

ORDINANCE NO.21-CODE-850
BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO INCLUDE CBD I AND II AFFORDABLE HOUSING OVERLAY ZONES

BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1

- A. Article VII §59-44 Definitions. The following term shall be added in correct alphabetic order:

INCLUSIONARY DEVELOPMENT—A development containing both affordable dwelling units, as defined in the Fair Housing Act, as amended, and market-rate dwelling units.

- B. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate two (2) additional districts as included herein:

CBD-I AHO	Central Business District I Affordable Housing Overlay Zone.
CBD-II AHO	Central Business District II Affordable Housing Overlay Zone.

- C. §59-46B. Zoning Map is and shall be amended to include and depict the following two zones:

CBD-I AHO	Central Business District I Affordable Housing Overlay Zone.
CBD-II AHO	Central Business District II Affordable Housing Overlay Zone.

- D. §59-53.1 H (1)[3] is hereby deleted and replaced in its entirety with the following language:
[3] Each development shall provide Council on Affordable Housing or Superior Court credit-worthy affordable housing units on-site in accordance with the Borough's Housing Element and Fair Share Plan as amended. If an affordable housing obligation is more than 0.5 dwelling units, the calculation shall be rounded up to the next whole integer. If less than 0.5 dwelling units, the calculation may be rounded down to the next whole integer.

Section 2

- A. §59-53.1A Central Business District I Affordable Housing Overlay (CBD-I AHO) Zone.
Permitted uses for this zone include each of the following:

1. All principal permitted uses and accessory uses for the underlying zone are allowed.

2. Each and every use prohibited in the Central Business Zone I is also prohibited in the Central Business District-I Affordable Housing Overlay Zone.
3. 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 CBD-I AHO Zone is a prohibited use. Inclusionary housing development is a permitted principal use only within the second and third floors.
4. Each inclusionary housing development shall provide Council on Affordable Housing or Court credit-worthy affordable housing dwelling units on-site. Payments in lieu of constructing affordable units does not increase the amount of affordable housing in Oakland and is therefore not a permitted development 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.
5. Schedule of Limiting Lot and Yard sizes and Bulk Principal Building and Use as adopted for the CBD-I zone is hereby adopted without change or revision for the CBD-1 AHO zone.
6. 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.
7. Permitted residential density shall not exceed eighteen (18) dwelling units per acre.
8. 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.

Section 3

- A. §59-53.2A Central Business District II Affordable Housing Overlay (CBD-II AHO) Zone.
Permitted uses for this zone include each of the following:
 1. All principal permitted uses, accessory uses and conditional uses for the underlying zone are allowed.
 2. Each and every use prohibited in the Central Business Zone II is also prohibited in the Central Business District-II Affordable Housing Overlay Zone.
 3. 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 CBD-I AHO Zone is a prohibited use. Inclusionary housing development is a permitted principal use only within the second and third floors.

4. Each inclusionary housing development shall provide Council on Affordable Housing or Court credit-worthy affordable housing units on-site. 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.
5. Schedule of Limiting Lot and Yard sizes and Bulk Principal Building and Use as adopted for the CBD-II zone is hereby adopted without change or revision for the CBD-II AHO zone.
6. 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.
7. Permitted residential density shall not exceed fifteen (15) dwelling units per acre.
8. 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.

Section 4

Ordinance No. 21-CODE-842 is hereby repealed in its entirety. All Ordinances of the Borough of Oakland 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:


Lisa M. Duncan, Borough Clerk

BOROUGH OF OAKLAND

By: 
Linda H. Schwager, Mayor

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on September 22, 2021

Borough Clerk

