

BOROUGH OF WOODCLIFF LAKE

Bergen County, New Jersey

Ordinance No. 19-08

AN ORDINANCE TO AMEND CHAPTER 380 ENTITLED "ZONING CODE" OF THE BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Chapter 380, of the Code of the Borough of Woodcliff Lake sets forth all regulations regarding the Zoning Code within the Borough of Woodcliff Lake; and

BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 380 Zoning

Article VI: Business Districts (B-1, B-2, B-3)

Sec 41 **Permitted uses.**

Within any business district, no lot, tract or parcel of land shall be used, and no building structure shall be constructed, altered, erected or placed to be used for any purpose other than the following:

A. Retail sales or service uses such as those listed below, as well as uses substantially similar to them, and except as where otherwise permitted conducted entirely within the confines of a building, and involving the sale of goods or rendering of services directly to the ultimate consumer:

- (1) Stores for retail sales, including but not limited to: clothing, personal furnishings and accessories, and shoe stores; music, video, and bookstores; office supplies and stationery stores; antiques stores; camera and photographic supply stores; gift, novelty, craft, hobby and souvenir stores; jewelry and watch stores; luggage and leather goods stores; stores selling sporting and recreational good and supplies; furniture stores; drapery and curtain stores; carpet, floor covering, home décor and furnishing stores; florists, retail bakery stores; delicatessens and take-out food stores, grocery stores, fruit and vegetable markets, candy nut and confectionery stores, meat

and fish stores, and specialty food stores; and retail shopping centers combining a number of permitted retail stores.

- (2) Shops for personal service and repairs, including but not limited to: beauty, barber shops, nail salons and day spas; shoe repair and tailors; appliance repair; locksmiths; photographers; laundry pick-up or drop-off centers; travel agencies; real estate offices; establishments selling and servicing electronic goods, computers and appliances; massage establishments employing only licensed massage and body therapists, and establishments offering physical fitness, training and wellness facilities, such as Pilates, yoga, cycling and cross-training.

B. Business, professional medical and executive offices.

C. Banks, financial institutions, insurance offices, but not drive-through banks.

D. Nursery schools and day-care centers.

E. Public parks, playgrounds and uses owned and operated by the Borough of Woodcliff Lake.

F. Clubs, lodges and fraternal organizations

G. Restaurants and coffee shops, excluding drive-through restaurants or drive-through coffee shops.

H. Accessory uses which are customary and incidental to the principal permitted uses.

I. Outdoor dining as an accessory use in conjunction with permitted restaurants and coffee shops, but only in conformance with the following supplementary standards:

- (1) Outdoor dining uses or outdoor dining areas shall be permitted as accessory uses only in conjunction with a permitted restaurant or coffee shop and shall be required to obtain site plan approval, including outdoor dining areas that are added to existing restaurants.
- (2) Outdoor dining area shall be permitted entirely within the front yard of the property containing the restaurants and/or wholly or partially within the side walk or the public right-of-way in front of the restaurant.
- (3) Outdoor dining areas shall be set back at least fifteen (15) feet from all residentially zoned property lines and ten (10) feet from all driveways.
- (4) Such setback area shall be suitably landscaped and screened as appropriate to block noise, glare, lighting and other potential impacts from adjoining properties and from vehicular movements within the property.

- (5) No outdoor entertainment, music or public address system shall be permitted within the outdoor dining area.
- (6) No exterior lighting that illuminates beyond the boundaries of the property or the outdoor dining area in excess of one-half footcandle shall be permitted.
- (7) In computing the number of off-street parking spaces required for restaurants with outdoor dining area, the outdoor dining area and its seating capacity shall be included. However, where such outdoor seating represents a relocation of indoor seating such that there will be no increase in the overall seating capacity of the restaurant, such areas shall not be included.
- (8) All signage, including signage on awnings, canopies and umbrellas and other fixtures, shall be in compliance with Borough codes regulating signage.
- (9) In the event that the outdoor dining extends to a sidewalk in front of another space in the same building or an adjacent property, the applicant shall obtain the written permission of the owner(s) and/or tenant(s), if any, of the building or space abutting any additional sidewalk frontage.
- (10) Outdoor dining areas that are to be located within the public right-of-way shall only be located on sidewalks that are at least eight (8) feet in width. Sidewalks less than eight (8) feet but more than six feet in width may be considered for outdoor dining areas, provided the additional public safety issues created by the narrower width, which issues would include sidewalk surface and separation of pedestrians from vehicular traffic, are adequately addressed.
- (11) Outdoor dining areas within a public right-of-way shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum of one (1) unobstructed pedestrian path at least four (4) feet wide shall be maintained at all times.
- (12) The perimeter around the outdoor dining area on a side within a public right-of-way may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved fixtures. The permanent anchoring of tables, chairs, umbrellas, awnings, canopies, railing or other fixtures may be approved by the approving Board, provided such anchoring meets all other applicable codes, ordinances and law and the applicant provides adequate assurances that the sidewalk will be repaired in a manner consistent with Borough requirements, or in the case of an outdoor dining area within the public right-of-way of a county road, the county requirements concerning sidewalk repair, in the event any permanently anchored fixture is removed. The approving Board may require as a condition of

approval that any fixture not permanently anchored shall be removed from the outdoor dining area during any time when the outdoor dining area or abutting business establishment is not open for business.

(13) Tables, chairs, umbrella, canopies. Awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the Broadway Corridor environment. Design materials and colors shall be compatible with the restaurant to which it is accessory and shall be approved by the Planning Board.

Sec. 42 **Prohibited uses.**

Any uses other than those permitted by § 380-41 are prohibited, but the following uses are expressly prohibited:

- A. Automotive uses, of any kind, except car rental establishments.
- B. Commercial amusements, either as a principal or accessory use, except as permitted in Chapter **92**, Amusement Devices, of the Code of the Borough of Woodcliff Lake.
- C. Any drive-through or drive-in uses or service, whether principal or accessory.
- D. The sale of any product or service by outdoor vending machine.
- E. Supermarkets, pharmacies or drugstores, discount/warehouse clubs and big box general retail stores.
- F. Discount stores and auction houses.

The following provisions in the current B-1 zoning requirements Section 380-41.C are removed and placed in Section 380-11.2 of the Woodcliff Lake Zoning Code.

§380-11.2 AFFORDABLE HOUSING ZONE

A. There is hereby created an Affordable Housing Overlay Zone (AHO). The Affordable Housing Overlay Zone shall be located in the B-1 District on Lot 6 and Lot 7 in Block 2303.

[Added 12-16-2002 by Ord. No. 02-16]

(1) The permitted use under the Affordable Housing Overlay Zone, in addition to those uses permitted in the B-1 District, shall include multifamily dwelling units for low- and moderate-income residents in accordance with the regulations set forth by the Council on Affordable Housing.

(2) Within the Affordable Housing Overlay Zone, no lot, tract or parcel of land shall be used except for multifamily dwelling units for low- and moderate-income residents in accordance with the regulations set forth by the Council on Affordable Housing.

(3) The dimensional requirements of the B-1 Zone shall apply to uses permitted under the B-1 Zone. The following dimensional requirements are established for the Affordable Housing Overlay Zone:

- (a)** Minimum lot area: 23,000 square feet.
- (b)** Minimum lot frontage: 200 feet.
- (c)** Minimum lot depth: 100 feet.
- (d)** Minimum front yard: 20 feet.
- (e)** Minimum side yard: one: five feet; both: 10 feet.
- (f)** Minimum rear yard: five feet.
- (g)** Maximum building coverage: 45%.
- (h)** Maximum impervious coverage: 85%.
- (i)** Maximum building height: 2 1/2 stories, 35 feet.
- (j)** Maximum density: 18 dwelling units per acre.
- (k)** Parking may be located in any side or rear yard. Eaves, open porches and roof overhangs may project into any required side yard and may project not more than two feet into any required front yard or setback. Retaining wall structures may be located in any required yard setback.
- (l)** Notwithstanding Chapter 292, Site Plan Review, off-street parking stalls, except for handicapped spaces which shall comply with all regulations pertaining thereto, shall measure at least nine feet in width and 18 feet in length.
- (m)** Notwithstanding Chapter 292, Site Plan Review, the minimum aisle (interior driveway) width shall be 18 feet.
- (n)** Notwithstanding Chapter 292, Site Plan Review, the minimum width of a driveway connection to a public street at a ninety-degree angle shall be 21 feet.

(4) Notwithstanding the provisions of § 380-47, with respect to an application for development of a permitted use under the Affordable Housing Overlay Zone, ingress and egress will be permitted for the lots being developed from Coles Crossing Road.

(5) The residential site improvement standards of the State of New Jersey shall establish the requirements for the number of parking spaces and other site design.

(6) All multifamily dwelling units for low- and moderate-income residents shall be affirmatively marketed in accordance with the Council on Affordable Housing regulations. All rental units shall be rented in accordance with the Council on Affordable Housing regulations. Development of affordable housing shall be in accordance with the rules and regulations of the New Jersey Council on Affordable Housing.

(7) All of the provisions of this chapter, except as provided in this § 380-11.2, shall be applicable to the Affordable Housing Overlay Zone in the B-1 District.