

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN**

ORDINANCE NO. 18-14

**AN ORDINANCE OF THE BOROUGH OF ALLENDALE TO AMEND CHAPTER 270,
“ZONING” OF THE BOROUGH CODE, TO CREATE THE ALLENDALE CORPORATE CENTER
INCLUSIONARY OVERLAY RESIDENTIAL ZONE DISTRICT, ALSO KNOWN AS MFRO-3**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale as follows:

Section 1. Article XXXV “Allendale Corporate Center Inclusionary Overlay Residential District” Created.
That Article XXXV is hereby added to Chapter 270 to read as follows:

§ 270-193. Purpose and area of application.

To address its affordable housing unmet need obligation, the Borough shall implement an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to low- and moderate-income households on Block 702, Lot 14, also known as the Allendale Corporate Center. This Ordinance establishes the Allendale Corporate Center Inclusionary Overlay Zone – the MFRO-3 District— and permits the creation of multi-family development on the property identified above provided that such housing complies with a required 20% inclusionary set-aside requirement and with the requirements of this ordinance. This ordinance shall not take effect until such time that the site ceases to be used for warehousing, distribution, and any ancillary office use, or the site becomes available for residential development.

§ 270-194. Special Rules

- A. In any inclusionary development permitted by this ordinance, at least 20% of the residential units must be affordable to low- and moderate-income households. In the event that 20% of the total number of residential units does not result in a full integer, the developer (as defined in §81-2) shall refer to §81-3.C with regard to addressing the fractional unit.
 - (1) In any development having five (5) or more residential units, at least one (1) unit must be established as affordable to low- and moderate-income households
- B. Where this Ordinance contradicts §81-3 of the Borough’s Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of §81-3.

§ 270-195. Primary intended uses.

- A. Multi-family development, also known as apartments

§ 270-196. Accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal uses in the district, including but not limited to clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents and guests of the development, etc.

§ 270-197. Prohibited uses.

Any use other than the uses permitted by § 270-195 and §270-196 shall be prohibited.

§ 270-198. Lot, bulk and intensity of use regulations.

All buildings shall be subject to the following regulations:

- A. Maximum Density. The maximum density of housing units shall be twelve (12) units per acre.
- B. Principal building standards
 - (1) Maximum height of principal buildings. 35 feet in height or 3 stories.
 - (2) Minimum building setback to any property line or zone boundary shall be 50 feet
- C. Accessory buildings. Accessory buildings and structures shall comply with the following minimum setback requirements:
 - (1) Forty (40) feet from public streets; 20 feet from the traveled way of private internal streets, roadways, etc.
 - (2) Thirty (30) feet from all property lines other than public street right-of-way lines.
 - (3) Forty (40) feet from residential buildings located in the MFRO-3 District.
- D. Maximum impervious coverage by improvements. Not more than 60% of the tract area may be occupied by buildings, paved areas and other improvements.
- E. Building separation. There shall be a separation of at least 40 feet between adjacent multi-family buildings.
- F. Building scale. No building in the District shall exceed 150 feet in length.
- G. Recreation areas. At least 5% of the gross site area shall be set aside for casual recreational use, such as an open grassy area for games and other activities.
- H. Landscaping. Attractive landscape plantings shall be provided and maintained, and existing trees shall be retained wherever possible.
- I. Driveways. The right-of-way and pavement widths of all internal driveways shall be adequate in size and location to accommodate the maximum anticipated traffic and access of fire-fighting and police vehicles. Minimum paved width shall be 12 feet for a one-way driveway and 20 feet for a two-way driveway.
- J. Lighting. All exterior lighting shall be arranged so as to reflect the light away from all adjoining premises.
- K. Minimum buffer. There shall be provided a buffer along all property lines, other than along public streets, which adjoin any property zoned for residential purposes, regardless of whether the residential zone is developed for residential use or not. The buffer shall be designed to effectively screen the view of the MFRO-3 Zone property from such adjoining residential zone during all seasons.
 - (1) The buffer shall be at least 25 feet in depth.

- (2) No improvements shall be permitted within the buffer other than plantings, berms, walls, fences or a combination of the foregoing, and when determined necessary by the Joint Land Use Board utility structures, drainage pipes and related structures, etc., provided that such utility and drainage structures shall not reduce the effectiveness of the buffer.
- (3) In the event that berms, walls and fences are the primary method used for screening, plantings shall also be required within the buffer for aesthetic reasons, as determined by the Joint Land Use Board, as applicable. Plantings shall be provided between the tract boundary and any walls or fences used for buffers in order to improve the appearance of the wall or fence from outside the tract.
- (4) In the event that plantings are the primary method used for screening, the plantings shall include evergreen trees, with trees planted at a minimum height of six (6) feet at the time of planting. Additional plantings may be included or required, as determined by the Joint Land Use Board, as applicable. The precise type, quantity and spacing of plantings in the buffer shall be determined as part of any site plan review required by the Joint Land Use Board as necessary to achieve the intent of this subsection.
- (5) In the event that wetlands or other undevelopable areas exist in the location of a required buffer, and such areas do not provide an effective buffer in their natural state, plantings and/or berms and/or fencing, etc., sufficient to meet the intent of the buffer, as determined by the Joint Land Use Board shall be required to be provided outside of such undevelopable areas. The foregoing shall not be construed to require that such additional plantings, etc., have a minimum depth of 20 feet. The nature and extent of the buffer in such case shall be determined by the Joint Land Use Board based upon field conditions.

L. Building design.

- (1) Apartment-only buildings containing flats shall be designed as follows:
 - (a) In buildings containing apartment flats stacked one unit over the other, the units must be accessed via a common interior hallway with a single front and single rear door.
 - (b) Buildings containing apartment flats shall contain a minimum of two (2) and a maximum of sixteen (16) dwelling units.
- (2) No building façade shall exceed 150 feet in length.
- (3) All residential buildings shall provide a staggered front-wall building setback of at least five (5) feet for every two (2) units, so as to avoid a flat, continuous façade. For the purposes of regulating facade articulation pursuant to this section, stacked apartment flats shall constitute a single unit, so that multi-family buildings without townhouses appear similar to buildings with townhouses.

M. Parking. The amount and design of on-site parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:

- (1) Parking areas shall not be located in the front yard between buildings and public streets. Individual building driveways shall not have direct access to a public street, but may have direct access to an internal street, roadway, etc.
- (2) Parking areas shall not be located between buildings and internal streets, roadways, etc.,

except that parking spaces in the individual driveways located in front of garage doors shall be permitted in such locations, and furthermore parking areas containing a single row (i.e., one side of the access aisle only) of up to 10 spaces shall be permitted in such locations.

- (3) Parking areas and driveways shall be set back at least five (5) feet from all property lines abutting a nonresidential zone, and at least 20 feet from all other property lines, except as may otherwise be required for buffers as set forth in § 270-198J.
 - (4) Parking areas shall be set back at least seven (7) feet from building walls, except parking spaces in driveways located in front of garage doors.
 - (5) Parking areas shall be set back at least 10 feet from the traveled way of internal streets, roadways, etc., except that parking spaces adjacent to the traveled way and which use the traveled way for direct access to the space shall be exempt from this requirement.
 - (6) Parking spaces and private driveways shall be paved in accordance with the requirements for the same in the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.).
- B. Lighting. All exterior lighting shall be arranged to direct light away from all adjoining premises.
- (1) Unless specifically approved as part of a submitted site plan development application by the applicable approving board, no lighting shall be attached to the roof of a building.
 - (2) Any lighting within a building shall be of an intensity and shall be designed and focused to eliminate, to the maximum extent practicable, any emission of lighting outside of the building; all lighting outside of a building shall be provided via lighting fixtures approved by the applicable approving board, as part of an approval for a submitted site plan development application. The applicant is required to submit a lighting plan indicating the location of the lighting fixtures, the direction of illumination, the wattage and isolux curves for each fixture, the hours of operation of the lighting and the details of the lighting poles and the luminaries, all in accordance with the following:
 1. The lighting is to be provided by fixtures with a mounting height not higher than 15 feet, measured from the ground level to the centerline of the light source;
 2. The lighting fixtures are to include non-glare lights with recessed lenses focused downward and with "cut-off" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead sky glow;
 3. The light intensity provided at ground level shall be indicated in footcandles on the submitted plans and shall average not more than five-tenths footcandle throughout the area to be illuminated. The reviewing board may adjust these light levels where deemed appropriate to reduce the effects of the light levels on surrounding properties.

§ 270-200. Site plan review and approval.

Prior to the issuance of any construction permit, the Joint Land Use Board 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.

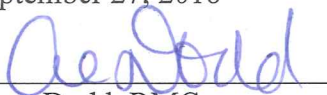
Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

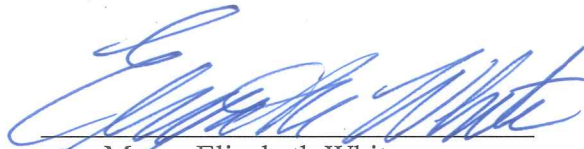
Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein	✓		✓			
Homan			✓			
O'Connell			✓			
Sasso			✓			
Strauch					✓	
Wilczynski		✓	✓			
White						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of Allendale on
September 27, 2018


Anne Dodd, RMC
Municipal Clerk


Mayor Elizabeth White