

The following zoning information is based on the Borough of Emerson Zoning Regulations. For the purposes of this competition, the MSAH overlay has been amended for allowable density (indicated below in red).

[Chapter 290: ZONING](#)

[Article IV: Zone Regulations](#)

§ 290-12 Designation of zones.

[Amended 1-30-1979 by Ord. No. 711; 2-17-1987 by Ord. No. 904; 6-4-1991 by Ord. No. 988; 12-29-1997 by Ord. No. 1091; 3-19-2002 by Ord. No. 1198; 5-21-2002 by Ord. No. 1203; 12-28-2004 by Ord. No. 1275]

For the purpose of this chapter, the Borough of Emerson is hereby divided into 13 zones, differentiated according to use and building regulations, and designated as follows:

- R-22.5 Residential Single-Family
- R-10 Residential Single-Family
- R-7.5 Residential Single-Family
- LBW Limited Business West
- LBE Limited Business East
- RC Retail Commercial
- RB Residential, Single-Family and Two-Family
- IM Industrial and Manufacturing
- OSC Open Space Conservation
- PCD Planned Commercial Development
- ML-10 Single-Family
- MS-AHO Municipally-Sponsored Affordable Housing Overlay Zone-1
- AHO Affordable Housing Overlay Zone
- R-2/ARC Age Restricted Community Residence Zone
- CBD-E Central Business District East
[Added 7-11-2006 by Ord. No. 1305]
- CBD-W Central Business District West
[Added 7-11-2006 by Ord. No. 1305]

§ 290-13 General regulations.

A.

All uses require off-street parking as noted in § [290-30](#).

B.

Front, rear and side yard requirements may be greater than shown in this article if a lot abuts certain roads, waterways, side streets or if a lot abuts other zones. See other sections of this chapter for additional requirements, including but not limited to § [290-23](#).

C.

For definitions of terms, see Article [II](#).

D.

AHO Affordable Housing Overlay Zone.

[Added 5-21-2002 by Ord. No. 1203]

(1)

Purpose. The purpose of this overlay zone is to create a realistic opportunity for the construction of low- and moderate-income housing as land becomes available for development in the Borough of Emerson and thereby address the "unmet need" portion of the fair share housing obligation of the Borough of Emerson under the New Jersey Fair Housing Act,

Editor's Note: See N.J.S.A. 52:27D-301 et seq. COAH regulations, and the Mount Laurel doctrine.

(2)

Geographic scope. This overlay zone shall apply to all of the Borough of Emerson.

(3)

Low- and moderate-income housing requirement. Neither the Planning Board, nor the Board of Adjustment, nor the Borough Council on an appeal of a final decision of the Board of Adjustment, nor the Borough Council in adopting and implementing a redevelopment plan shall approve a development application in any zone district or area in need of redevelopment for a residential development or mixed-use development with five or more dwelling units unless 20% of the total number of dwelling units are set aside and sold or rented to low- and moderate-income households, as defined in the COAH regulations and in accordance with the affordable housing regulations in §§ [290-63](#) to 290-66.

E.

Off-street parking, driveways, and garages in residential zones.

[Added 6-1-2004 by Ord. No. 1266]

(1)

All uses must comply with the off-street parking requirements, as described in § [290-30](#).

(2)

Newly constructed residential structures must contain at least one garage for every family unit (i.e., single-family structures must have one garage; two-family structures must have two

garages, etc.). Existing residential structures which have a garage may not convert that garage to any other use without replacing it with another garage. Existing residential uses which do not have a garage shall not be considered nonconforming and are permitted to expand a structure without adding a garage.

[\(3\)](#)

Vehicles may not be stored, parked, or maintained on any residential property, except in an enclosed garage or on an approved driveway. Driveways must be constructed of macadam, concrete, pavers, asphalt, or decorative stone. Driveways constructed of dirt, grass, crushed stones, or other materials not described herein are prohibited.

Editor's Note: For information regarding the minimum fine for violation, see the Schedule of Minimum Fines, which is located in Ch. [1](#), General Provisions, Art. [II](#), General Penalty.

[\(4\)](#)

Driveways in residential zones shall have a maximum width of 22 feet within 40 feet of the curblineline or, where there is no curb, within 40 feet of the front property line. Where there is a circular driveway or any other circumstance where there are two points at which the driveways access the street, the total combined width of both driveways shall not exceed 22 feet within 40 feet of the curblineline.

[\(5\)](#)

Existing driveways shall be permitted to remain and may be repaired or resurfaced, providing there is no increase in size.

[\(6\)](#)

Driveways may not be located closer than three feet from the property line. For the purposes of this section, property on a corner lot shall be considered as having two front yards, and the restrictions as described herein shall apply to both front yards.

[F.](#)

Utility sheds. Utility sheds shall be permitted as accessory uses in residential zones, with the following limitations:

[Added 6-1-2004 by Ord. No. 1266]

[\(1\)](#)

Only one utility shed shall be permitted on each residential lot.

[\(2\)](#)

Maximum ground coverage: 144 square feet.

[\(3\)](#)

Maximum height: 10 feet.

[\(4\)](#)

Required setbacks: three feet from any side yard and 10 feet from any other structure.

§ 290-14 R-22.5 Single-Family Zone.

The following regulations apply in the R-22.5 Single-Family Zone:

A.

Principal permitted uses:

(1)

Single-family detached dwellings.

B.

Permitted accessory uses:

(1)

Private garages and carports.

(2)

Home occupations.

C.

Conditional uses:

[Amended 1-30-1979 by Ord. No. 711; 9-25-1979 by Ord. No. 729]

(1)

Clubs, lodges and fraternal organizations.

(2)

Public and private schools.

(3)

Religious uses.

(4)

Public libraries, museums, art galleries and community center buildings.

(5)

Essential services.

(6)

Public or private gardens or parks.

§ 290-15 R-10 Single-Family Zone.

The following regulations apply in the R-10 Single-Family Zone:

A.

Principal permitted uses:

(1)

Single-family detached dwellings.

B.

Permitted accessory uses:

(1)

Private garages and carports.

(2)

Home occupations.

C.

Conditional uses:

[Amended 1-30-1979 by Ord. No. 711; 9-25-1979 by Ord. No. 729]

(1)

All conditional uses permitted in the R-22.5 Zone.

§ 290-16 R-7.5 Single-Family Zone.

[Amended 1-30-1979 by Ord. No. 711; 9-25-1979 by Ord. No. 729; 11-21-2006 by Ord. No. 1313]

The following regulations apply in the R-7.5 Single-Family Zone.

A.

Principal permitted uses.

(1)

Single-family detached dwellings.

B.

Permitted accessory uses.

(1)

Private garages and carports;

(2)

Home occupations.

C.

Conditional uses.

(1)

All conditional uses permitted in the R-22.5 Zone;

(2)

Nursing homes are permitted as a conditional use where all of the following requirements are met:

(a)

Minimum lot area: three acres;

[\(b\)](#)

Minimum lot width: 500 feet;

[\(c\)](#)

Maximum building height: the greater of 2 1/2 stories or 40 feet;

[Amended 8-21-2007 by Ord. No. 1327]

[\(d\)](#)

Minimum front yard: 20 feet;

[\(e\)](#)

Minimum side yards: 20% of the lot width, but not less than 40 feet for both sides, or 20 feet for one side;

[\(f\)](#)

Maximum coverage for structures: 30% of the lot;

[\(g\)](#)

Maximum floor area ratio: 50% (sum of the area of all floors of the buildings or structures compared to the total area of the site);

[\(h\)](#)

Minimum open space ratio: 10% (open space to be only those planted areas);

[Amended 8-21-2007 by Ord. No. 1327]

[\(i\)](#)

Off-street parking: one space for every three beds, plus one space for every two employees on major shift during the day.

§ 290-17 RB Single-Family and Two-Family Zone.

The following regulations apply in the RB Single-Family and Two-Family Zone:

[A.](#)

Principal permitted uses:

[\(1\)](#)

Single-family and two-family detached dwellings.

[B.](#)

Permitted accessory uses:

[\(1\)](#)

All accessory uses permitted in the R-7.5 Zone.

[C.](#)

Conditional uses:

[Amended 1-30-1979 by Ord. No. 711; 9-25-1979 by Ord. No. 729]

[\(1\)](#)

All conditional uses permitted in the R-7.5 Zone.

[§ 290-17.1 ML-10 Single-Family Zone.](#)

[Added 6-4-1991 by Ord. No. 988]

The following regulations apply in the ML-10 Single-Family Zone:

[A.](#)

Development regulations. All of those regulations set forth in § [290-15](#), R-10 Single-Family Zone, of this chapter shall be applicable to the ML-10 Single-Family Zone, unless Subsection [B](#) applies.

[B.](#)

Alternate development regulations. In the event that a developer meets all of the requirements of the mandatory contribution to the Emerson Low- and Moderate-Income Housing Trust Fund as described in Subsection [C](#), then all of those regulations set forth in §§ [290-13](#), [290-16](#), [290-22](#) and Schedule I of the Code of the Borough of Emerson applicable to R-7.5 Single-Family Zone shall be applicable to the ML-10 Single-Family Zone, except as follows:

[\(1\)](#)

Minimum size of corner lot:

[\(a\)](#)

Lot area: 7,500 square feet.

[\(b\)](#)

Lot width: 75 feet.

[\(2\)](#)

Minimum size of lot abutting existing developed single-family lot in Emerson:

[\(a\)](#)

Lot area: 10,000 square feet.

[\(b\)](#)

Lot width: 100 feet.

[\(3\)](#)

Minimum size of a lot located on a road intersecting Congress Road and within 700 feet of Congress Road (this shall not apply to corner lots):

[\(a\)](#)

Lot area: 8,500 square feet.

[\(b\)](#)

Lot width: 85 feet.

[\(4\)](#)

Maximum number of lots. Maximum number of lots permitted in this zone: 60 lots.

C.

Mandatory contribution to Emerson Low- and Moderate-Income Housing Trust Fund. In consideration for the increased density permitted in the ML-10 Single-Family Zone, the owner of said lands wishing to develop the property is required to contribute to the need for low- and moderate-income housing in the Borough of Emerson as follows:

(1)

The developer must pay to the Borough of Emerson Low- and Moderate-Income Housing Trust Fund an amount equal to \$4,000 per approved building lot. Said sum shall be paid as follows:

(a)

Two thousand dollars per lot for every lot approved for building at the time a building permit is issued for the construction of the first unit.

(b)

Two thousand dollars per lot as each lot is issued a certificate of occupancy.

(2)

As an alternative to the above-described contribution to the Emerson Low- and Moderate-Income Housing Trust Fund, the developer may enter into a binding agreement with the Borough of Emerson to set aside 20% of all of the units constructed in this zone for low- or moderate-income housing. Said housing must comply with all the requirements of the New Jersey Council On Affordable Housing and must be eligible as a credit to Emerson towards the Borough's overall obligation for low- and moderate-income housing.

(3)

In the event that the requirements described herein for a contribution to the Emerson Low- and Moderate-Income Housing Trust Fund are determined to be unenforceable or the developer, for whatever reason, does not comply with said requirements, then and in such event, all of the requirements normally applicable to the R-10 Single-Family Zone shall be applicable to the ML-10 Single-Family Zone.

(4)

The developer, prior to the final approval of the subdivision plans, shall post a bond to ensure the necessary contributions to the Emerson Low- and Moderate-Income Housing Trust Fund. Said bond is to be in a form acceptable to the municipality.

§ 290-17.2 (Reserved)

Editor's Note: Former § 290-17.2, R-TH Townhouse Zone, added 12-29-1997 by Ord. No. 1091, was repealed 3-19-2002 by Ord. No. 1198.

§ 290-17.2 MS-AHO Municipally-Sponsored Affordable Housing Overlay Zone.

[Added 5-21-2002 by Ord. No. 1203]

A.

Purpose. The purpose of this overlay zone is to provide for the construction by the nonprofit or public sector of alternate living arrangement housing that is 100% affordable to low- and moderate-income persons in order to address a portion of the fair share obligation of the Borough of Emerson under the New Jersey Fair Housing Act, the COAH regulations, and the Mount Laurel doctrine.

B.

Principal permitted uses. Buildings may be erected or used and the lot may be used or occupied for alternate living arrangement housing as defined in the COAH regulations.

C.

Accessory uses, structures and buildings: facility management office, common room, laundry room, maintenance and tool storage areas, off-street parking, recreation facilities, mail kiosks and other street furniture, home occupations, fences and walls, signs, satellite dishes, and other customary accessory uses which are clearly incidental to the principal use and buildings.

[Amended 6-11-2002 by Ord. No. 1205]

D.

Density. The maximum gross residential density shall be **16** dwelling units per acre. In computing the number of units permitted, any portion of a unit less than 0.5 unit shall not be considered a dwelling unit.

[Amended 6-11-2002 by Ord. No. 1205]

E.

Area and bulk standards. The following standards shall be applicable to this use:

[Amended 6-11-2002 by Ord. No. 1205]

Standard

Minimum lot area	0.7 acres
Minimum lot width	100 feet
Minimum lot depth	150 feet
Minimum front yard	20 feet
Minimum side yard*	20 feet
Minimum rear yard*	30 feet
Minimum spacing between buildings	15 feet
Maximum building height	35 feet; 2 1/2 stories
Maximum building length	120 feet
Maximum impervious coverage (structures and paving)	50%
Maximum number of units per structure	10 units
Minimum building setback from parking area	10 feet
Minimum building setback from streets	10 feet

*NOTE: For purposes of these bulk regulations, a yard that abuts the rear yard of single-family residential lots shall be deemed to be a rear yard; a yard that abuts the side yard of single-family residential lots shall be deemed to be a side yard; and a yard abutting nonresidential property shall be deemed to be a side yard.

F.

Perimeter buffer. A minimum five-foot-wide setback from the lot perimeter shall be a landscaped buffer of preserved existing mature vegetation and, as necessary in sparsely wooded areas, new landscaping of evergreen shrubs or trees, or fencing, at least five feet high, or a combination of materials to create a reasonable visual screen. Any perimeter buffer along an active railroad line shall be fenced. The perimeter buffer may be included within any required setback. Stormwater management basins, easements for utilities, and driveways or internal roads to ensure access to and from a public street may be included within the perimeter buffer.

[Amended 6-11-2002 by Ord. No. 1205]

G.

Recreation and open space. A minimum of 10% of the site area shall be reserved and developed for active and/or passive recreation, including community gardens and other common open space uses.

H.

Site improvements. Streets, parking, water supply, sanitary sewers, stormwater management facilities and other site improvements shall be subject to the New Jersey Department of Community Affairs, Residential Site Improvement Standards ("RSIS"), as set forth in N.J.A.C. 5:21.

I.

Affordable housing requirement. One hundred percent of the total number of dwelling units developed on the site shall be set aside and rented or sold to low- and moderate-income persons, as defined in the COAH regulations and in accordance with the affordable housing regulations in §§ [290-63](#) to 290-66.

J.

Lighting. All exterior lighting on the site shall be arranged and designed so as to be directed away from all adjoining residential properties, including the use of cutoff fixtures as appropriate.

[Amended 6-11-2002 by Ord. No. 1205]

K.

Landscaping. The development shall include building foundation plantings, clusters of plantings in strategic areas, ground cover, shade trees along roadways and pedestrian paths, and preservation of existing mature vegetation, where feasible.

L.

Site plan review and approval. Prior to issuance of any construction permit for buildings pursuant to this overlay zone, the Planning Board shall review and approve a site plan for the development in accordance with the Land Use Procedures Ordinance (Chapter [47](#) of the Borough

Code) and Site Plan Review Ordinance (Chapter [236](#) of the Borough Code). The Planning Board shall conduct its review of any development application in accordance with the fast-tracking requirements of N.J.A.C. 5:93-10.1. The developer shall be entitled in the development application review process to invoke any rights conferred the COAH regulations, including the right to request relief from cost-generating development standards that are not essential to protect the public welfare.

[Amended 6-11-2002 by Ord. No. 1205]

[M.](#)

Performance and maintenance guarantees. Performance and maintenance guarantees shall not be required.

[Amended 6-11-2002 by Ord. No. 1205]

[N.](#)

Fee exemption. Applications for development pursuant to this overlay zone shall be exempt from application and technical review fees as authorized by N.J.S.A. 40:55D-8(c).

[Amended 6-11-2002 by Ord. No. 1205]

[O.](#)

Length of approval. Any site plan approval issued by the Planning Board shall be valid for the maximum term allowed by the Municipal Land Use Law, under N.J.S.A. 40:55D-49 and 40:55D-52.

Purpose. The purpose of this overlay zone is to provide for the construction by the nonprofit or public sector of alternate living arrangement housing that is 100% affordable to low- and moderate-income persons in order to address a portion of the fair share obligation of the Borough of Emerson under the New Jersey Fair Housing Act, the COAH regulations, and the Mount Laurel doctrine.