

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN**

ORDINANCE NO. 18-15

**AN ORDINANCE OF THE BOROUGH OF ALLENDALE TO AMEND CHAPTER 270,
“ZONING” OF THE BOROUGH CODE, TO CREATE THE FRANKLIN TURNPIKE
INCLUSIONARY OVERLAY RESIDENTIAL ZONE DISTRICT, ALSO KNOWN AS MFRO-4**

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

Section 1. Article XXXVI “Franklin Turnpike Inclusionary Overlay Residential District” Created. That Article XXXVI is hereby added to Chapter 270 to read as follows:

§ 270-201. 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 1803, Lot 1 also known as the Church of the Guardian Angel, at 320 Franklin Turnpike. This Ordinance establishes the Franklin Turnpike Inclusionary Overlay Zone – the MFRO-4 District, and permits the creation of townhouse and multi-family housing 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. The Ordinance will not take effect unless the church use ceases, or portions of the property become released for residential development. In such an event, the church use may not be changed to any other non-residential use.

§ 270-202. 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 / property owner 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.

§ 270-203. Primary intended uses.

The following principal uses and structures shall be permitted in the MFRO-4 Zone District:

- A. Multi-family development, also known as apartments or flats
- B. Single-family attached dwellings, also known as townhouses

§ 270-204. Accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the uses permitted in this 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.

§ 270-205. Prohibited uses.

Any use other than the uses permitted by §270-203 and §270-204 shall be prohibited.

§ 270-206. Lot, bulk and intensity of use regulations.

All buildings shall be subject to the following regulations:

- A. Maximum Density. Twelve (12) units per acre.
- B. Principal building standards
 - (1) Maximum height of principal buildings. 35 feet in height or 2 ½ stories.
 - (2) Minimum front yard from Franklin Turnpike. 35 feet
 - (3) Minimum front yard setback from interior driveways and roads: 20 feet from the traveled way of private internal streets, roadways, etc.
 - (4) Minimum side yard to interior driveways and roads: 10 feet
 - (5) Setback to residential zone districts: 50 feet
 - (6) Rear Yard setback: 25 feet
- C. Accessory building standards. 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 driveways and roads.
 - (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-4 District.
- D. Maximum coverage by improvements. Not more than 65% of the tract area may be occupied by buildings, paved areas and other improvements. At least 35% of the tract area shall be landscaped or, in the case of wetlands, wetland transition areas, water bodies or other undevelopable areas, preserved in a natural condition.
- E. Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
 - (1) Front wall facing front wall: 60 feet.
 - (2) Front wall facing rear wall: 50 feet.

- (3) Front wall facing end/side wall: 35 feet.
- (4) End/side wall facing end/side wall: 25 feet.
- (5) End/side wall facing rear wall: 30 feet.
- (6) Rear wall facing rear wall: 50 feet.
- (7) In case of uncertainty as to the definition of "front," "rear," "end/side" wall or in case the angle of the walls facing each other make interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.

F. Building design.

- (1) Apartment flat units may be located in buildings containing townhouse units. In such buildings containing more than six (6) total units, a minimum of 40% shall be townhouse units. In such buildings containing up to six (6) total units, a minimum of 33% shall be townhouse units. There shall not be more than six (6) buildings in the development combining apartment flats and townhouse units that contain six (6) or fewer total units.
- (2) Apartment-only buildings and buildings containing townhouses and apartment flats shall be designed in a manner that does not distinguish between the exterior design and appearance of apartment and townhouse units.
 - (a) In buildings containing apartment flats and townhouses, apartment flats must be incorporated into the building in a manner consistent with overall architectural theme of the building and shall emulate the facade design and treatment of the townhouse units in order to create the exterior appearance of a townhouse unit. If apartment flats are 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 with or without attached townhouses shall contain a minimum of two (2) and a maximum of twelve (12) dwelling units.
- (3) Buildings containing all townhouse units shall contain a minimum of two (2) and a maximum of six (6) dwelling units.
- (4) No building façade shall exceed 150 feet in length.
- (5) 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. Additionally, each unit shall have not fewer than two (2) walls with window exposure. 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.

G. Buffer standards.

- (1) Minimum buffer from residential zones: 25 feet
- (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 shrubs or trees at least six feet high 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 as prescribed herein. The nature and extent of the buffer in such case shall be determined by the Joint Land Use Board based upon field conditions.
- H. 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 townhouse or apartment buildings and public streets. Individual driveways serving townhouses or apartment housing units 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 townhouse or apartment buildings and internal streets, roadways, etc., except that parking spaces in the individual driveways for townhouse and apartment units 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 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 § 270-207E.
 - (4) Parking areas shall be set back at least seven 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.).

- I. 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:
 - (a) 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;
 - (b) The lighting fixtures are to include non-glare lights with recessed lenses focused downward and with "cut-off" shields as appropriate to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead sky glow;
 - (c) 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.

§ 270-208. 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.

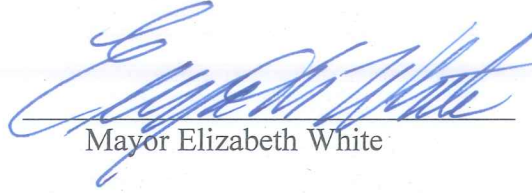
Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

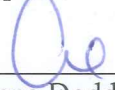
Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

	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


Mayor Elizabeth White


Anne Dodd, RMC
Municipal Clerk