no less than 15 hours per week. The following children shall not be counted:
 - (a) A child legally related to the provider; or
 - (b) A child being cared for as part of a cooperative agreement between parents with care provided by one of the parents and for which no payment is provided.

5.3 Outdoor Storage Areas

Such uses shall not abut existing residential development, a residential street or any residential district and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Planning Board to protect the public health, safety, comfort, convenience and general welfare and especially with regard to abutting properties and the occupants thereof:

- a. Inflammable and Explosive Liquids. No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provisions.

- b. Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. If such site is within 100 feet of a residential lot or district, school, playground, hospital or public library, it shall provide 8-foot high opaque screening (material subject to Board approval), or if not within 100 feet of such uses, the site shall provide 6-foot high opaque screening. Such walls and fences shall be not less than 20 feet from all property lines which abut a residential district or existing residential development, but in any other case shall be not less than 10 feet from any property line and shall be not less than 25 feet from any public street.
- c. Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- d. Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by, or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

5.4 Signs

Signs may be erected and maintained only when in compliance with the following conditions:

a. General Regulations

1) Action by Construction Code Official

- (a) A permit shall be secured from the Construction Code Official for the erection, alteration or reconstruction of any signs other than nameplates, identifications, sales or rental signs.
- (b) Whenever a sign becomes structurally unsafe or endangers the safety of the public or the building to which it is affixed, the Construction Code Official shall order such sign to be made safe or removed. Such order shall be complied with within ten days thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which the unsafe sign is affixed or erected.

2) Interference with Vision and Safety

- (a) Signs, other than municipal, county or state traffic direction signs shall not be erected within the right-of-way of any street nor shall any sign be located so as to be a traffic hazard.

Article V

- (b) No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic direction and identification signs, adjacent properties, businesses or signs, or windows or buildings on which they are located.
 - (c) No sign shall project into a public way traversed by vehicles or pedestrians.
- 3) Certain Signs Forbidden
- (a) No sign of any size, whether temporary or permanent, shall be painted directly on the walls or roof of an structure in the Township.
 - (b) No inflatable or floating signs shall be permitted anywhere in the Township.
- 4) Design Standards
- (a) All new signs are subject to design review by the Construction Code Official; scaled drawings of the proposed sign shall be permitted before a permit may be issued and shall include dimensions, material, color, lettering, illumination (if applicable), means of attachment and a location sketch showing where on the building or site it is to be located.
 - (b) All signs shall be designed to be compatible with the building or site on which it is located in terms of color and material.
 - (c) No sign shall project beyond the ,top of any wall, parapet wall, or roof of any building.
 - (d) No sign attached to a building or structure shall be located other than on the front of said building or structure; provided, however, that if a building has frontage on more than one public street, one sign may be attached to each side of said building which fronts upon a public street. Except for occupancy signs and vacancy signs, not more than one sign may be attached to any side of a building.
 - (e) Where there is more than one tenant in a commercial building, a directory-type sign in a uniform style shall be used; for each additional listing up to a total of five the sign may be increased in size by 10% of the original maximum size. In no event shall the final size be more than 50% larger than the original.

- (f) No free-standing sign shall be permitted in any residential district. Where permitted no such sign shall have a final height greater than 12 feet above the mean ground level of the site on which it stands.

5) Number of Signs

Not more than one such sign may be placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each of two frontages. In the event the property has eight hundred feet of frontage on one road or has a number of entrances or exits, the Construction Code Official may authorize placement of additional signs.

b. Temporary Signs

All temporary signs erected for a special event such as an election or a sale shall be removed by the property owner when the event shall have taken place. No permit is required for such temporary signs provided that they do not exceed thirty-two square feet and provided that all temporary signs, other than election signs, shall not remain in place more than four weeks.

c. Illuminated, Flashing and Animated Signs

1) Flashing Signs

No sign with a flashing beam or beacon form shall be erected except as required by FAA regulations Part 77.

2) Illuminated Signs

All lighted signs shall be indirectly illuminated so that such light source is properly shielded from residences and streets.

3) Animated Signs

Signs using mechanical and/or electrical devices to display movement or the illusion of movement are prohibited in all districts except that signs displaying the time and/or temperature shall be permitted.

d. Institutional Signs

Signs of public or semi-public nature may be erected and maintained, provided that:

1) Size

The size of such sign is not in excess of twenty-five square feet.

2) Illumination

If illumination is permitted, lights must be placed so as not to shine directly or indirectly on neighboring properties.

Article V

- e. Commercial Building Signs
Office buildings, hotels, and other permitted commercial activities shall be permitted one primary sign which shall be attached flat against a wall. The primary sign shall not exceed fifty square feet in area.
- f. Advertising Signs, Billboards
Advertising signs and billboards shall not be permitted in the Township.
- g. Flags and Banners
 - 1) Supports
All poles and standards shall be designed to withstand maximum wind speed recorded for the area by the appropriate state or federal agency. Maximum height shall be 30 feet. The design shall be reviewed by the Township engineer for safety.
 - 2) All Materials
The materials shall be chosen for durability so that they do not shred and become unsightly. When the flags or banners become unsightly, they shall be repaired within 60 days of receipt of notice from the Construction Code Official.
 - 3) Design
The overall design of the flags/banners, their location, materials and supports shall be subject to review by the Township. Scaled drawings shall be submitted.

5.5 Multi-Family Dwellings

- a. Town Houses
Attached one and two family dwellings of the type commonly referred to as town houses are subject to the following conditions:
 - 1) The minimum town house shall consist of at least four units.
 - 2) The minimum town house site shall contain at least 10,000 sq. ft. with a minimum frontage of 100 feet.
 - 3) The width of individual dwellings shall be not less than 20 feet.
 - 4) Side yard requirements, including special provision for corner lots shall apply to the end units of a row house project, front and rear yards, heights and coverage shall conform to the specified bulk requirements.

- 5) The proposed site shall be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required.
- 6) No certificates of occupancy shall be issued for any such building unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been installed in accordance therewith.

b. Garden Apartments and High-Rise Apartments

Garden apartments and high-rise apartments are subject to the following general conditions.

- 1) All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
- 2) The interior circulation system is adequate and all required parking spaces are provided and are easily accessible.
- 3) In accordance with the spirit and intent of this ordinance wherever possible, usable open space is disposed of in such a way as to insure the safety and welfare of residents.
- 4) Adequate provision is made for light, air, access and privacy in the arrangement of the buildings to each other.
- 5) The proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required.

5.6 Child Care Center: any building or portion thereof in which child care services are provided for six (6) or more children and for which services a license is required from the Department of Human Services.

a. The area occupied by such child care center shall be excluded in calculating:

- 1) any off-street parking requirements otherwise applicable to that amount of floor area.
- 2) density limitations otherwise applicable in the district in which it is located.

Article V

- b. Where the child care center is to be created as a part of a non-residential development and is to be owned or operated by employers or landlords for the benefit of their employees, or employees in the area surrounding the development, the floor area to be occupied by the child care center may be excluded from the calculation of the permitted density for such a building in the district in which it is located.
- c. All child care centers shall be so located within a building as to provide a safe and adequate drop-off/pick-up area for the children.

5.7 Shopping Center and Associated Movie Theaters: any shopping center and its associated movie theater must comply with the bulk regulations in Table 3.8.b and, in addition, must comply with the following:

- a. Front Yard: where a site fronts on two or more streets, the applicant shall designate the street which is the front yard for measurement purposes, and measurements from all other streets shall be deemed side yards for the purposes of this section.
- b. Side & Rear Yards: where buildings are placed atop a parking deck, an average side and rear yard measurement of ten feet shall be maintained from the lot line to the parking deck. To determine the average yard dimension, measurements shall be taken at 20 foot intervals along the linear dimension of each building, including the ends of each structure. The required side yard to the building shall be maintained.
- c. Building Height: where a site is characterized by a change of grade of minimally seventy-five feet, and where at least twenty per cent of the site is typified by a slope gradient of at least fifteen percent, a maximum building height of eighty feet may be permitted, provided that in no event shall the number of stories exceed two stories.
- d. Landscaping: a landscape strip of minimally 10 feet in depth shall be provided along the front street line, suitably planted with plant material to enhance the aesthetic character of the site.

ARTICLE VI

CONDITIONAL USES

6.1 General Provisions

- a. Those uses designated as conditional uses in the district regulations are those which, because of their unique characteristics and potential impact on the surrounding area, require that each specific use shall be considered as an individual case; and as to further conformance to additional standards as specified in this Article.
- b. Uses designated as conditional uses may be considered to be permitted uses in their respective districts, subject to satisfaction of the requirements and standards set forth in this Article in addition to all other requirements of this ordinance.

6.2 Procedure

a. Application

- 1) Each application for a conditional use permit shall be made to the Construction Code Official for referral within ten days of receipt of the completed application to the Planning Board for action.
- 2) Application for conditional permits shall contain the same information as required for site plan review by the Site Plan Ordinance of the Township of North Bergen. No application shall be considered as officially submitted until such time as the Construction Code Official has received all required information and documentation.

b. Planning Board Action

- 1) The Planning Board shall have jurisdiction to review and take action on all applications for conditional use permits in accordance with N.J.S.A. 40:55D-67.
- 2) The Planning Board shall act on all conditional use permit applications within ninety-five days (of the first Planning Board meeting) after the application is deemed to be completed. In the absence of Planning Board action within such ninety-five day period, the application shall be deemed approved as submitted. The review period may be extended by mutual agreement of Planning Board and applicant.

Article VI

- 3) The Planning Board shall hold a public hearing on each application, with notice as required by N.J.S.A. 40:55D-12.
- 4) The Planning Board's decision on each application must be set forth in a written report to the Construction Code Official, which report shall authorize the Construction Code Official to grant or deny the application or to grant the application subject to conditions.
- 5) Whenever review or approval of the application by the County Planning Board is required by Section 8 of P.L., 1968 (C.40:27-6.6), the Planning Board shall condition any approval that it grants on timely receipt of a favorable report from the County Planning Board or approval evidenced by failure of the County Planning Board to report thereon within the required time period.
- 6) The Planning Board shall attach such conditions and safeguards to any approved use and development plan as are, in its opinion, necessary to ensure initial and continual conformance to all applicable standards and requirements. In all cases the Planning Board shall retain continuing jurisdiction.
- 7) No conditional use permit shall be granted except upon a finding by the Planning Board that the standards and requirements for such use set forth in this Article, in addition to all other applicable regulations, have been met. The Board's written report authorizing the grant of such permit shall set forth such finding. A written report denying such permit shall set forth findings, in specific terms, as to the standards and requirements which have not been met.
- 8) Any conditional use permit not exercised within one year of the date of issuance shall expire without further hearing by the Planning Board.
- 9) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the authorized conditional use shall cease for more than six months for any reason.

6.3 Conditional Use Standards

a. Houses of Worship

Applicants shall submit detailed traffic and environmental impact studies showing how the proposed development will affect surrounding property. The traffic and parking plan shall include impact on adjoining streets for a minimum of 1000 ft. north and south of the site and shall show arrival and departure patterns during peak usage periods. The site design shall be such that:

- 1) The location, design and operation of such facility will not adversely affect the character of the surrounding residential area.
- 2) Adequate fences, barriers, and other safety devices will be provided (if needed).
- 3) No required automobile parking area will be located within any required setback area or within 10 feet of any property line.
- 4) No entrance to such site shall be closer than 50 feet from any street intersection.

b. Residential Use in C-1 Zones

In the C-1 zoning district, pursuant to the regulations in Article III, Section 3.8.a et seq., a limited amount of residential use may be created in the commercial zone with the proviso that development on Bergenline Avenue must have ground-floor commercial use and that, in any mixed-use building, all non-residential uses must be located below the residential floors and provide separate entrances. The specific limitations are listed below:

- 1) C1-A: up to two (2) dwelling units may be created for every 25 feet of lot frontage occupied by the subject building; such lot may also have ground-floor commercial use.
- 2) C1-B: up to two (2) dwelling units may be created for every 25 feet of lot frontage occupied by the subject building; such lot must have ground-floor commercial use.
- 3) C1-C: up to two (2) dwelling units may be created for every 25 feet of lot frontage occupied by the subject building; 2-family detached or single-family townhouses may also have ground-floor commercial use.

c. Hotels

Hotels shall have a minimum of 100 rooms and shall comply with the following conditions:

- 1) Minimal habitable room area. Such uses shall have a minimum area for each unit of occupancy of 200 square feet and shall include a minimum of one bedroom and a shower or bath, a sink and a toilet.
- 2) Every hotel shall provide for its patrons a restaurant or coffee shop facility within the structure sufficient to serve at least 30% of the total unit's occupants at counters and/or tables.
- 3) Each establishment must provide some minimum health or recreation facility within the structure.
- 4) Every hotel must provide a main entrance and lobby with access to all rooms. All entrances and exits to rooms must lead to a common hallway which leads to the lobby and main entrance. There shall be no room entrances or exits to the outside of the building.
- 5) Each establishment must provide a round-the-clock in-house security system for the protection and safety of patrons, which security system must be approved by the chief of police.
- 6) There shall be installed in all rooms and common areas smoke and fire detectors in accordance with the rules and regulations of the Department of Community Affairs and State of New Jersey.

d. Nursing Homes, Homes for the Aged

- 1) All such uses shall be located on lots of not less than 10,000 square feet, with minimum frontage of not less than 80 feet.
- 2) Limited retail sales may be included for guests, patients and visitors only.
- 3) No required automobile parking area shall be located within any required setback area or within 10 feet of any property line.

e. Public Utility Installation

- 1) Such uses shall include cable TV apparatus, electric substations, transformers, switches, auxiliary apparatus serving a distribution area, and water pumping stations and shall be subject to the following regulations:

- 2) Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- 3) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
- 4) Adequate fences, barriers, and other safety devices shall be provided, and shall be landscaped.

f. Service Stations

- 1) Location of Exits and Entrances. No gasoline filling station, or any vehicular access thereto, shall be located within 100 feet of the following uses if the property is owned or dedicated to such uses is located along the same street and on the same block: schools, playgrounds, churches, hospitals, public libraries, and institutions for dependents or for children. Vehicular access to the above automotive uses shall not be closer than 30 feet to the intersection of any two streets nor closer than 30 feet to the nearest lot lines.
- 2) Location of Appliances or Pits. No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, or oil draining pit or visible appliance for any such purpose is located within 20 feet of any street, lot line, except where such appliance or pit is within a building.

g. Shopping Centers

- 1) Area. The minimum area shall be ten (10) acres.
- 2) Initial Construction. Satisfactory assurances shall be given that initial construction will comprise not less than fifty (50%) percent of the planned total construction as measured in terms of bulk of the buildings proposed to be built.
- 3) Plan. The proposed development shall be in accordance with a unified site plan and architectural scheme. However, it shall not be required that the whole of the development be in a single ownership or built or financed by a single party, if satisfactory evidence is shown that all parties financially or otherwise concerned are legally bound to conform to the above required unified site plan and architectural scheme.
- 4) Entrance Upon Streets and Highways. All vehicular entrances and exits upon public roads shall be approved by the Township Engineer.

h. Swimming Pools

Swimming pools which are accessory to a principal residential use shall be regulated as conditional uses as follows: All in-ground pools and all portable swimming pools which measure more than 4 feet in height or more than 15 feet in length or diameter.

- 1) May be erected only on the same lot as the principal structure.
- 2) May be erected only in the rear yard of such structure and shall be setback from the rear and side lot lines a distance at least as great as the depth of the pool, and not less than 10 feet from any principal structure or accessory structure attached thereto.
- 3) The portion of the lot containing a swimming pool shall be enclosed by a wall or fence at least 6 feet high with a gate or other device which can be locked.
- 4) Such use shall be landscaped.
- 5) Such use shall not adversely affect the character of any residential neighborhood.

i. Wholesale Business, Storage, Distribution & Warehousing

- 1) A traffic report shall be submitted showing arrival and departure patterns from 6 a.m. to 6 p.m. indicating the impact on the existing levels-of-service on adjacent streets within one-half mile radius of the site.
- 2) Such use shall not abut residential lots or districts nor have a site entrance within 100 feet of a school, playground, hospital or public library.
- 3) If such site is within 100 feet of a residential lot or district, school, playground, hospital or public library, it shall provide 8-foot high opaque screening (not chain link fence); if not within 100 feet of such uses, the site shall provide 4-foot high opaque screening along the street lot line.
- 4) No entrance to such site shall be closer than 50 feet from any street intersection.
- 5) Provision shall be made for enclosed trash and recycling storage.

j. Bus, Van, Taxi, Limo Storage

- 1) A traffic report shall be submitted showing arrival and departure patterns from 6 a.m. to 8 p.m. indicating the impact on the existing levels-of-service on adjacent streets within one-half mile radius of the site.
- 2) Such use shall not abut residential lots or districts nor have a site entrance within 100 feet of a school, playground, hospital or public library.
- 3) If such site is within 100 feet of a residential lot or district, school, playground, hospital or public library, it shall provide 8-foot high opaque screening (not chain link fence); if not within 100 feet of such uses, the site shall provide 6-foot high opaque screening along the street lot line.
- 4) No entrance to such site shall be closer than 50 feet from any street intersection.
- 5) If a gas pump is installed, it shall be no closer than 30 feet from the street lot line.
- 6) Any vehicle repair shall take place within an enclosed building.
- 7) There shall be no outdoor storage of any wrecked or dismantled vehicles permitted on site.

k. Cemeteries

- 1) Minimum tract size shall be 50 acres.
- 2) No structure within the cemetery grounds shall be higher than 25 feet nor closer than 50 feet to the property line.
- 3) Structures (not including gravestones or statuary) shall cover no more than 20% of the lot area.
- 4) The entire periphery of the site shall be screened with 6-foot high landscape material or semi-opaque fencing of a long-lasting nature such as stone, masonry or wrought iron.
- 5) Applicant shall demonstrate that they have appropriate state licensing and have conducted appropriate studies to indicate that the proposed site is suitable for cemetery use.

I. Commercial Recreation

A traffic report shall be submitted showing arrival and departure patterns for the hours of operation indicating the impact on the existing levels-of-service on adjacent streets within one-half mile radius of the site.

m. Eating & Drinking Places

- 1) Where located in a building which contains residential use, the restaurant shall be limited to the ground floor and basement, but in any event shall be located below such residential use.
- 2) If in a building containing residential use, the residential floor shall have a separate exterior entryway.
- 3) The customer sales and service area (not including storage and toilet space) shall not exceed 1000 square feet.
- 4) No outdoor food service shall be created without the permission of the Board of Health and the Board of Commissioners in the form of a renewable annual contract. If such permission is granted, the food service area shall not occupy more than half the sidewalk or 6 feet, whichever is less, but, in no event, shall less than 6 feet of sidewalk space be left for pedestrians. The design of such food service area shall be subject to site plan review.

ARTICLE VII

OFF-STREET PARKING AND LOADING REGULATIONS

7.1 Off-street Parking

a. Application

Except as noted below, there shall be provided, at the time any building or structure is erected, enlarged, or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements set forth in this Article. Required facilities shall be available for use prior to the issuance of a certificate of occupancy.

b. Standards for Off-Street Parking Areas

1) Dimension of Parking Spaces

Every such space provided shall measure at least eight and one-half (8.5) feet in width and eighteen (18) feet in length for full-size cars and eight (8.0) feet in width and sixteen (16) feet in length for compact cars, exclusive of access drives and aisles. Where compact spaces are provided, they may not exceed 25% of the spaces provided.

The area of a parking space is intended to be sufficient to accommodate the exterior extremities of the vehicle, regardless of whether wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

2) Access, Aisles and Driveways

There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts, except where a parking area shall be less than 35 feet in depth.

Curb cuts for one-way traffic shall not be more than 12 feet nor more than 24 feet for two-way traffic.

Article VII

Every parking area shall have direct access to a street or alley and maneuvering area between spaces in accordance with the following:

- (a) **Driveways**
Driveways shall have a minimum width of 10 feet for one-way traffic and 22 feet for two-way traffic.
 - (b) **Aisles**
Access aisles located directly behind parking stalls shall have a minimum width of twenty-four (24) feet. Where parking stalls are on an angle, aisle width shall comply with the standards of the 1978 Eno Foundation publication, Parking Garage Planning and Operation or an equivalent professional publication.
 - (c) **Sidewalk Crossing**
All driveways shall cross sidewalks at grade.
- 3) **Sidewalks and Curbing**
Any parking area for a commercial use containing more than twenty spaces shall provide yellow, striped pedestrian ways, and lanes for customer loading. Such pedestrian ways shall take the form of painted striping at least four feet wide. Such striping shall be installed wherever pedestrian traffic occurs. The design of parking areas and sidewalks must prevent cars from overhanging or extending over sidewalks and must provide for barrier free access.
- 4) **General Standards for Parking Area**
- (a) **Design**
Parking areas for five or more vehicles and access to this parking shall be designed and planned in accordance with accepted engineering and parking design principles such as contained in the Eno Foundation Manual, Parking, and in accordance with Barrier Free Design Regulations.
 - (b) **Paving and Drainage**
Where parking areas are paved with asphalt, they shall be paved and drained in accordance with good engineering and construction practices such as defined in the Asphalt Institute Handbook. Where other surfacing materials are used, standard practice yielding corresponding performance standards shall be followed.

(c) **Markings and Access**
Parking spaces, driveways and aisles shall be clearly marked and delineated. For safety and fire-fighting purposes, free access between adjacent parking areas shall be provided.

(d) **Lighting**
For reasons of safety, all parking areas for more than ten cars shall be lighted but all lighting shall be installed so as not to shine on adjacent properties. Outdoor lighting shall provide and aggregate lighting intensity of 2 foot-candles. The lighting intensity measured at ground level at the property line to be less than 0.1 foot candles. Indoor lighting shall provide an aggregate lighting intensity of 5 foot-candles.

5) **Responsibilities of Owners**
It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and access ways in good condition, free of sagging condition, pot holes, cracked pavement, etc.

c. **Calculation of Required Spaces**

1) **Minimum Required Off-Street Parking Schedule**
The number of off-street parking spaces required for any use shall be determined by reference to Schedule 7.2, the minimum required off-street parking schedule.

(a) **Unscheduled Uses**
Off-street parking requirements for uses not listed in Schedule 7.2 shall be established by the Planning Board.

(b) **Combined Uses**
In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use.

(c) **Fractional Spaces**
Whenever the application of Schedule 7.2 standards results in the requirements of a major fraction of a space (in excess of 40%), a full space shall be required.

Article VII

- (d) **Valet Parking**
In the multi-family high-rise option valet parking is permitted and design standards may be modified accordingly.
 - (e) **Townhouses**
Nothing shall prohibit private driveways for townhouses from being considered off-street parking spaces provided that no portion of such private driveway within the right-of-way line of the street shall be considered as any portion of an off-street parking space.
- 2) **Credit for Spaces in Public Facilities**
Spaces in public parking facilities, where available, may be credited toward the off-street parking requirements of a new or expanded use under the following conditions:
- (a) **Proximity**
Such space or spaces shall be within 600ft. of the use.
 - (b) **Evidence of Exclusive Use**
Evidence shall be furnished to the Planning Board, in conjunction with site plan review, of a lease or other contractual arrangement.
- d. **Location of Parking Spaces**
- 1) All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory.
 - 2) No open parking space shall be located in any street right-of-way, required front yard setback or within 10ft. of the rear property line.

7.2 Schedule of Minimum Off-Street Parking Requirements

Use	Minimum Number of Off-Street Spaces
Assembly halls and auditoriums, theaters, and other cultural facilities	1 for every 4 seats
Automotive service station	2 spaces plus 2 spaces per service bay
Banks	1 for every 250 sq.ft. of flr. area
Churches	1 for every 3.5 seats in an auditorium or 1 for every 3.5 persons permitted by maximum occupancy rating plus 1 space per 200 sq.ft. of ancillary space; whichever is greater
Community buildings and social halls	1 for every 200 sq. ft. of floor area
Child Care Center	1 per employee (min. 3 spaces)
Eating & Drinking Places	1 for every 100sq.ft. of customer service area
Funeral homes, mortuaries	10 for each parlor
Hospital, nursing and convalescent homes	1 for every 3 beds plus 1 for each employee
Hotels	1.25 for each unit
Manufacturing plants, research or testing laboratories, bottling plants	1 for every 1,000 sq. ft. of floor area, plus 1 for every 4 employees in the maximum working shift; the total parking area should be not less than 25 percent of the building floor area
Marina	1 for each berth
Mixed use building	1 for each dwelling unit, for other uses, per Table
Office commercial	3 for every 1,000 square feet of gross office space
Office, medical or dental (including clinics)	1 for every 200 square feet of gross office space
Office, professional or business	1 for every 400 square feet of gross floor area

Article VII

7.2 Schedule of Minimum Off-Street Parking Requirements - cont'd.

Use	Minimum Number of Off-Street Spaces
Public buildings including libraries	1 for every 400 square feet of office area plus 1 for every 1,000 square feet of other uses
Recreation, commercial, indoor	
Bowling alley	2 for each alley
Racquet sports	2 for each court
Skating ring	1 for every 200 sq. ft.
Research laboratory	1 for every 400 sq. ft. of gross floor area
Residences	See State Residential Site Improvement Standards NJAC 5:21
Restaurants, bars and night clubs	1 for every 2.5 seats or 1 per 100 sq.ft. of gross floor area, whichever is greater; plus 1 for every 55 s.f. over 3,000 s.f.
Retail store	1 for every 300 sq. ft. of floor area where the floor area exceeds 1,000 sq. ft.
Schools	1 for every 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater
Shopping centers (SC)	1 for every 300 sq. ft. of net floor area Up to 15% of the Gross floor area may be deducted for areas devoted to mechanical equipment, stairways, elevators, or areas with the ceiling height less than 7 feet.
Theater	1 per 4 seats provided Theater assoc. with. SC >200,000 sq ft GFA 1 per 8 seats provided
Wholesale Business or Warehouses	1 for every 2 employees in maximum shift; the total parking area shall be not less than 25 percent of the building floor area

7.3 Off-street Loading

a. Application

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of at least 10,000 square feet or more, there shall be provided and maintained on the same zone lot with such building, off-street loading berths in accordance with the requirement of Schedule 7.4.

b. Required Off-Street Loading Facilities

1) Dimension of Loading Berths

Required off-street loading berths shall be a minimum of fifty feet long, ten feet wide, and fourteen feet high.

2) Location of Loading Berths

All loading areas shall be on the same lot as the use which is to be served. Such areas shall not encroach on any required front yard, side yard, required open space, access way, off-street parking area or public right-of-way. Where located adjacent to any Residential District, they shall be set back a minimum of 10 feet from such property line.

3) Access

All required off-street loading areas shall provide sufficient turning spaces and access in accordance with the standards set for off-street parking facilities.

4) Calculation of Required Spaces

The number of off-street loading berths required for any use shall be determined by application of the standards set forth in Schedule 7.4 the minimum off-street loading space requirements schedule.

Article VII

7.4 Schedule of Minimum Off-Street Loading Facility Requirements

Use	Gross Floor Area Of Establishments In Square Feet	Required Number Of Loading Berths
Auditorium, Commercial Recreation, Hospital, Office Building	10,000	1
(*For each additional 90,000 sq. ft. or major fraction thereof, one additional berth)	100,000	2
	190,000*	3
Hotel	10,000	1
(*For each additional 60,000 sq. ft. or major fraction thereof, one additional berth)	70,000	2
	130,000*	3
Marina	5,000	1
(*For each additional 35,000 sq. ft. or major fraction thereof, one additional berth)	40,000	2
	75,000*	3
Restaurants	10,000	1
(*For each additional 15,000 sq. ft. or major fraction thereof, one additional berth)	25,000	2
	40,000*	3
Retail, Commercial, Wholesale, Manufacturing, Storage and Miscellaneous	10,000	1
	25,000	2
	40,000	3
(*For each additional 50,000 sq. ft. or major fraction thereof, one additional berth)	60,000*	4
Shopping Center > 200,000 GFA	30,000	1
(*For each additional 30,000 sq. ft. or major fraction thereof, one additional berth)	60,000*	2

7.5 Additional Regulations

- a. **Joint Facilities for Parking or Loading**
Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory space in relation to the use are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Planning Board in accordance with the purposes and procedures set forth herein.

- b. **Buffers & Screen Plantings**
All parking and loading areas adjacent to residential uses shall be screened in accordance with the following standards:
 - 1) Buffers may be either evergreen shrub screen plantings, stockade fencing or decorative masonry walls at least five feet in height or an attractive combination of those materials. Chain link fence is not an acceptable alternative.
 - 2) Screen plantings used for buffers shall be maintained permanently and any plant material which does not live shall be replaced within three months.
 - 3) All buffers shall extend along the full property line which abuts the residential use.

ARTICLE VIII

NON-CONFORMING USES

8.1 Continuation

A use or structure existing at the effective date of this ordinance which shall be non-conforming by the passage of this ordinance or of any amendments thereto may be continued subject to the conditions enumerated in this section.

The provisions regarding non-conformity shall apply only to a use building, or structure legally established or erected, but not to any use established or building or structure erected in violation of law, regardless of the time of establishment.

Any non-conforming use, building, structure or lot may change ownership and continue to function as the same non-conforming use, building, structure or lot, provided that all other conditions of this Article are met. Land on which a non-conforming use or structure is located shall not be reduced in size, nor shall any lot already non-conforming be made more non-conforming in any manner.

8.2 Reconstruction or Alteration

No existing building or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law, except as follows:

a. Repair or Reconstruction

A non-conforming use or structure or portion thereon declared unsafe by a proper authority may be restored to a safe condition in accordance with N.J.A.C. 5:23-2.4 as amended and supplemented.

Any non-conforming use or structure damaged by fire, casualty or act of God may be repaired and used in accordance with the provisions of N.J.A.C. 5:23-2.4.

b. Alteration or Extension

A non-conforming use or building may not be structurally altered during its life to an extent exceeding in aggregate cost 25 percent of the assessed value of the building, unless such building is changed to a conforming use but in no event shall the alteration extend the area or volume of space occupied by the non-conforming use.

A non-conforming use shall not be extended in any way, shape, or manner to displace a conforming use on the same lot or any adjoining lot.

Article VIII

8.3 Termination of Non-Conforming Uses

a. Abandonment/Discontinuance

A nonconforming use shall be considered abandoned and may not be revived:

- 1) If it is terminated by the owner;
- 2) If the non-conforming use of a structure or a structure and land in combination is discontinued for twelve (12) consecutive months;
- 3) If the non-conforming use of a parcel of land ceases for six months.

b. Conversion to Permitted Use

Any non-conforming use or structure which has been changed to a conforming status shall not be revived as a non-conforming use.

c. Subsequent Use

If a non-conforming use has been abandoned or converted to a permitted use, the subsequent uses shall only be those permitted in that zoning district.

8.4 Construction Under Permit Granted Prior to Passage

Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story frame-work of which, including the second tier of beams, shall have been completed within six months of the date of such permit, and which entire building shall be completed according to such filed plans within one year from the effective date of this ordinance.

ARTICLE IX

PERFORMANCE STANDARDS

9.1 General Application

a. Industrial Districts

Permitted and special uses enumerated in Industrial Districts, and uses accessory thereto are subject to these performance standards and procedures. If the Construction Code Official has reasonable grounds for believing that any other use will violate these performance standards such use, existing or proposed, shall also be subject to these performance standards.

b. Waterfront District

As a condition of site plan approval in any waterfront zone, an applicant may be required to supply evidence, satisfactory to the Construction Code Official that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance the Official may require certification of testing by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The official may require that specific types of equipment, machinery, or devices be installed, or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Official as proof of compliance with applicable codes.

c. Use Variances

For use variances which must meet these performance standards the construction code official shall not issue a permit for any use, structure, process or equipment until it receives a report from the Planning Board regarding compliance with the performance standards established herein.

Article IX

9.2. Performance Standards Procedure

- a. **Prior to Construction and Operation**
Any application for a building permit for a use which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner at subject property that said use will be operated in accordance with the performance standards as set forth herein.
- b. **Continued Compliance**
Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Construction Code Official.
- c. **Determination of Violation**
The Construction Code Official shall investigate any purported violation of performance standards.

9.3 Regulation of Nuisance Elements

- a. **Definition of Elements**
No land or building in any Industrial District which shall be used or occupied for manufacturing purposes nor any land or building in the Waterfront District shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted by this ordinance may be undertaken and maintained in any Industrial District if it conforms to the regulations of the subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
- b. **Location Where Determinations are to be Made for Enforcement of Performance Standards**
The determination of the existence of any dangerous and objectionable elements shall be made at:
 - 1) The point or points where such elements shall be most apparent for fire and explosion hazards, for radio-activity and electrical disturbances, for smoke and other forms of air pollution.
 - 2) The property lines of the use creating such elements for noise, for vibration, for glare, and for odors.

9.4 Standards to be Enforced

- a. **Air, Water and Environmental Pollution**
No use shall emit heat, odor, vibration, noise or any other pollutant into the ground, water or air that exceeds the most stringent applicable state or federal regulation. These regulations include, but are not limited to, the New Jersey Air Pollution Control Act (N.J.S.A. 26:2C-1 et. seq.) as amended, the Noise Control Act of 1971 (N.J.S.A. 13:16-1 et seq.) as amended, the various statutes administered by the New Jersey Department of Environmental Protection and Energy to prevent water pollution.
- b. **Fire and Explosion Hazards**
In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws and regulations shall also apply.
- c. **Radioactivity or Electrical Disturbances**
No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbances.
- d. **Vibration**
No vibration shall be permitted which is detectable without instruments at the points of measurement.
- e. **Glare**
No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement. This restriction, shall not apply to signs otherwise permitted by the provisions of this ordinance.
- f. **Smoke**
No emission shall be permitted from any chimney or otherwise of visible gray smoke or a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw Hill Publishing Company, Inc., and copyright 1954 being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 3 on said chart may be emitted for 4 minutes.

Article IX

- g. **Odors**
No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.
- h. **Other forms of Air Pollution**
No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
- i. **Storage and Waste Disposal**
No materials or wastes shall be deposited on a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, evaporation or wind. All materials or wastes which might create a pollutant, a hazard, or facilitate the breeding of vermin shall be stored indoors or be enclosed in appropriate containers to eliminate the potential pollutant or attraction.

ARTICLE X

SITE PLAN REVIEW

10.1 General Application

Site plan review and approval by the Planning Board shall be required prior to the issuance of a building excavation or foundation permit or a certificate of occupancy for all construction, reconstruction, alteration or enlargement of a building, structure, use or lot except as provided below. This Article is to be read in para materia with the Site Plan Ordinance of the Township of North Bergen adopted 10/18/79, as it may be amended.

10.2 Exceptions

- a. Site plan review shall not be required for single-family and two-family detached dwellings or for such accessory uses as a private garage, tool house, gardens and private greenhouses, portable swimming pools smaller than 4 feet in height and less than 15 feet in length and other similar uses incidental to a single or two-family detached dwelling or for similar improvements as accessory uses to a principal use.
- b. Site plan approval shall not be required where minor repairs to the interior of a building or renovations or alterations to the exterior design of a building or structure do not involve structural change or enlargement of the building as determined by the Township Building Inspector.
- c. Site plan approval shall not be required where the cost of construction, reconstruction or other improvement is less than 50% of the assessed evaluation of the building.
- d. In cases where an applicant proposes to expand or otherwise enlarge an existing use, structure or building, the standards established by the Site Plan Ordinance shall be applicable only to the new addition, provided such expansion or enlargement constitutes a "small addition." A "small addition" shall not exceed 15 percent of the gross floor area of the existing use or 2,000 square feet, whichever is greater.
- e. Notwithstanding the above, the Building Inspector may, at his discretion, refer any application for a building permit to the Planning Board for site plan approval where, in his judgment, the construction, reconstruction, alteration, or change of use will affect existing circulation, drainage, landscaping, lighting, off-street parking, or the lack of any or all of these factors or other considerations as specified in the Site Plan Ordinance.

Article X

10.3 General Conditions

- a. There shall be no minor site plan review.
- b. If the proposed site plan comes before the Planning Board for concept review and is determined to involve one (1) or more zoning discrepancies as specified in N.J.S.A. 40:55D-70d, the applications for site plan approval and zoning ordinance variance shall be referred to the Zoning Board of Adjustment for its review and decision on both. The referral shall be accompanied by a report and recommendation from the Planning Board.
- c. Where a site plan involves a zoning discrepancy as described in N.J.S.A. 40:55D-70c, the Planning Board shall have the power to review the applications for site plan approval and a variance at the same time and render its decision thereon.
- d. If the proposed site plan comes before the Planning Board for concept review and is determined to involve one (1) or more zoning discrepancies as described in N.J.S.A. 40:55D-70a, 70b or 70d the applications for site plan approval and zoning ordinance variance shall be referred to the Zoning Board of Adjustment for its review and decision on both. The referral shall be accompanied by a report and recommendation from the Planning Board.
- e. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Board and without the Board being required to hold further hearings. The longest time period for action by the Board, whether it be subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to the Site Plan Ordinance, notice of the hearing on the plat shall include reference to the request for such conditional use.

10.4 Time for Decision on Applications

- a. For preliminary site plan approval only, the Board shall grant or deny approval of a site plan for 10 acres of land or less within 45 days of the submission of a completed site plan application; or within 95 days for more than 10 acres of land, or within such further time as may be consented to by the applicant. Otherwise, the Board shall be deemed to have granted preliminary approval of the site plan.

- b. For preliminary site plan approval in conjunction with requests for variances pursuant to N.J.S.A. 40:55D-70c, the Board shall grant or deny approval within 95 days of the submission of a completed site plan application or within such further time as may be consented to by the applicant. Otherwise, the Board shall be deemed to have granted preliminary approval of the site plan.
- c. For preliminary site plan approval in conjunction with requests for conditional uses pursuant to N.J.S.A. 40:55D-66, the Board shall grant or deny approval within 95 days of the submission of a completed site plan application or within such further time as may be consented to by the applicant. Otherwise, the Board shall be deemed to have granted preliminary approval of the site plan.
- d. If the Board fails to act within the prescribed time period, a certificate shall be issued by the Secretary of the Board setting forth the failure of the Board to act and said certificate shall be deemed sufficient in lieu of written endorsement or other evidence of approval required and shall be so accepted by the Clerk of Hudson County for the purpose of filing subdivision plats.
- e. Applications for final site plan approval shall not be submitted for Planning Board review until the building or buildings receiving preliminary approval are completed and an inspection by the Board or its designated representative has verified the fulfillment of all conditions granted in preliminary approval.

10.5 Procedures, Hearings, Notice

- a. Ten (10) copies of the application form (to be provided by the Board secretary) and ten (10) copies of all maps and written reports as specified below and in the Site Plan Ordinance shall be submitted to the Board.
- b. The Board shall notify the applicant within 45 days of the submission of the application whether it is complete. Otherwise it shall be deemed complete. If the application is incomplete, it shall be returned to the applicant for completion and resubmission.

Article X

- c. If the application before the Board is solely for site plan review, the Board shall hold a hearing on said application at its next regularly scheduled public meeting or at any special meeting properly scheduled for the hearing of the application, provided, however, that no hearing shall be held less than 14 days after receipt of a complete submission for site plan review. Pursuant to NJSA 40:55D-12a(1), no public notice of the hearing shall be given unless the Board shall schedule a special meeting for purposes of hearing the application. In either event, no notice need be given to those normally entitled to receive notice pursuant to N.J.S.A. 40:55D-12a, b, c, d, e, f, and g.
- d. If the site plan review is conducted concurrently with applications for a variance, planned development or conditional use, public hearings and notice are required pursuant to N.J.S.A. 40:55D-12.
- e. Whenever review of the application by the County Planning Board is required in accordance with N.J.S.A. 40:27-6.6, the Board shall condition any approval that it grants on timely receipt of a favorable report by the County Planning Board or approval by the County Planning Board evidenced by failure to report thereon within thirty days of receipt of the application, unless, by mutual agreement between the Board and the County Planning Board, and with the approval of the applicant, the 30 day period shall be extended for an additional 30 day period.
- f. Preliminary approval of a site plan pursuant to N.J.S.A. 40:55D-46 shall confer upon the applicant, for a three year period, the rights specified in N.J.S.A. 40:55D-49. Final site plan approval shall be controlled by N.J.S.A. 40:55D-52.
- g. The Planning Board shall grant final approval within 45 days after submission of a complete application (or within such further time as may be consented to by the applicant) if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards required by the "Map Filing Law" (P.L. 1960, c.141 C.46:23-9.9 et seq. or as amended). See N.J.S.A. 40:55D-50 regarding planned unit developments.

10.6 Submission Requirements

a. General Requirements

- 1) All applications for site plan approval shall be prepared by a professional engineer, land surveyor or architect and shall be drawn to a scale of not smaller than one (1) inch equals fifty (50) feet. All information shall conform to the requirements and the intent of the Site Plan Ordinance, Articles 5 and 6 respectively.
- 2) All drawings shall show the title of the development, north arrow, scale, block and lot number; name and address of record owner (if the owner is a corporation, the name and address of the president and secretary shall be submitted with the application); name, address, license number and seal of the person preparing the site plan.

b. Required Drawings & Plans

- 1) Key map: a map showing at least a 400-foot radius around the subject tract showing zoning district boundaries and surrounding street intersections (a zoning map may be used).
- 2) Tax lot map: a map showing the subject lot and all lots within a 200-foot radius indicating block and lot numbers accompanied by a list of the names of all owners of record of lots shown on the map; lot line dimensions of the subject lot shall be shown in feet and decimals of feet.
- 3) Survey (signed and sealed): showing existing buildings and structures with spot elevations, existing contours, rock outcrops, watercourses, boundaries of the subject parcel and limits of all proposed streets, recreation areas and other property to be dedicated to public use. Point elevations shall be provided at 50ft. stations along the center line of the road fronting the property and along the curb line and one point for each 500 sq. ft. of lot area. Written description of metes and bounds of subject property shall be provided for all subdivisions.
- 4) Zoning compliance table: a table comparing zoning requirements to the proposed project in four separate columns - all applicable zoning section numbers, required dimensions (lot size, yards, floor area, building height, parking, etc.), proposed conditions, and need for variances.

Article X

- 5) Site plan: drawings showing location, plan and elevation of all existing and proposed buildings, property and lot boundaries, required setback lines, proposed vehicular ingress and egress, existing streets with all distances measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street; existing reservations, easements and areas dedicated to public use (including grants, restrictions and rights-of-way); proposed floor area, number of residents and/or employees, housing units or other capacity measurements shall be indicated on the drawing.
- 6) Landscaping, screening, lighting & signs: proposed screening, landscaping and planting plan showing natural vegetation to remain and type of vegetation to be planted; proposed outdoor lighting showing location, direction and radius of illumination, power and time of lighting; location, dimensions and details of signs.
- 7) Paving plan: all proposed streets with profiles, location and width of sidewalks; proposed vehicular ingress and egress showing curb cuts, etc.; parking and loading showing number of parking spaces, dimensions of stalls, turning radii, access aisles, etc.
- 8) Storm drainage: developments with a total lot coverage of more than 5,000 sq.ft. shall provide a proposed storm water drainage plan accompanied by a plan sketch showing existing drainage within 500 feet of any boundary and all paved areas contributing to the calculations.
- 9) Covenants & deed restrictions: a map or copy of any covenants, deed restrictions or exceptions that are in effect or are intended to cover all or part of the lot.
- 10) Recycling Plan: the Municipal Land Use Law requires that residential developments creating more than 50 single-family homes or more than 25 units of multi-family housing as well as non-residential developments occupying more than 1,000 square feet of land area provide a recycling plan at the time of site plan review. North Bergen's recycling ordinance requires that developments of any size must recycle. The plan shall show what materials will be collected, where they will be stored, where and by whom they will be picked up and with what frequency, the amount of material projected to be generated and how much storage area will be required for each material. See Article X; Section 10.7 below for state and local minimum standards for projecting and providing storage and handling space.

10.7 Special Submission Requirements: Recycling Plan

Storage and projection standards are provided below based on standards promulgated by the Hudson County Utilities Authority.

a. Standards for Storage

1) Residential development: sufficient storage for a week's worth of recyclables shall be provided both within each dwelling unit and, if multi-family, in a common area as specified below.

(a) Size: sufficient for 8 gallons of storage in each unit; 3 square feet for each three-tier stack unit or for three to four-gallon buckets.

(b) Location

(1) Multi-family: under kitchen sink or in closet of each dwelling unit as well as in a common area near the refuse receptacle or a laundry room (preferably on each floor); a central storage area should be located so as to facilitate pick-up.

(2) Single-family homes: same as for apartment or in laundry room, basement or garage.

Article X

2) Commercial/industrial development: sufficient storage space for a week's worth of recyclables.

(a) Size: if development generates a large volume of recyclables, the loading dock area shall be sufficient to hold small dumpsters, 55-gallon containers or 4ft. x 4ft. x 4ft. Gaylord containers or hampers which can be picked up by a fork lift. If a non-residential use is not large enough to require a loading dock under the provisions of the zoning ordinance, the recycling plan shall provide for pick-up times frequent enough to make large storage areas unnecessary.

(b) Location: storage shall be provided indoors or, if outdoors, it shall be screened by a shed-like enclosure.

b. Standards for projection.

1) Average generation rates are as follows:

<u>Recyclable</u>	<u>Pounds/Person/Week</u>
glass	1.25 - 1.75 lbs.
aluminum	0.10 lbs.
tin cans	1.50 lbs.
corrugated	2.00 - 2.50 lbs.
hi-grade office paper	5 lbs./worker
mixed office paper	8 lbs./worker

- 2) Weight-to-volume ratios: some of these items may not be permitted at the time of application; it is the applicant's responsibility to refer to the local recycling ordinance and related regulations at the time of submission to determine which items are to be recycled and in what form (e.g. crushed).

<u>Recyclable</u>	<u>Weight-to-Volume Ratio</u>
<u>Glass</u>	
loose, whole	600 lbs. = 1 cu.yd. 175 lbs. = 55 gal. drum
semi-crushed	1000 lbs. = 1 cu.yd. 300 lbs. = 55 gal. drum
crushed	1800 lbs. = 1 cu.yd. 550 lbs. = 55 gal. drum
<u>Newspaper</u>	
stacked	600 lbs. = 1 cu.yd. 30-35 lbs. = 1 (12")stack
<u>Aluminum cans</u>	
whole	74 lbs. = 1 cu.yd. 1.5 lbs. = 1 grocery bag 21 lbs. = 1 lg. plastic bag
flattened	250 lbs. = 1 cu.yd.
<u>Tin cans</u>	
whole	1800 cans, 150lbs. = 1cu.yd. 1 lb. = 12 cans
flattened	850 lbs. = 1 cu.yd.
<u>Leaves/Chips/Grass</u>	
leaves, uncomp.	250 lbs. = 1 cu.yd. 1 ton = 8 cu.yd.
leaves, compacted	450 lbs. = 1 cu.yd. 1 ton = 4.44 cu.yd.
wood chips	500 lbs. = 1 cu.yd. 1 ton = 4.44 cu.yd.
grass clippings	404 lbs. = 1 cu.yd. 1 ton = 4.95 cu.yd.

Other materials (See Recycling Ordinance)

Article X

10.8 Special Submission Requirements: Planned Developments: General Development Plans/Waterfront District P-1

a. General Development Plan: Contents.

The applicant for a planned unit residential development (PURD), residential cluster, or planned commercial development (PCD) in the P-1 Zone shall submit a general development plan for the property which is the subject of the development application. The general development plan shall contain the following:

- 1) A general land use plan at a scale no greater than one inch equals 100 feet, indicating the tract area and general location of the land uses to be included in the planned development. The total number of dwelling units, their bedroom distribution count, the amount of any nonresidential floor area to be provided, and the proposed acreage to be devoted to residential and nonresidential uses shall be identified. In addition, the proposed types of nonresidential uses to be included in the planned development shall be identified.
- 2) A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, and any proposed physical improvement to the existing transportation system, accompanied by a traffic report identifying the impacts of the project on the area and assessing the need for improvements.
- 3) An open space plan showing the proposed area and general location of land to be set aside for open space, recreation and landscape amenity, and a general description of improvements to be made, including a plan for the operation and maintenance of any common open space and recreation lands.
- 4) A utility plan indicating the need for and showing the proposed location of water and sewerage lines and any drainage facilities necessitated by the proposed development, and the proposed methods of handling solid waste disposal.
- 5) A stormwater management plan setting forth the proposed method of controlling and management of stormwater on the site.
- 6) An environmental inventory, including a general description of vegetation, soils, topography, geology, surface hydrology, and existing structures, and the probable impact of the development on the environmental attributes of the site.

- 7) A housing plan outlining the number of housing units to be provided, their bedroom distribution count and size of units.
- 8) A fiscal report describing the anticipated demand on municipal services to be generated and impacts to be faced by the municipality and local school district as a result of the project completion and relative to the project's anticipated timing schedule, and a projection of property tax revenue.
- 9) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who may occupy a section of the planned development prior to the completion of the development in its entirety.
- 10) A map of the view corridors crossing the site shall be provided by the applicant. Such map shall show the corridors stretching from the water's edge back to the mapped streets along Boulevard East. The subject project's buildings shall be shown on the map in relation to the view corridors with their heights indicated clearly.

The approving authority may waive the submittal of one or more of the component elements set forth in Section A above, upon a determination that a particular component is not necessary to facilitate their review of the plan or its impacts upon the community.

b. Findings For Planned Development.

- 1) The approving authority shall find the following facts and conclusions regarding the planned development:
 - (a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the provisions of this Article and the Municipal Land Use Law.
 - (b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate and consistent with sound planning design standards.

Article X

- (c) That the provisions for the physical design of the development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
 - (d) That the proposed development will not have an unreasonably adverse impact upon the area in which it is to be located.
 - (e) In the case of proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents and owners of the development prior to the total completion of the development are adequate.
- 2) In the deliberations of the proposed sequence of any staging of the development, the approving authority shall be guided by the following criteria and factors:
- (a) That each stage is substantially self-functioning and self-sustaining with regard to access, utility services, parking, open space, and other similar physical features.
 - (b) That each stage is properly related to every other segment of the development and to the community as a whole and to all necessary community services which are available or which may be needed to service the development.
 - (c) That adequate protection will be provided to ensure the proper disposition of each stage through the use of maintenance and performance guaranties, covenants, etc.
 - (d) That the developer will provide a balanced distribution for development in each stage. Said distribution shall be judged on the basis of the level of improvement costs, physical planning and coordination required and other relationships which may be necessary to undertake each segment of development.
- c. Compliance with General Development Plan
Any plat for development of a portion of the planned development which is not in compliance with the general development plan shall require an amendment to the general development plan approval, including new public hearings as provided in the applicable Township ordinance.

d. Plan Submittal

- 1) An applicant may submit an application for site plan approval for the entire planned development or for individual sections of the planned development. All submittals for site plan approval shall be prepared, signed and sealed by a licensed engineer, architect, or professional planner as prescribed by statute. It shall bear the signature and seal of a licensed surveyor as to boundary survey and topographic data.
- 2) All plans shall contain the information and data as set forth in Section 1B herein and as set forth in the Township Ordinance enumerating site plan submittal requirements.
- 3) An applicant is entitled to request a waiver from submittal requirements. Waiver requests shall be in writing and shall set forth the reasons why a waiver from a particular requirement is being requested. The approving authority shall review each item for which a waiver is being requested, evaluate the waiver request within the context of the overall submittal, and place its decision on the record for each item for which a waiver is requested.

e. Pre-application Meeting

- 1) Any applicant intending to submit a development application for a planned development may request a pre-application meeting with the approving authority the purpose of preliminary discussions, to acquaint the approving authority with the project, and to ensure that the applicant is familiar with the Township procedures and requirements.
- 2) Requests for a pre-application meeting shall be submitted to the administrative officer not less than ten days prior to a regularly scheduled meeting of the approving authority. The following information and plans shall be submitted:
 - (a) General information including names of the applicant and owner of the property, boundary of the tract, utilities serving the site, easements affecting the property, proposed type and density of the residential component of the project and proposed uses and intensities of use of nonresidential development, and the relationship of the proposed development to existing development in the area.

Article X

- (b) A sketch plan showing the general concept indicating the preliminary arrangement of structures, location of roadways, and distribution of uses, and topographic map of the site.
 - 3) In accordance with NJSA 40:55D-10.1 of the Municipal Land Use Law, the developer shall not be bound by any concept plan for which review is requested, and the approving authority shall not be bound by any such review.
 - 4) The applicant may submit plans for preliminary approval at any time following the pre-application meeting.
- f. Procedure for General Development Plan.
 - 1) Required submittal. The general development plan shall contain the Information as required and set forth in Section 1 above. The required data shall be submitted to the administrative officer no less than ten days prior to a regularly scheduled meeting of the approving authority.
 - 2) Time period for decision. The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application or within such further time as may be consented to by the applicant or as otherwise provided by statute.
- g. Procedures for Site Plan and Subdivision Approval.
 - 1) The applicant may submit site plan and subdivision plans for sections of the planned development at any time, either concurrent with the general development plan or following the submittal of the general development plan. Action on site plans or subdivision plans shall not be undertaken until the general development plan is approved.
 - 2) All plans for development shall be substantially consistent with the approved general development plan.
 - 3) Site plan and subdivisions shall be submitted pursuant to the applicable site plan and subdivision regulations of the applicable Township ordinances.

ARTICLE XI

WATERFRONT DEVELOPMENTS & PLANNED DEVELOPMENTS

11.1 General Application to All Development in Waterfront Districts

Regulations in this Article supplement those in Article III, as well as those in Article X and are to be applied in conjunction with any other regulations governing the Waterfront District. Section 11.2 below relates to planned developments in the P-1 district. Section 11.3 below relates to all other developments in either of the waterfront districts. View Corridor height restrictions apply to all developments in both districts as specified below.

11.2 Planned Developments Permitted in P-1 Waterfront District

See Article X, Section 10.8 for regulations concerning submission of general development plans, site plans and subdivisions, pre-application meetings and the findings and review procedures for planned developments.

a. Use Regulations for PURD, PCD, and Residential Cluster Developments

- 1) Permitted principal uses. Permitted principal uses in planned unit residential developments may include townhouses, multi-family residences including multi-story buildings as provided herein, public and quasi-public uses, and other uses which may include marinas, retail and service commercial uses, and offices, all primarily for the benefit of the residential development.

Permitted principal uses in residential clusters may include townhouses, multi-family residences, and common open space uses designed primarily for the benefit of the residential development.

Permitted principal uses in planned commercial developments may include those uses enumerated above for planned unit residential developments; however, the distribution of uses shall comply with minimum and maximum limits as delineated in Section 11.2.b below.

- 2) Permitted accessory uses. Permitted accessory uses in planned developments may include off-street parking and loading, recreation facilities and open spaces serving the residents of the planned development, signage, fences, and related elements which are commonly ancillary to the principal permitted use.

Article XI

b. Distribution of Uses: Ranges of Ratios

- 1) Delineation on plan. The applicant shall identify the gross acreage which is proposed to be allocated to residential, nonresidential, open space and other components comprising the planned development.
- 2) Minimum and maximum limits for various types of uses. The distribution of uses within a planned development shall comply with the following:

- (a) For Planned Unit Residential Developments: A maximum of 75 percent of the acreage of a planned residential development shall be allocated to residential use, potential first floor commercial use, and its associated parking needs. A minimum of twenty-five percent of the gross acreage of the development shall be allocated to active/passive open space use and landscape amenity.

In no event shall more than 25,000 square feet of floor area be devoted to retail and service commercial uses and offices in a planned unit residential development. Retail and service commercial uses and office uses within a multi-family residential building shall be permitted provided that such uses are restricted to the lobby/first floor level of the building.

- (b) For Residential Cluster Development: A minimum of twenty-five percent of the gross acreage of a residential cluster development shall be allocated to active/passive common open space use and landscape amenity.
- (c) For Planned Commercial Developments: A maximum of 65 percent of the acreage of a planned commercial development shall be allocated to commercial or office use and the associated parking needs. A minimum of twenty-five percent of the gross acreage of the development shall be allocated to open space and landscape amenity. The remaining portion may be devoted to residential use and marinas.

c. Area and Bulk Requirements/Waterfront District P-1 (See Article III, Table 3.10.a)

d. Supplemental Regulations/Waterfront District P-1

- 1) Building Orientation. Residential and office buildings located along the waterfront shall be required to have their longest dimension in an east-west orientation in order to maximize the views of the New York skyline.
- 2) Height Regulations. Rooftop appurtenances such as elevator enclosures, condensers, chimneys, and similar mechanical equipment shall be permitted as follows:
 - (a) The maximum vertical height of said appurtenances shall not exceed seventeen (17) feet in height.
 - (b) The total square footage of all rooftop appurtenances shall not exceed fifteen percent (15%) of the gross roof area.
- 3) Waterfront walkway. All developments on the waterfront shall be required to provide a waterfront walkway. The walkway shall be designed pursuant to the New Jersey Department of Environmental Protection publication entitled "Hudson River Waterfront Walkway Design Standards", 1989 (as revised).
- 4) Parking Facilities. The top deck of a multi-level parking facility may be used to calculate open space requirements, provided the decked area shall be landscaped and designed for the active use of the owners and/or residents of the development. A multi-level parking facility shall not exceed three levels or 30 feet in height. Any multi-level parking deck shall be setback 25 feet from any property line; provided that the setback may be reduced to 10 feet if the 10 foot area is suitably landscaped with both foundation and buffer planting, and further provided that a minimum of ten percent of the top deck level of the parking deck shall be comprised of landscaping.

Article XI

11.3 Supplementary Lot, Height, Yard & Landscaping Regulations

a. Lot Regulations

1) Lot Access (Vehicular)

(a) River Road

Any site having vehicular access to River Road must provide an entrance and exit designed for safe and smooth vehicular movements on and off the road (e.g. acceleration and deceleration lanes) and a two-way driveway sufficient to prevent stacking on River Road built in accordance to engineering standards in effect and as set forth ENO Foundation for Highway Traffic Control. See Figure 11.

(b) Slope Exceeding 12%

No vehicular access with a slope exceeding 12% will be permitted onto any road. See Figure 12.

2) Lot Access (Public: Pedestrians and Cyclists)

(a) P-1: Riverside

As it is the intent of this ordinance to make available to the public at large the ability to pass physically and visually along the waterfront and since most of the Riverside zone falls within the jurisdiction of NJDEP's Coastal Resource and Development Policies, developers of waterfront properties will have to comply with NJAC 7:7E-7.5(c) and 7:7E-8.13. Design standards per NJDEP's Pathway Guidelines shall be used as minimum throughout the P-1: Riverside Zone.

(b) P-2: Edgecliff

Developers of lots which include the edge of the Palisades cliff shall provide a 10 ft. wide easement parallel to Boulevard East to be improved by the developer for pedestrians and/or cyclists and dedicated to the Township. No structure exceeding 3 feet in height shall be erected between the pathway and the edge of the cliff.

3) Lot Coverage

Calculation of building coverage on a lot comprised partially of water shall not include land under water.

b. Height Regulation

1) General Application and Permitted Exceptions

In recognition of the Township's desire to protect the natural beauty of the Palisades, there are special height regulations in the P-1: Riverside and P-2: Edgecliff districts. See Section 11.2.d above for height regulations regarding planned developments in the P-1 district and Section 11.4 below for the special limitations of view corridors.

No building or structure shall be higher than the height permitted in the district where such building is located. Such height shall be measured to the top of the following:

- transmission towers or cables;
- spires or cupolas;
- elevator or stair bulkheads;
- parapets or railings;
- cooling towers, or any similar structures.

The height limitation shall not apply to the following provided that in their aggregate coverage such structures occupy no more than 10% of the roof area of the building.

- flagpoles;
- radio or television antennas;
- chimneys

2) Measurement and Specific Application

(a) P-1: Riverside

Any structure built in this zone shall have its final elevation no higher than 50 feet (if non-residential) or 120 feet (if residential) above the center line of River Road at a point along a horizontal line perpendicular to the midpoint of the lot line parallel to and closest to River Road. Applicant shall provide a survey of the subject property showing spot elevations and the final elevation of the proposed building pursuant to Figure 14.

Article XI

(b) P-2: Edgecliff

Any structure built in this zone with access from River Road or Bulls Ferry Road shall have its final elevation no higher than 75 feet above the center line of River Road (subject to view corridor regulations) at a point along a horizontal line perpendicular to the midpoint of the lot line parallel to and closest to River Road. Applicant shall provide a survey of the subject property showing spot elevations and the final elevation of the proposed building pursuant to Figure 14. Lots with its only vehicular and pedestrian access from Boulevard East shall have a building height not to exceed 50 feet. (subject to view corridor regulations)

c. Yard Regulations

As in Article IV, Section 4.4 above except as modified herein

1) Front Yards

In Zone P-2, no front yard will be required other than that necessary to comply with the standards cited in that section and to provide a 15 foot setback for a paved sidewalk to be installed by the developer.

2) Rear Yards

In lots having a slope of 30% or more, the rear yard shall be measured horizontally from the first habitable floor to the cliff face. See Figure 14.

d. Special Landscaping Requirements

All lots regardless of the type of use shall have a minimum of 10% of the lot landscaped. Landscaping requirements shall be as specified in Article IV, Section 4.6 above in addition to the special requirements below:

1) Size. Plantings, except for trees, shall not exceed four feet in height so as not to interfere with visual access to the river or the cliff face. Trees shall be chosen to be of a type which give filtered shade such as birch, dogwood or Japanese maple so as not to block the view.

2) Rooftops. Landscaping shall be placed on a minimum of 50% of the building roof area in a manner designed to hide such roof structures as bulkheads, antennas and water tanks so as to soften the impact of the building structure as viewed from Boulevard East. Such landscaping shall not be included in the calculation of building height. Plant materials shall be kept pruned so as not to exceed the roof structures by more than two feet.

- 3) Landscaping Plan. The landscaping plan shall be submitted in sufficient detail to show size, type and arrangement of plant materials at full growth.

11.4 View Corridors

View Corridor Regulations. In both the P-1 and P-2 districts, view corridors of at least 50 feet in width shall be created by extending the right-of-way lines of the numbered streets from 74th Street through 79th Street eastward to the river's edge; extending the right-of-way lines of the access road on Block 438A/Lot 2.2 from River Road eastward to the river's edge as well as the line of 82nd Street; and by extending a view corridor halfway between 82nd Street & the Edgewater boundary across Block 438/Lot 4B from River Road to the river's edge as well as a final one at the Edgewater border.

Within such view corridors, no building shall be permitted to exceed five stories/50 feet in height.

ARTICLE XII

AMENDMENTS VALIDITY, REPEALER, EFFECTIVE DATE AND ENFORCEMENT

12.1 Repealer.

All prior ordinances or parts thereof inconsistent with the ordinance are hereby repealed.

12.2 Validity.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

12.3 Effective Date.

This ordinance shall take effect upon passage and publication as provided by law.

12.4 Enforcement.

The Zoning Officer shall be responsible for the enforcement of this ordinance. He may investigate any report that any building or other structure or any use existing or contemplated is or will be violative of any of the provisions of this ordinance. If he shall have reasonable cause to believe that any provision of this ordinance is being or is about to be violated, he may notify the person who appears as owner of the premises upon the latest tax list of the Township, and any person who appears to be aiding or in any way contributing to the said violation, of his belief in writing, ordering him or them, at the same time, to desist or refrain from such violation, and/or may institute any appropriate legal action or proceedings, including but not limited to a Municipal Court Complaint, to restrain, abate and/or correct such violation.

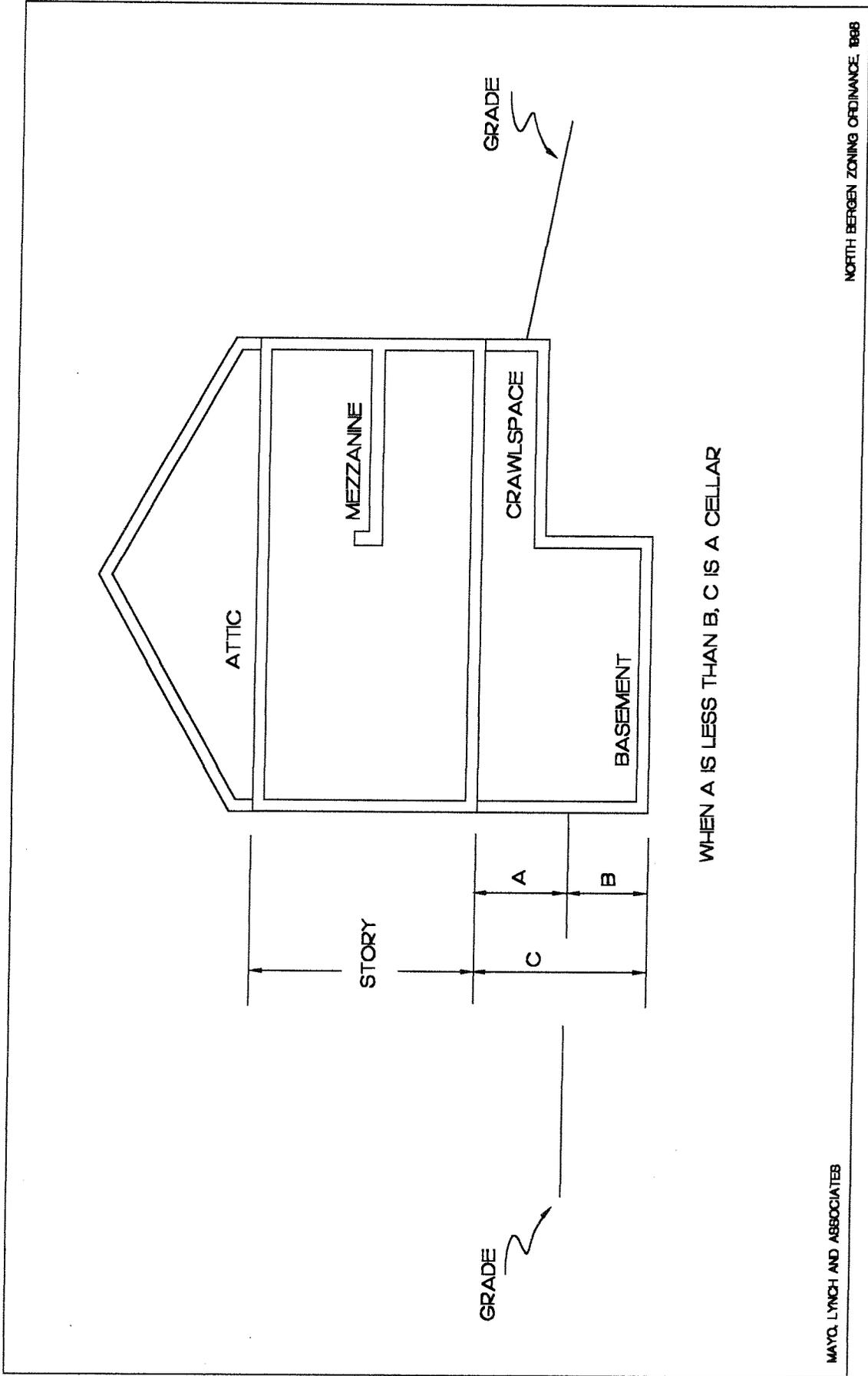
Article XII

12.5 Violations and Penalties.

For any and every violation of the provisions of this ordinance which continues after written notification of the violation is received, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessor or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent or contractor, lessee or tenant of any part of any building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall, for each and every violation, and for each and every day that such violation continues, be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the County jail not exceeding ninety (90) days, or be punished by both such fine and imprisonment, in the discretion of the Municipal Court Judge.

**APPENDIX
ZONING ILLUSTRATIONS**

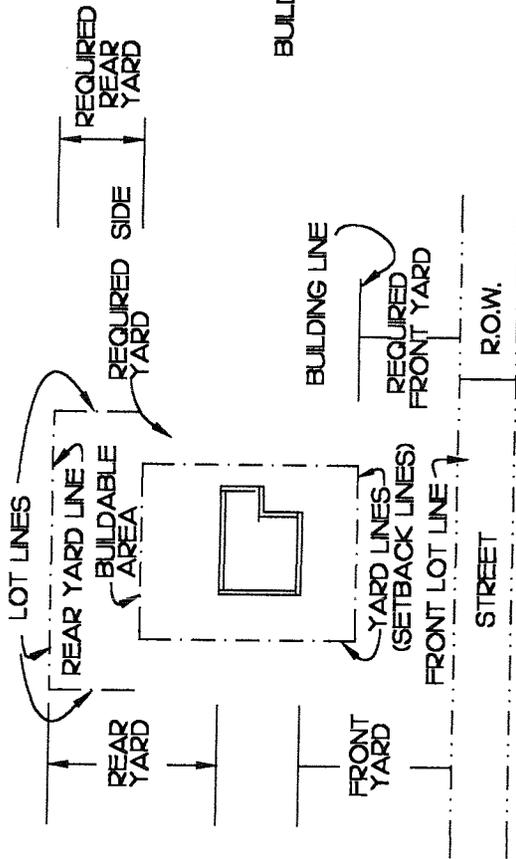
Figure 1	Basement/Cellar/Mezzanine
Figure 2	Building Coverage/Lot Coverage/Setback Line
Figure 3	Building Height
Figure 4	Floor Area Ratio (FAR)
Figure 5	Types of Lots
Figure 6	Lot Definitions
Figure 7	Story/Parapet
Figure 8	Yards
Figure 9	Sight Triangle
Figure 10	Landscaping
Figure 11	Acceleration/Deceleration Lane (Waterfront District)
Figure 12	Slope (Waterfront District)
Figure 13	Building Height (Waterfront District)
Figure 14	Rear Yard (Waterfront District)
Figure 15	View Corridors (Waterfront District)



WHEN A IS LESS THAN B, C IS A CELLAR

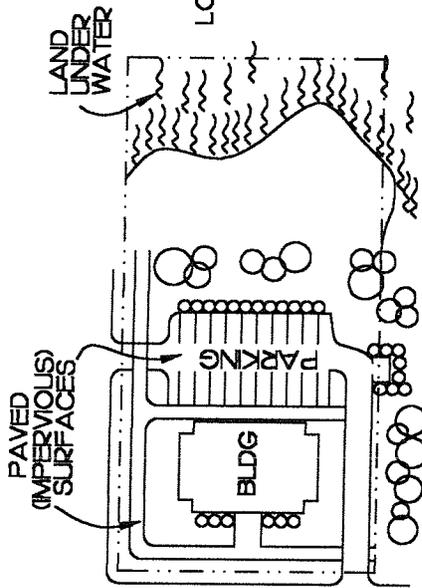
Basement/Cellar/Mezzanine
Figure 1

BUILDING COVERAGE



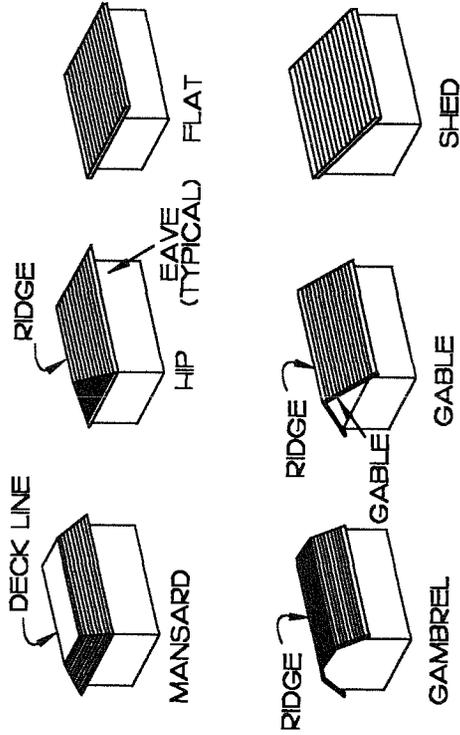
$$\text{BUILDING COVERAGE} = \frac{\text{BUILD FOOT PRINT}}{\text{LOT AREA}}$$

LOT COVERAGE

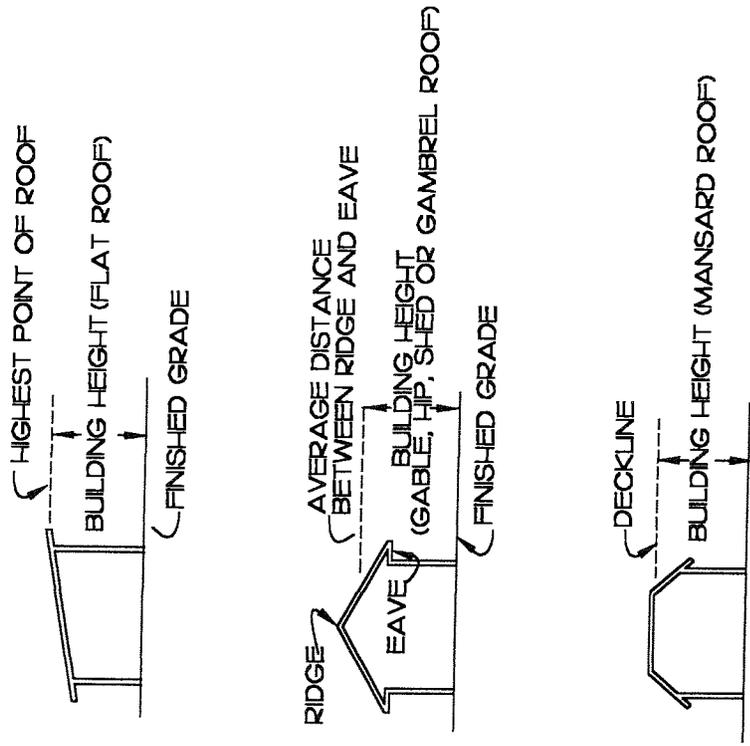


$$\text{LOT COVERAGE} = \frac{\text{BUILD FOOT PRINT} + \text{PAVED AREA}}{\text{LOT AREA} - \text{AREA LAND UNDERWATER}}$$

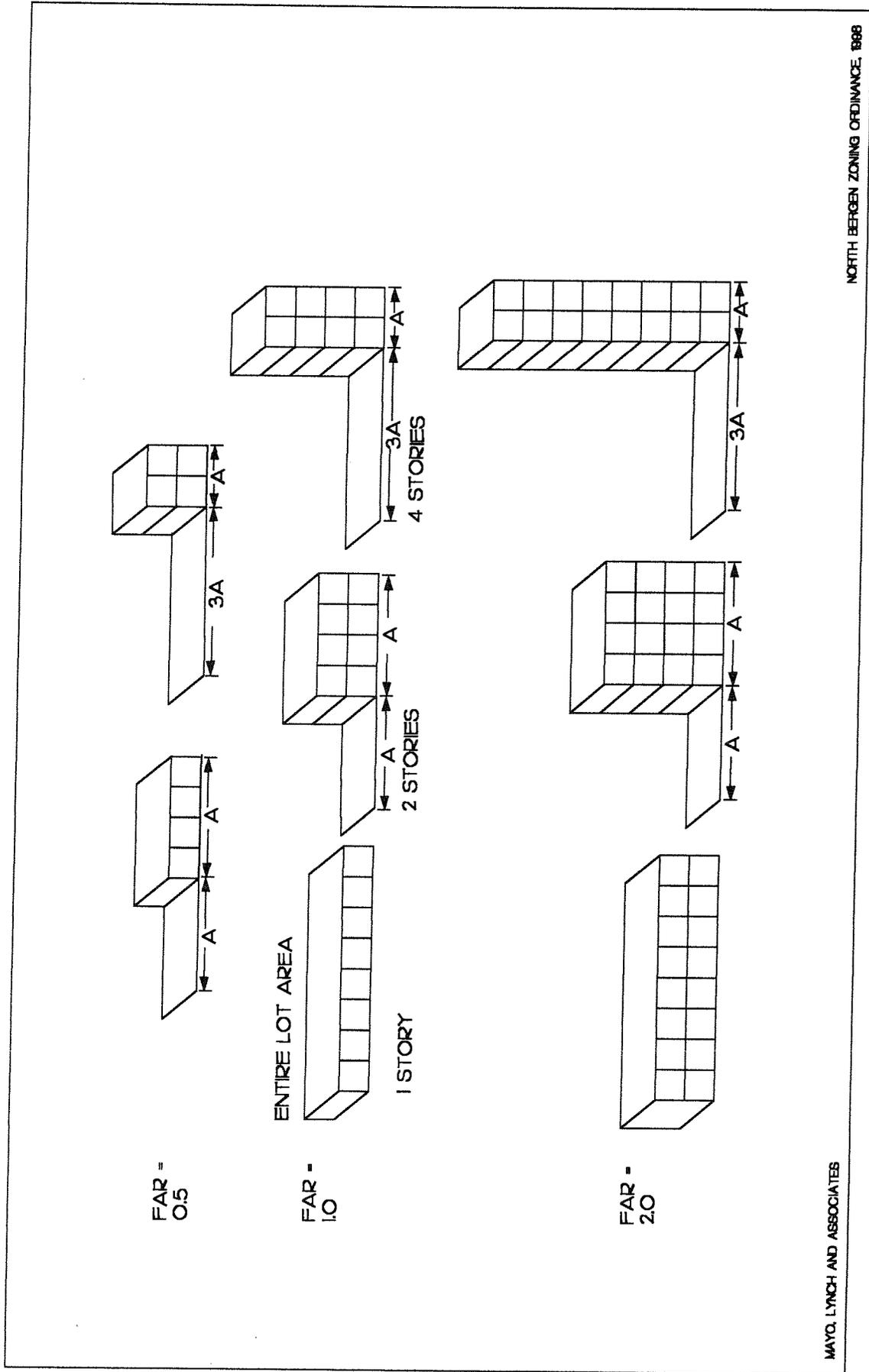
**Building Coverage/Lot Coverage
Figure 2**



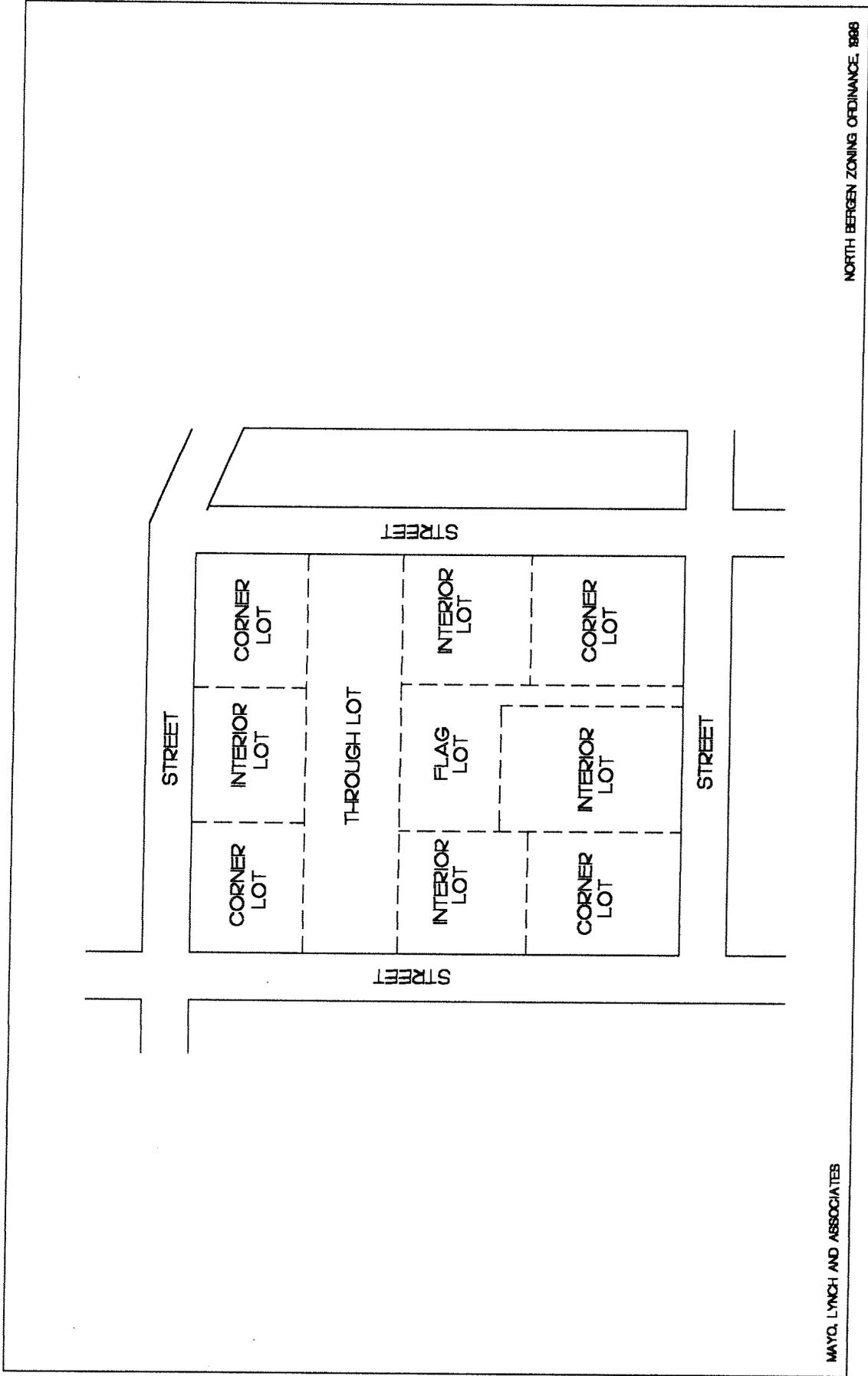
ROOF TYPES



Building Height
Figure 3



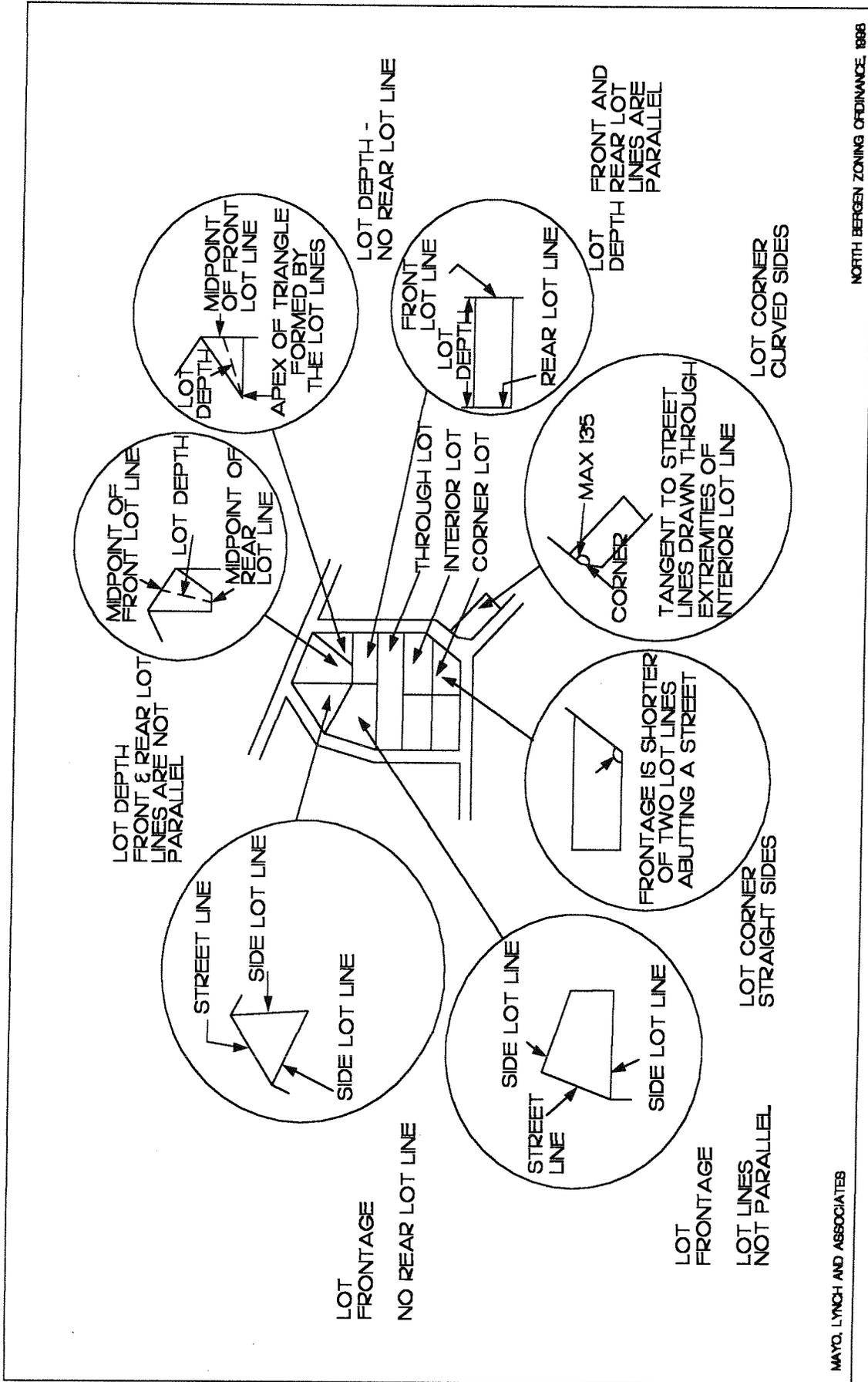
**Floor Area Ratio
Figure 4**



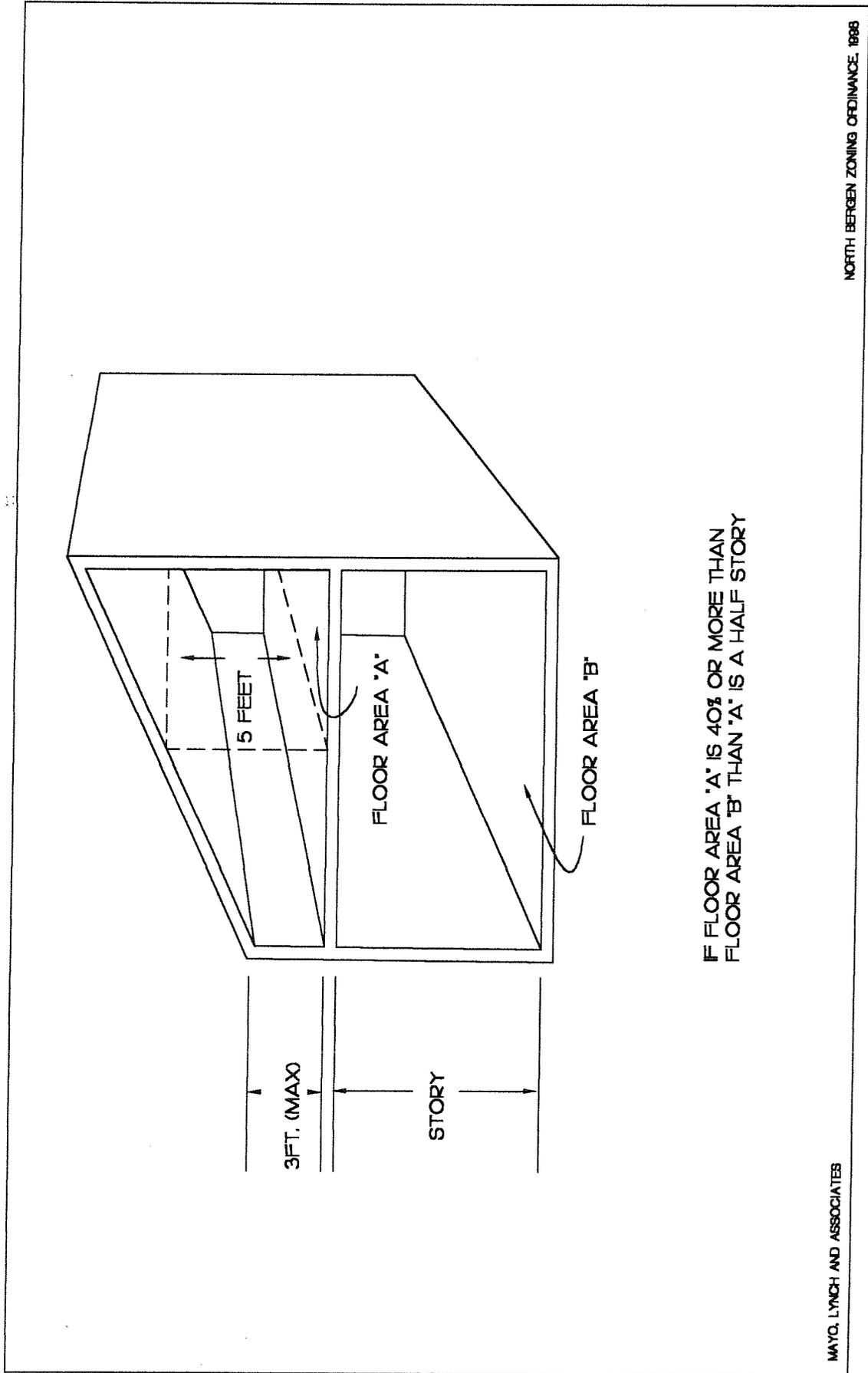
NORTH BERGEN ZONING ORDINANCE 1988

MAYO, LYNCH AND ASSOCIATES

**Types of Lots
Figure 5**



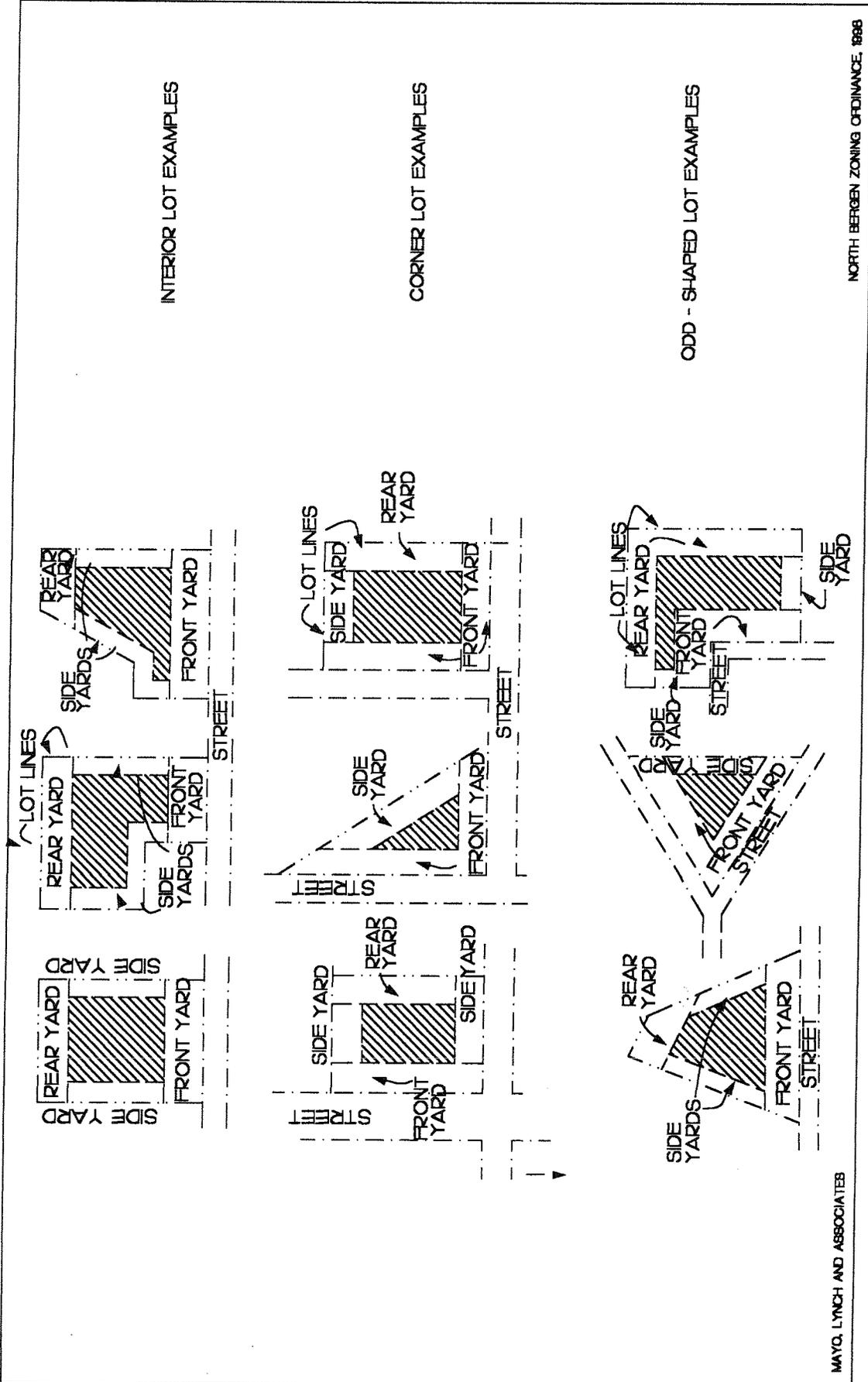
Lot Definitions
Figure 6



MAYO, LYNCH AND ASSOCIATES

NORTH BERGEN ZONING ORDINANCE, 1988

**Story/Parapet
Figure 7**



INTERIOR LOT EXAMPLES

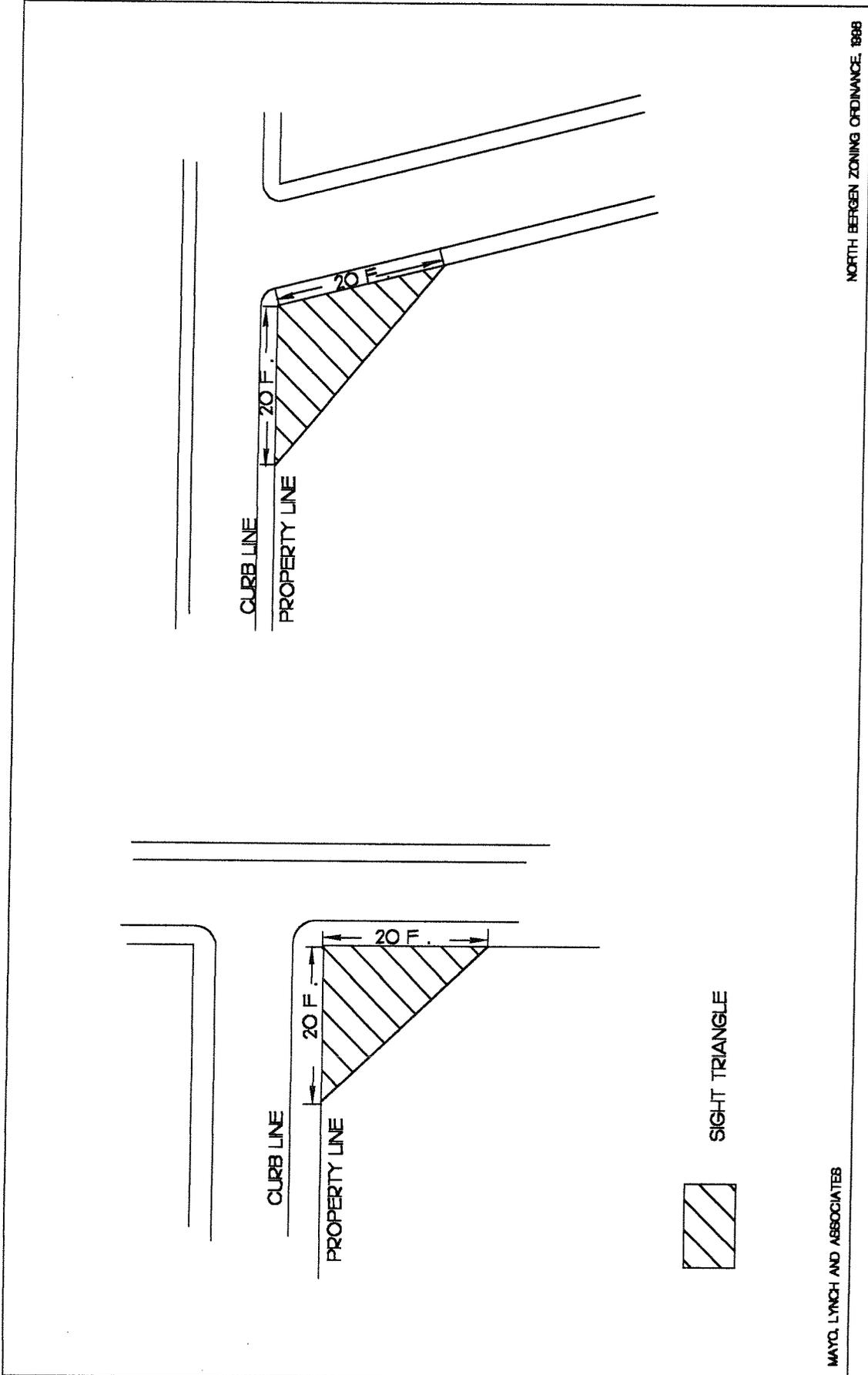
CORNER LOT EXAMPLES

ODD - SHAPED LOT EXAMPLES

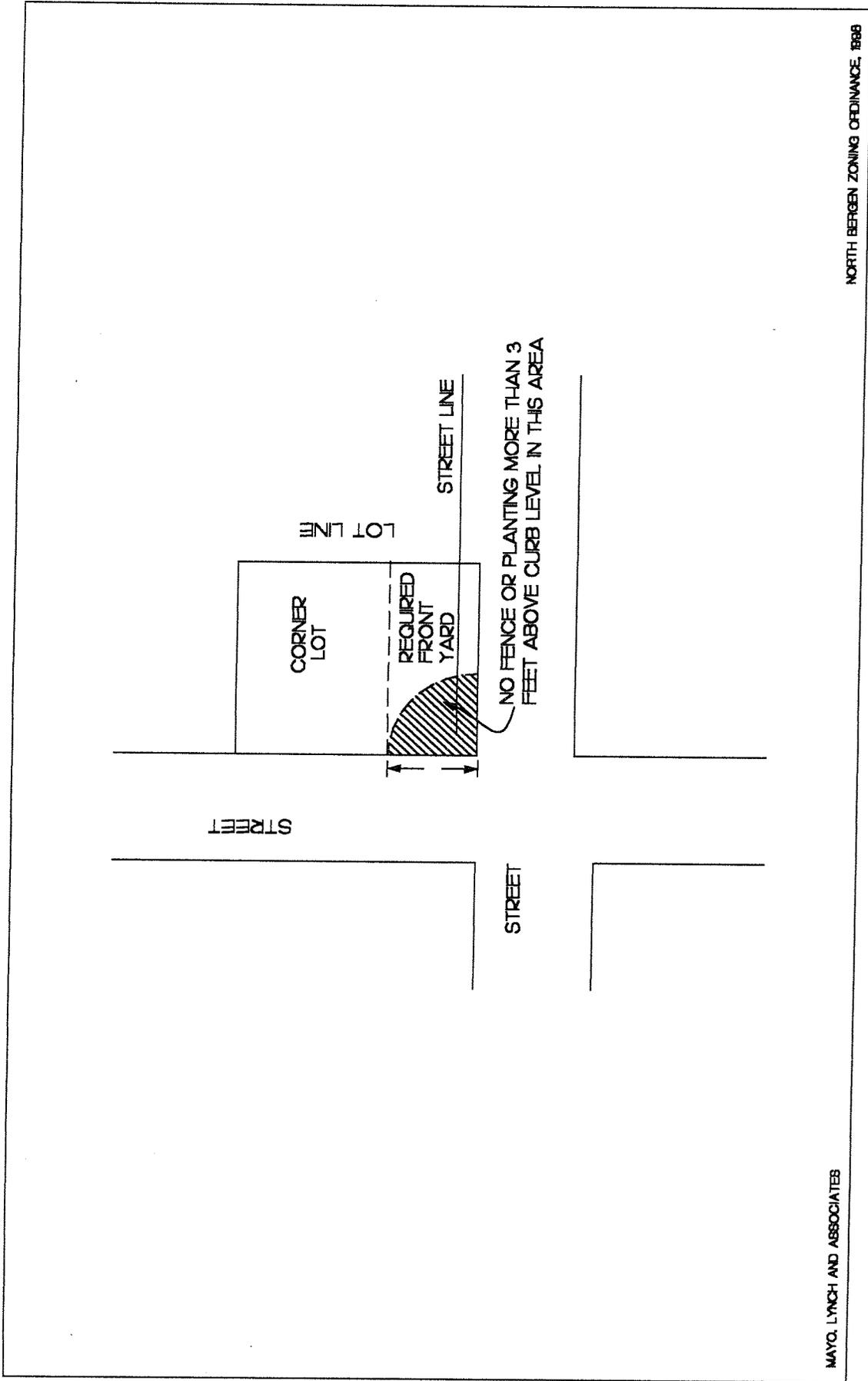
NORTH BERGEN ZONING ORDINANCE, 1988

MAYO, LYNCH AND ASSOCIATES

Yards
Figure 8



**Sight Triangle
Figure 9b**



MAYO, LYNCH AND ASSOCIATES

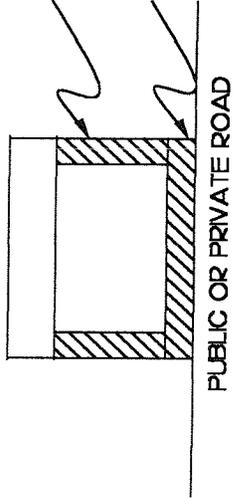
NORTH BERGEN ZONING ORDINANCE, 1988

Sight Triangle
Figure 9c

INTERIOR LOT

(A + B) PLANTING BUFFER PLUS FRONT AND SIDE YARD PLANTING MUST BE AT LEAST 10% OF LOT AREA

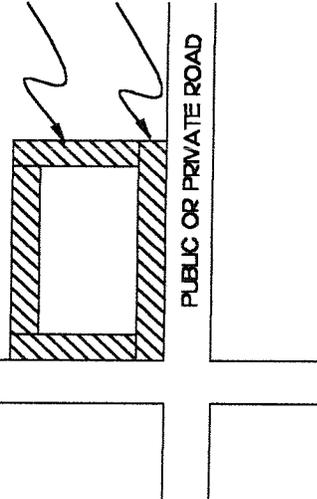
(A) MINIMUM 5 FEET WIDTH ALONG LOT FRONTAGE



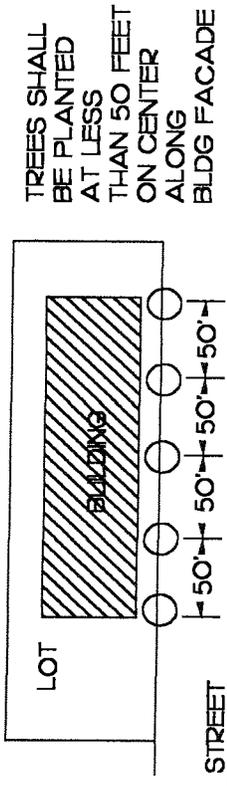
CORNER LOT

(A+B) PLANTING BUFFER PLUS FRONT AND SIDE YARD PLANTING MUST BE AT LEAST 10% OF LOT AREA

(A) MINIMUM 3 FEET DEPTH

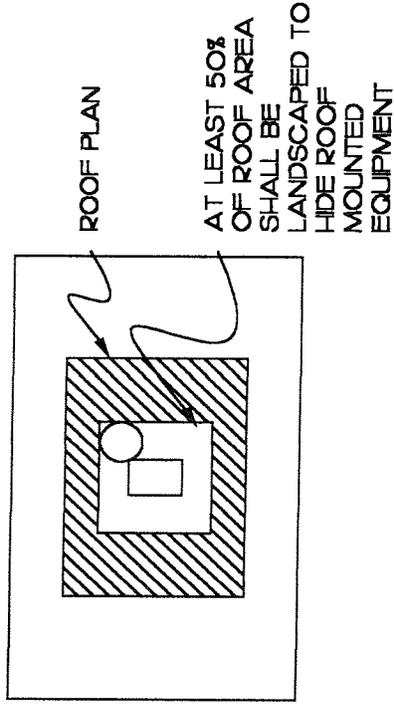


COMMERCIAL BUILDINGS



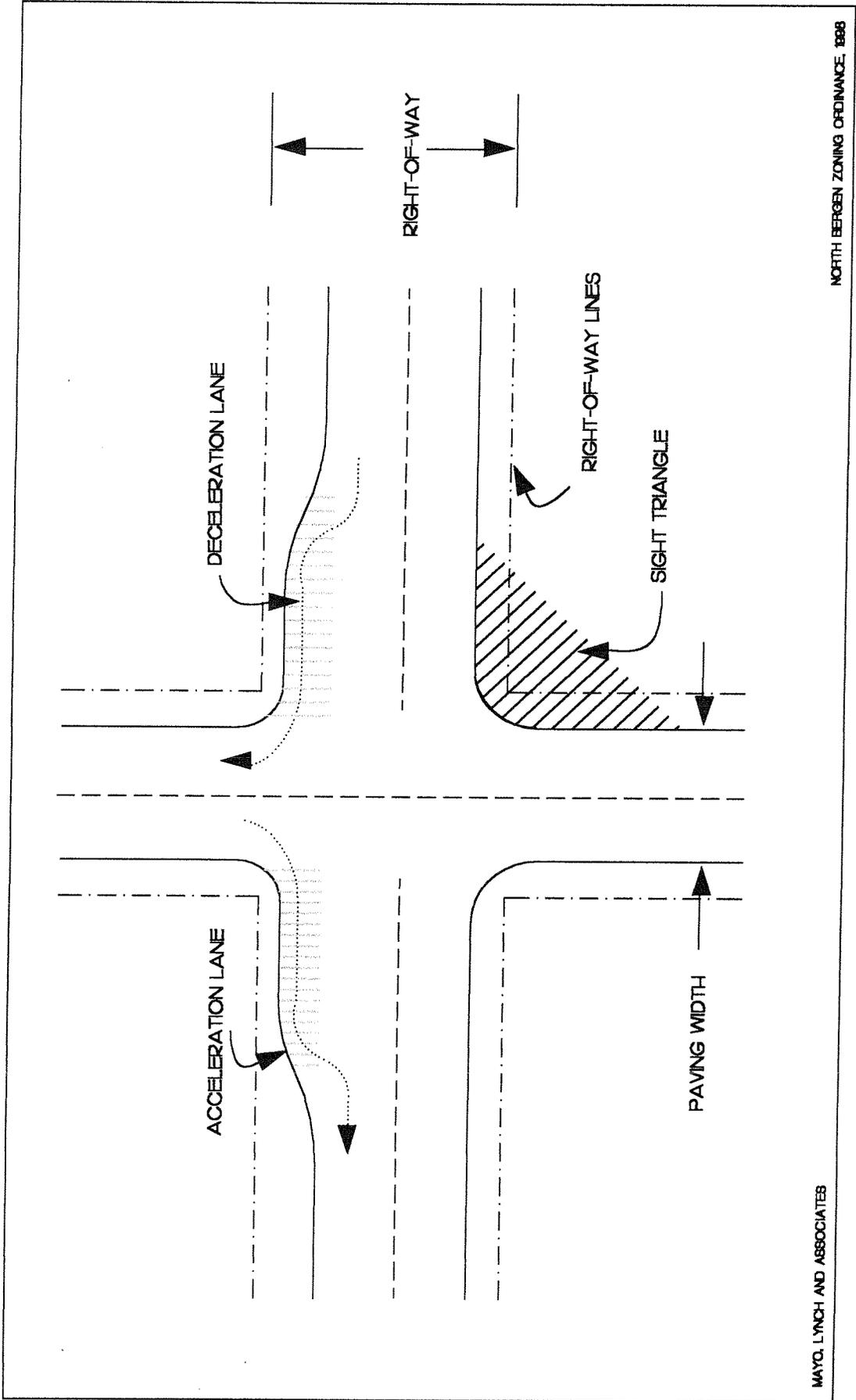
TREES SHALL BE PLANTED AT LESS THAN 50 FEET ON CENTER ALONG BLDG FACADE

WATERFRONT DISTRICTS



AT LEAST 50% OF ROOF AREA SHALL BE LANDSCAPED TO HIDE ROOF MOUNTED EQUIPMENT

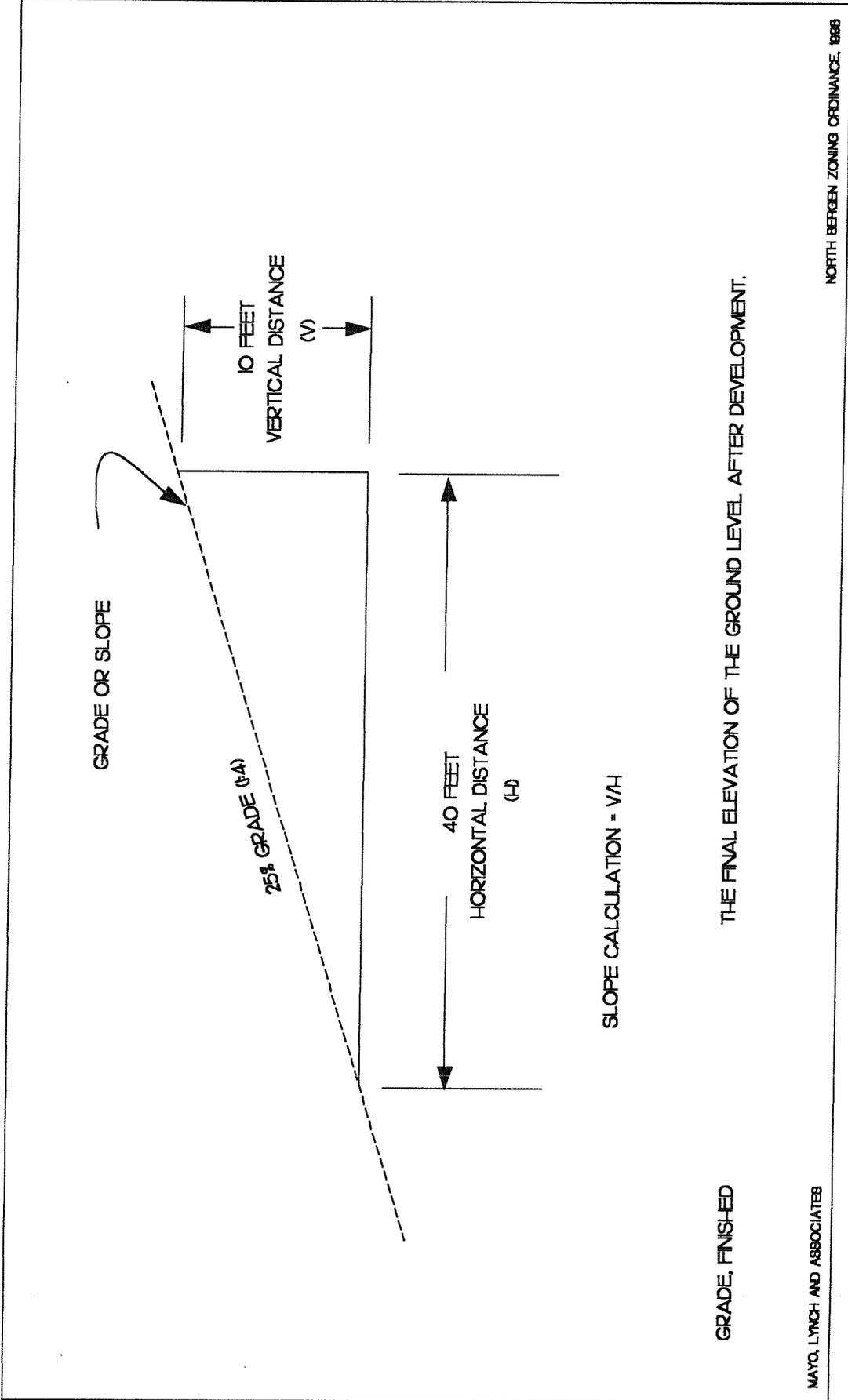
Landscaping
Figure 10



MAYO, LYNCH AND ASSOCIATES

NORTH BERGEN ZONING ORDINANCE, 1988

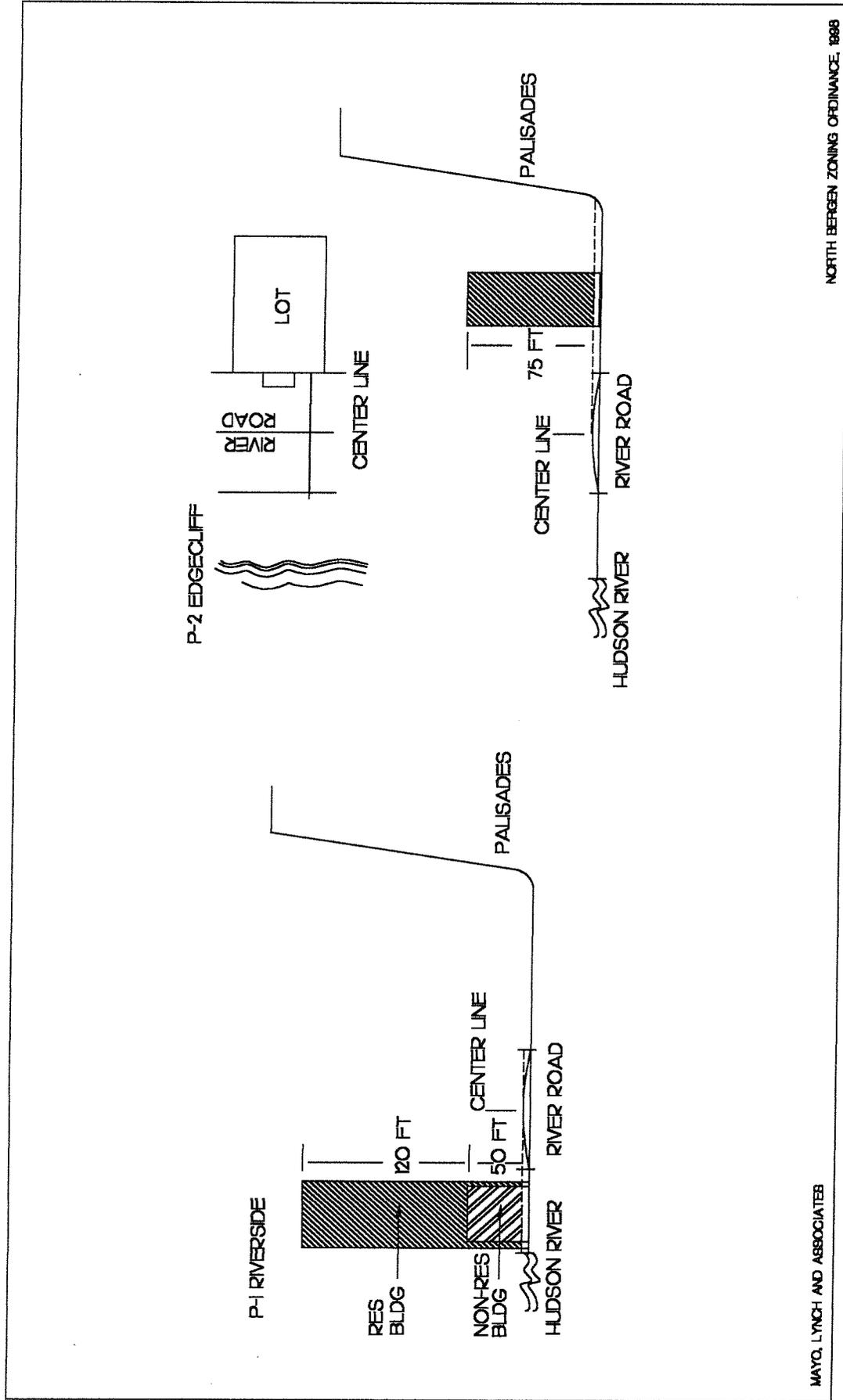
**Acceleration Lane/Deceleration Lane
Waterfront District
Figure 11**



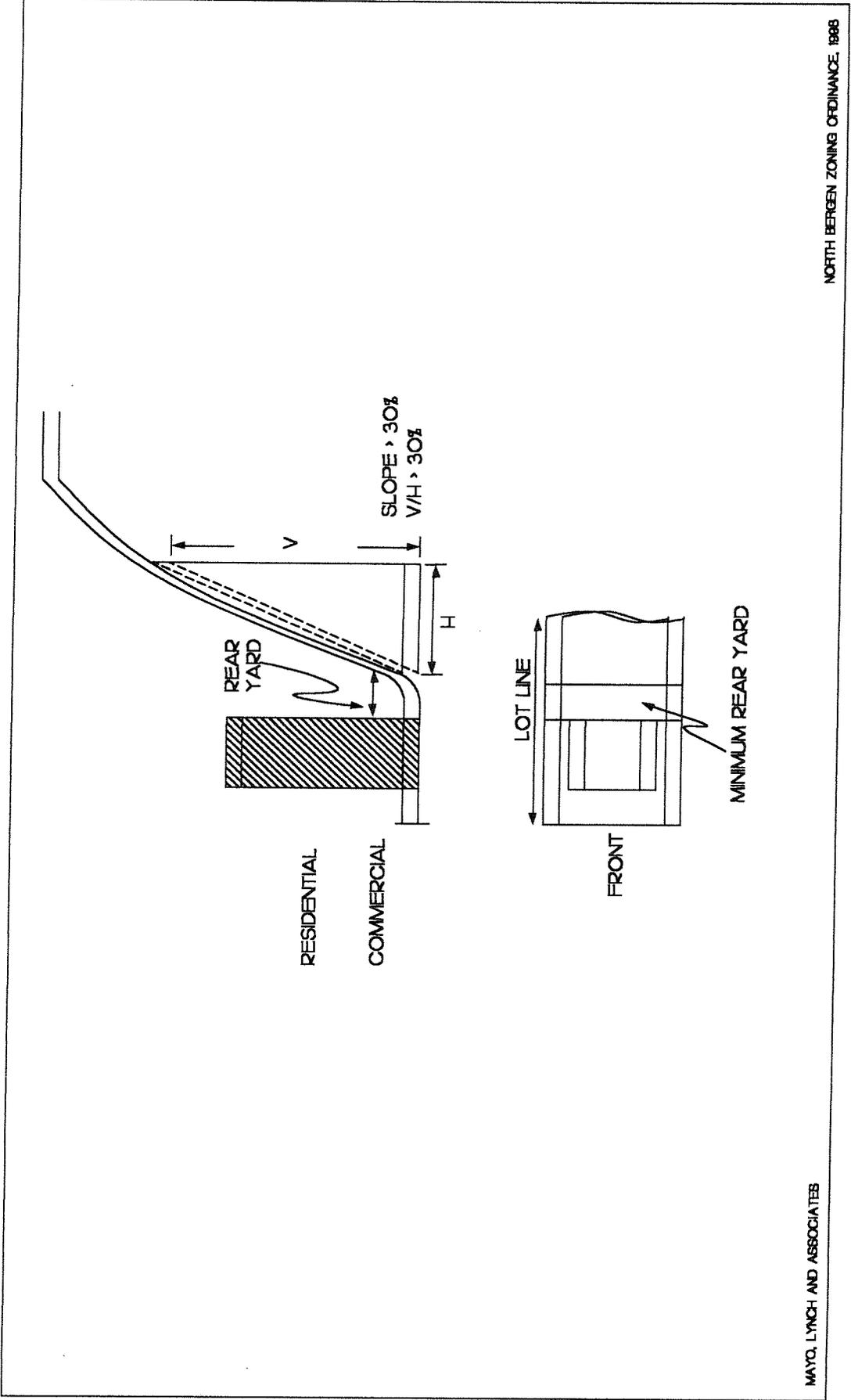
MAYO, LYNCH AND ASSOCIATES

NORTH BERGEN ZONING ORDINANCE, 1988

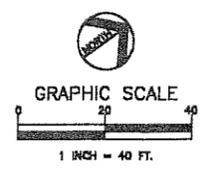
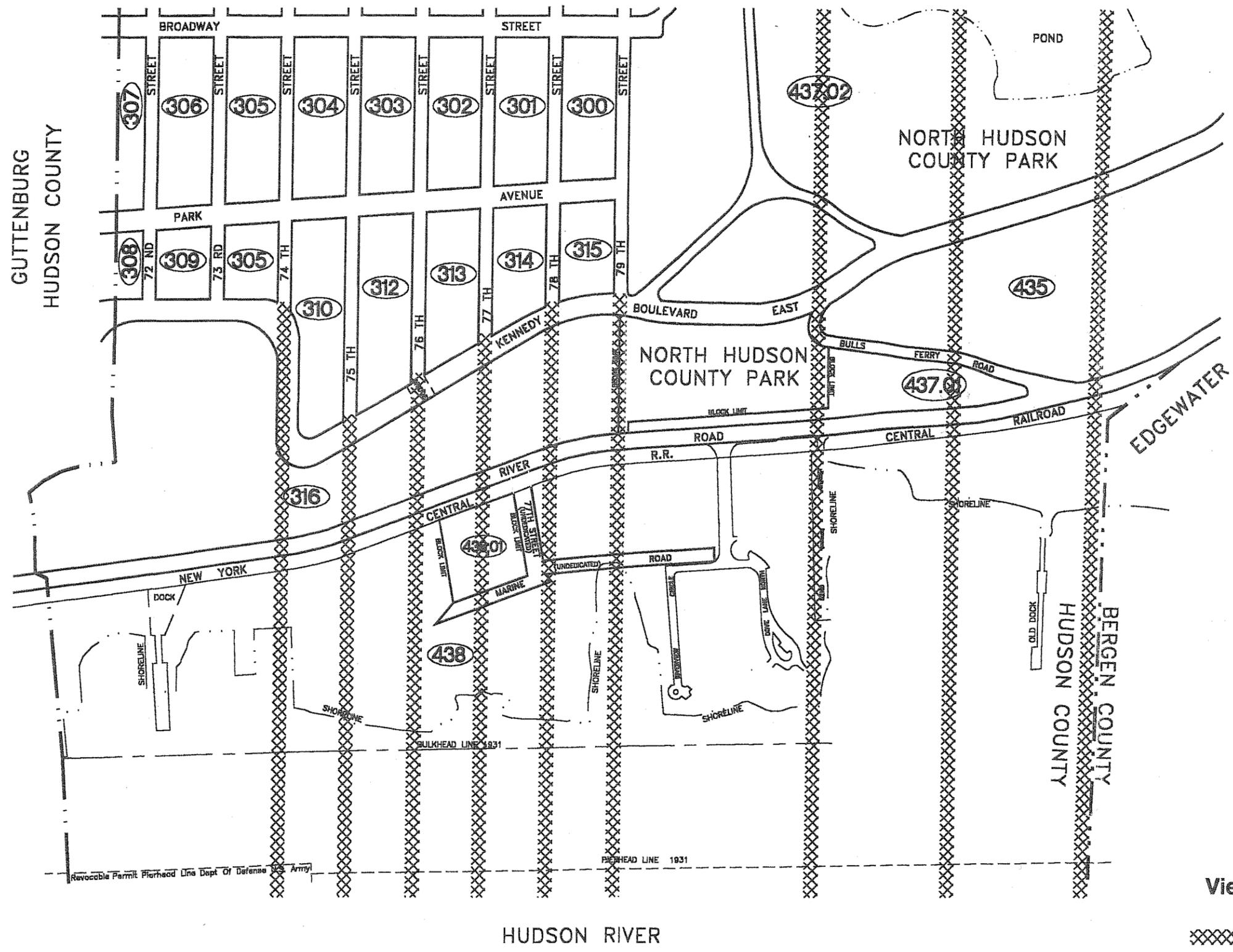
**Slope - Waterfront District
Figure 12**



Building Height - Waterfront District
Figure 13



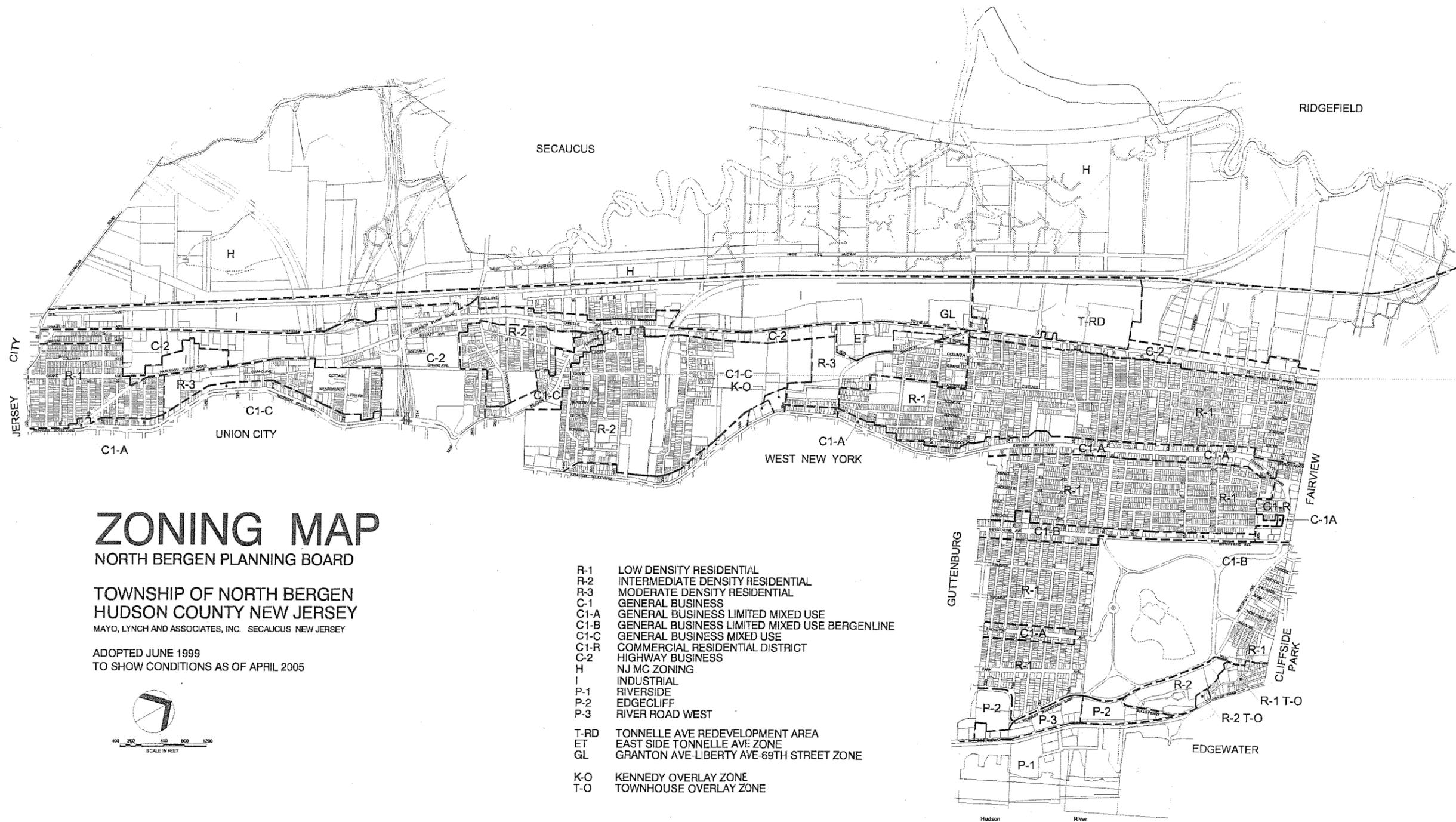
**Rear Yard Requirements
Waterfront District
Figure 14**



View Corridors
50' Wide



View Corridors
Figure 15



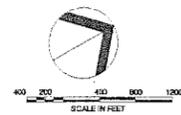
ZONING MAP

NORTH BERGEN PLANNING BOARD

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY NEW JERSEY

MAYO, LYNCH AND ASSOCIATES, INC. SECAUCUS NEW JERSEY

ADOPTED JUNE 1999
TO SHOW CONDITIONS AS OF APRIL 2005



- R-1 LOW DENSITY RESIDENTIAL
- R-2 INTERMEDIATE DENSITY RESIDENTIAL
- R-3 MODERATE DENSITY RESIDENTIAL
- C-1 GENERAL BUSINESS
- C1-A GENERAL BUSINESS LIMITED MIXED USE
- C1-B GENERAL BUSINESS LIMITED MIXED USE BERGENLINE
- C1-C GENERAL BUSINESS MIXED USE
- C1-R COMMERCIAL RESIDENTIAL DISTRICT
- C-2 HIGHWAY BUSINESS
- H NJ MC ZONING
- I INDUSTRIAL
- P-1 RIVERSIDE
- P-2 EDGECLIFF
- P-3 RIVER ROAD WEST
- T-RD TONNELLE AVE REDEVELOPMENT AREA
- ET EAST SIDE TONNELLE AVE ZONE
- GL GRANTON AVE-LIBERTY AVE-69TH STREET ZONE
- K-O KENNEDY OVERLAY ZONE
- T-O TOWNHOUSE OVERLAY ZONE

AMENDMENTS

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWNSHIP OF NORTH BERGEN TO
CORRECT THE ZONE DESIGNATION OF CERTAIN PROPERTIES

WHEREAS, the Township of North Bergen adopted a comprehensive Zoning Ordinance on June 23, 1999; and

WHEREAS, it was discovered that there were certain omissions in the Zoning Ordinance in that certain properties were not listed in the correct zoning district; and

WHEREAS, the property located at 1305 Paterson Plank Road, which does not have frontage on Tonawalla Avenue, should be zoned I-Industrial instead of C-2 Highway Commercial.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN as follows:

Section 1. Article III, Section 3.2 Zoning Map is amended to add thereto the following: The district boundaries established by the aforesaid map are amended so as to designate the following described premises located on Paterson Plank Road as being within the I-Industrial District: Block 27, Lots 1, 2, 16A, 21, 22, 23A, 24A through 26A and block 23, lot 1 as shown on the Tax Map of the Township of North Bergen.

Section 2. This ordinance shall take effect after publication and passage according to law.

Section 3. The Acting Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Acting Township Clerk is further directed to publish a notice of the passage thereof and to file a copy of this ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

Section 3. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not effect the validity of this ordinance as a whole, or any other part thereof.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 6. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: December 8, 1999

Published: December 11, 1999 & December 27, 1999

Adopted: December 22, 1999

Attest: Carol Ann Fontana
Acting Township Clerk

<u>Commissioner Cabrera</u>	Yes
<u>Commissioner Ferraro</u>	Yes
<u>Commissioner Gargiulo</u>	Yes
<u>Commissioner Pares</u>	Yes
<u>President Sacco</u>	Yes

TOWNSHIP OF NORTH BERGEN
METERS UTILIZED FOR RESIDENTIAL PREMISES

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN as follows:

Section 1. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented by amending Article III thereof by limiting the number of utility meters for the following zones: R1, low density residential; R2, intermediate density residential; R3, moderate density residential.

Section 2. Limitation of Utility Meters. No more than one (1) utility meter per unit shall be permitted for any residential structure or structures within the Township of North Bergen. Specifically, each residential structure shall have no more than one (1) utility meter which utility meter shall include, but not be limited to, electric, gas, water or sewer for each structure.

Section 3. This ordinance shall take effect after publication and passage according to law.

Section 4. The Acting Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing thereof, the Acting Township Clerk is further direct to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16.

Section 5. Should any section, part provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof.

Section 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Introduced: October 13, 1999

Published: October 18, 1999 & October 30, 1999

Adopted: October 27, 1999

Attest: Carol Ann Fontana
Acting Township Clerk

Commissioner Cabrera	Yes
Commissioner Ferraro	Yes
Commissioner Gargiulo	Yes
Commissioner Perez	Yes

820-2000

AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO REVISE THE REGULATION FOR SIGNS WITHIN THE TOWNSHIP OF NORTH BERGEN

WHEREAS, the Township of North Bergen adopted a comprehensive zoning ordinance on June 23, 1999; and

WHEREAS, the Board of Commissioners requested the Planning Board of the Township of North Bergen to review the current signage regulations; and

WHEREAS, the Planning Board reviewed the signage regulations in conjunction with the Township Planner, Mayo Lynch & Associates, and has recommended certain changes to the existing sign regulations; and

WHEREAS, the Planning Board reviewed a revised ordinance at its meeting of April 11, 2000 and recommended that the Board of Commissioners of the Township of North Bergen implement said ordinance,

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen, as follows:

SECTION 1. Definitions of the Township of North Bergen Zoning Ordinance is amended and supplemented by deleting the existing definitions of "Sign", "Advertising" and "Sign, Business" and replaced with the following definitions:

- a. Area of Sign. The area upon which the lettering, illustration or display is presented included within the frame or edge of a sign, including the frame. Where the sign has no such frame or edge, the area shall be computed pursuant to Section 4 herein. (Article V, Section 6(B))
- b. Awning. Any structure made of cloth or metal with a metal frame attached to a building, projecting over a thoroughfare and so erected as to permit its being raised to a position flat against the building when not in use.
- c. Facing or Surface. The surface of the sign upon, against or through which the message is displayed or illuminated on the sign.
- d. Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground.

- e. Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- f. Temporary Sign. Any sign that is not permanently mounted as specifically permitted by this Article.
- g. Wall sign. All flat signs of solid-face construction which are placed against a building or structure and attached to the exterior front, rear or sidewall of any building or structure so that the display surface is parallel to and less than 15" away from the plane of the wall. Signs painted on an exterior of a wall shall be deemed to be "wall signs" subject to this Article.

SECTION 2. Article V, Supplementary Regulations Governing Certain Uses. Section 5.4, Signs of the Township of North Bergen Zoning Ordinance is Amended by deleting Section 5.4 in its entirety and replaced as follows:

5.4. Signs. Signs may be erected and maintained only when in compliance with the following conditions:

A. Application

1. Application for a permit for a sign. Application for a permit for a permitted sign conforming to the regulations set forth herein shall be made in writing to the Construction Official. Such application shall be sufficient to describe the site and location in which the sign is to be affixed and shall include at minimum the following:
 - a. The name and address of the applicant;
 - b. The name and address of the owner of the premises;
 - c. A statement indicating the consent of the owner, if the applicant is other than the owner;
 - d. A rendering to scale of the sign, reflecting its composition, colors, dimensions, elevation from grade level and lighting, address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to access ways in the vicinity of the freestanding sign; the information to be stated on sign, the method by which said sign shall be secured, and any landscaping which exists or is proposed in proximity of a freestanding sign.

2. Application for a permit for a sign which does not comply with the provisions of this Article shall be submitted to the Planning Board. Such application shall be in writing and upon notice and a public hearing where the same is required by law, submitted at least ten days before the succeeding public meeting date of the Planning Board, together with a filing fee as required by the Township. Such application shall be in triplicate and accompanied by no less than fifteen (15) copies of the sign, which shall be drawn to scale. In addition, on such drawing or separate sheet, the information set forth in Section AI shall be provided.

3. Issuance of Permit.

a. A permit shall be issued by the Construction Official upon the favorable action of the approving authority, subject to any other applicable governmental regulations, or as otherwise provided herein.

b. A permit for the replacement of an existing sign may be issued by the Construction Official without the necessity of Board approval only upon satisfaction of all of the following conditions:

1) There is no physical alteration or expansion to the existing sign beyond the limit permitted herein and previously approved;

2) The sign conforms in all respects to the ordinance provisions specified herein or was previously the recipient of a variance approval;

3) No other signage is proposed to be added to the premises beyond that which is permitted herein.

c. The applicant shall notify the construction official for a final inspection within five days of the installation of the sign.

4. Exceptions

a. The provisions and regulations of this Section concerning permits and fees shall not apply to the following signs:

- 1) In C-1 and C-2 zones, a sign identifying the architect, engineer or contractor, when placed upon a work site under construction, only after a building permit for the construction has been issued. Said sign shall not exceed thirty-two (32) [size of a plywood sheet] square feet in area, provided the sign is set back at least ten (10) feet from any property line, and provided that same are removed within seven days of construction completion or prior to the issuance of a certificate of occupancy, whichever comes first;
- 2) Memorial signs or tablets, and date of building construction when cut into any masonry surface or when constructed of bronze or other incombustible materials;
3. Flags of the United States, State of New Jersey or other governmental or quasi-public agencies, provided that the following requirements are met:
 - a) The maximum height of a freestanding flagpole shall be forty (40) feet, and flagpoles on roofs shall be no more than twenty feet above the rooftop on which it is situated;
 - b) One (1) freestanding flagpole shall be permitted per lot;
 - c) All freestanding flagpoles shall be located no closer to the property line than a distance equal to the height of the flagpole. In addition, flagpoles located in the front yard shall not be closer to the street than the rear half of the required front yard setback.

B. Computation of Sign Area and Sign Height

1. The following principles shall control the computation of sign area and height.
 - a. Computation of Area of Individual Signs. The area of a sign fact shall be computed by drawing a rectangle or circle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with the sign frame and any material or color

forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed; or by delineating the area established by reason of distinctive variation in background color or by borders, whichever is greater.

- b. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart at any point, the sign area shall be computed by the measurement of one of the faces.
- c. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be construed to be the newly established grade after construction.

C. General Regulations for Signs.

- 1. Any signs not specifically permitted are hereby prohibited.
- 2. No billboard or billboard signs shall be permitted.
- 3. No sign shall be placed or located or displayed upon any sidewalk or street or area between sidewalk and curb, nor shall they project on or over a sidewalk or street.
- 4. No roof signs shall be permitted.
- 5. No signs shall be erected or painted or composed or phosphorescent or similar material.
- 6. No sign shall be, in whole or in part, moving, mobile or revolving.
- 7. Canopies, awnings and marquees with signage embossed upon them shall be considered to be a business sign.
- 8. No sign or other advertising structure, as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to

obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.

9. All signs shall be rigidly attached to an underlying structure, and shall have no movable parts or parts that move from being wind blown.
10. No sign of any size, whether temporary or permanent, shall be painted directly on the walls or roof of any structure in the Township.
11. No inflatable or floating signs shall be permitted anywhere in the Township.

12. Maximum Area of Signage
(Includes all Wall, Awning, Projecting and other signs)

Street Frontage	All R Zones	C-1, P-1, P-2	C-2,1
1 Up to 30 ft.	2 SF	20 Square Feet	100 Square Feet
2 30 to 55 ft.	2 SF	45 Square Feet	200 Square Feet
3 Over 55 ft.	2 SF	$\frac{1}{2}$ of Frontage * 2.5' height	$\frac{1}{2}$ of Frontage * 10' height

12 x 10'

13. All signs shall be constructed in accordance with the requirements of the BOCA Code. If the Construction Official shall find that any sign is unsafe or insecure, the Construction Official shall give written notice to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. If such owner, agent or person fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply, by the Construction Official, at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. The Construction official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

D. Freestanding Signs. Freestanding signs located in the C-1 and C-2 Zones shall comply with the following:

1. Freestanding signs shall be submitted to and approved by the Planning Board and shall comply to the following:

- a) No freestanding sign shall have more than two (2) sign facts;
- b) Freestanding signs shall be constructed of materials and colors compatible with the overall design of the development which it serves;
- c) A maximum of one freestanding sign shall be permitted for any single development or lot, provided that shopping centers with more than 1,000 feet of street frontage, and containing a movie theater, may have two freestanding signs.
- d) Freestanding signs shall advertise only the permitted use, products or service located on the premises on which they are placed.
- e) Freestanding signs necessary for directional or safety purposes on the property are permitted in addition to the other signs permitted herein, provided that the site plan approval is obtained from the Planning Board, and further provided that such signs shall not exceed four square feet in area.
- f) All freestanding signs shall have a landscaping area around their base with an area equal to the area of the sign being supported.
- g) A 30 square foot in C-1 zones and 50 square foot in C-2 zones freestanding sign shall be permitted, with a maximum height of 25 feet and minimum 10 foot setback from property lines, provided that:
 1. Freestanding signs serving shopping centers of less than 250,000 square feet shall be permitted to be a maximum 100 square feet with a maximum height of 40 feet inclusive of a required 12 foot clearance between the bottom of the sign and the grade of the property.

2. Shopping centers of more than 250,000 square feet in area shall be permitted to have a freestanding sign of a maximum of 500 square feet. The height and clearance regulations set forth in Section D(1)(f)(1) above shall apply.
3. Shopping centers of more than 250,000 square feet which incorporate a movie theater in their design shall be permitted to have a maximum mall shopping center identification/store-list sign area of 500 square feet with a maximum height of 40 feet, inclusive of a required 12 foot clearance between the bottom of the sign and the grade of the property. A second freestanding sign shall also be permitted. Such sign may not exceed 300 square feet in area, with a maximum height of 40 feet inclusive of a required 12 foot clearance between the bottom of the sign and the grade of the property.
4. All such signage referenced herein shall be set back a minimum 10 feet from property lines, provided that where the site abuts a residential use or zone a minimum 25 foot setback shall be required.

E. Wall Signs

1. Wall mounted signs shall comply with the following:
 - a. Wall signs shall advertise only the permitted use, products or service on the premises on which they are displayed;
 - b. Each business shall be entitled to only one wall mounted sign except that where a site has street frontage on more than one street, one additional (secondary) sign may be permitted for each use.
 - c. No wall sign shall be permitted to project forward more than eight (8) inches from the building nor be attached to a wall at a height of less than eight (8) feet above the sidewalk or ground;
 - d. No portion of such sign shall extend above or beyond the limits of the wall to which it is attached.

- e. Wall mounted signs above stores serving storefronts in a shopping center shall comply to the following:

In C-Commercial Zones

	C-1	C-2	
1	Store width less than 30 ft.	24 in. sign height and 15 in. letter height	6 ft. sign height and 2 ft. letter height
2	Store width 30-55 ft.	30 in. sign height and 18 in. letter height	8 ft. sign height and 3 ft. letter height
3	Store width greater than 55 ft.	36 in. sign height and 24 in. letter height	11 ft. sign height and 6 ft. letter height
4	Maximum sign length		75% of storefront width

F. Secondary signage

1. Secondary signage as provided for in Section (E)(1)(b) shall be permitted provided that a uniform sign band is established for such signage. Such sign band shall not exceed ten percent of the wall on which it is located, and the maximum height of the sign band shall not exceed 6 feet. However, where there is a wall sign designed to identify individual movies playing in a movie theater, such sign may exceed the aforementioned maximum height of sign band, provided that such letters shall not exceed two feet in height.
2. In addition to any sign or signs permitted pursuant to this section, window display signs, as well as affixed window signs limited to indicate membership in a retail or professional organization or credit card or credit association, to show manufacturers or required licenses or advertisements referable to sales within, shall be permitted to be attached to windows on the interior of the business use provided that the aggregate-area employed for such purpose shall not exceed twenty percent (20%) of the total window area on which it is located.

3. A unified design theme shall be provided which integrates the architectural design, materials and colors of the primary structure, facade signs, freestanding signs, landscaping and lighting fixtures.
4. All sites with more than one sign on a single site shall submit a sign package to the appropriate board for review. All signs shall be coordinated with other signs as to size, color, location.

G. Projecting Signs

1. Maximum signboard shall not exceed 10 square feet in area. Only one side of such sign shall be used for the purpose of calculating the permitted sign area.
2. Minimum height from ground level to lowermost portion of sign shall be 12 feet.
3. Maximum height from ground level to uppermost portion of sign shall not exceed the height of the sill or bottom of any second story windows in the case of multiple-story buildings or the top of all from which it projects in the case of single story buildings.
4. Maximum horizontal projection from building wall shall not exceed 3½ feet. No portion of such sign shall extend or project over any portion of the cartway.
5. Maximum width of the signboard shall not exceed three feet.
6. Maximum height of the signboard shall not exceed five feet.
7. Maximum height of letter, numbers or other characters or images on the signboard shall not exceed one foot.

H. Awning Canopy Signs.

1. Maximum size of such sign shall not exceed 10 square feet in area per awning/canopy up to a maximum of two awning/canopy signs per business use.
2. Maximum height of lettering shall not exceed one foot.

I. Window Signs.

Window advertising signs shall be prohibited in all districts, with the exception of permitted ground level retail and personal service business uses and eating and drinking establishments located in the C-1 and C-2 districts and are subject to the following conditions:

1. Such signs may be constructed of paper, cardboard, or plastic neon lights or other lighting and any written, numerical, graphic or photographic material or information shall constitute such a sign.
2. Such signs shall be contained entirely within the ground level interior of the building in which the business is located.
3. Maximum total area of such signs shall not exceed 25% of the total area of the ground level windows, including window portions of doors, fronting on public streets. (75% of the window area shall be open without merchandise displayed so as to obstruct visibility through the glass at an elevation of 5' above grade from inside or outside the space.)
4. Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions.
5. Such signs shall be permitted to be displayed for a period not to exceed 30 days and shall have the date of installation printed clearly on the lower right hand corner of such, as viewed from the exterior.
6. Such signs shall be maintained in an orderly manner at all times.

J. Illumination.

1. No sign shall be an illuminated sign except as provided herein.
2. All light sources shall be designated to minimize glare, and light levels off site from sign lights shall be less than 0.1 foot candles.
3. Flashing signs, highly reflective glass, or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are

prohibited.

4. No sign in any residential zone or in any C-1 zone shall be artificially illuminated after 12:00 p.m. or before 7:00 a.m.
5. Light sources from internally illuminated signs shall not be visible from outside the sign, and the light from the light source shall be diffused to eliminate hot spots.
6. Up and down lighting projecting onto signs shall be located so as to minimize glare. Light sources shall be protected from damage from and light levels at property lines shall be less than 0.1 foot candles.
7. No sign lighting shall be permitted in any residential district.

SECTION 3. This ordinance shall take effect after publication and passage according to law.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. This ordinance shall take effect immediately upon publication and final passage according to law.

INTRODUCED: May 10, 2000
PUBLISHED: May 12, 2000 & May 27, 2000
ADOPTED: May 24, 2000
Attest: Carol Ann Fontana

<u>Commissioner Cabrera</u>	<u>Yes</u>
<u>Commissioner Ferraro</u>	<u>Absent</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Perez</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>

TOWNSHIP OF NORTH BERGEN
ORDINANCE

AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO PERMIT MULTI-FAMILY DWELLINGS IN THE C-1B DISTRICT AND CREATING A NEW COMMERCIAL ZONING DISTRICT C-1R COMMERCIAL RESIDENTIAL

WHEREAS, the Township of North Bergen adopted a comprehensive Zoning Ordinance on June 23, 1999; and

WHEREAS, in order to maintain consistency with the Master Plan that certain commercial zones should also provide for multi-family dwellings; and

WHEREAS, the Board of Commissioners, by Resolution adopted March 8, 2000 referred review of the matter to the North Bergen Planning Board; and

WHEREAS, the Planning Board obtained a report from its planning consultant, Burgis Associates, Inc. dated April 25, 2000; and

WHEREAS, the Planning Board of the Township of North Bergen reviewed the report received from Burgis Associates and recommended that the Board of Commissioners implement the suggestions of Burgis Associates by amending and supplementing the Zoning Ordinance to permit multi-family dwellings in certain commercial districts;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen as follows:

Section 1. The Zoning Ordinance of the Township of North Bergen, specifically Article III, Section 3.8 and Table 3.8a, is

amended to provide for multi-family dwellings as a principal permitted use in the C-1B Commercial District subject to the following area and bulk requirements:

Minimum Lot Area	15,000 sf
Minimum Lot Depth	100 ft
Minimum Lot Width	150 ft
Minimum Building Setback	
From right of way or	
adjoining property line	10 ft
Maximum Lot Coverage	80%
Maximum Building Height	60 ft
Min. distance between buildings	30 ft

Section 2. Article III, Section 3.2, Zoning Map, is amended to add the following: The district boundaries established for the aforesaid map are amended so as to designate the following described premises as shown on the Tax Map of the Township of North Bergen as being within the C-1R Commercial Residential District:

<u>Block</u>	<u>Lot</u>
395 G	16-23
395 H	All
395 K	13-16
396 A	All
416 A	1-23, 25, 26
416 B	22-38
416 C	8-16B

Section 3. Article III, Section 3.8, Commercial Districts, is amended and supplemented by adding a new district C-1R, Commercial Residential, which will permit all uses currently permitted in the C-1 district in the Township and permit development for multi-family dwellings as a conditional use subject to the following area and bulk requirements:

Minimum Lot Area	20,000 sf
Minimum Lot Depth	200 ft
Minimum Lot Width	100 ft
Minimum Building Setback	
From right of way	10 ft
From adjoining property line	25 ft
Maximum Lot Coverage	80%
Maximum Building Height	60 ft
Min. distance between buildings	30 ft

Section 4. This ordinance shall take effect after publication and passage according to law.

Section 5. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

Section 6. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 8. This ordinance shall take effect immediately upon publication and final passage according to law.

INTRODUCED: May 10, 2000

PUBLISHED: May 12, 2000 & May 27, 2000

ADOPTED: May 24, 2000

Attest Carol Ann Fontana

Commissioner Cabrera Yes

Commissioner Ferraro Absent

Commissioner Gargiulo Yes

Commissioner Perez Yes

Mayor Sacco Yes

898-02

**TOWNSHIP OF NORTH BERGEN
ORDINANCE NO.**

AN ORDINANCE AMENDING ORDINANCE 780-99 TO AMEND A REDEVELOPMENT PLAN AND DESIGNATING THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN TO ACT AS THE REDEVELOPMENT ENTITY FOR THE TONNELLE AVENUE REDEVELOPMENT PROJECT AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO ESTABLISH REGIONAL COMMERCIAL CENTERS AS A PERMITTED USE IN THE C2 HIGHWAY COMMERCIAL ZONING DISTRICT.

WHEREAS, Block 455, Lots 1 through 23, Block 456 Lots 2 through 40, Block 457 Lots A1, A2, A3 and Block 457A, Lots 1 through 37B on the Tax Map of the Township of North Bergen, and generally described as those blocks bounded on the south by 69th Street, on the north by Block 457.01 (457A, Lot 38 near 80th Street), on the east by Tonnelle and on the west by the Westshore Railroad has been declared by the Board of Commissioners, following a hearing and recommendation thereon by the Planning Board of the Township of North Bergen as an area in need of redevelopment; and

WHEREAS, the aforementioned blocks and lots are currently zoned as I Industrial and C2, Highway Commercial Districts pursuant to the Zoning Ordinance Township of North Bergen; and

WHEREAS, within said area, the Board of Commissioners found that there exists a number of underutilized properties and structures upon fragmented lots which reflect the lack of proper utilization of the existing resources resulting in a stagnant and unproductive

Ord Amend Ord 780-99
Tonnelle Ave Redev
6-25-02(cg)

condition of land which would otherwise be potentially useful and valuable for contributing to and servicing the public health, safety and welfare; and

WHEREAS, the acquisition, clearance, rehabilitation, planning, reconstruction renewal and redevelopment of such area will promote the public health, safety, morals and welfare, and revitalize these areas and other areas within the Township of North Bergen; and

WHEREAS, Ordinance No. 780-99 establishing a redevelopment area and adopting the redevelopment plan for Tonnelle Avenue was introduced and subsequently adopted on October 13, 1999; and

WHEREAS, Related Retail North Bergen, LLC ("Related") was designated the redeveloper pursuant to resolution adopted by the Board of Commissioners on August 9 2000 for portions of the redevelopment area; and

WHEREAS, Related has provided a proposed amended plan for the redevelopment project; and

WHEREAS, the amended redevelopment plan was reviewed by Burgis Associates and a report was issued on March 6, 2002; and

WHEREAS, the Planning Board of the Township of North Bergen reviewed the Burgis report on June 25, 2002, and recommended that the redevelopment plan be amended in accordance with the Burgis report; and

WHEREAS, the Township believes that the redevelopment of the Property pursuant to Related's proposed plan is in the vital and best interests of the Township and the health,

Ord Amend Ord 780-99
Tonnelle Ave Redev
6-25-02(eg)

safety, morals and welfare of its residents and in accord with the public purposes and provisions of the Local Redevelopment and Housing Law and all other applicable state and local laws and requirements under which the Project is being undertaken; and

WHEREAS, the Township has determined to act as the redevelopment entity for the project in accordance with *N.J.S.A. 40A:12A-8*.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen in accordance with the provisions of *N.J.S.A. 40A:12A-1 et seq.*, "The Local Housing and Redevelopment Law" as follows:

Section 1. Designation of Tonnelle Avenue Redevelopment Project: The Tonnelle Avenue Redevelopment Project known as Block 455, Lots 1 through 23, Block 456 Lots 2 through 40, Block 457 Lots A1, A2 and A3, and Block 457A Lots 1 through 37B on the Tax Map of the Township of North Bergen generally described as those blocks bounded on the south by 65th Street, on the north by Block 457.02 (457A, Lot 36 near 80th Street), on the east by Tonnelle Avenue and on the west by the Westshore Railroad, is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-3*.

Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by *N.J.S.A. 40A:12A-4c*, the Board of Commissioners of the Township of North Bergen is hereby designated to exercise the powers of a redevelopment entity for the Tonnelle Avenue Redevelopment Project.

Ord Amend Ord 780-99
Tonnelle Ave Redev
6-25-02/cg

Section 3. Redevelopment Plan. There is hereby adopted pursuant to N.J.S.A. 40A:12A-7 a Redevelopment Plan dated November 8, 1999 prepared by Burgis Associates and Amendment to the Redevelopment Plan dated March 6, 2002. The Plan and Amendment are on file with the Township Clerk. The Plan includes the following:

A. Relationship to Local Objectives. The purpose of the Tonnelle Avenue Redevelopment Project is to eliminate blighting condition, foster the proper utilization of existing resources, develop stagnant and unproductive land so as to render it useful and valuable for contributing to and servicing the public health, safety and welfare, stimulate growth in the Tonnelle Avenue Redevelopment District providing for regional commercial centers in the G2 Highway Commercial District in the Tonnelle Avenue redevelopment area of the Township of North Bergen, and otherwise promote the public health, safety and welfare.

B. Proposed Land Uses. Land uses proposed in the redevelopment plan shall consist of regional commercial centers which is a group of commercial buildings or single commercial buildings in excess of 100,000 square feet, planned, constructed and managed as an integrated entity for the purpose of providing retail and service commercial uses on a regional basis.

The proposed development shall be designed so as to

1. Maximize appropriate land usage;
2. Improve traffic circulation and ingress and egress in the Tonnelle Avenue redevelopment area of the Township of North Bergen;

Ord. Amend Ord 780-89
Tonnelle Ave Redev
6-23-02(ag)

-4-

3. Provide adequate off-street parking;
4. Create an attractive visual environment;
5. Encourage the redevelopment and rehabilitation of other properties within the Tonnelle Avenue redevelopment area in the Township of North Bergen, and
6. Provide other public improvements to carry out the foregoing purposes.

C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of parcels known as Block 455, Lots 1 through 23, Block 456 Lots 2 through 40, Block 457 Lots A1, A2 and A3, and Block 457A Lots 1 through 37B on the Tax Map of the Township of North Bergen generally described as those blocks bounded on the south by 68th Street, on the north by Block 457.02 (457A, Lot 38 near 80th Street), on the east by Tonnelle Avenue and on the west by the Westshore Railroad.

D. Relocation. Provisions for the temporary and permanent relocation of businesses and persons, if any, located within the redevelopment area shall be made in accordance with the New Jersey Relocation Assistance Law (*N.J.S.A. 52:31B-1 et seq.*) and the regulations adopted thereunder (*N.J.S.A. 5:11-1.1 et seq.*). The Township of North Bergen shall provide a workable relocation assistance plan for residents and businesses displaced as a result of the redevelopment plan. To the extent required by law, such workable relocation assistance plan shall include efforts to identify the persons and businesses displaced, determining the needs of relocation, providing assistance in

Ord Amend Ord 780-99
Tonnelle Ave Redev
6-25-02(cg)

-5-

relocating new places of residence and business within the Township of North Bergen and vicinity, provisions for the temporary and permanent relocation of persons living in the redevelopment area by arranging for decent, safe and sanitary dwelling units at rents within the means of persons displaced from said area, and financial assistance for relocation and moving expenses.

E. Relationship with Master Plan and Zoning Ordinance.

1. With respect to the proposed land uses and building requirements, the redevelopment plan is in conformity with the following provisions of the Township of North Bergen Master Plan Update which was completed in 1994:

- a. To expand the tax base to promote the economic well being of North Bergen and its residents.
- b. To promote safe and efficient circulation.
- c. To promote the full economic potential of the land where commercial development is appropriate.
- d. Promote and expand economic opportunities in North Bergen in order to maintain job opportunities and the economic well being of North Bergen's citizens.

2. The Land Use Plan of the Master Plan designates the redevelopment area for both industrial and commercial land uses. The eastern portion of the study area is designated for commercial use, while the western portion of the study area (generally, that portion west of Nolan Avenue to the railroad) is recommended for light industrial land use.

By providing for the redevelopment area and creating regional commercial centers, the use proposed will be consistent with the current Master Plan and Zoning Ordinance.

3. The Board of Commissioner finds that the redevelopment plan is either substantially consistent with the master plan or it is designed to effectuate the master plan. To the extent that any portion of the redevelopment plan is inconsistent with or not designed to effectuate the master plan, the reasons therefor are set forth above.

4. The Redevelopment Plan proposes the creation of regional commercial centers within the C2 Highway Commercial District as set forth in the Zoning Ordinance of the Township of North Bergen.

F. Significant Relationship with Other Master Plans.

1. The redevelopment plan either has no significant relationship or is compatible with the Master Plans of contiguous municipalities, the Hudson County Master Plan and the State Development and Redevelopment Plan.

2. The redevelopment project is located in the heart of an existing C-2 district and is not located in the vicinity of the borders of any contiguous municipalities.

Section 4. Powers of Redevelopment Entity. Subject to the approval of the Board of Commissioners, the Township of North Bergen may proceed with the acquisition, clearance, rehabilitation, planning, reconstruction, renewal and redevelopment of the Tonnelle Avenue Redevelopment Project and in order to carry out and effectuate said purposes, the Township of North Bergen may:

Ord Amend Ord 780-99
Tonnelle Ave Redevel
6-25-02(eg)

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in the redevelopment area and in any area designated by the Board of Commissioners as necessary for carrying out the relocation of the residents, industry and commerce displaced from the redevelopment zone.
- b. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the Eminent Domain Act of 1971, P.L. 1981, c. 361 (N.J.S.A. 20:3-1 et seq.) as amended.
- c. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- d. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- e. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and

Ord Amend Ord 780-99
Tonnetta Ave Redev
6-25-02(cg)

-8-

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P. 11

improvements; and (2) plans for the enforcement of law, codes, and

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regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

- f. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by It to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- g. Request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment or rehabilitation of such areas.
- h. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the Township, blighted areas and blighted factors.
- i. To publish and disseminate information.
- j. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of the redevelopment project.
- k. To arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or development work,

Ord. Amend Ord 780-99
Tonnelle Ave Redevel
6-25-02(eg)

-9-

on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with the redevelopment area.

- l. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with the redevelopment area.
- m. To enter upon any building or property in the redevelopment area in order to conduct investigations or make surveys, soundings, or test borings necessary to carry out the purpose of this ordinance.
- n. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from the redevelopment area.
- o. To conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue

commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance.

- p. To authorize a committee designated by It consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commission.
- q. To do all things necessary or convenient to carry out its powers.
- r. To negotiate with redevelopers for the private sale of real property within the redevelopment area; and
- s. To do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically delineated herein.

Section 5. Miscellaneous Provisions

A. The Mayor is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all in a form approved by the Township Attorney.

B. In connection with the acquisitions of real property within the Tonnelle Avenue Redevelopment Area, the Township Attorney is hereby authorized to negotiate contracts for purchase, institute condemnation proceedings, prepare contracts, pleadings and other documents, and otherwise perform such other legal services as are necessary to carry out the foregoing purposes.

Ord Amend Ord 780-99
Tonnelle Ave Redev
6-25-02(cg)

-11-

Section 6. Amendment to Zoning Ordinance. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to implement the redevelopment plan as follows:

a. The Zoning Map of the Township of North Bergen is hereby revised to delete the I-Industrial designation for the specific properties listed below. The Map is revised to extend the boundary of the C-2 Highway Commercial District to encompass the following properties in their entirety:

Block 455, all lots

Block 457, Lots A1, A2, A3

Block 457A, Lots 2-7, 8-17, 27A-29, 30-37B

b. Article II Definitions, in the Township of North Bergen Zoning Ordinance is amended to include the following definition:

Regional Commercial Center - A group of commercial buildings or single commercial buildings in excess of 100,000 square feet, planned, constructed and managed as an integrated entity for the purpose of providing retail and service commercial uses on a regional basis. A regional commercial center shall provide customer and employee parking on site, have goods delivery separated from customer access and incorporate aesthetic considerations and protection from the elements. Landscaping and signage will be in accordance with an approved plan.

c. The Zoning Ordinance of the Township of North Bergen, specifically Schedule IIIB District C-2 Highway Commercial, is amended to provide for Regional Commercial

Ord Amend Ord 780-99
Tonawalla Ave Redev
6-25-02(eg)

-12-

Centers as a principal permitted use subject to specific regulations set forth as follows:

1. Area and Bulk Regulations

- | | | |
|----|------------------------------------|---|
| a. | Minimum Lot Area | 8 acres |
| b. | Road Frontage | Property shall have frontage on a major arterial roadway or highway |
| c. | Minimum Lot Width | 400' |
| d. | Minimum Lot Depth | 400' |
| e. | Minimum Front Yard* | 5' |
| f. | Minimum Side Yard | 10' |
| g. | Minimum Rear Yard | 20' |
| h. | Maximum Building Height | 2 stories/40' |
| i. | Maximum Building Coverage | 50% |
| j. | Maximum Lot Coverage | 90% |
| k. | Maximum Floor Area Ratio | 0.50 |
| l. | Maximum Floor Area per Bldg | 235,000 sf |
| m. | Maximum Building Footprint | 160,000 sf |
| n. | Minimum Landscaped Area** | 10' wide strip along the front street line, suitably planted with trees and shrubs to enhance the aesthetic character of the site |
| o. | Minimum Distance Between Buildings | 100' |

* A minimum setback of 15' shall be maintained from the front curb line

** Landscaping shall be included in the right of way between the front curb line and building area.

2. Required Visual Breaks in Building Walls. All commercial buildings exceeding a linear dimension of 400' shall be required to have building offsets every 100' with each offset consisting of a break in the linear plane of the building of a minimum 2 1/4 feet. Related architectural elements which break the appearance of a continuous uninterrupted facade/building length may also be utilized to achieve a break in linear dimensions of

building walls, if deemed appropriate by the planning board.

3. Additional Requirements.

Regional commercial centers shall provide the following: pedestrian walkways, signage and other traffic calming devices at pedestrian crossings and center entrances to reduce vehicular speeds and enhance pedestrian safety. Pedestrian walkways adjacent to buildings should include protection features such as awnings or canopies within 25 feet of all customer entrances.

4. Parking and Loading Requirements

Parking stall size	8'6" x 18' for up to 60% of parking; remaining 50% of parking at 9' x 18'
Aisle/driveway width	12' one way 24' two way
Parking Space Standards	Restaurants: 1 per 3 seats Retail: 1 space per 300 sf
Loading Space Size	55' long x 11' wide x 14' high
Loading Space Standards	Retail: 1 space for every 50,000 sf with a minimum of one per building Restaurants: First berth at 2,000 sf; second berth at 25,000 sf

5. Sign Requirements

Freestanding Signs	Max. Height - 40' Sign Area - 250 sf per side Min. Setback from property lines - 10' Total Signs - 1 per site; one additional sign permitted if tract has frontage on two roadways
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Ord Amend Ord 780-99
Tonnelle Ave Redev
6-23-02(cg)

Wall Signs

Wall signs area shall not exceed 10% of wall area.

No wall sign shall exceed 75% of the length of the facade occupied by the tenant, up to a maximum sign length of 50 feet.

Section 7. This ordinance shall take effect after publication and passage according to law.

Section 8. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section 9. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 11. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: June 26, 2002
Published: June 29, 2002 & July 15, 2002
Adopted: July 10, 2002
Attest: Carol Ann Fontana
Township Clerk

-15-

Commissioner Cabrera	yes
Commissioner Ferraro	yes
Commissioner Gargiulo	yes
Commissioner Perez	absent
Mayor Sacco	yes

TOWNSHIP OF NORTH BERGEN

AN ORDINANCE AMENDING ORDINANCE NO. 751-99 TO AMEND A REDEVELOPMENT PLAN AND DESIGNATING THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN TO ACT AS THE REDEVELOPMENT ENTITY FOR THE KENNEDY BOULEVARD REDEVELOPMENT PROJECT AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO ESTABLISH A REDEVELOPMENT OVERLAY DISTRICT ZONE

WHEREAS, Block 195, Lots 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B and 67 on the Tax Map of the Township of North Bergen, following a hearing and recommendation thereon by the Planning Board of the Township of North Bergen was declared an area in need of redevelopment; and

WHEREAS, the aforementioned blocks and lots are currently zoned as C-1 , Highway Commercial Districts in the Zoning Ordinance Township of North Bergen; and

WHEREAS, within said area, the Board of Commissioners found that there exists a number of underutilized properties and structures upon fragmented lots which reflect the lack of proper utilization of the existing resources resulting in astringent and unproductive condition of land which would otherwise be potentially useful and valuable for contributing to and servicing the public health, safety and welfare; and

WHEREAS, the acquisition, clearance, rehabilitation, planning, reconstruction renewal and redevelopment of such area will promote the public health, safety, morals and welfare, and revitalize these areas and other areas within the Township of North Bergen; and

WHEREAS, Ordinance No. 751-99 establishing a redevelopment area and adopting the redevelopment plan for Kennedy Boulevard was introduced and subsequently adopted on April 28, 1999; and

WHEREAS, Alfran Realty L.P. was designated the redeveloper pursuant to resolution adopted by the Board of Commissioners on August 10, 1999; and

WHEREAS, Alfran Realty has provided a proposed amended plan for the redevelopment project; and

WHEREAS, the amended redevelopment plan was reviewed by Burgis Associates and a report was issued on September 25, 2001; and

WHEREAS, the Planning Board of the Township of North Bergen reviewed the Burgis report on October 2, 2001, and recommended that the redevelopment plan be amended in accordance with the Burgis report; and

WHEREAS, the Township believes that the redevelopment of the Property pursuant to Alfran's proposed plan is in the vital and best interests of the Township and the health, safety, morals and welfare of its residents and in accord with the public purposes and provisions of the Local Redevelopment and Housing Law and all other applicable state and local laws and requirements under which the Project is being undertaken; and

WHEREAS, the Township has determined to act as the redevelopment entity for the project in accordance with N.J.S.A. 40A:12A-8,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq., "The Local Housing and Redevelopment Law" as follows:

Section 1. Designation of Kennedy Boulevard/58th Street Redevelopment Project. The Kennedy Boulevard/58th Street Redevelopment Project known as Block 195, Lots 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B and 67 on the Tax Map of the Township of North Bergen generally described as those blocks bounded on the north by 58th Street; on the south by Flower Hill Cemetery; and on the east by Kennedy Boulevard is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-5*.

Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by *N.J.S.A. 40A:12A-4C*, the Board of Commissioners of the Township of North Bergen is hereby designated to exercise the powers of a redevelopment entity for the Kennedy Boulevard/58th Street Redevelopment Project.

Section 3. Redevelopment Plan. There is hereby adopted pursuant to *N.J.S.A. 40A:12A-7* and amendment to the redevelopment plan prepared by Burgis Associates dated March 19, 1999. This amendment is described in the Burgis report dated September 25, 1999. This amendment is on file with the Township Clerk.

The Plan includes the following:

A. Relationship to Local Objectives. The purpose of the Kennedy Boulevard/58th Street Redevelopment Project is to eliminate blighting conditions, foster the proper utilization of existing resources, develop stagnant and unproductive land so as to render it useful and valuable for contributing to and servicing the public health, safety and welfare, and to stimulate growth in the region by providing for mixed use development in the C-1 Commercial District in the Kennedy Boulevard redevelopment area of the

Township of North Bergen, and otherwise promote the public health, safety and welfare.

B. Proposed Land Uses. Land uses proposed in the redevelopment plan shall consist of retail, commercial and multi-family residential structures constructed and mandated as an integrated entity for the purpose of providing retail, commercial and multi-family uses.

The proposed development shall be designed so as to

- 1: Maximize appropriate land usage;
- 2: Improve traffic circulation and ingress and egress in the Kennedy Boulevard redevelopment area of the Township of North Bergen;
- 3: Provide adequate off-street parking;
- 4: Create an attractive visual environment;
- 5: Encourage the redevelopment and rehabilitation of other properties within the surrounding areas located in the Township of North Bergen, and
- 6: Provide other public improvements to carry out the foregoing purposes.

C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of parcels known as Block 195, Lots 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B and 67 on the Tax Map of the Township of North Bergen generally described as those blocks bounded on the east by Kennedy Boulevard, on the south by Flower Hill Cemetery and on the north by 58th Street.

D. Relocation. Provisions for the temporary and permanent relocation of businesses and persons, if any, located within the redevelopment area shall be made in accordance with the New Jersey Relocation Assistance Law (*N.J.S.A. 52:31B-1 et seq.*)

and the regulations adopted thereunder (*N.J.A.C. 5:11-1.1 et seq.*). The Township of North Bergen shall provide a workable relocation assistance plan for residents and businesses displaced as a result of the redevelopment plan. To the extent required by law, such workable relocation assistance plan shall include efforts to identify the persons and businesses displaced, determining the needs of relocation, providing assistance in relocating new places of residence and business within the Township of North Bergen and vicinity, provisions for the temporary and permanent relocation of persons living in the redevelopment area by arranging for decent, safe and sanitary dwelling units at rents within the means of persons displaced from said area, and financial assistance for relocation and moving expenses. However, any expenditures for such relocation shall be borne by the redeveloper.

E. Relationship with Master Plan and Zoning Ordinance.

1. With respect to the proposed land uses and building requirements, the redevelopment plan is in conformity with the following provisions of the Township of North Bergen Master Plan Update which was completed in 1994:

- a. One goal of the master plan is to expand the tax base to promote the economic well being of North Bergen and its residents.
- b. To promote safe and efficient circulation.
- c. To promote the full economic potential of the land where commercial/residential development is appropriate.
- d. Promote and expand economic opportunities in North Bergen in order to maintain job opportunities and the economic well being of North Bergen's

citizens.

2. The Land Use Plan of the Master Plan designates the redevelopment area for both commercial and residential land uses. By providing the redevelopment area and creating mixed use development, the use proposed will be consistent with the current Master Plan and zoning ordinance.

3. The Board of Commissioner finds that the redevelopment plan is either substantially consistent with the master plan or it is designed to effectuate the master plan. To the extent that any portion of the redevelopment plan is inconsistent with or not designed to effectuate the master plan. The reasons therefor are set forth above.

4. The Redevelopment Plan proposes the creation of a mixed use development district within the C-1 Commercial District as set forth in the Zoning Ordinance of the Township of North Bergen.

F. Significant Relationship with Other Master Plans.

- (i) The redevelopment plan either has no significant relationship or is compatible with the Master Plans of contiguous municipalities, the Hudson County Master Plan and the State Development and Redevelopment Plan.
- (ii) The redevelopment project is located in the heart of an existing B-1 district and is not located in the vicinity of the borders of any contiguous municipalities.

Section 4. Powers of Redevelopment Entity.

Subject to the approval of the Board of Commissioners, the Township of North Bergen may proceed with the acquisition, clearance, rehabilitation, planning, reconstruction, renewal

and redevelopment of the Kennedy Boulevard Redevelopment Project and in order to carry out and effectuate said purposes, the Township of North Bergen may:

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a redevelopment area and in any area designated by the governing body as necessary for carrying out the relocation of the residents, industry and commerce displaced from a redevelopment zone.
- b. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the Eminent Domain Act of 1971, P.L. 1981, c. 361 (N.J.S.A. 20:3-1 et seq.) as amended.
- c. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- d. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.

- e. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of law, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
- f. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- g. Request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment or rehabilitation of such areas.
- h. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the municipality, blighted areas and blighted factors.
- i. To publish and disseminate information.
- j. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of redevelopment projects.
- k. To arrange or contract with public agencies or redevelopers for the planning,

replanning, construction, or undertaking of any project or development work, on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.

- l. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with the redevelopment area.
- m. To enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, soundings, or test borings necessary to carry out the purpose of this ordinance.
- n. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from a redevelopment area.
- o. To conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue

commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance.

- p. To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commission.
- q. To do all things necessary or convenient to carry out its powers.
- r. To negotiate with redevelopers for the private sale of real property within the redevelopment area; and
- s. To do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically delineated herein.

Section 5. Miscellaneous Provisions

A. The Mayor is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all of a form approved by the Township Attorney.

B. In connection with the acquisitions of real property within the Kennedy Boulevard Redevelopment Project, the Township Attorney is hereby authorized to negotiate contracts for purchase, institute condemnation proceedings, prepare contracts, pleadings and other documents, and otherwise perform such other legal services as are necessary to carry out the foregoing purposes.

Section 6. Amendment to Zoning Ordinance. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to implement the redevelopment plan as follows:

- a. The Zoning Map of the Township of North Bergen is hereby revised to create a redevelopment overlay District 1 - Kennedy Boulevard/58th Street which shall overlay the existing zoning districts of Block 195, Lots 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B and 67.
- b. Amend Article III "Establishment of Districts and District Regulations" to add a new section 3.11 entitled "Redevelopment Overlay Districts" to read as follows:

Article III

3.11 Redevelopment Overlay Districts

a. Redevelopment Overlay District 1 Kennedy Boulevard/58th Street

- 1. Purpose. To promote the redevelopment of the designated redevelopment area in accordance with the redevelopment plan for the area. The properties designated in this overlay district are as follows: Block 195, Lots 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B & 67.
- 2. Principal Permitted Uses
Retail
Commercial
Multifamily Residential
- 3. Accessory Uses
Signs
Uses customarily incidental to principal permitted uses within the same district and on the same lot.
- 4. Conditional Uses
None
- 5. Area, Yard, Bulk and Parking Regulations
Min. Lot Area 95,000 sf
Min. Lot Width 200 feet
Min. Lot Depth 200 feet

Min. Front Yard	60 feet
Min. Side Yard	10 feet
Min. Rear Yard	25 feet
Max. Building Height	7 stories/75 feet*
Max. Building Coverage	40 percent
Max. Impervious Coverage	75 percent
Bedroom Distribution	A maximum of 60 percent of the total multifamily units may be two bedroom units. The remainder must be one bedroom or one bedroom plus den.
Minimum On-Site Parking	
Multi-Family Dwelling Units	1 space per dwelling unit
Retail/Commercial	1.50 spaces per 1,000 sf

* Maximum building height shall be measured from the center line of Kennedy Boulevard.

Section 7. This ordinance shall take effect after publication and passage according to law.

Section 8. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15* and *N.J.S.A. 40:55D-62.1*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Township County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section 9. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 11. This ordinance shall take effect immediately upon publication and final passage according to law.

INTRODUCED: NOVEMBER 7, 2001

PUBLISHED: NOVEMBER 9, 2001 & NOVEMBER

ADOPTED: NOVEMBER 21, 2001

Attest: Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	<u>Yes</u>
<u>Commissioner Ferraro</u>	<u>Yes</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Perez</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>

ORDINANCE NO. _____

AMENDMENT TO THE NORTH BERGEN ZONING ORDINANCE
TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE
2003 PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

WHEREAS, in accordance with the New Jersey Municipal Land Use Law, the Township of North Bergen Planning Board has undertaken a periodic reexamination of its Master Plan, and

WHEREAS, the Periodic Reexamination Report of the Master Plan set forth specific land use recommendations, and

WHEREAS, the Township Planning Board adopted said Periodic Reexamination report on July 8, 2003, and the governing body is the entity responsible for the adoption of land use regulations to implement the recommendations contained therein, and

WHEREAS, the Board of Commissioners of the Township of North Bergen adopted certain amendments to the Zoning Ordinance on August 6, 2003 and requested further review of the proposed overlay zone for the Wall Street / Churchill Road area; and

WHEREAS, based upon further review, the Board of Commissioners have determined to implement the amendment to the Zoning Ordinance to create the overlay zone for Wall Street / Churchill Road area in accordance with the recommendations contained in the Periodic Re-examination Report of the Master Plan;

NOW THEREFORE BE IT ORDAINED that the Mayor and Commissioners of the Township of North Bergen hereby adopt the following amendments to the Township of North Bergen Zoning Ordinance and Zoning Map in accordance with the recommendations of the 2003 periodic Reexamination Report of the master Plan for the township of North Bergen:

SECTION I. Overlay Zone for Wall Street/Church Hill Road Area. This area occupies the northeast corner of North Bergen Township. It is bounded to the east by River Road and to the west by the center line of Clement Street (a paper street). It includes land on the west side of Wall Street, approximately 280 feet from the Woodcliff Avenue intersection and extends southward. It is separated from the remainder of the township by the steep topography of the Palisades Cliffs.

A. Townhouse/Attached Housing Overlay:

1. Purpose: To allow greater flexibility in design for sites with steep topography, and provide optimal views of the Hudson River.

The proposed Townhouse/Attached Housing Overlay District encompasses the properties listed below. The overlay zoning (Townhouse/Attached Housing Overlay) and the underlying R-1 and R-2 zoning remains applicable for the future development of these parcels:

- Block 431A, all lots (underlying zone R-1)
- Block 431B, all lots (underlying zone R-1)
- Block 433, all lots (underlying zone R-1)
- Block 434, all lots (underlying zone R-1)
- Block 435, Lots 18 through 41 (underlying zone Lots 18-29 R-2; underlying zone Lots 30-41 R-1)
- Block 440, all lots (underlying zone R-1)

2. Principal Permitted Uses: townhouses (not limited to 30 feet), single family and two family attached dwelling units.

Accessory Uses: Any use customarily incidental to the principal permitted use.

3. Area and Bulk Regulations:

Minimum Lot Area (sf.)	20,000
Minimum Lot Width (ft.)	100
Minimum Lot Depth (ft.)	120
Minimum Front Yard	There shall be a distance of at least 5 feet between the main entrance to a unit and the curbline for pedestrian safety.
Average Setback	To allow design flexibility due topographic conditions in the area, the average of all setbacks shall not be less than 10 feet. The average shall be calculated based on the linear setback distances measured at 25 foot intervals around the site perimeter.
Min. distance between townhouse buildings:	
Front to front or back to back	50
Front to side	40
Side to back	30
Side to side	25
Minimum Landscaped Area (%)	10
Maximum Impervious Coverage (%)	80
Maximum Building Height (ft)	45, with an additional 9 foot allowance for stairway or elevator bulkheads.
Maximum Density (du/ac)	25

4. Additional Standards.

- a. No architectural features shall extend more than five feet above the maximum permitted 45 foot building height. Ancillary rooftop appurtenances shall not occupy more than 10 percent of the roof surface.
- b. Buildings shall be broken into segments having vertical orientation. Related architectural elements should be utilized to preclude a continuous uninterrupted façade.
- c. There shall be at least 10 percent landscaped area on the site. This may consist of landscaped terraces and planted areas including foundation plantings, ornamental trees and shade trees.
- d. There shall be a sidewalk along any external roadways, when the main entrance of a unit is oriented toward the external roadway.

Section II. This ordinance shall take effect after publication and passage according to law.

Section III. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section IV. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section V. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section VI. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: September 10, 2003

Published: 9/16/03 & 9/30/03

Adopted: September 24, 2003

Attest Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	Yes
<u>Commissioner Ferraro</u>	Yes
<u>Commissioner Gargiulo</u>	Yes
<u>Commissioner Pascual</u>	Yes
<u>President Sacco</u>	Yes

AMENDMENTS TO THE NORTH BERGEN ZONING ORDINANCE
TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE
2003 PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

WHEREAS, in accordance with the New Jersey Municipal Land Use Law, the Township of North Bergen Planning Board has undertaken a periodic reexamination of its Master Plan, and

WHEREAS, the Periodic Reexamination Report of the Master Plan set forth specific land use recommendations, and

WHEREAS the Township Planning Board adopted said Periodic Reexamination report on July 8, 2003, and the Board of Commissioners is the entity responsible for the adoption of land use regulations to implement the recommendations contained therein,

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of North Bergen hereby adopt the following amendments to the Township of North Bergen Zoning Ordinance and Zoning Map in accordance with the recommendations of the 2003 periodic Reexamination Report of the master Plan for the township of North Bergen:

SECTION L. Rezoning for East Side of Tonnelle Avenue, between 60th and 69th Streets

A. Block 238A Lots 1-31 and Block 208 Lots 1-43 are hereby rezoned from an R-3 Moderate Density Residential District to a C-1 General Commercial District. The C-1 District permits several commercial uses and offices. These uses are more compatible with the developed character of the Tonnelle Avenue corridor in North Bergen than the R-3 uses, which are strictly limited to residential development. This rezoning is based on the following:

1. Many of the above referenced parcels are undeveloped and characterized by topographic conditions rising upward in elevation from Tonnelle Avenue to the east. This topographic difference creates a physical and visual separation from the residential neighborhood to the east.
2. The lots have extensive frontage on Tonnelle Avenue, a major roadway carrying high traffic volumes;
3. The difference in elevation from the existing residential neighborhood to the east, which results in the properties along Tonnelle Avenue being at a lower elevation

- than the residential area to the east, creates a distinct physical separation between the two areas; and
4. Land uses opposite the properties in question is developed with commercial and business uses

SECTION II.

Rezoning of Triangle Surrounded by Granton Avenue, Liberty Avenue and 69th Street.

- A. Block 238B Lots 36-53 are rezoned from an R-1 Low Density Residential District to a C-2 Highway Business District. This rezoning is based on the following:
 1. The block has frontage on three roadways as follows: Liberty Avenue to the east, 69th Street to the north and Granton Avenue/Tonnelle Avenue to the west. The site is occupied by a commercial building with on-site parking. The township's zoning map indicates this property is in the R-1 District, which permits only residential land uses.
 2. The land use plan in the Township's 1994 Master Plan does not correspond with this zoning. In fact, the land use plan map indicates that this triangular area is part of the C-2 designation recommended for property to the north, on both sides of Tonnelle Avenue. Therefore, there has been an ongoing inconsistency between the land use plan map and zoning map.
 3. The C-2 designation acknowledges and affirms the developed character of this block.

SECTION III. Rezone Land South of 37th Street, extending to Columbia Park

- A. Block 77 Lots 1-35 are hereby rezoned from a C-2 designation to an R-3 District. This rezoning is based on the following:
 1. Land on the south side of 37th Street and extending southward to Columbia Park is developed with residential land uses and a senior living facility.
 2. The township's existing zoning map erroneously includes these parcels as a C-2 designation, however, they were previously designated as an R-3 Zone.
 3. Based on the existing residentially developed character of these parcels, the land use plan designates them for the R-3 land use classification.

SECTION IV. INTENTIONALLY OMITTED.

SECTION V. Redevelopment Overlay for Kennedy Boulevard/90th Street. A portion of the block bounded by Second Avenue to the west, Kennedy Boulevard to the north, First Avenue to the east and 90th Street to the south was previously occupied by deteriorated industrial buildings which have since been demolished, and is an appropriate location for redevelopment. The following overlay district is applicable to the properties designated below:

A. Redevelopment Overlay.

1. Purpose: To allow the redevelopment of a former industrial site with residential land use. The purpose of the overlay is to permit infill residential development, on a currently vacant site, with a density and design compatible with the existing neighborhood. The site is a transitional location, with frontage on four roadways, including Kennedy Boulevard.

2. The proposed Redevelopment Overlay District will encompass the following properties: Block 395H, Lots 1-4, 13-35. Underlying zone Block 395H Lots 1-4, 13, 14, 23-35 is R-1; underlying zone for Block 395H Lots 15-22 is C-1A. Both the Redevelopment overlay and the underlying zoning is applicable to these parcels for future development.

3. Principal Permitted Uses: Any R-1 use, multifamily dwelling units.
Accessory Uses: Any use customarily incidental to the principal permitted use.

4. Area and Bulk Regulations:

Minimum Lot Area (ac.)	1 acre
Minimum Lot Width (ft.)	200
Minimum Lot Depth (ft.)	200
Minimum Setbacks (ft.)	
From a street right of way	10
From a lot line	15
Minimum Landscaped Area (%)	10
Maximum Impervious Coverage (%)	75
Maximum Building Height (ft)	35
Maximum Density (du/ac)	60

5. Other Standards.

a. There shall be garage parking provided on-site. There shall be provisions for off-street guest parking.

b. Street trees shall be provided along all roadway frontages. Trees should be 2.5 to 3 inch caliper and located minimally 40 feet on center.

c. Architectural features and treatments shall blend with the existing neighborhood. Complementary variations in building surfaces should be provided including some or all of the following features: vertical and horizontal demarcations, bay windows and stoops.

d. Decorative metal grills should be applied to below grade garage structures visible at street level when windows are not provided.

e. A building fronting on Kennedy Boulevard may be 45 feet high provided it contains

commercial development. Commercial development is permitted on the first floor with residential development on the upper floors.

SECTION VI. Rezone Portion of Edgecliff Area. This area is bounded to the west by Boulevard East, to the east by River Road, to the south by municipal land and to the north by parkland. The properties located to the east of the cliff face are located approximately 100 feet below the top of the cliff and are not visible from Boulevard East. In contrast, they are visible only from River Road and can be accessed only via River Road due to the elevational differences between Boulevard East and River Road.

The area is currently in the P-2 Edgecliff District wherein the maximum height regulations limit building height to a maximum of 75 feet above the centerline of River Road. Moreover, view corridors are required extending eastward at 50 foot widths which limit the building height to 5 stories or 50 feet. This is appropriate for those parcels oriented toward, and accessed from, Boulevard East, however, the remaining properties in the Edgecliff area are not visible from Boulevard East and are located at least 100 feet below the cliff top. In response to these unique characteristics, the township hereby rezones the following parcels to a new P-3 River Road West District.

A. Rezone a Portion of the P-2 Edgecliff Zone to a New P-3 River Road West Zone.

1. Purpose. To recognize that these properties are located east of the Palisades Cliff face and due to topographic characteristics associated with the cliff, are oriented and accessed via River Road. The area has a distinctly different character than the remainder of the existing Edgecliff District and requires different zoning regulations addressing its location below the cliff.

The proposed River Road West District (P-3) will encompass the following properties:
Block 316, Lots 7A through 24

2. Principal Permitted Uses: multifamily residential dwelling units.
Accessory Uses: Any use customarily incidental to the principal permitted use.

3. Area and Bulk Regulations:

Minimum Lot Area (ac)	4
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	200
Minimum Setbacks (ft.)	
From a street right of way	15
From base of Palisades Cliff	40
From a side lot line (ft.)	20
Maximum Building Coverage (%)	40
Minimum Landscaped Area (%)	20

Maximum Impervious Coverage (%)	65
Maximum Building Height (ft)	40' below top of cliff, or maximum 120', whichever is more restrictive
Maximum Density (du/ac)	75

4. Other Standards.

a. Buildings with expansive blank walls facing the public right of way are prohibited. Large horizontal buildings shall be broken into segments having vertical orientation. Architectural elements and design variation, including building offsets, shall be integrated to preclude a continuous uninterrupted façade.

b. Side and rear building elevations should receive architectural treatments comparable to front facades when visible from a public right of way.

c. Façade elevations for parking decks shall have architectural features complementing the building design. They shall form an integrated architectural design.

d. A significant landscape feature should be provided. Total landscaped area shall not be less than 10 percent of the site area. Street trees should be provided around parking areas. Trees should have a 2.5 to 3 inch caliper. Parking rows longer than 20 spaces should have a 6 foot wide landscaped island to break the pavement (this does not apply to spaces in parking garages). There should be particular focus on landscaping the River Road frontage in a creative and aesthetically pleasing manner. A minimum five foot wide planted buffer strip shall be provided along the site's River Road frontage.

e. Foundation plantings, including trees and shrubs, should be planted along parking deck walls. All building foundations shall be appropriately landscaped.

f. There shall be at least 10 percent of the site devoted to usable recreation space. The location of recreational facilities shall consider the proximity of structures, type of recreation facility, noise level and evening illumination and their impacts on adjoining properties. The periphery of any recreation area shall be no closer to a residential structure than the minimum yard for that structure.

g. Rooftop appurtenances shall not exceed 12 feet in height and shall not occupy more than 15 percent of the roof surface. Appropriate screening will be provided. Effort will be made to use a natural appearance for the rooftop of the building since pedestrians walking along the Boulevard East Promenade may be able to view the roof surface if looking down and to the east from the top of the cliff. Materials will be selected using colors and textures to enable the roof surface to blend with the natural features of the site, particularly the cliff. The portions of roof surface designed with special features to provide aesthetic, visual or recreation amenity may be included on the calculation of landscaped area.

h. Above grade parking decks shall meet the minimum setbacks for a principal building. If the entire parking structure is below grade, it may be within 5 feet of a lot line. The top deck (roof level) of a parking structure may be included in the recreation and landscaping calculations if it is not used for parking.

i. View corridors, applicable to other districts in North Bergen Township, are not required in the P-3 District.

j. The development may provide up to 25 percent of the total amount of on-site parking as compact parking stalls.

Section VII. This ordinance shall take effect after publication and passage according to law.

Section VIII. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section IX. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section X. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section XI. This ordinance shall take effect immediately upon publication and final passage according to law.

INTRODUCTION: July 9, 2003

PUBLISHED: July 15, 2003 & August 7, 2003

ADOPT: August 6, 2003

Attest: Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	<u>Yes</u>
<u>Commissioner Ferraro</u>	<u>Yes</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Pascual</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

1010-05

Ordinance

An Ordinance Amending and Supplementing the Revised
General Ordinances of the Township of North Bergen to
Permit and Regulate Mobile Cellular Communications
Antennas and Towers as Conditional Uses.

WHEREAS, Section 70.4(a) of the Telecommunications Act of 1996, 47 USC §332(c)(7), permits municipal corporations as a unit of local government to regulate, subject to certain conditions, the placement, construction and modification of "personal wireless communication antennas and mobile cellular communications towers; and

WHEREAS, due to the substantial increase in the demand for cellular telephone service by both personal and business consumers, there has been and it is reasonably anticipated that there will continue to be a corresponding increase in the demand for said antennas and towers, capable of sending and receiving radio wave signals for said telephone service; and

WHEREAS, the Board of Commissioners of the Township of North Bergen, in view of its concerns to regulate land use within the Township in order to guide the appropriate use or development of land in the Township in a manner which will promote the public health, safety and general welfare and to promote a desirable visual environment through creative development techniques and good civic design and arrangement, proposes by this Ordinance to so regulate the placement, construction and modification of said antennas and towers

WHEREAS, the purpose of this Ordinance is to meet the requirements of the Federal Communications Commission and in particular to insure that health, safety, general welfare and aesthetic objectives of maintaining the integrity of one or more zones as to not cause a nuisance to neighboring property or a detrimental effect upon the value of said properties in the use of same. In particular, in regard to residential zones, the purpose of the ordinance is to maintain the integrity of said zones.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen, County of Hudson, State of New Jersey, as follows:

Section 1. Definitions. The Zoning Ordinance of the Township of North Bergen is hereby supplemented by the addition of the following definitions:

Mobile Cellular Communications Antenna. Any structure, combination of materials or form of apparatus which is designed and used for the purpose of sending, transmitting, receiving or relaying low-power mobile radio waves for commercial communications systems or other similar technologies. Mobile cellular communications antennas shall not include conventional television antenna.

Mobile Cellular Communications Tower (Tower). A free standing structure of any type which is designed, intended or constructed for the installation of or on which is fixed a mobile cellular communications antenna or antennas.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Backhaul Network. The lines that connect a provider's tower/cell site to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Height. When referring to a tower, the distance measured from the lowest finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting Towers. Any tower for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers that have not yet been constructed so long as such approval is current and not expired.

Section 2. Applicability

- (a) **New Towers and Antennas.** All new towers and/or antenna in the Township of North Bergen shall be subject to these regulations, except as provided in Sections 2(b) through (d) inclusive.
- (b) **Amateur Radio Station Operators/Receive Only Antennas.** This ordinance shall not govern any tower or the installation of any antenna that is owned and operated by a federally licensed amateur radio operator or is used exclusively for receive only antennas.

(c) **Preexisting Towers or Antennas.** Preexisting towers and preexisting antennas are not required to meet the requirements of this ordinance other than the requirements of Section 3(d), absent any enlargement or structural modification or the addition of any structures.

(d) The provisions of this ordinance shall not apply to the following:

(1) Public law enforcement and public safety apparatus.

(2) Property under the jurisdiction of the Hackensack Meadowlands Development Commission.

Section 3. General Requirements

(a) Mobile Cellular Communications Towers shall be a conditional use in certain specified zones and Mobile Cellular Communications Antenna shall be considered an accessory use on the subject property.

(b) **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, and other such bulk requirements, the dimensions of the entire lot shall control, even though the antenna or tower may be located on leased parcels within such lot.

(c) **Inventory of Existing Sites.** Each applicant for a mobile cellular communication tower or antenna shall provide an inventory of its existing towers, or sites approved for towers or antennas that are either within the jurisdiction of the Township of North Bergen or within one mile of the border thereof, including specific information about the location, height and design of each tower. Such information may be shared with other applicants applying for administrative approvals or permits under this ordinance or other organizations seeking to locate towers within the jurisdiction of the Township of North Bergen, provided, however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers. If such standards and regulations are changed, then the owners of the towers governed by this ordinance shall bring such towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different

compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower at the owner's expense.

- (e) **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (f) **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township of North Bergen have been obtained and shall file a copy of all required franchises within the Township of North Bergen.
- (g) **Signs.** No signs shall be allowed on an antenna or tower.
- (h) **Lighting.** No lighting shall be allowed on an antenna or tower, except as required by the FAA or for security purposes.
- (i) **Abandonment.** Any mobile cellular communications tower which has not been used for mobile communications purposes for a period of one year shall be considered abandoned, upon which the Construction Code Official shall, in writing, notify the owner or operator of such abandonment. Upon receipt of such notice of abandonment, the owner shall, within 30 days of such notification, at its sole cost and expense, remove the tower and any other structures on the site and restore the site to the condition it was in before the conditional use permit was issued. If the owner or operator shall fail to remove the tower and restore the site as herein required, such failure shall constitute a violation of this section. For each date beyond the 30 day removal and restoration period that said owner or operator has failed to remove the tower and restore the site, same shall constitute a separate violation.

Section 4.

The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to permit mobile cellular communications towers as a conditional use in the C-2 and I districts as follows:

Mobile Cellular Communications Towers (Herein referred to as Towers)

1. Upon proper application and hearing, as herein provided, mobile cellular communications towers shall be permitted as a conditional use in the Township of North Bergen provided that the following criteria have been met:
 - a. An applicant for a permit to erect a mobile cellular communications antenna shall establish by competent evidence that there exists a need for such facility within the Township and at the proposed location for which the approval is sought. Such evidence shall include, but not be limited to the following:
 - (1) An identification of the cellular network layout and coverage areas to be serviced by the proposed tower and an explanation as to why existing facilities are inadequate to provide service.
 - (2) Why the proposed site is suitable for such use. Evidence to be presented on this issue shall include a radio frequency engineering analysis of the potential suitability or unsuitability of existing buildings or structures for such commercial antenna, which engineering analysis shall be subject to review by the Township Planner and Township Engineer and any consultant called upon by the Planning Board to make such a determination.

Section 5. Conditional Use Standards for Mobile Cellular Communications Towers.

A mobile cellular communications tower may be erected on property within the C-2 and I zones of the Township as long as it meets the following conditional use standards:

- (a) Any mobile cellular communications tower shall be located a minimum distance of 300 feet from any residential or waterfront zones and 500 feet from any of the following structures or uses: public and private schools, libraries or senior citizen housing.
- (b) No more than one mobile cellular communications tower may be erected or constructed on any one lot, site or tract of land.
- (c) Minimum setback of the tower from any property line shall be equal to the height of the tower plus twenty (20) feet. This standard shall serve as the minimum setback based upon the so-called "fall down" provision in the event of a catastrophe.

120
~~120~~
220
90
310

- (d) Minimum lot area or lease area - The minimum lot area or lease area shall be computed as follows: In any direction, width or length shall be the maximum height of the tower plus 20 feet.
- (e) Minimum lot width. The minimum lot width of the tower site or lease area shall be equal to the square root of the minimum lot area.
- (f) Maximum lot coverage. The maximum lot coverage shall be limited to ten (10) percent of the lot area or lease area.
- (g) Maximum height of tower (measured from the average of the grade to highest vertical point on any part of the structure) - 100 feet.
- (h) The site on which the tower and any accessory buildings or structures are situated shall be completely enclosed with a fence six feet high, of composition meeting the approval of the Planning Board, which shall include a locking security gate. The area shall also be appropriately landscaped as determined by the Planning Board.
- (i) An area of 25 linear feet in all directions at the base of the communications tower shall be free and clear of all buildings and structures not related to the operation of the antenna.
- (j) Said mobile cellular communications antenna or tower shall have direct access to an improved and approved public street.

Section 6. Plat Details for Mobile Cellular Communications Towers.

Information Required. In addition to any information required for applications for conditional use permits, applications for a conditional use permit for a mobile cellular communication tower shall submit the following information:

- (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and separation distances from adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed to be necessary to access compliance with this ordinance.
- (b) Legal description of the entire tract and leased parcel (if applicable).

- (c) The setback distance between the proposed tower and the nearest residential unit.
- (d) The separation distance from other towers and antennas described in the inventory of existing sites submitted pursuant to Sections 3(c) shall be shown on the site plan map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) All existing and proposed landscaping including the amount and specific landscape materials.
- (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination limited to security illumination.
- (g) A notarized statement by the applicant as to whether the construction of the tower will accommodate collocation of additional antennas for future users.
- (h) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (i) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (j) A description of the feasible location(s) of future towers or antennas within the Township of North Bergen based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (k) A visual study depicting where, within a one-half mile radius, any portion of the proposed tower will be seen. In addition, a balloon shall be floated at the height and location of the proposed tower for a period of time as directed by the Planning Board.

Section 7. Procedure for a Mobile Cellular Communication Tower Application

- (a) No building permit shall be issued for the construction, erection or installation of a mobile cellular communications tower unless conditional use approval and site plan approval have been granted by the Planning Board of the Board of Adjustment, where applicable.

- (b) For a conditional use approval for a mobile cellular communications tower, the applicant shall comply with the application requirements set forth in the Township's zoning ordinance.
- (c) Upon filing of a completed application for a mobile cellular communications tower as a conditional use, the Planning Board shall conduct a public hearing in accordance with the Municipal Land Use Law.
- (d) The applicant shall give notice of such hearing as provided by law.
- (e) A list of property owners to whom the applicant is required to give notice shall be furnished to the applicant in accordance with the Municipal Land Use Law. The Planning Board's decision on such application shall be in accordance with the provisions of the Municipal Land Use Law. Publication of such decisions shall be in accordance with the Municipal Land Use Law.
- (f) In granting a conditional use permit, the Approving Authority may impose conditions to the extent the Approving Authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (g) An applicant for conditional use permit shall submit the information described required by this Ordinance and a non-refundable application fee and an escrow deposit as required by the Township for conditional use applications as herein established.

Section 8. Mobile Cellular Communications Tower Conditional Use Procedures

- (a) All information and documentation required for a site plan and/or a subdivision application shall be submitted in accordance with the Township's land use ordinances as well as procedures and standards outlined herein.
- (b) A report from a professional engineer or other qualified expert witnesses shall be provided which shall include:
 1. A description of the tower and the technical and other reasons for the tower's design and height.
 2. Information and documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location, and meets or exceeds minimum safety requirements and margins established by the Federal Communications Commission and the Township's Building Code.

3. Information and documentation describing the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate, including the extent to which additional equipment can be mounted on the tower and the types of equipment which can be accommodated.
4. Information and documentation describing the elevation of the proposed tower and accessory building or structure, if any, and describing all proposed antennas, platforms, finish materials and other accessory equipment.

Section 9. Standards for Mobile Cellular Communications Antennas

A mobile cellular communications antenna may be erected or affixed to an existing building or structure as long as it meets the following requirements:

- (1) Any such antenna shall not extend above or beyond the maximum allowable height of any such building or structure as established in the Township Zoning Ordinance by more than ten (10) feet or ten (10) percent of the maximum building height, whichever number is lower in the district for a principal use or structure pursuant to N.J.S.A. 40:55d-70(D)(6).
- (2) Any such antenna or tower shall be securely fixed to the building or structure for which it is proposed and shall not be ballasted.
- (3) Any such mobile cellular communications tower shall be suitably finished or painted in a manner so as to minimize any obtrusive characteristics of their visual impact. When practicable, the color of paint or finishing materials shall be consistent and not contrasting with the color or materials of the building upon which it is erected or affixed. Further parapets or other visual shrouds shall be provided.
- (4) When one or more antennas are affixed to a roof on an existing building, the area of the roof encumbered by the antenna assemblies shall not exceed 5% of the square footage of the roof top area.

Section 10. Procedure for Mobile Cellular Communications Antenna

- (a) Any property owner shall, prior to the placement of a mobile cellular communications antenna on the subject property, submit to the construction code official, a plan showing the size of the antenna, the proposed location of same on the subject premises, and such other information as may be required herein.

- (b) The construction code official shall review said plan and render a decision within 21 days of the submission of said plan or within such further time as may be consented to by the property owner for compliance with Section 9 hereof.
- (c) If the mobile cellular communications antenna requires action by the Planning Board or the Board of Adjustment, the Construction Code Official shall advise the applicant within a 21 day period.

Section 11. Plat Details for Mobile Cellular Communications Antenna

The plat plan shall be drawn on a map to scale not smaller than one inch equals 40 feet and not larger than one inch equals ten feet and shall include the following information:

- (a) The name and address of the applicant and owner and the name, address and title of the person preparing the plan and accompanying date, the date of preparation, and the date of each revision where applicable.
- (b) An appropriate place for the signature of the construction official, Township engineer and approving authority chairperson, where applicable.
- (c) The lot and block number(s) of the subject property from the township tax maps and the length and bearings of the lot lines of the proposed lot or parcel.
- (d) The location, pavement and right-of-way widths, and names of all existing and proposed streets abutting the lot or lots in question, the property lines of all streets abutting properties together with the names and addresses as disclosed on the township tax map and tax rolls as of the date of the application, and the location of existing buildings within 200 feet of the site in question.
- (e) All existing buildings and structures and all accessory buildings or structures on the lot, if any, with dimensions showing the present finished grade elevations at all corners.
- (f) All existing and proposed setback dimensions, landscape areas, trees of six caliper or greater on the site affected by the proposed apparatus.
- (g) Existing and proposed plantings to provide screening to prevent noise, glare and improve aesthetic considerations.

(h) Any and all other information necessary to meet the requirements as listed herein.

Section 12. Enforcement Officer

The Construction Code Official of the Township of North Bergen is hereby designated as the public officer charged with the enforcement of the terms for satellite antenna. All complaints for alleged violation of any of the terms of this section shall be submitted in writing to said construction official.

Section 13. Penalties

Any person who violates any provision of this section shall, for each and every violation thereof, and for each and every day that said violation continues to be in existence, be subject to a fine of not more than one hundred (\$100.00) dollars per violation at the discretion for the magistrate of the Township of North Bergen.

Section 14. Repealer

All ordinances or parts of ordinance inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

Section 15. Severability

If any section, part of section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Governing Body of the Township of North Bergen declares that it would have passed the Ordinance and each section and section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 16. Effective Date

This Ordinance shall take effect immediately upon passage and publication according to law.

INTRODUCED: March 23, 2005
PUBLISHED: March 26, 2005 & April 16, 2005
ADOPTED: April 13, 2005

Carol Ann Fontana
Township Clerk

<u>Hugo Cabrera</u>	Yes
<u>Theresa Ferraro</u>	Yes
<u>Frank Gargiulo</u>	Yes
<u>Allen Pascual</u>	Yes
<u>Nicholas J. Sacco</u>	Yes

TOWNSHIP OF NORTH BERGEN
ORDINANCE #1066-06

AN ORDINANCE TO IMPLEMENT A MASTER PLAN AMENDMENT
CREATING A NEW ZONING DISTRICT RRC RIVER ROAD COMMERCIAL
TO PERMIT COMMERCIAL USE ALONG A PORTION OF THE WEST SIDE OF
RIVER ROAD

WHEREAS, in accordance with the provisions of the Municipal Land Use Law, the Township of North Bergen Planning Board adopted a Periodic Reexamination Report of the Master Plan on July 8, 2003 which set forth specific land use recommendations for future development in the community; and

WHEREAS, the Board of Commissioners subsequently adopted Ordinance 944-03 in accordance with the recommendations contained in the Reexamination report document and implemented a rezoning of Block 316, Lots 7A through 24 to a new P-3 River Road West District; and

WHEREAS, portions of River Road are designated as a P-3 with access to River Road, but are physically separated from Boulevard East by a significant topographic difference; and

WHEREAS, the existing zoning of the River Road corridor has been successful in generating a significant amount of upscale residential opportunities for North Bergen Township residents, although there is a lack of commercial amenities along the River Road corridor to serve this new residential area of the community; and

WHEREAS, permitting commercial development on the west side of River Road will advance a compatible balance of residential and commercial land uses in the River Road corridor; and

WHEREAS, the Township's Planning Board is cognizant of this situation, and in response adopted an Amendment to the Periodic Reexamination Report of the Master Plan on June 1, 2006 which recommends that a portion of land along the west side of River Road, previously designated as a P-3 River Road West District, is appropriate for retail and commercial land use development and recommends implementation of a new zone entitled River Road Commercial District (RRC) to promote commercial development to fulfill the retail and service needs of the riverfront residential area; and

WHEREAS, the Board of Commissioners is the entity responsible for the adoption of land use regulations implementing the recommendations of the Master Plan document and the document recommends the aforementioned zoning revision from commercial to residential.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of The Township North Bergen, Hudson County as follows:

SECTION 1. Article III Section 3.8 Commercial Districts of the Zoning Ordinance of the Township of North Bergen, New Jersey is hereby amended and supplemented to include a new subsection "c" entitled "District RRC: River Road Commercial" as a new commercial zone district in the Township by adding subsection "c" as follows:

c. District RRC River Road Commercial

1) Purpose. To recognize that the properties within this district remain viable for development and that additional residential land use is unlikely given the anticipated future development of approximately 500 residential units along North Bergen's River Road corridor. These lots are located east of the Palisades Cliff face and due to topographic characteristics associated with the cliff, are oriented and accessed via River Road. The area's proximity to an influx of residential development makes it particularly suitable for development with retail and commercial businesses to offer services and convenience to nearby residents. The River Road Commercial District (RRC) encompasses the following properties: Block 316, Lots 9 through 16.

2) Principal Permitted Uses.
Retail sales, personal services, professional offices, banks, eating and drinking establishments (no drive-thru or walk up window service permitted for restaurants or eating and drinking establishments), hotels (with rooms accessed via internal building corridors only)

3) Accessory Uses.
Any use customarily incidental to the principal permitted use.

4) Conditional Uses.
None.

5) Area, Yard and Bulk:
RRC District Regulations

a) Retail sales, personal services, professional offices, banks and eating and drinking establishments.

Minimum Lot Area (sf)	9,500
Minimum Lot Width (ft.)	75
Minimum Lot Depth (ft.)	120
Minimum Setbacks (ft.)	
From a street right of way	15

From rear lot line	20
From a side lot line	10
Maximum Building Coverage (%)	40
Minimum Landscaped Area (%)	15
Maximum Impervious Coverage (%)	75
Maximum Building Height (ft)	3 stories/40 feet

b) Hotels:

Minimum Lot Area (acres)	1.5
Minimum setback from base of Palisades Cliff (ft.)	40
Minimum setback from a side lot line (ft.)	20
Maximum building height (ft.)	40 feet below top of cliff to maximum 80 feet, whichever is more restrictive.

c) Parking Garage Structures

Parking garage structures are permitted as accessory parking structures for hotel uses in the district. The maximum height for a parking garage structure is four (4) stories or 40 feet. The garage shall be architecturally compatible with the hotel building with a facade finish material comparable to that used for the hotel. The garage facade facing River Road shall contain aesthetically pleasing features such as decorative grillwork on open areas of the garage wall and a planting feature to obscure large concrete wall expanse visible from the River Road corridor. The garage may be attached to the hotel via pedestrian bridges or covered walkways. The garage structure shall be included in the overall calculation of building and impervious coverage for the site.

6) Other Standards.

- a) Buildings with expansive blank walls facing the public right of way are prohibited. Large horizontal buildings shall be broken into segments having vertical orientation. Architectural elements and design variation, including building offsets, shall be integrated to preclude a continuous uninterrupted facade.

- b) Side and rear building elevations should receive architectural treatments comparable to front facades when visible from a public right of way.
- c) A significant landscape feature shall be provided. Total landscaped area shall not be less than ten (10%) percent of the site area. Street trees shall be provided around parking areas. Trees should have a 2.5 to 3 inch caliper. Parking rows longer than twenty (20) spaces shall have a six (6) foot wide landscaped island. There shall be particular focus on landscaping the River Road frontage in a creative and aesthetically pleasing manner. A minimum five foot wide planted buffer strip shall be provided along the site's River Road frontage.
- d) Foundation plantings, including trees and shrubs, shall be planted along the building foundation.
- e) Drive-thru lanes for banks or pharmacies shall provide sufficient queue space for four (4) vehicles at each drive thru lane without interference with on-site circulation.

Section 2. Article III Table 3 Area, Yard and Bulk Regulations - Commercial Districts of the Zoning Ordinance of the Township of North Bergen, New Jersey is hereby amended and supplemented by adding Table 3-8c as follows:

Table 3.8c Area, Yard and Bulk Regulations - RRC - River Road Commercial - Retail Stores, Personal Services, Professional Offices, Banks and Eating and Drinking Establishments

Minimum Lot Area (sf)	9,500
Minimum Lot Width (ft.)	75
Minimum Lot Depth (ft.)	120
Minimum Setbacks (ft.)	
From a street right of way	15
From rear lot line	20
From a side lot line	10
Maximum Building Coverage (%)	40
Minimum Landscaped Area (%)	15
Maximum Impervious Coverage (%)	75
Maximum Building Height (ft)	3 stories/40 feet

Hotels

Minimum Lot Area (acres)	1.5
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Minimum setback from base of Palisades Cliff (ft.)	40
Minimum setback from a side lot line (ft.)	20
Maximum building height (ft.)	40 feet below top of cliff to maximum 80 feet, whichever is more restrictive.

Section 3. The following properties as designated on the Tax Assessment Map of the Township of North Bergen are hereby rezoned as RRC River Road Commercial District:

Block 316, Lots 9, 10, 11, 12.01 and 12.02 f/k/a Block 316, Lots 9, 10, 11, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 16A and 16C

Section 4. The Township Clerk be and is hereby authorized and directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board and to all others entitled thereto pursuant to N.J.S.A. 40:55D-15.

Section 5. All other parts, portions and provisions of the North Bergen Zoning Ordinance, except where inconsistent with the terms hereof, are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

Section 6. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 7. This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Hudson County Planning Board.

Introduced: June 14, 2006

Published: June 17 & July 3, 2006

Adopted: June 28, 2006

Attest Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	Yes
<u>Commissioner Ferraro</u>	Yes
<u>Commissioner Gargiulo</u>	Yes
<u>Commissioner Pascual</u>	Yes
<u>Mayor Sacco</u>	Yes

5

TOWNSHIP OF NORTH BERGEN
ORDINANCE # ____ 06

AN ORDINANCE TO IMPLEMENT A MASTER PLAN AMENDMENT
CREATING A NEW ZONING DISTRICT R-4 FOR PATERSON PLANK ROAD RESIDENTIAL
TO PERMIT RESIDENTIAL USE ALONG WITH WEST SIDE OF
PATERSON PLANK ROAD

WHEREAS, in accordance with the provisions of the Municipal Land Use Law, the Township of North Bergen Planning Board adopted a Periodic Reexamination Report of the Master Plan on July 8, 2003 which set forth specific land use recommendations for future development in the community; and

WHEREAS, portions of Paterson Plank Road are designated as a C-2 Commercial Highway classification, but have no access or egress to Tonnelle Avenue; and

WHEREAS, the demand for residential dwelling units in North Bergen has continued and the completion of the overpass at Paterson Plank Road and Tonnelle Avenue has eased vehicular movements to and from nearby highways, and portions of land located on the west side of Paterson Plank Road are located opposite existing residential development and have outstanding views of the Meadowlands; and

WHEREAS, the Township's Planning Board is cognizant of this situation, and in response adopted an Amendment to the Periodic Reexamination Report of the Master Plan on May 4, 2006 which recommends that a portion land along the west side of Paterson Plank Road, previously designated C-2 Highway Commercial land classification, is appropriate for residential development; and

WHEREAS, the Board of Commissioners is the entity responsible for the adoption of land use regulations implementing the recommendations of the Master Plan document and the document recommends the aforementioned zoning revision from commercial to residential.

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of North Bergen does hereby adopt the following amendment to the Township's Zoning Ordinance in accordance with the Amendment to the Periodic Reexamination Report of the Master Plan.

SECTION 1. Article III Section 3.8 of the Zoning Ordinance of the Township of North Bergen, New Jersey is hereby amended and supplemented to include a new subsection "d" entitled "District R-4 Paterson Plank Residential" as a new residential zone district in the Township by adding a new subsection as follows:

d. District R-4 Paterson Plank Road Residential

- 1) Purpose. To recognize that a residential designation for properties fronting on the west side of Paterson Plank Road is appropriate and reasonable since they have a topographic difference, and are they are physically separated by grand elevation from properties fronting on Tonnelle Avenue. Due to the topographic differential, these parcels are oriented toward Paterson Plank Road and have access and egress solely via Paterson Plank Road. Many of the parcels are located opposite land in the R-3 District and there are many residential land uses along the Paterson Plank Road corridor between Grand Avenue and the railroad. Designating this land for residential development is compatible with the existing development pattern in this section of Paterson Plank Road.

- 2) Principal Permitted Use.
 Multifamily mid rise residential
 Townhouse residential

- 3) Accessory Uses.
 Any use customarily incidental to the principal permitted use.

- 4) Conditional Uses.
 None.

- 5) Area, Yard and Bulk R-4 District Regulations

	<u>Mid Rise</u>	<u>Townhouse</u>
Area and Bulk Regulations:		
Minimum Lot Area (sf)	40,000	10,000
Minimum Lot Width (ft.)	200	100
Minimum Lot Depth (ft.)	200	100
Minimum Setbacks (ft.)		
Front	25	25
Side	15	15
Rear	30	30
Maximum Building Coverage (%)	35	35
If site is characterized by overall topographic slope of 20% or greater	55*	Not applicable
Minimum Landscaped Area (%)	10	10

Maximum Impervious Coverage (%)	75	75
Maximum Building Height (ft)	10 stories*/ 100 ft	3/35

*include parking levels

Section 3. The R-4 District encompasses the following property:

Block 27, Lots 1, 2, 3, 16A, 17A, 18A, 20, 21, 22, 23A, 24A, 25A, 26A, 27, 28A and 28B

Section 4. The Borough Clerk be and is hereby authorized and directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board and to all others entitled thereto pursuant to N.J.S.A. 40:55D-15.

Section 5. All other parts, portions and provisions of the North Bergen Zoning Ordinance, except where inconsistent with the terms hereof, are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

Section 6. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 7. This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Hudson County Planning Board.

Introduced: May 24, 2006

Commissioner Cabrera Yes

Published: May 27, 2006 & June 19, 2006

Commissioner Ferraro Yes

Adopted: June 14, 2006

Commissioner Gargiulo Yes

Commissioner Pascual Yes

Attest : Carol Ann Fontana

President Sacco Yes

Township Clerk

1073-06

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

AN ORDINANCE ADOPTING AN OFFICIAL ZONING MAP

WHEREAS, various zoning amendments have been made by the Commissioners of the Township of North Bergen since the last Zoning Map was adopted; and

WHEREAS, the Township's Planning Consultant, Mayo, Lynch & Associates, has prepared an up-to-date Zoning Map revised as of August 2006, incorporating said zoning changes, a copy of which is on file in the Municipal Clerk's Office; and

WHEREAS, it is the desire of the Board of Commissioners to formally adopt said revised Zoning Map.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that:

Section 1. The Zoning Map, prepared by Mayo, Lynch & Associates, last revised in August 2006, be and hereby is adopted as the official Zoning Map of the Township of North Bergen.

Section 2. Copies of this ordinance shall be forwarded to abutting municipalities and to the Hudson County Planning Board.

Section 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

Section 4. If any article, section, sub-section, sentence, clause, or phrase of this ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not effect the remaining portion of this ordinance.

Section 5. This ordinance shall take effect upon and publication as required by law.

Introduced: August 23, 2006

Comm. Cabrera Yes

Published: August 26, & Sept. 20, 2006

Comm. Ferraro Yes

Adopted: September 13, 2006

Comm. Gargiulo Yes

I HEREBY CERTIFY the foregoing to be a True and Correct Copy of an Ordinance passed and adopted by the Board of Commissioners of the Township of North Bergen in the Co.

Comm. Pascual Yes

President Sacco Yes

1077-06

ORDINANCE NO. _____
TOWNSHIP OF NORTH BERGEN
COUNTY OF HUDSON
STATE OF NEW JERSEY

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF
NORTH BERGEN TO ADD THERETO THE R-5 RESIDENTIAL MIXED USE OVERLAY
ZONE TO THE EXISTING C-2 HIGHWAY COMMERCIAL ZONING DISTRICT

WHEREAS, in 1997 the Township of North Bergen placed the area commonly referred to as the Columbia Park site in a C-2 Highway Commercial zone district, wherein shopping centers and "associated movie theaters" were identified as principal permitted uses, and

WHEREAS, the site subsequently underwent significant redevelopment, including the development of a shopping center, multi-plex movie theater, and on-site parking, and

WHEREAS, the site's shopping center has significantly improved site conditions in contrast to its former use and has enhanced the retail character of the community, and

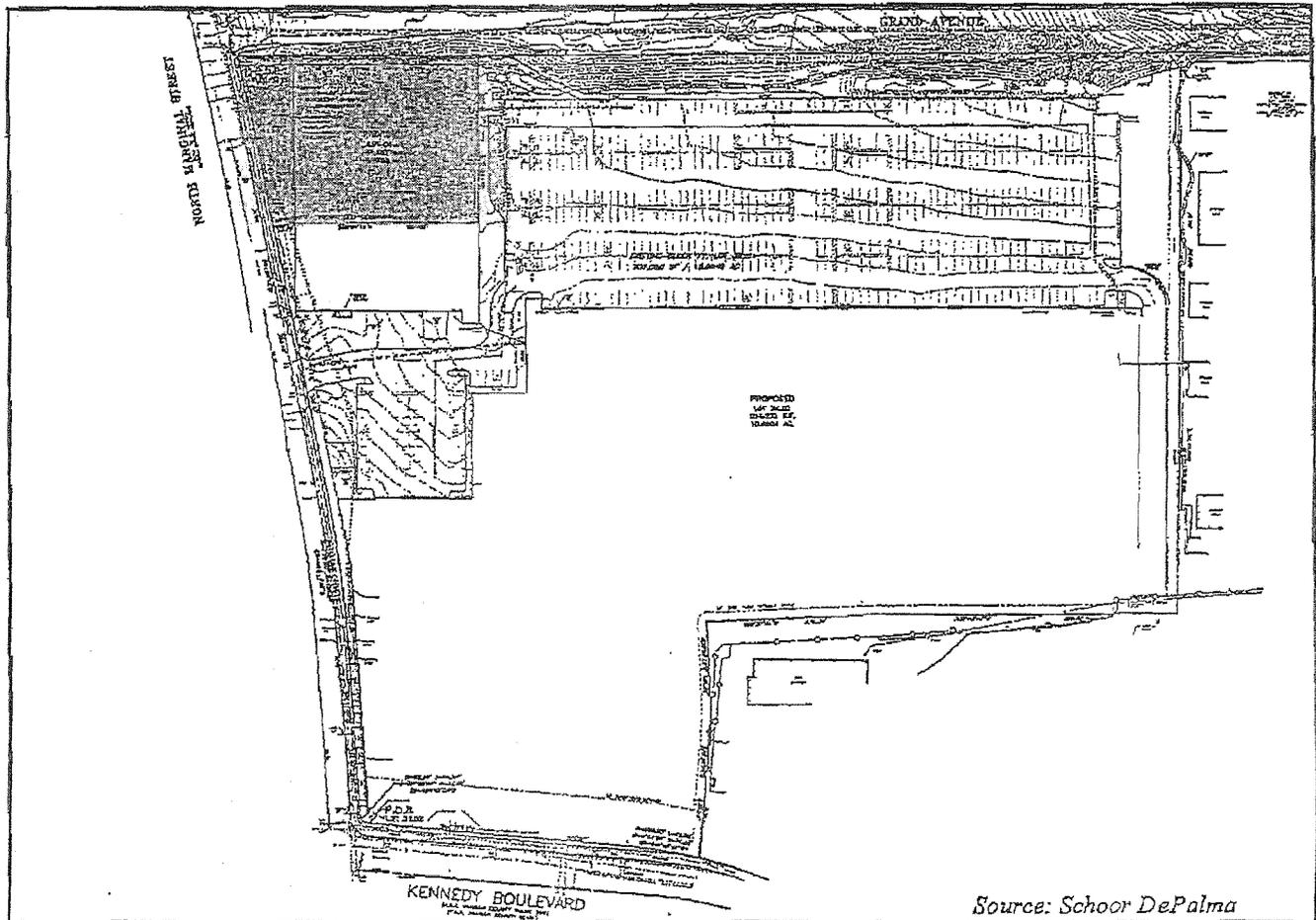
WHEREAS, the movie theater has not been successful, unlike the remainder of the retail center, and

WHEREAS, the Board of Commissioners of the Township of North Bergen hereby finds that the interest and welfare of the public would be best served by establishing zoning regulations that would enable the theater portion of the site to be redeveloped with uses that would enhance the site and the economic foundation of the Township, and

WHEREAS, the Township of North Bergen desires and intends to promote a mixed-use project of commercial and high-density residential uses on the theater portion of the site as an overlay zone, in addition to the uses allowed under the C-2 Highway Commercial zone district. A mixed-use project of this nature will make this area of the Township of North Bergen more appealing and productive.

NOW THEREFORE BE IT ORDAINED that the Mayor and Commissioners of the Township of North Bergen, County of Hudson, State of New Jersey hereby adopt the following amendments and revisions to the Zoning Ordinance of the Township of North Bergen.

SECTION I. Residential Mixed Use Overlay Zone for portion of Columbia Park site heretofore known as Block 77 Lot 36.01. The Residential Mixed Use Overlay Zone shall encompass a 1.03-acre lot known as Block 77 Lot 36.02. It is situated at the corner of the Columbia Park tract at Grand Avenue and Route 495, as shown in the accompanying map.



SECTION II. Regulations for the R-5 Residential Mixed Use Overlay Zone.

1. Purpose: To allow a mix of commercial and high-density residential uses on a portion of the Columbia Park site that is appropriate for such development, with a design that encourages a complementary and compatible land use arrangement with adjacent portions of the Columbia Park site.

2. Location of Overlay Zone; Relationship to underlying C-2 Zone. The proposed Residential Mixed Use Overlay District will encompass a subdivided portion of Block 77 Lot 36, hereinafter referred to as Block 77 Lot 36.02, as shall be indicated on the official tax map of the Township of North Bergen, and as shown on the accompanying map. The underlying zone for Block 77 Lot 36.02 is C-2 Highway Commercial. Both the Residential Mixed Use overlay and the underlying C-2 zoning district uses and regulations are applicable to these parcels for future development.

3. Principal Permitted Uses: Any use permitted in the C-2 Highway Commercial Zone is hereby permitted in the R-5 Residential Mixed-Use Overlay Zone. Other permitted uses include Commercial uses, including retail establishments, restaurants and other eating establishments,

banks, hotels, ancillary storage facilities and office uses including professional, medical and general office uses; residential uses, including condominiums, apartments, and age-restricted residences.

4. Accessory Uses: Any use customarily incidental to the principal permitted use, including preexisting signs and billboards which may be leased. This provision is limited to the pre-existing billboard space which may be sold or leased by the property owner, or tenant, as the case may be. Such pre-existing sign or signs, including any sign which may be considered a billboard, are hereby permitted notwithstanding any Township of North Bergen regulation to the contrary, including Article 5, Section 4 regarding signs. This general provision shall apply to the C-2 Zone, notwithstanding any provision to the contrary, however, only the pre-existing sign is permitted.

5. Area and Bulk Regulations:

- a. Minimum Lot Area-Overlay Zone: 1 acre
- b. Minimum Lot Width: 180 feet
- c. Minimum Lot Depth: 180 feet
- d. Minimum Front Yard: 8 feet
- e. Minimum Side & Rear Yards: 0 feet
- f. Maximum Building Coverage: 75 percent
- g. Maximum Impervious Coverage: 90 percent
- h. Maximum Bldg Height, Residential: 25 stories / 275 feet-above the commercial building identified in paragraph i, below.
- i. Maximum Bldg Height, Commercial: up to 4 stories or 71 feet, as measured from the measurement point identified in paragraph l, below.
- j. Maximum Building height: the height of the building shall be no more than 371 feet which shall include the commercial component, the residential component plus 25 feet for elevator, HVAC, and other appurtenances. Said height being measured from the measurement point identified in paragraph l, below.
- k. Maximum Residential Density: 350 residential dwelling units
- l. The building height shall be measured from the fixed floor elevation of the pre-existing lower (or lowest) level of the retail/movie theater structure. This fixed floor elevation, 127.02 feet is referenced as NGVD 1929 Datum Benchmark Monument #4201 elevation 189.188.

6. Additional Standards.

- a. A minimum of 3,000 square feet of at-grade retail space shall be provided in any mixed-use development, exclusive of any lobby space that may be provided for residential units.
- b. Within any mixed-use development, office uses shall be permitted at-grade; no office use shall be permitted on any floor having residential units or above a floor having residential units.
- c. Non-impervious surfaces shall be appropriately landscaped, including a landscaping strip of grass and planting material, where appropriate, of a minimum dimension of 8 feet, to enhance the aesthetic character of the site.
- d. The number of off-street parking spaces required for the residential portion of the Residential Mixed Use overlay zone shall conform with the standards of the State of New Jersey Residential Site Improvement Standards (RSIS-N.J.A.C.:5:2-1). The number of off-street parking spaces required for the commercial portion of the Residential Mixed Use overlay zone shall conform with the standards provided in Article VII of the Zoning Ordinance, §7.2 Schedule of Minimum off-Street Parking Requirements.
- e. Cross-access easements to and from Block 77 Lots 36.01 and 36.02 (the remaining portion of Lot 36) is required so as to create an integrated site layout, including traffic circulation and shared parking. So as to accomplish the shared or overlap parking, the uses on both Lots 36.01 and 36.02 (the subdivided portion) shall be used to compute the required number of parking spaces.
- f. A zero lot line is permitted in the side and rear yards of Block 77 Lot 36.01, as well as on Block 77 Lot 36.02 (the subdivided Lot) where a common property boundary exists with Lot 36.01, in order to effectuate the necessary lot subdivision and encourage an integrated site layout.
- g. Any application or other submission for approval of a site plan for a residential development project shall include a comprehensive traffic study, which shall include appropriate am and pm traffic counts, and standard traffic engineering criteria.
- h. Any application or other submission for approval of a site plan for a residential development project shall include a planning study. Such planning study at a minimum shall include architectural drawings of the proposed building(s) and the land use impacts on the community.

SECTION III. This ordinance shall take effect after publication and passage according to law.

SECTION IV. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION V. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof.

SECTION VI. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION VII. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: December 6, 2006

Published: December 8, 2006 & December 22, 2006

Adopted: December 20, 2006

Attest: Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	<u>Yes</u>
<u>Commissioner Ferraro</u>	<u>Yes</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Pascual</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>

I HEREBY CERTIFY the foregoing to be a True and Correct Copy of an Ordinance passed and adopted by the Board of Commissioners of the Township of North Bergen in the County of Hudson, in the State of New Jersey, at a meeting held on the above date.

Township Clerk

Carol Ann Fontana

**TOWNSHIP OF NORTH BERGEN
RESOLUTION**

WHEREAS, the Planning Board of the Township of North Bergen is presently conducting a re-examination of the Master Plan of the Township of North Bergen; and

WHEREAS, the Master Plan has undergone previous re-examinations in 1994, 2003 and various interim reviews of specific areas within the Township; and

WHEREAS, the Township, over the years, has studied the Palisades cliff area located on the west side of River Road; and

WHEREAS, there are a number of zones that exist on the west side of River Road including P-2 - Waterfront/Edge Cliff; P-3 - River Road West District; RC - River Road Commercial and R-1 - Low Density Residential/Townhouse Overlay Zone; and

WHEREAS, each of these districts includes as a purpose of providing for development techniques which include the protection of the cliff area; and

WHEREAS, the River Road/Palisades Cliff area is currently being studied as part of the Master Plan Re-examination; and

WHEREAS, the Board of Commissioners of the Township of North Bergen wishes to advise the Land Use Boards of the Township of North Bergen of their commitment to the preservation of the Palisades recognizing that certain development will, in fact, occur and that the Land Use Boards should exercise their sound judgment in requiring responsible development techniques.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of North Bergen as follows:

1. The Planning Board and Zoning Board of Adjustment of the Township of North Bergen shall take into consideration the findings set forth in the Master Plan, Master Plan Re-examinations and the Zoning Ordinance relative to proposed developments that may have an impact on the Palisade cliffs area.
2. The Land Use Boards should require specific testimony in order to determine any impact on the Palisades cliff area and remedial efforts to be undertaken with respect to any proposed development in order to assure that the Palisades is adequately protected and not visually impaired.
3. Certified copies of this Resolution shall be provided to: (i) Planning Board; (ii) Zoning Board of Adjustment; (iii) Brian M. Chewcaskie, Esq., Attorney for Planning Board (iv) John Dineen, Esq., Attorney for Zoning Board of Adjustment; (v) Mayo Lynch; (vi) Burgis Associates and (vii) Dolan & Dean.

Date: May 28, 2008

**TOWNSHIP OF NORTH BERGEN
ORDINANCE NO.**

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN TO ACT AS THE REDEVELOPMENT ENTITY FOR THE BLOCK 316 REDEVELOPMENT PLAN AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO ESTABLISH SPECIFIC DEVELOPMENT REGULATIONS IN THIS AREA.

WHEREAS, Block 316, Lots 7.011, 7.02, 20.01, 21.01, 22.02, 23 and 24 on the Tax Map of the Township of North Bergen, and generally described as those blocks bounded on the east by the right-of-way of River Road, on the north by North Hudson County Park, on the west by the right-of-way of Kennedy Boulevard East and on the south by Block 316, Lots 6, 12.01 and 12.02 has been declared by the Board of Commissioners, following a hearing and recommendation thereon by the Planning Board of the Township of North Bergen as an area in need of redevelopment; and

WHEREAS, the aforementioned block and lots are currently zoned as P-3 River Road West District pursuant to the Zoning Ordinance Township of North Bergen; and

WHEREAS, within said area, the Board of Commissioners found that there exists a number of underutilized properties and structures upon fragmented lots which reflect the lack of proper utilization of the existing resources resulting in a stagnant and unproductive condition of land which would otherwise be potentially useful and valuable for contributing to and servicing the public health, safety and welfare; and

WHEREAS, the acquisition, clearance, rehabilitation, planning, reconstruction renewal and redevelopment of such area will promote the public health, safety, morals and welfare, and revitalize these areas and other areas within the Township of North Bergen.

NOW, THEREFORE, BE IT ORDAINED by the Board of

Commissioners of the Township of North Bergen in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq. as follows:

Section 1. Designation of Block 316 Redevelopment Project: The Block 316 Redevelopment Project known as Block 316, Lots 7.011, 7.02, 20.01, 21.01, 22.02, 23 and 24 on the Tax Map of the Township of North Bergen, and generally described as those blocks bounded on the east by the right-of-way of River Road, on the north by North Hudson County Park, on the west by the right-of-way of Kennedy Boulevard East and on the south by Block 316, Lots 6, 12.01 and 12.02, is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-3.

Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by N.J.S.A. 40A:12A-4c, the Board of Commissioners of the Township of North Bergen is hereby designated to exercise the powers of a redevelopment entity for the Block 316 Redevelopment Project.

Section 3. Redevelopment Plan. A Redevelopment Plan dated May 30, 2012 prepared by Phillips Preiss Grygiel LLC is incorporated herein by reference. The Plan includes the following:

A. Relationship to Local Objectives. The purpose of the Block 316 Redevelopment Project is to eliminate blighting condition, foster the proper utilization of existing resources, develop stagnant and unproductive land so as to render it useful and valuable for contributing to and servicing the public health, safety and welfare, stimulate growth in the Block 316 Redevelopment Area providing for appropriate standards for buildings and other improvements to capitalize on the strengths of the redevelopment area, including its prime location, convenient road access and proximity to transit service and otherwise promote the public health, safety and welfare.

B. Proposed Land Uses. Land uses proposed in the redevelopment plan shall consist of multifamily residential and commercial development consistent with the adjacent zone district and provide for the continued

preservation of a portion of the redevelopment area as open space or parkland.

The proposed development shall be designed so as to

1. Maximize appropriate land usage;
2. Improve traffic circulation and ingress and egress in the Block 316 area of the Township of North Bergen;
3. Provide adequate off-street parking;
4. Create an attractive visual environment;
5. Encourage the redevelopment and rehabilitation of other properties within the Block 316 Redevelopment Area in the Township of North Bergen, and
6. Provide other public improvements to carry out the foregoing purposes.

C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of parcels known as Block 316, Lots 7.011, 7.02, 20.01, 21.01, 22.02, 23 and 24 on the Tax Map of the Township of North Bergen, and is generally described as those blocks bounded on the east by the right-of-way of River Road, on the north by North Hudson County Park, on the west by the right-of-way of Kennedy Boulevard East and on the south by Block 316, Lots 6, 12.01 and 12.02.

D. Relocation. Provisions for the temporary and permanent relocation of businesses and persons, if any, located within the redevelopment area shall be made in accordance with the New Jersey Relocation Assistance Law (*N.J.S.A. 52:31B-1 et seq.*) and the regulations adopted thereunder (*N.J.S.A. 5:11-1.1 et seq.*). The Township of North Bergen shall provide a workable relocation assistance plan for residents and businesses displaced as a result of the redevelopment plan. To the extent required by law, such workable relocation assistance plan shall include efforts to identify the persons and businesses displaced, determining the needs of relocation, providing assistance in relocating new places of residence and business within the

Township of North Bergen and vicinity, provisions for the temporary and permanent relocation of persons living in the redevelopment area by arranging for decent, safe and sanitary dwelling units at rents within the means of persons displaced from said area, and financial assistance for relocation and moving expenses.

E. Relationship with Master Plan and Zoning Ordinance.

1. With respect to the proposed land uses and building requirements, the redevelopment plan is in conformity with the following provisions of the Township of North Bergen Master Plan and Re-Examination Reports:

- a. To expand the tax base to promote the economic well being of North Bergen and its residents.
- b. To promote safe and efficient circulation.
- c. To promote the full economic potential of the land where commercial development is appropriate.

2. The Land Use Plan of the Master Plan designates the redevelopment area for both residential and commercial land uses. The southern portion of the study area is designated for residential use, while the northwestern portion of the study area is recommended for open space/park use and the northeastern portion is designated commercial. By providing for the redevelopment area in this manner, the uses proposed will be consistent with the current zoning ordinance.

3. The Board of Commissioners finds that the redevelopment plan is either substantially consistent with the master plan or it is designed to effectuate the master plan. To the extent that any portion of the redevelopment plan is inconsistent with or not designed to effectuate the master plan. The reasons therefor are set forth above.

F. Powers of Redevelopment Entity. Subject to the approval of the Board of Commissioners, the Township of North Bergen may proceed with the acquisition, clearance, rehabilitation, planning, reconstruction, renewal and

redevelopment of the Block 316 Redevelopment Project and in order to carry out and effectuate said purposes, the Township of North Bergen may:

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in the redevelopment area and in any area designated by the Board of Commissioners as necessary for carrying out the relocation of the residents, industry and commerce displaced from the redevelopment zone.
- b. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the Eminent Domain Act of 1971, P.L. 1981, c. 361 (N.J.S.A. 20:3-1 et seq.) as amended.
- c. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- d. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- e. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the

enforcement of law, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

- f. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- g. Request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment or rehabilitation of such areas.
- h. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the Township, blighted areas and blighted factors.
- i. To publish and disseminate information.
- j. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of the redevelopment project.
- k. To arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or development work, on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or

closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.

- l. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas.
- m. To enter upon any building or property in the redevelopment area in order to conduct investigations or make surveys, soundings, or test borings necessary to carry out the purpose of this ordinance.
- n. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from the redevelopment area.
- o. To conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance.
- p. To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have

power to administer oaths, take affidavits and issue subpoenas or commission.

- q. To do all things necessary or convenient to carry out its powers.
- r. To negotiate with redevelopers for the private sale of real property within the redevelopment area; and
- s. To do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically limited herein.

Section 4. Miscellaneous Provisions

A. The Mayor is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all of a form approved by the Township Attorney.

Section 5. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to implement the redevelopment plan as follows:

Block 316, Lot 7.02

Principal Permitted Uses:

- Public park
- Open space.

Block 316, Lots 22.02, 23 and 24

Principal Permitted Uses:

- Retail sales
- Personal services
- Professional offices
- Banks
- Eating and drinking establishments (no drive-thru or walk-up window service permitted for restaurants or eating and drinking establishments)
- Membership clubs
- Indoor storage of automobiles
- A combination of two or more of the above permitted uses on the same lot

Accessory Uses: Any use customarily incidental to a principal permitted use.

Area and Bulk Regulations:

- Minimum From Base of Palisades Cliff 40 feet
- Side Yard Setback 20 feet
- Maximum Building Coverage 40%
- Minimum Landscaped Area 20%
- Maximum Impervious Coverage 65%
- Maximum Building Height 40 feet below top of cliff, or maximum 120 feet, whichever is more restrictive
- Maximum Density 75 dwelling units per acre

Other Standards.

- a. Buildings with expansive blank walls facing the public right-of-way are prohibited. Large horizontal buildings shall be broken into segments having vertical orientation. Architectural elements and design variation, including building offsets, shall be integrated to preclude a continuous uninterrupted facade.
- b. Side and rear building elevations should receive architectural treatments comparable to front facades when visible from a public right-of-way.
- c. Facade elevations for parking decks shall have architectural features complementing the building design. They shall form an integrated architectural design.
- d. A significant landscape feature should be provided. Total landscaped area shall not be less than 10 percent of the site area. Street trees should be provided around parking areas. Trees should have a 2.5 to 3 inch caliper. Parking rows longer than 20 spaces should have a 6-foot wide landscaped island to break the pavement (this does not apply to spaces in parking garages). There should be particular focus on landscaping the River Road frontage in a creative and aesthetically pleasing manner. A minimum five-foot wide planted buffer strip shall be provided along the site's River Road frontage.
- e. Foundation plantings, including trees and shrubs, should be planted along parking deck walls. All building foundations shall be appropriately landscaped.
- f. There shall be at least 10 percent of the site devoted to usable recreation space. The location of recreational facilities shall consider the proximity of structures, type of recreation facility, noise level and evening illumination and their impacts on adjoining properties. The periphery of any recreation area shall be no closer to a residential structure than the minimum yard for that structure.
- g. Rooftop appurtenances shall not exceed 12 feet in height and shall not occupy more than 15 percent of the roof surface. Appropriate screening shall be provided. Effort will be made to use a natural appearance for the rooftop of the building since pedestrians walking along the Boulevard East

Promenade may be able to view the roof surface if looking down and to the east from the top of the cliff. Materials will be selected using colors and textures to enable the roof surface designed with special features to provide aesthetic, visual or recreation amenity may be included on the calculation of landscaped area.

- h. Above grade parking decks shall meet the minimum setbacks for a principal building. If the entire parking structure is below grade, it may be within 5 feet of a lot line. The top deck (roof level) of a parking structure may be included in the recreation and landscaping calculations if it is not used for parking.
- i. View corridors are not required.
- j. The development may provide up to 25 percent of the total amount of on-site parking as compact parking stalls.

Section 6. This ordinance shall take effect after publication and passage according to law.

Section 7. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section 8. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 10. This ordinance shall take effect immediately upon publication and final passage according to law.

	<u>Comm. Cabrera</u>	<u>Yes</u>
Introduced: June 13, 2012	<u>Comm. Ferraro</u>	<u>Yes</u>
Published: June 16 and July 3, 2012	<u>Comm. Gargiulo</u>	<u>Yes</u>
Adopted: June 27, 2012	<u>Comm. Pascual</u>	<u>Yes</u>
Attest: <u>Erin Barillas</u> Township Clerk	<u>President Sacco</u>	<u>Yes</u>

**TOWNSHIP OF NORTH BERGEN
ORDINANCE NO.**

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN TO ACT AS THE REDEVELOPMENT ENTITY FOR THE TONNELLE AVENUE/48TH STREET REDEVELOPMENT PLAN AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO ESTABLISH SPECIFIC DEVELOPMENT REGULATIONS IN THIS AREA.

WHEREAS, Block 127, Lots 1.02, 2.01 and 3.05 and Block 155, Lots 1 and 9.02 on the Tax Map of the Township of North Bergen, and generally described as those blocks bounded on the north by the New Jersey Transit Hudson-Bergen Light Rail line, on the west by Tonnelle Avenue, on the south by 48th Street and on the east by Block 155, Lots 2, 3, 4, 9.01 and 10.01 has been declared by the Board of Commissioners, following a hearing and recommendation thereon by the Planning Board of the Township of North Bergen as an area in need of redevelopment; and

WHEREAS, the aforementioned blocks and lots are currently zoned as C-2 Highway Commercial and R-2 Intermediate Density Residential District pursuant to the Zoning Ordinance Township of North Bergen; and

WHEREAS, within said area, the Board of Commissioners found that there exists a number of underutilized properties and structures upon fragmented lots which reflect the lack of proper utilization of the existing resources resulting in a stagnant and unproductive condition of land which would otherwise be potentially useful and valuable for contributing to and servicing the public health, safety and welfare; and

WHEREAS, the acquisition, clearance, rehabilitation, planning, reconstruction renewal and redevelopment of such area will promote the public health, safety, morals and welfare, and revitalize these areas and other areas within the Township of North Bergen.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq. as follows:

Section 1. Designation of Tonnelle Avenue/48th Street Redevelopment Project: The Tonnelle Avenue/48th Street Redevelopment Project known as Block 127, Lots 1.02, 2.01 and 3.05 and Block 155, Lots 1 and 9.02 on the Tax Map of the Township of North Bergen, and generally described as those blocks bounded on the north by the New Jersey Transit Hudson-Bergen Light Rail line, on the west by Tonnelle Avenue, on the south by 48th Street and on the east by Block 155, Lots 2, 3, 4, 9.01 and 10.01 , is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-3.

Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by N.J.S.A. 40A:12A-4c, the Board of Commissioners of the Township of North Bergen is hereby designated to exercise the powers of a redevelopment entity for the Tonnelle Avenue/48th Street Redevelopment Project.

Section 3. Redevelopment Plan. A Redevelopment Plan dated March 2014 prepared by Phillips Preiss Grygiel LLC is incorporated herein by reference. The Plan

includes the following:

A. Relationship to Local Objectives. The purpose of the Tonnelle Avenue/48th Street Redevelopment Project is to eliminate blighting condition, foster the proper utilization of existing resources, develop stagnant and unproductive land so as to render it useful and valuable for contributing to and servicing the public health, safety and welfare, stimulate growth in the Tonnelle Avenue 48th Street Redevelopment Area providing for appropriate standards for buildings and other improvements to capitalize on the strengths of the redevelopment area, including its prime location, convenient road access and proximity to transit service and otherwise promote the public health, safety and welfare.

B. Proposed Land Uses. Land use proposed in the redevelopment plan shall consist of multifamily residential development.

The proposed development shall be designed so as to

1. Maximize appropriate land usage;
2. Improve traffic circulation and ingress and egress in the Tonnelle Avenue/48th Street Redevelopment area of the Township of North Bergen;
3. Provide adequate off-street parking;
4. Create an attractive visual environment;
5. Provide other public improvements to carry out the foregoing purposes.

C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of parcels known as Block 127, Lots 1.02, 2.01 and 3.05 and Block 155, Lots 1 and 9.02 on the Tax Map of the Township of North Bergen,

and is generally described as those blocks bounded on the north by the New Jersey Transit Hudson-Bergen Light Rail line, on the west by Tonnelle Avenue, on the south by 48th Street and on the east by Block 155, Lots 2, 3, 4, 9.01 and 10.01.

D. Relocation. Provisions for the temporary and permanent relocation of businesses and persons, if any, located within the redevelopment area shall be made in accordance with the New Jersey Relocation Assistance Law (*N.J.S.A. 52:31B-1 et seq.*) and the regulations adopted thereunder (*N.J.S.A. 5:11-1.1 et seq.*). The Township of North Bergen shall provide a workable relocation assistance plan for residents and businesses displaced as a result of the redevelopment plan. To the extent required by law, such workable relocation assistance plan shall include efforts to identify the persons and businesses displaced, determining the needs of relocation, providing assistance in relocating new places of residence and business within the Township of North Bergen and vicinity, provisions for the temporary and permanent relocation of persons living in the redevelopment area by arranging for decent, safe and sanitary dwelling units at rents within the means of persons displaced from said area, and financial assistance for relocation and moving expenses.

E. Relationship with Master Plan and Zoning Ordinance.

1. With respect to the proposed land use and building requirements, the redevelopment plan is in conformity with the following provisions of the Township of North Bergen Master Plan and Re-Examination Reports:

- a. To expand the tax base to promote the economic well being of North Bergen and its residents.
- b. To promote safe and efficient circulation.

- c. To promote the full economic potential of the land where commercial development is appropriate.

2. The Land Use Plan of the Master Plan designates the redevelopment area for transit-oriented residential and commercial land uses. By providing for the redevelopment area in this manner, the use is consistent with the Land Use Plan of the Master Plan.

3. The Board of Commissioners finds that the redevelopment plan is either substantially consistent with the master plan or it is designed to effectuate the master plan. To the extent that any portion of the redevelopment plan is inconsistent with or not designed to effectuate the master plan. The reasons therefor are set forth above.

F. Powers of Redevelopment Entity. Subject to the approval of the Board of Commissioners, the Township of North Bergen may proceed with the acquisition, clearance, rehabilitation, planning, reconstruction, renewal and redevelopment of the Tonnelle Avenue/48th Street Redevelopment Project and in order to carry out and effectuate said purposes, the Township of North Bergen may:

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in the redevelopment area and in any area designated by the Board of Commissioners as necessary for carrying out the relocation of the

residents, industry and commerce displaced from the redevelopment zone.

- b. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- c. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public building and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- d. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of law, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
- e. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- f. Request the Planning Board to recommend pursuant to existing law

the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment or rehabilitation of such areas.

- g. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the Township, blighted areas and blighted factors.
- h. To publish and disseminate information.
- i. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of the redevelopment project.
- j. To arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or development work, on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.

- k. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas.
- l. To enter upon any building or property in the redevelopment area in order to conduct investigations or make surveys, soundings, or test borings necessary to carry out the purpose of this ordinance.
- m. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from the redevelopment area.
- n. To conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance.
- o. To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to

administer oaths, take affidavits and issue subpoenas or commission.

- p. To do all things necessary or convenient to carry out its powers.
- q. To negotiate with redevelopers for the private sale of real property within the redevelopment area; and
- r. To do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically limited herein.

Section 4. Miscellaneous Provisions

A. The Mayor is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all of a form approved by the Township Attorney.

Section 5. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to implement the redevelopment plan as follows:

Principal Permitted Uses:

- Multifamily residential dwelling units

Accessory Uses:

- Off-street parking and loading areas.
- Residential amenities customarily incidental to the principal permitted use, including recreation centers and pools.
- Other uses customarily accessory to the principal use.

Other Standards:

- a. Landscaping: All portions of the redevelopment area not devoted to buildings, surface parking areas, driveways or sidewalks shall be landscaped. Total landscaped area shall not be less than 15 percent of the overall site area. Street trees shall be provided along the Tonnelle Avenue and 48th Street frontages of the redevelopment area. A minimum five foot wide planted buffer strip shall be provided along the site's Tonnelle Avenue and 48th Street frontages. Foundation plantings, including trees and shrubs, shall be provided at the base of each building on the side of the front facades in the area between the building and the pedestrian walkways. Foundation plantings should also be provided along other portions of buildings where possible.
- b. Lighting: Adequate lighting shall be provided for all parking areas and pedestrian walkways. All lighting of outdoor parking areas shall conform to Section 7.1.b(4) of the Township of North Bergen Zoning Ordinance, which sets forth the lighting and design standards for off-street parking areas. Namely, all lighting shall be installed such that it will not be visible from neighboring properties, particularly the residences in the area.
- c. Off-street Parking and Loading: A minimum of 1.0 off-street parking spaces shall be provided per dwelling unit. This ratio is lower than required by the New Jersey required by the New Jersey Residential Site Improvement Standards due to the redevelopment area's accessibility to transit service (e.g., Tonnelle Avenue HBLR station and bus service on

Tonnelle Avenue) and the presence of stores and services within a reasonable distance. Required off-street parking spaces shall be provided within the redevelopment area. A greater number of parking spaces may be provided, and may be set aside as "banked" parking for future use if necessary. Adequate space shall be provided to permit off-street loading and unloading by trucks and service vehicles, where necessary.

- d. Sidewalks: Sidewalks shall be provided along Tonnelle Avenue and 48th Street. The minimum width of sidewalks shall be six (6) feet along all public streets.
- e. Pedestrian Connection to Light Rail: A safe pedestrian connection shall be required from the interior of the site to the Tonnelle Avenue Station of the Hudson-Bergen Light Rail. The pathway shall consist of a sidewalk measuring at least six (6) feet wide. Crosswalks shall be provided where necessary.
- f. Recycling and Refuse Areas: One or more designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or enclosure.
- g. Signage: One (1) free-standing monument sign measuring a maximum of six (6) feet in height shall be permitted on the Tonnelle Avenue frontage of the site. Other signage regulations shall be governed by Section 5.4 of the Township of North Bergen Zoning Ordinance. A unified design theme shall be provided for identification signs and directional signs throughout

the site, which integrates the architectural design, colors and/or materials of the primary structure.

- h. Utilities: All new utility distribution lines and utility service connections from such lines to buildings in the redevelopment shall be located underground. To the extent possible, existing utility lines should also be relocated underground. Remote readers for all utilities, in lieu of external location of the actual metering devices, are preferred.
- i. Building Facade Design: Buildings with expansive blank walls facing the public right of way are prohibited. Large horizontal buildings shall be broken into segments having vertical orientation. Architectural elements and design variation, including building offsets, shall be integrated to preclude a continuous uninterrupted facade. Side and rear building elevations should receive architectural treatments comparable to front facades when visible from the public right of way.

Section 6. This ordinance shall take effect after publication and passage according to law.

Section 7. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as

required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

Section 8. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 10. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: **May 28, 2014**

Published: May 31 & June 11, 2014

Adopted: June 11, 2014

Attest: Erin Barillas
Township Clerk

<u>Comm. Cabrera</u>	<u>YES</u>
<u>Comm. Ferraro</u>	<u>YES</u>
<u>Comm. Gargiulo</u>	<u>YES</u>
<u>Comm. Pascual</u>	<u>YES</u>
<u>President Sacco</u>	<u>YES</u>