



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-926

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"

BE IT ORDAINED, by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1. Article VII, Zoning is hereby amended and supplemented by the insertion of a revised Section, §59-53.2

A. Downtown II (DT-II) zone. This section shall read as follows:

The purpose of the Downtown-II District is to acknowledge that although this portion of the Borough has contributed to the vitality of the commercial hub of the Borough it is somewhat removed from the central commercial core by the railroad crossing of Ramapo Valley Road and the intersection of West Oakland Avenue with Ramapo Valley Road. These physical features provide an opportunity to craft zoning regulations specifically designed for those commercial properties along Ramapo Valley Road north of the railroad corridor.

B. Within the Downtown- II zone, only the following land uses shall be permitted on any property in the zone:

1. Antique shops, art galleries, arts and craft shops, bakery shops, book, record and CD stores, eyewear and optical stores, bookstores, building mounted wireless communication antennae and ancillary equipment except for towers and/or poles butcher shops, camera stores, card shops, chinaware/flatware and glassware shops, cigar stores, convenience stores, dry-cleaning stores, dry-goods and variety stores, clothing stores, dress shops, candy stores and confectioneries, coin stores, delicatessens, drapers, flower shops, furniture stores, home furnishing stores, gift shops, gourmet and specialty food stores, hardware stores, paint and wallpaper stores, hobby shops, interior decorators, jewelers, leather goods shops, hair accessory shops, knitting supplies stores, linen stores, picture framing shops, package liquor stores intended primarily for retail distribution for off-premises consumption, music shops, musical instruments stores, shoe repair shops, pet shops, pharmacies with or without drive up service, photograph equipment and studios, post offices, radio and television repair shops, telecommunications stores, custom packaging and retail mail services, provided that the service is incidental to the main use, coffee shops with or without drive up service, ice cream parlors, shoe stores, sporting goods, stationers, tailor shops, toy stores, travel and ticket agencies, wearing apparel, provided, however that none of the foregoing permitted uses shall carry merchandise other than that to be sold at retail on the premises.
2. Sit down restaurants, bars and taverns.
3. Business and professional offices.
4. Medical, dental and chiropractic offices.

5. Financial institutions such as banks, brokerage houses, finance companies, insurance companies and stockbrokers providing clients and customers with access to advice, assets and information.
6. Health clubs, exercise studios and commercial gyms.
7. Pet care and grooming services, but not including overnight boarding of animals.
8. Personal service providers such as, barbershops, beauty parlors, skin and nail boutiques.
9. Athletic and sport training studios limited to sport simulators, golf putting practice greens, baseball, basketball, football, lacrosse, softball, volleyball training and wall climbing.
10. Art, dance, martial arts, photography, music and voice instructional studios.
11. Educational and lifestyle enhancement skill centers such as, yoga, meditation, life coach, weight loss centers, language arts centers.
12. Internet website and design, hosting services.
13. Craft distilleries operating according to and in strict conformance with a license pursuant to N.J.S.A.33:1-10. Prior to purchasing any product for consumption on the distillery property, each and every customer is required to take a tour of the distillery.
14. Real estate office.
15. Child-care facilities, pursuant to N.J.S.A. 40:55D-66.6,
16. Governmental buildings and uses.
17. Houses of worship and associated facilities including parish houses, rectories and convents.
18. Mixed-use buildings and developments consisting of two or more principally permitted uses.

C. Accessory permitted uses allowed in the Downtown-II zone include the following:

1. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants and cafes.
2. Drive-up and walk-up service windows and counters.
3. Off-street parking.
4. Fences and walls.
5. Signs.
6. Facilities for the temporary storage of rubbish, trash and recycling materials.
7. Solar energy systems. Such systems may be installed only as a use accessory to a permitted principal use either on the roof of a permitted principal or accessory structure or as freestanding structures such as above a parking area.

D. Uses specifically prohibited in the Downtown-II zone include the following:

1. Adult book and or adult gift shops and stores.
2. Adult mini-motion picture theaters.
3. Adult motion picture theaters.

Section 2.

A. Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use is modified only in the following particulars to insert the following bulk requirements applicable to the Downtown-II zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	15,000 sq. ft.
Minimum Lot Width (ft.)	100
Minimum Lot Depth (ft.)	150
Maximum Building Coverage (%)	40
Min. Open Space (%)	25

Maximum Number of Stories	3
Maximum Height (ft.)	38
Min. Front Yard (ft.)	10
Min. Side Yard (ft.)	10
Min. Rear Yard (ft.)	25

B. Buffer Requirements.

There shall be established along any property line that is contiguous to the RA-3 Zone, a buffer area of at least 15 feet in width. The required buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Grading and earthwork shall not be permitted within the buffer area except to enhance the integrity of the buffer, such as the creation or supplementing of earthen berms. Existing vegetation shall be preserved in the buffer area where practical.

C. Supplemental Development Standards. These following standards are not conditions associated with the conditional use. Deviations from these criteria are cognizable as 40:55D-70c variances.

a. All roof mounted equipment shall be screened from public view by the use of a parapet wall or other architectural detail. Typical building appurtenances shall not be included in the building height calculation provided that they are shielded from view and do not cover more than 15% of the roof surface.

b. All one-story buildings are recommended to have a pitched roof. If a pitched roof is not possible, then a combination of a flat roof and pitched roof or a false roof structure is recommended.

c. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shakes, copper or factory finished sheet metal.

d. All buildings with flat roofs shall include a parapet articulation on the front façade of the building. The articulation shall be provided through a cornice design.

e. Landscaping. Each proposed development shall include a cohesive thematic on-site landscape design, consistent and compatible with previously installed streetscape designs on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed improvements to be planted, installed or constructed within public rights of ways shall be approved by the governing body prior to installation or construction. Streetscape improvements in the public right-of-way shall conform with adopted municipal standards. The streetscape shall include the following elements:

- i. Sidewalk areas shall include creative use of colored or decoratively scored concrete;
- ii. Site and Yard lighting shall incorporate the use of stylized light fixtures that complement the proposed building architecture. The following lighting standards shall apply:

1. Light fixtures shall incorporate sufficient photometric

controls which shield the source of lighting from adjacent buildings or properties;

2. Height of the street lighting fixtures shall not exceed a 12-foot mounting height;
3. Illumination levels proposed shall conform to all applicable ordinance standards provided herein.

iii. Pedestrian crossings of roadways shall be accentuated through the use of differential pavement crossings;

iv. Shade trees. Shade and/or ornamental trees shall be provided for parking areas and shall be in accordance with the following standards:

1. Shade tree planting layout shall complement the overall theme for the development as a whole;
 2. Spacing between trees shall be determined based upon species and the desired theme. The spacing shall range between 25 to 35 feet on center. There shall be a minimum of one shade tree per ten parking spaces within all parking lots;
 3. Several species of shade trees shall be incorporated into the design of the overall project to avoid problems associated with a monoculture;
 4. Choice of tree species shall be based on form and on-site conditions and shall be subject to the approval of the Shade Tree Committee;
 5. Shade trees shall be a minimum of 3 inches in caliper.
- a. Any and all developments increasing total impervious surface coverage in this zone shall be treated as if a major development under current NJ DEP stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80% and shall manage stormwater flows such that the peak rate of runoff exiting the site post-development is no greater than the pre-construction rate.

Section 4. Section 59-61 Off-street parking shall be amended with the inclusion of the following.

Parking Standards are hereby amended and supplemented as follows:

A. Off-street parking standards in the Downtown-II zone.

1. All off-street parking areas shall be surfaced with an asphalt, bituminous, or cement binder pavement which shall be graded and drained to an approved stormwater management facility.

2. All lighting in connection with off-street parking shall be so arranged and fully shielded as to reflect the light downward away from all adjoining streets and dwellings. Each applicant shall demonstrate sufficient lighting controls are implemented to reduce sky glow and control glare from the property. The use of total cut-off fixtures are encouraged to achieve these requirements.
3. Off-street parking facilities may be placed in a side or rear yard or a combination of the two yards.
4. Aisle Width. Provision shall be made for safe and adequate circulation of vehicles and pedestrians between, within and adjoining the subject property.
5. Location of driveways. All entrance and exit driveways to a public or private street shall be located so as to afford maximum safety to said roadway, to provide for safe and convenient ingress and to minimize conflict with the free flow of pedestrian traffic.
6. The borough encourages the consolidation and sharing of off-street parking among and between different properties. The borough's intention is for developers to provide adequate parking in safe and convenient locations without providing an over supply of parking. Applicants shall demonstrate through competent testimony and professional reports the sufficiency of the shared parking for all properties under consideration. When proposing shared parking, applicants shall demonstrate to the board attorney that sufficient legal protections are established for the long-term viability and maintenance of the shared parking arrangement
7. The following parking standards shall be established for uses within the Downtown-II zone:

LAND USES	REQUIRED OFF-STREET PARKING SPACES
Banks, and savings and financial institutions	1 per 300 s.f. of LFA
Child Care Centers	1 per 10 children, plus 1 space per staff
Clubs and Fraternal Organizations	1 per 400 s.f. GFA
Eating Establishments, Restaurants, Restaurants with Bar	1 space for each 4 seats
Funeral home	1 per 300 s.f. GFA
House of worship	1 per 4 seats. For benches, 1 seat = 3 ft. of linear space
Medical or dental offices	1 per 150 s.f. of LFA
Office	1 per 250 s.f. of LFA
Place of Public Assembly	1 per 4 fixed seats or 1 per 75 s.f. of floor area, whichever is greater
Recreational Uses (including health clubs)	1 per 250 s.f. GFA
Retail store, and personal service establishments	1 per 250 s.f. of LFA
Residential Uses	In accordance with RSIS
Other uses not provided herein shall be determined by the approving authority	

NOTES RELATING TO PARKING REQUIREMENTS:

GFA = Gross Floor Area

LFA= Leasable Floor Area

8. The inclusion of any use in the above table does not imply it is a permitted use in the CBD Downtown-II zone. See the applicable sections of this code for the enumeration of permitted uses.
9. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination. (N.J.A.C. 5:21-4.14d)
10. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted. (N.J.A.C. 5:21-4.14e)

B. Parking Spaces for the disabled. In every nonresidential parking lot, designated parking spaces for disabled persons shall be required as follows (these spaces shall be considered part of the total number of required spaces):

REQUIRED PARKING FOR THE DISABLED	
TOTAL PARKING SPACES IN LOT	REQUIRED NUMBER OF PARKING SPACES FOR THE DISABLED
Up to 25	1
26 to 100	2
Over 100	2% of total spaces in lot

Parking spaces for the disabled shall be located in one (1) area and designated as parking for the handicapped. They shall be located so that access does not require wheeling or walking behind parked cars. Parking spaces for the disabled shall be at least eight (8) feet wide with a five (5) foot access area located adjacent to the driver's side.

C. Parking area design standards.

1. Off-Street Parking Lots Intended for Customer Use.
 - a. Aisle width. Provisions shall be made for the safe and adequate circulation of vehicles and pedestrians within and adjoining the subject property. Aisle widths providing direct access to individual parking stalls designated for customer use shall be in accordance with the standards in Table 3. Only one-way traffic shall be permitted in aisles of less than twenty-four (24) feet in width.

MINIMUM AISLE WIDTH

PARKING ANGLE (DEGREES)	MINIMUM AISLE WIDTH (FEET)	
	ONE WAY	TWO WAY
0 (Parallel Parking)	12	24
30	15	N/A
45	18	N/A
60	20	N/A
90 (Perpendicular Parking)	22	24

2. Parking Stall Dimensions

a. Parking stalls shall dimension nine by eighteen (9x18) feet with a paved area of 162 s.f, provided that parking stalls within lots which contain retail uses utilizing shopping carts shall be ten by twenty (10x20) feet.

b. Two feet of the parking area may be a pervious overhang, but same shall not be included in any required parking setback, buffer or green area.

c. Parallel parking stalls shall be eight by nineteen (8x19) feet or forty-six (46) feet in tandem.

D. Circulation within parking area designed and intended to be utilized by customers and clients of an establishment.

1. All parking spaces shall be designed free and clear of any obstruction to individual parking stalls.
2. Parking spaces shall be located in such a fashion as to permit all vehicles to exit in a safe and orderly manner. Under no condition shall vehicles be permitted to back out of a parking lot driveway directly into the public right-of-way or otherwise block the free movement of traffic within the parking area or specific points of safety control, such as fire hydrants, doorways, elevators, or other similar locations.
3. Pedestrian circulation within a parking area shall be, to as great an extent as possible, separated from vehicular traffic. Safety zones, crossing points and sidewalk areas, where warranted, shall be provided.

Section 6. Section 59-63 Signs shall be amended in the following particulars only.

A. Signs in Downtown-II Zone

Regulations regarding signs in the Downtown-II zone shall be as follows:

1. Wall signs shall be limited to a maximum of 8% of the wall area at street level for the store that it is advertising but shall not exceed 30 square feet of signage.
2. Lots fronting on two or more streets are permitted signage along each street frontage, but the signage cannot be accumulated and used only on one street frontage.

3. Wall signs may not be located higher than the bottom of the windows of the second level of a multi-story building.
4. Multi-tenant buildings shall have signs with uniform area and height dimensions.
5. Each sign is permitted to include a main title which identifies the name of the store and one subtitle which is a description of the business.
6. The subtitle of the sign may not include a telephone number and must be a smaller font size than the main title.
7. Signs may not be printed in more than two font styles and different font styles on one sign must complement each other.
8. Hanging signs must have the bottom of the sign no less than seven (7) feet above the adjacent sidewalk and may not have an area more than 4 square feet.
9. The wall sign for an establishment with a hanging sign may not be greater than 5% of the total wall area at street level for the store.
10. Second floor occupancy of professional or office space shall be permitted one (1) announcement sign per occupancy of not more than two (2) square feet at the main entrance to the building. One (1) nameplate or professional sign with an area of not more than two (2) square feet may be mounted flat against the door of each secondary entrance. Such signs may be exterior illuminated. Building name and address announcements are exempt from these limitations. Signs in second floor office windows shall not exceed twenty five percent (25%) of the glass area of the window.

Section 7. Design Requirements Applicable to Buildings in the Downtown-II zone

The following standards are design guidelines that are strongly encouraged for use in the Downtown-II zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped.

A. *Building Façade Wall Area*

1. All work performed within the Downtown-II district shall be visually compatible with the existing streetscape and be constructed from the same, similar, or complementary materials.
2. Massing of new buildings and additions to existing buildings should appear to be balanced. Buildings should be in proportion to and of a similar scale to existing buildings.
3. Buildings with expansive blank exterior walls are discouraged.
4. Colors employed on new buildings and additions to existing buildings should be visually compatible with the overall historic streetscape of the zone.
5. Architectural detailing. All proposed building facades should have a coordinated architectural design and style. The architectural detailing of buildings shall be true to the architectural style or theme selected for the development. The architectural elevations should provide some differentiation from building to building on a tract to create variety and interest but should not be so dissimilar as to detract from the overall architectural composition of the development.
6. For each primary building frontage, at least 30% of the area between 3 feet and 10 feet in height should be clear/non-tinted window glass permitting a view of the building's interior.
7. All related piping, ducting, electrical and mechanical utilities, antennae, down spouts, utility receptacles, and service boxes should be painted to match the predominate color of the building and designed to be compatible with the architectural treatment of the principal structure.
8. Architectural details of the façade improvements should wrap around and be repeated on walls that are visible from public rights of way and off-site parking areas.

B. *Columns and Piers*

1. It is recommended that buildings that exceed 30 feet in width should include vertical piers, columns or other vertical visual elements that break up the plane of the building frontage. The vertical elements should be spaced at equal intervals. Vertical visual elements can include articulations in the façade itself such as insets or projections.
2. Recommended column and pier width is between 8 and 30 inches.
3. Recommended column and pier base height is between 10 and 24 inches.
4. Recommended column and pier cap height is between 6 and 24 inches.

C. *Cornice and Fascia*

1. Each façade should be designed to have a delineated floor line between the street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel, or a cornice line delineated by wood detailing.
2. The top of the building is recommended to be capped by a cornice or sloping roof element.

D. *Windows*

1. All street-fronting ground level developments should have windows that are clear and not tinted, mirrored, or painted.
2. Display windows should cover a minimum of 30% of the building frontage.
3. Display windows should be positioned within a maximum of 3 feet above the grade of the sidewalk and a maximum height of 8 feet.
4. The windows on the upper levels should have an appropriate sill or lintel to accent the openings and provide architectural interest.
5. Bulkheads should have a maximum height of 3 feet and be comprised of the same architectural detailing, materials, and colors as the windows.
6. Window displays and signage not attached to the structure of the window itself should not occupy more than 20% of the window area.
7. Window displays located within 36 inches of the window should occupy not more than 70% of the window area.

E. *Doors*

1. The doors and windows should cover a minimum of 50% of the building frontage on the street level.
2. All doors should have a glass panel which occupies a minimum of 10% of the door to afford internal views of the space.

F. *Canopies and Awnings*

1. Awnings over windows should match the color of the wall area or trim and are to be clearly integrated into the design of the store front.
2. Canopies and awnings should not project closer than 3 feet from the curb line.
3. Canopies and awnings should not be lower than 7 feet from grade level.
4. Canopies and awnings should be comprised of canvas/fabric material. Metal or plastic material is discouraged.
5. Structural elements supporting canopies and awnings should be constructed of a tubular galvanized metal such as aluminum, bronze or copper.
6. For multi-tenant buildings the awnings or canopies of each retail tenant space should be of the same material.
7. The length of the awning should complement the architectural details of the building. For example, the awning shall break for columns & piers.
8. Canopies should be one solid color, exclusive of any signage incorporated into or on the canopy.
9. A logo should not be larger than 6 square feet in area.

10. The lettering on valence signs should be between 6 and 9 inches in height and should not occupy more than 70 percent of the valence area.

Section 8.

The Zone Map of the Borough of Oakland is and shall be amended to adjust the extent and location of existing zones as necessary to insert the Downtown-II zone and delete the CBD-II zone. More specifically, the following properties are and shall be within the Downtown-II zone.

Block 1707 Lots 1 & 2.01
Block 4001 Lot 1
Block 4002 Lots 1 & 2
Block 4404 Lots 1, 2, 3, 8, 9, 10, 11, 12 & 13
Block 4504 Lots 33, 34, 35 & 36
Block 4508 Lots 2, 3 & 4.

Section 9.

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 10.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

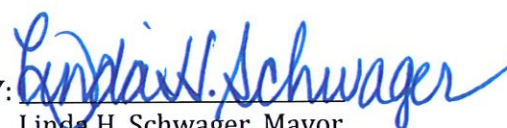
Section 11.

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:


Michael Carelli, Borough Clerk

BY:


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 August 16, 2005
Borough Clerk 