

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN, STATE OF NEW JERSEY

Ordinance Procedure: # 1832
Date of Final Reading: December 9, 2020
Date of Introduction: November 9, 2020

Resolution No.: 265-20
Introduced by Council Member Martin
Seconded by Council Member Unzaga

AN ORDINANCE IMPLEMENTING THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF GLEN ROCK AND THE FAIR SHARE HOUSING CENTER IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING AND TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 230 "ZONING".

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member Martin - yes	Council Member Kreibich - yes
Council Member Barchetto - absent	Council Member Gilbreath - yes
Council Member Dill - yes	Council Member Unzaga - yes

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 9th day of December, 2020.

Jacqueline Scalia, Borough Clerk

10/28/2020 Rev-12/3/2020
BOROUGH OF GLEN ROCK
ORDINANCE # _____

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN

AN ORDINANCE IMPLEMENTING THE BOROUGH’S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF GLEN ROCK AND THE FAIR SHARE HOUSING CENTER IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING AND TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 230 “ZONING”.

WHEREAS, the Borough of Glen Rock (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Application of the Borough of Glen Rock, Docket No. BER-L-6276-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about September 25, 2019 establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on July 22, 2020 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to very-low, low and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing overlay zoning ordinance amendment to address the Unmet Need portion of the Borough’s affordable housing obligation;

WHEREAS, the Borough Council finds it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court’s order approving the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Glen

Rock, County of Bergen, and State of New Jersey that Chapter 230 Zoning of the 1978 Zoning Ordinance of the Borough of Glen Rock is and shall be amended in the following particulars only:

Section 1. Section 230-5 Zone Districts is hereby deleted in its entirety and replaced with the following language:

For the purpose of this chapter, the Borough of Glen Rock is hereby divided into 11 zone districts and 2 overlay zone districts, known as follows:

- A-1 Residence District
- A-2 Residence District
- A-2T Residence District
- A-2MF Residence District
- S-1 Senior Housing District
- OT Office Transition Zone
- C-1 Neighborhood Commercial District
- C-2 Central Business District
- C-3 Wholesale Commercial District
- OB-1 Office Building District
- OB-2 Office Building District
- D Industrial District
- AHO-1 Affordable Housing Unmet Need Overlay District 1.
- AHO-2 Affordable Housing Unmet Need Overlay District 2

Section 230-6 Zone Map is hereby amended to include both the new overlay districts AHO-1 and AHO-2. More specifically, the following properties shall retain their existing district designation but shall also be subject to the overlay district by their inclusion within the AHO-1 district:

- AHO-1 Block 55 Lots 2, 3, 4, 5, 6, 7 and 24.

The following properties shall retain their existing district designation but shall also be subject to the

overlay district by their inclusion within the AHO-2 district:

- AHO-2 Block 111 Lots 1, 1.01, 1.02, 2, 3, 4, 5 and 6.
- Block 112 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.
- Block 115 Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.
- Block 116 Lots 1, 2, 3, 4 and 5

Section 230-15 Dwellings in rear of lots shall be and is amended through the addition of the following sentence to the end of the existing paragraph.

These provisions shall be of no force and have no effect nor apply to properties located in the AHO-1 and AHO-2 overlay districts

Section 230-18 Garages in residential districts shall be and is amended through the addition of the following sentence to the end of the existing paragraph.

These provisions shall be of no force and have no effect nor apply to properties located in the AHO-1 and AHO-2 overlay districts

Section 230-33 Off-street parking in residence districts subsection J. is and shall be amended through the addition of the following:

In the event an applicant seeks to develop according to the provision of either the AHO-1 or AHO- 2 overlay districts, this provision shall be of no force and have no effect on developments in the hereinbefore mentioned overlay districts.

Section 230-35 Mixed occupancy and collective uses is and shall be amended through labelling the existing language as paragraph A and inserting the following language as paragraph B:

B. In both the AHO-1 and AHO-2 districts, all residential parking shall comply with the New Jersey Residential Site Improvement Standards. Pursuant to N.J.A.C.5:21-4.14(e), when housing is included in mix-use development, a shared parking approach to the provision of parking shall be permitted subject to the approving Board’s review and approval.

Section 230-46 Signs in residential districts is and shall be amended by the addition of a new paragraph L which shall be worded as follows:

L. Signs in the AHO-1 and AHO-2 shall be permitted. Signs erected for non-residential uses shall be regulated pursuant to the underlying district limitations in which the property is located. Signs erected for residential uses shall conform to the requirements established for the Senior Housing District.

Section 2. A new Article XV-A, AHO-1 Affordable Housing Overlay-1 District is hereby adopted with following provisions:

ARTICLE XV-A
AHO-1 Affordable Housing Overlay-I District

§230-72.1 Principal Permitted uses.

This district has been created to assist the Borough of Glen Rock fulfill a distinct portion of its constitutional obligation to provide affordable housing. As a community without the land resources to fully address its affordable housing obligation, Glen Rock has an unmet need component to its affordable housing obligation. The AHO-1 district is designed to partially address this obligation and to implement certain obligations detailed in the Court approved Settlement Agreement between the Borough and Fair Share Housing Center. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Glen Rock and encourage the construction of inclusionary housing consistent with smart growth design goals in the commercial center of the Borough easily accessible to public transit.

Permitted principal uses in the AHO-1 district include each of the principal uses permitted in the underlying district. In addition, attached multifamily inclusionary housing is and shall be a principal permitted use in the district.

§230-72.2 Bulk requirements.

- A. Minimum Tract Area. The minimum area of the lots comprising a tract for development permitted to apply the overlay standards of this zone shall be 11,000 square feet.
- B. Height. Maximum height of two (2) stories or 28 feet whichever is lesser within 300 feet of the ROW of Rock Road, whereas no building shall exceed a maximum height of three (3) stories or 38 feet whichever is lesser beyond 400 feet of the Rock Road ROW.
- C. Number of Buildings and Residential Building Front Yard Setbacks from Rock Road. Up to, but not exceeding five (5) separate buildings may be erected within this district. Residential uses are prohibited in any and all buildings setback less than 300 feet from Rock Road in this zone. Any building setback from Rock Road more than 300 feet is permitted to be developed with residential dwellings on the second and third floors, but not the ground or first floor. Buildings setback from Rock Road greater than 500 feet may be developed as multifamily dwellings on all floors.
- D. Density in the AHO-1 district shall not exceed fifteen (15) dwelling units per acre.
- E. Yards. Minimum building setback distances in the AHO-1 district shall be as established by and for the underlying zone district, except when the adjacent use is a rail line as noted herein. Notwithstanding the underlying building setback requirements, any and all three (3) story buildings in this district are required to provide a minimum setback to any A-2 district boundary line of twenty (20) foot where the total length of a building does not exceed sixty (60) feet and

twenty five (25) feet for buildings greater than 60 feet.

- F. Minimum required building setback from the New Jersey Transit railroad property shall be thirty (30) feet. Pavement and parking may be constructed up 2 feet from the New Jersey Transit property. A five (5) foot pavement and parking buffer shall be provided along all other property lines. In those instances when the pavement and parking areas are within ten (10) feet of a residential district boundary line, a solid fence of six (6) feet shall be erected with the finished side of said fence facing towards adjacent residential districts.
- G. Maximum Building Length. The maximum total building length of 200 feet is permitted without a step-back in the building that measures at least fifteen (15) feet in depth by twenty (20) feet in length. Areas of the same building that are completely below finished grade are exempt from this requirement.
- H. Total impervious coverage in this district shall not exceed ninety (90) percent.
- I. Twenty (20) percent of the total number of housing units in a development generated in this district shall be reserved as affordable housing. All such affordable housing shall be deed restricted for a minimum of thirty years pursuant to NJAC 5:80-26.2. Affordable housing as defined in NJAC 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution as detailed in the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- J. All affordable housing units in this district shall be constructed, marketed, occupied and maintained in strict compliance with Glen Rock's Affordable Housing Ordinance, and the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- K. Architectural Design Standards-The following are architectural design standards for new buildings constructed in this zone.
- (1) Architectural and Neighborhood Goals:
- (a) The design standards in this section provide the criteria for proposed development within this zone in order to promote a high quality, pedestrian friendly, mixed use environment. These standards promote:
- Appropriate scale for a mixed use building;
 - Standards for all permitted and accessory uses;
 - A compatible mixture of architectural styles.
- (2) Architectural and Neighborhood Standards:
- (a) Architectural Character:
1. All building details shall reinforce pedestrian scale through the use of

features such as windows, doors, porches, columns and balconies;

2. The base of buildings shall be distinguished from the middle and top of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
3. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
4. Storefront windows should be distinguished from the rest of the building through the use of arches, pediments, mullions, and other treatments;
5. Building facades in excess of 120 feet in length shall be designed to avoid a monolithic appearance through the use of different façade materials and building setbacks (minimally 3 feet), that act to break the building appearance into smaller increments and sections;
6. Building materials may include brick, stone, cast stone, metal, clay, porcelain, ceramic, tile, resin panels and glass storefront assemblies, wood and fiber cement siding or other material as approved by the reviewing authority;
7. First level commercial, retail and office may be designed using different material than the levels above.

(b) Building Orientation:

1. The first floors of all buildings, including parking levels, must be designed to encourage and compliment pedestrian-scale activity as seen from the adjacent streets;

(c) Building Entrances:

1. Building entrances should be easily identifiable and feature large, open and transparent windows.
2. Retail entrances can have up to a 2-foot pop-out / protrusion / recess into the required setback for columns or other architectural features that distinguish the commercial or retail storefront;
3. Entrances for residential, office and uses other than retail should be separate and distinct from retail/commercial entrances.

(d) Doors and Windows:

1. Where windows are used, they should be transparent;
2. Where expanses of solid wall are necessary, they may not exceed 30 feet in length;
3. Windows are encouraged to align vertically from floor to floor and the pattern of window openings should relate to a building's vertical bay pattern;
4. All windows should have dimensionality so as to create shadows and texture within the building façade;
5. At a minimum, all windows should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged;
6. Window glazing should be recessed relative to the surrounding enframing. If divided lintels are used, they should include external members that cast shadows on the glass;
7. Upper-story windows should be vertically proportioned. Windows may be clustered in pairs and triples to create larger, horizontally proportioned expanses of windows;

(e) Roof-line Emphasis:

1. Any pitched roof-line should be emphasized with deep eaves or overhangs, cross gables, and/or dormer windows. The shape of roof-lines should coordinate with and reinforce the variation in bay massing and can be utilized to screen mechanical equipment.
2. Bays for Vertical Articulation:
 - a. Buildings should be broken into bays whose width relates to the width of each residential unit or vertically stacked pair of units;
 - b. Each bay is recommended to not exceed 60 feet in width;
 - c. Examples of elements that contribute to bay differentiation include changes in facade plane, downspouts, expansion joints, pilasters, variation in roof-line, gables, dormers, overhangs, and bay windows or other projections.

L. Off-street Parking.

- (1) The minimum amount and criteria for parking required shall be based on the rates required by Article VI, Parking, except the residential portion of the development shall be calculated based upon the following:
 - (a) Studio/efficiency and one-bedrooms: 1.0 space/unit.
 - (b) Two-bedroom: 1.5 spaces/unit.
 - (c) Three-bedroom: 2.0 spaces/unit.

- (2) Mixed use developments may meet the required parking provisions of this section by participation in a shared parking of two or more uses, provided that plans for such a program have been approved by the Planning Board, and further provided that the number of the parking spaces equals the sum of the required number of parking spaces of each use participating in the shared parking program. Notwithstanding the foregoing, the reviewing Board may approve a shared parking plan with fewer parking spaces than the sum of the requirements for the participating uses without the need for a variance, if all of the following requirements are complied with:
 - (a) A shared parking provision of off-street parking shall be permitted where adjacent properties are either commonly owned or otherwise controlled, or upon confirmation of shared parking easement rights.
 - (b) The applicant must demonstrate that the particular combination of uses and the peak periods of demand for parking spaces, as applicable, are such that a lesser number of spaces are necessary to meet the total parking and/or loading needs for the development at all times.
 - (c) The shared parking methodology used by the applicant to calculate the number of shared parking spaces permitted shall be those recommended in the Urban Land Institute "Shared Parking Standards for a Mixed-Use Center" latest edition or similar nationally recognized standard.
 - (d) The applicant must demonstrate that the parking are located to be reasonably convenient, safe and suitable for use by the various uses, buildings and/or lots involved in the shared parking program.
 - (e) The applicant and the reviewing Board must agree on a mechanism that will ensure that the shared parking and/or loading spaces, as applicable, will continue to comply with this section for the life of the development.

Section 3. A new Article XV-B, AHO-2 Affordable Housing Overlay-II District is hereby adopted with following provisions:

ARTICLE XV-B
AHO-2 Affordable Housing Overlay-II District

§230-72.3 Principal Permitted uses.

This district has been created to assist the Borough of Glen Rock fulfill a distinct portion of its constitutional obligation to provide affordable housing. As a community without the land resources to fully address its affordable housing obligation, Glen Rock has an unmet need component to its affordable housing obligation. The AHO-2 district is designed to partially address this obligation and to implement certain obligations detailed in the Court approved Settlement Agreement between the Borough and Fair Share Housing Center. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Glen Rock and encourage the construction of inclusionary housing consistent with smart growth design goals in the commercial center of the Borough easily accessible to public transit.

Permitted principal uses in the AHO-2 district include each of the principal uses permitted in the underlying district. In addition, attached multifamily inclusionary housing is and shall be a principal permitted use only on the second and third floors, but not the ground or first floor.

§230-72.4 Bulk requirements.

- A. Minimum Tract Area. The minimum area of the lots comprising a tract for development permitted to apply the overlay standards of this zone shall be 11,000 square feet.
- B. Height. No building shall exceed a maximum height of three (3) stories or 38 feet, whichever is lesser.
- B. Density in the district shall not exceed twenty (20) dwelling units per acre.
- C. Yards. Minimum required building setback distances are as established by and for the underlying zone district. Notwithstanding the underlying building setback requirements, any and all three (3) story buildings in this district are required to provide a minimum twenty-five (25) foot setback to any residential zone boundary line.
- D. A five (5) foot pavement and parking buffer shall be provided along all residential district zone lines. In those instances when the pavement and parking areas are within ten (10) feet of a residential district boundary line, a solid fence of six (6) feet shall be erected with the finished side of said fence facing towards adjacent residential districts.
- E. Total impervious coverage in this district shall not exceed ninety (90) percent.
- F. Twenty (20) percent of total number housing units generated in a development in this district shall be reserved as affordable housing. All such affordable housing shall be deed restricted for a minimum of thirty years pursuant to NJAC 5:80-26.2. Affordable housing as defined in NJAC 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution requirements as detailed in the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.

- G. All affordable housing units in this district shall be constructed, marketed, occupied and maintained in strict compliance with Glen Rock’s Affordable Housing Ordinance and the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- H. Architectural Design Standards. To comply with Section 230-72.2 K.
- I. Off-street Parking. To comply with Section 230-72.2 L.

Section 4

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

Section 5

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 6

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

ATTEST:

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN
STATE OF NEW JERSEY

Jacqueline Scalia, Borough Clerk

By: _____
Kristine Morieko, Mayor