

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE NO. 08-26

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER,
COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING
CHAPTER 150, ENTITLED “ZONING,” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF UPPER SADDLE RIVER TO
ESTABLISH A NEW AH-6 AFFORDABLE HOUSING 6 DISTRICT**

WHEREAS, the Upper Saddle River Borough Planning Board has adopted, and the Upper Saddle River Borough Council has endorsed, an Amended Housing Element & Fair Share Plan addressing the Borough’s Fourth Round affordable housing obligation; and

WHEREAS, the Amended Housing Element & Fair Share Plan recommends that the parcel identified as Block 1002 Lot 2 on Borough tax records be rezoned for inclusionary development; and

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of the amendment to the Zoning Ordinance, the Upper Saddle River Borough Council has referred to the Upper Saddle River Planning Board the proposed amendments to the Land Use and Development Ordinance for review, comment and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the amendments set forth below are made to the Revised General Ordinances of the Borough of Upper Saddle River, Chapter 150, entitled “Zoning.”

Section 1. Section 150-6, “Establishment of Districts,” shall be amended to add the following new district to the list of districts:

AH-6 Affordable Housing 6 District

Section 2. Section 150-7, “District Boundaries,” shall be amended to include a new subsection I, which shall read as follows: Subsection H, “Overlay Zone Districts,” shall be amended to include a new subparagraph (5), which shall read as follows:

I. AH-6 District. Block 1002, Lot 2, consisting of 18.85 acres as shown on the Borough of Upper Saddle River Zoning Map.

Section 3. Chapter 150, Article III “Use Regulations,” shall be amended and supplemented by the insertion of a new Section 150-10.14 entitled “AH-6 Affordable Housing 6 District.” This new section shall read as follows:

§ **150-10.14. AH-6 Affordable Housing 6 District.**

- A. Purpose. The purpose of the AH-6 Affordable Housing 6 District is to establish an affordable housing district that permits the construction of inclusionary townhouse development at maximum densities as hereinafter specified, conditioned upon the provision of a twenty-percent set aside requirement for low- and moderate-income housing units.
- B. Principal permitted uses. The following principal uses shall be permitted in the AH-6 Affordable Housing 6 District:
 - (1) Townhouses.
 - (2) Low- and moderate-income units within townhouse buildings, which may be designed as one-over-one apartment flats within a townhouse configuration.
- C. Accessory uses. The following accessory uses shall be permitted in the AH-6 Affordable Housing 6 District:
 - (1) Private indoor recreation and community rooms and facilities to be used exclusively by the residents of the development.
 - (2) Leasing/management office to be used exclusively for the residential component of the development.
 - (3) Roof-mounted solar panels and equipment. Ground-mounted solar panels shall be prohibited.
 - (4) Green roofs.
 - (5) Rooftop amenities to be used exclusively by the residents of the development.
 - (6) Electric vehicle (EV) charging equipment.
 - (7) Signs as otherwise regulated in the Borough ordinances.
 - (8) Fences and walls as otherwise regulated in the Borough ordinances.
 - (9) Trash and recycling facilities as otherwise regulated in the Borough ordinances.
 - (10) Noncommercial swimming pools and associated equipment to be used exclusively by the residents of the development.
 - (11) Private garages and off-street parking for private vehicles, excluding recreational vehicles, trailers, boats and commercial vehicles.

- (12) Accessory uses customarily incidental and subordinate to multifamily development.

Section 4. Chapter 150, Article IV “Bulk and Parking Regulations,” shall be amended and supplemented by the insertion of a new Section 150-15.12 entitled “AH-6 Affordable Housing 6 District.” This new section shall read as follows:

§ 150-15.12. AH-6 Affordable Housing 6 District.

A. Townhouse area, yard and bulk requirements.

- (1) Minimum lot area: 18 acres.
- (2) Maximum (gross) density: 7.2 units per acre.
- (3) Minimum setbacks from external lot lines:
 - (a) Front yard: 50 feet.
 - (b) Side yard: 40 feet.
 - (c) Rear yard: 40 feet.
- (4) Minimum setback from internal roadways: 25 feet.
- (5) Minimum distance between buildings:
 - (a) Front to front: 75 feet.
 - (b) Front to rear: 60 feet.
 - (c) Front to side: 50 feet.
 - (d) Side to side: 50 feet.
 - (e) Side to rear: 50 feet.
 - (f) Rear to rear: 75 feet.
- (6) Minimum open space: 50%.
- (7) Maximum building lot coverage: 25%.
- (8) Maximum impervious lot coverage: 50%.
- (9) Maximum principal building height: 3 stories/38 feet.

- (a) Appurtenances attached to the principal building, including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar-type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 10 feet in height. All roof-mounted appurtenances shall have a minimum ten-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.
- (10) Maximum building length: 180 feet.
- (11) Maximum number of units in structure: 8 units, provided that no more than 2 affordable units shall be permitted in any individual townhouse row, which affordable units may be designed as one-over-one flats.
- (12) Accessory building setback limitations:
 - (a) Minimum distance from principal building: 40 feet.
 - (b) Minimum distance to front lot line: 75 feet.
 - (c) Minimum distance to other lot lines: 40 feet.

B. Residential parking requirements.

- (1) The minimum number of required off-street parking spaces in the AH-6 Zone shall be in accordance with Residential Site Improvement Standards (RSIS).

Section 5. Chapter 150, Article V “Supplementary Regulations,” shall be amended and supplemented by the insertion of a new Section 150-19.8 entitled “AH-6 Affordable Housing 6 District.” This new section shall read as follows:

§ 150-19.8. AH-6 Affordable Housing 6 District.

A. Affordable housing requirements.

- (1) All development constructed in accordance with the AH-6 Zone standards shall be required to provide a minimum affordable housing set-aside of 20%, regardless of whether units are for sale or for rent. 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.
- (2) All affordable units to be produced pursuant to this section shall comply with Chapter 63, Housing, Affordable, of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C.

5:80-26.1 et seq.) or any successor regulation, the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the court, including a judgment of compliance and repose order. This shall include, but is not limited to, the following:

- (a) The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of median income,
- (b) Appropriate bedroom distribution of 1-, 2-, and 3-bedroom units,
- (c) Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
- (d) Minimum unit sizes by square footage for affordable housing units.
- (e) The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
- (f) The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

B. Supplementary requirements.

- (1) All development constructed in accordance with the AH-6 Zone standards shall comply with the requirements set forth for the AH-1, AH-2, AH-3, AH-4 and AH-2A Affordable Housing Districts at §150-19.1.A. and §150-19.1.B.(1) through (5).

Section 6. If any article, 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 and they shall remain in full force and effect.

Section 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Upper Saddle River, the provisions hereof shall be

determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Upper Saddle River are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Upper Saddle River for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 10. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 5th day of March, 2026.

ADOPTED the 9th day of April, 2026.

Arman Fardanesh, Mayor

ATTEST:

Joy Convertini, RMC, Borough Clerk