



# **BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY**



## **ORDINANCE NO. 22-CODE-892**

### **“AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING”**

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**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 of Oakland, Chapter 59 entitled “Land Use and Zoning”.

#### **SECTION 1:**

- A. Article VII §59-52.6 Affordable Housing Zone (RA-5AH) is amended and revised in the following parameters only.

#### **SECTION 2:**

- A. §59.52.6 K is hereby deleted and replaced with the following:

Building height shall not exceed four (4) stories of residential apartments over a parking level which is permitted to include residential accessory amenities such as lobby, package room, bike storage and social and recreational amenities limited to use by building residents and their guests.

Building height shall not exceed fifty-four (54) feet above average grade calculated at building corners to the Roof Plane of the top floor and specifically excluding any stair towers, elevator shaft and other roof appurtenances if screened. Cupolas parapets and railings are building features specially excluded from the calculation of building height.

- A. Permitted principal uses in this zone include:
  - 1. Multi-family developments.
  - 2. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.
- B. Permitted accessory uses in this zone include:
  - 1. Off-street drives, parking areas, both surface and structured.
  - 2. Recreational and social amenities for the use and enjoyment of residents and guests.
  - 3. Signage.
  - 4. Facilities for the temporary storage of trash and recyclables.
- C. Access to this property is severely constrained under current conditions and must be improved prior to the development of the site for multi-family. A developer of this property will be required to create and construct at its own expense, a municipal street adjacent to the railroad property and running the entire width of the lot connecting Terhune Street with Oak Street. This shall be accomplished by the dedication of an easement or conveyance of the property for roadway purposes to the Borough. The municipal street that is needed to service this property shall allow for

traffic to flow in two directions, may allow for on-street parking, shall be equipped with sidewalk and shall be constructed to municipal standards as approved by the Borough engineer.

- D. Lot area and other dimensions. Minimum required lot area in this zone is 87,120 square feet. Minimum lot width shall be measured along an existing or proposed municipal street with a right of way or easement of no less than forty (40) feet. Minimum required lot frontage is 300 feet.
- E. Yards. No principal building shall be located closer than 30 (thirty) feet to the front property line. Required side and rear yard setbacks are fifty (50) feet.
- F. Accessory structures, recreation facilities and on-site parking are all permitted in any side or rear yard, provided that no accessory structure shall project closer than fifty (50) feet to any property line bordering on properties in a residential zone and used residentially. When adjacent to property in the CBD-1 zone, these aforementioned accessory structures are permitted without a required setback or buffer. These zoning provisions shall be inserted in Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use.
- G. Permitted maximum density for developments with units that are to be offered for sale shall not exceed 20 units per acre. If units in the development are to be offered on the rental market, then the maximum permitted density is 26 units per acres.
- H. Development of this site is exempt from the provisions of §59-45 L. The developer of this Site, regardless if the development is offered as "for-sale" or as a rental community shall construct 17 affordable dwellings, six (6) of which would contain three-bedrooms, eight (8) of which will contain two-bedrooms and three (3) one-bedroom affordable units.
- I. With the exception of the bedroom distribution as detailed above, 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. No. BER-L-6359-15, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., Oakland's Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.
- J. Building height shall not exceed four (4) stories of residential apartments over a parking level and 54 feet.
- K. Building coverage shall not exceed thirty (30) percent of the lot.
- L. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably landscaped.
- M. Impervious coverage shall not exceed seventy (70) percent of the lot.
- N. No construction permit shall be issued for a building in this district until and unless a site plan application has been submitted and approved pursuant to this Chapter.
- O. No building construction shall commence, and no certificate of occupancy shall be issued until and unless the building owner has been issued a valid New Jersey Department of Environmental Protection treatment works approval permit and the building is physically connected to, through approved plumbing connections, a sanitary sewer treatment facility and the building owner has

been issued all necessary permits for the sewer connection.

- P. Minimum parking standards are as established in the Residential Site Improvement Standards with the understanding that the applicant can take credit for parking within the proposed municipal street to be constructed by the applicant at his/her own expense.
- Q. No more than two (2) signs are permitted, one sign may be a building mounted wall sign. Said wall sign shall not exceed thirty (30) square feet. A ground-mounted monument sign of twenty-four (24) square feet is permitted in addition to the permitted wall sign. Such monument sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than ten (10) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance.

### **SECTION 3:**

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 4:**

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 5:**

This ordinance shall take effect upon final passage, approval and publication as provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2022.

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Linda H. Schwager, Mayor

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Michael E. Carelli, Borough Clerk