

ORDINANCE NO. 1956

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

AN ORDINANCE IMPLEMENTING THE BOROUGH'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT AND RELEVANT STATE REGULATIONS AND POLICIES, AND AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 230 "ZONING" WITH RESPECT TO CERTAIN PROVISIONS GOVERNING THE AFFORDABLE HOUSING OVERLAY-II DISTRICT (AHO-2)

Interpretive Statement:

This Ordinance makes certain changes to the zoning provisions for the existing Affordable Housing Overlay-II (AHO-2) zoning district, including but not limited to allowing residential units on the first floor in certain locations, and increasing the allowable density in the AHO-2 zone.

WHEREAS, the Borough of Glen Rock (the "Borough" or "Glen Rock") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to *N.J.S.A. 52:27D-301 et seq.* (the "Fair Housing Act") on January 22, 2025; and

WHEREAS, the Court entered an order on June 4, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 201 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 19, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center (FSHC) having filed a challenge pursuant to *N.J.S.A. 52:27D-304.1(f)(2)(b)* regarding the Borough's HEFSP on September 2, 2025; and

WHEREAS, 66 Glen Ave, LLC having filed a challenge pursuant to *N.J.S.A. 52:27D-304.1(f)(2)(b)* regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, the Borough and FSHC and 66 Glen Avenue LLC have agreed to amicably resolve the issues set forth in the challenge through a mediation agreement presented for review by the Program and referral to the Mount Laurel judge pursuant to *N.J.S.A. 52:27D-304.1(f)(2)(b)* and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round; and

WHEREAS, the Borough, by way of Ordinance 1832 adopted December 9, 2020, established the Affordable Housing Overlay – II Zoning District (“AHO-2”), with respect to the following area: Block 111, Lots 1, 1.01, 1.02, 2, 3, 4, 5 and 6; Block 112, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12; Block 115, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24; Block 116, Lots 1, 2, 3, 4 and 5; and

WHEREAS, as of the date of final adoption of this Ordinance, an Amended Housing Element and Fair Share Plan (the “Amended HEFSP”) has been adopted by the Planning Board and endorsed by the Governing Body; and

WHEREAS, in furtherance of the mediation agreement, the Adopted HEFSP, and the Amended HEFSP, the Borough wishes to make modifications to certain provisions of the Borough Code related to the AHO-2 Zoning District,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Glen Rock, County of Bergen, and State of New Jersey that Chapter 230 Zoning of the Borough Code is hereby amended and supplemented as follows:

Section 1. The recitals hereto are incorporated herein as if set forth at length.

Section 2. Section 230-72.3 of the Borough Code, entitled “Principal permitted uses”, is hereby amended and restated as follows:

“A. The AHO-2 District has been created to assist the Borough of Glen Rock in fulfilling a distinct portion of its constitutional obligation to provide affordable housing. As a community without the land resources to fully address its affordable housing obligation, Glen Rock has an unmet need component to its affordable housing obligation. The AHO-2 District is designed to help address this obligation and to implement certain requirements detailed in various settlement agreements.

The AHO-2 District encourages the development of low- and moderate-income housing by allowing for mixed use inclusionary multifamily residential development; however, developers shall also have the option of maintaining development in accordance with the underlying C-2 Zone standards. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Glen Rock and encourage the construction of inclusionary housing consistent with smart growth design goals, development accessible to public transit and maintaining commercial uses on the ground floor along Rock Road.

B. Special rules regarding principal permitted uses. Development in accordance with the AHO-2 District standards shall be mixed use residential over commercial. The uses of the ground or first floor of a principal building are those permitted in the underlying C-2 district. Attached multifamily inclusionary housing is and shall be a principal permitted use with the following requirements:

(1) Residential units shall be permitted on the second and third floors, but not the

- ground or first floor (whichever is lower) except as noted herein.
- (2) Where a lot or tract of development has frontage on the Rock Road R.O.W., the principal buildings, first or ground floor, shall be a commercially demised use occupying minimally 75 percent of the Rock Road frontage with a maximum facade setback of 10 feet from Rock Road R.O.W.
 - (3) The ground or first floor may contain a residential unit demised space where this space is not closer than 50 feet from the Rock Road R.O.W.. This limitation shall not apply to a ground floor or residential entrance lobby fronting Rock Road for no more than 15 feet of a Rock Road facing facade.
 - (4) Lots or tracts not fronting Rock Road principal buildings are permitted to have residential demised space on the ground or first floor.”

Section 3. Section 230-72.4(C) of the Borough Code is hereby amended and restated in its entirety as follows:

“C. Density in the district shall not exceed 25 dwelling units per acre.”

Section 4. Section 230-72.4(G) of the Borough Code is hereby amended and restated in its entirety as follows:

“G. A minimum of twenty (20) percent of total number housing units generated in a development in this district shall be reserved as affordable housing. All such affordable housing shall be deed restricted for a minimum of 30 years pursuant to *N.J.A.C. 5:80-26*. The affordable housing component shall be compliant with Article XXVI and the UHAC rules (*N.J.A.C. 5:80-26.1 et seq.* and *N.J.A.C. 5:99*).”

Section 5. Concurrently with the introduction of this Ordinance, it is hereby referred to Planning Board for the Planning Board’s review as to the consistency of the Ordinance with the Borough’s Master Plan.

Section 6. All Ordinances of the Borough of Glen Rock which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. 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 8. This Ordinance shall take effect as provided by law.

ATTEST:

BOROUGH OF GLEN ROCK
 COUNTY OF BERGEN
 STATE OF NEW JERSEY

 Jacqueline Scalia, Borough Clerk

By: _____
 Kristine Morieko, Mayor