

**B-1 & B-2 AFFORDABLE HOUSING OVERLAY ZONE**

ORDINANCE NO. 19-2556

BOROUGH OF BERGENFIELD  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 186 ENTITLED "Land Development Ordinance of the Borough of Bergenfield, New Jersey"

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BE IT ORDAINED by the Borough Council of the Borough of Bergenfield, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Bergenfield, Chapter 186 entitled "Land Development Ordinance of the Borough of Bergenfield, New Jersey".

Section 1

- A. §186-3 The following term shall be added in correct alphabetic order:  
INCLUSIONARY DEVELOPMENT—A development containing both affordable units, as defined in the Fair Housing Act, as amended, and market-rate units.
  
- B. The list of zones provided in Article VI Zoning Regulations and Establishment of Zones, Section 186-36, Enumeration of Zones established is hereby amended to include:
  - B-1 AHO            B-1 Affordable Housing Overlay Zone.
  - B-2 AHO            B-2 Affordable Housing Overlay Zone.
  
- C. §186-37 "Schedule A" is amended by the addition of the following two zones:
  - B-1 AHO            B-1 Affordable Housing Overlay Zone.
  - B-2 AHO            B-2 Affordable Housing Overlay Zone

Permitted uses for each zone are:

- 1. All principal permitted uses, accessory uses and conditional uses for the underlying zone are allowed.
  - 2. Inclusionary developments on upper floors only as a principal use.
- D. §186-38.1 Zoning Map is herein amended and supplemented to depict the B-1 Affordable Housing Overlay Zone on the following properties;  
All properties with Washington Avenue frontage in the B-1 zone north of Clinton Avenue to the municipal boundary line.

§186-38.1 Zoning Map is herein further amended and supplemented to depict the B-2 Affordable Housing Overlay Zone on the following properties;  
All properties with Washington Avenue frontage in the B-2 zone north of Clinton Avenue to the municipal boundary line.

- E. §186-49 Off street parking and loading areas is hereby amended to delete existing paragraph N and replace this paragraph with the following:

- N. All residential parking shall comply with the New Jersey Residential Site Improvement Standards. Pursuant to N.J.A.C.5:21-4.14(e), when housing is included in mix-use development, a shared parking approach to the provision of parking shall be permitted. Furthermore, if applicants can demonstrate there is sufficient overnight on-street parking in proximity to their site, applicants can apply those available spaces to their development on a non-exclusive basis.

## Section 2

The following Article is hereby included in the Land Development Ordinance:

### ARTICLE VIIIA

B-1 AHO Affordable Housing Overlay Zone

B-2 AHO Affordable Housing Overlay Zone

## §186-63.5 Objectives.

- A. Objectives. The provisions of this section are intended to foster the planning and redevelopment of the above noted Washington Avenue properties into a vibrant mixed-use development, and to promote the health, safety, and general welfare of the public and the Borough of Bergenfield through the utilization of overlay zoning techniques, encouraging the construction of inclusionary housing consistent with smart growth design principles by supplementing the existing B1 and B2 zone regulations which continue to remain in effect.

§186-63.6 Design requirements.

All mixed-use inclusionary developments shall comply with the following design requirements and standards.

- A. Area and Bulk Standards. Schedule B of the Bergenfield Zoning Ordinance is hereby amended through the addition of the following two (2) new rows.

Zone District	Min. Lot Area	Min. Lot Width (5)	Maximum Improved Lot Coverage (4)	Maximum Lot Coverage (6)	Maximum Building Height Feet/Stories	Min. Front Yard	Min. Side Yard (one/both)	Min. Rear Yard
B-1 Affordable Housing Overlay	N/A	N/A	85	65	40/3	10	5/10	15
B-2 Affordable Housing Overlay	10,000	100	85	55	40/3	10	5/10	15

- B. The intent in adopting the B-1 Affordable Housing Overlay Zone and B-2 Affordable Housing Overlay Zone is to maximize development opportunities to locate inclusionary housing in upper floors in both existing and new buildings. Residential development is expressly prohibited in the first floor of any building with frontage upon Washington Avenue. Upper floor elevations, regardless if existing or proposed, are permitted to be occupied residentially.
- C. Affordable housing as defined in NJAC 5:80-26.2 shall be developed in accordance with the price stratification and bedroom distribution as required by N.J.A.C. 5:93.

§ 186-63.7 Yards.

All new buildings shall comply with the appropriate setbacks and coverages as detailed on Schedule B. In the B-1 Affordable Housing Overlay Zone or the B-2 Affordable Housing Overlay Zone buildings with non-conforming setbacks shall be permitted upper story expansion if exclusively designed for and occupied as an inclusionary development provided that the upper floor(s) setback is not less than the existing non-conforming building and post-expansion the property will comply with all coverage limitations as required in Schedule B.

§186-63.8 Miscellaneous Provisions.

- A. Density as defined in NJSA:40-55D-4 shall not exceed 15 dwelling units per acre if units are to be offered as for-sale dwellings. Affordable housing setaside of ownership units shall be a minimum of 20%. Maximum permitted density shall not exceed 20 dwelling units per acre if the dwellings are to be offered for rent. Affordable housing setaside of rental units shall be a minimum of 15%.
- B. Affordable housing units shall be designed, constructed, marketed and maintained in strict compliance with Bergenfield's Affordable Housing Ordinance and applicable regulations of the State of New Jersey or Court Order.
- C. Occupancy of affordable dwellings shall be limited to income qualified households, marketed, priced and deed restricted in compliance with all applicable regulations promulgated by the State of New Jersey or in accordance with any requirements established by Court order.
- D. Maximum building height shall not exceed three (3) stories or 40 feet.

Section 3

All Ordinances of the Borough of Bergenfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4

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 5

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

**NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 3<sup>rd</sup> day of September, 2019 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 3<sup>rd</sup> day of October, 2019 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.**

**Borough Clerk**