

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY
ORDINANCE 21-CODE-842

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO INCORPORATE THE CENTRAL BUSINESS DISTRICT 1 AND CENTRAL BUSINESS DISTRICT 2 AFFORDABLE HOUSING OVERLAY ZONE

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 the two (2) additional districts 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 and the Oakland Affordable Housing Ordinance.

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, accessory uses and conditional 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 only on upper floors as a principal use. No residential use shall be permitted on the ground or first floor of any property in the CBD-I AHO Zone. Inclusionary housing development is permitted principal use only in 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.
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. No. 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 eight (8) 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:
- B. All principal permitted uses, accessory uses and conditional uses for the underlying zone are allowed.

1. Each and every use prohibited in the Central Business Zone II is also prohibited in the Central Business District-II Affordable Housing Overlay Zone.
2. Inclusionary housing developments only on upper floors as a principal use. No residential use shall be permitted on the ground or first floor of any property in the CBD-II AHO Zone. Inclusionary housing development is a permitted use only in the second and third floors.
3. 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.
4. 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.
5. Permitted residential density shall not exceed eight (8) units per acre.
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. 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.
7. 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

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:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

Lisa M. Duncan, Borough Clerk

By: _____
Linda H. Schwager, Mayor