

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1023-2020

AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED “ZONING”, ARTICLE I “GENERAL PROVISIONS”, SECTION 4 “WORD USAGE AND DEFINITIONS, ARTICLE II “DISTRICTS”, SECTION 5 “ENUMERATION OF DISTRICTS; BOUNDARIES; MAP”, AND ARTICLE III “REGULATIONS AND RESTRICTIONS”, SECTION 6 “R 12.5 AND R 7.5 RESIDENTIAL ZONES”, SECTION 7 “C, C-1 AND C-2 COMMERCIAL ZONES”, SECTION 7.1 “C-3 COMMERCIAL/LIGHT INDUSTRIAL ZONE”, SECTION 7.2 “PROFESSIONAL OFFICE ZONE”, AND SECTION 8 “LI AND LI-1 LIGHT INDUSTRIAL ZONES”

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

WHEREAS, the Reexamination makes several recommendations to update and enhance the definitions, amend the list of zoning districts within the Borough, expand the list of permitted uses in the R 7.25 and R 12.5 Districts, clarify the list of permitted uses in the C, C-1, C-2, C-3, PO, LI, and LI-1 Districts; and

WHEREAS, the Mayor and Council have reviewed the Reexamination and agree Chapter 200 should be amended to update and expand the definitions and expand and clarify the list of permitted uses in the various zoning districts.

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 I entitled “General Provisions”, Section 4 entitled “Word usage and definitions” is hereby amended and supplemented by adding the following underlined definitions alphabetically and deleting text in strikeout:

CHILD-CARE CENTER

Any facility which is maintained for the care, development, or supervision of six or more children under six years of age who attend for less than 24 hours per day and which is licensed by the New Jersey Department of Human Services.

DOG KENNELS

An establishment in which five or more dogs are housed, boarded, or sold, all for a fee or compensation.

EXERCISE STUDIO

A facility that provides physical fitness programs and activities, including fitness classes and programs such as Pilates, yoga, kickboxing, CrossFit, etc.

FAMILY DAYCARE

The private residence of a family day care provider, which is registered as a family day care home pursuant to the Family Day Care Provider Registration Act.

PERSONAL SERVICE

An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal service establishments shall include, but are not limited to, salons, barbershops, nail salons, clothing and shoe cleaning and repair, tailors, and the like.

RETAIL

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL GAS STATION

Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels. Retail gas stations customarily include a convenience store providing retail sales of food items and other goods to customers.

SELF-STORAGE FACILITY

A building containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SERVICE REPAIR FACILITY

Any building, land area, or other premises used for servicing motor vehicles, which may include routine maintenance, vehicle parts, major repair services, body repair, and painting. The sale and installation of lubricants, tires, batteries, and similar vehicle accessories may also be conducted.

SERVICE STATION

Any building, place or location designed to supply motor vehicles with gasoline and fuel for propulsion, oils, greases and automobile sundries or for the inspection, testing, examination and cleaning of motor vehicles or for the repair or replacement of parts, and shall include fuel pumps and fuel storage tanks. "Service stations," for the purpose of this chapter, are what may be commonly referred to as "filling, gas or gasoline stations."

Section 2. Chapter 200 of the Code of the Borough of Northvale, Article II entitled "Districts", Section 5 entitled "Enumeration of districts; boundaries, map", subsection A.(1) is hereby amended and supplemented by adding the following underlined text alphabetically:

R 7.5 Overlay _____ **Residential Single-Family Overlay**
WSRPZ _____ **Walnut Street Redevelopment Plan Zone**

Section 3. 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:

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:

(1) Principal uses.

(c) Family daycare.

(d) Community residence for persons with developmental disabilities.

Section 4. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 7 entitled “C, C-1, and C-2 Commercial Zones.” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

A. The following uses are expressly permitted in the C, C-1 and C-2 Commercial Zones in the Borough of Northvale, 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, provided further that all commercial uses located within the C-1 Zoning District shall have frontage on either Paris Avenue or Livingston Street:

(1) Principal uses.

(f) Restaurants. Restaurants with drive-through facilities are permitted in the C-2 Zone only.

(g) Single-family rResidential uses in the C-1 Zoning District, provided that said residential use is not in any way combined with a commercial use. Multiple-family dwellings shall be prohibited in all zones unless specifically allowed. Two-family dwellings shall be prohibited in all zones within the Borough.

(h) Service repair facilities only in the C-2 Commercial Zone.

(3) Conditional uses.

(b) Retail gas stations Service stations in the C-1 and C-2 Commercial Zones.

B. The following uses are expressly permitted in the C-1 and C-2 Commercial Zones:

(1) Principal uses.

(a) Child-care centers.

(b) Cleaners.

(c) Exercise studios.

(d) Laundromats.

(e) Medical uses.

(f) Personal services.

F. Retail gas stations. Service stations.

(1) In addition to the requirements set forth in the Limiting Schedules and elsewhere in this chapter for any particular conditional use, the following requirements shall apply to a retail gas station service station establishment which is herein permitted by conditional use:

(a) No part of a lot upon which a service station is located may be situated within a radius of 1,5000 feet of the property line of:

[1] A public school or any organized school other than a public school

conducted for children.

[2] Any place of public assemblage with a seating capacity of 100 persons or more.

[3] A public library.

[4] Any public playground or athletic field.

[5] Another service station.

(b) The minimum frontage requirements for a retail gas station service station shall be 200 feet, and the minimum depth of any lot upon which a retail gas station service station is located shall be 200 feet.

(c) The area for use by motor vehicles, except access drives thereto, as well as any structures contained on the property, shall not encroach on any required yard area.

(d) No fuel pump shall be located within 20 feet from any side lot line nor within 35 feet of any front lot line.

(e) All repair work, servicing and the like shall be performed within a fully enclosed building.

(f) All automobile parts, scrap material and similar articles shall be stored within a fully enclosed building. No dismantled or wrecked vehicles shall be stored outside a fully enclosed building for a period in excess of 10 days.

(g) The area of all driveways and all areas over which motor vehicles will drive or be parked shall be paved with a bituminous or concrete surface.

(h) All lights used to illuminate the retail gas station service station shall be arranged so as to reflect down and so as to cause the minimum amount of glare to the surrounding properties.

- (i) No product displays, parked vehicles or other obstructions shall be allowed that may adversely affect visibility at intersections or station driveways.
- (j) Automobile repair work shall be permitted, provided that such automobile repair work shall not include spray paint operations or body or fender repair.
- (k) All ingresses and egresses as well as dropped curbing shall comply with the standards and requirements as set forth by the New Jersey Department of Transportation.

Section 5. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 7.1 entitled “C-3 Commercial/Light Industrial Zone.” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

B. The following uses are expressly permitted in the C-3 Commercial Zone.

- (1) Principal uses. All ~~LI Light Industrial Zone permitted principal uses.~~
 - (a) ~~All LI Light Industrial Zone permitted principal uses.~~
 - (b) ~~Restaurants.~~
 - (c) ~~Self-storage facilities.~~
- (2) Accessorial uses. All ~~LI Light Industrial Zone permitted~~ accessorial uses except open storage of motor vehicles.
- (3) Conditional uses. All ~~C-2 Commercial Zone permitted principal uses~~ in accordance with the requirements of this section.

Section 6. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 7.2 entitled “Professional Office Zone.” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

A. The following uses are expressly permitted in the PO Professional Office Zone in the Borough of Northvale; 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; provided, further, that all professional office uses located within the PO Zoning District, when able to, shall have frontage on either Paris Avenue or Livingston Street.

(1) Principal uses:

(c) ~~Detached~~ Single-family residential uses in the PO Zoning District, provided that said residential use is not in any way combined with an office use.

(d) Exercise studios.

(e) Personal service establishments.

B. Buffer. The following buffer requirements shall apply to any non-residential office use in the Borough of Northvale that adjoins or is adjacent to a residential use:

(1) The building shall be screened along those portions of the property that are adjacent to or that adjoin a residential use by a buffer strip of not less than five feet in width and by a fence or fence wall not less than ~~six~~ five feet in height or with a four-foot planting strip consisting of shrubs or trees which are at least ~~six~~ four feet high at the time of planting.

Section 7. Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 8 entitled “LI and LI-1 Light Industrial Zones.” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

A. The following uses are expressly permitted in the Light Industrial Zones in the Borough of Northvale, 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:

(1) Principal uses.

(d) Commercial kitchens and food/beverage production, provided that odors are not discernable at or beyond the property line of the commercial kitchen and food/beverage production use.

(e) Dog kennels, provided that the kennel is not located within 125 feet of a residential property line, measured from the property line of the parcel on which the dog kennel is located.

SECTION 8. All other sections of this Ordinance shall remain in full force and effect.

SECTION 9. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

SECTION 10. 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: July 8, 2020

2nd Reading: August 12, 2020

Passed: August 12, 2020

