



Borough of Harrington Park
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Ordinance #735
AMENDMENT TO ZONING ORDINANCE
Permitting Overlay Zoning for
Affordable Housing
May, 2019

WHEREAS, the Mayor and Council of the Borough of Harrington Park are desirous of implementing zoning to promote affordable housing within the Borough;

WHEREAS, the Mayor and Council of the Borough of Harrington Park find that such proposed zoning amendments promote the general welfare, safety and housing goals within the Borough;

WHEREAS, on July 8, 2015, the Borough of Harrington Park had filed and served on all interested parties a Complaint for Declaratory Judgment with respect to the Borough of Harrington Park's affordable housing obligation; and

WHEREAS, the Borough of Harrington Park and Fair Share Housing Council, in consultation with the Court-appointed Master and the Borough's Planner, entered into a proposed settlement agreement on November 6, 2017; and

WHEREAS, following a fairness hearing on January 25, 2018, the Court approved the aforesaid proposed settlement agreement which specifically included the provisions contained herein;

NOW THEREFORE BE IT ORDAINED That Chapter 350 of the Zoning Ordinance is hereby amended as follows;

Chapter 350. Zoning

Article II Zoning Districts; Zoning Map

§ 350-4 **Designation of districts; Zoning Map.**

A. For the purpose of promoting the public health, safety, morals and general welfare of the community, the Borough of Harrington Park is hereby divided into the following types of districts:

R-1	Residential
R-2	Residential
R-3	Residential
S-1	Senior Citizen Dwelling Unit
B-1	Business

B-2	Business
I-1	Industry
OALSR	Office/Assisted Living/Senior Residential Community Multifamily Residential Overlay <i>Add the following</i>
AHO	Affordable Housing Overlay

Article IV Residential Districts

§ 350-12.1 Affordable Housing Overlay Zone.

- A. Purpose. To permit the development of inclusionary multifamily residential development in which a certain proportion of dwelling units are set aside for occupancy by low- and moderate-income households.
- B. Conflict in requirements. The requirements of the remaining provisions of Chapter 350 apply to the Affordable Housing Overlay Zone (AHO) except where those requirements conflict with this Section. In the event of such a conflict, the terms of this §350-12.1 shall prevail.
- C. The AHO-Affordable Housing Overlay Zone is located on the following specific sites within the Borough:
- Block 1204, Lots 4 and 5, presently zoned B-1;
 - Block 1204, Lots 6, 9, 10 and 11, presently zoned B-1;
 - Block 1205, Lot 1, presently zoned B-1;
 - Block 1205, Lot 4, presently zoned I-1;
 - Block 1206, Lot 1, presently zoned I-1
 - Block 1207, Lot 2, presently zoned I-1, and
 - Block 1316, Lot 1-7, 9 and 11, presently zone B-2.
- D. Permitted uses. The following uses are permitted within the AHO Affordable Housing Overlay Zone, all of which must contain affordable housing in accordance with this § 350-12.1:
- (1) Apartments.
 - (2) Townhouses.
 - (3) Mixed-use, with retail on the first floor and apartments above.
- E. Development standards. The bulk standards that are applicable within the AHO Affordable Housing Overlay Zone shall be those of the underlying zone in which they are located.
- F. Parking. The following parking requirements are applicable to the AHO-Affordable Housing Overlay Zone:
- (1) Parking space size and number requirements shall be in compliance with the New Jersey Residential Site Improvement Standards (RSIS).
 - (2) All parking shall be located 10 feet from any front property line and five feet from any side or rear yard property line.

- (3) All perimeter open space surrounding a parking lot must be densely landscaped with year- round screening materials, including but not limited to evergreen shrubs.
- G. Affordable housing requirements. All development in AHO- Affordable Housing Overlay Zone shall provide for affordable housing in accordance with the following requirements:
- (1) All developments within the AHO-Affordable Housing Overlay Zone shall provide dwelling units which qualify for credit as low- and moderate-income housing per the requirements of New Jersey's Fair Housing Act and which meet the income, bedroom distribution and other requirements of the Uniform Housing Affordability Controls (N.J.S.A. 5:80-26.1 et seq.), in the following minimum percentages:
 - (a) Rental projects: Fifteen percent (15%) of the total units.
 - (b) For-sale projects: Twenty percent (20%) of the total units.
 - (2) At least thirteen percent (13%) of the affordable units shall be very low-income units, as mandated by the Fair Housing Act.
 - (3) The developer shall utilize the Borough's Administrative Agent or Borough-approved equivalent. The developer shall be solely responsible for the cost and expense of administering the low- and moderate-income income units for the lifetime of the deed restriction. This shall include the initial rental/sale of the unit and the ongoing compliance.
- H. Other requirements. Development in the AHO-Affordable Housing Overlay Zone shall also comply with the following requirements:
- (1) Landscape buffer. A landscaped buffer shall be provided along the site's perimeter. The buffer shall be planted with grass, deciduous and evergreen trees, shrubs and all other landscape material and treatments as required by the Planning Board and Environmental Commission. No retaining walls shall be located within the buffer. Site identifying signage and driveways perpendicular to the buffer may encroach into the buffer.
 - (2) Mechanical equipment. Any rooftop mechanical equipment, inclusive of solar equipment, shall be concealed within the roof of the building so it is not visible from all vantage points at-grade or below the roof. Any ground-mounted mechanical equipment shall be screened appropriately.
 - (3) Architectural design guidelines.
 - (a) Primary materials for buildings shall be brick, wood, HardiePlank® panels or similar fiber cement siding, stone, precast and cast stone and manufactured stone, and glass.
 - (b) No more than three different primary materials shall be used on each building façade. Within the primary materials, variations in colors, texture and pattern may be employed to further break up the mass or bulk of a building.
 - (c) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building.

- (d) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (e) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes.
- (f) Building wall offsets, including projections such as canopies and recesses may also be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- (g) Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote			YES	NO	ABSTAIN	ABSENT
NAPOLITANO(AN)		x	x			
EVANELLA (GE)	x		X			
WALKER (DW)			x			
BROCKMAN (JB)			x			
PEDERSEN (JP)						x
CHUNG (JC)			x			

Certified Copy of a Resolution Ordinance at the June 17, 2019 Regular Agenda Meeting of the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey.


 Ann H. Bistriz
 Borough Clerk



