

AFFORDABLE HOUSING UNMET NEED OVERLAY ZONE

ORDINANCE NO. 19-2557

BOROUGH OF BERGENFIELD
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED "ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Bergenfield, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Bergenfield, Chapter 186 entitled "Land Development Ordinance of the Borough of Bergenfield, New Jersey".

Section 1

- A. The list of zones provided in Article VI Zoning Regulations and Establishment of Zones, Section 186-36, Enumeration of Zones established is hereby amended to include:
 - AHO Affordable Housing Unmet Need Overlay Zone.
- B. §186-38 Zoning Map is herein amended and supplemented to depict the Affordable Housing Unmet Need Overlay Zone on the following property:
 - Block 351 Lot 18
- C. §186-49 Off street parking and loading areas is hereby amended to delete existing paragraph N and replace this paragraph with the following:
 - N. All residential parking shall comply with the New Jersey Residential Site Improvement Standards. Pursuant to N.J.A.C.5:21-4.14(e), when housing is included in mix-use development, a shared parking approach to the provision of parking shall be permitted. Furthermore, if applicants can demonstrate there is sufficient overnight on-street parking in proximity to their site, applicants can apply those available spaces to their development on a non-exclusive basis.

Section 2

The following Article is hereby included in the Land Development Ordinance:

ARTICLE VIIA
AHO Affordable Housing Unmet Need Overlay Zone

§186-63.1 Objectives.

- A. Objectives. The provisions of this section are intended to encourage the planning and redevelopment of the above noted property into a vibrant mixed-use development, promote the

health, safety, and general welfare of the public and the Borough of Bergenfield and encourage the construction of inclusionary housing consistent with smart growth design principles.

- B. Permitted uses for Block 351 Lot 18 shall continue to be defined and limited by Schedule A of the Land Development Ordinance of the Borough of Bergenfield. In addition, first floor residential occupancy as part of an inclusionary development is permitted in this overlay zone in all buildings setback 200 feet or more from South Washington Avenue and 100 feet or more from Liberty Road.

§186-63.2 Design requirements.

As a minimum, all mixed-use developments shall comply with the following design requirements and standards.

- A. Site Area. All developments constructed pursuant to this section shall be on a site of no less than five (5) acres and shall have a width of at least 500 feet fronting on a public street. Lot area shall be computed to include all land area within the site.
- B. The intent in adopted the Affordable Housing Unmet Need Overlay Zone is to maximize the site's development opportunities to locate inclusionary housing in new buildings and above both the first floor of existing buildings.
- C. Ground floor occupancy of any building located within 200 feet of the public right of way of South Washington Avenue and within 100 feet of Liberty Road shall not be residential, but be pursuant to, and consistent with, the B-1 zone list of principal permitted uses. Ground floor residential occupancy of any building setback 200 or more feet from South Washington and 100 feet or more from Liberty Road is permitted in the AHO zone as part of an inclusionary development.
- D. Setback from the eastern lot line of Block 351 Lot 1 shall be forty (40) feet for any building greater in height than 3 stories.
- E. Maximum building height of any building within 200 feet of South Washington Avenue or 100 feet of Liberty Road shall be limited pursuant to, and consistent with, Schedule B of the Land Development Ordinance of the Borough of Bergenfield. Any building setback 200 feet or more from South Washington Avenue and 100 feet or more from Liberty Road is permitted a maximum height of 4 stories and 45 feet.
- F. Affordable housing as defined in NJAC 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution as required by NJAC 5:93.

§ 186-63.3 Yards.

Vertical extension of existing buildings with non-conforming setbacks solely designed for upper floor occupancy as an inclusionary development is permitted provided that the upper floor(s) extension is no closer to a property line than the existing non-conforming building, except that the setback requirement shall be forty (40) feet along the eastern property line for all buildings greater than 3 stories in height.

§186-63.4 Miscellaneous Provisions.

- A. Density as defined in NJSA:40-55D-4 shall not exceed 35 dwelling units per acre if units are to be offered as for-sale dwellings. Affordable housing setaside of ownership units shall be a minimum of 20%. Maximum permitted density shall not exceed 40 dwelling units per acre if the dwellings are to be offered for rent. Affordable housing setaside of rental units shall be a minimum of 15%.
- C. Affordable housing units shall be designed, constructed, marketed and maintained in strict compliance with Bergenfield's Affordable Housing Ordinance, applicable regulations adopted by the State of New Jersey or Court order.
- D. Occupancy of affordable dwellings shall be limited to income qualified households, priced and deed restricted in compliance with all applicable regulations promulgated by the State of New Jersey or in accordance with any requirements established by Court order.
- E. Maximum building height shall not exceed four (4) stories or 45 feet.

Section 3

All Ordinances of the Borough of Bergenfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4

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 5

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 3rd day of September, 2019 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 3rd day of October, 2019 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk