



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-930

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

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

Ordinance No. 23-Code 924 is hereby repealed in its entirety and replaced with the following provisions.

Section 2

A. §59.52.5 Affordable Housing (MU-AH).

Oakland is constitutionally obligated to provide a reasonable opportunity for the construction of affordable housing, with a strong focus on generating rental affordable dwellings. Establishing the MU-AH zone will assist the Borough in satisfying this obligation by creating a reasonable opportunity for the construction of one or more inclusionary rental affordable housing developments within the context of an integrated, pedestrian friendly shopping experience. This zone is intended to result in the construction of both residential and non-residential development within the limits of development intensity prescribed herein.

B. Permitted principal uses in this zone include:

- i. All uses permitted pursuant to §59-53.2
- ii. Restaurants with drive-through service windows.
- iii. Banks, with or without, drive-through service windows.
- iv. Cafes, coffee shops and bakeries, with or without, drive-up service windows.
- v. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.

C. Permitted accessory uses in this zone include:

- i. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants, bakeries and cafes.
- ii. Walk-up service windows and counters.
- iii. Off-street drives and parking areas.
- iv. Solar energy systems. Such systems may be installed only as an accessory use either on the roof of a permitted principal or conditional use or as freestanding structures such as above a parking area.
- v. Recreational and social amenities for the use and enjoyment of residents and guests.
- vi. Drive-through service windows and accompanying menu boards, but not to exceed two menu boards per drive-through lane. Menu board(s) shall be a permitted accessory structure only in the event drive-through service windows are proposed.
- vii. Signage, as regulated herein.

- viii. Facilities for the temporary storage of trash and recyclables.
- D. Prohibited uses. Within the MU-AH zone, the following uses are specifically prohibited:
 - i. Adult book and/or adult gift shops and/or adult stores.
 - ii. Adult mini-motion picture theaters.
 - iii. Adult motion picture theaters.
- E. Conditionally Permitted Uses.
 - i. Multi-family inclusionary housing.
- F. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Principal Buildings and Uses. The following bulk requirements are applicable for all permitted uses in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Min. Open Space	15%
Maximum Number of Building Stories	3
Maximum Building Height	38 feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet

- i. Lot area and other dimensions. Minimum required lot area in this zone shall be 15,000 square feet. Due to the integrated nature of development in this area of the downtown, parking spaces and parking drives can be located on the property the parking spaces and drives are intended to serve or these site development features can be provided on adjacent lots. If on adjacent lots, appropriate cross access easements must be established and provided to the Board attorney for review and if acceptable, approval.
- ii. Not more than two (2) principal buildings per lot are permitted in the zone.
- iii. All non-residential development constructed after adoption of this zoning amendment shall be required to make a contribution to Oakland's affordable housing trust fund consistent with applicable state statute. Half of the required affordable housing trust fund contribution shall be paid to Oakland prior to the issuance of any construction permit. The remaining half of the fee shall be paid prior to the issuance of either a temporary Certificate of Occupancy or a Certificate of Occupancy.
- iv. Parking and Drives. Residential uses shall provide parking pursuant to the Residential Site Improvement Standards and the statewide electric vehicle act. Parking spaces and access drives shall be no closer than ten (10) feet to any public street, other than the drive intersecting with the roadway. Internal driveway connections and shared parking arrangements increase overall site efficiency and are therefore encouraged if provisions are in place to ensure their long-term viability. To encourage shared parking arrangements between residential and non-residential developments, parking spaces and parking drives are not subject to buffer requirements except as noted above. To ensure that a sufficient number of parking spaces are provided, non-exclusive parking easements will be required with provisions that RSIS minimum parking supply will be available to residential uses.

- v. Access and/or utility easements must be established in favor of any property in which drives, parking or utility lines serving one property pass through from an adjoining privately owned lot regardless of ownership.
- vi. Yards. Required building setbacks from interstate highways and associated highway ramps shall be no less than fifty (50) feet for all non-residential uses.
- vii. All roof mounted equipment other than solar panels, shall be screened from public view by the use of a parapet wall or other architectural detail. Typical building appurtenances shall not be included in the building height calculation provided that they are shielded from view, when summed do not cover more than 25% of the roof surface and are only as high as necessary to fulfill their objective.
- viii. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably and attractively landscaped.
- ix. Concrete walkways of an adequate width, but not less than four (4) feet, shall provide safe and convenient access between a developed lot and the adjacent street sidewalk network.
- x. Not more than two (2) building mounted signs are permitted per building. In calculating the number of building mounted signs, a logo and the text portion of a sign located on the same elevation shall be counted and treated as one sign. Signage on any one elevation shall conform with the sign area and height limitations below but the area and height limitations shall be calculated individually for each portion of separate logo and text portions of a sign and then summed. The area and height calculations shall not include the building space between a logo and the text portions of a sign, unless said sign is of a single, unified and integrated design.
- xi. No individual wall sign shall exceed fifty (50) square feet in size and shall be mounted no higher than twenty (20) feet above grade. Size of permitted ground-mounted freestanding/monument or pylon shall not exceed thirty-two (32) square feet per side. Such freestanding/pylon sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than five (5) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance.
- xii. One (1) freestanding/pylon/monument sign per lot shall also be permitted.
- xiii. Menu boards proposed in conjunction with drive-through window service shall be permitted and regulated as below.
- xiv. Menu board signs, of which two (2) are permitted shall not exceed twenty (20) square feet in area and no portion of a menu board shall be higher than ten (10) feet above grade. Pre-order board signs, of which two (2) are permitted, shall not exceed ten (10) square feet in area, nor shall the said per-order board signs exceed ten (10) feet above grade.
- xv. Directional signs shall be permitted as determined by the planning board to properly direct on-site circulation. Directional signs shall not exceed two (2) square feet in size. Directional signs are limited in height to three (3) feet.

G. CONDITIONS OF THE CONDITIONAL USE.

- i. Multi-family inclusionary developments of up to but not exceeding twenty-four (24) units in total with an affordable housing set aside of not less than six (6) deed restricted rental affordable units.
- ii. Market-rate units may be offered as for-sale units or as rental units.
- iii. Required residential building setbacks to the right-of-way of an interstate highway and associated ramps shall be a minimum of thirty-five (35) feet. Building setbacks from all other property lines shall be a minimum of five (5) feet.
- iv. Accessory structures and recreation facilities are permitted in any front, side or rear yard, provided that any accessory structure or use, other than parking and access or parking drives, shall be set back a minimum of five (5) feet from any property line.
- v. Not less than 13% of the income restricted units shall be deed restricted to household earning 30% or less of the regional median gross household income within COAH housing region 1. Thirty-seven (37) percent of all income restricted units within each bedroom distribution shall be deed restricted to households more than 30 percent but less than 50 percent of the median gross household income within COAH housing region 1. Up to fifty (50) percent of all income restricted units within each bedroom distribution shall be deed restricted to households earning between 50 and 80 percent of the median gross household income within COAH housing region 1.
- vi. Bedroom distribution among the market-rate units is unregulated and shall be to developer discretion. However, among the rental affordable units to be constructed on Block 1706 Lot 4.01, or a subdivided portion of that lot, shall be in accordance with the following schedule: two (2) three-bedroom units, three (3) two-bedroom units and a single one-bedroom unit. Bedroom distribution on any other MU-AH zoned parcel shall be in strict accordance with provisions of the Uniform Housing Affordability Controls.
- vii. Affordable housing units generated in 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, and all amendments thereto, 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.
- viii. No construction permit shall be issued for a building in this district until and unless a site plan application has been approved pursuant to this Chapter.
- ix. No certificate of occupancy shall issue unless the building applied for is physically connected to, through approved plumbing connections, an approved sanitary sewer treatment facility and the building owner has been issued all necessary permits for the sewer connection.
- x. A twenty-four (24) square foot building mounted sign is permitted so long as height of said sign is not greater than twenty (20) feet above grade.

- xi. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Conditional Uses. The following bulk requirements are established as conditions of the conditional use in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Maximum Number of Building Stories	4
Maximum Building Height	52 feet
Minimum Front Yard**	35 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

* measured along front yard setback line from side property line to side property line.

** measured from a public right-of-way.

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.

3.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

By: _____
Wendi Seelin, Deputy Borough Clerk

By: _____
Linda H. Schwager, Mayor