

BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 19-CODE-785

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" ARTICLE VII ENTITLED "ZONING", SECTION 59-49 ENTITLED "RESIDENTIAL ZONES" SUBPARAGRAPH D ENTITLED "CONDITIONAL USES IN RESIDENTIAL ZONES" TO ELIMINATE SECTION 59-49D(7).

WHEREAS, it has been brought to the attention of the Mayor and Council of the Borough of Oakland by the Oakland Planning Board that a revision is necessary in Section 59-49 of the Code of the Borough of Oakland to eliminate Subsection D in order to align property owners within the RA-4 Zone with the property owners of other zones within the Borough.

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, Section 59-49 Residential Zones, Subparagraph 59-49 "Conditional Uses in Residential Zones", Subparagraph Section 59-49D(7), which reads as follows:

59-49D(7) In the RA-4 zone only, inability to comply with one or more of the standards contained in Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use will require submission of an application to the Board of Adjustment pursuant to N.J.S.A. 40:55D-70D(3).

is hereby rescinded.

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.

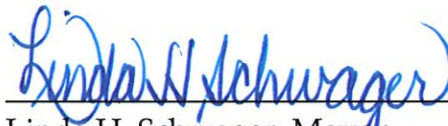
Section 3. Severability and Repealer

- (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:


Lisa M. Duncan, Borough Clerk


Linda H. Schwager, Mayor

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 July 26, 2017
Borough Clerk 