

BOROUGH COUNCIL MEETING
July 19, 2023

Municipal Court/Council Chambers
10 Lawlor Drive
Oakland, N.J. 07436
7:00 P.M.



BOROUGH OF OAKLAND
NEW JERSEY



BOROUGH OF OAKLAND

Borough Council Meeting

FINAL AGENDA

Phone: (201) 337-8111
Website: www.oakland-nj.org

Municipal Court/Council Chambers
10 Lawlor Drive
Oakland, N.J. 07436

MAYOR:
Linda H. Schwager

BOROUGH COUNCIL:
Steven Saliani, *President*
Eric Kulmala
John McCann
Pat Pignatelli
Kevin Slasinski
Russell Talamini

July 19, 2023 – 7:00 p.m.

EXECUTIVE SESSION	6:30 P.M.
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- Executive Items

CALL TO ORDER	Mayor Linda H. Schwager Presiding
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- Statement of Compliance with Open Public Meetings Act:

This Meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised, and posted in the Municipal Building. The meeting will adjourn no later than 10:00 p.m. unless a majority of the Councilmembers that are present vote to extend the time.

- Pledge of Allegiance to the Flag & Moment of Silence

ROLL CALL

Roll Call: Mayor Linda H. Schwager, Councilmembers Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini

MAYOR'S REPORT	Mayor Linda H. Schwager
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ENGINEER'S REPORT	Borough Engineer
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OPEN PUBLIC COMMENT	General Public
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Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.

APPROVAL OF MINUTES	Borough Council
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- June 28, 2023
- June 28, 2023 Executive Session

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS	Borough Council
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- Presentation on Downtown Architectural Standards from Kevin Heffernan
- Authorize Raffle License #RL1457 to Sports Association of Oakland for Off-Premises Raffle for Merchandise on August 25, 2023 at 24 Lawlor Drive, Oakland, N.J. 07436
- Request for Temporary Sign at Bush Plaza by Franklin Lakes/Oakland Rotary Club
- Appointment to Zoning Board of Adjustment

All Resolutions listed shall be acted upon by a single motion unless a member of the Governing Body requests specific items be pulled from the Consent Agenda for separate action.

- 23-224:** Appoint Secretary to Sustainable Oakland Green Team
- 23-225:** Authorize Conservation Agreement with The Land Conservancy of New Jersey
- 23-226:** Resolution Authorizing One-Time Waiver to Allow Alcoholic Beverages at the Oakland Senior Center in Connection with an Event
- 23-227:** Authorize Contract with Boswell Engineering for Engineering Services for 2023 Road Resurfacing Program
- 23-228:** Authorize Refund of Water Payments
- 23-229:** Resolution Endorsing Fair Share Plan and Housing Element of the Borough of Oakland
- 23-230:** Authorize Refund of Recreation Fees
- 23-231:** Award Contract to Natural Green Lawn Care for Recreation Complex Field #5 and #9 Refurbishments Project
- 23-232:** Appoint Temporary Fire Sub Code Official
- 23-233:** Appoint Fire Inspector
- 23-234:** Award Contract for CRS Services
- 23-235:** Authorize Release of Escrow Funds
- 23-236:** Authorize Release of Escrow Funds

ORDINANCES:

Final Adoption:

- 23-Code-910:** An Ordinance Supplementing Chapter 9 of the Oakland Code to Permit Dog Park Rentals
- 23-Code-911:** An Ordinance Supplementing Chapter 9 of the Oakland Code to Codify Resolution 22-257 Regarding the Banner Sponsorship Program
- 23-Code-912:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to RA-3-AH Zone
- 23-Code-913:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to RA-4-AH Zone
- 23-Code-914:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to RA-5-AH Zone
- 23-Code-915:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to SAHD Zone
- 23-Code-916:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to MU-AH Zone
- 23-Code-917:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to DT-1 Zone

23-Code-918: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to DT-II Zone

23-Code-919: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to CBD-II AHO Zone

Introduction:

23-Code-920: An Ordinance Authorizing Binding Municipal Referendum on Re-Continuation of an Annual Levy for the Open Space Trust Fund

23-Capital-921: Capital Ordinance to Appropriate an Additional Sum of \$4,640,000 For the Replacement of Patriot’s Way Bridge In, By And For the Borough of Oakland, In the County of Bergen, State of New Jersey, To Be Raised from A Grant Included In the 2024 State Budget In The Amount of \$1,640,000 and From a Department of Transportation Grant in the Amount of \$3,000,000.00

23-Code-922: An Ordinance Supplementing Chapter 2 of the Oakland Code Related to the Recent Creation of Class III SLEO

23-Code-923: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to SAHD Zone

23-Code-924: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to MU-AH Zone

23-Code-925: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to DT-1 Zone

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” Related to DT-II Zone

23-Code-927: An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled “Land Use and Zoning” Related to CBD-II AHO Zone

WORK SESSION

- River Road Bench Donation
- HR 3557 American Broadband Deployment Act
- A-4376 Concerning Wireless Communications Equipment
- S3807 Concerning Amendments to Local Bond Law
- Proposal for Engineering Services for 2023 Ramapo Valley Road ADA Curb Cuts and Ramps Project
- Proposal for Engineering Services for 2024 Franklin Avenue ADA Curb Cuts and Ramps Project

NEW BUSINESS

OLD BUSINESS

BOROUGH COUNCIL COMMITTEE/LIAISON REPORTS *Borough Council*

OPEN PUBLIC COMMENT	<i>General Public</i>
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Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.

BILLS TO BE PAID	<i>Borough Council</i>
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ADJOURNMENT

The next Borough Council Meeting will be held on Wednesday August 16, 2023 at 7:00 p.m. at the Borough of Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-224

TITLE:

APPOINT SUSTAINABLE OAKLAND GREEN TEAM SECRETARY

WHEREAS, the Sustainable Oakland Green Team is in need to hire a Secretary as a result of the creation of a new position;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby appoints Laura Saunders as the Secretary to the Sustainable Oakland Green Team at an annual stipend of \$1,200.00 effective Monday July 24, 2023.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-225

TITLE:

AUTHORIZE CONSERVATION AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY

WHEREAS, the Borough of Oakland has established a flood buy-out plan, guided by Oakland's Flood Acquisition Plan, and empowers the Borough to take such steps as it deems necessary and appropriate to acquire and preserve land identified in the Plan as flood buy-outs which will become conservation or recreation land; and

WHEREAS, the Borough seeks assistance from other public entities and non-profit organizations in order to acquire flooded homes for such conservation and recreation purposes; and

WHEREAS, the Land Conservancy of New Jersey, a non-profit corporation of the State of New Jersey, has been awarded funding by the New Jersey Green Acres Program for the purpose of preserving parcels of land deemed necessary for recreation, flood storage, conservation and active recreation; and

WHEREAS, the Borough has entered into a Contract for Sale of Real Estate with two homeowners to purchase homes located on Lenape Lane known as Block 1404, Lot 9 and Block 1606, Lot 40 which fit the requirements of Oakland's Flood Acquisition Plan and once acquired will provide space for flood storage and recreation, thus removing the homes from the floodway and enhancing public safety; and

WHEREAS, The Land Conservancy of New Jersey has been involved with the project from its inception and subject to Green Acres funding, will contribute up to 25 percent of the acquisition costs towards these two acquisitions; and

WHEREAS, the Borough of Oakland and The Land Conservancy of New Jersey has determined that it is in the best interest of the Borough and the Conservancy to enter into a Conservation Agreement in order to set forth the responsibilities of each party and to authorize the execution of the Conservation Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, as follows:

1. The Mayor and Borough Clerk are authorized to execute the Conservation Agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to The Land Conservancy of New Jersey and Brian M. Chewcaskie, Counsel.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-226

TITLE:

**RESOLUTION AUTHORIZING ONE-TIME WAIVER TO ALLOW ALCOHOLIC BEVERAGES AT
THE OAKLAND SENIOR CENTER IN CONNECTION WITH AN EVENT**

WHEREAS, Borough Code 3-6.2 states that no person shall, except as hereinafter provided or as otherwise permitted by law, consume any alcoholic beverage or regulated cannabis item in any public park or recreation area of the Borough, public building, public conveyance, right-of-way, alley, sidewalk, roadway or parking lot open to the public in the Borough or on any vacant lands owned by the Borough; and

WHEREAS, the Mayor and Borough Council wish to authorize a one-time waiver to allow alcoholic beverages for consumption on the premises of the Borough of Oakland Senior Center, 20 Lawlor Drive, Oakland, N.J. 07436 on August 22, 2023, in connection with an event hosted by the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize a one-time waiver to allow alcoholic beverages for consumption on the premises of the Borough of Oakland Senior Center, 20 Lawlor Drive, Oakland, N.J. 07436 on August 22, 2023, in connection with an event hosted by the Borough of Oakland.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-227

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR
2023 ROAD RESURFACING PROGRAM**

WHEREAS, there is a need for Engineering Services for the 2023 Road Resurfacing Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated June 28, 2023 for services required at a total cost not to exceed cost of \$105,000.00, broken down as follows:

TASK #1 – Construction Inspection Services: \$105,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-885-701 in the amount of \$105,000.00; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Boswell Engineering to perform the engineering services for the 2023 Road Resurfacing Project at a cost not to exceed \$105,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement on behalf of the Borough.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-228

TITLE:

AUTHORIZE REFUND OF WATER PAYMENTS

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of water payments in the total amount of \$2045.03; and

WHEREAS, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund; and

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Misc. Revenue Refund WOP-05-55-999-014;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$2045.03. to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK & LOT</u>	<u>AMOUNT</u>
Krista Teresak	30 Wild Duck Road, Wyckoff, NJ 07481	402-30	\$852.76
Karl Kaplan	PO Box 280 Oakland, NJ 07436/100 Bauer Dr.	3204-2	\$1192.27

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-229

TITLE:

**RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE
BOROUGH OF OAKLAND**

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitution obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

WHEREAS, the New Jersey Supreme Court issued a Decision and Order on March 10, 2015, In Re Adoption of N.J.A.C. 5:96 & 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) (known as Mount Laurel IV), wherein the Court held that because COAH failed to adopt amended Third Round Rules, constitutional compliance cannot be evaluated under COAH's jurisdiction which thereby rendered the FHA's exhaustion of administration remedies futile; and

WHEREAS, the New Jersey Supreme Court in Mount Laurel IV ordered that the Courts may resume their role as the forum of first instance for evaluation compliance with Mount Laurel obligations; and

WHEREAS, in accordance with Mount Laurel IV, the Borough of Oakland filed a Declaratory Judgement Action with the Court on May 3, 2016 under Docket No. BER-L-6359-19; and

WHEREAS, this matter is being case managed by the Hon. Christie Farrington, J.S.C., with a Fairness Hearing scheduled for TBD, 2023

WHEREAS, Oakland has a period of temporary immunity through the completion of the final hearing; and

WHEREAS, pursuant to Court order Oakland was required to submit a Housing Element and Fair Share Plan (HEFSP) to the Court in advance of the final hearing; and

WHEREAS, Oakland retained Burgis Associates, Inc. to prepare a HEFSP; and

WHEREAS, Burgis Associates, Inc. has prepared a HEFSP dated December 21, 2022 which has been reviewed by the Oakland Planning Board who has memorialized through resolution that the HEFSP is consistent with the goals and objectives of Oakland's Master Plan; and

WHEREAS, a copy of the HEFSP has also been submitted to the Special Master; and

WHEREAS, the Oakland Planning Board has adopted the HEFSP as an amendment to the Borough of Oakland Master Plan in accordance with Municipal Land Use Law; and

WHEREAS, the governing body has reviewed the HEFSP and in accordance with the adoption of the HEFSP by the Oakland Planning Board, the governing body endorses the HEFSP

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby endorses the HEFSP prepared by Burgis Associates, Inc. dated December 21, 2022.

RECORD OF COUNCIL VOTE:

Motion - by Councilman: _____ Second - by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-230

TITLE:

AUTHORIZE REFUND OF RECREATION FEES

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the total amount of \$1771.00; and

WHEREAS, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund; and

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Misc. Revenue Refund CF-01-55-998-006;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$1771.00 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>SPORT TYPE</u>	<u>AMOUNT</u>
O'Hara Family	989 Arapaho Trail, Oakland, NJ 07436	Football	\$125.00
Mazzella Family	13 Harvard Way, Oakland, NJ 07436	Summer Camp	\$413.00
Fernandez Family	117 Yawpo Ave, Oakland, NJ 07436	Summer Camp	\$393.00
Colangelo Family	565 Overlook Drive, Wyckoff, NJ 07481	Football	\$125.00
Molinas-Collins Family	12 Meadowlark Drive, Carmel Hamlet, NY 10512	Summer Camp	\$600.00
Walters Family	176 Hiawatha Blvd, Oakland, NJ 07436	Baseball	\$115.00

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

MAYOR (Tie-Break Vote): Yes No

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-231

TITLE:

**AWARD CONTRACT TO NATURAL GREEN LAWN CARE FOR RECREATION COMPLEX FIELD #5
AND #9 REFURBISHMENT PROJECT**

WHEREAS, there is a need to replace the infield and outfield grass at Field #5 and #9 at the Oakland Recreation Complex; and

WHEREAS, JCW, Inc. dba/Natural Green Lawn Care, 795 East Main Street, Bridgewater, N.J. 08807, has the Educational Services Commission of New Jersey Co-op Pricing Bid #ESCNJ20/21-49 for Lawn Care Products and Services; and

WHEREAS, JCW, Inc. dba/Natural Green Lawn Care has submitted Proposal #ESCNJ20/21-49 dated July 7, 2023 for the services required in the amount of \$59,800.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # G-02-23-792-001 in the amount of \$59,800.00;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby award the contract for the Recreation Field #5 and #9 Renovation Project to JCW, Inc. dba/Natural Green Lawn Care in the amount of \$59,800.00;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the agreement on behalf of the Borough.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

MAYOR (Tie-Break Vote): Yes No

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-232

TITLE:

APPOINT TEMPORARY FIRE SUB CODE OFFICIAL

WHEREAS, there presently exists a vacancy in the position of Temporary Fire Sub Code Official; and

WHEREAS, Brian Comitto, meets the qualifications for the title and holds the requisite Fire Sub Code License; and

WHEREAS, N.J.A.C. 4A:4-1.7 allows for the Temporary appointment of officials;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, that Brian Comitto be appointed as the Temporary Fire Sub Code Official at a rate of \$50.00 per hour, effective June 20, 2023.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-233

TITLE:

APPOINT PART TIME FIRE INSPECTOR

WHEREAS, there is a need to hire a part-time Fire Inspector for the Code Enforcement Department;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Edward Lawler be hired as part-time Fire Inspector at an hourly rate of \$25 per hour effective July 24, 2023.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

MAYOR (Tie-Break Vote): Yes No

Date of Adoption: July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-234

TITLE:

AWARD CONTRACT FOR CRS SERVICES

WHEREAS, there is a need for services related to the Federal Emergency Management Agency's Community Rating System (CRS) Program and related to the National Flood Insurance Program (NFIP) compliance issues which impact CRS ratings and the ability to maintain and improve discounts under the CRS Program; and

WHEREAS, EcoAdapt Strategies, LLC. has submitted a proposal dated April 3, 2023 for services required at a total cost not to exceed \$9,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #3-01-20-165-100 in the amount of \$9,000.00; and

WHEREAS, EcoAdapt Strategies, LLC. has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize EcoAdapt Strategies, LLC. to perform the services related to the Federal Emergency Management Agency’s Community Rating System (CRS) Program and related to the National Flood Insurance Program (NFIP) compliance issues which impact CRS ratings and the ability to maintain and improve discounts under the CRS Program at a cost not to exceed \$9,000.00.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement on behalf of the Borough.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-235

TITLE:

AUTHORIZE RELEASE OF ESCROW FUNDS

WHEREAS, Tode Landscape, 53 Spruce Street, Oakland, N.J. 07436 has requested that any Professional Review Escrow funds be returned for their application to the Oakland Board of Adjustment; and

WHEREAS, the Chief Financial Officer has determined the amount of \$2,487.18 remains in Escrow Account #T-26-00-019-426;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the Chief Financial Officer is hereby directed to return the balance of Professional Review Escrow funds in the amount of \$2,487.18 to Tode Landscape, 53 Spruce Street, Oakland, N.J. 07436.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-236

TITLE:

AUTHORIZE RELEASE OF ESCROW FUNDS

WHEREAS, IE Holdings, LLC, 5669 Berkshire Valley Rd. Suite 7, Oak Ridge, N.J. 07438 has requested that any Professional Review Escrow funds be returned for their application to the Oakland Planning Board; and

WHEREAS, the Chief Financial Officer has determined the amount of \$14,868.00 remains in Escrow Account #T-13-56-286-007;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the Chief Financial Officer is hereby directed to return the balance of Professional Review Escrow funds in the amount of \$14,868.00 to IE Holdings, LLC, 5669 Berkshire Valley Rd. Suite 7, Oak Ridge, N.J. 07438

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption July 19, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-910

AN ORDINANCE SUPPLEMENTING CHAPTER 9 OF THE OAKLAND CODE TO PERMIT DOG PARK RENTALS

WHEREAS, the Borough of Oakland operates and maintains a dog park; and

WHEREAS, the Borough believes residents should be permitted to rent the dog park for private events; and

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

Section I. Chapter 9 of the Borough of Oakland Code entitled "Recreational Facilities and Recreation Areas" is hereby amended to create a Section 9-2.4 stating the following:

USE:	FEE:
Dog Park	\$200 (not to exceed 3 hours or conclude after 6PM)

Section II. All other parts, portions and provisions of Chapter 9 of the Borough of Oakland Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ___ day of _____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-911

AN ORDINANCE SUPPLEMENTING CHAPTER 9 OF THE OAKLAND CODE TO CODIFY RESOLUTION 22-257 REGARDING THE BANNER SPONSORSHIP PROGRAM

WHEREAS, the Borough of Oakland passed Resolution 22-257 authorizing the creation of a recreation field banner sponsorship program; and

WHEREAS, the Borough believes this program should continue and be codified through ordinance; and

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

Section I. Chapter 9 of the Borough of Oakland Code entitled "Recreational Facilities and Recreation Areas" is hereby amended to create a Section 9-2.3(b) stating the following:

The following fees shall be charged for the Oakland Field Banner Sponsorship Program to allow for businesses to feature their logo on a 6' x 3' uniform banner as supplied by the Borough of Oakland:

- One season: \$500
- Two seasons: \$1,000
- Three seasons \$1,200

Section II. All other parts, portions and provisions of Chapter 9 of the Borough of Oakland Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ___ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-912

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:

- A. §59.61.2 Affordable Housing (RA-3-AH) is amended and revised in the following parameters only through the inclusion of the following:
1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource, all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.

Section 2:

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 3:

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 4:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-913

**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:

- A. §59.61.3 Affordable Housing (RA-4-AH) is amended and revised in the following parameters only through the inclusion of the following:
1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource, all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.

Section 2:

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 3:

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 4:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-914

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 Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1:

- A. §59-61.2 Affordable Housing (RA-5AH) is amended and revised in the following parameters only through the inclusion of the following provision:
1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource, all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five (5) seconds by their particular development.

Section 2:

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 3:

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 4:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-915

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:

A. Article VII §59-52.7 Senior Affordable Housing District (SAHD) zone is hereby amended in the following parameters only.

1. A new Section E. (7), (8), and (9) are hereby established and shall read as follows:

7. At least three (3) senior apartments shall be reserved for very-low-income households.

8. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.

9. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.

Section 2:

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 3:

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 4:

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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-916

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 Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1:

- A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following additional district included herein:

Mixed-Use Affordable Housing MU-AH.

- B. §59-46B. Zoning Map is and shall be amended to include and depict the following district. This district shall be applied to Block 1706 Lot 1.01, 2.01, 3.01 & 4.01.

Mixed-Use Affordable Housing MU-AH.

Section 2:

- A. §59.52.5 Affordable Housing (MU-AH).

Oakland is constitutionally obligated to provide a reasonable opportunity for the construction of affordable housing, with a strong focus on generating rental affordable dwellings. Establishing the MU-AH zone will assist the Borough in satisfying this obligation by creating a reasonable opportunity for the construction of one or more inclusionary rental affordable housing developments within the context of an integrated, pedestrian friendly shopping experience. This zone is intended to result in the construction of both residential and non-residential development within the limits of development intensity prescribed herein.

- B. Permitted principal uses in this zone include:

- i. All uses permitted pursuant to §59-53.2
- ii. Restaurants with drive-through service windows.
- iii. Banks, with or without, drive-through service windows.
- iv. Cafes, coffee shops and bakeries, with or without, drive-up service windows.
- v. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.

- C. Permitted accessory uses in this zone include:

- i. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants, bakeries and cafes.
- ii. Walk-up service windows and counters.
- iii. Off-street drives and parking areas.

- iv. Solar energy systems. Such systems may be installed only as an accessory use either on the roof a permitted principal or conditional use or as freestanding structures such as above a parking area.
 - v. Recreational and social amenities for the use and enjoyment of residents and guests.
 - vi. Drive-through service windows and accompanying menu boards, but not to exceed two menu boards per drive-through lane. Menu board(s) shall be a permitted accessory structure only in the event drive-through service windows are proposed.
 - vii. Signage, as regulated herein.
 - viii. Facilities for the temporary storage of trash and recyclables.
- D. Prohibited uses. Within the MU-AH zone, the following uses are specifically prohibited:
- i. Adult book and/or adult gift shops and/or adult stores.
 - ii. Adult mini-motion picture theaters.
 - iii. Adult motion picture theaters.
- E. Conditionally Permitted Uses.
- i. Multi-family inclusionary housing.
- F. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Principal Buildings and Uses. The following bulk requirements are applicable for all permitted uses in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Min. Open Space	15%
Maximum Number of Building Stories	3
Maximum Building Height	38 feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet

- i. Lot area and other dimensions. Minimum required lot area in this zone shall be 15,000 square feet. Due to the integrated nature of development in this area of the downtown, parking spaces and parking drives can be located on the property the parking spaces and drives are intended to serve or these site development features can be provided on adjacent lots. If on adjacent lots, appropriate cross access easements must be established and provided to the Board attorney for review and if acceptable, approval.
- ii. Not more than two (2) principal buildings per lot are permitted in the zone.
- iii. All non-residential development constructed after adoption of this zoning amendment shall be required to make a contribution to Oakland's affordable housing trust fund consistent with applicable state statute. Half of the required affordable housing trust fund contribution shall be paid to Oakland prior to the issuance of any construction permit. The remaining half of the fee shall be paid prior to the issuance of either a temporary Certificate of Occupancy or a Certificate of Occupancy.
- iv. Parking and Drives. Residential uses shall provide parking pursuant to the Residential Site

Improvement Standards and the statewide electric vehicle act. Parking spaces and access drives shall be no closer than ten (10) feet to any public street, other than the drive intersecting with the roadway. Internal driveway connections and shared parking arrangements increase overall site efficiency and are therefore encouraged if provisions are in place to ensure their long-term viability. To encourage shared parking arrangements between residential and non-residential developments, parking spaces and parking drives are not subject to buffer requirements except as noted above. To ensure that a sufficient number of parking spaces are provided, non-exclusive parking easements will be required with provisions that RSIS minimum parking supply will be available to residential uses.

- v. Access and/or utility easements must be established in favor of any property in which drives, parking or utility lines serving one property pass through from an adjoining privately owned lot regardless of ownership.
- vi. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect the public resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
- vii. Yards. Required building setbacks from interstate highways and associated highway ramps shall be no less than fifty (50) feet for all non-residential uses.
- viii. All roof mounted equipment other than solar panels, 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, when summed do not cover more than 25% of the roof surface and are only as high as necessary to fulfill their objective.
- viii. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably and attractively landscaped.
- ix. Concrete walkways of an adequate width, but not less than four (4) feet, shall provide safe and convenient access between a developed lot and the adjacent street sidewalk network.
- x. No more than two (2) signs are permitted per lot, one sign may be a building mounted wall sign. Said wall sign shall not exceed thirty (30) square feet. A ground-mounted monument sign of twenty-four (24) square feet is permitted in addition to the permitted wall sign for each lot in this zone. Such monument sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than five (5) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance. Menu boards proposed in conjunction with drive-through window service shall be regulated as below but shall not count as one of the two (2) permitted signs.
- xi. Menu board signs shall not exceed eighteen (18) square feet in area and shall no portion of a menu board shall be higher than ten (10) feet above grade.

G. CONDITIONS OF THE CONDITIONAL USE.

- i. Multi-family inclusionary developments of up to but not exceeding twenty-four (24) units in total with an affordable housing setaside of not less than six (6) deed restricted rental affordable units.
- ii. Market-rate units may be offered as for-sale units or as rental units.
- iii. Required residential building setbacks to the right-of-way of an interstate highway and associated ramps shall be a minimum of thirty-five (35) feet. Building setbacks from all other property lines shall be a minimum of five (5) feet.
- iv. Accessory structures and recreation facilities are permitted in any front, side or rear yard, provided that any accessory structure or use, other than parking and access or parking drives, shall be set back a minimum of five (5) feet from any property line.
- v. Not less than 13% of the income restricted units shall be deed restricted to household earning 30% or less of the regional median gross household income within COAH housing region 1. Thirty-seven (37) percent of all income restricted units within each bedroom distribution shall be deed restricted to households more than 30 percent but less than 50 percent of the median gross household income within COAH housing region 1. Up to fifty (50) percent of all income restricted units within each bedroom distribution shall be deed restricted to households earning between 50 and 80 percent of the median gross household income within COAH housing region 1.
- vi. Bedroom distribution among the market-rate units is unregulated and shall be to developer discretion. However, among the rental affordable units to be constructed on Block 1706 Lot 4.01, or a subdivided portion of that lot, shall be in accordance with the following schedule: two (2) three-bedroom units, three (3) two-bedroom units and a single one-bedroom unit. Bedroom distribution on any other MU-AH zoned parcel shall be in strict accordance with provisions of the Uniform Housing Affordability Controls.
- vii. Affordable housing units generated in this zone shall comply in all respects with the requirements and conditions contained within the Settlement Agreement between Oakland and Fair Share Housing Center I.T.M. No. BER-L-6359-15, and all amendments thereto, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., Oakland's Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.
- viii. No construction permit shall be issued for a building in this district until and unless a site plan application has been approved pursuant to this Chapter.
- ix. No certificate of occupancy shall issue unless the building applied for is physically connected to, through approved plumbing connections, an approved sanitary sewer treatment facility and the building owner has been issued all necessary permits for the sewer connection.
- x. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect the public resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating

conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.

- xi. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Conditional Uses. The following bulk requirements are established as conditions of the conditional use in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Maximum Number of Building Stories	4
Maximum Building Height	52 feet
Minimum Front Yard**	35 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

* measured along front yard setback line from side property line to side property line.

** measured from a public right-of-way.

Section 3:

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 4:

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 5:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF OAKLAND
 COUNTY OF BERGEN
 STATE OF NEW JERSEY

 Michael Carrelli, Borough Clerk

By: _____
 Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-917

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.

A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to delete the Central Business District-I zone and insert instead the following new district:

Downtown District (DT-1)

B. §59-46B. Zoning Map is and shall be amended to replace the Central Business District-I and instead depict the following district in the same locations and the same properties previously depicted as Central Business District-1.

Downtown District DT-1

Section 2. Article VII§59-53.1 is and shall be modified to replace Central Business District-I so that if read as Downtown-I District (DT-I)

- A. Within the Downtown District-1 zone, only the following compatible land uses in a distinctive streetscape which enhances and promotes the commercial and civic center of the Borough shall be permitted on any property in the zone pursuant to the recommendations contained within the Borough's master plan and forming an integrated and compatible design with respect to the relationship and location of land uses, buildings, historic structures, parking, signage, circulation, walkways, landscape amenities and buffer features:
1. Antique shops, art galleries, appliance stores, arts and craft shops, auto parts, bakery shops, ~~banks, book, and~~ record and CD stores, ~~brokerage houses, finance companies,~~ eyewear and optical stores, ~~hair salons, nail salons,~~ bookstores, building mounted wireless communication antennae and ancillary equipment exclusive of towers and/ or poles, ~~bus or train, or jitney station,~~ butcher shops, camera stores, card shops, chinaware/flatware and glassware shops, cigar stores, dry-cleaning stores, dry-goods and variety stores, clothing stores, dress shops, candy stores and confectioneries, coin stores, convenience stores, delicatessens, drapers, ~~drug stores,~~ electronics stores, flower shops, ~~funeral homes,~~ furniture stores, garden equipment, home furnishing stores, gift shops, gourmet and specialty food stores, hardware stores, paint and wallpaper stores, hobby shops, ~~houses of worship,~~ 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, ~~mixed-use buildings and developments consisting of more than one principally permitted use~~, music shops, musical instruments stores, ~~business and professional offices~~, shoe repair shops, pet shops, pharmacies, photograph equipment and ~~studios~~, post offices, radio and television repair shops, recreation equipment stores, telecommunications stores, custom packaging and retail mail services, provided that the service is incidental to the main use, coffee shops, ice cream parlors, ~~restaurants~~, shoe stores, sporting goods, stationers, ~~stock brokers~~, tailor shops, toy stores, travel and ticket agencies, ~~video stores~~, 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, cafes and taverns.
3. Business and professional offices.
4. **Medical, chiropractic, dental 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 limited to barbershops, beauty parlors, skin and nail boutiques.
9. Athletic and sport training studios ~~limited to~~ **such as**, 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 ~~limited to~~ **such as** yoga, meditation, life coach, weight loss centers, language arts centers.
12. Internet website and design, hosting services.
13. Real estate office.
14. 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.
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 educational facilities including parish houses, rectories and convents.
18. Mixed use buildings and developments consisting of two or more principally permitted uses.

B. Accessory permitted uses allowed in the Downtown-1 zone include the following:

1. Outdoor dining and seating areas, ~~with~~ or without tents, associated with and on the same lot as coffee shops, ice cream parlors, restaurants and cafes.
2. Walk-up, but not drive-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 only as a use accessory to a permitted principal use. Solar energy systems may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or as freestanding structures included above a parking area.

C. Conditionally permitted uses allowed in the Downtown-1 zone include the following:

- ~~1. Automotive gas stations which may include the repair of automobiles exclusive of any automobile body work.~~
- ~~2. Parking lots for adjacent properties.~~
- ~~3. Mixed-use buildings wherein residential uses are developed and located on floors other than cellar, basement and/or the first floor and no less than one additional principally permitted use occupies residentially restricted levels of the building. Residential lobbies, mail and package rooms and elevators and stairs are allowed on the first floor.~~

1. Limited brewery complying with the following conditions:
 - (a) Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - (b) No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
 - (c) A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
 - (d) Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
 - (e) Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A. 33:1-10.
 - (f) Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same established for restaurants in the Downtown-1 zone while being a condition attached to the conditional use.

2. Limited brewpub complying with the following conditions:
 - (a) Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
 - (b) Every brewpub must be adjoining a retail consumption licensed premises operation as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
 - (c) A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
 - (d) On-site parking requirements shall be the same as established for restaurants in the Downtown-1 zone while being a condition attached to the conditional use.

D. Uses specifically prohibited in the Downtown-1 zone include the following:

- 1. Adult book and or adult gift shops and adult retail stores.**
- 2. Adult mini-motion adult picture theaters.**
- 3. Adult motion picture theaters.**
- 4. Drive through or drive-up or similar service provided from a building to patrons waiting in automobiles.**

Section 3.

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-1 zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	5,000-7,500
Minimum Lot Width (ft.)	35 50
Minimum Lot Depth (ft.)	100
Maximum Building Coverage (%)	65
Min. Open Space (%)	10
Maximum Number of Stories	3
Maximum Height (ft.)	38
Min. Front Yard (ft.)	0
Max. Front Yard (ft.)	10
Min. Side Yard (ft.)	0
Min. Rear Yard (ft.)	20

B. Buffer Requirements.

There shall be established along ~~the line of~~ any property line that is contiguous to the RA-3 zone, a buffer area of at least 15 feet in width. The 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 should be preserved in the buffer area where practical.

Section 4. Standards for conditional uses in the Downtown-1 zone are herein established.

A. ~~_____~~ Mixed-Use Buildings are subject to the following conditions:

1. Conditional Use Standards:

a. ~~_____~~ Lot Bulk Standards

Minimum Lot Area (sq. ft.) ~~_____~~ 10,000
 Minimum Lot Frontage (ft.) ~~_____~~ 75 feet
 Minimum Lot Depth (ft.) ~~_____~~ 125 feet
 Maximum Building Coverage (%) ~~_____~~ 65%
 Maximum Lot Coverage (%) ~~_____~~ 75%
 Maximum Density ~~_____~~ 18 dwelling units per acre;

b. ~~_____~~ No residential units shall be constructed on or below the ground or first floor level within this zone.

c. ~~_____~~ Each development shall provide Council on Affordable Housing credit-worthy affordable housing units on-site in accordance with the Borough's affordable housing plan. If permitted by the affordable housing plan, a payment to the borough's affordable housing trust fund in lieu of constructing on-site affordable housing may be considered. The amount of the affordable housing fee shall be the minimum prescribed by applicable COAH regulations.

d. ~~_____~~ Each such development shall include at least one area of distinctive design, that is

intended to create a visual focal point or area of interest. The distinctive features shall include a pavilion, gazebo, or other focal architectural feature or amenity and at least two of the following components: (a) plaza, patio or seating area; (b) decorative walls or terraces; (c) fountain; (d) a decorative landscape design element, including flower beds and ornamental plantings designed to complement the other elements of the distinctive design feature and create seasonal interest. The distinctive feature shall be linked to the on-site pedestrian walkway network of the development. The distinctive design feature shall be in addition to any design features located at the entranceways of the development. These features shall comprise at least 5% of the area of the tract.

~~B. Conditional use standards for automotive gasoline and service stations in the CBD-1 zone.~~

- ~~1. An application for a gasoline service station shall contain all of the data required for site plan review as set forth in this Chapter, and shall include the following additional information: the exact location of tanks, dispensers, lifts and other appurtenances, if any.~~
- ~~2. The lot shall be at least four hundred (400) feet, measured in a straight line, from any boundary line of any property which is used as or upon which is erected a public or private school, playground or athletic field, place of worship, hospital, library, theater, or fire station, and one thousand (1,000) feet, measured in a straight line, from any boundary line of a property which is used as a gasoline service station.~~
- ~~3. Gasoline or oil tanks or fuel dispensers and the islands they are installed on may be located within the front yard or front setback, but in no case shall they be closer than fifteen (15) feet from the property line where curbing exists, and twenty five (25) feet from the property line where no curbing exists. Service station canopies shall maintain a minimum front yard setback of 10 feet from the front property line.~~
- ~~4. Driveways, entrances, exits, parking area and areas used by motor vehicles must be surfaced with an asphalt or bituminous pavement which shall be graded and drained to dispose of all surface water as approved by the Borough Engineer.~~
- ~~5. Mixed Use. No part of any gasoline service station, wherever located, shall be used for any use other than repair service and sales of products directly connected with or related to motor vehicles.~~
- ~~6. Outdoor Repair Prohibited:
 - ~~a. On any premises upon which a gasoline service or repair station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing and filling of tires or the sale of gasoline or oil, shall be conducted within the confines of a building.~~
 - ~~b. No gasoline service station shall permit its premises to be used, hired or rented for the outdoor storage or parking of licensed vehicles which have not been temporarily left in the custody of the operator of the service station for service or repair, nor for overnight storage or parking of any unlicensed or unregistered vehicle under any circumstance.~~~~
- ~~7. Dimensional Requirements Applicable to Automotive Gasoline and Service Stations in the CBD-1 zone are listed below:~~

- a. Minimum lot area: 30,000 square feet;
- b. Minimum lot width: 100 feet
- c. Minimum Building Setback:
 - Front yard: 50 feet;
 - Rear yard: 50 feet;
 - Side yard: The total of 2 side yards must be 50 feet, but not less than 20 feet for any one side;
- d. Maximum bldg coverage: 15% percent;
- e. Maximum bldg ht: 1 story and 25 feet.

8. ~~Open Space: All gasoline service stations shall provide for an unoccupied, landscaped open space area with a minimum width of fifteen (15) feet along all property lines. The open space areas shall be maintained at all times. Off-street parking, outdoor storage or any use other than as an open landscaped area shall be prohibited, except that entrance and exit drives not to exceed thirty (30) feet in width shall be permitted in open space areas, subject to Planning Board approval.~~

9. ~~Prohibitions:~~

- a. ~~There shall be no display or storage of materials, merchandise, supplies or accessories, except for the outdoor storage of lubricants in sealed cans, in any front, side or rear yard or in any open space area, including but not limited to aisles, sidewalks, walkways, driveways, exits and entrances.~~
- b. ~~Accessory buildings shall be prohibited, except that well houses, pump houses and package septic treatment systems shall be permitted.~~

10. ~~Buffer Strip. When a gasoline service station abuts a residential district, a minimum forty (40) foot buffer strip shall be provided, with dense evergreen plantings at least eight (8) feet in height and solid fencing no less than six (6) feet high.~~

11. ~~Vehicular access drives to or exit from a service station shall not be closer to the intersection of any two (2) streets than fifty (50) feet, nor shall any such drive be located within thirty (30) feet of any boundary line of any residential district or residential lot.~~

12. ~~Service station canopy lighting levels shall not exceed the minimum NAIES recommendations for such land uses. All lighting fixtures shall be aimed downward and installed so that the bottom of the fixture or its lens, which ever is lower, is recessed into or mounted flush with the bottom surface of the canopy. A full cut off fixture may project lower than the underside of the canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. Lighting shall not be permitted on the upper portions of the canopy.~~

13. ~~The provision of canopies, lighting, and building facade treatment shall reflect the district's architectural character and aesthetics.~~

C. ~~Conditional use standards for parking lots serving as principal uses.~~

- 1. ~~Parking lot shall serve a conterminous property or any property within the CBD-1 zone located within 250 feet of the subject property.~~
- 2. ~~The parking area shall serve either an enumerated permitted or conditional use in the CBD-1 zone.~~
- 3. ~~Such parking lots shall not be used for overnight parking for commercial uses. This~~

~~—restriction shall not extend to include a prohibition on overnight residential parking for dwelling units physically located within the CBD-1 zone.~~

~~4. Parking areas shall be signed to indicate the owner, business usage, and restrictions on use.~~

~~2C. Supplemental Development Standards. These following standards are not conditions associated with the a conditional use. Deviations from these criteria are cognizable as 40:55D-70c variances.~~

~~a. General Development Standards. The following shall apply to all mixed use developments in the CBD zone.~~

Standard	Requirement
Maximum Building Length w/o min 5-foot building break (ft.)	30
Building to Building Setbacks when Multiple Buildings are Proposed on Single Site (ft.)	
–Front to front	60
–Front to side	40
–Side to side	30
–Rear to rear	50
Minimum setback to internal street or parking (ft)	10*

~~*Except attached parking structures~~

~~b 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.

~~c b.~~ All single-story buildings ~~must~~ **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.

~~b-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.

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

~~e.~~ Buffer Areas. Buffers from adjacent residential properties shall comply with the following standards:

~~i.~~ Landscaped berms shall be incorporated to accentuate the screening qualities of the landscaping proposed. Berms shall be a minimum of two feet in height, The width should vary with side slopes of 1 to 5 to 1 to 2, without adversely affecting natural drainage or slope retention.

~~ii.~~ Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the grading and drainage plan.

~~iii.~~ Landscaping shall be designed to complement the berms and shall be designed to provide a screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	3-inch caliper (12-14 ft)
Evergreen Trees	7-8 feet
Shrubs	18-24 inches

- iv. Landscaping within the buffer area shall include a predominance of evergreens to provide buffering during the dormant seasons.
- ⊕ Streetscape.. The development shall include a cohesive thematic streetscape 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 construction or installation. Streetscape improvements in the public right-if-way shall conform with adopted municipal standards. ~~The on-site streetscape shall include the following elements:~~
 - ~~i. Sidewalk areas should include creative use of stylized brick or concrete pavers, colored and stamped concrete or decoratively scored concrete;~~
 - ii. **Street-Site and** Yard lighting, if any, should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply:
 - 1. Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - 2. Height of the street lighting fixtures should be residential in scale and should not exceed a 12-foot mounting height.
 - 3. Lighting levels proposed should conform to all applicable ordinance standards provided herein.
- f. Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
- g. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect the public resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds.**
- h. Any and all developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.

~~iii. Shade trees. Shade and/or ornamental trees shall be provided for all streets and parking areas and along walkways and shall be in accordance with the following standards:~~

- ~~1. Shade tree planting layout should 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 should 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. There should be several species of shade trees incorporated into the design of the overall project to avoid problems associated with a monoculture.~~
- ~~4. Choice of tree species should 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.~~

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-1 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 of 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.
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 pedestrian users of said roadway, to provide for safe and convenient ingress and to minimize conflict with the free flow of pedestrian traffic. Common driveways between adjacent properties are encouraged throughout the Downtown-1 zone.
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 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-1 zone.

LAND USES	REQUIRED OFF-STREET PARKING SPACES
Auto service stations	3 per bay or 1 per fuel dispenser and 1 per bay, whichever is greater
Banks and savings 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 sf 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
Schools Elementary (K through 8)	2 per classroom; but not less than 1.5 per teacher & staff
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

** = If applicant does not specify the number of bedrooms per unit, this off-street parking requirement shall apply.

8. Inclusion of any use in the above table does not imply it is a permitted use in the Downtown-1 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)

11. The following standards apply to senior citizen housing. This use is not specifically identified in the State Residential Site Improvement Standards (N.J.A.C. 5:21 et seq): 0.75 spaces for each 1-bedroom unit and 1.25 spaces for each 2-bedroom unit.
12. **Applicant shall install make ready equipment for the purpose of charging electronic vehicles as required by state statute or local ordinance.**

B. Parking Spaces for the disabled. In any 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):

**TABLE 2
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 established in the table below. Only one-way traffic shall be permitted in aisles of less than twenty-four (24) feet in width.

**TABLE 3
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 ~~nineteen~~ eighteen (9x18) feet with a paved area of 162 sf, 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 or a parking space 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.

E. Off-Street Parking Lots Intended for Employees Only:

1. The borough recognizes and encourages the continued use of small parking areas typically behind stores that are primarily intended to serve the parking needs of employees and the store's loading needs. As such for employee parking areas of no more than six (6) vehicles (which can be parking in a tandem design) the standards otherwise applicable both to parking stall dimension requirements and to parking lot design are exempt from the standards detailed above. Employee parking must be in one general location and must allow for emergency vehicle access.

Section 5. Section 59-63 Signs shall be amended in the following particulars only.

A. Signs in Downtown-1 Zone

Regulations regarding signs in the Downtown-1 zone shall be as follows:

1. Wall signs shall be limited to a maximum of ~~12~~ 8% of the wall area at street level for the store that it is advertising but shall not exceed ~~36~~ 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 ~~on~~ 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.
11. A common sign may be erected in a parking lot with facilities for more than forty (40) cars which service a group of attached stores or a professional building. None of the components announcements shall be larger than any of the others and the total area of the signs shall not exceed ~~eight (8)~~ thirty (30) square feet. The common sign may be erected as a freestanding sign within the parking lot, provided that it is erected no closer than ten (10) feet to any property line.
12. Large scale shopping centers containing over 60,000 of retail space in addition to the signs permitted by the above regulations may install one free standing sign along but no closer than twelve (12) feet to each arterial roadway it has frontage along. Said sign shall not have more than two (2) faces. Neither sign face shall exceed thirty (30) feet in area. The top of said sign shall not exceed fifteen (15) feet above grade. A landscaping component shall be planted and maintained in association with the sign.
13. The following sign provisions shall govern all signage associated with gasoline and service stations:
 - a. One freestanding sign bearing the brand, trade name and/or trademark with unit prices of the station, not exceeding thirty (30) square feet on each side shall be permitted. The bottom of the sign shall not be less than eight (8) feet from the average grade elevation below the sign, nor shall any part of the sign be more than fifteen (15) feet above ground level.
 - b. No sign shall be permitted on or above a canopy over the fuel dispensers.
 - c. Signs are permitted attached to fuel pumps indicating the unit price per gallon of fuel. Such signs shall not exceed one (1) square foot in area per sign per individual pump.
 - d. No signage may be illuminated after business hours.
 - e. Lettering or other insignia which are a structural part of the gasoline pumps, as manufactured, shall be permitted.

- f. Signs required by law and credit card signs may be placed on or near the gasoline dispensing islands, not to exceed a maximum two (2) square foot per sign per island.

Section 6. Design Criteria for ~~retail~~ buildings in the ~~CBD-1 District~~ Downtown-1 zone

The following standards are design guidelines that are strongly encouraged for use in the ~~CBD-1 Zone~~ Downtown 1 Zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped as set forth above.

A. *Building Façade Wall Area*

1. All work performed within the ~~CBD-1 District~~ Downtown-1 Zone should 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. Windows and other architectural devices should give each wall detail and interest.
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 of each building 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 building and be 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-street 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. **However, seasonal painting of design windows is encouraged so long as the seasonal painting is removed no later than 89 days after painting.**
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 lentil to accent building 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. **Windows in doors are subject to the same recommendations as noted in subparagraph D above, including seasonal painting.**

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 shall not project closer than 3 feet to the curb line.
3. Canopies and awnings shall 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 for each retail 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 should 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 of the canopy.

Section 7

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 8

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 9

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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-918

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. ~~Central Business District-II (CBD-II)~~ Downtown II (DT-II) zone. This section shall read as follows:

The purpose of the ~~CBD-II~~ 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. ~~More recently this section of the commercial core has been both physically and visually isolated from commercial development further north along Ramapo Valley Road by the construction of I-287.~~ 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 ~~and south of I-287.~~

B. Within the ~~Central Business District-~~ 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, ~~banks with or without drive up service~~, book, and record and CD stores, ~~brokerage houses, finance companies,~~ eyewear and optical stores, ~~hair salons, nail salons,~~ bookstores, building mounted wireless communication antennae and ancillary equipment except for towers and/or poles, ~~bus, jitney or train station,~~ 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, ~~drug stores,~~ flower shops, ~~funeral homes,~~ furniture stores, home furnishing stores, gift shops, gourmet and specialty food stores, hardware stores, paint and wallpaper stores, hobby shops, ~~houses of worship,~~ 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, ~~mixed use buildings and developments,~~ music shops, musical instruments stores, ~~business, medical and professional offices,~~ 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, ~~restaurants,~~ shoe stores, sporting goods, stationers, ~~stock brokers,~~ tailor shops, toy stores,

travel and ticket agencies, ~~video stores~~, 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 ~~limited to~~ 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 ~~limited to~~ 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 ~~CBD-II~~ 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. Conditionally permitted uses allowed in the CBD-II zone include the following:~~

- ~~1. Multi-family residential buildings.~~
- ~~2. Mixed-use buildings wherein residential uses and no less than one additional principally permitted use occupy space within a single building~~

D. Uses specifically prohibited in the ~~CBD-II~~ 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 CBD Downtown-II zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	15,000 sq. ft.
Minimum Lot Width (ft.)	50-100
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

~~Section 3. Standards for conditional uses in the CBD Downtown-II zone are herein established.~~

- ~~A. Mixed Use Buildings and Multi-family residential buildings are subject to the following conditions:~~

~~1. Conditional Use Standards:~~

~~a. Lot Bulk Standards~~

Minimum Lot Area (sq. ft.)	87,120
Minimum Lot Frontage (ft.)	150 feet
Minimum Lot Depth (ft.)	150 feet
Maximum Building Coverage (ft.)	40%
Maximum Lot Coverage (%)	66%
Maximum Density	15 dwelling units per acre;

- ~~b. No residential units shall be constructed below the first floor level within this zone. No residential units shall be constructed in any subterranean floor.~~
- ~~c. Each development shall provide Council on Affordable Housing credit-worthy affordable housing units on-site in accordance with the Borough's affordable housing plan. If permitted by the affordable housing plan, a payment to the borough's affordable housing trust fund in lieu of constructing on-site affordable housing may be considered by the Mayor and Council. The amount of the affordable housing fee shall be the minimum prescribed by the applicable Council on Affordable Housing regulations.~~
- ~~d. Each such development shall include at least one area of distinctive design, that is intended to create a visual focal point or area of interest. The distinctive features shall include a pavilion, gazebo, or other focal architectural feature or amenity and at least two of the following components: (a) plaza, patio or seating area; (b) decorative walls or terraces; (c) fountain; (d) a decorative landscape design element, including flower beds and ornamental plantings designed to complement the other elements of the distinctive design feature and create seasonal interest. The distinctive feature shall be linked to the on-site pedestrian walkway network of the development. The distinctive design feature~~

~~shall be in addition to any design features located at the entranceways of the development. These features shall comprise at least 5% of the area of the tract.~~

A. 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.

2.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. General Development Standards. The following shall apply to all mixed use developments in the CBD-II zone.

Standard	Requirement
Maximum Building Length w/o min 5 foot building break (ft.)	30
Building to Building Setbacks when Multiple Buildings are Proposed on Single Site (ft.)	
- Front to front	60
- Front to side	40
- Side to side	25
- Rear to rear	50
Minimum setback to internal street or parking (ft)	10*

*Except attached parking structures

- b. 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.
- c. b. All one-story buildings ~~must~~ 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.
- d. 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.
- e. 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.
- f. e. ~~Streetscape.~~ 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 ~~stylized brick or concrete pavers~~, colored and stamped concrete or decoratively scored concrete;
- ii. ~~Street~~ 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. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect this resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five (5) seconds.
- v. Shade trees. Shade and/or ornamental trees shall be provided for ~~all streets and~~ 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.
- g. 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 ~~CBD~~ 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 ~~front~~, side or rear yard or a combination of the two yards. ~~all three~~.
 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 ~~CBD~~ 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

** = If applicant does not specify the number of bedrooms per unit, this off-street parking requirement shall apply.

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):

**TABLE 2
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.

**TABLE 3
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 ~~Central Business District~~ Downtown-II Zone

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

1. Wall signs shall be limited to a maximum of ~~12~~ 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 ~~8~~ 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 ~~Criteria for Retail and Mixed Use~~ Buildings in the ~~CBD-~~ Downtown-II zone

The following standards are design guidelines that are strongly encouraged for use in the ~~CBD~~ 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 CBD 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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-919

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.

- A. Article VII §59-46A Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following modification:

Central Business District I Affordable Housing Overlay Zone (CBD-1AHO) shall be deleted and replaced with the following:

Downtown-I Affordable Housing Overlay

Central Business District II Affordable Housing Overlay Zone (CBD-II AHO) shall be deleted and replaced with the following:

Downtown-II Affordable Housing Overlay

In addition, all properties within the Downtown-II District shall also be included in the Downtown-II Affordable Housing Overlay.

Section 2.

- A. §59-53.1.1 Central Business District I Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District I Affordable Housing Overlay and its replacement with Downtown I Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

- 1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.**
- 2. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.**
- 3. Residential uses are permitted in this zone in the upper floors of buildings. If residential**

use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.

- a. The parcel of land upon which first floor residential construction is proposed is larger than 21,780 square feet in area.
- b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 3.

- A. §59-53.2.1 Central Business District II Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District II Affordable Housing Overlay and its replacement with Downtown II Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
2. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.
3. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.
 - a. The parcel of land upon which first floor residential construction is proposed is larger than 21,780 square feet in area.
 - b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 4.

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 5.

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 6.

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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-920

AN ORDINANCE AUTHORIZING BINDING MUNICIPAL REFERENDUM ON RE-CONTINUATION OF AN ANNUAL LEVY FOR OPEN SPACE TRUST FUND

WHEREAS, the Mayor and Council believes that the concept of preserving and protecting Open Space within the Borough is of the utmost importance; and

WHEREAS, this vital preservation can best be achieved by providing a definite long term fixed source of funding; and

WHEREAS, in consideration thereof, the Borough Council adopted Ordinance #03Code-463 on August 20, 2003, Ordinance #08-574 on July 9, 2008, and Ordinance #13-Code-691 on August 14, 2013 all of which authorized binding referenda to establish and therefore to continue an Open Space Trust Fund; and

WHEREAS, the Oakland citizens agreed to create an Open Space Trust Fund, by their votes on or about November 4, 2003 and to continue the Trust Fund on November 4, 2008 and November 5, 2013; and

WHEREAS, by the terms of Oakland Ordinance 04-Code-474, an open space Trust Fund was created on or about May 2004, which authorized the funding rate of one cent (\$.01) per one hundred (\$100.00) dollars of assessed valuation for each annual tax levy; and

WHEREAS, the continuation of the funding of the Open Space Trust Fund will expire on December 31, 2023; and

WHEREAS, the Council desires that the public consider re-continuation of the current annual tax levy, by public referendum;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen and State of New Jersey, that the following binding referendum be forwarded to the Bergen County Clerk for inclusion on the November 5, 2023 General Election Ballot as follows:

BINDING QUESTION

() Yes Shall the Borough of Oakland continue an Open Space Trust Fund which will be funded in the following manner for the following purposes:

() No

The Open Space Trust Fund shall be funded through the collection of local property taxes in the following amount: a minimum of one-half cent (\$.005) and not to exceed one cent (\$.01) per one hundred (\$100.00) dollars of assessed value per year for a period not to exceed ten (10) years.

These funds shall be designed for the purchase of open space so as to preserve such land as open space, and to keep said land in its natural state.

If no open space is available for purchase, then the monies in said fund shall be used for such other passive recreation, conservation, farmland preservation or historic preservation purposes as may be permitted by law, to be determined following a public hearing.

INTERPRETATIVE STATEMENT:

This binding referendum will give the elected officials of Oakland the sentiment of the voters concerning the continuation of Oakland's Open Space Trust Fund. This Trust Fund was established in accordance with the public's sentiment to authorize the acquisition of real property for open space purposes. There is no increase in the current rate of tax levy, merely a continuation of the current rate of tax, which was originally approved by the citizens of Oakland in 2003. That rate will not exceed \$.01 (one cent) for each one hundred (\$100) dollars of real property assessment. Therefore, as an example, the owner of a house assessed at \$408,700 would pay a yearly open space tax that will not exceed of \$40.87. The total amount of municipal open space tax proceeds is approximately \$300,541.75 per year. An affirmative vote would allow the Borough to continue to collect this special levy for a period of ten (10) years, at which time the governing body would again submit a proposition for public referendum. If open space is not available for purchase, the monies in the Fund would be used in accordance with law including but not limited to passive activities are those that are relatively inactive or involve less energy, such as walking, sitting, picnicking, board and table games, nature walks and observation.

BE IT FINALLY ORDAINED, that the Bergen County Clerk is hereby requested to print the binding referendum and interpretive statement on the official ballot for the General Election to be held November 7, 2023.

Adopted this ____ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CAPITAL-921

CAPITAL ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$4,640,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO BE RAISED FROM A GRANT INCLUDED IN THE 2024 STATE BUDGET IN THE AMOUNT OF - \$1,640,000 AND FROM A DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF - \$3,000,000

WHEREAS, the Borough Council of the Borough of Oakland has heretofore authorized the replacement of the Patriot's Way Bridge in, by and for the Borough and appropriated the aggregate sum of 5,900,000 therefor pursuant to Ordinance No. 18-771 adopted by the Borough Council on July 25, 2018 (as amended by Ord. No. 20-811 adopted on July 22, 2020), Ordinance No. 20-810 adopted by the Borough Council on July 22, 2020, and Ordinance No. 20-829 adopted by the Borough Council on May 26, 2021; and **WHEREAS**, the Borough Council now finds and determines that the additional sum of \$4,640,000, is required for such improvement, **NOW THEREFORE**,

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, State of New Jersey (the "Borough"), as follows:

Section 1. The additional sum of \$4,640,000 is hereby appropriated to the payment of the cost of the improvement authorized by Ordinance No. 18-771 adopted by the Borough Council on July 25, 2018 (as amended by Ord. No. 20-811 adopted on July 22, 2020), Ordinance No. 20-810 adopted by the Borough Council on July 22, 2020, and Ordinance No. 20-829 adopted by the Borough Council on May 26, 2021. Said additional appropriation shall be raised by a grant awarded to the Borough by the State of New Jersey and included in their 2024 adopted budget and by a grant received from the Department of Transportation. A \$1,640,000 State of New Jersey Grant received or to be received by the Borough and a \$3,000,000 Department of Transportation Grant received or to be received by the Borough are hereby appropriated to finance the payment of the cost of said purpose.

Section 2. Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 3. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-922

AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE OAKLAND CODE RELATED THE RECENT CREATION OF CLASS III SLEO

WHEREAS, the Borough of Oakland has recently entered a shared services agreement with the Oakland Board of Education related to Class III SLEOs to be placed into Borough schools under the control of the Oakland Police Department; and

WHEREAS, the Borough requires additional changes to its Borough Code to account for the employment of these Class III SLEOs

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

Section I. Chapter 2, Section 5.10 of the Borough of Oakland Code entitled "Special Law Enforcement Officers" is hereby amended as follows:

Authority and Purpose. The Borough of Oakland may establish Special Police Officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.).

a. Classifications: Powers and Duties. The classification of special law enforcement officers shall be based upon the duties to be performed by said officers and are established as follows:

1. Class 1.

(a) The officers of this class are authorized to perform routine traffic detail, spectator control and similar duties as may be assigned, by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity to act in his stead. Said Class 1 Officers are also authorized to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes of New Jersey. The use of firearms by said Class 1 Officers is strictly prohibited and no Class 1 Officer shall be assigned any duties, which may require the carrying or use of a firearm.

(b) The number of Class 1 Special Officers shall be at the discretion of the Borough Council. Before any special law enforcement officer is appointed, the Chief of Police or his designee shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Borough Council.

2. Class III

The officers of this class are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed, full-time police officer only while providing security at a public or nonpublic school, on the school premises, during hours when the public or nonpublic school is normally in session, when it is occupied by public or nonpublic school students, teachers, or staff, or when in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with § 1 of P.L. 1976, c. 45.

b. Appointments: Terms. Special Officers, Class 1 and Class III shall be appointed for a term not to exceed one year by the Borough Council and the appointment may be revoked by the Borough Council for cause after hearing, as required by N.J.S.A. 40A:14-147. The powers and duties of Special Officers shall cease upon expiration of the term for which they are appointed. Special Officers so appointed shall not be members of the Police Department of the Borough of Oakland or any other Police Department in the State of New Jersey or elsewhere.

c. Qualification: Investigation.

1. No person may be appointed as a Special Law Enforcement Officer Class 1 or Class III unless the person:

(a) Is a resident of this State during the term of employment.

(b) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.

(c) Is sound in body and of good health.

(d) Is of good moral character.

(e) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office.

(f) Has successfully undergone the same psychological testing that is required of all full-time police officers in the Borough of Oakland.

2. The Chief of Police shall have the applicant fingerprinted as required by statute, conduct a background investigation of the applicant to determine the eligibility and qualifications of the applicant and shall report these determinations, in writing, to the Mayor and Council of the Borough of Oakland.

d. Training. No person shall commence serving as a Special Officer unless he has been certified by the Police Training Commission, as provided by N.J.S.A. 40A:14-146.10. Additionally, Class III officers must complete SRO training within 12 months of being appointed and conform to the Attorney General's mandatory in-service training requirements.

e. Hours. No Special Officer, Class 1 may work more than 20 hours per week, except during period of emergency.

f. Supplemental.

1. Special Police Officers shall not be utilized to supplant regular police officers.

2. Special Police Officers are subject to the personnel policies of the Borough of Oakland.

3. Special Police Officers are subject to the Oakland Police Department's Written Directive System, where applicable.

4. Compensation for Special Officers shall be established by the Borough Council annually. Compensation for Class III officers shall be paid by the Oakland Board of Education pursuant to the shared services agreement executed by the Board and the Borough.

Section II. All other parts, portions and provisions of Chapter 12 of the Borough of Oakland Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ____ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-923

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:

A. Article VII §59-52.7 Senior Affordable Housing District (SAHD) zone is hereby amended in the following parameters only.

1. A new Section E. (7), (8), and (9) are hereby established and shall read as follows:

7. At least three (3) senior apartments shall be reserved for very-low-income households.

8. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.

Section 2:

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 3:

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 4:

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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-924

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:

- A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following additional district included herein:

Mixed-Use Affordable Housing MU-AH.

- B. §59-46B. Zoning Map is and shall be amended to include and depict the following district. This district shall be applied to Block 1706 Lot 1.01, 2.01, 3.01 & 4.01.

Mixed-Use Affordable Housing MU-AH.

Section 2:

- A. §59.52.5 Affordable Housing (MU-AH).

Oakland is constitutionally obligated to provide a reasonable opportunity for the construction of affordable housing, with a strong focus on generating rental affordable dwellings. Establishing the MU-AH zone will assist the Borough in satisfying this obligation by creating a reasonable opportunity for the construction of one or more inclusionary rental affordable housing developments within the context of an integrated, pedestrian friendly shopping experience. This zone is intended to result in the construction of both residential and non-residential development within the limits of development intensity prescribed herein.

- B. Permitted principal uses in this zone include:

- i. All uses permitted pursuant to §59-53.2
- ii. Restaurants with drive-through service windows.
- iii. Banks, with or without, drive-through service windows.
- iv. Cafes, coffee shops and bakeries, with or without, drive-up service windows.
- v. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.

- C. Permitted accessory uses in this zone include:

- i. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants, bakeries and cafes.
- ii. Walk-up service windows and counters.
- iii. Off-street drives and parking areas.

- iv. Solar energy systems. Such systems may be installed only as an accessory use either on the roof a permitted principal or conditional use or as freestanding structures such as above a parking area.
 - v. Recreational and social amenities for the use and enjoyment of residents and guests.
 - vi. Drive-through service windows and accompanying menu boards, but not to exceed two menu boards per drive-through lane. Menu board(s) shall be a permitted accessory structure only in the event drive-through service windows are proposed.
 - vii. Signage, as regulated herein.
 - viii. Facilities for the temporary storage of trash and recyclables.
- D. Prohibited uses. Within the MU-AH zone, the following uses are specifically prohibited:
- i. Adult book and/or adult gift shops and/or adult stores.
 - ii. Adult mini-motion picture theaters.
 - iii. Adult motion picture theaters.
- E. Conditionally Permitted Uses.
- i. Multi-family inclusionary housing.
- F. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Principal Buildings and Uses. The following bulk requirements are applicable for all permitted uses in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Min. Open Space	15%
Maximum Number of Building Stories	3
Maximum Building Height	38 feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet

- i. Lot area and other dimensions. Minimum required lot area in this zone shall be 15,000 square feet. Due to the integrated nature of development in this area of the downtown, parking spaces and parking drives can be located on the property the parking spaces and drives are intended to serve or these site development features can be provided on adjacent lots. If on adjacent lots, appropriate cross access easements must be established and provided to the Board attorney for review and if acceptable, approval.
- ii. Not more than two (2) principal buildings per lot are permitted in the zone.
- iii. All non-residential development constructed after adoption of this zoning amendment shall be required to make a contribution to Oakland's affordable housing trust fund consistent with applicable state statute. Half of the required affordable housing trust fund contribution shall be paid to Oakland prior to the issuance of any construction permit. The remaining half of the fee shall be paid prior to the issuance of either a temporary Certificate of Occupancy or a Certificate of Occupancy.
- iv. Parking and Drives. Residential uses shall provide parking pursuant to the Residential Site

Improvement Standards and the statewide electric vehicle act. Parking spaces and access drives shall be no closer than ten (10) feet to any public street, other than the drive intersecting with the roadway. Internal driveway connections and shared parking arrangements increase overall site efficiency and are therefore encouraged if provisions are in place to ensure their long-term viability. To encourage shared parking arrangements between residential and non-residential developments, parking spaces and parking drives are not subject to buffer requirements except as noted above. To ensure that a sufficient number of parking spaces are provided, non-exclusive parking easements will be required with provisions that RSIS minimum parking supply will be available to residential uses.

- v. Access and/or utility easements must be established in favor of any property in which drives, parking or utility lines serving one property pass through from an adjoining privately owned lot regardless of ownership.
- vi. Yards. Required building setbacks from interstate highways and associated highway ramps shall be no less than fifty (50) feet for all non-residential uses.
- vii. All roof mounted equipment other than solar panels, 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, when summed do not cover more than 25% of the roof surface and are only as high as necessary to fulfill their objective.
- viii. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably and attractively landscaped.
- ix. Concrete walkways of an adequate width, but not less than four (4) feet, shall provide safe and convenient access between a developed lot and the adjacent street sidewalk network.
- x. No more than two (2) signs are permitted per lot, one sign may be a building mounted wall sign. Said wall sign shall not exceed thirty (30) square feet. A ground-mounted monument sign of twenty-four (24) square feet is permitted in addition to the permitted wall sign for each lot in this zone. Such monument sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than five (5) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance. Menu boards proposed in conjunction with drive-through window service shall be regulated as below but shall not count as one of the two (2) permitted signs.
- xi. Menu board signs shall not exceed eighteen (18) square feet in area and shall no portion of a menu board shall be higher than ten (10) feet above grade.

G. CONDITIONS OF THE CONDITIONAL USE.

- i. Multi-family inclusionary developments of up to but not exceeding twenty-four (24) units in total with an affordable housing setaside of not less than six (6) deed restricted rental affordable units.
- ii. Market-rate units may be offered as for-sale units or as rental units.
- iii. Required residential building setbacks to the right-of-way of an interstate highway and

associated ramps shall be a minimum of thirty-five (35) feet. Building setbacks from all other property lines shall be a minimum of five (5) feet.

- iv. Accessory structures and recreation facilities are permitted in any front, side or rear yard, provided that any accessory structure or use, other than parking and access or parking drives, shall be set back a minimum of five (5) feet from any property line.
- v. Not less than 13% of the income restricted units shall be deed restricted to household earning 30% or less of the regional median gross household income within COAH housing region 1. Thirty-seven (37) percent of all income restricted units within each bedroom distribution shall be deed restricted to households more than 30 percent but less than 50 percent of the median gross household income within COAH housing region 1. Up to fifty (50) percent of all income restricted units within each bedroom distribution shall be deed restricted to households earning between 50 and 80 percent of the median gross household income within COAH housing region 1.
- vi. Bedroom distribution among the market-rate units is unregulated and shall be to developer discretion. However, among the rental affordable units to be constructed on Block 1706 Lot 4.01, or a subdivided portion of that lot, shall be in accordance with the following schedule: two (2) three-bedroom units, three (3) two-bedroom units and a single one-bedroom unit. Bedroom distribution on any other MU-AH zoned parcel shall be in strict accordance with provisions of the Uniform Housing Affordability Controls.
- vii. Affordable housing units generated in this zone shall comply in all respects with the requirements and conditions contained within the Settlement Agreement between Oakland and Fair Share Housing Center I.T.M. No. BER-L-6359-15, and all amendments thereto, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., Oakland's Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.
- viii. No construction permit shall be issued for a building in this district until and unless a site plan application has been approved pursuant to this Chapter.
- ix. No certificate of occupancy shall issue unless the building applied for is physically connected to, through approved plumbing connections, an approved sanitary sewer treatment facility and the building owner has been issued all necessary permits for the sewer connection.
- x. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect the public resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
- xi. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Conditional Uses. The following bulk requirements are established as conditions of the conditional use in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Maximum Number of Building Stories	4
Maximum Building Height	52 feet
Minimum Front Yard**	35 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

* measured along front yard setback line from side property line to side property line.

** measured from a public right-of-way.

Section 3:

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 4:

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 5:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

Michael Carrelli, Borough Clerk

By: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-925

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.

A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to delete the Central Business District-I zone and insert instead the following new district:

Downtown District (DT-1)

B. §59-46B. Zoning Map is and shall be amended to replace the Central Business District-I and instead depict the following district in the same locations and the same properties previously depicted as Central Business District-1.

Downtown District DT-1

Section 2. Article VII§59-53.1 is and shall be modified to replace Central Business District-I so that if read as Downtown-I District (DT-I)

- A. Within the Downtown District-1 zone, only the following compatible land uses in a distinctive streetscape which enhances and promotes the commercial and civic center of the Borough shall be permitted on any property in the zone pursuant to the recommendations contained within the Borough's master plan and forming an integrated and compatible design with respect to the relationship and location of land uses, buildings, historic structures, parking, signage, circulation, walkways, landscape amenities and buffer features:
 1. Antique shops, art galleries, appliance stores, arts and craft shops, auto parts, bakery shops, record and CD stores, , eyewear and optical stores, , bookstores, building mounted wireless communication antennae and ancillary equipment exclusive of towers and/ or poles, , butcher shops, camera stores, card shops, chinaware/flatware and glassware shops, cigar stores, dry-cleaning stores, dry-goods and variety stores, clothing stores, dress shops, candy stores and confectioneries, coin stores, convenience stores, delicatessens, drapers, electronics stores, flower shops, furniture stores, garden equipment, 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, photograph equipment, post offices,

radio and television repair shops, recreation equipment stores, telecommunications stores, custom packaging and retail mail services, provided that the service is incidental to the main use, coffee shops, 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, cafes and taverns.
3. Business and professional offices.
4. Medical, chiropractic, dental 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 limited to barbershops, beauty parlors, skin and nail boutiques.
9. Athletic and sport training studios such as, 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. Real estate office.
14. 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.
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 educational facilities including parish houses, rectories and convents.
18. Mixed use buildings and developments consisting of two or more principally permitted uses.

B. Accessory permitted uses allowed in the Downtown-1 zone include the following:

1. Outdoor dining and seating areas, with or without tents, associated with and on the same lot as coffee shops, ice cream parlors, restaurants and cafes.
2. Walk-up, but not drive-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 only as a use accessory to a permitted principal use. Solar energy systems may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or as freestanding structures included above a parking area.

C. Conditionally permitted uses allowed in the Downtown-1 zone include the following:

1. Limited brewery complying with the following conditions:
 - (a) Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - (b) No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.

- (c) A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- (d) Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- (e) Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A. 33:1-10.
- (f) Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same established for restaurants in the Downtown-1 zone while being a condition attached to the conditional use.

2. Limited brewpub complying with the following conditions:

- (a) Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- (b) Every brewpub must be adjoining a retail consumption licensed premises operation as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
- (c) A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
- (d) On-site parking requirements shall be the same as established for restaurants in the Downtown-I zone while being a condition attached to the conditional use.

D. Uses specifically prohibited in the Downtown-1 zone include the following:

- 1. Adult book and or adult gift shops and adult retail stores.
- 2. Adult mini-motion adult picture theaters.
- 3. Adult motion picture theaters.
- 4. Drive through or drive-up or similar service provided from a building to patrons waiting in automobiles.

Section 3.

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-1 zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	7,500
Minimum Lot Width (ft.)	50
Minimum Lot Depth (ft.)	100
Maximum Building Coverage (%)	65
Min. Open Space (%)	10
Maximum Number of Stories	3
Maximum Height (ft.)	38
Min. Front Yard (ft.)	0

Max. Front Yard (ft.)	10
Min. Side Yard (ft.)	0
Min. Rear Yard (ft.)	20

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 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 should be preserved in the buffer area where practical.

C. Supplemental Development Standards. These following standards are not conditions associated with a 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 single-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 should be provided through a cornice design.
- e. Buffer Areas. Buffers from adjacent residential properties shall comply with the following standards:
 - i. Landscaped berms shall be incorporated to accentuate the screening qualities of the landscaping proposed. Berms shall be a minimum of two feet in height, The width should vary with side slopes of 1 to 5 to 1 to 2, without adversely affecting natural drainage or slope retention.
 - ii. Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the grading and drainage plan.
 - iii. Landscaping shall be designed to complement the berms and shall be designed to provide a screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	3-inch caliper (12-14 ft)
Evergreen Trees	7-8 feet
Shrubs	18-24 inches

- iv. Landscaping within the buffer area shall include a predominance of evergreens to provide buffering during the dormant seasons.

Streetscape: The development shall include a cohesive thematic streetscape 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 construction or installation. Streetscape improvements in the public right-of-way shall conform with adopted municipal standards.

- i. Site and Yard lighting, if any, should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply:
 - 1. Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - 2. Height of the street lighting fixtures should be residential in scale and should not exceed a 12-foot mounting height.
 - 3. Lighting levels proposed should conform to all applicable ordinance standards provided herein.
- f. Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
- g. Any and all developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff 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-1 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 of 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.
 - 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 pedestrian users of said roadway, to provide for safe and convenient ingress and to minimize conflict with the free flow of pedestrian traffic. Common driveways between adjacent properties are encouraged throughout the Downtown-1 zone.
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 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-1 zone.

LAND USES	REQUIRED OFF-STREET PARKING SPACES
Banks and savings 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 sf 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
Schools Elementary (K through 8)	2 per classroom; but not less than 1.5 per teacher & staff
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. Inclusion of any use in the above table does not imply it is a permitted use in the Downtown-1 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)
11. The following standards apply to senior citizen housing. This use is not specifically identified in the State Residential Site Improvement Standards (N.J.A.C. 5:21 et seq): 0.75 spaces for each 1-bedroom unit and 1.25 spaces for each 2-bedroom unit.
12. Applicant shall install make ready equipment for the purpose of charging electronic vehicles as required by state statute or local ordinance.

B. Parking Spaces for the disabled. In any 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 established in the table below. 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 sf, 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 or a parking space 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.

E. Off-Street Parking Lots Intended for Employees Only:

- 1. The borough recognizes and encourages the continued use of small parking areas typically behind stores that are primarily intended to serve the parking needs of employees and the store's loading needs. As such for employee parking areas of no more than six (6) vehicles (which can be parking in a tandem design) the standards otherwise applicable both to parking stall dimension requirements and to parking

lot design are exempt from the standards detailed above. Employee parking must be in one general location and must allow for emergency vehicle access.

Section 5. Section 59-63 Signs shall be amended in the following particulars only.

A. Signs in Downtown-1 Zone

Regulations regarding signs in the Downtown-1 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 ~~on~~ 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.
11. A common sign may be erected in a parking lot with facilities for more than forty (40) cars which service a group of attached stores or a professional building. None of the components announcements shall be larger than any of the others and the total area of the signs shall not exceed thirty (30) square feet. The common sign may be erected as a freestanding sign within the parking lot, provided that it is erected no closer than ten (10) feet to any property line.
12. Large scale shopping centers containing over 60,000 of retail space in addition to the signs permitted by the above regulations may install one free standing sign along but no closer than twelve (12) feet to each arterial roadway it has frontage along. Said sign shall not have more than two (2) faces. Neither sign face shall exceed thirty (30) feet in area. The top of said sign shall not exceed fifteen (15) feet above grade. A landscaping component shall be planted and maintained in association with the sign.
13. The following sign provisions shall govern all signage associated with gasoline and service stations:
 - a. One freestanding sign bearing the brand, trade name and/or trademark with unit prices of the station, not exceeding thirty (30) square feet on each side shall be permitted. The bottom of the sign shall not be less than eight (8)

feet from the average grade elevation below the sign, nor shall any part of the sign be more than fifteen (15) feet above ground level.

- b. No sign shall be permitted on or above a canopy over the fuel dispensers.
- c. Signs are permitted attached to fuel pumps indicating the unit price per gallon of fuel. Such signs shall not exceed one (1) square foot in area per sign per individual pump.
- d. No signage may be illuminated after business hours.
- e. Lettering or other insignia which are a structural part of the gasoline pumps, as manufactured, shall be permitted.
- f. Signs required by law and credit card signs may be placed on or near the gasoline dispensing islands, not to exceed a maximum two (2) square foot per sign per island.

Section 6. Design Criteria for buildings in the Downtown-1 zone

The following standards are design guidelines that are strongly encouraged for use in the Downtown 1 Zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped as set forth above.

A. Building Façade Wall Area

- 1. All work performed within the Downtown-1 Zone should 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. Windows and other architectural devices should give each wall detail and interest.
- 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 of each building 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 building and be 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-street 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. However, seasonal painting of design windows is encouraged so long as the seasonal painting is removed no later than 89 days after painting.
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 building 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. Windows in doors are subject to the same recommendations as noted in subparagraph D above, including seasonal painting.

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 shall not project closer than 3 feet to the curb line.
3. Canopies and awnings shall 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 for each retail 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 should 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 of the canopy.

Section 7

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 8

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 9

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



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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-927

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.

- A. Article VII §59-46A Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following modification:

Central Business District I Affordable Housing Overlay Zone (CBD-1AHO) shall be deleted and replaced with the following:

Downtown-I Affordable Housing Overlay

Central Business District II Affordable Housing Overlay Zone (CBD-II AHO) shall be deleted and replaced with the following:

Downtown-II Affordable Housing Overlay

In addition, all properties within the Downtown-II District shall also be included in the Downtown-II Affordable Housing Overlay.

Section 2.

- A. §59-53.1.1 Central Business District I Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District I Affordable Housing Overlay and its replacement with Downtown I Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

1. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.
2. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.
 - a. The parcel of land upon which first floor residential construction is proposed is larger than 21,780 square feet in area.

- b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 3.

A. §59-53.2.1 Central Business District II Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District II Affordable Housing Overlay and its replacement with Downtown II Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
2. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. 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-construction is no greater than the pre-construction peak runoff rate.
3. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.
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 - b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 4.

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 5.

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 6.

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



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (07-19-2023)

TITLE:

BILLS RESOLUTION

BILLS ALREADY PAID:

Payroll	\$236,562.51
Payroll Agency	\$120,658.26
Current	\$27,308.17
Water	\$901.72
Grant	\$729.95
Sewer	\$0.00
Trust	\$30.60
Capital	\$975.00
TOTAL BILLS ALREADY PAID:	<u>\$387,166.21</u>

BILLS TO BE PAID:

Current Fund	\$2,825,332.43
Water Operating	\$65,468.53
Sewer	\$25,989.12
General Capital	\$88,702.30
Water Capital	\$23,413.18
Sewer Capital	\$62,434.00
Grant	\$4,593.00
Animal Control	\$1,827.43
Other Trusts	\$32,161.16
TOTAL BILLS TO BE PAID:	<u>\$3,129,921.15</u>

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: June 28, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.