

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1003-2019

AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED “ZONING” TO ESTABLISH A NEW ZONE ENTITLED “PARIS AVENUE INCLUSIONARY OVERLAY DISTRICT” IN A NEW SECTION 19.1 AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the area along Paris Avenue between Livingston Street and Veterans Drive is home to a variety of uses; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201)* (“*Mt. Laurel IV*”) seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough’s obligation to provide for its fair share of the regional need of low and moderate income housing; and

WHEREAS, a Fairness Hearing was held on April 12, 2018 by Hon. Menelaos W. Toskos, J.S.C. who approved a settlement agreement between the Borough of Northvale and the Fair Share Housing Center, which established the Borough’s affordable housing obligations; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the provisions of the Settlement Agreement and the July 22, 2019 Housing Element and Fair Share Plan, which has been endorsed by the Borough Council; and

WHEREAS, the Borough Council has determined that Block 909, Lots 1, 2, 3, 4, 5, 6, 7, 23, and 24; Block 910, Lots 1, 2, and 3; Block 911, Lots 1, 2, 3, 11, 12, and 13; Block 912, Lot 1; and Block 914, Lots 1 and 2 are suited for overlay zoning to permit multi-family inclusionary zoning.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Northvale, as follows:

Section 1. Chapter 200 of the Code of the Borough of Northvale, Article II entitled “Districts”, Section 5 entitled “Enumeration of districts; boundaries, map”, subsection A(1) is hereby amended and supplemented by adding the following text alphabetically:

PAI Paris Avenue Inclusionary Overlay

Section 2. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multi-Family Housing Districts” is hereby amended by creating a new sub-section 19.1 entitled “Paris Avenue Inclusionary Overlay District”, said Section to read as follows:

§200-19.1 Paris Avenue Inclusionary Overlay District

A. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments, which will provide a variety of housing types and affordability levels.

B. Conditionally permitted principal uses.

(1) Multi-family dwelling unit buildings, subject to the following conditions:

(a) The minimum lot area shall be 22,000 square feet.

(b) The maximum density shall be 30 units to the acre.

(c) Parking for the residential units shall be in accordance with Residential Site Improvement Standards.

(d) Where the property abuts a single-family detached home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.

(e) No dumpster or trash facilities shall be located within 15 feet of a property line shared with an existing single-family detached home.

(f) A minimum of 15% of the residential units shall be reserved for affordable households if the tenure is rental. A minimum of 20% of the residential units shall be reserved for affordable households if the tenure is sale.

(g) The following bulk standards are required, but any deviations shall be treated as “c” bulk variances:

[1] Minimum lot width: 100 feet

[2] Minimum lot depth: 100 feet

[3] Minimum front yard setback – 5 feet

[4] Minimum side yard setback – 10 feet

[5] Minimum rear yard setback – 40 feet

[6] Maximum lot coverage – 75%

[7] Minimum green area – 10%

[8] Maximum height – 40 feet and 3 stories

C. Permitted accessory uses.

(1) Signs as regulated.

- (2) Off-street parking.
- (3) Garages under or incorporated into the building design.
- (4) Fences and walls.
- (5) Tenant amenities including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.

D. Affordable housing requirements.

- (1) Affordable units in the PAI Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls and Article IX Affordable Housing Regulations of Chapter 200 Zoning.
- (2) The affordable units shall be deed restricted for at least 30 years.
- (3) The units shall be family affordable units.
- (4) The developer shall be responsible for the costs associated with marketing the units.

E. Landscaping.

- (1) Street trees shall be provided along the street frontage at an interval of 40 to 50 feet on center. Said trees shall be a minimum of three inches caliper at installation.
- (2) The front building wall foundation area shall be planted with a variety of shrubs with an installation height of at least three feet.
- (3) Surface parking areas shall be landscaped at a rate of one tree per 15 parking spaces. Said tree shall be a minimum three inches caliper in a pervious area of at least 162 square feet.
- (4) Required green areas shall be landscaped with low ground cover and grass.

F. Lighting.

- (1) All off-street parking areas shall provide a minimum average 0.5 footcandle illumination.
- (2) Building entrances shall be well-lit.
- (3) Footcandles at the property line shall not exceed one footcandle, except where there are driveways.

G. Fences. Fences and walls shall comply with §200-15A.

H. Architectural standards.

- (1) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, 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.
- (2) The maximum spacing between building wall offsets shall be 40 feet.
- (3) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (4) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (5) 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.
- (6) All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

I. Trash.

- (1) Trash enclosures shall be located to the rear or side of the building.
- (2) All trash enclosures shall be screened by a solid masonry wall on three sides and a heavy-duty gate on the fourth.

J. Utilities. All utilities shall be underground.

K. Signage.

- (1) One wall sign per street frontage shall be permitted to identify the development.
- (2) Said sign shall be a maximum of 20 square feet.
- (3) The sign may be internally illuminated.

Section 3. The Official Zoning Map shall be changed for the following Block and Lots to reflect the new zoning designation of PAI Paris Avenue Inclusionary Overlay District:

Block 909	Lots 1, 2, 3, 4, 5, 6, 7, 23, and 24
Block 910	Lots 1, 2, and 3
Block 911	Lots 1, 2, 3, 11, 12, and 13
Block 912	Lot 1
Block 914	Lots 1 and 2

Section 4. All other sections of this Ordinance shall remain in full force and effect.

Section 5. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage and publication as required by law.

Patrick J. Marana, Mayor

ATTEST:

Wanda A. Worner, Borough Clerk

Introduced: August 14, 2019

Public Hearing: August 27, 2019

Adopted: August 27, 2019