

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 21-18
(Adoption)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE AMENDING AND
SUPPLEMENTING CHAPTER 310 “LAND USE”, ARTICLE XXXIII
“AFFORDABLE HOUSING REGULATIONS” OF THE CODE TO
CORRECT DISCREPANCIES IN CERTAIN SUBSECTIONS RELATED
TO THE BOROUGH’S AFFORDABLE HOUSING REGULATIONS**

WHEREAS, the Borough Planner identified discrepancies between the Borough’s Affordable Housing Ordinance, Housing Element and Fair Share Plan, and the Hillsdale – Patterson Street Redevelopment Plan; and

WHEREAS, the Borough Council seeks to resolve these discrepancies to clarify the affordable housing regulations governing inclusionary sites within the Borough.

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 310-141 "Applicability" is hereby amended and supplemented by adding the following underlined text:

- C. Any property in the Borough of Hillsdale that is currently zoned for non-residential uses and subsequently receives a zoning change or use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield 5 or more new dwelling units, shall provide a minimum affordable housing set-aside of 15% percent if the affordable units will be for rent and a minimum 20% percent if the affordable units will be for sale. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Hillsdale to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Article. However, properties within the Hillsdale-Patterson Street Redevelopment Plan shall be exempt from the requirements of this subsection.

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-144 "Inclusionary Zoning", subsection A.(4) is hereby amended and supplemented by adding the following underlined text:

- (4) The Industrial Zone site, which is located off of Patterson Street. These parcels are known as Block 1207, Lots 8-11; Block 1208, Lots 1-5; Block 1209, Lots 2-6; Block

1210, Lots 6-11; Block 1211, Lots 1 and 2; Block 1212, Lot 13. The Borough has designated Block 1207, Lots 8-10, Block 1208, Lots 1-5, Block 1209, Lots 2-4, Block 1210, Lots 8-11, and Block 1211, Lots 1 and 2 as an area in need of redevelopment and subsequently adopted the Hillsdale-Paterson Street Redevelopment Plan. The Redevelopment Plan, which supersedes the underlying zoning, permits a variety of uses including townhomes, multi-family dwellings, senior/independent housing, continuing care retirement communities, co-living complexes, commercial and personal service uses, public purposes, and mixed uses. The Redevelopment Plan permits up to 28 units to the acre with an affordable housing set-aside of 15% (if rental) and 20% (if for-sale). Additionally, a density bonus is available for redevelopment projects on Blocks 1208, 1210, and 1211 through a redevelopment agreement where the developer agrees to provide certain public improvements such as a community center, dedicated public open space, or sustainable design practices. The Borough will adopt an overlay zone on the remaining parcels of the Industrial Zone site, Block 1207, Lot 11, Block 1209, Lots 5 and 6, Block 1210, Lots 6 and 7, and Block 1212, Lot 13, that will permit inclusionary development at a maximum density of 28 units per acre.

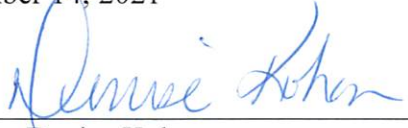
Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance become effective upon adoption and publication as required by law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Horvath, Zoltan	X		X				
Lundy, Abby		X	X				
Pizzella, Frank			X				
Trochimiuk, Janetta					X		
Ruocco, John							

Adoption: December 14, 2021

Attest: 
 Denise Kohan
 Municipal Clerk


 John J. Ruocco
 Mayor

John Brown