



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE 26-CODE-985

AN ORDINANCE TO AMEND SECTION 59-53.2.1 OF THE BOROUGH CODE TO REVISE THE REQUIRED AFFORDABLE SET-ASIDE IN THE DOWNTOWN II AFFORDABLE HOUSING OVERLAY ZONE

Section 59-53.2.1 – Downtown II Affordable Housing Overlay (DT-II AHO)

- A. All principal permitted uses, accessory uses and conditional uses for the underlying zone are allowed.
- B. Each and every use prohibited in the Downtown II Zone is also prohibited in the Downtown-II Affordable Housing Overlay.
- C. Inclusionary housing developments on upper floors only as a principal permitted use. Residential use on the ground or first floor of any property in the DT-II AHO is a prohibited use. Inclusionary housing development is a permitted principal use only within the second and third floors.
- D. Each inclusionary housing development shall provide Council on Affordable Housing or Court creditworthy affordable housing units on-site. The minimum affordable housing set-aside shall be 20% for both rental and for-sale units. Payments in lieu of constructing affordable units does not increase the amount of affordable housing in Oakland and is therefore not a permitted option in this zone. In specific situations the Borough will accept a payment in lieu of constructing affordable housing, but only in those circumstances when a developer's affordable housing obligation is a fractional requirement of less than 0.5 affordable units. If the obligation includes a fraction greater than 0.5, the obligation will be rounded up and an additional affordable housing unit will be required.
- E. Schedule of Limiting Lot and Yard sizes and Bulk Principal Building and Use as adopted for the DT-II zone is hereby adopted for the DT-II Overlay with the only change between the DT-II and DT-II Overlay shall be concerning building height. The number of building stories remains the same at three with permitted building height for the DT-II Overlay established at 44 feet. In all other ways, the area and bulk standards between the DT-I and DT-I Overlay are the same.^[1]

[1]Editor's Note: The Schedule may be found as an attachment to this chapter.

- F. The affordable housing units generated by this zone shall comply in all respects with the requirements and conditions contained within the Settlement Agreement between Oakland and Fair Share Housing Center I.T.M. Bo. BER-L-6359-15, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., the Oakland Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.]
- G. Permitted residential density shall not exceed 15 dwelling units per acre.
- H. 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. Furthermore, if applicants can demonstrate

there is sufficient overnight on-street parking in proximity to their site, applicants can apply those available spaces to their development on a non-exclusive basis.

- I. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required:
- 1) The parcel of land upon which first-floor residential construction is proposed is larger than 21,780 square feet in area.
 - 2) The total amount of first-floor residential building area, including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.
- J. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource, all proposed development in this zone shall maintain the existing level of service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
- K. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current NJ DEP stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80% and shall manage stormwater flows such that the peak rate of runoff exiting the site post-construction is no greater than the pre-construction peak runoff rate.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

ATTEST:


Wendi Seelin, Acting Borough Clerk
March 12, 2026


Eric Kulmala, Mayor

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland and at a meeting
held on 3/12/26
Borough Clerk 