

**BOROUGH OF PARK RIDGE  
ORDINANCE NO. 2021-019**

**ORDINANCE AMENDING AH AFFORDABLE HOUSING ZONES**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101, "ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AS IT RELATES TO THE AH AFFORDABLE HOUSING ZONES AND TO REZONE BLOCK 103 LOT 3, BLOCK 206 LOT 1, BLOCK 303 LOT 1, AND BLOCK 1602 LOT 5**

**WHEREAS**, the Borough of Park Ridge has entered into a Settlement Agreement ("Agreement") with Bear's Nest Developers, LLC, relating to the development of a 50-unit 100 percent affordable rental development on Block 206 Lot 2 and the dedication of adjacent Block 206 Lot 1 for passive open space, which Agreement calls for the amendment of applicable zoning to allow for said development; and

**WHEREAS**, the Borough of Park Ridge has prepared a Housing Element and Fair Share Plan, which calls for amendments to the existing AH-2 Affordable Housing zoning on Block 206 Lots 1 and 2 so as to allow for Block 206 Lot 2 to be developed with a 50-unit 100 percent affordable rental development (plus 1 additional unit for a superintendent's apartment) as well as the associated preservation of open space on Block 206 Lot 1; and

**WHEREAS**, the Borough's Housing Element and Fair Share Plan further calls for retention of the existing AH-1 Affordable Housing Zone designation on Block 1403 Lot 1, Block 1401 Lots 4, 5 and 6, and to rezone Block 1602 Lot 5 from the AH-2 Affordable Housing Zone to the AH-1 Affordable Housing Zone; and

**WHEREAS**, this Ordinance has been prepared to implement the above zoning amendments called for in both the Housing Element and Fair Share Plan and the Agreement; and

**WHEREAS**, the amendments to the AH-2 Affordable Housing Zone necessary to implement the proposal for Bear's Nest on Block 206 Lots 1 and 2, as set forth in this Ordinance, incidentally require rezoning of Block 103 Lot 3 and Block 303 Lot 1; and

**WHEREAS**, this Ordinance also amends the zoning ordinance to eliminate references to the AH-3 Overlay Zone, which was created in 2006 as a strategy to address the Borough's Growth Share Obligation, but which Growth Share Obligation was subsequently stricken down by the courts and which zoning was superseded by the adoption of a Redevelopment Area in 2016.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that:

**SECTION 1.** The "Zoning Map," included in Chapter 101 as Attachment 9, shall be amended as follows:

- To rezone Block 103 Lot 3, which is split-zoned in the R-T Residential Townhouse Zone and AH-2 Affordable Housing Zone, to be entirely within the R-T Residential Townhouse Zone, as set forth on the accompanying map;
- To rezone Block 206 Lot 1, which is split-zoned in the R-T Residential Townhouse Zone, ORL Office Research Laboratory Zone, and AH-2 Affordable Housing Zone, to be entirely within the AH-2 Affordable Housing Zone, as set forth on the accompanying map;

- To rezone Block 303 Lot 1, which is split-zoned in the ORL Office Research Laboratory Zone and R-T Residential Townhouse Zone, to be entirely within the ORL Office Research Laboratory Zone, as set forth on the accompanying map;
- To rezone Block 1602 Lot 5 from the AH-2 Affordable Housing Zone to the AH-1 Affordable Housing Zone, as set forth on the accompanying map; and
- To delete the AH-3 Overlay Zone from Block 1801 Lot 5 and Block 1802 Lots 6 and 7, as well as from the Legend in the map's title block.

**SECTION 2.** The "Schedule IV-1: Schedule of District Use Regulations," included in Chapter 101 as Attachment 1, shall be amended to delete the "AH-3 Overlay" Zone and all associated regulations, as well as to add "supportive and special needs housing" and "public open space for conservation use" to the list of permitted principal uses in the "AH-2" Zone.

**SECTION 3.** The "Schedule IV-2: Area, Yard and Bulk Requirements," included in Chapter 101 as Attachment 2, shall be amended to delete the "AH-3 Overlay" Zone and all associated regulations, retain the existing requirements applicable to the "AH-1<sup>3</sup> & AH-2<sup>3</sup>" Zones only for the "AH-1<sup>3</sup>" Zone, amend Footnote 3 to read "Subject to additional regulations detailed in Article XI," add a new Footnote 8 to read "Subject to additional regulations detailed in Article XIA," and add a new row in the table for the "AH-2<sup>8</sup>" Zone, which shall have the following requirements:

Minimum Lot Area (sf):	87,120
Minimum Lot Width (ft):	100
Minimum Street Frontage (ft):	--
Minimum Lot Depth (ft):	--
Minimum Front Yard (ft):	40
Minimum Side Yard (ft):	75
Maximum Dwelling Width (% Lot Width):	--
Minimum Rear Yard (ft):	20
Maximum Building Height (ft):	58
Maximum Building Coverage (%):	25
Maximum Impervious Coverage (%):	55
Maximum Floor Area Ratio (%):	--
Maximum Gross Floor Area (sf):	--

**SECTION 4.** Chapter 101, Article XI entitled "Affordable Housing," shall be deleted in its entirety and replaced with a new Article XI entitled "AH-1 Affordable Housing Zone," which shall read as follows:

#### **Article XI AH-1 Affordable Housing Zone**

##### **§ 101-42 Applicability.**

- A.** The AH-1 District encompasses the following properties, as identified on Borough Tax Maps: Block 1401 Lots 4, 5 and 6; Block 1403 Lot 1; and Block 1602 Lot 5.

##### **§ 101-43 Inclusionary development set aside.**

- A.** A total of 20% of the total number of dwelling units in a development in the AH-1 District shall be set aside for very low-, low- and moderate-income households, in accordance with the provisions of this article and subject to Chapter 39, Affordable Housing, of the Borough Code.

##### **§ 101-44 Permitted uses.**

- A.** In the AH-1 Zone, a building may be erected or used and a lot may be used or occupied for the following purposes:



- (1) Principal permitted uses: townhouses, garden apartments and multifamily residential dwelling units.
- (2) Accessory uses: off-street parking, recreation facilities, fences and walls, signs and other customary accessory uses and buildings which are clearly incidental to the principal use and building.

**§ 101-45 Area and bulk requirements.**

**A.** The following standards and bulk regulations shall apply to permitted uses in the AH-1 District:

- (1) Density. The maximum gross residential density for townhouses, garden apartments and multifamily developments shall be 12 dwelling units per acre.

- (2) Buffer area.

- (a) A minimum twenty-five-foot buffer shall be provided from all external lot lines, except that portion which fronts on an external street. Such buffer shall be kept in its natural state where wooded, and when its natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined to be appropriate by the approving authority.
- (b) No principal or accessory use or structure, including, without limitation, off-street parking and loading areas, shall be permitted within the required buffer area; but the approving authority may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.
- (c) Required buffer areas shall be included for the purposes of computing compliance with open space requirements and may be conveyed to unit owners as part of common elements, but in no case shall a buffer area be utilized for any active recreational or other active use.

- (3) Area, yard and bulk requirements.

- (a) The following area, yard and bulk requirements shall apply to permitted uses in the AH-1 Zone:

- [1] Minimum lot area: two acres.

- [2] Minimum lot width: 100 feet.

- [3] Minimum front yard: 50 feet.

- [4] Minimum side yards: 25 feet.

- [5] Minimum rear yard: 25 feet.

- [6] Minimum distance between buildings:

- [a] Front-to-front units: 60 feet.

- [b] Back-to-back units: 60 feet.

- [c] Front-to-back units: 60 feet.

- [d] Front-to-side units: 45 feet.

- [e] Side-to-side units: 30 feet.

- [f] Side-to-back units: 30 feet.

[7] Minimum internal road setback: 25 feet.

[8] Maximum building height: 2 1/2 stories; 35 feet.

[9] Maximum building coverage: 20%.

[10] Maximum impervious coverage: 50%.

(b) Buildings shall not exceed 160 feet in length.

(c) Each residential development shall contain a minimum of 25% of its total land area in open space.

(4) Recreation space. Recreation and sitting areas shall be provided at a ratio of 200 square feet per dwelling unit.

(5) Parking requirements. There shall be at least two off-street parking spaces per dwelling unit for all uses in the AH-1 Zone.

**§ 101-46 Supplemental regulations.**

A. Number of buildings and uses on a lot. Multiple buildings and uses shall be permitted on a lot in the AH-1 Zone, irrespective of any regulations to the contrary which are set forth elsewhere in this chapter.

**SECTION 5.** Chapter 101, Article XIA entitled "Administration of Affordable Housing Program," shall be deleted in its entirety and replaced with a new Article XIA entitled "AH-2 Affordable Housing Zone," which shall read as follows:

**Article XIA AH-2 Affordable Housing Zone**

**§ 101-47 Applicability.**

A. The AH-1 District encompasses the following properties, as identified on Borough Tax Maps: Block 206 Lots 1 and 2.

**§ 101-48 Affordable housing.**

A. One hundred percent (100%) of the total dwelling units developed in the AH-2 District shall be set aside as rental housing for very low-, low- and moderate-income households, in accordance with the provisions of this article and subject to Chapter 39, Affordable Housing, of the Borough Code, provided, however, that one (1) non deed-restricted unit may be provided for an on-site superintendent.

**§ 101-48.1 Permitted uses.**

A. In the AH-2 Zone, a building may be erected or used and a lot may be used or occupied for the following purposes:

(1) Principal permitted uses:

(a) Townhouses, garden apartments, multifamily residential dwelling units, and supportive and special needs housing. These housing types may be permitted as non-age-restricted, age-restricted (up to a maximum of 28 units), veterans preference housing (up to a maximum of 25 units), or any combination thereof. All units shall be for rent.

(b) Public open space for conservation use.

(2) Accessory uses: off-street parking, recreation facilities, fences and walls, signs and other customary accessory uses and buildings which are clearly incidental to the principal use and building.



**§ 101-48.2 Area and bulk requirements.**

**A.** The following standards and bulk regulations shall apply to permitted uses in the AH-2 District:

(1) Density. The maximum number of dwelling units permitted in the AH-2 Zone shall be 50 affordable\_dwelling units, plus 1 on-site non-deed restricted unit for occupancy by a building superintendent.

(2) Buffer area.

(a) A minimum buffer area of at least 75 feet shall be provided from all external lot lines, except that portion which fronts upon an external street or right-of-way and except that portion which abuts deed-restricted open space. Such buffer area shall be kept in its natural state where wooded, and when natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined by the approving authority.

(b) No principal or accessory use or structure, including, without limitation, off-street parking and loading areas, shall be permitted within the required buffer area; but the approving authority may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.

(c) In no case shall a buffer area be utilized for any active recreational use.

(3) Area, yard and bulk requirements.

(a) The following area, yard and bulk requirements shall apply to permitted uses in the AH-2 Zone:

[1] Minimum lot area: two acres.

[2] Minimum lot width: 100 feet.

[3] Minimum front yard: 40 feet.

[4] Minimum side yard: 75 feet.

[5] Minimum rear yard: 10 feet.

[6] Minimum distance between buildings:

[a] Front-to-front units: 60 feet.

[b] Back-to-back units: 60 feet.

[c] Front-to-back units: 60 feet.

[d] Front-to-side units: 45 feet.

[e] Side-to-side units: 30 feet.

[f] Side-to-back units: 30 feet.

[7] Maximum building height: 4 stories; 60 feet.

[8] Maximum building coverage: 25%.

[9] Maximum impervious coverage: 60%.

**(b) Parking requirements.**

- [1] Notwithstanding anything in § 101-62.A. to the contrary, there shall be at least 1.8 off-street parking spaces per dwelling unit for all uses in the AH-2 Zone.
- [2] Notwithstanding anything in § 101-62.B. to the contrary, off-street parking may be located in a required front yard, provided that such parking shall be set back minimally 5 feet from all external lot lines and further provided that such parking shall not encroach within any sight triangles.
- [3] Off-street parking shall be set back minimally 5 feet from buildings.

**§ 101-48.3 Supplemental regulations.**

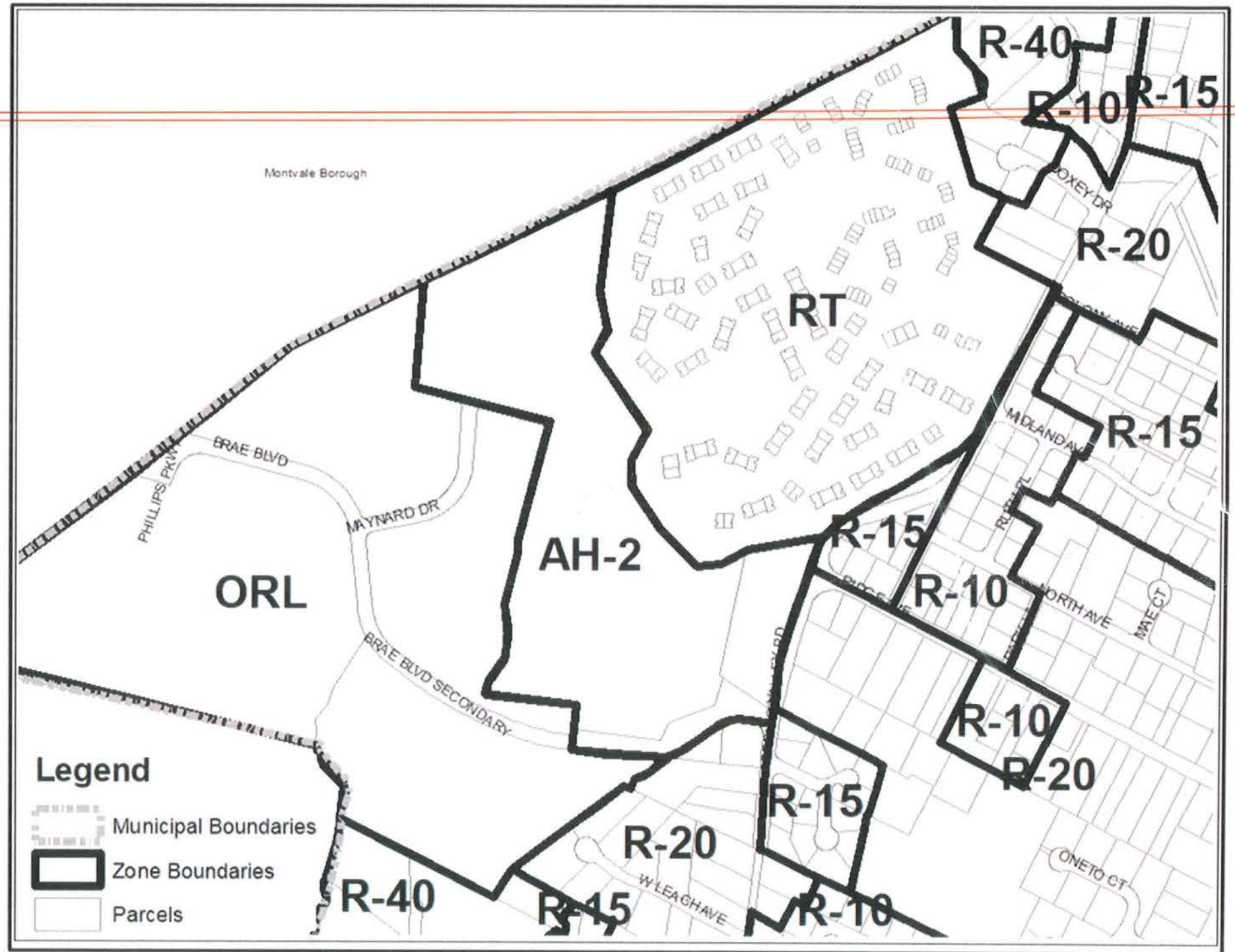
- A. Number of buildings and uses on a lot. Multiple buildings and uses shall be permitted on a lot in the AH-2 Zone, irrespective of any regulations to the contrary which are set forth elsewhere in this chapter.
- B. Additional height limitations. The additional height limitations set forth at § 101-17.C shall not apply in the AH-2 Zone.
- C. Occupancy Preference. In accordance with N.J.S.A. 52:27D-311(j), the Borough and developer or residential development owner may enter into an agreement to provide a preference for affordable housing to low- to moderate-income veterans who served in time of war or other emergency, as defined in Section 1 of P.L.1963, c. 171 (N.J.S.A. 54:4-8.10), of up to 50% of the affordable units in the development. This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units as the units become available, and whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect the Borough's ability to receive credit for the unit from the Court, COAH, or its successor.

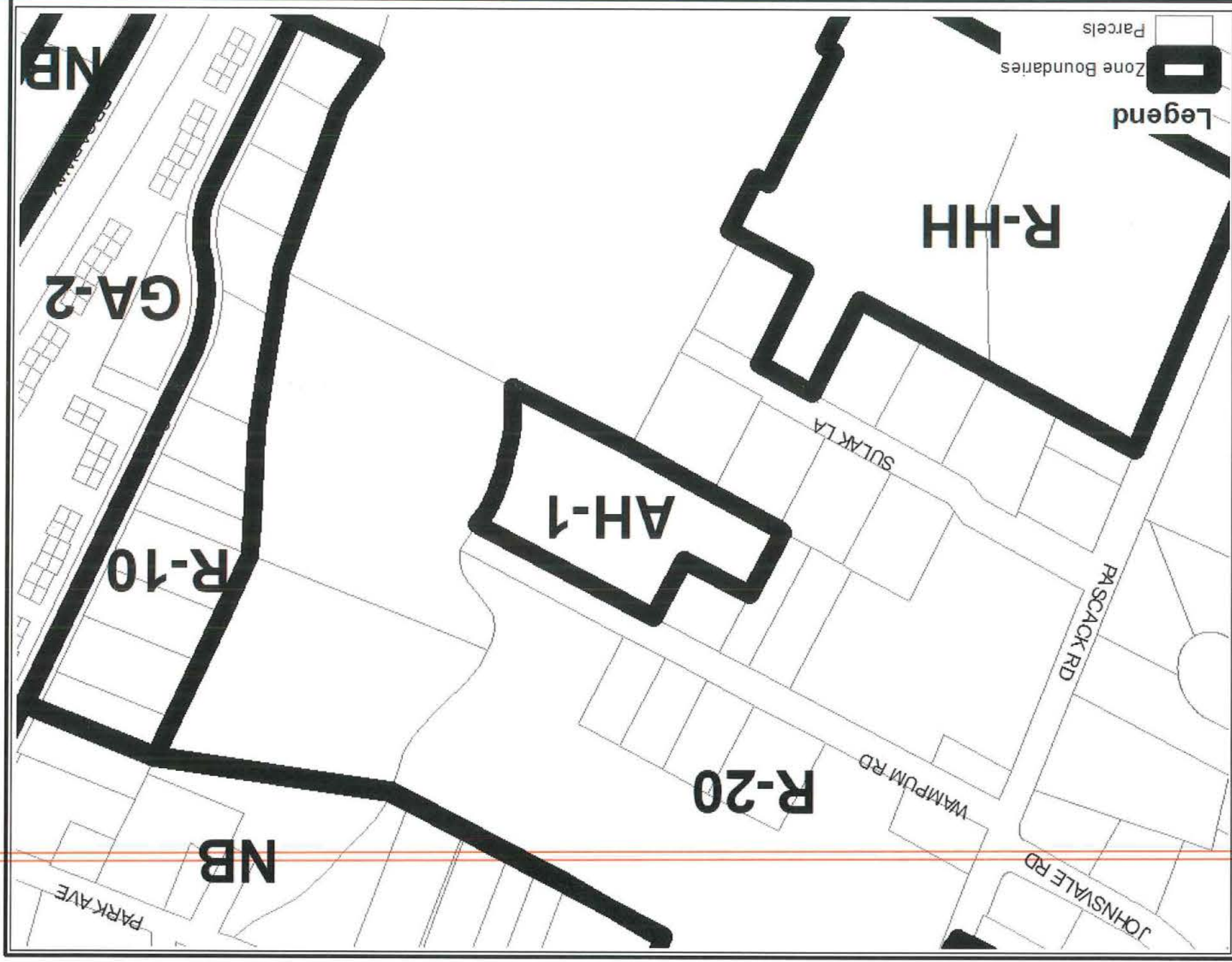
**SECTION 6.** All Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 7.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 8.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.









Adopted \_\_\_\_/\_\_\_\_/\_\_\_\_ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

\_\_\_\_\_  
KEITH J. MISCIAGNA, MAYOR

Attest:

\_\_\_\_\_  
Magdalena Giandomenico  
Borough Clerk