

<b>Introduced On: May 16, 2024</b>			
<b>Council</b>	<b>Motion</b>	<b>Second</b>	<b>Vote</b>
Sohmer			X
Yoon			ABSENT
Suh		X	X
Drumgoole			ABSTAIN
Kasofsky			X
Cervieri	X		X

<b>Adopted On: July 11, 2024</b>			
<b>Council</b>	<b>Motion</b>	<b>Second</b>	<b>Vote</b>
Sohmer			X
Yoon			X
Suh		X	X
Drumgoole			ABSTAIN
Kasofsky			X
Cervieri	X		X

**BOROUGH OF FORT LEE  
309 Main Street  
Fort Lee, New Jersey 07024**

**ORDINANCE NO. 2024-10**

**AN ORDINANCE AMENDING CHAPTER 410 ENTITLED “ZONING” TO ADD AFFORDABLE HOUSING OVERLAY ZONES**

**WHEREAS**, it has been determined by the Mayor and Council of the Borough of Fort Lee that there is a need to amend Chapter 410 entitled “Zoning” to update the regulations related to an Affordable Housing to add Affordable Housing Overlay Zones; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fort Lee that Chapter 410 entitled “Zoning” is hereby amended and supplemented as follows:

**Section 1:**

**§ 410-89. AHO-1 Affordable Housing Overlay Zone-1.**

**A. Purpose.**

- (1) The purpose of the AHO-1 Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development on parcels designated on the Tax Maps as Lot 1 in Block 2651, Lots 1 and 2. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district. Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.

**B. Permitted Principal Uses.**

- (1) Multifamily residential apartments.

**C. Permitted Accessory Uses.**

- (1) Off-street parking facilities, including surface parking and structured parking garages.
- (2) Signs, subject to Article XII, Signage and Facades.
- (3) Outdoor trash enclosures.
- (4) Other accessory uses customarily incidental to a permitted principal use provided that they are subordinate to the principal uses, do not change the character of the principal use, and serve only the principal use, including, but not limited to:
  - a Offices for leasing, marketing and management of the development.
  - b Fitness centers.
  - c Community rooms.
  - d Game rooms.
  - e Business centers.
  - f Indoor and outdoor swimming pools and other indoor and outdoor recreation areas and facilities
  - g Bicycle parking facilities
  - h Outdoor deck and terrace amenity spaces.
  - i Trash enclosures.
  - j Electric vehicle charging stations as required by State Law.
  - k Permanent mounted generators.
  - l Utilities
  - m Retaining structures.
  - n Rooftop solar panels.

**D. Development And Design Requirements.**

- (1) Minimum Lot Size. 10 acres.
- (2) Density. Maximum density shall not be more than fifty (50) dwelling units per gross acre.
- (3) Building Height. The maximum building height is 10 stories and 100 feet.

- (4) Setbacks. No building or structure shall be located less than 100 feet from any property line.
- (5) Building Coverage. 40 percent.
- (6) Impervious Coverage. 70 percent.
- (7) Off-Street Parking. Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-1 et seq.: Electric vehicle charging spaces shall be provided in accordance with the Statewide Municipal Electric Vehicle (EV) Ordinance, N. J.S.A. 40: 55D-66.20.
- (8) Building Materials. Primary materials for buildings shall be brick, wood, HardiePlank® panels or similar fiber cement siding, stone, precast and cast stone and manufactured stone, and glass. No more than three different primary materials shall be used on each building façade. Within the primary materials, variations in colors, texture and pattern may be employed to further break up the mass or bulk of a building.
- (9) Utilities. All utilities shall be underground.
- (10) Landscaping. Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (11) Signage. One two-sided freestanding identification sign shall be permitted, having a maximum sign panel area of 30 square feet (excluding the base of the sign and the monument on which the sign is located), a maximum height of seven feet and a minimum setback from any property line of 15 feet. Additionally, directional and informational signs shall be permitted along internal driveways and near building entrances, subject to site plan approval.
- (12) Mechanical equipment. Any rooftop mechanical equipment shall be concealed within the roof of the building so it is not visible from Route 46. Any ground-mounted mechanical equipment shall be screened appropriately.
- (13) Architectural Design Guidelines.
  - a The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building.
  - b Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.

- c All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- d Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses may also be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

**E. Affordable Housing Requirements**

- (1) A minimum of fifteen (15) percent of the total number of rental units shall be set aside for low- and moderate- income households.
- (2) A minimum of twenty (20) percent of the total number of for-sale units shall be set aside for low- and moderate- income households.
- (3) All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A. C. 5:80- 26. 1 et seq. UHAC"), including, but not limited to the required bedroom and income distribution, with the sole exception that thirteen (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the New Jersey Fair Housing Act, N.J. S. A. 52: 27D-301 et seq.
- (4) All of the affordable units shall be subject to affordability controls, as defined under current law, of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. If the Borough acts to release the units from such controls, affordability controls shall remain in effect until the date on which a rental unit shall become vacant due to the voluntary departure of the occupant household in accordance with N.J.A. C. 5: 80- 26. 11( b).
- (5) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units. In inclusionary

developments, low- and moderate-income units shall have access to all of the same entryways, amenities, common areas, and recreation as the market units. For developments that are greater than three floors, no more than fifty (50) percent of any floor's units shall be affordable units, and there should not be a concentration of certain income levels or bedroom sizes on certain floors.

(6) Affordable units shall utilize the same type of heating source as market units within an inclusionary development. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

(7) Construction of the affordable units in inclusionary developments shall be phased in compliance with N. J.A. C. 5: 93- 5. 6(d).

#### **§ 410-90. AHO-2 Affordable Housing Overlay Zone-2.**

##### **A. Purpose.**

(1) The purpose of the AHO-2 Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development on parcels designated on the Tax Maps as Block 7151, Lots 1-12. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district. Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.

##### **B. Permitted Principal Uses.**

(1) Multifamily residential apartments.

##### **C. Permitted Accessory Uses.**

(1) Off-street parking facilities, including surface parking and structured parking garages.

(2) Signs, subject to Article XII, Signage and Facades.

(3) Outdoor trash enclosures.

(4) Other accessory uses customarily incidental to a permitted principal use provided that they are subordinate to the principal uses, do not change the character of the principal use, and serve only the principal use, including, but not limited to:

- a Offices for leasing, marketing and management of the development.
- b Fitness centers.
- c Community rooms.
- d Game rooms.
- e Business centers.
- f Indoor and outdoor swimming pools and other indoor and outdoor recreation areas and facilities
- g Bicycle parking facilities
- h Outdoor deck and terrace amenity spaces.
- i Trash enclosures.
- j Electric vehicle charging stations as required by State Law.
- k Permanent mounted generators.
- l Utilities
- m Retaining structures.
- n Rooftop solar panels.

**D. Development And Design Requirements.**

- (1) Minimum Lot Size. 21,780 square feet.
- (2) Density. Maximum density shall not be more than sixty (60) dwelling units per gross acre.
- (3) Building Height. The maximum building height is 4 stories and 50 feet.
- (4) Setbacks. In accordance with §410-28G.
- (5) Building Coverage. 40 percent.
- (6) Impervious Coverage. 85 percent.
- (7) Off-Street Parking. Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-1 et seq.. Electric vehicle charging spaces shall be provided in accordance with the Statewide Municipal Electric Vehicle (EV) Ordinance, N. J.S.A. 40: 55D-66.20.
- (8) Building Materials. Primary materials for buildings shall be brick, wood, HardiePlank® panels or similar fiber cement siding, stone, precast and cast stone and manufactured stone, and glass. No more than three different primary materials shall be used on each building façade. Within

the primary materials, variations in colors, texture and pattern may be employed to further break up the mass or bulk of a building.

- (9) Utilities. All utilities shall be underground.
- (10) Landscaping. Development shall maintain a minimum 10 foot landscaped buffer to all exterior property lines which shall consist or either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (11) Signage. One two-sided freestanding identification sign shall be permitted, having a maximum sign panel area of 30 square feet (excluding the base of the sign and the monument on which the sign is located), a maximum height of seven feet and a minimum setback from any property line of 15 feet. Additionally, directional and informational signs shall be permitted along internal driveways and near building entrances, subject to site plan approval.
- (12) Mechanical equipment. Any rooftop mechanical equipment shall be concealed within the roof of the building so it is not visible from Route 46. Any ground-mounted mechanical equipment shall be screened appropriately.
- (13) Architectural Design Guidelines.
  - a The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building.
  - b Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
  - c All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
  - d Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses may also be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

#### **E. Affordable Housing Requirements**

- (1) A minimum of fifteen (15) percent of the total number of rental units shall be set aside for low- and moderate- income households.
- (2) A minimum of twenty (20) percent of the total number of for-sale units shall be set aside for low- and moderate- income households.
- (3) All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A. C. 5:80- 26. 1 et seq. UHAC"), including, but not limited to the required bedroom and income distribution, with the sole exception that thirteen (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the New Jersey Fair Housing Act, N.J. S. A. 52: 27D-301 et seq.
- (4) All of the affordable units shall be subject to affordability controls, as defined under current law, of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. If the Borough acts to release the units from such controls, affordability controls shall remain in effect until the date on which a rental unit shall become vacant due to the voluntary departure of the occupant household in accordance with N.J.A. C. 5: 80- 26. 11( b).
- (5) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units. In inclusionary developments, low- and moderate-income units shall have access to all of the same entryways, amenities, common areas, and recreation as the market units. For developments that are greater than three floors, no more than fifty (50) percent of any floor's units shall be affordable units, and there should not be a concentration of certain income levels or bedroom sizes on certain floors. Where the above-listed agreements are silent and in any
- (6) Affordable units shall utilize the same type of heating source as market units within an inclusionary development. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.




(7) Construction of the affordable units in inclusionary developments shall be phased in compliance with N. J.A. C. 5: 93- 5. 6(d).

**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 of any portion thereof.

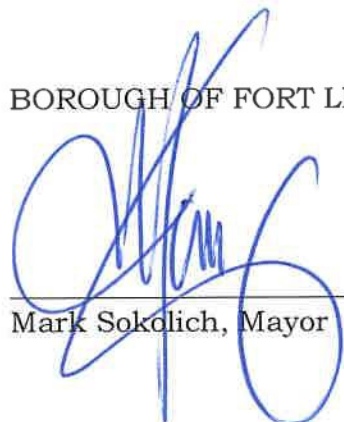
**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST:

  
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Evelyn Rosario, RMC, CMC, MMC  
Municipal Clerk

BOROUGH OF FORT LEE

  
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Mark Sokolich, Mayor