**ORDINANCE No. 22-2013**

**OF THE PLANNING BOARD**

**OF THE BOROUGH OF BLOOMINGDALE**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING THE CODE OF THE planning board of the BOROUGH OF BLOOMINGDALE, Article V, “Regulations Governing Certain Uses,” Section 92-22, “Parking, Loading and Automotive Services”; Article XI, “Definitions,” Section 92-43, “Terms Defined”; AND Article XII, “Schedule of Regulations,” Section 92-54, “R-M-O Residential and Office Zone,” Section 92-55, “B-1 General Business Zone” AND “Section 92-55.1, “B-1-A Commercial Zone” TO ALLOW MAIN STREET AND IMMEDIATE SIDE STREET PARKING IN ACCORDING WITH ALL ZONING REQUIREMENTS***

**BE IT ORDAINED**, by the Planning Board of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**Section 1**. Article V, “Regulations Governing Certain Uses,” Section 92-22, “Parking, Loading and Automotive Services” of the Code of the Planning Board of the Borough of Bloomingdale is hereby amended to read as follows:

**92-22. Parking, loading and automotive services.**

A. Off-street parking. In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces open to the users at no charge in accordance with the requirements set forth herein.

(1) Size and access. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet measuring 9 feet by 18 feet in an area exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces. There shall be adequate provisions for ingress and egress to all parking spaces. The grade of residential driveways shall not be over fifteen percent (15%), and for all other parking areas the grade shall be ten percent (10%).

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. Permits shall be required for curb cuts except for new residential subdivisions.

(2) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in the Schedule of Regulations in accordance with the definition of 'floor area" as set forth in Article XI hereof, provided that in any residential district, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than five (5) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot exceeds one (1) acre; and in any residential district, not more than one-half (1/2) of the garage space provided on any lot shall be used for the housing of commercial motor vehicles. In the case of any building structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Planning Board, shall apply.

(3) Off-site facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than fifteen hundred (1500) feet from that zone lot. For utilization of spaces on property not in the same ownership as the use to which they are accessory, a copy of a lease/license agreement between the user and the property owner allowing the utilization of the spaces must be submitted to the Zoning Officer within ten (10) days of execution of the agreement. If the agreement is terminated for any reason, the user must immediately notify the Zoning Officer of same and terminate all use.

**SECTION 2**. Article XI, “Definitions,” Section 92-43, “Terms Defined” of the Code of the Planning Board of the Borough of Bloomingdale is hereby amended to include the following language:

FLOOR AREA — For the purpose of applying the requirements for on-street/ off-street parking and loading, "floor area,” in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. "Floor area” shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incident to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or for dressing, fitting or alteration rooms.

**SECTION 3**. Article XII, “Schedule of Regulations,” Section 92-54, “R-M-O Residential and Office Zone,” of the Code of the Planning Board of the Borough of Bloomingdale is hereby amended to read as follows:

**92-54. R-M-O Residential and Office Zone.**

The following regulations shall apply in the R-M-O Zone:

A. Permitted uses shall be the R-10 Zone and R-M Zone uses, respectively, or, as an alternative, professional and business offices, either in new buildings or conversions of existing residential buildings. Where conversions of residential buildings are made, this shall be subject to prior review and approval by the Planning Board as to the safety of the building in terms of fire protection and dual egress and as to maintenance of adequate landscaping and screening to protect adjoining residences.

B. Development regulations. Area regulations and other controls for such uses as permitted in the R-10 and R-M zones shall be the same as in such districts, respectively.

For office uses, the following shall apply:

(1) Lot area and frontage. New buildings shall have a minimum lot area of seven thousand five hundred (7,500) square feet and a minimum frontage of seventy-five (75) feet.

(2) Height. Maximum height for new buildings shall be three (3) stories or thirty-five (35) feet.

(3) Yards. Yard requirements for new or enlarged buildings shall be the same as in the R-10 Zone, except that the minimum front yard on state highways shall be fifty (50) feet.

(4) Lot coverage shall be a maximum of fifty percent (50%).

(5) Landscaping. Front yards shall be landscaped and not used for parking, to the minimum depth required. A landscaped strip shall be provided of at least five (5) feet in width along all side and rear lot lines.

(6) Parking (see 92-22A to 92-22D(5)). A minimum of one (1) on-street/off-street parking space shall be provided for each three hundred (300) square feet of floor space used for offices, plus one (1) off-street space for each dwelling unit where part of an existing building remains in residential use. All off-street parking spaces shall have adequate paving and access and shall be located outside of required front yards.

(7) Planning Board review. Site plan review and approval by the Planning Board shall be required for all office uses permitted hereunder.

**SECTION 4**. Article XII, “Schedule of Regulations,” Section 92-55, “B-1 General Business Zone,” paragraphs (a) and (i) of the Code of the Planning Board of the Borough of Bloomingdale are hereby amended to read as follows:

**§ 92-55. B-1 General Business Zone.**

The following regulations shall apply in the B-1 Zone:

A. Permitted principal uses.

(1) Appliance and Electronic

(2) Bakery

(3) Banks and other financial institutions

(4) Barbershops and beauty parlors

(5) Book and stationary stores

(6) Business schools

(7) Business, professional and governmental offices

(8) Cigar stores

(9) Clothing and clothing accessory shops

(10) Commercial and public parking lots and garages for automobiles

(11) Convenience stores

(12) Custom tailors and furriers

1. Dry cleaning, provided that no flammable cleaning agents are used

(14) Eating and drinking places

(15) Electric substations, including transformers, switches and auxiliary apparatus, serving a distribution area.

(16) Electricians.

(17) Fire and police stations.

(18) Florists.

(19) Food stores.

(20) Furniture stores.

(21) Hardware stores.

(22) Household-appliance stores.

(23) Interior-decorating shops.

(24) Laundries, hand or automatic, self-service.

(25) Leather goods.

(26) Locksmiths.

(27) Music and dancing studios

(28) Newspapers.

(29) Other similar retail & service uses

(30) Package liquor stores.

(31) Paint stores.

(32) Pet shops.

(33) Pharmacies

(34) Photographic studios.

(35) Physical therapy and health services.

(36) Plumbers.

(37) Post offices.

(38) Printing

(39) Sporting and athletic goods stores.

(40) Theaters

(41) Undertakers and funeral parlors.

(42) Upholsterers.

(43) Variety shops.

(44) Water- and sewer-pumping stations serving a local area.

I. Required parking and loading spaces. Also see § 92-22A to D(5).

**B-1 Zone on-street/off-street parking and off-street loading**

**Use** **Minimum Parking**

Funeral homes and mortuaries 10 per parlor.

Retail stores, store groups, shops, 1 for each 300 sf of floor area.

consumer services, take out Minimum 3 spaces.

food only, etc.

Eating/drinking establishments 1 for each 3 seats. Minimum 5 spaces.

Medical or dental offices, and 4 for each professional occupant.

other professional offices

General business office 1 for each 300 sf of floor area.

Hotels and motels 1 per bedroom, plus 0.5 per employee

on the highest shift.

**Minimum Loading**

Offices 1 per 10,000 sf of floor area.

Retail, commercial, 1 per 10,000 to 25,000sf of floor

wholesale, manufacturing, area: 2 for each 25,000 to 40,000

storage and miscellaneous uses sf of floor area: 3 for 40,000 to

 60,000 sf of floor area: 1 for each

 additional 50,000 sf of floor area

 or fraction thereof.

**Minimum Required Parking Use and Loading Spaces**

Undertakers and funeral parlors 1 for each 5,000 square feet of floor area.

 1 for each additional 5,000 square feet

of floor area or major fraction thereof.

**SECTION 5**. Article XII, “Schedule of Regulations,” Section 92-55.1, “B-1-A Commercial Zone,” paragraph (d) of the Code of the Planning Board of the Borough of Bloomingdale is hereby amended to read as follows:

D. Development standards.

1. Maximum floor area ratio: 25%, except that any portion of a building that contains residential uses restricted to low and moderate income households shall not be counted as floor area ratio for the purpose of this Section and except that a child care center located wholly within a building containing other business uses shall not be counted in the calculation of the floor area ratio.

2. Maximum lot coverage by all buildings, all parking areas, whether paved or unpaved, and all other impervious surfaces: 70% of the lot area.

3. Other bulk requirements applicable to development in this zone shall be as follows:

a. Minimum lot area: 20,000 square feet. Lots of less than 20,000 square feet in this zone may be developed in accordance with the B-1-A zoning requirements except that the floor area ratio and lot coverage permitted shall be reduced proportionately to reflect the smaller lot area. The intent of this provision is to encourage but not require the consolidation of lots in this zone.

b. Minimum lot frontage and width: 100 feet.

c. Minimum lot depth: 125 feet.

d. Maximum height: 3 stories and 40 feet, except as specifically provided to the contrary for hotels and motels as conditional uses.

e. Minimum yards: 35 feet front from Union Avenue; 0 feet front from Main Street; 15 feet each side (except where buildings are attached across lot lines, in which case there shall be no side yard requirement); 50 feet rear.

f. Minimum setback of accessory structure: 10 feet from side or rear lot line.

4. Parking (see 92-22A to 92-22D(5)) shall be provided in the following ratios, provided that where the application of the required parking ratio yields a fraction of a space, the number of parking spaces required shall be rounded up to the next whole space:

a. Retail and service business uses as listed at A(1)-A(4), A(6) and A(7) above shall provide parking at the rate of one space per each 300 square feet of gross floor area except as specifically provided to the contrary below. On street parking can be counted for this requirement.

b. All residential uses shall provide parking as required by the RSIS, except that the Board may consider approval of a shared parking arrangement if the nature of the uses on the site is such that there will not be overlapping demand for the shared parking spaces. At all times there must be at least one dedicated parking space per dwelling unit.

c. Eating and drinking establishments and houses of worship shall provide parking at the rate of one space for each three (3) seats for a minimum of 5 seats.

d. Nursery schools or child care centers shall provide parking at the rate of one space per employee plus one space per each 10 children of licensed capacity, except that a child care center located wholly within a building containing other business uses shall not be required to provide any parking.

e. Kennels or animal day care centers shall provide parking at the rate of one space per employee plus one space for each 10 animals of capacity.

f. Veterinary offices and animal hospitals shall provide parking at the rate of 4 spaces per veterinarian in addition to required kennel spaces as set forth in paragraph e. above.

g. Hotels and motels shall provide parking at the rate of one space per guest room plus .5 spaces per employee.

h. Banks shall provide parking at the rate of one space for each three hundred (300) square feet of floor area plus sufficient room for at least 5 cars to be queued at each drive-up window or ATM machine.

**SECTION 6**. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 7**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 8**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

is hereby given that the foregoing Ordinance #22-2013 introduced and passed upon First Reading by title at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, held on June 11, 2013, and said Ordinance shall be considered for Final Passage at an Official Meeting of the Governing Body to be held in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey on July 23, 2013, at 7:30 **P.M.** or as soon thereafter as said matter can be considered, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of the Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Building of the Borough of Bloomingdale. During the week prior and up to the time of the public hearing, copies of said Ordinance will be available to the members of the general public who request the same, in the Municipal Clerk's Office between the hours of 8:00 **A.M.** and 4:00 **P.M.**

 **Jane McCarthy, RMC**

 **Municipal Clerk**