

BOROUGH OF ALLENDALE
Ordinance 14-07

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 270 OF THE CODE
ENTITLED “REVISED ZONING ORDINANCE-1979” OF THE BOROUGH OF
ALLENDALE AMENDING THE ML-4 ZONE DISTRICT.**

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, on October 14, 2009, 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 to be consistent with the developed condition; and,

Whereas, the Borough wishes to implement the terms of its Housing Element and Fair Share Plan by this Amending Ordinance.

Now, Therefore, Be It Ordained by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey amending the ML-4 Multifamily Zone District as follows:

Section I

§ 270-125. 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 (COAH) on October 14, 2009, the purpose of the ML-4 Affordable Housing District is to provide for the development of 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-4 District provides an opportunity to create an attached residential district where each of the dwellings created will be reserved for low-and moderate-income households as that term is defined and applied by COAH. 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.

§ 270-126. Primary intended uses.

This section is amended and supplemented to include only the following as a primary intended use:

A. Special needs residential housing.

B. Municipal parks, open space and passive recreation.

§270-127. No change.

§270-128 District regulations

This section is amended and supplemented to include the following additions noted below:

A. Density. Maximum density shall not exceed ten dwelling units per acre of gross lot area.

B. Height. No building shall exceed a maximum of 30 feet in height. Buildings shall not exceed 2 1/2 stories, with "1/2 story" meaning on the top floor with a sloping roof, such that the habitable floor area is not more than 1/2 of the area of the story below.

C. Area. Each lot hereinafter created shall minimally contain 25,000 square feet of lot area.

D. Yards and setbacks. There shall be a minimum setback of 50 feet from the front yard setback, 10 feet from any side property line and 40 feet from the rear lot line. Parking areas shall be setback a minimum of five feet from such other property lines, subject to the buffer strip requirements of Subsection E. below.

E. Buffer strip. There shall be a buffer strip of at least 10 feet within the site, along all property lines other than on public streets, adjoining any property zoned for residential purposes. This strip shall be landscaped with a dense planting of evergreen shrubs and trees at least six feet high, either alone or in combination with a wire or wooden fence. The buffer strip requirement is not applicable if the adjacent property zoned for residential purposes has been the subject of a deed restriction limiting the use of said property to park and or open space or passive recreation.

F. Occupancy of land. Not more than 60% of the land area of any one development site may be occupied by buildings and paved areas combined.

G. Off-street parking. A minimum of one parking space shall be provided on-site for each special needs residential housing dwelling. Parking spaces shall be setback a minimum of five feet from building walls. Not more than half of the number of proposed parking spaces are permitted to be constructed of grass pavers, approved by both the Borough Fire Chief and Engineer. This provision is in recognition of the reduced parking demand inherent in this zone.

- k. All special needs residential housing shall be occupied by qualified individuals in accordance with N.J.A.C. 8:36.
- l. All special needs residential housing shall at all times be occupied by low- or moderate-income qualifying **individuals**. It is the intent of the Borough that each dwelling in this zone shall be Council on Affordable Housing creditworthy and all residents occupying dwellings in this zone will be certified as income qualified.

§270-129. No change.

§270-130 Affordable housing contribution

This clause shall be deleted in its entirety as each dwelling in this zone will be designed and occupied by income qualified households thereby furthering the intent of the Borough to secure COAH credits for each dwelling constructed in this zone district.

Section II

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 III

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 IV

Effective Date

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