

**BOROUGH OF HILLSDALE
ORDINANCE 18-13
(ADOPTION)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE
AMENDING AND SUPPLEMENTING CHAPTER 310 OF THE
CODE TO ESTABLISH A NEW MU-2 MIXED-USE 2 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 1102, Lot 2, 3, 4

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 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 310-48, "Districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MU-2 Mixed-Use 2

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Article XIII "Use Schedule" is hereby amended to create a new Section 310-53.2 "Mixed-Use 2 District" by adding the underlined text as follows:

310-53.2 Mixed-Use 2 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) - 70%
- (3) Lot Area (minimum) - 30,000 square feet
- (4) Lot Frontage and width (minimum) - 100 feet
- (5) Front yard (minimum) - 5 feet
- (6) Front yard (maximum) - 15 feet
- (7) Side yard (minimum) - 5 feet
- (8) Rear yard (minimum) - 25 feet
- (9) Impervious coverage (maximum) – 90%
- (10) Residential density (maximum) - 20 units per acre
- (11) Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

D. General requirements.

- (1) Multiple principle structures shall be permitted on a single site.
- (2) Buildings shall be at least 20 feet apart.
- (3) All street frontages, regardless of building orientation, shall be treated as front yards with regard to setback requirements and parking prohibitions.

E. 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.

- F. Lighting – Subject to §310-110. Lighting shall not exceed 0.2 footcandles at any property line.
- G. 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.
- H. Parking.
- (1) No curb cuts shall be permitted from Broadway. All parking shall be accessed from driveways along either Orchard Street and/or Park Avenue.
 - (2) In the absence of lot consolidation, permanent access easements for all parcels must be created for parking lot access.
- I. 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.
- J. 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.

K. 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 3. The Official Zoning Map shall be changed for Block 1102, Lot 2, 3, 4 to create the MU-2 District.

Section 4. 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 5. 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 J. Ruocco
John Ruocco
Mayor