BOROUGH OF CRESSKILL

ORDINANCE NO. 26-31-1687

AN ORDINANCE TO AMEND THE TR ZONE, AND OTHERWISE AMEND THE CRESSKILL ZONING ORDINANCE TO ACHIEVE CONSISTENCY WITH CRESSKILL'S FOURTH ROUND COMPLIANCE CERTIFICATE
BOROUGH OF CRESSKILL,
BERGEN COUTY, NJ

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that the following amendments and revisions are made to Chapter 275 Zoning as follows:

Section I:
Article XXI TR Townhouse Residence Zone §275-80. Permitted Uses shall be and is amended in the following particulars only:

C. Special note regarding affordable housing: For the TR Lot known as Block 181, Lot 1, permitted uses shall also include inclusionary (market-rate and affordable) housing developments in accordance with the conditions described herein, and in compliance with the applicable regulations of §275-81W.

Section 2:
§275-81. Regulations shall be and is amended in the following particulars only:

W. Regulations pertaining to the inclusionary development uses for Block 181 Lot 1 shall be and are amended in the following particulars only:

(1) Incentives for inclusionary development for the TR Lot Block 181, Lot 1:

(a) Maximum permitted density is 22 dwelling units per acre. Said units can be arranged and included in a multi-family building. Market-rate units and affordable dwelling units shall be fully integrated within the development.

(b) Developers are permitted to exceed the height restriction in Code § 275-81B provided that the structure does not exceed a height of 38 feet or three stories.

(c) Deleted and no longer part of the ordinance.

(2) Affordable residential dwelling units. All affordable dwelling units shall be constructed, marketed and administered in compliance with the requirements of the State of New Jersey, Housing Mortgage Finance Agency, and the Uniform Housing Affordability Controls as well as all applicable local ordinances. Furthermore, all such affordable housing shall be subject to agency certification and approval from the Borough's administrative agent and/or municipal housing liaison before certificates of occupancy will be issued. The developer shall include all facilities required by law that are necessary to be maintained as a jurisdictional agency-certifiable rental or ownership unit within an inclusionary development so that the agency's restrictions are legally enforceable. All such developments shall conform to Article XXIX, Affordable housing, and Article XXX, Development fees for affordable housing, of the Borough of Cresskill Municipal Code. The terms "moderate-income", "low-income" and "very-low income" as used below are as defined by the jurisdictional agency.

(a) Affordable residential dwelling units may be offered as rental or as for-for sale housing in strict conformance with all ratios as proscribed in §275-125.

(b) Affordable housing as defined herein shall comprise not less than 25% of all housing units proposed.

(d) No less than 50% of all COAH creditworthy units shall be affordable to low-income households, with 13% of rental units affordable to very-low-income households. The remaining 50% can be offered to moderate-income households.

(3) Market-rate residential dwelling units. Market-rate dwelling units will be permitted as described above on Block 181, Lot 1, only in conjunction with a proposal to construct a minimum of 25% of the total as deed restricted affordable housing as described above. These market-rate dwelling units may be offered for either or both rent or ownership. An applicant must be able to demonstrate that the quantity of parking stalls as required by the New Jersey Residential Site Improvement Standards (RSIS) is available for use by residents and guests of these dwelling units.

(a) Market-rate housing shall comprise no more than 75% of all housing units constructed in any one project.

Section 3:
Article §275-124 Inclusionary zoning shall be and is amended in the following particulars only:
B. (1). A minimum of 25% of the total number of units shall be set aside as affordable housing units if the affordable units are for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a prorated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up, and the additional affordable unit shall be provided.

(2) A minimum of 25% of the total number of units shall be set aside as affordable housing units if the affordable housing units are for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a prorated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up, and the additional affordable unit shall be provided.

C. Any townhouse, garden apartment, mixed-use development or other multiple-family residential development, including PURDS, within a designated redevelopment property identified in the Amended and Restated Cresskill Redevelopment Plan shall provide a minimum affordable housing set-aside of 25% of the total number of units, if the total number of affordable housing units will be for sale or for rent. The provisions of Subsection B(3) above shall also apply.

D. Any property in the Borough of Cresskill that is currently zoned for nonresidential use and that is subsequently zoned for residential purposes or receives a use variance to permit residential development, or that is currently zoned residential use and that receives a zoning change or a density variance to permit higher-density multifamily residential development at a density of at least six units per acre and no less than twice the previously permitted density, shall provide an affordable housing density of 25% regardless if the affordable housing dwellings are offered for sale or for rent. The provisions of Subsection B(3) above shall also apply.

Section 4:
All ordinances of the Borough of Cresskill 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 upon final passage, approval and publication as provided by law.