

**BOROUGH OF PROSPECT PARK  
COUNTY OF PASSAIC**

**ORDINANCE NO. 2021 -15**

**AN ORDINANCE OF THE BOROUGH OF PROSPECT PARK IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING AMENDMENTS TO THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF PROSPECT PARK IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE 2021 MASTER PLAN REEXAMINATION REPORT OF THE BOROUGH OF PROSPECT PARK**

**WHEREAS** the Prospect Park Planning Board prepared the 2021 Master Plan Reexamination Report, which is a period reexamination of the municipal master plan and development regulations, in accordance with the provisions of the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-89; and,

**WHEREAS** the Prospect Park Planning Board adopted the 2021 Master Plan Reexamination Report via Resolution No. 2021-3 on November 12, 2021; and,

**WHEREAS** the 2021 Master Plan Reexamination Report contained specific recommendations for amendments to the development regulations of the Borough of Prospect Park; and,

**WHEREAS** the Prospect Park Borough Council is desirous of implementing the recommendations for amendments to the development regulations of the Borough of Prospect Park that are contained in the 2021 Master Plan Reexamination Report adopted on November 12, 2021.

**NOW, THEREFORE, BE IT ORDAINED**, by the Prospect Park Borough Council as follows:

**Section 1.** The definition of “Half Story” that is provided in §90-10, entitled “Word Usage. Terms Defined,” Part C, untitled, is hereby amended as follows (n.b., text

to be deleted is ~~*italicized, bold and stricken through*~~; text to be added is **underlined and bold**):

~~*HALF STORY—That portion of a building situated above a full story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half (1/2) the floor-to-ceiling height of the story below.*~~

**HALF STORY — A habitable floor that has a stairway as a means of access and egress, and in which ceiling area at a height of greater than or equal to seven feet above the floor constitutes not more than 50 percent of area of the next floor below.**

Section 2. §90-80.8, entitled “VCR Village Commercial Residential Zone,” Part B, entitled “Principal Permitted Uses,” is hereby amended as follows (n.b., text to be deleted is ~~*italicized, bold and stricken through*~~; text to be added is **underlined and bold**):

- B. Principal Permitted Uses.
  - 1. Retail sales and personal service.
  - 2. Apartments **and multifamily dwellings** on upper floors in buildings having a non-residential use on the ground floor.
  - 3. Restaurants, non-drive through.
  - 4. Offices (upper floors only).
  - 5. Institutional uses.
  - 6. Parking lots.

7. Financial institutions, non-drive-up window.
8. Child care centers.
9. Single and two-family homes existing as of 2009 in accordance with requirements of the R-1 District.

**Section 3.** §90-80.8, entitled “VCR Village Commercial Residential Zone,” Part G, entitled “Non-Residential Development Standards,” is hereby amended as follows (n.b., text to be deleted is ~~*italicized, bold and stricken through*~~; text to be added is **underlined and bold**):

G. Non-Residential Development Standards.

The following standards are divided into three categories (less than 10,000 sq. ft., between 10,000 sq. ft. and 20,000 sq. ft. and greater than 20,000 sq ft) with the associated regulations:

Small Infill Site (< 10,000 sq. ft)

1. Minimum lot size: 5,000 sq. ft.
2. Maximum lot size: 10,000 sq. ft.
3. Minimum frontage: 50 feet
4. Minimum setbacks:
  - Front yards: 0 feet
  - Rear yard: 30 feet
  - Side yard: 0 feet, but at least 4 feet if provided
  - From residential district: 20-30 feet
5. Maximum Building Height: two stories and 25 feet
6. Minimum Building Height: 14 feet to top of front wall
7. Maximum Building Coverage: 50%.

Sites between 10,000 and 20,000 sq. ft:

1. Minimum lot size: 10,000 sq. ft.
2. Maximum lot size: 20,000 sq. ft.
3. Minimum frontage: 50 feet
4. Minimum yards:

Front: 0 feet

Rear: 30 feet

Side: 0 feet, but at least 4 feet if provided

5. Maximum Building Height: 2.5 stories and 30 feet, **except that the maximum building height shall be increased to 5 stories and 60 feet and there is no deficiency in the number of parking spaces required by §90-83, entitled “Off-Street Parking”**
6. Maximum Building Coverage: 50%

Lots greater than 20,000 sq. ft.

1. Minimum frontage: 100 feet
2. Minimum setbacks:
3. Minimum yards:

Front: 0 feet

Rear: 30 feet

Side: 0 feet, but at least 4 feet if provided

4. Maximum Building Height: Three stories and 35 feet, **except that the maximum building height shall be increased to 5 stories and 60 feet and there is no deficiency in the number of parking spaces required by §90-83, entitled “Off-Street Parking”**

~~7.5.~~ 5. Maximum Building Coverage: 40%, provided that canopies and other roof coverings over walkways and streets shall not be included, and also parking structures, suitably screened and landscaped, with roof or upper-deck elevation not exceeding five (5) feet above average street grade shall not be included in the calculation of building coverage.

**Section 4.** New §90-80.11, entitled “Haledon Avenue Adaptive Reuse Zone” is hereby added as follows:

- A. Purpose. The purpose of this zone is to provide adequate space for land uses that will primarily serve the residents of the Borough and be compatible with the character of existing buildings in order to promote their retention and adaptive reuse so that the visual appearance and architectural significance of the Haledon Avenue Corridor is maintained.
- B. Principal Permitted Uses.
  - 1. Retail sales and personal service (limited to 1,800 square feet of gross floor area).
  - 2. Professional, executive, or administrative offices.
  - 3. Medical and dental offices, provided that no more than one (1) healthcare provider works out of the office at any given time.
  - 4. Restaurants, non-drive through.
  - 5. Cafés.
  - 6. Apartments and multifamily dwellings (upper floors only).
  - 7. Financial institutions, non-drive-up window.

8. Single- and two-family residences in existence as of December 20, 2021
  9. Funeral homes.
  10. Childcare centers.
- C. Accessory Uses.
1. Uses which are customarily incidental and accessory to the principal use.
- D. Conditional Uses.
1. Institutional uses.
  2. Religious uses.
- E. Street Setback. The setback of any new building from Haledon Avenue shall be no greater than the maximum front yard setback from Haledon Avenue of existing buildings located on the same block. The setback of any new building from Haledon Avenue shall be no less than the minimum front yard setback from Haledon Avenue of existing buildings located on the same block.

**Section 5.** The zoning of Block 36, lots 1 through 5 and Block 37, lots 1 through 4 is hereby changed from the B-C (Community Business) Zone District to the HAAR (Haledon Avenue Adaptive Reuse) Zone District as shown in Attachment 1.

**Section 6.** The zoning of Block 37, lots 13 through 21 and Block 42, lots 9, 10, 13, 17 and 17.01 is hereby changed from the B-C (Community Business) Zone District to the VCR (Village Commercial Residential) Zone District as shown in Attachment 1.

**Section 6.** The “Schedule of Space Regulations; Area, Yard and Bulk Standards” that is appended to the Land Development Ordinance, which is also known Chapter 90, of the Code of the Borough of Prospect Park is hereby amended as shown in Attachment 2 of this Ordinance (n.b., text to be deleted is ~~*italicized, bold and striken-through*~~; text to be added is **underlined and bold**).

**Section 7.** This Ordinance may be renumbered for codification purposes.

**Section 8.** All ordinances of the Borough of Prospect Park that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 10.** This Ordinance shall take effect upon final passage and publication as required by law.

**Introduction and First Reading:  
November 15, 2021**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Ortiz		✓	✓			
Artis			✓			
Hussain			✓			
Matari			✓			
Perez			✓			
Shah	✓		✓			

**Second Reading and Adoption:  
December 20, 2021**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Ortiz						✓
Artis	✓		✓			
Hussain			✓			
Matari		✓	✓			
Perez			✓			
Shah	✓		✓			

**Mohamed Khairullah,  
Mayor**

**This Ordinance was duly approved and adopted  
by the Council of the Borough of Prospect Park  
at a meeting held on December 20, 2021**

**Erin Delaney, MPA, RMC Beauty Nadim  
Deputy Municipal Clerk**



**ATTACHMENT 1:  
PROPOSED ZONE CHANGES**

**[INSERT MAP]**

**SCHEDULE OF SPACE REGULATIONS  
AREA, YARD AND BULK STANDARDS**

**Borough of Prospect Park  
Schedule of Space Regulations  
Area, Yard and Bulk Standards  
(Revisions Highlighted)**

Gross Density Ratio (dwelling units Per Acre)	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front (feet)	Rear (feet)	Side			MAXIMUM SETBACKS (ACCESSORY)				Minimum Distance Between Buildings (feet)	Maximum Lot Coverage (percent)	MAXIMUM BUILD STANDARDS
						Interior One (feet)	Interior Total (feet)	Corner (feet)	Side		Rear				Maximum Building
									Interior (feet)	Corner (feet)	Adj. to Side <sup>1</sup> (feet)	Other (feet)			
11.6 14.0	3,750 6,250	37.5 62.5	100 100	15 15	25 25	3 12.5	11 25	8 15	3 5	5 8	3 3	3 3	10 10	40 40	2.5 Stories/35 2.5 Stories/35
20.0	2,000	20	100	15	25	12.5	25	15	5	8	3	3	10	40	2.5 Stories/35
N/A	2,500	25	100	0	20	0	0 <sup>2</sup>	7	5	8	5	5	10	50	2 Story/25 <sup>8</sup>
N/A	7,500	75	100	25	25	10	20	15	5	8	5	5	10	50	2 Story/25
11.6 14.0 N/A N/A	3,750 6,250 6,250 6,250	37.5 62.5 62.5 62.5	100 100 100 100	15 15 15 15	25 25 25 25	3 12.5 12.5 12.5	11 25 25 25	8 15 25 25	3 5 5 5	5 8 8 8	3 3 3 3	3 3 3 3	10 10 10 10	40 40 40 40	2.5 Stories/35 2.5 Stories/35 2.5 Stories/35 2.5 Stories/35
3 – 18.47 Density	78 Acres (Total Lot Area)	N/A	N/A	A 100-foot perimeter buffer shall be required. Detention basins shall be permitted within 50 feet of property lines, however, shall be a minimum of 100 feet from a residential lot.									See Section 90-80.3		8 Stories/95 feet
		N/A	N/A N/A											See Section 90-80.4	
N/A	N/A	N/A	N/A	65	65	65	65	65	65	65	65	65	25	5	2.5 Stories/35
N/A	N/A	N/A	N/A	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	1.5 times tower height	N/A	5	120
N/A 11.6 14.0 0.07	3,750 6,250	37.5 62.5	100 100	15 15	25 25	3 12.5	11 25	8 15	3 5	5 8	3 3	3 3	10 10	40 40	See 90-80.7 See 90-80.8
N/A	<u>2,500</u>	<u>25</u>	<u>90</u>	See §90-80.11	<u>20</u>	<u>0</u>	<u>0<sup>4</sup></u>	<u>7</u>	<u>5</u>	<u>8</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>50</u>	<u>2.5 Stories/35</u>

ject property adjoins a side yard of an adjoining property.

side yard setback is provided, it shall be a minimum of five (5) feet.

ays is permitted.

ired. However, a ten (10) foot off-street parking setback is required adjacent to a residential zone or residential use.

nents.

ired. However, a three (3) foot off-street parking setback is required adjacent to a residential zone or residential use.

**on upper floors in buildings having a non-residential use on the ground floor, the maximum permitted Gross Density Ratio (Density) shall be 10.0 units per acre.**



# Zoning Map for the Borough of Prospect Park



Passaic County, NJ

North Haledon Borough

## Future Land Use Designations

- B-C** Community Business
- B-G-1** General Business-1
- B-G-2** General Business-2
- HAAR** Haledon Ave. Adaptive Reuse
- N-8** North Eighth Street Redevelopment Area
- P-LWO** Professional/Live-Work Overlay
- Q-R** Quarry Redevelopment Area
- R** Recreation & Open Space
- R-1** Residence-1
- R-2** Townhouse
- VCR** Village Commercial/Residential

-  Roadways/Driveways
-  Tax Parcels

-  Change from B-C to HAAR
-  Change from B-C to VCR



Map Amendments	
Ordinance:	Date Adopted:

Zone Plan Prepared by:

**ricciplanning**

Paul N. Ricci, AICP, PP  
NJ Professional Planner  
License No. 05570

The original of this document has been signed and sealed in accordance with New Jersey Law.

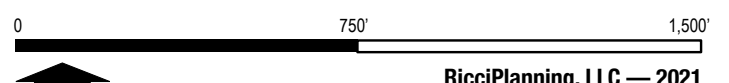
This map is part of Ordinance \_\_\_\_\_ of the Borough of Prospect Park, Passaic County, NJ.

Mohamed T. Khairullah  
Mayor

Robert Aiello  
Chairman

Erin Delaney  
Municipal Clerk

Note: This map was developed using Passaic County Geographic Information Systems Digital Data, but this secondary product has not been verified by Passaic County and is not County authorized.



RicciPlanning, LLC — 2021