

**COUNTY OF BERGEN  
BOROUGH OF EMERSON**

**ORDINANCE NO. 1714-26**

**AN ORDINANCE TO REVISE THE REQUIRED AFFORDABLE HOUSING SET-ASIDE  
IN THE MULTIFAMILY RESIDENTIAL AFFORDABLE HOUSING OVERLAY ZONE**

§ 290-17.4 - Multifamily Residential Affordable Housing Overlay Zone is revised as follows:

**It is the intent and purpose of this Ordinance amendment 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.**

- A. Purpose. The purpose of this overlay zone is to encourage the revitalization of the areas surrounding the Central Business District and to provide for the construction of affordable housing units for 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,<sup>11</sup> the **N.J.A.C. 5:99** regulations, and the Mount Laurel Doctrine.
- B. Principal permitted uses. Mixed-use buildings with any permitted use in the underlying district and multifamily residential or office on the upper floors, multifamily senior housing and age-restricted housing.
- C. Minimum lot area. One and one-half acres of land is required for the construction of a use permitted only by virtue of these overlay districts.
- D. Density.
- (1) The maximum gross density shall be as follows:
    - a) MFRAH North: 64 dwelling units per acre.
    - b) MFRAH South: 43 dwelling units per acre.
  - (2) In computing the number of units permitted per acre, any portion of a unit less than 0.5 unit shall not be considered a dwelling unit.
- E. Affordable housing set-aside. A minimum of 20% of the multifamily housing constructed **for both rental and for-sale affordable units** shall be set aside for affordable housing deed-restricted units. All affordable units created under this section will be affordable to low- and moderate-income households in accordance with the rules at N.J.A.C. **5:99** et seq., the Borough's Affordable Housing Ordinance at Chapter 290, Article XII, of the Borough of Emerson Code, and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.
- F. Maximum building height. The maximum permitted building height shall be as follows:
- (1) MFRAH North: four stories and:
    - a) Along public streets: 42 feet.\*
    - b) Along the railroad right-of-way: 50 feet.\*

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NOTES:

\* Additional height is permitted in accordance with § 290-70A(3) and shall only be permitted on development parcels which are two acres or greater.

(2) MFRAH South: three stories and 40 feet.

- G. Area and bulk regulations. All area and bulk regulations that are set forth in § 290-69 shall apply to development proposed under this overlay district, except building height and density.
- H. Design standards. All development proposed under this overlay district shall comply with all the design standards set forth in § 290-70 of the Borough of Emerson Code.
- I. Parking requirements. The required number of parking spaces shall comply with § 290-71 of the Borough of Emerson Code.

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
<b>Ciolino</b>	X		X			
<b>Argenzia</b>						X
<b>Ellis</b>			X			
<b>Rice</b>						X
<b>Timmerman</b>			X			
<b>Sayers</b>		X	X			

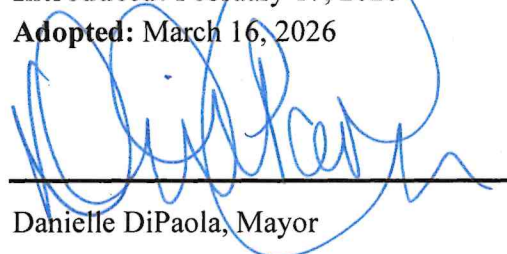
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I hereby certify that Ordinance No.  
1714-26 was adopted by the Governing  
Body of the Borough of Emerson at a  
meeting held on March 16, 2026.



Triessa DeSimone, RMC  
Borough Clerk

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



Danielle DiPaola, Mayor