

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 21-17
(Introduction)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE AMENDING AND
SUPPLEMENTING CHAPTER 310 "LAND USE" TO ESTABLISH A NEW
MULTI-FAMILY OVERLAY 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 overlay zoning, as follows:

Block 1207, Lot 11
Block 1209, Lots 5 and 6
Block 1210, Lots 6 and 7
Block 1212, Lot 13

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.

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 following underlined text alphabetically, as follows:

Multi-Family Overlay District

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Article XIII "Use Schedule" is hereby amended to create a new Section §310-53.3 "Multi-Family Overlay District" by adding the underlined text as follows:

§310-53.3 Multi-Family Overlay District.

A. Principal permitted uses.

- (1) Townhomes (stacked flats, two over two).
- (2) Multi-family housing.
- (3) Senior/independent housing.

B. Permitted accessory uses.

- (1) Lobby, sales, management, leasing offices.
- (2) Recreational facilities (indoor/outdoor).
- (3) Surface parking.
- (4) Communal dining areas for residents of senior/independent living.
- (5) Mail and package rooms.
- (6) Roof mounted solar panels, electric vehicle charging stations, bike parking facilities.
- (7) Signs.
- (8) Fences and walls.

C. Bulk requirements.

- (1) Building heights (maximum) – 3 stories and 40 feet, however, parapets may exceed the maximum building height by up to four feet
- (2) Building coverage (maximum) – 55%
- (3) Lot area (minimum) – n/a
- (4) Front yard (minimum) – 15 feet
- (5) Side yard (minimum) – 10 feet
- (6) Rear yard (minimum) – 20 feet
- (7) Impervious coverage (maximum) – 80%
- (8) Residential density (maximum) – 28 units per acre
- (9) Retaining walls, driveways, sidewalks, walkways, fences, and underground utilities shall be permitted within the setbacks.

D. Landscaping.

- (1) Any areas not paved or used for buildings 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) There shall be a minimum five-foot-wide planted buffer between any surface parking lot or internal driveway and ground-level dwelling units. The buffer shall consist of

plantings adequate in size and number to deter access to residential windows as determined during site plan review.

- (4) 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 adjacent to 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 inside of 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 solid fencing or other attractive material.

G. Signs - All uses permitted within the Multi-Family Overlay District shall be permitted signs in accordance with §310-63B.

H. Architectural Requirements.

(1) Any deviation from this subsection H shall be considered a design waiver.

(2) Building Style. The architectural style permitted within this overlay district is limited to the following: the Second Empire, Stick-Eastlake, and Queen Anne architectural styles.

(a) The Second Empire style structures have flat roof lines, corniced eaves, angled bay windows and Corinthian-columned porches.

(b) The Stick-Eastlake structures often include square bays, flat roof lines and free-style decorations.

(c) Queen Ann style has a gabled roof, shingled insets, angled bay windows under the gable and on occasion a tower.

(3) Primary Architectural Characteristics. All residential development shall meet at least two primary architectural characteristics.

(a) Steeply pitched mansard roof with dormer windows.

(b) Tower element.

(c) Paired one over one windows, bay windows.

(d) Porch element.

(4) The architectural treatment of the front façade 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.

- (5) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned.
 - (6) All entrances to a building shall be defined and articulated by architectural elements.
 - (7) All rooftop mechanical equipment shall be screened from view from all vantage points.
- I. Multi-family residential standards.
- (1) Residential units shall have the following minimum unit sizes:
 - (a) One-bedroom – 650 square feet
 - (b) Two-bedroom – 800 square feet
 - (c) Three-bedroom – 1,050 square feet
 - (2) A maximum of 20% of the market-rate units may be three-bedroom units.
- J. 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 at least a 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) Affordable units shall be constructed on-site and integrated throughout the development.
 - (7) Development shall comply with Chapter 310, Article XXXIII Affordable Housing Regulations.

Section 3. Chapter 310 of the Code of the Borough of Hillsdale, Article XVI "Parking Regulations" is hereby amended to create a new Section §310-58.2 "Off-street parking Multi-Family Overlay District" by adding the underlined text as follows:

§310-58.2 Off-street parking Multi-Family Overlay District

- 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 provided for townhomes and multi-family housing in accordance with the Residential Site Improvement Standards. Parking for senior/independent housing shall be provided at the rate of 0.75 spaces per dwelling unit.

Section 4. The Official Zoning Map shall be amended for Block 1207, Lot 11; Block 1209, Lots 5 and 6; Block 1210, Lots 6 and 7; and Block 1212, Lot 13 to illustrate the Multi-Family Overlay District.

Section 5. 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 6. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance become effective upon adoption and publication as required by law.

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

Introduced: November 9, 2021

Attest: Denise Kohan
Denise Kohan
Municipal Clerk

John J. Ruocco
John J. Ruocco
Mayor