

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1025-2020

AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED “ZONING”, ARTICLE III “REGULATIONS AND RESTRICTIONS”, ARTICLE IV “MULTIPLE-FAMILY HOUSING DISTRICTS, AND ARTICLE VIII “SIGNS”, AND CHAPTER 159 “SITE PLAN REVIEW”

WHEREAS, the Borough adopted a Master Plan & Development Regulations Reexamination on March 4, 2020; and

WHEREAS, the Reexamination details a number of recommended changes to the Borough’s Zoning Ordinance; and

WHEREAS, the recommend changes include revisions to Sections 200-6, 200-9, 200-10, 200-13, 200-14, 200-16, 200-19, 200-19.1, and 200-28; and site plan submission requirements in Chapter 159; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the recommended Zoning Ordinance for these particular sections.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Northvale, as follows:

Section 1. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 6 entitled “R 12.5 and R 7.5 Residential Zones” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~

A. In the R 12.5 and R 7.5 Residential Zoning Districts, the following uses are hereby expressly permitted, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:

(2) Accessorial uses.

~~(a) Home offices and occupations.~~

- (a) ~~(b)~~ Garages, maximum four vehicles of the passenger type, in accordance with Section 200-10.
 - (b) ~~(c)~~ Off-street parking.
 - (c) ~~(d)~~ Swimming pools.
 - (d) ~~(e)~~ Tennis courts.
 - (e) ~~(f)~~ Greenhouses.
 - (f) ~~(g)~~ Residential agriculture.
 - (g) ~~(h)~~ Storage sheds.
 - (h) ~~(i)~~ Fences or fence walls.
 - (i) ~~(j)~~ Signs.
- (3) Conditional uses.

(a) The following conditional uses are permitted:

[2] Home occupations as an accessory use, subject to the following conditions:

[a] No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation.

[b] The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation.

[c] There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one wall sign which may be a maximum of

three-square feet.

[d] The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building.

[e] There shall be no on-site sales in connection with such professional service or office.

[f] No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office.

[g] No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

[h] No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

(i) A "home occupation," as defined herein, does not include a veterinarian, construction or repair contractor, a real estate or insurance agent, a carpenter, cabinetmaker or furniture repairman, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary or beauty or barber shop.

Section 2. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 9 entitled "Provisions applicable to all zones" is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

B. Prohibited uses. The following uses are expressly prohibited in all zones in the Borough of Northvale:

- (2) Drive-in facilities, except in the C-2 Zone where restaurants with drive-in facilities shall be permitted.

Section 3. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 10 entitled “General design standards”, is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

~~B. Home occupations. The following design standards apply:~~

- ~~(1) No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation.~~
- ~~(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation.~~
- ~~(3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign which shall be erected in compliance with the relevant provisions of Article VIII, Signs, of this chapter.~~
- ~~(4) The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building.~~
- ~~(5) There shall be no on-site sales in connection with such professional service or office.~~
- ~~(6) No overnight hospital facilities shall be provided for animals or persons in~~

~~connection with such professional service or office.~~

~~(7) No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.~~

~~(8) No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.~~

~~(9) A "home occupation," as defined herein, does not include a veterinarian, construction or repair contractor, a real estate or insurance agent, a carpenter, cabinetmaker or furniture repairman, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary or beauty or barber shop.~~

B. ~~C.~~ Restaurants. The following design standards shall apply:

(1) ~~Location;~~ Frontage and depth; conflicting provisions.

~~(a) Any part of the lot upon which the proposed restaurant is to be situated cannot be within a radius of 1,000 feet of the property line of another restaurant.~~

(a) ~~(b)~~ The minimum frontage of the lot of a restaurant shall be 200 feet, and the minimum depth shall be 200 feet.

(b) ~~(c)~~ This subsection shall take precedence over any conflicting provisions set forth in the Limiting Schedule which are hereby adopted and made a part of this chapter.

(2) In order to assure compliance with the requirement that a restaurant have as its primary function the preparation and serving of food and drink on the premises and

for on-site consumption, the following design standards apply~~requirements are hereby imposed~~:

C. ~~D.~~ Shopping Centers. The following design standards shall apply:

D. ~~E.~~ Commercial and light industrial buildings. The following design standards shall apply:

E. ~~F.~~ Occupancy limitation in multidwelling units.

F. Trash and recyclable containers. The following design standards shall apply:

(1) Trash and recyclable containers shall not be visible from any public street and shall be located in the rear half of the side yard or rear yard only.

(2) All trash and recyclable containers shall be enclosed by a solid fence or masonry on three sides and a solid, heavy-duty gate on the fourth side.

Parking lot landscaping. For every surface parking lot containing 20 or more parking spaces, the following design standards shall apply:

G. Parking lot landscaping. For every surface parking lot containing 20 or more parking spaces, the following design standards shall apply:

(1) For every 20 parking spaces, at least one landscape island, containing at least 162 square feet shall be provided within the parking area.

(2) Half of the landscape islands shall contain shade trees, while the remainder shall contain shrubs.

(3) Shade trees shall be planted with a caliper of at least three inches and shrubs shall be planted with a height of at least two feet.

Section 4. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 13 entitled “Off-street parking”, is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

G. All non-residential off-street parking areas adjacent to any residential zone and used by more than three vehicles shall be screened by a six-foot-tall solid fence or a five-foot-wide landscaping buffer strip containing evergreen trees in a staggered row planted at a minimum height of six feet to screen vehicles from adjacent residential properties.~~in accordance with the requirements of this chapter.~~

I. The Board is hereby authorized to establish the required number of parking spaces for any nonresidential use erected or to be erected pursuant to this chapter. In establishing the required number of parking spaces for any use, the Board shall use the following standards:

(1) Retail ~~All commercial~~ and office uses ~~in any zone shall be required to provide~~ one parking space for every 300 square feet of floor area or any part thereof.

(2) Restaurants – one parking space for every three seats and one space for every two employees during the maximum shift.

(3) Medical offices and personal service establishments – one parking space for every 200 gross square feet.

(4) Exercise studio – one parking space for every 120 square feet of public area for students/customers.

(5) Laundromats – one parking space for every 200 gross square feet.

(6) Dog-kennels – three parking spaces.

(7) All industrial uses in any zone shall be required to provide one parking space for every 600 square feet of floor area or one parking space for every employee during the maximum shift.~~or any part thereof.~~

(8) Places of worship in any zone shall be required to provide one parking space for every three permanent or fixed seats based on seating capacity. Places of worship with no permanent or fixed seating shall provide one parking space for every three persons based on the maximum capacity of the facility, which shall be calculated by taking the total square footage of the space and dividing it by the square footage of

space allotted to each person in attendance as determined by application of the Fire Department Occupancy Load Code.

Section 5. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 14 entitled “Off-street loading.”, is hereby amended and supplemented by adding the following underlined text:

- A. No retail, industrial, manufacturing, warehousing, or wholesale distribution building shall be used, erected or expanded unless off-street loading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicles shall in any manner use public streets, sidewalks or rights-of-way for loading or unloading operations except for access to the lot.

Section 6. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 16 entitled “Affordable Housing Community Commercial District”, is hereby deleted in its entirety and replaced with “Reserved”.

Section 7. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing District”, Section 19 entitled “AH-2 Affordable Senior Housing District”, subsection I entitled “Affordable housing regulations” is hereby deleted in its entirety.

Section 8. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing District”, Section 19.1 entitled “Paris Avenue Inclusionary Overlay”, is hereby amended and supplemented by deleting text in ~~strikeout~~:

C. Permitted accessory uses.

- (5) Tenant amenities including, ~~but not limited to, recreational and fitness facilities, lobbies, leasing and management offices~~ and mail rooms.

Section 9. Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled “Signs”, Section 26 entitled “Definitions” shall be amended and supplemented by adding the following underlined text, deleting text in ~~strikeout~~, and inserting the terms alphabetically

FREESTANDING SIGN

A sign which is supported by poles, pylons, or other structural components so that the bottom edge of the sign face is six feet or more above grade.

GROUND SIGN

A sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure. Includes any sign supported by uprights or braces placed upon the ground and not attached to any building.

Section 10. Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled “Signs”, Section 28 entitled “Permitted Signs” shall be amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

B. Business and industrial districts.

~~(1) All signs as permitted in Residential A or B Districts shall be permitted, with the limitation as to size, number and type for the use permitted therein.~~

(1) ~~(2) In addition to the foregoing, there shall be permitted for any use.~~ The following signs shall be permitted:

(a) One gGround signs per street frontage with an overall width of not more than six feet and an overall height not exceeding ~~six~~eight feet above ground. ~~The bottom of the facing of any ground sign shall be at least three feet above the ground.~~ Ground signs may be internally illuminated.

(b) One wWall signs per establishment per street frontage. Said sign shall be not more than two feet high nor more than 24 square feet in area. Wall signs shall not project more than six inches from the façade of the building.

~~(3) There shall be permitted no more than a total of one ground sign or a total of three signs of all types for each applicant.~~

~~(4) No more than two wall signs advertising the name, products, and seal of an industry will be allowed, provided that they comply with the following specifications:~~

~~(a) Signs shall be attached to the main building and are limited to one per façade.~~

~~(b) Signs must be permanently attached to or constructed with the building and shall not extend more than six inches from the façade of the building.~~

- (2) ~~5)~~ Illumination of signs shall be in such a manner as to cause no glare or blinding light to adjacent properties or roadways.
- (3) ~~(6)~~ All signs shall be set back a minimum distance of 20 feet from the edge of the right-of-way or any public road and 10 feet from any side lot line and shall not be located so as to interfere with the view of adjacent properties.
- (4) ~~(7)~~ Customary warning, trespassing and posted signs shall be allowed.

C. Shopping center developments.

- (1) In shopping center developments, one freestanding sign shall be permitted, advertising the name of the shopping center, as defined in this chapter, or the uses found within; provided, however, that they meet the following specifications:
 - (d) ~~The freestanding sign shall be internally illuminated. Floodlights shall be so located and shielded~~ as to prevent any glare or blinding effect upon any adjacent property or roadways.

Section 11. Chapter 159 of the Code of the Borough of Northvale entitled “Site Plan Review”, Section 3 entitled “Site plan approval required; application information” shall be amended and supplemented by the following underlined text:

- A. In each case where an application for a zoning or building permit is made, a site plan, drawn to scale of not smaller than one inch equals 50 feet and showing the following information shall be submitted (no fewer than 10 copies) with the application.
 - (18) Architectural plans illustrating the existing and proposed floor plans and existing and proposed building elevations. A list of the proposed exterior materials and proposed exterior material colors.
 - (19) ~~(18)~~ Such other information and data as may be required by the approving authority in order to determine that the details of the site plan are in accord with the standards of

the zoning ordinances and other ordinances of the Borough of Northvale and, further, that the building or use will not be detrimental to the public interest.

Section 12. All other sections of this Ordinance shall remain in full force and effect.

Section 13. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section 14. This Ordinance shall take effect immediately upon passage and publication as required by law.

Patrick J. Marana

Patrick J. Marana, Mayor

Attest:

Frances M. Weston

Frances Weston
Acting Borough Clerk

Introduced: October 14, 2020

2nd Reading:

Passed: