

BOROUGH OF ORADELL  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #19-04

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on January 22, 2019. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held in the Town Hall, in said Borough, on March 12, 2019 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

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LAURA J. LYONS, CPM, RMC, RPPO  
ADMINISTRATOR/MUNICIPAL CLERK

# **BOROUGH OF ORADELL**

## **ORDINANCE**

**# 19-04**

**AN ORDINANCE TO AMEND CHAPTER 240 OF THE ORADELL BOROUGH CODE, ENTITLED “LAND DEVELOPMENT,” AND THE ORADELL BOROUGH ZONING MAP TO CREATE THE “CENTRAL BUSINESS DISTRICT OVERLAY ZONE” AND THE STANDARDS ASSOCIATED THEREWITH IN THE BOROUGH OF ORADELL**

**WHEREAS**, the Governing Body of the Borough of Oradell seeks to create a realistic opportunity for the development of affordable housing in the Central Business District of Oradell; and

**WHEREAS**, in furtherance of this goal, the Borough proposes to create a new Central Business District Overlay Zone to encourage inclusionary mixed-use development in the B-1 Business Zone.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Oradell, County of Bergen, State of New Jersey, that Chapter 240 “Land Development” of the Borough Code of the Borough of Oradell is hereby amended or supplemented as follows:

**Section 1.** Chapter 240, Article VI, Section 240-6.2.A. of the Code of the Borough of Oradell entitled “Zones Designated: boundaries established” is hereby amended to add the following new zone district to the list of zone districts:

CBD                      Central Business District Overlay Zone

**Section 2.** Chapter 240, Article VI, Section 240-6.2.B. of the Code of the Borough of Oradell “Zoning Map of the Borough of Oradell, New Jersey,” shall be amended to identify the CBD Central Business District Overlay Zone to encompass all lots within the B-1 Business Zone, while retaining the underlying B-1 Business Zone designation for these lots, as shown on the accompanying Map.

**Section 3.** Chapter 240, Article VI, Section 240-6.5 of the Code of the Borough of Oradell entitled “Use and Bulk Regulations” is hereby amended to include a new subsection M. as follows:

**M. CBD Central Business District Overlay Zone.**

(1) Purpose.

The purpose of the CBD Central Business District Overlay Zone is to create a realistic opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Oradell, and thereby help to address the fair share housing obligation of the Borough of Oradell under the New Jersey Fair Housing Act (“FHA”), applicable Council on Affordable Housing (“COAH”) regulations, the settlement agreement entered into between the Borough and Fair Share Housing Center (“FSHC”) on July 26, 2018, and the Borough’s Housing Element and Fair Share Plan. The CBD Overlay Zone encourages the development of low- and moderate-income housing by allowing for inclusionary multifamily residential above the ground floor; however, developers shall also have the option of developing in accordance with the underlying B-1 Zone standards.

(2) Permitted uses.

The uses permitted in the Central Business District Overlay Zone shall be identical to those uses permitted in the B-1 Business Zone as set forth at §240-6.5.G; provided, however, that any developer that elects to develop in accordance with the Central Business District Overlay Zone standards as set forth herein below shall be required to provide multi-family dwellings above the first floor of all buildings. Multi-family dwellings constructed in accordance with the CBD Overlay Zone standards shall not be limited to efficiency apartments, as is the case in the underlying B-1 Zone.

(3) Affordable Housing.

(a) All developments constructed in accordance with the CBD Overlay Zone standards shall be required to set aside a minimum percentage of the required multi-family dwelling units for affordable housing. Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

(b) All affordable units to be produced pursuant to this section shall comply with the Borough’s Affordable Housing Ordinance at Chapter 61 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough’s Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

[1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very

low-income units, which shall be counted as part of the required number of low-income units within the development.

- [2] Bedroom Mix: If the development is not age-restricted, the following bedroom mix shall apply:
  - [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - [b] At least 30% of all low- and moderate-income units shall be two bedroom units;
  - [c] At least 20% of all low- and moderate-income units shall be three bedroom units; and
  - [d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- [3] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the “Deed-Restriction Period”). The affordability controls shall expire only after they are properly released by the Borough and/or the Borough’s Administrative Agent at the Borough’s sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 for for-sale units.
- [4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
- [5] Other Affordable Housing Unit Requirements: Developers shall also comply with all of the other requirements of the Borough’s Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

(4) Area and bulk requirements.

The area and bulk requirements for developers electing to build in accordance with the CBD Overlay Zone standards are set forth below. For developers not electing to build in accordance with the CBD Overlay Zone standards, the area and bulk regulations of the underlying B-1 Zone at §240-6.5.G shall remain in full force and effect.

(a) The minimum lot dimensions are as follows:

[1] Width: 150 feet.

(b) The minimum yard requirements of a principal building are as follows:

[1] Front yard setback: 15 feet, provided that if the buildings on both sides of the subject property are located closer to the street than 15 feet, then the building shall conform to the existing established front yard setback line of the buildings located on each side of the subject property. In the event that the front yard

setback on each side of the subject property is not the same distance from the center line of the abutting street in question, then the reviewing board, as part of site plan review, shall determine the required setback line for the subject property, which shall not be less than the setback of the abutting property that is closest to the street right-of-way line nor greater than the setback of the abutting property that is farthest from the street right-of-way line.

- [2] The rear yard shall be used to meet the parking requirements of this chapter, but shall in no event be less than 10 feet.
- [3] Side yard setback. The minimum side yard shall be 10 feet; the minimum total of both side yards shall be 25 feet.

(c) Maximum building coverage: 40% of the total lot area.

(d) Maximum lot coverage, including buildings and impervious material but excluding the water surface area of any swimming pool/pond: 85% of the total lot area, except that if all the parking is contained under the building, then the maximum lot coverage shall be 80% of the total lot area.

(e) Height allowances are as follows:

- [1] Building height shall be limited to two stories of residential over one story of commercial on the west side of Kinderkamack Road and on the east side of Kinderkamack Road north of Oradell Avenue, up to a maximum height of 35 feet.
- [2] Building height shall be limited to one story of residential over one story of commercial on the east side of Kinderkamack Road south of Oradell Avenue, up to a maximum height of 35 feet.

(5) Other requirements.

The following additional requirements shall be complied with for developers electing to build in accordance with the CBD Overlay Zone standards.

- (a) Dwelling units shall only be located above the ground floor, except that ground floor areas used for access to such uses shall be permitted.
- (b) Any dwelling unit shall contain a minimum habitable floor area of 600 square feet.
- (c) The gross floor area devoted to residential use, including hallways and other common areas accessory to the residential use, shall not exceed  $\frac{2}{3}$  of the total gross floor area of the building within which the residential use is located.
- (d) The minimum number of off-street parking spaces for multi-family residential shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21). All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.

**Section 4.** Chapter 240, Attachment 1, “Area, Yard and Bulk Requirements” of the Code of the Borough of Oradell shall be amended to include a new CBD Zone category, which shall state ‘See § 240-6.5.M.’ for area and bulk requirements.

**Section 5.** If any article, 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 and they shall remain in full force and effect.

**Section 6.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Oradell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Oradell are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 7.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 8.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Oradell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 9.** This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

**Section 10.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the

laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

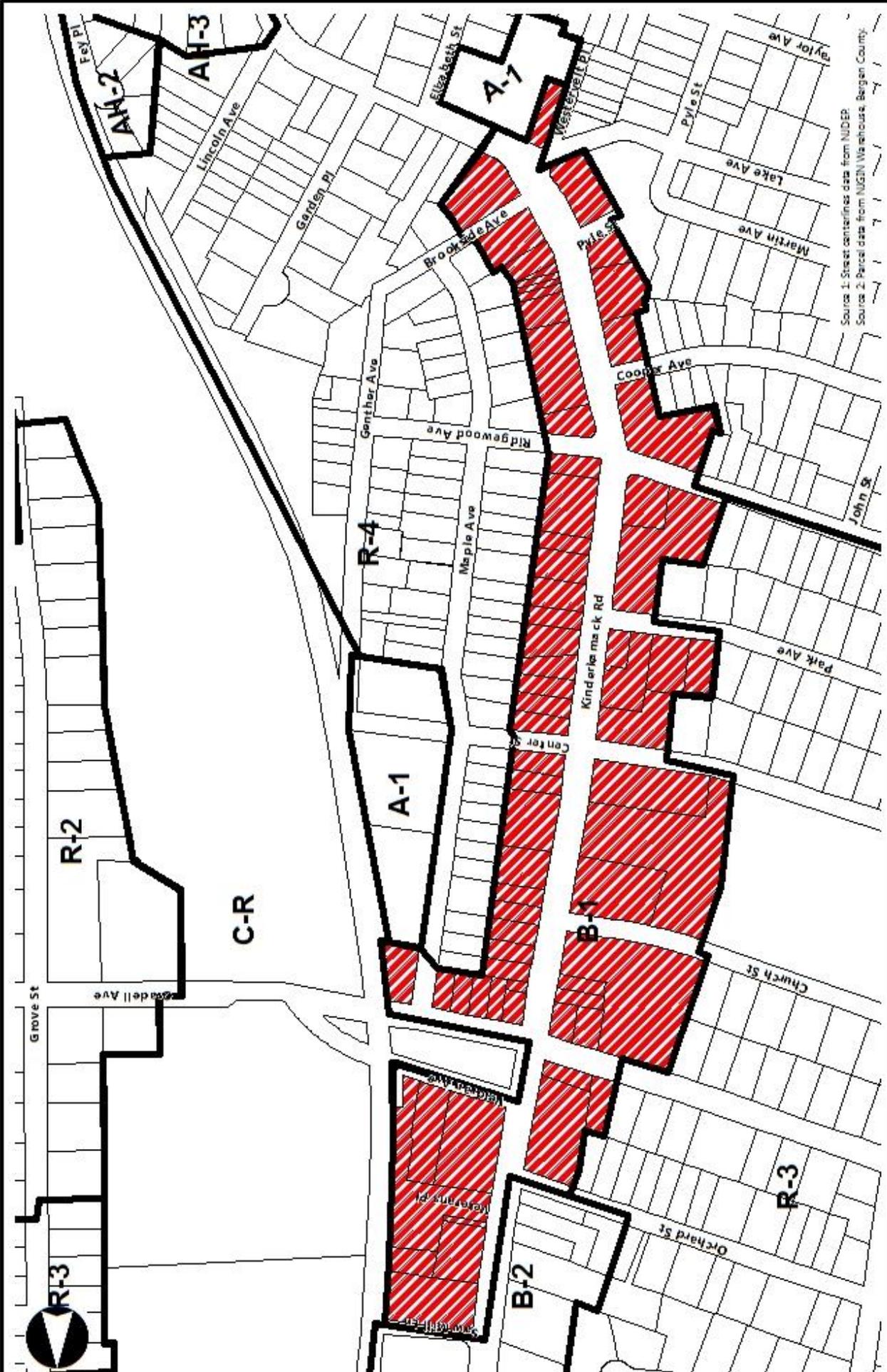
INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dianne C. Didio, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Lyons, Borough Clerk



Source 1: Street centerlines data from NJDEP  
 Source 2: Parcel data from NIGM Warehouse, Bergen County

**Zoning Boundaries** **Overlay Zone:**

**Parcels**

**CBD Overlay Zone**

Project No.	3045.01	Date	09.05.18	Scale	RW/AF
Sheet		Scale	1" = 350'	Map No.	cbd zone
DATE CONCEPT PLAN TO BE APPROVED					

**Central Business District Overlay Zone Map**

Project No. **2018 Housing Plan**  
 800 SOUTH OGDEN ST., BERGEN COUNTY, NJ 07007

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