

BOROUGH OF NORTH HALEDON

ORDINANCE #20-2023

**AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING
CHAPTER 600, ARTICLE XXI
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

BE IT ORDAINED by the Mayor and Council of the Borough of North Haledon, County of Passaic, State of New Jersey, that:

Section 1.

Chapter 169, Article XXI, Residential/Multifamily Townhouse (MFTH) Zone, shall be revised, amended, and supplemented so that the same shall read as follows:

§ 600-191. Purpose.

- A. The purpose of the Multifamily Townhouse Housing (MFTH) District is to provide an additional housing option for North Haledon residents in the form of a high-quality residential community.
- B. The purpose of this chapter is establish rules, regulations, standards and procedures designed to promote the integrated and logical development of an area within the designated Block 19, Lot 1, on the Borough's Official Tax Maps.

§ 600-192. Permitted uses.

In the Residential/Townhouse Zone, only townhouses shall be permitted.

§ 600-193. Accessory uses.

- A. Signs.
 - (1) No signs shall be permitted identifying the development.
 - (2) Other signs, such as directional signs, shall be provided as otherwise regulated in Borough ordinances.
- B. Off-street parking for private vehicles.
- C. Fences and walls.

§ 600-194. General requirements.

- A. Site plan approval shall be required for all townhouse developments.
- B. The site plan review shall consider solid waste management, lighting, pedestrian and vehicular circulation, parking location and arrangement, building siting and arrangement, signs, landscaping and open space.
- C. The common open space provided as part of any townhouse development shall be owned and maintained in accordance with N.J.S.A. 40:55D-43. An applicant shall submit to the Board the master deed or such other legal documents establishing said open space organization, providing for the use, enjoyment and responsibilities of all of the owners of the units who would benefit from the common open space. Such master deed or other legal documents shall be approved by the Planning Board Attorney.
- D. All facilities and utilities shall be built to Borough specifications.

§ 600-195. Density.

The maximum density shall be twelve units per acre.

§ 600-196. Floor area ratio.

The floor area ratio shall not exceed 0.75. This calculation shall be made exclusive of the garage and parking structures.

§ 600-197. Area, yard and bulk regulations.

- A. Minimum lot area: 0.50 acre.
- B. Maximum height: 2 1/2 stories or 35 feet.
- C. Minimum lot frontage along a county or municipal road: 100 feet.
- D. Minimum setbacks from roadways: 10 feet from the right-of-way line of any exterior public road; 10 feet from the center line of any private interior road; and 10 feet from any perimeter boundary.
- E. Minimum side yard shall be 15 feet.
- F. A buffer of 20 feet from adjacent existing single-family developments.
- G. End wall to end wall (no windows): 20 feet.
- H. End wall to window wall: 30 feet.
- I. Window wall to window wall: 40 feet.
- J. Maximum building coverage shall be 35%.
- K. Maximum impervious coverage shall be 75%.
- L. Minimum interior road from curb to curb shall be not less than 24 feet wide.

§ 600-198. Building requirements.

- A. Width. No residential townhouses shall be less than 22 feet wide.
- B. Patio. All townhouses, if providing patios, shall be provided with not less than 10 feet in depth.
- C. There shall not be more than eight townhouses in a single row.

§ 600-199. Parking requirements.

- A. No parking shall be permitted on any road or accessway within the townhouse development.
- B. A minimum of 1.8 parking spaces, 2.3 parking spaces and 2.4 parking spaces shall be provided for one-, two- and three-bedroom dwellings, respectively, as per New Jersey Residential Site Improvement Standards (RSIS).
- C. All parking shall be confined to the area specifically designated on the site plan for such purpose.
- D. Parking areas shall be paved and curbed and provided with an adequate system of stormwater drainage. :2
- E. No parking area shall be constructed within a required front yard setback area. Parking area may be constructed in the rear and side yards but in no event closer than five feet to any side or rear lot line.
- F. Visitor parking will be on site and be no less than one parking space per unit. The Planning Board, upon submission of credible evidence, may grant variances on this requirement.

§ 600-200. Utilities, facilities, landscaping and circulation.

- A. Refuse and recyclable materials shall be placed in dumpsters.
- B. All utility wiring shall be underground. Utility connections for each separate apartment

shall be independently or jointly metered as would be appropriate to the form of occupancy/ownership of the apartments.

- C. Open space areas shall be attractively landscaped and shall be concentrated and located at the south end of the site adjacent to the Borough-owned lands. The landscape plan shall be subject to approval by the Planning Board.
- D. Sidewalks or other suitable means of pedestrian circulation shall be provided throughout the development along all streets and between buildings and any sidewalks within the public right-of-way.
- E. Vehicular access shall be from Oakwood Avenue.
- F. Garage doors shall face Oakwood Avenue.

§ 600-201. Common open space requirements.

- A. A minimum of 10% of the total site area shall be set aside as passive open space.
- B. Buffer areas, wetlands and conservation easements shall be eligible as open space as required by this section.
- C. All passive open space shall be connected to residential areas with walkways or other reasonable means of access.

§ 600-202. Public streets, internal roadways and private driveways.

All public streets, internal roadways and private driveways shall be in accordance with the requirements of the New Jersey Residential Site Improvement Standards.

§ 600-203. Developments subject to applicable ordinances.

Any development in the Townhouse District shall be subject to all applicable ordinances of the Borough of North Haledon. Where there is any conflict between the provisions of this article and the provisions of Chapter 490, Site Plan Review, and/or Chapter 530, Subdivision of Land, the provisions of this article shall prevail.

§ 600-204. Low- and moderate-income housing requirements.

- A. Any residential development in the MFTH District shall be developed in accordance with and be subject to the terms and requirements set forth in the Borough's Affordable Housing and Marketing Regulations, Ordinance No. 16-2021,¹ and the requirements of N.J.A.C. 5:93-5.6.

§ 600-205. Mandatory Affordable Housing Set-Aside.

- A. Any multifamily residential development or redevelopment application in the MFTH Zone proposing five (5) or more new dwelling units will be required to set aside twenty percent (20%) of these units for affordable housing in the case of for-sale projects and fifteen percent (15%) of these units for affordable housing for low- and moderate-income households in the case of rental projects.
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- B. Developers may not make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph C below.
- C. In the event that the inclusionary set-aside percentage (15% or 20%) of the total number of residential units does not result in a whole number, the developer may choose one of two options to address the fractional unit:
 - 1. The developer shall round the set-aside upward to construct an additional whole affordable unit.
 - 2. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units but must also make a payment in lieu of constructing the fractional additional unit ("fractional payment in-lieu").

- a) The fractional payment in-lieu amount shall be calculated as the fractional unit multiplied by the base payment in-lieu dollar amount established in §600-205.D.1.
3. For Example: If seven (7) total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
 - (a) The developer shall round up the 0.4 unit to one (1) whole affordable unit, constructing a total of two (2) affordable housing units.
 - (b) The developer shall round the set-aside downward, constructing only (1) affordable unit, AND shall pay into the Borough's affordable housing trust fund a fractional payment in-lieu equal to the dollar amount established in §600-205.D.1 multiplied by 0.4 units.

D. Fractional Payments-in-lieu. The standards for collecting fractional payments-in-lieu of constructing affordable units shall be in accordance with the requirements below:

1. The base dollar amount of the fractional payment in-lieu of constructing an affordable unit at the time of the adoption of this Ordinance shall be \$180,267.00. This amount shall be adjusted periodically by the Borough to reflect the most current and accurate market conditions or better cover the cost to the Borough to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Planning Board.
2. During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit, less estimated capitalized revenue at the development in question, is lower than the imposed payment in-lieu in §600-205.D.1. At its discretion, the Governing Body may impose a lower payment in-lieu amount equal or proximate to the amount estimated by the developer.

Section 2.

All other parts or provisions of the Code of the Borough of North Haledon not specifically amended by this Ordinance shall remain in full force and effect.

Section 3.

This Ordinance shall take effect as provided by law.

NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on September 20, 2023, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on October 18, 2023 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard

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Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on October 18, 2023 at 103 Overlook Avenue, North Haledon, NJ 07508, and is hereby declared a passed ordinance in accordance with law.

Randy George, Mayor

Passed first reading on
September 20, 2023

Passed second and final reading
October 18, 2023

Renate Elatab
Municipal Clerk

Renate Elatab
Municipal Clerk