

BOROUGH OF ALLENDALE
Ordinance 14-08

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 270 OF THE CODE OF
THE BOROUGH OF ALLENDALE ENTITLED “REVISED ZONING ORDINANCE-
1979” OF THE BOROUGH OF ALLENDALE CREATING A NEW ML-8 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; 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 Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey as follows to create a new ML-8 Affordable Housing District:

Section I

§ 270-5. Map.

A. The Zoning Map entitled “Zoning Map, Borough of Allendale, Bergen County, New Jersey,” prepared by Borough Engineer, John J Yakimik PE, dated April, 2014, is hereby adopted and declared to be a part of this chapter. Said Zoning map is hereby revised and amended by the creation of a new ML-8 Affordable Housing District and the inclusion of Block 904 Lots 10.01, 10.02 and 14 therein.

B. No change.

Section II

There is hereby established a new ML-8 Residence Zone District

Article XXXA ML-8 Affordable Housing District

§ 270-159.1 Purpose and area of application.

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-8 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-8 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.

§ 270-159.2 Primary intended uses.

The following principal uses and structures shall be permitted in the ML-8 Zone District:

- A. Attached dwellings reserved for individuals with developmental disabilities or multiple sclerosis.
- B. Unrestricted attached dwellings reserved for low-and moderate-income households.
- C. Group home for special needs residents.

§ 270-159.3 Prohibited uses.

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

§ 270-159.4 District regulations.

- A. Density. The maximum permitted density in this district is 12 dwelling units per acre.
- B. Height. No building shall exceed a maximum of 35 feet. No building shall exceed 2 ½ stories. A "1/2 story" as defined in accordance with the International building Code as adopted by the uniform Construction Code of the State of New Jersey.
- C. Lot size. Every lot in this zone developed with attached housing shall contain no less than 28,000 square feet of lot area within a distance of 225 feet from the street upon which it fronts or, for corner lots, from both streets. Single-family dwellings used as group homes in this zone shall be on lots containing at least 15,000 square feet of lot area.
- D. Minimum lot width. Every lot within this zone shall have and maintain an average width of 115 feet within 100 feet of the street lot line. The shortest distance between side lot lines shall not be less than 100 feet therefrom, measured along a line parallel

with the street lot line and 35 feet therefrom. Single-family dwellings used as group homes in this zone shall be on lots with no less than 100 feet of lot width.

- E. Yards and setbacks for Principal Structures. There shall be a minimum setback of 17 feet from a municipally owned street. The minimum required setback from a street under the jurisdiction of the County of Bergen shall be 25 feet. Minimum setbacks for side property lines shall be 25 feet except for a side lot line contiguous with a railroad right of way wherein such a setback shall be 10 feet; the minimum rear yard setback shall be no less than 25 feet.

Multiple buildings on a lot in this zone shall be permitted if the lot in question contains more than 43,560 square feet. The separation between buildings on the same lot in this zone shall be no less than 15 feet.

- F. Buffer Strip. There shall be provided 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 single family residential purposes. This provision shall not apply where internal common circulation and parking elements designed and intended to be used by, or for, residents of adjoining property are located. This buffer strip shall also not apply at locations where a property line coincides with the railroad right of way. This strip shall be landscaped with a dense planting of evergreen shrubs or trees at least six feet high, either alone or in combination with a wire or wooden fence.
- G. Coverage of land. Not more than 75% of the land area of any one development site may be covered by buildings and paved areas combined. Building coverage shall not exceed 25% of lot area.
- H. Building requirements. Townhouse buildings shall contain a minimum of two and a maximum of six dwellings; shall not exceed a length of 130 feet; shall provide a staggered front-wall building offset of at least five feet for every two units; and shall have not fewer than two walls with window exposures for each unit. Buildings containing dwellings reserved for developmentally disabled residents shall contain no more than 11 dwellings; shall not exceed 180 feet; and shall have not fewer than two walls with window exposures for each unit.
- I. All occupants of any dwelling unit within the ML-8 Affordable Housing District shall meet and satisfy all relevant income and family size requirements established by COAH thereby furthering the intent of the Borough of Allendale to secure COAH credits for each dwelling constructed in this zone district.
- J. Landscaping. Attractive landscape plantings shall be provided and maintained, and existing trees shall be retained wherever possible.
- K. Driveways. The pavement widths of all internal driveways shall be adequate in size and location to accommodate the maximum anticipated traffic and access for fire-fighting and police vehicles. Minimum paved width shall be 15 feet for a one-way

driveway and 25 feet for a two-way driveway. Pavement, curbs and drainage facilities shall be in accordance with Borough specifications. Use of grass pavers or similar materials shall be limited in use to emergency access ways and must be approved by the Borough Fire Sub Code Official and Engineer. Parking is prohibited within drive aisles.

L. Off-street parking. Off-street parking for unrestricted affordable dwellings shall be provided in accordance with the requirements established pursuant to the Residential Site Improvement Standards. For each affordable dwelling unit for residents with developmental disability, one off-street parking space shall be provided for each dwelling unit.

M. Lighting. All exterior lighting shall be arranged so as to reflect the light away from all adjoining premises.

N. Accessory buildings. Any building used for other than residential purposes shall be set back at least 40 feet from public streets, 50 feet from residential buildings and 30 feet from other property lines.

§ 270-159.5 Site plan review; approval.

Prior to the issuance of any construction permit, the appropriate land use agency of the Borough shall review and approve a final site 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 III

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 IV

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 V

Effective Date

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