

BOROUGH OF LEONIA

ORDINANCE NO. 2020-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 “ZONING” OF THE CODE OF THE BOROUGH OF LEONIA TO CLARIFY CERTAIN DEFINITIONS AND BULK STANDARDS FOR VARIOUS ZONES

WHEREAS, the Zoning Officer has reviewed the Code of the Borough of Leonia as it relates to zoning and has made certain recommendations for clarification of definitions and certain bulk standards; and

WHEREAS, the Mayor and Council of the Borough of Leonia believe it is in the best interests of the Borough to amend the Ordinance accordingly.

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter 290 “Zoning” Article II “Definitions” Section 290-3 of the Code of the Borough of Leonia is amended and supplemented, by the addition of the following terms:

“Building Coverage” is the horizontal area measured from the exterior walls of all principal and accessory buildings on a lot. For a residential property, building coverage shall specifically include any attached or detached garage, as well as any other principal and accessory building.

“Lot Coverage” is all parts of a lot that are covered by buildings, parking areas, driveways, pools, walkways, paved, ancillary surfaces such as patios and tennis courts, as well as decks and any other impervious surfaces, with the exception of retaining walls.

“Height” is amended and supplemented in its entirety, as follows:

In Districts A and B, height shall be determined pursuant to 290-8(A) and 290-20(D)1. Height shall be the vertical distance measured from the average original grade around the building to the highest point, provided that no part of the building shall be higher than 40 feet to any one point. In all other districts, the permitted height of the building shall be as determined pursuant to the district regulations and shall be measured to the average grade to the highest point of the building plus 8 feet to accommodate rooftop appurtenances, including rooftop stairs, solar panels, chimneys, HVAC equipment or elevator shafts.

Section 2.

Chapter 290 “Zoning” Article IV A “Districts” Section 290-8 “Area, Yard and Building Requirements” Subsection C. “Rear Yard”, Subsection E. “Minimum Lot Area and Frontage”, and Subsection F. “Maximum Coverage” are hereby amended and supplemented, as follows:

§290-8 Area, Yard and Building Requirements.

- C. Rear yard. There shall be a rear yard of not less than 25 feet. A building on a lot extended through from street to street shall, in lieu of a rear yard, conform to the front yard requirement on each street. On corner lots, the rear yard shall be determined to be opposite the street address listed in the Borough tax records.

On corner lots, the frontage calculation shall be the frontage which street address is listed in the Borough’s tax records. Buildings on corner lots shall meet the front yard setback requirements of each street, a rear yard and one side yard.

- E. Minimum lot area and frontage. There shall be a minimum lot area measured within a distance of 100 feet of the front street line. The lot area and the lot width at the street line shall not be less than the following:

District	Minimum Lot Area (square feet)	Minimum Lot Width at Street Line (feet)
A-1	10,000	100
A-2	8,000	80
A-3	5,000	50
A-4	7,500	50

- F. Maximum coverage. The total Building Coverage shall not exceed 25% of the lot area. Lot Coverage shall not exceed 50% of the lot area.

Undersized lots that are 6,000 square feet in area or less and have a detached garage in the rear yard, only 50% of the driveway located behind the front façade of the dwelling shall be counted towards lot coverage.

Section 3.

Chapter 290 “Zoning” Article XIII “General Regulations” Section 290-45 “Accessory Structures” Subsection A(1) is hereby replaced in its entirety, as follows:

§290-45 Accessory Structures

- A.(1) Accessory structures shall not exceed one story nor 15 feet in height. No shed on a property shall exceed 10 feet in height or have an area greater than 120 square feet.

Section 4.

Chapter 290 “Zoning” Article XX “Administration and Interpretation” Section 290-107 “Certificates of Occupancy” is hereby replaced in its entirety, as follows:

§290-107 Certificates of occupancy

- A. A certificate of occupancy shall be required in all cases involving the erection or alteration of any building or structure, the use or change in use of any building, structure or dwelling unit, or the use of any land or the change of tenancy or ownership of an building, structure or dwelling unit.
- B. Application for and issuance of a certificate of occupancy shall be pursuant to the terms and provisions of the Building Code of the Borough of Leonia, with all amendments thereto.

Section 5.

The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Bergen County Planning Board, as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 6.

Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.


Section 7.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 8.

This ordinance shall take effect immediately upon publication and final passage according to law.

	Motion	Second	Yes	No	Abstain	Absent
Fusco	✓		✓			
Davis		✓	✓			
Flaim			✓			
Grandelis			✓			
Terrell			✓			
Ziegler			✓			
Mayor Zeigler	---	---				



Judah Zeigler, Mayor

ATTEST:

Anne Dodd, RMC
Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-06 adopted by the Governing Body of the Borough of Leonia on September 9, 2020.

Anne Dodd, RMC
Borough Clerk

BOROUGH OF LEONIA

ORDINANCE NO. 2020-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 “ZONING” OF THE CODE OF THE BOROUGH OF LEONIA TO CLARIFY CERTAIN DEFINITIONS AND BULK STANDARDS FOR VARIOUS ZONES

WHEREAS, the Zoning Officer has reviewed the Code of the Borough of Leonia as it relates to zoning and has made certain recommendations for clarification of definitions and certain bulk standards; and

WHEREAS, the Mayor and Council of the Borough of Leonia believe it is in the best interests of the Borough to amend the Ordinance accordingly.

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter 290 “Zoning” Article II “Definitions” Section 290-3 of the Code of the Borough of Leonia is amended and supplemented, by the addition of the following terms:

“Building Coverage” is the horizontal area measured from the exterior walls of all principal and accessory buildings on a lot. For a residential property, building coverage shall specifically include any attached or detached garage, as well as any other principal and accessory building.

“Lot Coverage” is all parts of a lot that are covered by buildings, parking areas, driveways, pools, walkways, paved, ancillary surfaces such as patios and tennis courts, as well as decks and any other impervious surfaces, with the exception of retaining walls.

“Height” is amended and supplemented in its entirety, as follows:

In Districts A and B, height shall be determined pursuant to 290-8(A) and 290-20(D)1. Height shall be the vertical distance measured from the average original grade around the building to the highest point, provided that no part of the building shall be higher than 40 feet to any one point. In all other districts, the permitted height of the building shall be as determined pursuant to the district regulations and shall be measured to the average grade to the highest point of the building plus 8 feet to accommodate rooftop appurtenances, including rooftop stairs, solar panels, chimneys, HVAC equipment or elevator shafts.

Section 2.

Chapter 290 “Zoning” Article IV A “Districts” Section 290-8 “Area, Yard and Building Requirements” Subsection C. “Rear Yard”, Subsection E. “Minimum Lot Area and Frontage”, and Subsection F. “Maximum Coverage” are hereby amended and supplemented, as follows:

§290-8 Area, Yard and Building Requirements.

- C. Rear yard. There shall be a rear yard of not less than 25 feet. A building on a lot extended through from street to street shall, in lieu of a rear yard, conform to the front yard requirement on each street. On corner lots, the rear yard shall be determined to be opposite the street address listed in the Borough tax records.

On corner lots, the frontage calculation shall be the frontage which street address is listed in the Borough’s tax records. Buildings on corner lots shall meet the front yard setback requirements of each street, a rear yard and one side yard.

- E. Minimum lot area and frontage. There shall be a minimum lot area measured within a distance of 100 feet of the front street line. The lot area and the lot width at the street line shall not be less than the following:

District	Minimum Lot Area (square feet)	Minimum Lot Width at Street Line (feet)
A-1	10,000	100
A-2	8,000	80
A-3	5,000	50
A-4	7,500	50

- F. Maximum coverage. The total Building Coverage shall not exceed 25% of the lot area. Lot Coverage shall not exceed 50% of the lot area.

Undersized lots that are 6,000 square feet in area or less and have a detached garage in the rear yard, only 50% of the driveway located behind the front façade of the dwelling shall be counted towards lot coverage.

Section 3.

Chapter 290 “Zoning” Article XIII “General Regulations” Section 290-45 “Accessory Structures” Subsection A(1) is hereby replaced in its entirety, as follows:

§290-45 Accessory Structures

A.(1) Accessory structures shall not exceed one story nor 15 feet in height. No shed on a property shall exceed 10 feet in height or have an area greater than 120 square feet.

Section 4.

Chapter 290 “Zoning” Article XX “Administration and Interpretation” Section 290-107 “Certificates of Occupancy” is hereby replaced in its entirety, as follows:

§290-107 Certificates of occupancy

- A. A certificate of occupancy shall be required in all cases involving the erection or alteration of any building or structure, the use or change in use of any building, structure or dwelling unit, or the use of any land or the change of tenancy or ownership of an building, structure or dwelling unit.
- B. Application for and issuance of a certificate of occupancy shall be pursuant to the terms and provisions of the Building Code of the Borough of Leonia, with all amendments thereto.

Section 5.

The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Bergen County Planning Board, as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 6.

Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 7.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 8.

This ordinance shall take effect immediately upon publication and final passage according to law.

	Motion	Second	Yes	No	Abstain	Absent
Fusco	✓		✓			
Davis		✓	✓			
Flaim			✓			
Grandelis			✓			
Terrell			✓			
Ziegler			✓			
Mayor Zeigler	---	---				




 Judah Zeigler, Mayor

ATTEST:


 Anne Dodd, RMC
 Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-06 adopted by the Governing Body of the Borough of Leonia on September 9, 2020.



 Anne Dodd, RMC
 Borough Clerk