



# BOROUGH OF RIVERDALE NEW JERSEY



## ORDINANCE NO. 06-2019

AN ORDINANCE OF THE BOROUGH OF RIVERDALE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE III, ENTITLED "DISTRICT REGULATIONS," AND ARTICLE IV, ENTITLED "SPECIAL DISTRICT REGULATIONS," OF THE BOROUGH OF RIVERDALE ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE BOROUGH OF RIVERDALE

**WHEREAS**, the Riverdale Planning Board adopted the Riverdale Housing Plan Element and Fair Share Plan on February 7, 2019, and the Riverdale Borough Council endorsed same; and

**WHEREAS**, the Riverdale Housing Plan Element and Fair Share Plan, as adopted, recommends the establishment of a mixed-use affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the Riverdale Housing Plan Element and Fair Share Plan;

**WHEREAS**, it has become necessary to amend article III, entitled "District Regulations," and article IV, entitled "Special District Regulations," of the Borough of Riverdale Zoning Ordinance, and adopt this new ordinance to implement and incorporate the Borough's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

**WHEREAS**, this Ordinance is intended to provide assurances that low- and moderate- income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units and sets forth the administrative mechanisms necessary to implement the Borough's revised Housing Element and Fair Share Plan.

**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.** Article III, entitled "Zone District Regulations," of the Borough of Riverdale Zoning Ordinance is hereby amended to add a new Section 168-7.P as follows:

**Section 168-7.P: AHO – Affordable Housing Overlay District**

A. Purpose. The purpose of the AHO Affordable Housing Overlay District is to provide development that contributes to the Borough of Riverdale's municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

There are hereby established the AHO Affordable Housing Overlay District (AHO) The AHO District shall consist of the entirety of the Community Redevelopment District (CRD) zoning district.

**SECTION 2.** Article IV, entitled "Special District Regulations," of the Borough of Riverdale Zoning Ordinance is hereby amended to add a new Section 168-18.1 as follows:

**Section 168-18.1 AHO – Affordable Housing Overlay District**

B. Permitted Uses

- (1) Employment of this overlay option requires that commercial uses are provided on sites that directly front on Newark Pompton Turnpike and Paterson Hamburg Turnpike.
- (2) Retail, office and restaurant uses that are permitted in the CRD zone are allowed on the first floor only on sites that directly front on the Newark Pompton Turnpike and the Paterson Hamburg Turnpike.
- (3) Multi-family flats or apartments located above the first floor on sites that directly front on the Newark Pompton Turnpike and the Paterson Hamburg Turnpike, subject to the following conditions and requirements:



# BOROUGH OF RIVERDALE NEW JERSEY



- (a) The residential use shall be located on the second floor and higher; and,
- (b) The entrance for the residential use shall be separate from that of the non-residential use.
- (c) Multi-family flats or apartments on all floors and townhouses on sites that do not directly front on the Newark Pompton Turnpike and the Paterson Hamburg

## C. Development Standards

- (1) Maximum Permitted Building Height: three (3) stories and forty (40) feet provided that the second and third story of buildings that directly front on the Newark Pompton Turnpike or the Paterson Hamburg Turnpike be setback a minimum of 35 feet from those road right of ways
- (2) Maximum Residential Density: twelve (12) dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent
- (4) Minimum Lot Size: One (1) acre
- (5) Residential units are only permitted above the first floor on buildings that directly front on Newark-Pompton Turnpike or Paterson-Hamburg Turnpike.
- (6) Minimum Principal Building Front Yard Setback: 15 feet
- (7) Minimum Principal Building Side Yard Setback: 10 feet
- (8) Bulk Requirements: All other bulk requirements not referenced herein shall be met in accordance with the schedule entitled "Schedule D - Bulk Requirements, Zoning Requirements, Borough of Riverdale, New Jersey."
- (9) Prohibited Uses: The schedule entitled "Schedule C - Prohibited Uses, Zoning
- (10) Requirements, Borough of Riverdale, New Jersey,"
- (11) Off Street Parking Requirements
  - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.
  - (b) The required number of off-street parking spaces may be reduced as established below:
    - [1] The required number of spaces for a commercial or personal service establishment portion of a mixed-use development may be reduced to three (3) spaces for each 1,000 square feet of floor area.
  - (c) All other off-street parking requirements not referenced herein shall be met in accordance with § 168-12 Parking Requirements and the schedule entitled "Schedule E - Parking Requirements, Zoning Requirements, Borough of Riverdale, New Jersey."
- (12) All other applicable development standards not referenced herein shall be met in accordance with Article III, section 168.
- (13) All other applicable lot and yard standards shall be met in accordance with the Schedule of General Requirements, which is included as an attachment to this chapter.

## D. Affordable Housing Requirements

- (1) Affordable Housing set-asides shall be required for all residential developments of five (5) dwelling units or more.
- (2) At least twenty (20%) percent of the dwellings provided shall be affordable to low- and moderate-income units that are offered for sale and at least fifteen (15%) percent of the dwellings provided shall be affordable to low- and moderate-income units that are offered for rent.
- (3) Fifty (50%) of the units shall be affordable to moderate income households and fifty (50%) percent shall be affordable to low income household of which thirteen 13% shall be affordable to very low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit
- (4) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households at the time of the initial occupancy.
- (5) The affordable units shall be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.
- (6) Affordability controls shall be maintained for a minimum of 30 years.
- (7) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.



# BOROUGH OF RIVERDALE NEW JERSEY



**SECTION 3.** Article III: Establishment of Zones, Zoning Map, Purposes, Sections 168-4, 168-5 and 168-7 are hereby amended to include the affordable housing overlay zones referenced herein.

**SECTION 4.** This Ordinance shall be subject to review and recommendation by the Borough of Riverdale Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A 40:55D-62.1.

**SECTION 5.** All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

**SECTION 6.** 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 the ordinance shall not be affected thereby.

**SECTION 7.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Morris County Planning Board.

Adopted this \_\_\_ day of  
\_\_\_\_\_, 2019.

\_\_\_\_\_  
Abubakar Jalloh, Borough Clerk

\_\_\_\_\_  
Paul M. Carelli, Mayor

## NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on May 22, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on June 12, 2019 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk