

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 18-09
(Adoption)**

**ORDINANCE OF THE BOROUGH OF HILLSDALE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 310 OF THE
BOROUGH CODE ENTITLED "LAND USE"**

WHEREAS, the Chapter 310 of the Borough Code of the Borough of Hillsdale pertains to Land Use; and

WHEREAS, Chapter 310-4 establishes definitions of various terms related to Land Use; and

WHEREAS, Chapter 310-55 establishes regulations applicable to all districts, and subsection H regards Accessory Structures and Uses; and

WHEREAS, the Borough desires to strengthen the definition of "Family" and "Parking Space" in order to reduce confusion and be more compliant with recent case law; and

WHEREAS, the Borough desires to modify the Schedule of Uses and Requirements, attached to and made part of §310-53, pertaining to Floor Area Ratio and Building Height; and

NOW BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

The definitions of "Family" "Apartment Unit", "Accessory Apartment", "Boardinghouse", "Community Residence", "Dwelling Unit", "Group Home", "Housing Unit", "Two-Family Dwelling" and "Parking Space" in §310-4 shall be as follows:

Building Height

The vertical distance measured from average finished grade taken at a 5' offset from the perimeter of the Building to the highest point of the roof.

Family

A group of individuals, not necessarily related by blood marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit; but not including any society, club, fraternity, sorority, association, lodge, federation, or like organization, or any group of individuals who are in a group living arrangement as a result of criminal offences.

Apartment Unit

One of more rooms with private bath and kitchen facilities constituting an independent self-contained dwelling unit in a building containing another use or another dwelling unit.

Accessory Apartment

A dwelling unit with a separate means of ingress and egress containing separate kitchen, bathroom, and sleeping facilities, that is (1) physically attached to or contained within an existing single-family house or (2) occupies the second story of an existing garage or accessory building on the same lot as the principal dwelling.

Boardinghouse

A dwelling unit or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered.

Community Residence

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.

- a. "**Community residence for the developmentally disabled**" means any community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in R.S.30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.
- b. "**Community shelter for victims of domestic violence**" means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c.337 (C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.
- c. "**Community residence for persons with head injuries**" means a community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).
- d. "**Person with head injury**" means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

e. "**Community residence for the terminally ill**" means any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than 15 terminally ill persons.

Dwelling Unit

A structure or portion thereof that is used exclusively for human habitation.

Group Home

No zoning ordinance shall, by any of its provisions or by any regulation adopted in accordance therewith, discriminate between children who are members of families by reason of their relationship by blood, marriage or adoption, and resource family children placed with such families in a dwelling by the Division of Youth and Family Services in the Department of Children and Families or a duly incorporated child care agency and children placed pursuant to law in single family dwellings known as group homes. As used in this section, the term "group home" means and includes any single family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Children and Families in accordance with rules and regulations adopted by the Commissioner of Children and Families provided, however, that no group home shall contain more than 12 children.

Housing Unit

A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate bedroom, bathroom and kitchen facilities.

Two-Family Dwelling

A single building containing two dwelling units.

Parking Space

A space for the parking of a motor vehicle within a public or private parking area provided that such space shall have a minimum width of **9** feet and a minimum depth of **18** feet, exclusive of maneuvering areas, passageways, driveways and loading spaces appurtenant thereto.

BE IT FURTHER ORDAINED that the Schedule of Uses and Requirements, attached to and made part of §310-53, shall be amended as follows:

- Permitted Floor Area Ratio in the R-1 Zone shall be 22%
- Permitted Floor Area Ratio in the R-2 Zone shall be 27%
- Permitted Floor Area Ratio in the R-3 Zone shall be 30%
- Permitted Floor Area Ratio in the R-4 Zone shall be 35%
- Building Height in all R-1 zone shall be 35 feet.
- Building Height in all R-2 zone shall be 35 feet.
- Building Height in all R-3 zone shall be 35 feet.
- Building Height in all R-4 zone shall be 33 feet.

BE IT FURTHER ORDAINED that §310-55, Regulations Applicable to All Districts, shall be amended at Section H, Accessory Structures and Uses, to add (12) as follows:

12. Regulations as to Sheds. Garden Type Utility Sheds shall be no greater than 120 square feet, and shall be located no closer than three (3) feet from any property line and shall comply with any relevant fire codes.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Horvath, Zoltan			X				
Karcich, Scott			X				
Lundy, Abby	X		X				
Pizzella, Frank		X	X				
Segalas, Steven			X				
Ruocco, John							

Adopted: September 4, 2018

Attest: 
Denise Kohan
Municipal Clerk


John Ruocco
Mayor