

BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE No. 21-CODE-843

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

BE IT ORDAINED by the Borough Council of the Borough of Oakland, in the 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 Ordinance of the Borough of Oakland”.

Section 1

ARTICLE VII Zoning is hereby amended, supplemented and revised only on the following specified particulars:

Section 59-66.2 Affordable Housing 2.

- A. Paragraph A shall be and is amended by replacing the existing text and inserting the following:

Purpose. The purpose of this zone is to implement the terms of a July 8, 2020 Memorandum of Understanding by amending and revising an affordable housing zone known as the AH 2 zone with the standards and requirements as detailed herein for the tract of land situate in the Borough known as Block 3001 Lots 1, 4, 15 and 18 as shown on the tax maps of the Borough of Oakland to permit the construction of an inclusionary residential development. The total number of dwelling units to be constructed in this zone shall not exceed 204, of which twenty-seven (27) shall be deed restricted affordable dwellings. Included in the twenty-seven (27) deed restricted affordable dwellings units will 18 for-sale dwellings and 9 family rental dwellings.

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.

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.

Paragraph C. permitted uses is and shall be amended in the following particulars only:

- (4) Low rise multi-family (condominium or garden apartment) dwelling units.

Paragraph E is hereby amended through the addition of new paragraph 5 with all subsequent paragraphs renumbered

Maximum number of dwelling units shall not exceed 204 dwellings. 13.5% of the total number of dwellings units shall be reserved for very-low, low-and moderate-income households. Bedroom distribution among affordable dwelling units shall be in strict compliance with the Uniform Housing Affordability Controls. In addition, these affordable dwellings shall be affirmatively marketed, and deed restricted in accordance with applicable provisions contained with the Uniform Housing Affordability Controls and/ or Chapter 93 the Substantive Rules of the New Jersey Council on Affordable Housing.

In addition to constructing no less than 27 affordable and deed restricted dwellings, the developer shall make a contribution to Oakland's affordable housing trust fund as detailed in the Memorandum of Understanding referenced above.

Paragraph F. This paragraph is and shall be revised with a new as detailed below:

- (4) Nine (9) family rental dwellings shall be constructed on the property. These units may be contained in a multifamily-style residential building which may, at the discretion of the developer also contain some or all of the for-sale affordable dwelling units. These dwellings shall be designed to fully conform with the Memorandum of Understanding signed between the Borough of Oakland and Bi-County Development, Inc. and the Declaratory Judgement Settlement Agreement, IMO Docket No. BER-L-6359-15 as well as Oakland's Affordable Housing ordinance.

Paragraph H (4) (e) shall be modified in the following parameters only

Non-age restricted units: 27.

Section 2

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 3

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 4

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

Linda H. Schwager, Mayor