

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY
ORDINANCE NO. 12-Code-662

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1 Section 59-44, Definitions is hereby amended to include the following term in correct alphabetic order:

TRIPLEX- A residential building constructed to contain three (3) and only three (3) dwelling units, each dwelling containing separate and independent living, sleeping, cooking and sanitary facilities. Access to individual dwellings in a triplex building shall be directly from the exterior or from a common hallway.

Section 2 The list of zones provided in Section 59-46A is hereby amended to include the RA-2 Affordable Housing Zone (RA-2AH).

Section 3 Section 59-46B Zoning Map is herein amended to incorporate and reflect the following modifications:

Block 3703 Lot 38 is removed from the Corporate Office zone and placed in the RA-3 Single-Family Residence Zone.

Block 4202 Lots 1, 2, and 3 is removed from the Corporate Office Zone and placed in the newly created RA-2 Affordable Housing Zone.

Section 4. Zoning is hereby amended and supplemented by the insertion of a new Section, §59-52.3 RA-2 Affordable Housing Zone. This section shall read as follows:

- A. The purpose of the RA-2 Affordable Housing Zone district is to permit the subdivision and development of property now or formerly designated as Block 4202 Lots 1, 2 and 3 as an inclusionary residential development consisting of not more than twenty-one (21) market-rate, detached single-family dwellings on individual lots and not less than five (5) low-and moderate-income units that may be organized and arranged into a two-family dwelling and a triplex dwelling. The development is to feature a unified comprehensive and complementary design incorporating common street(s), utilities, stormwater management and open space elements as components of the subdivision layout.

- B. Permitted Uses and Structures. Within the RA-2 Affordable Housing zone, only the following principal uses shall be permitted on any property in the zone:

1. Not more than 21 Single-Family dwellings.
 2. Two-Family dwelling wherein each dwelling unit contained in every two-family dwelling shall be deeded restricted to permit occupancy only by a qualified low-or moderate income household in accordance with UHAC rules as provided in Section 4D below.
 3. Triplex dwelling wherein each dwelling unit contained in every triplex dwelling shall be deeded restricted to permit occupancy only by a qualified low-or moderate income household in accordance with UHAC rules as provided in Section 4D below.
 4. Community residences, shelters, adult family care homes, pursuant to N.J.S.A 40:55D-66.1
 5. Family day care facilities, pursuant to N.J.S.A. 40:55D-66.5b, and;
 6. A municipal building, municipal structure, or a municipal use, governmental or proprietary in nature.
- C. Permitted accessory uses and structures allowed in the RA-2AH zone are those customarily incidental to the zone's permitted principal uses, do not include any activity conducted for economic gain and are further limited to the following:
1. Attached garages for the parking of passenger vehicles.
 2. Driveways and exterior parking areas, subject to §59-61.
 3. Fences and walls.
 4. Pools, pool houses, cabanas, gazebos, garden sheds, hothouses, greenhouses and utility sheds.
 5. Unlighted outdoor recreation courts.
 6. Home occupation or home professional use.
 7. No accessory building in a residential zone may be used as a dwelling.
- D. Compliance with all applicable regulations of the State agency administering the affordability controls per the Fair Housing Act. All affordable dwelling units constructed and occupied in the RA-2AH zone shall comply with all applicable conditions and regulations pertaining to affirmative marketing of affordable dwellings throughout Region 1, selection of occupants, occupant's income and family size, deed restrictions both to terms and length and including the specific items listed below:
1. No less than three (3) of the affordable dwellings required to be produced in this zone shall be restricted to occupancy by certified "low" income households. The determination as to the income level that qualifies as "low" shall be based upon NJDCA regulations applicable at the time the restricted dwelling is offered for occupancy.
 2. No more than two (2) of the affordable dwellings required to be produced in this zone shall be restricted to occupancy by certified "moderate" income households. The determination as to the income level that qualifies as "moderate" shall be based upon NJDCA regulations applicable at the time the restricted dwelling is offered for occupancy.
 3. Three (3) of the affordable dwellings required to be produced in this zone shall contain one bedroom per dwelling unit.
 4. Two (2) of the affordable dwellings required to be produced in this zone shall contain two (2) bedrooms per dwelling unit.
 5. Dwellings on a zone-wide basis shall be constructed and completed pursuant to

the schedule below. The developer of the RA-2AH zone shall not be entitled or eligible to receive a Certificate of Occupancy for the 6th market rate dwelling unless he shall have first secured a Certificate of Occupancy for the first affordable dwelling. The developer of the RA-2AH zone shall not be entitled or eligible to receive a Certificate of Occupancy for the 18th market rate dwelling unless he shall have first secured a Certificate of Occupancy for all five affordable dwellings constructed in the RA-2AH zone.

Percentage of Market Rate Dwellings Completed in RA-2AH Zone	Number of Market Rate Dwellings Completed in RA-2AH zone	Minimum Percentage of Low and Moderate Income Dwellings Completed	Number of Low and Moderate Income Dwellings Completed
25%	5	0%	0
25% plus 1 unit	6	10%	1
50%	10	50%	3
75%	15	75%	4
90%	18	100%	5

Section 5 Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use is modified to insert the following bulk requirements which are herein made applicable to the RA-2AH zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	30,000 sq. ft.
Minimum Lot Width (ft.)	135
Minimum Lot Depth (ft.)	175
Maximum Building Coverage (%)	20
Maximum Impervious Coverage (%)	40
Maximum Number of Stories	2.5
Maximum Height (ft.)	35
Min. Front Yard (ft.)	50
Min. Side Yard (ft.)	30*
Min. Rear Yard (ft.)	75

- A side yard of 20 feet is required for corner lots as per Schedule A2.

Section 6 Section 59-61 Off-street parking shall be amended with the inclusion of the following new paragraph.

- J. Exterior parking areas with a capacity of three or more spaces serving an inclusionary triplex or two-family dwelling shall be located in the rear or side yards only. Said parking area shall have side and rear yard minimum setbacks of ten (10') feet from the property line. All exterior lighting associated with exterior parking areas serving inclusionary triplex or two-family dwellings shall be shielded from adjacent properties. Each off-street

parking area shall be effectively screened from adjacent properties by the use of landscape design elements.

Section 7

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 9

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

Lisa Duncan, Borough Clerk

By: _____
Linda H. Schwager, Mayor