

**BOROUGH OF SADDLE RIVER
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 21-1005

AN ORDINANCE TO AMEND CHAPTER 210 OF THE SADDLE RIVER BOROUGH CODE, ENTITLED "ZONING," AND THE SADDLE RIVER BOROUGH ZONING MAP AS THEY PERTAIN TO BLOCK 1302 LOTS 1.02, 1.03 & 1.04 TO CREATE THE AHO-5 AFFORDABLE HOUSING OVERLAY ZONE DISTRICT-5

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Saddle River, in Bergen County, New Jersey, as follows:

Section 1. The Zoning Map of the Borough of Saddle River, as provided for and referenced in Section 210-4 of the Code of the Borough of Saddle River entitled "Zoning Map," is hereby amended to identify a new AHO-5 Affordable Housing Overlay Zoning District-5 to encompass Block 1302 Lots 1.02, 1.03 and 1.04, which lots shall also retain the underlying PUD Planned Unit Development Zoning.

Section 2. Section 210-6 of the Code of the Borough of Saddle River entitled "Zone Designations" is hereby amended to add a new Zone Designation and Purpose and Use as follows:

<u>Zone Designation</u>	<u>Purpose and Use</u>
AHO-5 Affordable Housing Overlay Zoning District-5	Multifamily Residences

Section 3. A new Article XVIII entitled "AHO-5 Affordable Housing Overlay Zoning District-5" is hereby added to Chapter 210 of the Code of the Borough of Saddle River, which new section shall read as follows:

Article XVIII AHO-5 Affordable Housing Overlay District-5

§ 210-111. Purpose.

The purpose of the AHO-5 Affordable Housing Overlay Zoning District-5 is to create a realistic opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Saddle River, and thereby help to address and provide a response toward the Borough's so-called "unmet need"¹. The AHO-5 Overlay Zoning District encourages the development of low- and moderate-income housing by allowing for inclusionary multifamily residential units. The AHO-5 Overlay Zoning District also allows developers the option of developing in accordance with the underlying PUD Zone standards.

¹ Unmet need is the difference between the Realistic Development Potential (RDP) and the municipality's pre-credited need housing number (minus its rehabilitation component).

§ 210-112. Permitted uses in the AHO-5 Overlay Zoning District.

The uses set forth below shall be permitted as a development alternative to the underlying uses allowed in the PUD Zone, but shall not replace the underlying PUD Zone district uses, requirements or standards.

§ 210-113. Permitted principal uses.

The AHO-5 Overlay Zoning District shall permit multi-family housing development.

§ 210-114. Permitted accessory uses.

Permitted accessory uses shall include accessory uses that are customary and incidental to the permitted principal uses in the AHO-5 Overlay Zoning District, including but not limited to:

- A. Off-street parking in accordance with Chapter 210, Article IX.
- B. Decks, balconies and porches.
- C. Fences and walls, in accordance with Chapter 105.
- D. Ancillary recreation elements, such as a swimming pool, club houses, tennis courts and other similar uses to only serve the residents of the complex.
- E. Trash enclosures.
- F. Signs, in accordance with Chapter 175.
- G. Outdoor lighting, in accordance with Chapter 138.

§ 210-115. Affordable housing requirements applicable to the AHO-5 Overlay Zone.

- A. All multi-family developments constructed in the AHO-5 Overlay Zoning District shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be twenty percent (20%). 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 be in conformance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable regulations of the New Jersey Council on Affordable Housing ("COAH"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").
- C. Procedures regarding affirmative marketing of affordable units and other requirements of inclusionary development units, including low/moderate income split and bedroom distribution, are subject to and determined by UHAC and COAH rules or other rules determined appropriate by the court, and are as set forth in the Borough's Affordable

Housing Ordinance at Chapter 65 of the Borough Code, as may be amended and supplemented.

§ 210-116. Area and bulk requirements.

The area and bulk requirements for the uses allowed in the AHO-5 Overlay Zoning District are set forth below. The area and bulk regulations of the underlying PUD Zone shall remain in full force and effect for development pursued in accordance with Chapter 210, Article VII, PUD Planned Unit Development Zone.

- A. Lot area. There shall be a minimum lot area of 3.75 acres.
- B. Density. There shall be a maximum gross density of 30 dwelling units per acre.
- C. Height. No building shall exceed a height of 5 stories / 60 feet.
- D. Yard setbacks. There shall be a minimum setback of 100 feet from Route 17, a minimum setback of 50 feet from East Allendale and Boroline Roads, and a minimum setback of 40 feet from all other lot lines.
- E. Impervious coverage. The total impervious coverage shall not exceed 65% of the total area.

§ 210-117. Design standards.

The following design standards shall be utilized in the AHO-5 Overlay Zoning District:

- A. Building requirements.
 - (1) Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
 - (a) Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
 - (b) No more than 30 feet of front or rear building wall permitted without providing a break in the façade of an acceptable method of articulation.
 - (c) Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
 - (d) Varying architectural embellishments.
 - (e) Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
 - (f) Complimentary building colors and materials to be consistent with the general theme of the development.
 - (g) Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be

painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

- (h) Building construction shall utilize green building or sustainable to the extent practicable.
- (2) Multiple buildings on a lot. Irrespective of 210-28 which limits the number of principal buildings on a lot, in the AHO-5 Overlay Zone multiple principal buildings shall be permitted.
- (3) Distance between buildings. There shall be a minimum distance between principal structures of 30 feet, except that where a side wall of one principal structure faces a side wall of another dwelling structure, there shall be a minimum distance of 25 feet; provided, however, that if an access drive is located between principal structures, the minimum distance shall be 50 feet.
- B. Accessory building requirements.
- (1) Height. The maximum height of any accessory structure shall be 15 feet.
- (2) Setbacks. Accessory buildings shall meet the minimum lot line setback of the principal building and shall be at least 25 feet from a principal building and 15 feet from any other accessory building.
- (3) Design. Architectural design and materials used in the construction of garages and other accessory structures shall conform to the design and materials used in the construction of the principal buildings.
- C. Off-street parking requirements.
- (1) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).
- (2) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.
- (3) Adequate fire and emergency access must be provided.
- (4) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).
- D. Buffers requirements.
- (1) The landowner shall provide and maintain consistent buffer areas measuring 100 feet wide from Route 17 and 50 feet wide from East Allendale Road. A variable buffer area may be provided along Boroline Road provided that the buffer area averages 25 feet wide and is in no place less than 15 feet wide and that, where an improvement will be closer to Boroline Road than 25 feet, the finished grade on site shall be at least three feet below the elevation of Boroline Road.
- (2) Such buffer area shall be kept in its natural state where wooded; and when natural vegetation is sparse or nonexistent, is of insufficient quality, or must be removed to accommodate site grading operations, the landowner may be required to plant a year-

round visual screen, which may include a planted berm, as determined by the Planning Board.

- (3) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property, and the Board may also permit a portion of a buffer area to be used for a detention or retention basin, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objectives of a buffer area.
- (4) The required buffer area may be included in the area of a planned unit development for the purpose of computing compliance with the open space requirements of this chapter.

E. Landscaping requirements.

- (1) The applicant shall prepare and submit to the Planning Board, in connection with site plan review, a landscaping plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Landscape Architects, or other qualified individual.
- (2) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, utilize foundation plantings to enhance the site's visual and aesthetic amenity, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. In addition to the buffers, street trees, and typical foundation plantings, an area of landscaping shall be provided between the rear of buildings internal to the development so as to create a sense of privacy for units.
- (3) The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- (4) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing such components as fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas from adjoining properties.
- (5) The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants shall consider their susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc.
- (6) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.
- (7) The use of indigenous/native plant material is encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation. Details of any irrigation system shall be provided at the time of site plan review.

F. Lighting requirements.

- (1) All lighting fixtures and foot-candle standards shall be provided for all areas of the site, to property lines, including around buildings, circulation aisles, parking and recreation areas and open space areas, and shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA) and regulations of the Borough of Saddle River, and integrated with the overall design theme of the development.
- (2) The Borough light fixture (Hadco Baltimore V651 70 HPS), with a maximum height of 12 feet, shall be utilized as the streetlight fixture.
- (3) A lighting plan prepared by a qualified individual shall be provided with any site plan application.
- (4) All freestanding outdoor lighting fixtures shall be appropriately shielded and dark sky' compliant, and no taller than 15 feet in height.
- (5) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority.
- (6) All parking areas, walkways, building entrances, and driveways shall be adequately illuminated during the hours of operation that occur after sunset. Any adjacent residential zone or use shall be shielded from the glare of illumination from site lighting and automobile headlights.

G. Signage requirements. A single sign, not to exceed 3x4 feet in dimension, may be placed upon a decorative stonewall at each entrance to the development. The top of the sign shall not be more than 4.5 feet from the grade as measured around the sign. The sign shall be placed within a landscaped setting.

H. If an application is filed for development pursuant to this ordinance, the Borough shall take all necessary actions to support modifications to existing sewer and water service agreements and infrastructure as may be required to support the development, provided that the expense of any such reasonable improvements serving only the development on the site shall be borne by the developer of the site.

I. Relief from any required site design standard under this section shall be considered a design standard exception pursuant to N.J.S.A. 40:550-51(b) and not a variance.

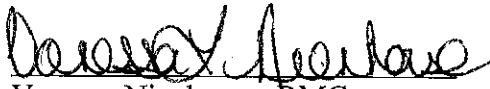
Section 4. A new Section 210-25.1, entitled "Interpretive Statement" is hereby added to Chapter 210, Article VII, of the Code of the Borough of Saddle River, which new section shall read as follows:


Nothing in this Article shall be interpreted to prohibit the type and intensity of residential development as permitted in the AHO-5 Overlay Zoning District when a developer is developing in accordance therewith.

Section 5. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 7. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, or as otherwise required by law, and upon filing with the Planning Board of the County of Bergen.


Vanessa Nienhouse, RMC
Municipal Clerk



Mayor Albert J. Kurpis
Borough of Saddle River, New Jersey

Introduced: 1/2, 2021
Adopted: 1/18, 2021