

**BOROUGH OF EMERSON  
COUNTY OF BERGEN**

**ORDINANCE NO. 1712-26**

**AN ORDINANCE TO AMEND THE BOROUGH CODE TO CREATE A NEW ZONE DISTRICT, THE  
RC/RETAIL COMMERCIAL OVERLAY ZONE.**

**Creation of New Zone District Permitting Inclusionary Development**

Section 290-12, Designation of Zones is revised as follows:

For the purpose of this chapter, the Borough of Emerson is hereby divided into 17 zones, differentiated according to use and building regulations, and designated as follows:

**RC-AH Retail Commercial Affordable Housing Overlay**

**Section 290-21.1 is added as follows:**

- A. **Intent and purpose. It is the intent and purpose of this district to facilitate creation of inclusionary development that will diversify housing opportunities within the Borough and satisfy a portion of Emerson's Round 4 unmet need affordable housing obligation.**
- B. **The New Zone District, known as RC-AH is shown on the attached map and includes the following properties, which are presently situated in the RC/ Retail Commercial Zone District:**
- **Block 1301, Lots 1.01 & 1.02**
- C. **Permitted uses. Any one or a combination of the following uses are permitted.**
- (1) **Permitted uses in the RC Retail Commercial Zone District, subject to the use and bulk regulations of the RC/Retail Commercial Zone District.**
  - (2) **Multifamily Residential Use, which shall include an affordable set-aside as described herein.**
  - (3) **Accessory uses and accessory structures customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory. Parking, both surface and/or structured is permitted in connection with the multifamily residential use.**
- D. **Multifamily Residential Use – Area, Bulk & Parking Requirements:**
- (1) **Minimum lot area: 1 acre**
  - (2) **Maximum gross density: 30 du/ac**
  - (3) **Minimum lot width at front yard setback: 125 feet**
  - (4) **Minimum Setbacks:**
    - (a) **Front Yard: 35 feet**
    - (b) **Side Yard: 25 feet**
    - (c) **Rear Yard:35 feet**
    - (d) **Minimum Distance between buildings: 25 ft.**

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- (5) Wherever a multifamily residential use in the RC-AH Zone District abuts a residential zone or an existing single family residential use, a 10 ft. wide solid and continuous landscape screen shall be required on the multifamily property. The landscape screen shall contain landscape plantings and fencing sufficient to provide a buffer to the adjacent property. The buffer area shall be reviewed and approved during the site plan process.
- (6) Maximum principal building height: 3 stories / 35 feet
- (7) Maximum accessory building height: 1 story /15 feet
- (8) Maximum impervious coverage: 85%
- (9) Maximum building length: 100 ft.
- (10) Parking requirements shall conform to Section 290-30, Off-Street Parking, Loading, and Unloading, except as contained herein.
- (11) The number of required parking spaces for multifamily residential uses shall be as set forth in the New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.

**E. Site Design Requirements:**

- (1) The development shall include either an indoor or an outdoor amenity or recreation facilities for residents.
- (2) Building design shall include both vertical and horizontal articulation.
- (3) All roof-mounted equipment shall be screened from public view by the use of a parapet wall or other architectural detail.

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

- (a) Shade and/or ornamental tree planting layout shall complement the overall theme for the development as a whole;
- (b) Spacing between shade and/or ornamental trees shall be determined based upon species and the desired theme. The spacing shall range between 25 feet to 35 feet on center. There shall be a minimum of one shade tree per 10 parking spaces within all parking lots;
- (c) Several species of shade and/or ornamental trees shall be incorporated into the design of the overall project to avoid problems associated with a monoculture;
- (d) Shade and/or ornamental trees shall be a minimum of three inches in caliper.

**G. Affordable Housing**

- (1) Not less than 20% of the total dwelling units contained in the multifamily residential use shall be restricted to low and moderate income households, with 13% of the affordable units being available to very low income households. The affordable units shall be available to families, and shall not be restricted to a specific population or demographic.
- (2) If the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer.

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- (3) The affordable units shall be developed and administered in accordance with the Fair Housing Act (NJSA 52:27D-301 et. seq.), Local Planning Services regulations (N.J.A.C. 5:99), and UHAC regulations (N.J.A.C. 5:80-26.1), and as required under Article XII, Affordable Housing Regulations, of the Code of the Borough of Emerson. Such requirements include but are not limited to the following: income distribution, bedroom distribution, affordability controls (not less than 40 years for rental units and 30 years for sale units).
- (4) The affordable units shall be integrated throughout the development, in each residential building.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

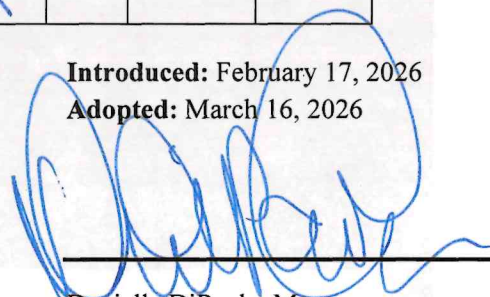
Council	Motion	Second	Yes	No	Abstain	Absent
Ciolino	X		X			
Argenzia						X
Ellis		X	X			
Rice						X
Timmerman			X			
Sayers			X			

I hereby certify that Ordinance No. 1712-26 was adopted by the Governing Body of the Borough of Emerson at a meeting held on March 16, 2026.



Triessa DeSimone, RMC  
Borough Clerk

**Introduced:** February 17, 2026  
**Adopted:** March 16, 2026



Danielle DiPaola, Mayor

**Proposed Affordable Housing Overlay Zone  
Borough of Emerson, New Jersey**

Westwood  
Borough

Proposed Affordable  
Housing Overlay Zone

150

US Feet

