

BOROUGH OF PARK RIDGE
ORDINANCE 2021-021

**AN ORDINANCE OF THE BOROUGH OF PARK RIDGE AMENDING AND
SUPPLEMENTING CHAPTER 101, “ZONING,” OF THE CODE OF THE
BOROUGH OF PARK RIDGE
TO ESTABLISH A NEW AH-4 AFFORDABLE HOUSING ZONE AND TO SET
FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

WHEREAS, the Borough of Park Ridge (“Borough”) desires to create a realistic opportunity for the construction of affordable housing within the Borough; and

WHEREAS, on June 29, 2015, the Borough filed a Complaint for Declaratory Judgment seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. (“FHA”) in accordance with In re N.J.A.C. 5:96, 221 N.J. 1 (2015)(Mount Laurel IV) with respect to the Borough of Park Ridge’s affordable housing obligation “to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low- and moderate-income families.” 221 N.J. at 3-4; and

WHEREAS, the Borough of Park Ridge, the Intervenor (Landmark AR Park Ridge, LLC (“Landmark’’)), and Fair Share Housing Center (“FSHC”), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) as an intervening defendant in this proceeding, in consultation with the Court-appointed Master participating in the Declaratory Judgement action, entered into a settlement agreement dated November 18, 2020 (the “Agreement”); and

WHEREAS, a Fairness Hearing was held on January 15, 2021 before the Honorable Gregg A. Padovano, J.S.C., during which the Settlement Agreement was approved, as memorialized by a Preliminary Order of Compliance (“Order”) entered by the Court on January 26, 2021; and

WHEREAS, the Borough has accepted, for purposes of settlement, certain lands comprised of approximately 29.85 acres within the ORL Office Research Laboratory Zone, commonly referred to as Block 301 Lot 1, as suited for inclusionary development; and

WHEREAS, as per the terms of the Settlement Agreement and the Court’s Order, the Borough has prepared an ordinance allowing for the construction of up to 448 units of family rental housing on Block 301 Lot 1, of which fifteen percent (15%) shall be affordable family rental units.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Park Ridge in the County of Bergen and the State of New Jersey that Chapter 101, “Zoning,” of the Borough Code be amended, supplemented and revised as follows:

Section 1. Section 101-5, “Districts designated” shall be amended to add the underlined text alphabetically, as follows:

§ 101-5 Districts designated.

 AH-4 Affordable Housing

Section 2. The “Zoning Map,” included in Chapter 101 as Attachment 9, shall be amended to rezone Block 301 Lot 1 from the “ORL” Zone to a new “AH-4” Zone, and to amend the Zoning Map’s legend to include the following: “AH-4 Affordable Housing”.

Section 3. The “Schedule IV-1: Schedule of District Use Regulations,” included in Chapter 101 as Attachment 1, shall be amended to add a new “AH-4” Zone, which shall include the permitted uses set forth at §101-48.5 in Section 5 of this Ordinance.

Section 4. The “Schedule IV-2: Area, Yard and Bulk Requirements,” included in Chapter 101 as Attachment 2, shall be amended to add a new “AH-4” Zone, which shall include the area and bulk requirements set forth at §101-48.7.A. in Section 5 of this Ordinance.

Section 5. A new Article XIB, entitled “AH-4 Affordable Housing Zone,” shall be added to Chapter 101. This new article shall read as follows:

Article XIB AH-4 Affordable Housing Zone

§101-48.4 Purpose and intent.

The purpose of the AH-4 Affordable Housing Zone is to provide a realistic opportunity for the construction of affordable housing on Block 301 Lot 1 as part of a comprehensively planned inclusionary development, in accordance with the Borough’s 2021 Housing Element and Fair Share Plan and the settlement agreement entered into between the Borough of Park Ridge, Landmark AR Park Ridge, LLC, and Fair Share Housing Center on November 18, 2020. In any instance in the future wherein the Borough of Park Ridge adopts new ordinance(s) addressing any particular land development control conflicting with this ordinance, the regulations and standards established herein shall control, provided that if the Court agrees to an amendment to this ordinance, the amendment shall apply. The zone contemplates that the property, consisting of approximately 29.85 gross acres, will contain up to 448 family rental units, including a fifteen percent (15%) set-aside for very low-, low- and moderate-income units.

§101-48.5 Permitted uses.

In the AH-4 Zone, the following uses shall be permitted. Any use or structure other than those permitted herein below are prohibited.

A. Permitted Principal Uses.

- (1) Non-age-restricted multifamily rental dwellings.
- (2) Non-age-restricted townhouse rental dwellings.
- (3) Irrespective of §101-12 of the Borough Code, more than one of the principal uses set forth in Subsections (1) and (2) above shall be permitted on a lot in the AH-4 Zone.

B. Permitted Accessory Uses. The following accessory uses shall be permitted in connection with a permitted principal use in the AH-4 Zone, the use of which shall be limited to the residents of the development and their guests. The accessory uses shall be selected by developer in its sole discretion and depicted on an application for development of same.

- (1) Recreational facilities, fitness facilities, outdoor barbecues, fire pits, gazebos, leasing and management offices, club rooms, lounges, libraries, business centers, game rooms, pool rooms, community gardens, rec rooms, children’s play rooms, private theater rooms, community kitchens for tenant use, bath house, locker rooms, mail rooms, package storage areas, valet spaces, and similar interior tenant amenities.
- (2) Buildings for storage of mechanical equipment.
- (3) Balconies (provided such balconies shall not be used for outdoor storage), decks and patios attached to a principal building.
- (4) Outdoor recreation facilities, including but not limited to fields, courts, putting greens, swimming pools, and playgrounds.
- (5) Dog park or dog run.
- (6) Dog spa or grooming facility, not including boarding or veterinarian services.
- (7) Storage spaces for tenants of a multi-family residential building. Such storage spaces may be unattached to individual units, but must be included within a principal building.
- (8) Refuse and recycling receptacles.
- (9) Off-street parking and loading facilities, including surface parking lots, parking that is provided on the ground level of a building with occupied floors built above, and one-car garage and driveway combinations. Structured parking (i.e., a structure in

which vehicle parking is accommodated on multiple stories or floors) shall not be permitted in the AH-4 Zone.

- (10) Electric vehicle charging stations.
- (11) Bicycle racks and bicycle storage rooms.
- (12) Signs.
- (13) Fences and walls.
- (14) Bus/shuttle depots.
- (15) Any other use customarily incidental to a permitted principal use.

§101-48.6 Affordable housing requirements.

A. All multifamily and/or townhouse developments constructed in the AH-4 Zone shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be fifteen percent (15%) of the total number of units constructed within the AH-4 Zone. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

B. All affordable units to be produced pursuant to this article shall comply with the Borough's Affordable Housing Ordinance at Chapter 39 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including a judgment of compliance and repose order. This includes, but is not limited to, the following requirements for all affordable units:

(1) Low-moderate-income split: A maximum of fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (13%) of all affordable units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development. The very low-income units shall be proportionately distributed across each bedroom size.

(2) Bedroom mix: Irrespective of any bedroom distribution requirements to the contrary, the bedroom distribution of the affordable units shall be no more than fifteen percent (15%) one-bedroom units, no less than thirty-five percent (35%) three-bedroom units, with the remaining fifty percent (50%) being two-bedroom units.

(3) Deed restriction period. Each affordable rental unit shall remain subject to these affordability controls, covenants, conditions, deed restrictions, and the applicable affordable housing regulations for a minimum period of at least thirty (30) years. At the conclusion of the thirty (30) year term, the affordability controls, covenants, conditions, and deed restrictions shall not automatically expire. At the conclusion of the thirty (30) year term, the Borough reserves the right to exercise the option to extend the affordability controls, covenants, conditions and deed restrictions for an additional period of time by formal adoption of a resolution; or exercise any other option(s) available to the Borough to preserve the affordability controls as set forth in UHAC or any other applicable statute, regulation or law that may be in effect at that time. At the conclusion of the thirty (30) year term, the Borough shall be afforded a reasonable amount of time not to exceed one hundred twenty (120) days to exercise this option to preserve and extend the affordability controls, covenants, conditions and deed restrictions; or to release the affordable unit from such requirements by formal adoption of an ordinance taken in compliance with N.J.A.C. 5:80-26.11(e) or any other applicable statute, regulation or law that may be in effect at that time.

(4) Administrative agent: All affordable units shall be administered by a qualified administrative agent paid for by the developer.

(5) Other affordable housing unit requirements: Developers shall also comply with all of the other requirements of the Borough’s Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, and (3) unit phasing requirements, unless specifically modified by order of the Court.

C. Irrespective of any integration requirements to the contrary, all of the affordable units may be permitted as multifamily dwellings. Affordable townhouse dwellings shall not be required. However, the developer shall ensure that the affordable units are dispersed within and between all of the multifamily residential buildings (excluding townhouse buildings) on site and shall identify the exact location of each affordable unit at the time of site plan application.

D. All amenities and site services which are made available to the market rate units shall also be made available to the affordable units on the same terms as the market rate units.

§101-48.7 **Development standards.**

A. Area, yard and bulk requirements. The following area, yard and bulk requirements shall apply to all uses permitted in the AH-4 Zone:

Requirement	AH-4 Zone Regulation
Minimum Lot Size	27.5 Acres
Minimum Yard Setbacks:	
From Borough of Montvale Municipal Boundary Line	0 Feet
From Brae Boulevard ROW	200 Feet
From Block 304 Lot 1	100 Feet
From Borough of Woodcliff Lake Municipal Boundary Line	30 Feet
From Block 301 Lot 2	200 Feet
Minimum Setbacks Between Buildings:	
Side Facing Side	15 Feet
Other	25 Feet
Maximum Building Height for Buildings at least 200 feet from Woodcliff Lake Municipal Boundary Line	60 Feet/4 stories
Maximum Building Height for Buildings within 200 feet of Woodcliff Lake Municipal Boundary Line	49 Feet/3 stories
Maximum Number of Units	448 Units
Maximum Building Coverage	45%
Maximum Impervious Coverage	60%
Minimum Open Space	40%

(1) Any structures, apparatus, utilities, equipment and amenities such as mezzanines and/or roof decks/terraces/porches (as provided for under the IBC) on the roof shall not constitute a Story, provided that no roof covers any portion of the area.

B. Supplemental requirements. In addition to the area, yard and bulk requirements set forth at Subsection A. above, the following supplemental requirements shall apply to all uses permitted in the AH-4 Zone. The requirements for townhouse development at §101-20.D. and for multifamily development at §101-20.E. shall not apply.

- (1) Multiple principal buildings on a lot. Irrespective of §101-11 of the Borough Code, multiple principal buildings shall be permitted on a lot in the AH-4 Zone.
- (2) Supplemental height requirements. In addition to the height requirements set forth at Subsection A. above, the supplemental height requirements set forth at §101-17 shall also be applicable in the AH-4 Zone, except as follows:

- (a) §101-17.B(4) requiring mechanical penthouses and other rooftop equipment and projections to be of materials substantially similar to the façade of the building or designed to be an architecturally integral part of the structure shall not apply in the AH-4 Zone, provided that such mechanical penthouses, rooftop equipment, and projections are screened from view from all vantage points at grade or below the roof. Otherwise, §101-17.B(4) shall apply in full force and effect.
- (b) §101-17.C shall not apply in the AH-4 Zone.
- (3) Supplemental yard requirements. In addition to the yard requirements set forth at Subsection A. above, the supplemental yard requirements set forth at §101-16 shall also be applicable in the AH-4 Zone, except as follows:
 - (a) Irrespective of §101-16.B(1), parapets, windowsills, doorposts, rainwater leaders, and similar ornamental or structural fixtures may project a maximum distance of two (2) feet into required yards.
 - (b) Irrespective of §101-16.B(4), patios and decks shall conform to the yard requirements of principal buildings, except that patios and decks may project a maximum distance of ten (10) feet into the yard abutting the Borough of Woodcliff Lake Municipal Boundary Line.
 - (c) Heating, ventilation and air-conditioning units may project a maximum distance of ten (10) feet into the yard abutting the Borough of Woodcliff Lake Municipal Boundary Line.
 - (4) Retaining walls, sidewalks, walkways, fences, freestanding signs, above and below ground storm water detention basins, and above ground and underground utilities shall be permitted within the setbacks set forth in the Table in §101-48.7A.
 - (4) Accessory buildings and structures. §101-21.A. relating to accessory structures and uses in residential districts shall not apply in the AH-4 Zone. Instead, the following requirements shall apply to accessory buildings and structures in the AH-4 Zone:
 - (a) The maximum height of accessory buildings and structures shall be fourteen (14) feet.
 - (b) Accessory buildings and structures shall conform to the yard setback requirements set forth in Subsection A. and Subsection B.(3) above.
 - (3) Accessory buildings shall be setback a minimum of ten (10) feet between buildings.
 - (4) Architectural design and materials used in the construction of accessory buildings shall be consistent with those used in the construction of principal buildings.
 - (5) The provisions of this section shall not apply to signs, off-street parking, fences and walls, and refuse and recycling enclosures, which are regulated elsewhere in this article.
 - (5) Open space. At least forty percent (40%) of the lot area shall be devoted to common open space. Said open space shall be any area that is not impervious. It may consist of active and passive recreational facilities or undeveloped land. Where open space is to be provided as active or passive recreation, said areas shall be appropriately designed and landscaped to provide shade coverage, seating and trash receptacles. Where open space is to remain undeveloped, vegetation shall be kept in its natural state.
 - C. Signage. Signs within the AH-4 Zone shall comply in all respects with Chapter 101, Article X, Signs, except that §101-36.B. relating to signs in residential districts shall not apply. Instead, the following regulations shall apply in the AH-4 Zone:
 - (1) Monument signs. One (1) monument sign shall be permitted in the AH-4 Zone in accordance with the following:
 - (a) The monument sign shall be permitted to display the name(s) of the development(s) in the AH-4 Zone, as well as on Block 3302 Lot 1 within the Borough of Montvale.

- (b) The monument sign shall have a maximum sign area of sixty (60) square feet. The maximum sign height as measured from the adjacent grade to the top of the sign shall be six (6) feet.
- (c) The monument sign shall be set back minimally 10 feet from the property line and shall be located outside of any sight triangle.
- (d) §101-39 pertaining to illumination of signs shall apply in the AH-4 Zone, except as follows:

[1] Irrespective of §101-39.B, external illumination by more than one floodlight per sign face shall be permitted for a monument sign, provided such lighting shall be at grade and properly directed and shielded so as not to produce glare or offensive light off the property.

- (2) Building-mounted signs. Two (2) building-mounted signs displaying the name of the development shall be permitted in the AH-4 Zone in accordance with the following:
 - (a) The two (2) building-mounted signs may be permitted to be located on a wall and/or upon a canopy or awning.
 - (b) No building-mounted sign shall exceed sixty (60) square feet.
 - (3) Wayfinding and directional signs. Wayfinding and directional signs for the convenience of the general public shall not exceed nine (9) square feet in area.

D. Off-street parking, loading and circulation.

- (1) The minimum number of off-street parking spaces required within the AH-4 Zone shall be 1.8 spaces per dwelling unit. Because this parking requirement deviates from the Residential Site Improvement Standards (RSIS), development in the AH-4 Zone which meets or exceeds 1.8 parking spaces per dwelling unit, but does not comply with RSIS, will require a *de minimis* exception, but not variance relief.
- (2) Parking spaces shall measure nine (9) feet in width by eighteen (18) feet in length, except that up to fifteen percent (15%) of all parking spaces may measure eight and one-half (8.5) feet in width by sixteen (16) feet in length. Because these parking dimensions deviate from the Residential Site Improvement Standards (RSIS), parking spaces which measure eight and one-half (8.5) feet in width by sixteen (16) feet in length will require a *de minimis* exception, but not variance relief.
- (3) Off-street parking shall be designed in accordance with §87-43, “Off-Street Parking Requirements.” However, in the event of a conflict between §87-43 and this article, this article shall govern.
- (4) Development in the AH-4 Zone shall be exempt from §87-44, “Off-Street Loading Requirements.” However, where fifty (50) or more units are provided in a single building in the AH-4 Zone, the design shall include one (1) loading space for that building. Said loading space shall be no less than twelve (12) feet in width and thirty-five (35) in length, and the overall floor-to-ceiling height or clear height distance shall not be less than twelve (12) feet. Off-street loading spaces shall meet the minimum yard setbacks for principal buildings.
- (5) The off-street parking, loading and driveway requirements set forth at §101-23 and §101-62.B. shall not apply in the AH-4 Zone.
- (6) All off-street parking spaces, loading spaces, and internal roadways/drive aisles shall be located a minimum of ten (10) feet from buildings, except for parking, loading, or drive aisles within or under a building or which extend continuously into or under a building from outside the building. One car tandem garage/driveway combinations shall also be exempt from this setback requirement.
- (7) All off-street parking spaces and internal roadways/drive aisles shall be set back a minimum of thirty (30) feet from property lines, except that no setback shall be required from the Borough of Montvale Municipal Boundary Line or from Block 304 Lot 1.

(8) Irrespective of any prohibitions to the contrary, internal roadways/drive aisles within the AH-4 Zone shall provide for permitted access (both primary and emergency) to the development on Block 3302 Lot 1 within the Borough of Montvale.

(9) Electric vehicle charging stations shall be provided in accordance with §101-62.C. of the Borough Code.

(10) Bicycle parking shall be provided at a minimum ratio of one (1) bike space per fifteen (15) dwelling units.

E. Sidewalks and pedestrian walkways. A sidewalk shall be provided along the entirety of the property's Brae Boulevard frontage as well as along Sony Drive between Brae Boulevard and the subject property, unless NJDEP requirements prohibit the construction of sidewalks in these locations due to the presence of environmental constraints and/or the provision of a sidewalk is waived by the Planning Board. The sidewalk provided along public rights-of-way shall be designed in accordance with §87-48.C(1)-(3) of the Borough Code and shall connect with on-site pedestrian walkways, which shall be located throughout the interior of the site to provide safe and efficient pedestrian circulation to all buildings in the AH-4 Zone. These interior lot walkways shall have a minimum width of four (4) feet and shall be ADA accessible. Notwithstanding the Residential Site Improvement Standards (RSIS), sidewalks shall only be required on one side of the street. Because this standard deviates from RSIS, sidewalks provided on only one side of the street will require a de minimis exception, but not relief from the Borough Code. Development of uses permitted in the AH-4 zone shall not be required to contribute to the Borough's In Lieu of Sidewalk Improvement Fund pursuant to Section 87-8 of the Borough Code.

F. Fences and walls. Fences and walls within the AH-4 Zone, including retaining walls, shall comply in all respects with §101-21.E, except as follows:

(1) Irrespective of §101-21.E(1), tiering of retaining walls shall be required, unless commercially impracticable as reasonably determined by the Planning Board Engineer and without any reduction to permitted density, with each tier to be no greater than ten (10) feet in height, provided that a six (6) foot wide planted plateau is provided in between walls. Plantings in front of the walls and on tiers shall have a planted height of no less than eight (8) feet. If the Planning Board Engineer determines that tiering of retaining walls up to 10 feet in height is commercially impracticable, retaining walls shall be permitted up to a maximum height of thirty (30) feet.

(2) Where provided, retaining walls shall be screened with a variety of landscaping materials, in groupings, rather than utilizing hedges or uniform plant species and spacing.

(3) Retaining walls shall be set back off the property line a sufficient distance to allow installation of a twenty-five (25) foot wide planted buffer area or a twenty (20) foot wide planted buffer area provided such buffer area includes eight (8) foot tall Evergreen trees, and shall be set back a minimum of six (6) feet from a principal building, except where the retaining wall extends perpendicular to that principal building.

(4) Safety fencing shall be installed along the tops of all retaining walls which exceed a height of three (3) feet. Safety fencing on top of a retaining wall shall be limited to a height of four (4) feet. Vinyl-coated chain-link, PVC, and metal fencing are permitted.

(5) Ornamental walls and privacy fences shall comply with §101-21.E.(1). Same shall be permitted along a property line.

(6) Irrespective of §101-21.E(1), privacy fencing along the Woodcliff Lake Municipal Boundary Line shall be permitted up to a maximum height of eight (8) feet, provided that a minimum five (5) foot setback is provided between the privacy fencing and the Woodcliff Lake Municipal Boundary

Line, and further provided that Evergreen trees are planted at a height of eight (8) feet between such privacy fencing and the Woodcliff Lake Municipal Boundary Line.

G. General design standards.

- (1) Except where prohibited by the IBC, development in the AH-4 Zone shall consist entirely of buildings of wood-frame construction with the exception of at grade parking decks/garages, which shall not be required to be wood-frame construction.
- (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- (3) The maximum spacing between building wall offsets shall be seventy (70) feet.
- (4) The minimum projection or depth of any individual vertical offset shall be one (1) foot.
- (5) Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. Pitched roofs shall be provided; however, a flat roof shall be permitted in the AH-4 Zone, provided that a detail providing the appearance of a pitched roof or mansard is utilized.
- (6) The maximum spacing between roof offsets shall be seventy (70) feet.
- (7) Architectural treatments and visual interest shall be applied to all visibly exposed facades of a building. All facades of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- (8) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (9) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (10) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (11) Placement of any packaged terminal air conditioner units within the façade is expressly prohibited in the AH-4 Zone.

H. Refuse and recycling.

- (1) The collection and storage of refuse and recycling shall comply with §87-49 of the Borough Code.
- (2) All trash/recycling storage areas stored outside the confines of a building shall be enclosed with masonry block walls with PVC fence gates. Said enclosures shall adhere to the same property line setbacks as are required for off-street parking spaces, and shall be screened from view from any adjacent properties.

(3) Refuse and recycling collection shall be handled by a private hauler, the costs of which shall be reimbursed by the Borough pursuant to N.J.S. 40:66-1.3. All private hauling operations within the AH-4 Zone shall, however, be subject to Borough review and approval.

(4) Notwithstanding section 64-13, recyclable materials may be separated off-site by a private hauler.

I. Lighting.

(1) All exterior lighting in the AH-4 Zone shall comply with §87-45.A. of the Borough Code.

(2) All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.

(3) All exterior lights shall be light-emitting diode (LED) light of the soft white category, and shall be Dark Sky compliant.

(4) All exterior lights shall be focused downward so that the direct source of light is not visible from adjoining streets or properties.

J. Landscaping and buffering.

(1) A landscaping plan shall be provided in accordance with §101-63.A. and B. of the Borough Code.

(2) Landscaping of parking and loading areas shall comply with §101-61(A) of the Borough Code. The remaining sections of §101-61 shall not apply.

(3) A minimally twenty (20) foot wide planted buffer area shall be required along the property line abutting the Borough of Woodcliff Lake municipal border. An eight (8) foot high privacy fence shall be provided five (5) feet from the Borough of Woodcliff Lake municipal border, with eight (8) foot high Evergreen trees to be planted between the privacy fence and the Borough of Woodcliff Lake municipal border. The required buffer area shall be comprised of native evergreen species that provide a year-round visual screen and shall be augmented with native flowering trees and shrubs. The buffer area shall also comply in all respects with §101-63.C.

K. Drainage and stormwater management. All development in the AH-4 Zone shall comply with the drainage and stormwater management requirements set forth at Chapter 61, "Flood Hazard Control," and §84A-12, "Stormwater Control," of the Borough Code, as well as those set forth in the Residential Site Improvement Standards and N.J.A.C. 7:8.

§101-48.8 Application requirements.

A. Any application for development in the AH-4 Zone shall be submitted in accordance with the requirements of Chapter 87, Article VII, "Site Plan Approval," and Chapter 87, Article IX, "Site Plan Details," except as follows:

(1) Irrespective of §87-27.B, final site plan approval may be granted for development of permitted uses within the AH-4 Zone, conditioned upon receipt of county site plan approval and/or approval from any other county, state or federal agency.

(2) All required NJDEP permits and approvals shall be secured and provided to the Borough prior to construction.

(3) As otherwise provided for in the settlement agreement entered into between the Borough of Park Ridge, Landmark AR Park Ridge, LLC, and Fair Share Housing Center on November 18, 2020.

(4) The Applicant shall provide a performance guarantee and maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§101-48.9 Miscellaneous.

1. Section 85-1.C. of the Borough Code shall not apply with respect to the timing for street opening and excavation, provided that any trench opened on any public right-of-way shall be closed at the end of each day and subject to the discretion of the DPW based on weather from December 1 to March 1.
2. Notwithstanding section 74-6.1 of the Borough Code, any variance from the terms of this chapter hereafter granted by the Planning Board, permitting the erection or alteration of any structure or structures or permitting a specified use in the AH-4 Zone, shall expire concurrently with the expiration of any preliminary site plan approval in accordance with N.J.S. 40:55D-49 or final site plan approval in accordance with N.J.S. 40:55D-52.
3. Consistent with N.J.A.C. 5:93-10.1(b) and 101-46K, no unnecessary cost generative provisions of the Park Ridge Borough Code shall apply to any proposed inclusionary development within the AH-4 District.
4. Chapter 81 shall not apply to any Dwelling Units or owner of Dwelling Units developed pursuant to this Ordinance. Notwithstanding the foregoing, upon issuance of a certificate of occupancy, each Dwelling Unit shall be registered with the Borough. Thereafter, the Owner shall update registration of the Dwelling Units annually.

Section 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 7. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. Effective date. This Ordinance shall take effect immediately upon final passage 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:

Attest:

KEITH J. MISCIAGNA, MAYOR

Magdalena Giandomenico
Borough Clerk