

INTRODUCED BY _____
SECONDED BY _____

INTRODUCTION _____
HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2023-11

**ORDINANCE AMENDING REVISED GENERAL ORDINANCE OF THE BOROUGH
OF CLIFFSIDE PARK
SPECIFICALLY, CHAPTER XVIII ZONING**

WHEREAS, the Building and other Municipal Departments have requested that the Council amend and/or introduce new provisions to the Zoning Ordinance in order to address recent occurrences to which the Ordinance was silent to.

NOW THEREFORE BE IT ORDAINED, that the following new provisions be adopted:

New Provision

18-6.15 Requirements for Personal Service Establishments

§ 18-6.15 Additional Requirements for Certain Personal Services.

Every barbershop, hairdressing, massage parlor, or cosmetology salon/shop or nail salon/shop must comply with local planning and zoning regulations and all other applicable ordinances of the Borough of Cliffside Park.

1. Definitions

BARBERSHOP

Means an establishment where cutting, dressing, grooming, styling, and shaving of men's and boy's hair or beards is carried out professionally.

HAIRDRESSING

Means an establishment in which cutting and styling of hair, makeup, and similar cosmetic treatments are carried out professionally.

MASSAGE PARLOR

Means an establishment that provides massage treatments carried out by a licensed professional.

COSMETOLOGY SALON/SHOP

Means any place or part thereof concerned with the temporarily improving the physical appearance of persons through nonsurgical, or non-medical means. Such

businesses include, but are not limited to, nail salons, hair salons, barber shops, and the like. These locations may also include accessory retail sales of products related to the services provided, such as specialty hair care products, treatments or ointments.

NAIL SALON/SHOP

Means a specialty beauty salon establishment primarily offering nail care services. This includes manicures, pedicures and nail enhancements. Additional services may include waxing.

1. Annual Inspections

A. The Building Department in conjunction with the Mid Bergen Regional Health Commission (MBRHC) or the current health agency contracted by the Borough, shall promulgate such rules and procedures as are necessary or utilize the regulations promulgated by Bergen County or the State of New Jersey to ensure compliance with this section.

B. At least once a year, or as necessary, a representative from the Building Department and/or MBRHC shall inspect each barbershop, hairdressing, massage parlor, and/or cosmetology shop/salon and nail salon/shop and shall make as many additional inspections as are necessary for the enforcement of this chapter.

C. The Building Department representative or his/her designee, after proper identification, shall be permitted to enter as maybe reasonably necessary, during normal operating hours, any portion of any barbershop or hairdressing, or massage parlor, and/or cosmetology shop/salon or nail salon/shop for the purpose of making inspections to determine compliance with this chapter.

D.

- i. In the event that the Building Department and/or MBRHC representative or his/her designee finds unsanitary conditions or illegal operations of a barbershop or hairdressing, or massage parlor, and/or cosmetology shop/salon or nail salon/shop, or if a violation or multiple violations occur, the Building Department representative or his/her designee may immediately if required advise the Cliffside Park Police Department of their observations and either issue a written notice to the license holder, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which such action shall be taken or immediately “Red Tag” the establishment subject to Municipal Court appearance for Violation of Municipal Ordinances or State Statutes .
- ii. The Building Department and/or MBRHC reserves the right to issue Corrective Notice Summons to the Business Owners granting them an allotted time to remedy the zoning violations, subject to penalties for failure to comply, and Municipal Court appearances.

E. Registration of barbershops, beauty salons and nail salons. Any business for which a license is required under N.J.S.A. 45:5B-7 (including, but not limited to, hairstyling, beauty culture, barbering, manicuring, skin care specialty services, massage) must pay a yearly registration fee to the Building Department in the amount of \$150 for the cost of yearly inspections and investigation of complaints; The fees may be modified as required by Council Resolution. The yearly registration fee shall be due and payable on or before the first day of February in the year of renewal, unless the Building Department provides an extension in writing to the owner or operator of the business.

F. The Business Owner shall comply with the State of New Jersey and Municipal Ordinances requiring submission of Insurance Certificates.

New Provision

18-14.5. Designation of Areas.

The current § 18-14.5 is readopted in its entirety, however the following provision is included therein:

Additionally, any areas in the R-5 zone adjacent to a steep slope area must provide a 100-foot buffer between the R-5 area and identified steep slopes. If new construction in the R-5 zone adjacent to a steep slope requires more than 100 parking spaces, a minimum of two (2) means of ingress and egress are required. New construction in this area shall provide access around the entire structure with a minimum of a 20-foot drive aisle.

New Provision

18-6-15 Hudson River Viewshed Protection

§ 18-6-15 Hudson River Viewshed Protection

The Hudson River Viewshed area was established to protect the view of the Hudson River and easterly skyline from the cliffs for established residential uses / zones within the high-density R-5 Zone.

1. The preservation of the Hudson River viewshed is a critically important aesthetic and scenic consideration for established multi-family residential uses within the R-5 Zone. The Hudson River Viewshed Protection standards require that any Applicant within the R-5 Zone demonstrate that the proposed development would not adversely affect the scenic integrity of the Hudson River and easterly skyline and its surroundings when viewed from vantage points east of the existing Cliffside Park cliffs.

2. The developer shall provide studies, reports and testimony demonstrating that any proposed development will not negatively impact the established residential uses within the R-5 Zone. Submitted reports shall include a shadow study demonstrating new construction will not cast shadows on existing residential uses.

3. To protect the viewshed for the public and established residential uses, any building within the R-5 Zone shall provide a setback from the easterly property lines abutting the steep slopes at a ratio of 6:1 as it relates to the height of any structure. This will be defined as the setback to height ratio.

4. Applicant shall demonstrate that the proposed development will avoid adversely affecting the scenic integrity of the Hudson River and easterly skyline.

BE IT FURTHER ORDAINED, that the Council does hereby restate and readopt Chapter 18 Zoning, in its entirety, except as amended herein.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED _____, 2023

ADOPTED _____, 2023

ATTEST:

APPROVED:

Sercan Zoklu, Borough Clerk

Thomas Calabrese, Mayor