

BOROUGH OF ORADELL

ORDINANCE NO. 21-2

**AN ORDINANCE AMENDING CHAPTER 266 OF THE
CODE OF THE BOROUGH OF ORADELL CONCERNING
TOWING AND STORAGE SERVICES**

WHEREAS, the Borough of Oradell wishes to amend Chapter 266 of the Code of the Borough of Oradell concerning Towing and Storage Services; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oradell, in the County of Bergen, and State of New Jersey, as follows:

- I.** The existing Chapter 266-4(b) shall be deleted in its entirety and replaced with the following:

Filing. Application shall be filed with the Borough of Oradell Police Department, together with a certified check for the application fee of \$250 payable to the "Borough of Oradell." The Borough Clerk shall give 30 days' public notice in an official newspaper of the Borough of the date on which the license applications are to be received pursuant to this chapter.

II. Severability.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

III. Repealer.

All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

IV. Effective Date.

This Ordinance shall take effect upon adoption and publication according to law.

21-3
AN ORDINANCE OF THE
BOROUGH OF ORADELL
COUNTY OF BERGEN
STATE OF NEW JERSEY
AMENDING CHAPTER 240 OF THE BOROUGH CODE
ENTITLED "LAND USE"

WHEREAS, the Borough of Oradell, in the County of Bergen and State of New Jersey (the "Borough") has a comprehensive Master Plan and Development Ordinances implementing that Master Plan; and

WHEREAS, the Borough has determined that businesses selling recreational marijuana require special concern for security, and location; and

WHEREAS, there is no area of the Borough which can safely house a business selling recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana.

WHEREAS, the New Jersey State Legislature has authorized the Borough to prohibit the operation of any one or more classes of cannabis establishment or cannabis distributors, but not cannabis delivery services; and

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Oradell, in the County of Bergen and State of New Jersey, as follows:

SECTION I.

Chapter 240 of the Borough Code, at Section 6.12 entitled "Uses Prohibited In All Zones", Subsection A, is hereby amended to delete the existing item "10" from the list of uses prohibited in all zones and add a new item "10" as follows:

10. The cultivation, manufacture, warehousing, distribution and sale of Cannabis and/or the paraphernalia that facilitates its recreational use. For the purposes of this section Cannabis shall be defined as all parts of the plant Cannabis sativa Linnaeus, Cannabis Indica or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks [except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section Cannabis does not mean Industrial Hemp. All classes of cannabis establishments and cannabis distributors are prohibited in the Borough of Oradell.

SECTION II.

All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION III.

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION IV.

This Ordinance shall be subject to review and recommendation by the Borough Planning Board in accordance with N.J.S.A. 40:55D-26.

SECTION V.

The County Planning Board shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10.

SECTION VI.

This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

Approved this ___ day of _____, 2021:

Borough of Oradell
Dianne Didio, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and approved on first reading at the regular meeting of the Governing Body of the Borough of Oradell, in the County of Bergen, held on the ___ day of _____, 2021 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the _____th day of _____, 2021 at 7:30 p.m. in the Council Chambers, Borough Hall, 355 Kinderkamack Road, Oradell, New Jersey, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Laura J. Lyons, CPM, RMC, RPPO

BOROUGH OF ORADELL

AN ORDINANCE TO AMEND CHAPTER 240 OF THE ORADELL BOROUGH CODE, ENTITLED "LAND DEVELOPMENT," AND THE ORADELL BOROUGH ZONING MAP AS THEY PERTAIN TO BLOCK 1401 LOTS 1.01 & 1.02

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Oradell, Bergen County, New Jersey, that Chapter 240 "Land Development" of the Borough Code of the Borough of Oradell is hereby amended or established as follows:

Section 1. Chapter 240, Article VI, Section 240-6.2.A of the Code of the Borough of Oradell entitled "Zones Designated: boundaries established" is hereby amended to state, "For the purposes of this chapter, the Borough of Oradell is divided in 14 zones, which are as follows." In addition, Section 240-6.2A is amended to add the following new zone district to the list of zone districts:

AHO	Affordable Housing Overlay District.
R-2A	One-Family Residential Zone

Section 2. Chapter 240-6.2.B of the Code of the Borough of Oradell "Zoning Map of the Borough of Oradell, New Jersey," shall be amended to identify the following:

- R-2A One-Family Residential Zone to encompass the entirety of Block 1401, Lot 1.02
- AHO Affordable Housing Overlay District to encompass the entirety of Block 1401, Lot 1.01.
- The CR Conservation/Recreation Zone as the underlying zone designation for the entirety of the AHO Affordable Housing Overlay District (Block 1401, Lot 1.01) as shown on the accompanying map entitled, "Borough of Oradell Affordable Housing Overlay Zone and R-2A Zone Map," dated January 29, 2021.

Section 3. Chapter 240, Article VI, Section 240-6.5 of the Code of the Borough of Oradell entitled "Use and Bulk Regulations" is hereby amended to include a new subsection L. as follows:

L. AHO Affordable Housing Overlay District.

(1) Purpose.

The purpose of the AHO Affordable Housing Overlay District is to create a realistic opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Oradell, and thereby help to address the fair share housing obligation of the Borough of Oradell under the New Jersey Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, the settlement agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on July 26, 2018, and the Borough's Housing Element and Fair Share Plan. The AHO Overlay District encourages the development of low- and moderate-income housing by allowing for inclusionary multifamily residential; however, developers shall also have the option of developing in accordance with the underlying CR Zone standards.

- (2) Permitted uses. The uses set forth below shall be permitted as a development alternative to the underlying zoned uses allowed by this Chapter, but shall not replace the underlying CR zone district. The principal permitted uses in the AHO Overlay Zoning District are as follows:
- (a) Multi-family development.
 - (b) Townhouse development.
- (3) Permitted accessory uses. Permitted accessory uses shall include accessory uses that are customary and incidental to the permitted uses in the AHO Overlay Zoning District, including but not limited to:
- (a) Off-street parking in accordance with Chapter 240, Article VI.
 - (b) Decks, balconies and porches.
 - (c) Fences and walls, in accordance with Chapter 240, Article X.
 - (d) Ancillary recreation elements, such as a swimming pool, club houses, tennis courts and other similar uses to only serve the residents of the complex and in accordance with Chapter 240, Article VII.
 - (e) Trash enclosures.
 - (f) Signs, in accordance with Chapter 240, Article XI.
 - (g) Outdoor lighting, in accordance with Chapter 240, Article VII.
- (4) Affordable Housing.
- (a) All residential development, including multifamily and townhouse developments, constructed in the AHO Overlay Zoning District shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
 - (b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Chapter 61 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:
 - [1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all affordable units within each bedroom distribution shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
 - [2] Bedroom Mix: If the development is not age-restricted, the following bedroom mix shall apply:
 - [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - [b] At least 30% of all low- and moderate-income units shall be two bedroom units;
 - [c] At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - [d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - [3] Deed Restriction Period: All affordable units shall be subject to affordability controls for a period of at least thirty (30) years from initial occupancy and deed restrictions as provided for by UHAC, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the affordable units from such controls pursuant to UHAC and applicable law.

- [4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
- [5] Other Affordable Housing Unit Requirements: Developers shall also comply with all of the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.
- (5) Area and bulk requirements. The area and bulk requirements for the uses allowed in the AHO Overlay Zoning District are set forth below. The bulk regulations of the underlying zoning district shall remain in full force and effect for development devoted exclusively to underlying zoning district permitted uses.
- (a) Lot area. There shall be a minimum lot area of 50 acres.
- (b) Density. There shall be a maximum gross density of 6 dwelling units per acre.
- (c) Building setbacks:
- [1] From lot lines. There shall be a minimum setback of 100 feet from all lot lines.
- [2] From internal roads. There shall be a minimum setback of 20 feet from all internal roads.
- (d) Height. No building shall exceed a height of 35 feet.
- (e) Building coverage. The total ground floor area of all principal and accessory building shall not exceed 40% of the lot area.
- (6) Development standards.
- (a) Building requirements.
- [1] Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
- [a] Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
- [b] Harmonious relationship with other onsite features and buildings.
- [c] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
- [d] No more than 30 feet of front or rear building wall permitted without providing a break in the façade of an acceptable method of articulation.
- [e] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
- [f] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
- [g] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
- [h] Complimentary building colors and materials to be consistent with the general theme of the development.
- [i] Strategically placed windows, doors, porches and columns with consideration of "human scale".

- [j] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.
 - [k] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance costs of low- and moderate-income households.
- [2] Distance between buildings. There shall be a minimum distance between principal structures of 50 feet, except that where a side wall of one principal structure faces a side wall of another dwelling structure, there shall be a minimum distance of 25 feet; provided, however, that if an access drive is located between principal structures, the minimum distance shall be 50 feet.
- [3] Construction. The outside walls of all buildings shall be of fire resistant material, such as brick, stone or masonry, as approved by the Planning Board. Interior walls separating dwelling units shall also be constructed with fire resistant material.
- (b) Dwelling unit requirements.
- [1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 500 square feet plus 150 square feet for each habitable room exclusive of living room, dining room or dinette, kitchen and bathrooms.
 - [2] Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
 - [3] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of impact sound.
- (c) Accessory building requirements.
- [1] Height. The maximum height of any accessory structure shall be 15 feet.
 - [2] Setbacks. Accessory buildings shall meet the minimum lot line setback of the principal building and shall be at least 25 feet from a principal building and 15 feet from any other accessory building.
 - [3] Design. Architectural design and materials used in the construction of garages and other accessory structures shall conform to the design and materials used in the construction of the principal buildings.
- (7) Off-street parking.
- (a) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).
 - (b) There shall be no below grade or underground parking permitted in the AHO Overlay Zoning District, except that private garages are permitted within townhouse dwelling units.
 - (c) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.
 - (d) Adequate fire and emergency access must be provided subject to the Borough of Oradell's Fire Department.
 - (e) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
 - (f) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.
 - (g) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).

(8) Open Space, landscaping, and buffers.

- (a) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
- (b) There shall be a comprehensive landscape plan prepared by a certified landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (c) A landscape buffer shall be provided where a multifamily or townhouse development abuts a single-family residential zone. The buffer shall be a minimum of 50 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated objectives as approved by the Board.
- (d) Within any buffer areas, walkways, underground linear utilities and site access drives shall only be permitted to cross said buffers, provided their placement is designed to minimize land disturbance within the buffer. Above or below-ground stormwater detention systems are not permitted within required buffer areas. Access drives shall cross buffer areas at a right angle or as close to a right angle as is practical to minimize land disturbance.

(9) Lighting.

- (a) Adequate lighting shall be provided for all parking areas and pedestrian walkways.
- (b) All outdoor lighting, including street lamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (c) Lighting for a building must be contained on the property on which the building is located.
- (d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

(10) Miscellaneous.

- (a) Television antennas or dishes shall be limited to one master antenna. Multiple antennas or dishes may be installed on the rooftop provided they are not visible from the street level.
- (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (c) Laundry facilities may be provided in each building. Outside clothes drying is prohibited.
- (d) All trash and recyclables shall be stored in covered containers. They may be stored within or outside the building. If the materials are stored outside, they must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.
- (e) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
- (f) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
- (g) Internal walkways shall be required to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
- (h) Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).

- (i) Fences shall be permitted at a maximum height of 8 feet and shall be situated and designed in accordance with Article X.
- (11) Bicycle parking requirements.
 - (a) A designated area within the development shall be provided for bicycle parking. The area can be permitted inside the buildings or outside in a protected area. Parking shall be provided in such a way that allows for a bicycle to be properly secured, via a bicycle rack or locker.
 - (b) A minimum of one (1) bike parking space per 10 units shall be required.

Section 4. Chapter 240, Article VI, Section 240-6.5 of the Code of the Borough of Oradell entitled “Use and Bulk Regulations” is hereby amended to include a new subsection M. as follows:

M. R-2A One-Family Residential

- (1) Purpose: The purpose of the R-2A One Family Residential Zone is to implement the Settlement Agreement executed on January 26, 2021 between White Beeches Golf & Country Club and the Borough of Oradell. As a result of the Settlement Agreement, Block 1401, Lot 1.02 is permitted to be improved with single family residential dwellings. The Settlement Agreement stipulates that the applicable bulk regulations for Block 1401, Lot 1.02 shall be the R-2 bulk regulations with the exception of Lot Width.
- (2) All uses permitted in the R-1 Zone, including accessory uses, are permitted in this zone.
- (3) All uses prohibited in the R-1 Zone are prohibited in this zone. (See Section 240-6.12).
- (4) Lot Dimensions
 - (a) The minimum lot dimensions are the same as the R-2 Zone requirements contained in Section 240-6.5(B)(3) with the exception of lot width.
 - (b) Minimum Lot Width: 75 ft.
- (5) The minimum yard requirements of a principal building shall be the same as the R-2 Zone requirements.
- (6) The maximum building coverage shall be the same as the maximum permitted in the R-2 Zone.
- (7) The maximum lot coverage shall be the same as the maximum lot coverage requirements in the R-2 Zone.
- (8) The Floor Area Ratio requirements shall be the same as the R-2 Zone Floor Area Ratio requirements.
- (9) The height allowances shall be the same as the permitted height allowances in the R-2 Zone.
- (10) The requirements for wall length along any side yard shall be the same requirements as in the R-2 Zone.

Section 5. Chapter 240, Attachment 1, “Area, Yard and Bulk Requirements” of the Code of the Borough of Oradell shall be amended to include a new AHO Zone category, which shall state ‘See § 240-6.5.L’ for area and bulk requirements.

Section 6. Chapter 240, Attachment 1, "Area, Yard and Bulk Requirements" of the Code of the Borough of Oradell shall be amended to include a new R-2A Zone category, which shall state 'See § 240-6.5M.' for area and bulk requirements.

Section 7. If any article, 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 and they shall remain in full force and effect.

Section 8. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Oradell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Oradell are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 9. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, N.J.S.A. 40:55D-62.1, and N.J.S.A. 40:55D-63 (if required).

Section 10. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Oradell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 10. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Dianne Camelo Didio
Mayor

ATTEST:

Laura J. Lyons, CPM, RMC, RPPO
Borough Administrator / Clerk