

ORDINANCE NO. 2023-10

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF
LEONIA IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY,
AMENDING CHAPTER 290 OF THE MUNICIPAL CODE TO CREATE
AFFORDABLE HOUSING OVERLAY ZONE, ALSO KNOWN AS AH-2**

WHEREAS, the Borough of Leonia (“Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Chapter 290 of the Borough’s Municipal Code (“Code”) currently provide for the regulation of development throughout the Borough; and

WHEREAS, the Borough Planning Board adopted a Housing Element and Fair Share Plan on June 22, 2022, and the Borough Council endorsed the Plan on July 18, 2022; and

WHEREAS, the 2022 Housing Element and Fair Share Plan recommended that the Borough Council implement affordable housing overlay zones to address the Borough’s affordable housing obligation in accordance with N.J.A.C. 5:93-4.2(h)(2); and

WHEREAS, the Borough Council has determined to amend Chapter 290 to create development standards and boundaries for Affordable Housing Overlay Zones in the Borough of Leonia.

BE IT ORDAINED, by the Borough Council of the Borough of Leonia, in the County of Bergen, State of New Jersey, that Chapter 290 be and is hereby amended and supplemented to read as follows:

(Additional regulations or amended text indicated in **bold type**; deleted text is shown in *strikethrough italics*.)

Article III Zoning Map

- E. The Zoning Map of the Borough of Leonia is hereby amended to add the AH-2 Overlay Zone. The AH-2 overlay zone is comprised of the following properties: Block 1501, Lots 22, 23, and 24.**

Article XXII AH-2 Overlay Zone

§ 290-113 Affordable Housing Overlay Zone (AH-2).

Purpose. The Purpose of the Affordable Housing Overlay Zone (AH-2) is to create an opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Borough’s constitutional obligation to provide such housing affordable to low- and moderate-income households.

§ 290-114 The AH-2 overlay zone is comprised of the following properties: Block 1501, Lots 22, 23, and 24.

§ 290-115 Permitted Principal Uses.

Within the AH-2 Overlay Zone, the following principal uses shall be permitted:

- A. Multi-family dwellings.**

§ 290-116 Permitted Accessory Uses.

Within the AH-2 Overlay Zone, the following accessory uses shall be permitted when used in conjunction with a principal permitted uses.

- A. Parking and loading in accordance with Article XIX Off-Street Parking and Loading, and with the Parking Standards required within this ordinance.**
- B. Signs and Fences in accordance with Article XIV General Regulations.**

§ 290-117 Affordable Housing.

Low- and moderate-income housing requirements.

- A. All multifamily residential development constructed in the Affordable Housing Overlay Zone shall be required to set aside a minimum of 20% of all dwelling units, whether rental or for sale, for affordable housing. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number. All affordable units to be produced pursuant to this section shall comply with the following:**
 - (1) Affordable dwelling units shall be constructed and sold or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Affordability Controls (UHAC) at N.J.A.C. 5:80-25.1 et seq.**
 - (2) Affordable housing unit household income breakdown shall comply with the following:**
 - (a) At least 13% of all the affordable units shall be affordable to very-low-income (VLI) households at 30% of the median income;**
 - (b) At least 50% of the affordable units shall be made affordable to low-income households (the 50% requirement is inclusive of the 13% VLI requirement); and**
 - (c) The balance of units permitted as affordable to moderate-income households shall not exceed 50% of all affordable units.**
 - (3) Affordable housing bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq., the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.**
 - (4) The range of affordability, pricing and rent of units, affirmative marketing, thirty-year minimum affordability controls and construction phasing with the market rate units developed shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq., the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.**
 - (5) All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.**

§ 290-118 Bulk Standards.

In the AH-2 Overlay Zone, the following bulk standards shall be met:

- A. Minimum lot size: 3 acres.**

- B. Minimum lot width: 200 feet.
- C. Minimum lot depth: 400 feet.
- D. Minimum front setback: 15 feet.
- E. Minimum side setback: 10 feet.
- F. Maximum lot coverage: 70%.
- G. Maximum density 27 dwelling units per acre

§ 290-119 Building and Site Requirements.

- A. **Location of Building.** Buildings and their front facades shall be oriented towards the public and/or private roadway. Where the building does not front a public and/or private roadway, buildings shall be oriented towards interior open spaces. All units and buildings shall be oriented away from parking lots.
- B. Surface parking lots and garages are not permitted in the front yard setback of any property, any proposed side yard shall be masked with architectural or landscape features.
- C. **Common Open Space.** Public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by all.
- D. **Facades.** In order to provide attractiveness, identity and individuality to buildings and complexes of buildings within the entire development and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
 - (1) Facades shall be expressed as building nodes to reduce the apparent size of larger buildings and to set up a rhythm in the facade that expresses the traditional scale of buildings. Architectural variety in building material, massing, cornice height, and window style/height/arrangement is encouraged.
 - (2) All buildings shall provide scale-defining architectural elements or details, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
 - (3) All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porches, overhangs, railings, balustrades and other elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.
 - (4) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, 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.
 - (5) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
 - (6) There shall be no blank facades and shall adhere to the standards listed above and, in this document.
 - (7) Articulate the building entrance in the facade to make it easily identifiable by pedestrians and motorists and to provide architectural interest.
- E. **Residential Dwelling Unit Requirements.**
 - (1) **Dwelling Unit Size.** Each dwelling unit shall meet the following criteria:
 - (a) One-bedroom – minimum 750 square feet, Affordable Units – minimum 650

square feet.

- (b) Two-bedroom – minimum 950 square feet, Affordable Units – minimum 875 square feet.
- (c) Three-bedroom – minimum 1,250 square feet, Affordable Units – minimum 1,100 square feet.
- (d) As it relates to any units with dens:
 - (1) Dens must adjoin a living space.
 - (2) Dens must be built without closets and at all times post-construction have no closets.
 - (3) Dens must be accessed through a minimum 42-inch-wide opening.
 - (4) The addition of a door, wall or a closet are at all times prohibited.
- (2) No rooms intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.
- (3) Buildings with residential uses shall provide laundry facilities and central air conditioning for each dwelling unit. No central or common laundry or similar facilities intended for two or more dwelling units shall be permitted. Window air conditioning units are not permitted. Outside clothes drying is prohibited.

G. Landscaping and open space.

- (1) Landscaping and open space. All portions of the site not used for buildings and off-street parking shall be attractively landscaped with trees, shrubs and grass lawns as required by the Planning Board. At least 15% of the gross area site shall be devoted to common open space suitable for use by the residents for recreation. Screening and fencing as regulated in Article XVIII shall be provided along side and rear property lines as required by the Planning Board.
- (2) Screening and Buffering. Where properties in the AH-2 Overlay Zone abut a residential zone, properties in the AH-2 Overlay Zone shall at least partially obscure the view of parking areas by screening such areas with fencing or landscaping or any combination thereof. Landscaping shall measure a minimum of eight feet in height at planting. Fencing shall not be less than six feet in height and shall conform to the Fencing requirements at §290-47 Fences and walls. Said screening shall be subject to review and approval by the Planning Board, pursuant to site plan review.

H. Lighting.

- (1) Adequate lighting shall be provided for all common areas and pedestrian walkways.
- (2) All outdoor lighting, including streetlamps and accent lighting, should comply with "dark sky" standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (3) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such incidental lighting shall not exceed one-half an ISO foot candle at ground level on the abutting property.
 - (b) No light, except streetlights, shall shine directly onto public roads.
- (4) Where the abutting property is residentially zoned and used, lighting shall meet the following requirements:
 - (a) Light fixtures shall be directed towards the propped development and away from the abutting property.
 - (b) The light source itself must not be visible from the abutting residential property.
- (5) No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed eighteen (18) feet in height from grade level, and no pedestrian lighting

standard shall exceed fourteen (14) feet in height from grade level.

I. Miscellaneous.

- (1) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (2) Refuse Area Design Standards. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing at least six feet in height. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) and shall not be located in the front of the building.
- (3) Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.

J. Parking Standards.

- (1) All parking areas shall conform with Article XVIII Off-Street Parking and Loading of the Municipal Code.
- (2) Parking shall be provided in accordance with the Residential Site Improvements Standards (R.S.I.S).

§ 290-120 Site Plan Review.

All of the foregoing shall be subject to site plan review.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

RECORD OF VOTE

Council	First Reading						Second Reading					
	June 19, 2023						July 24, 2023					
	M	S	Y	N	A	AB	M	S	Y	N	A	AB
Grandelis			✓									
Davis			✓									
Fusco		✓	✓									
Hesterbrink			✓									
Terrell			✓									
Ziegler	✓		✓									
Mayor Zeigler												

M - Motion S - Seconded Y- Yes N - No A - Abstain AB - Absent

Judah Zeigler, Mayor

ATTEST:

Trina Lindsey, Borough Clerk