

**BOROUGH OF RIVER EDGE
ORDINANCE 26-04**

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY AMENDING CHAPTER 416, ZONING, OF THE BOROUGH CODE TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATION BY CREATING NEW OVERLAY ZONES FOR BLOCK 1418 LOTS 1, 2, 3, 3.01 AND 4 AND BLOCK 203 LOTS 2, 2.01, 3 AND 4 TO PERMIT INCLUSIONARY MULTIFAMILY DEVELOPMENT AND AMEND THE EXISTING AH-1 OVERLAY ZONE, MULTIFAMILY AND SENIOR CITIZEN HOUSING CONDITIONAL USE DISTRICT AND NEW BRIDGE LANDING STATION REDEVELOPMENT PLAN IN ACCORDANCE WITH THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in accordance with the New Jersey Supreme Court's "Mount Laurel I" decision (*South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975)) and progeny, as well as the 1985 New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 *et seq.*, River Edge (the "Borough") has a constitutional obligation to provide for its fair share of its region's need for low- and moderate-income housing; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

WHEREAS, in accordance with the requirements of the Amended FHA, the River Edge Planning Board adopted a Housing Element and Fair Share Plan to address its Fourth Round affordable housing obligation adopted June 25, 2025; and

WHEREAS, it is anticipated that the River Edge Planning Board will adopt the Borough's 2026 Amended Housing Element and Fair Share Plan on February 25, 2026 in accordance with the terms of the Borough's Fourth Round Mediation Agreement with Fair Share Housing Center; and

WHEREAS, the Borough's Amended 2026 Housing Element and Fair Share Plan includes as a plan mechanism to address a portion of the Borough's affordable housing obligation the creation of a new overlay zone to permit inclusionary multifamily development on Block 1418 Lots 1, 2, 3, 3.01 and 4; and

WHEREAS, the Borough's Amended 2026 Housing Element and Fair Share Plan includes as a plan mechanism to address a portion of the Borough's affordable housing obligation the creation of a new overlay zone to permit inclusionary multifamily or mixed-use development on Block 203 Lots 2, 2.01, 3 and 4; and

WHEREAS, the Borough's existing New Bridge Land Redevelopment Plan will be amended to permit a maximum density of 36 dwelling units per acre to address a portion of the Borough's affordable housing obligation; and

WHEREAS, the Borough's existing AH-1 New Bridge Road Affordable Housing Overlay Zone will be amended to permit a maximum density of 25 units per acre to address a portion of the Borough's affordable housing obligation; and

WHEREAS, the Borough's existing Multifamily and Senior Citizen Housing Conditional Use District will be amended to require a minimum affordable housing set-aside of 20%; and

WHEREAS, the Fair Housing Act as amended requires all municipalities to adopt their implementing affordable housing ordinance by March 15, 2026.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey that Chapter 416, Zoning, of the Borough of River Edge Code is hereby amended and supplemented as follows:

Section 1. Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended and supplemented by creating a new §416-36.4, AH-2 Affordable Housing Overlay Zone 2, for Block 1418 Lots 1, 2, 3, 3.01 and 4 as shown on Exhibit A attached hereto, which shall read as follows:

§416-36.4 AH-2 Affordable Housing Overlay Zone 2

- A. Purpose. The purpose of the AH-2 Affordable Housing Overlay Zone 2 is to create a realistic opportunity for multifamily inclusionary development on Block 1418 Lots 1, 2, 3, 3.01 and 4 in a suitable location in the Borough of River Edge to address a portion of the Borough's affordable housing obligation. The affordable units shall comply with UHAC requirements.
- B. Permitted principal uses.
 - (1) Multifamily
- C. Permitted accessory uses.
 - (1) Accessory uses customary and incidental to the permitted principal use in §416-36.2.B(1).
- D. Affordable housing requirement.
 - (1) Minimum 20% affordable housing set-aside for both sale and rental units in accordance with UHAC and other applicable requirements.
- E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-2 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.
 - (1) Minimum Tract Area: 1.5 acres
 - (2) Maximum Density: 40 units per acre
 - (3) Minimum Front Yard Setback: 30 feet
 - (4) Minimum Side Yard Setback: 25 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Building Coverage: 40%
 - (7) Maximum Lot Coverage: 80%
 - (8) Maximum Building Height: 4 stories/45 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 12

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.

F. Supplemental Requirements.

- (1) The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards requirements.
- (2) Surface parking areas shall have year-round screening with landscaping minimally three feet in height where visible from public streets and surrounding property. Parking areas within the building footprint and structured parking shall be architecturally screened with exterior materials and design consistent with the façade of the building.
- (3) All building sides shall be treated as front facades with consistent articulation, materials and fenestration. Building facades with expansive blank walls are prohibited.
- (4) Each façade visible from a public street or surrounding property shall be designed to have a delineated floor line between the lowest building level and upper floors.
- (5) Each building façade shall have elements of vertical articulation no greater than 50 feet apart minimally 1 foot deep.
- (6) Balconies may project a maximum of 5 feet into required yard areas.
- (7) Flat roof areas not occupied by appurtenances or amenity space shall be constructed as a “cool roof” with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.
- (8) Fire escapes are prohibited on front building facades except where required by the Fire Official.
- (9) All roof mounted equipment shall be architecturally screened from public view. Ground mounted equipment visible to the public shall be screened with fencing and/or landscaping to provide year-round screening.
- (10) Landscaping shall include street trees along Johnson Avenue with spacing of no more than 40 feet on center and installation size of 2-1/2” caliper or greater. A comprehensive landscape plan prepared by a qualified professional shall be provided to include landscaping in the front yard area along Johnson Avenue, common areas and screening to the south for the adjacent garden apartments. Landscaping shall provide year-round interest.
- (11) One freestanding sign shall be permitted in the front yard area facing Johnson Avenue with a minimum setback of 10 feet from lot lines and not to exceed a maximum height of 4 feet or sign area of 24 square feet. Two building identification signs shall be permitted, one

on each the Johnson Avenue and Route 4 frontages, not to exceed a sign area of 20 square feet.

Section 2. Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended and supplemented by creating a new §416-36.5, AH-3 Affordable Housing Overlay Zone 3, for Block 203 Lots 2, 2.01, 3 and 4 as shown on Exhibit B attached hereto, which shall read as follows:

§416-36.5 AH-3 Affordable Housing Overlay Zone 3

- A. Purpose. The purpose of the AH-3 Affordable Housing Overlay Zone 3 is to create a realistic opportunity for multifamily or mixed-use inclusionary development on Block 203 Lots 2, 2.01, 3 and 4 in a suitable location in the Borough of River Edge to address a portion of the Borough's affordable housing obligation. Development of the AH-3 Overlay Zone shall be designed to minimize impacts to surrounding residential development on Summit Avenue including preservation of the existing views to the east. The existing vegetated buffer on the western slope of the site shall be preserved to the maximum extent feasible. The affordable units shall comply with UHAC and other applicable requirements.
- B. Permitted principal uses.
 - (1) Multifamily
 - (2) Mixed-use with commercial uses permitted in the C-1 Zone on the first floor and residential units above the first floor
- C. Permitted accessory uses.
 - (1) Accessory uses customary and incidental to the permitted principal use in §416-36.5.B(1).
- D. Affordable housing requirement.
 - (2) Minimum 20% affordable housing set-aside for both sale and rental units in accordance with UHAC and other applicable requirements.
- E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-3 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.
 - (1) Minimum Tract Area: 1 acre
 - (2) Maximum Density: 15 units per acre
 - (3) Minimum Front Yard Setback: 30 feet
 - (4) Minimum Side Yard Setback: 15 feet
 - (5) Minimum Rear Yard Setback: 100 feet
 - (6) Maximum Building Coverage: 40%
 - (7) Maximum Lot Coverage: 70%
 - (8) Maximum Building Height: 2.5 stories/35 feet
 - (a) Building height in the AH-3 Overlay Zone shall be calculated from the existing elevation of the front lot line.

- (b) 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 12 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.

F. Supplemental requirements.

- (1) The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards requirements and as required in Chapter 350, Site Plan Review, for nonresidential uses. There shall be no more than two curb cuts on Kinderkamack Road providing vehicular access to the site.
- (2) Surface parking areas shall have year-round screening with landscaping minimally three feet in height where visible from public streets and surrounding property. Parking areas within the building footprint and structured parking shall be architecturally screened with exterior materials and design consistent with the façade of the building.
- (3) All building sides shall be treated as front facades with consistent articulation, materials and fenestration. Building facades with expansive blank walls are prohibited.
- (4) Each façade visible from a public street or surrounding property shall be designed to have a delineated floor line between the lowest building level and upper floors.
- (5) Each building façade shall have elements of vertical articulation no greater than 30 feet apart minimally 1 foot deep.
- (6) Balconies may project a maximum of 5 feet into required yard areas.
- (7) Flat roof areas not occupied by appurtenances or amenity space shall be constructed as a “cool roof” with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.
- (8) Fire escapes are prohibited on front building facades except where required by the Fire Official.
- (9) All roof mounted equipment shall be architecturally screened from public view. Ground mounted equipment visible to the public shall be screened with fencing and/or landscaping to provide year-round screening.
- (10) Landscaping shall include street trees along Kinderkamack Road with spacing of no more than 40 feet on center and installation size of 2-1/2” caliper or greater. A comprehensive landscape plan prepared by a qualified professional shall be provided to include landscaping in the front yard area, common areas and screening for adjacent

properties. The developer shall install streetscape improvements including paving, lighting and tree installation in accordance with Borough streetscape standards at the discretion of the Borough Engineer.

Section 3. §416-36.2.E(2) of Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended to read as follows (underlines indicate additions thus; deletions indicated with strikethroughs ~~thus~~):

§416-36.2.E(2) Maximum density: ~~20~~ 25 units per acre.

Section 4. §416-36.1.D(9)(a) of Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended to read as follows (underlines indicate additions thus; deletions indicated with strikethroughs ~~thus~~):

§416-36.1.D(9)(a)

~~Any development pursuant to this ordinance shall provide a presumptive ten-percent set-aside of affordable units on site or equal to the number of such units as may be determinable under COAH regulations for inclusionary development at the time of approval by the approving authority. These units shall be used to satisfy the set-aside requirements of Subsection C(1) of this ordinance. Any development pursuant to this section shall require a minimum 20% affordable housing set-aside in accordance with UHAC requirements.~~

Section 5. Section 3.9.C. on page 19 of the Borough's adopted New Bridge Landing Station Redevelopment Plan dated September 17, 2020 shall be amended to increase the permitted maximum gross density of the RA-1 New Bridge Landing Station Redevelopment Area from 25 dwelling units per acre to 36 units per acre.

Section 6. §416-5, District designations, of Chapter 416, Zoning, of the Borough Code shall be amended and supplemented to read as follows:

§416-5 District designations.

The Borough of River Edge, for purposes of this chapter is hereby divided into the following districts, differentiated according to use, area and bulk regulations, and which shall be known and designated as follows (additions underlined thus; deletions indicated with strikethroughs ~~thus~~):

- R-1 Residential: Single-Family
- R-2 Residential: Two-Family
- R-3 Residential: Garden Apartment
- PRD-1 Planned Residential Development
- C-1 Commercial: Neighborhood Business
- C-2 Commercial: Office
- P-1 Conservation
- M-1 Public
- AH-1 New Bridge Road Affordable Housing Overlay Zone
- ~~AH-2 Affordable Housing Overlay Zone 2~~
- ~~AH-3 Affordable Housing Overlay Zone 3~~

RA-1 New Bridge Landing Station Redevelopment Area

RA-2 Kinderkamack Road Redevelopment Area

Section 7. Attachment 4 – Zoning Map of Chapter 416, Zoning, shall be amended and supplemented to incorporate the overlay zones and redevelopment areas previously established by ordinance and established by this Ordinance as listed in Section 6 above.

Section 8. All other provisions of Chapter 416, Zoning, of the Borough Code shall remain unchanged.

Section 9. Pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40-55D-64, after introduction of this Ordinance, it shall be referred to the Borough of River Edge Land Use Board for the review required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., prior to the public hearing on adoption of this Ordinance.

Section 10. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 11. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 12. This Ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 13. This ordinance shall take effect 20 days after its final passage in accordance with N.J.S.A. 40:69A-181 and upon filing with the Bergen County Planning Board.

INTRODUCED: February 26, 2026

ADOPTED: _____