

**BOROUGH OF HILLSDALE
ORDINANCE 18-12
(ADOPTION)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE
AMENDING AND SUPPLEMENTING CHAPTER 310 OF THE
CODE TO ESTABLISH A NEW MU-1 MIXED-USE 1 DISTRICT,
AND TO SET FORTH THE STANDARDS AND CRITERIA
APPLICABLE THERETO**

WHEREAS, the Borough Council of the Borough of Hillsdale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands are suited for rezoning, as follows:

Block 1201, Lot 11

WHEREAS, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the location of the site proximate to the Hillsdale train station makes it an ideal location for mixed-use and inclusionary development within the Borough, with no expected impacts on the Borough or bordering municipalities.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hillsdale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-4, "Definitions" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MIXED USE - A lot or structure containing more than one principal zoning use.

MULTI-FAMILY HOUSING — A building containing three or more dwelling units that share common horizontal and/or vertical separations.

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-48, "Districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MU-1 Mixed-Use 1

Section 3. Chapter 310 of the Code of the Borough of Hillsdale, Article XIII "Use Schedule" is hereby amended to create a new Section 310-53.1 "Mixed-Use 1 District" by adding the underlined text as follows:

310-53.1 Mixed-Use 1 District

A. Principal permitted uses.

- (1) Professional offices
- (2) Retail businesses and personal service establishments in accordance with the Commercial (C) District
- (3) Offices, banks, and fiduciary institutions
- (4) Restaurants, except drive-in and drive-thru restaurants
- (5) Medical and dental offices
- (6) Multi-family housing above the ground floor
- (7) Any combination of the above permitted uses

B. Permitted accessory uses.

- (1) Surface parking, limited to the rear of the building
- (2) Signs
- (3) Fences and walls
- (4) Outdoor dining

C. Bulk requirements.

- (1) Building heights (maximum) - 3 stories and 40 feet
- (2) Building Coverage (maximum) - 65%
- (3) Lot Area (minimum) - 2 acres
- (4) Front yard (minimum) - 10 feet
- (5) Front yard (maximum) - 15 feet
- (6) Side yard (minimum) - 25 feet
- (7) Rear yard (minimum) - 25 feet
- (8) Impervious coverage (maximum) - 80%
- (9) Residential density (maximum) - 20 units per acre
- (10) Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

D. Landscaping.

- (1) Any areas not paved shall be landscaped with a mix of deciduous and evergreen trees and low ground cover.
- (2) Parking areas with more than 20 spaces require one landscaped island for every 15 parking spaces, planted with trees and low ground cover.
- (3) A landscaped buffer of dense evergreen plantings no less than six feet in height and five feet in depth, and/or a six-foot-tall board-on-board fence shall be required on all lot lines to adjacent residential uses or zones and shall be used to screen off-street parking.

E. Lighting – Subject to §310-110. Lighting shall not exceed 0.2 footcandles at any property line.

F. Refuse – Subject to §310-109. Refuse and recycling must be located either interior to a building in a designated refuse storage area, or located in a side or rear yard setback area, no closer than 10 feet to any adjacent lot line, enclosed on all four sides, and screened using wood fencing or other attractive material.

G. Architectural Requirements.

- (1) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- (2) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (3) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (4) All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- (5) 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. Similarly, in the case of a pitched roof, 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.
- (6) The maximum spacing between building wall offsets shall be 50 feet.
- (7) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (8) The maximum spacing between roof offsets shall be 50 feet.
- (9) All ground-level retail and service uses that face a public space shall have clear glass on at least 60% of their facades between two and eight feet above grade.

H. Multi-family residential standards.

- (1) Residential units shall have the following minimum unit sizes:
 - (a) One-bedroom – 700 square feet
 - (b) Two-bedroom – 850 square feet
 - (c) Three-bedroom – 1,100 square feet
- (2) A maximum of 20% of the market-rate units may be three-bedroom units.

I. Affordable housing requirements.

- (1) If the residential units are rental, 15% of the units shall be reserved for affordable households. If the units are for-sale, 20% of the units shall be reserved for affordable households.
- (2) The affordable units shall have a minimum 30-year deed restriction. Any such affordable units shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (3) The units shall meet the bedroom distribution required by the Uniform Housing Affordability Controls.
- (4) The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units as mandated by the Fair Housing Act.
- (5) The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense for the lifetime of the deed restriction. This shall include the initial rental/sale of the unit and the ongoing

compliance. The developer shall utilize the Borough's Administrative Agent or a Borough-approved equivalent.

- (6) The affordable units shall be family affordable units.
- (7) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-Residential Development Fee Act applicable to the non-residential portion of the development.
- (8) Development shall comply with Chapter 310, Article XXXIII Affordable Housing Regulations.

Section 4. Parking. Chapter 310 of the Code of the Borough of Hillsdale is hereby amended and supplemented by adding new Section 310-58.1 "Parking Areas in Mixed Use Districts" and amending Section 310-59 "Required off-street Parking Spaces" and amending Section 310-113 "Parking" with the underlined text as follows:

310-58.1 Off-street parking Mixed-Use Districts.

- A. No parking shall be permitted between a street right-of-way and the primary street-facing façade wall.
- B. All parking areas shall be well screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets and adjacent properties.
- C. Where a parking lot or area abuts a residential use or zone, no parking shall be located closer than 10 feet to said zone boundary.
- D. All required parking must be provided on-site.
- E. Parking shall be subject to additional requirements per §310-59.

310-59 Required Off-street Parking Spaces.

R. Multi-family housing: Residential Site Improvement Standards.

310-113 Parking.

E. Parking areas may be located in any yard space except where otherwise prohibited, but shall not be closer than 10 feet to any street line.

Section 5. Signage. Chapter 310 of the Code of the Borough of Hillsdale is hereby amended and supplemented with the underlined text by revising Section 310-65 "Signs Permitted in the Commercial District" as follows:

310-65 Signs Permitted in the Commercial and Mixed-Use Districts.

Section 6. The Official Zoning Map shall be changed for Block 1201, Lot 11 to create the MU-1 District.

Section 7. 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 8. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

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

Adoption: June 12, 2018

Attest: Denise Kohan
Denise Kohan
Municipal Clerk

John Ruocco
John Ruocco
Mayor