



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## ORDINANCE 26-CODE-987

### AN ORDINANCE TO CREATE A NEW INCLUSIONARY ZONE DISTRICT FOR 129 McCOY ROAD (BLOCK 4004, LOTS 4 & 5 ) IN THE BOROUGH OF OAKLAND, BERGEN COUNTY, NEW JERSEY

**WHEREAS**, the Borough of Oakland has adopted a Housing Element and Fair Share Plan; and  
**WHEREAS**, the Borough of Oakland seeks to address its Round 4 Prospective Need Obligation; and  
**WHEREAS**, the Borough of Oakland seeks to create a new inclusionary zone district to address a portion of its obligation:

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Oakland,  
**That the Borough Code is amended as follows:**

**Article II, Section 59-5 is amended to add the following definition**

Townhouse, Stacked: An attached dwelling containing a minimum of two dwelling units and a maximum of 10 dwelling units. Each unit contains a separate outside access and is separated by either vertical and/or horizontal construction.

**Section 59-46 is amended to add:**

Zone RA-7AH – Affordable Housing Block 4004, Lots 4 & 5 Inclusionary Zone District

**A new Section 59-52.10, RA-7-AH, is added, to read as follows:**

- A. The purpose of the RA-7 Affordable Housing Zone is to permit inclusionary residential development, with a maximum of 85 total units, on the property known as Block 4004, Lots 4 & 5
- B. Permitted Principal Uses: Within the RA-7 Affordable Housing Zone, only the following principal uses are permitted:
  - (1) Townhouses, as defined in Article II, Section 59-5
  - (2) Stacked Townhouses
- C. Permitted accessory uses and structures allowed in the RA-7 Zone are those customarily incidental to the Zone's permitted principal uses, do not include any activity conducted for economic gain and are further limited to the following:
  - (1) Attached garages for the parking of passenger vehicles and, if outdoor storage or recyclables and trash is not proposed, trash cans and recycling bins.

- (2) Surface parking areas.
- (3) Driveways and exterior parking areas.
- (4) Fences and walls.
- (5) Clubhouses, pools, pool houses, recreational amenities, cabanas, gazebos, garden sheds, hothouses, greenhouses and utility sheds.
- (6) Unlighted outdoor recreation courts.
- (7) Maintenance buildings.
- (8) Utility infrastructure such as pump houses, water mains, metering pits and similar utility improvements made necessary for the development of the property.
- (9) Stormwater management facilities.
- (10) Signage identifying the development or individual buildings.
- (11) Temporary storage containers for refuse and recyclable products, if same are not stored inside a building.
- (12) Facilities for the temporary storage of trash and recyclables.
- (13) Decks, patios and privacy screens, fences and walls.
- (14) Temporary marketing signs, flags and banners.
- (15) Temporary sales and construction trailers.

D. Bulk standards.

- (1) Overall tract requirements.
  - (a) Overall tract acreage requirement is a minimum of 10 acres.
  - (b) Maximum tract building coverage shall not exceed 25%.
  - (c) Maximum tract impervious coverage shall not exceed 55%.
- (2) Maximum number of residential units: 85
  - (a) Not less than 17 units, or 20% of the total number of units on the site, whichever is greater, shall be affordable to low- and moderate-income households
- (3) Buildings
  - (a) Minimum principal building setback to a Zone boundary line shall be 30 feet. Decks, patios and privacy screens, fences or walls and utility pump stations may extend to within 15 feet of a Zone line.
  - (b) Minimum building setback from a common or internal road is 22 feet.
  - (c) Minimum separation between buildings is:
    - [1] Front to front: 85 feet.
    - [2] Front to side: 70 feet.
    - [3] Side to side: 25 feet.
    - [4] Side to rear: 35 feet.
    - [5] Rear to rear: 55 feet.

(d) The maximum number of connected dwellings is six; three is the minimum.

(e) Maximum Building Heights:

[1] Stacked Townhouses: 3.5 stories, 42 feet

[2] Traditional Townhouses: 2.5 stories, 35 feet

[3] Community Building: 2 stories, 30 feet

(f) Each townhouse shall be equipped with no less than one garage space. Garage space shall be used for the parking and temporary storage of motor vehicles, and the storage of trash/recycling receptacles. This space shall not be converted into any other type of room or habitable space.

#### E. Utilities

(1) All dwellings and other buildings shall be connected to community water and sewer systems, unless buildings do not require services, such as a storage shed.

(2) Potable water wells are prohibited in this Zone.

(3) Individual septic systems are prohibited in this Zone.

(4) The average height of retaining walls used in connection with any stormwater retention and/or detention basin, as measured at fifty-foot intervals at finished grade adjacent to the wall, shall not exceed 23 feet. All other retaining walls may be no higher than 15 feet in height. If retaining walls are tiered, there shall be a minimum two-foot horizontal separation between tiers.

(a) Retaining walls shall be no closer than 5 feet to the nearest property line.

#### F. Slope & Site Disturbance

(1) All pervious areas of the site that are disturbed during site construction shall be landscaped pursuant to the landscape plan approved by the Planning Board by the developer prior to the issuance of the last certificate of occupancy.

(2) The Tree Removal and Protection Ordinance of the Borough of Oakland, Chapter 19 of the Borough of Oakland Code, shall apply to the entire site.

#### G. Amenities & Common Elements

(1) The developer shall establish an organization or organizations for the ownership and maintenance of off-street parking areas, private streets, retaining walls, signs (both regulatory and site identification) recreational and social amenities and facilities including clubhouse and pool(s), utility infrastructure and all common areas, including stormwater management infrastructure and basins all for the continuing benefit of the development's residents. All refuse and recycling storage and collection shall be the responsibility of the organization referenced herein.

(2) Recreational amenities such as a clubhouse or pool, and all utilities and services, shall be equally available to residents of both market-rate and affordable units, and their guests.

Outdoor recreational and social amenities shall not be located in the yard between any building and a lot line.

H. Parking & Circulation

- (1) Parking light and walkway illumination shall be in accordance with § 59-40. LED light fixtures are encouraged.
- (2) For units without a garage/driveway, access to and from individual parking spaces shall be from a parking lot drive aisle, not a street or common element road. Each individual parking space shall have direct and unfettered access to a parking lot drive aisle. The parking drive aisle shall be 24 feet in width.
- (3) All barrier-free pedestrian facilities, including the required number and design of barrier-free parking spaces, shall be constructed in accordance with applicable federal ADA standards and requirements and New Jersey barrier-free construction regulations.
- (4) Tract Access shall take place by way of a shared access easement and agreement with adjacent property owners;
- (5) Private and/or public roadways, parking spaces, drive aisles and parking lots in general shall be designed and constructed pursuant to N.J.A.C. 5:21. The number of parking spaces shall be pursuant to Residential Site Improvement Standards requirements. Consistent with RSIS, the requirement to have parking under lock and key [Borough Code § 59-61F(11)] and the restriction on front yard parking (Borough Code § 59-61J) shall not apply. Parking in front of the buildings shall be permitted but parking in the McCoy Road front yard setback shall not be permitted.

I. Signage

- (1) Two (2) freestanding signs identifying this development are permitted at the entrance to the development. Sign setback shall be 10 feet from the public right-of-way if a public street. Said sign message shall not exceed 24 square feet (measured inside the frame) in area on any one side. Top of sign message shall not exceed 12 feet from surrounding grade. Signs shall be illuminated by exterior lights and the sign base shall be landscaped. These signs may be double-sided. In addition, a temporary construction and marketing sign of 40 square feet, set back 10 feet from the right-of-way line, shall be permitted. Temporary marketing flags and banners shall be permitted within the site, and no such temporary marketing flag, sign or banner shall be located closer than 25 feet from the public right-of-way line. All temporary signs, flags or banners shall be removed at the sale of the last unit.
- (2) Directional and wayfaring signs shall be permitted within the development in order to act as guides to residents, visitors and guests, including emergency service providers

of the Borough. Signs shall be limited to eight square feet and shall be no closer than five feet from any curblineline. Building number signs affixed to buildings also shall be permitted as approved by emergency service providers of the Borough.


J. Affordable Housing

- (1) Parking shall be required per RSIS standards.
- (2) Not less than 20% of the total dwelling units shall be restricted to low and moderate households. These households shall be available to families, and shall not be restricted to any specific demographic or population.
- (3) If the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer.
- (4) The affordable units shall be developed and administered in accordance with the Fair Housing Act (NJSA 52:27D-301 et. seq.), Local Planning Services regulations (N.J.A.C. 5:99), and UHAC regulations (N.J.A.C. 5:80-26.1), and as required under Chapter 60, Affordable Housing Regulations and Controls Regulations, of the Code of the Borough of Oakland. Such requirements include but are not limited to the following: income distribution, bedroom distribution, affordability controls (not less than 40 years for rental units and 30 years for sale units).
- (5) The affordable units shall be integrated throughout the development.

**Effective Date**

This ordinance shall take effect upon its passage and publication, as required by law.

ATTEST:

  
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 Wendi Seelin, Acting Borough Clerk  
 March 12, 2026

  
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 Eric Kulmala, Mayor

This is to certify that this is a true copy  
 as adopted by the Mayor and Council  
 of the Borough of Oakland at a meeting  
 held on 3/12/26

Borough Clerk 