

BOROUGH OF RIVERDALE

ORDINANCE NO. 03 - 2010

ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE "MF-O MULTIFAMILY OVERLAY DISTRICT"

BE IT ORDAINED by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 168, entitled "Zoning", Section 168-20 entitled "MF-O Multifamily Overlay District" shall be amended by the following amendments to subsections A and B which shall read in their entirety as follows:

A. Purposes. The purpose of the MF-O Multifamily Overlay District is to provide for a continuation of existing zoning and to allow, as an alternate form of development, townhouses and multifamily housing in a unified design wherein at least 50% of the dwelling units in the MF-O District shall be deed restricted for occupancy by households with at least one person 55 years of age and older with no school age or younger children as residents..

B. Principal permitted uses.

In addition to the uses permitted in the underlying zone, the following principal uses shall be permitted:

- (1) Townhouses and multi-family dwellings; provided, however, that any new or existing development in the MF-O District consisting of townhouses or multifamily dwellings, or any combination thereof, must consist of units where at least 50% of the total number of dwelling units in any such development are deed restricted to occupancy with at least one member of the household who is 55 years or over and with no persons of school age or younger in accordance with the Federal Fair Housing Act, 42 USC 3601, et seq. Any age restricted development shall be separated from any non-age-restricted development in the MF-O District by Riverdale Road, or, alternately, no age-restricted building shall be closer than 300 feet to a non-age-restricted building.
- (2) Notwithstanding any provision in the I-1 and I-3 District, any property in the I-1 or I-3 District which abuts the MF-O Multi-family Overlay District may be used for emergency or secondary access to a residential development in the MF-O Overlay District.

Section 2. 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 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4 This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ____ day of
_____, 2010.

Carol Talerico, Borough Clerk

William Budesheim, Mayor

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Riverdale, County of Morris and State of New Jersey, held on the 17th day of February , 2010, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 15th day of March, 2010, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

Carol J. Talerico, RMC
Municipal Clerk