

**BOROUGH OF ALLENDALE
ORDINANCE 13-10**

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 270 OF THE CODE ENTITLED
“REVISED ZONING ORDINANCE-1979”
OF THE BOROUGH OF ALLENDALE.**

WHEREAS the Borough’s Third Round Housing Element and Fair Share Plan adopted December 29, 2008 was reviewed by the New Jersey Council on Affordable Housing (COAH); and

WHEREAS COAH approved the Borough’s Fair Share Plan and granted Third Round Substantive Certification to the Borough; and

WHEREAS, the Allendale Planning Board in its periodic reexamination of the Master Plan dated February 17, 2011 recommended that the properties set forth in this Ordinance be rezoned; and

WHEREAS the Borough wishes to implement the terms of its Housing Element and Fair Share Plan by this Amendatory Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allendale, County of Bergen and State of New Jersey as follows:

Section I

§ 270-5. Map.

A. The Zoning Map entitled “Zoning Map, Borough of Allendale, Bergen County, New Jersey,” prepared by Robert Catlin and Associates, dated October 2003, is hereby adopted and declared to be a part of this chapter. Said Zoning map is hereby amended to include the attached exhibits #1 and #2 incorporated herein by reference regarding Block 506, Lot4; Block 1102, Lot 14 (part); Block 1604, Lot 15 (part).

B. No change.

Section II

§ 270-120. Primary intended uses; applicability.

Is amended and supplemented as follows:

- A. No change.
- B. The district shall comprise properties shown as follows on the Borough Tax Map and further defined by the Zoning Map and incorporated herein by reference: Block 2101, Lot 9 comprising 13.58 acres, more or less.
[Amended 10-27-1994; 11-13-2003]

Section III

There is hereby established a new ML-7 Residence Zone District

Article XXXA ML-7 Single Family Residence Zone District

§ 270-159.1 Purpose.

As identified in the Borough of Allendale's Housing Element adopted December 29, 2008 and granted Third Round Certification by the Council on Affordable Housing (C.O.A.H.), the purpose of this Residence Zone District is to provide for the development of certain market rate single family detached units as well as to construct two (2) affordable housing units in satisfaction of Allendale's Affordable Housing Obligation under N.J.S.A. 52:27D-301 et seq. and N.J.A.C 5:93 et seq. The ML-7 District provides a compatible single family residence district to the surrounding single family residential zone districts. This zone promotes the purposes of zoning as identified in the N.J.S.A. 40:55D-2 *et seq.* safeguarding the public health, safety, morals and general welfare by providing among others, the establishment of appropriate population densities and concentrations that will contribute to the wellbeing of persons, neighborhoods, communities, regions and preservation of the environment. This zone also seeks to ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring Municipalities.

The creation of this zone furthers the Borough of Allendale Master Plan goals including among others, to preserve and protect the suburban character of the existing one and two family residential neighborhoods. In addition, the proposed single family density would create a lesser burden on adjacent roadways at this location due to the limited sight distance on the adjacent frontage roadway of East Crescent Avenue and the intersection of East Crescent Avenue and Arlton Avenue.

§ 270-159.2. Primary intended use.

This zone is intended to provide for no more than a total of ten (10) detached single-family housing units of which eight (8) shall be market rate units and two (2) shall be affordable housing units constructed on site or in lieu of construction payment for two (2) off-site/in town affordable units which payment shall be in the amount set forth in Borough's applicable Ordinance and COAH Regulations, and any amendments or supplements thereto.

§ 270-159.3. Prohibited uses.

Any use other than those listed in 270-159.2 is prohibited.

§ 270-159.4. Lot, bulk and intensity of use regulations.

A. Minimum lot area.

A lot used or intended to be used for residential purposes shall have an area of not less than 15,000 square feet located within a distance of 150 feet from the street upon which it fronts or, for corner lots, from both streets.

B. Minimum lot width.

A lot used or intended to be used for residential purposes shall have an average width of **85** feet within **150** feet of the street lot line. The shortest distance between side lot lines shall not be less than 60 feet therefrom, measured along a line parallel with the street lot line and 35 feet therefrom.

C. Setbacks and building height limitations.

The setback requirements for single family residential lots shall be subject to the bulk and building height regulations of the A-Residence Zone District in **§270-57** and **§270-64**, except for the criteria for minimum lot area and lot width as noted herein.

D. Impervious surfaces requirements.

The impervious surface requirements for the single family residential lots herein shall be subject to the regulations set forth in **§270-62**.

E. Floor area ratio requirements.

The floor area ratio requirements for the single family residential lots herein shall be subject to the regulations set forth in **§270-63**.

F. Accessory buildings.

Accessory buildings on the single family residential lots herein shall be subject to those permitted in the A Residence Zone District and the regulations set forth in §270-14.

§ 270-159.5. Subdivision Review and Approval.

Prior to the issuance of any construction permit, the appropriate land use agency of the Borough shall review and approve a final subdivision plan for the entire project in accordance with the provisions of the Land Subdivision and Site Plan Ordinance and all other applicable Ordinances of the Borough of Allendale.

Section IV

§ 270-159.6 Repealer

All Ordinances or parts of Ordinances, which are inconsistent with the provisions of this amendatory Ordinance, are hereby repealed to the extent of such inconsistency.

Section V

§ 270-159.7 Severability

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section VI

§ 270-159.8 Effective Date

This Ordinance shall take effect after final passage and publication as required by law.