

BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 18-CODE-777

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" SECTION 44 TO DEFINE "ACCESSORY STRUCTURE."

WHEREAS, it has been brought to the attention of the Mayor and Council of the Borough of Oakland that some property owners are using corrugated metal sea-type containers for the storage of either personal property or business/commercial property on a permanent basis.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oakland as follows:

Section 1. Chapter 59 Land Use and Zoning, Article VII, Zoning, shall be amended by the revisions of Section 59-44 as follows:

§ 59-44. Accessory Structure

A subordinate structure detached from, but located on the same lot as a principal building. An accessory structure derives and adopts its use characteristics from the principal use to which it is subservient. HVAC equipment and generators shall not be considered accessory structures for the purpose of measuring setbacks from property lines as they are required to comply with the setback requirements applicable to the principal building for the zone in which the subject property is located. An accessory Structure shall not be construed to include a "POD" as defined in Chapter 59, Land Use and Zoning, Article 2, Word Usage; Definitions, § 59-5 of Word Usage.

Section 2. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor and Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the

Board deems appropriate.

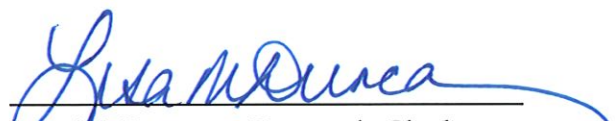
Section 3. Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinance or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section 4. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:


Linda H. Schwager, Mayor


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on December 5, 2018

Borough Clerk 