**ORDINANCE #5-2017**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE TO AMEND CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY, TO AMEND THE “AH AFFORDABLE HOUSING ZONE”**

 **WHEREAS**, on or about February 28, 2007, the Honorable Burrell I. Humphreys, J.A.D., issued a Judgment granting a builder’s remedy pertaining to property identified on the Borough’s Tax Map as Block 59, Lot 1.04, Block 60, Lots 9.02, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01 and 60.02 (which are now known as Block 5104, Lot 14 and commonly known as the “Meer Tract”); and

 **WHEREAS**, said Judgment required 360 multi-family units, including 72 low and moderate income units to be constructed on the Meer Tract; and

 **WHEREAS**, in order to comply with the Judgment granting the builder’s remedy, the Borough adopted Ordinance 13-2007 which amends Chapter 92 and establishes the “AH Affordable Housing Zone”; and

 **WHEREAS**, there are certain portions of the Ordinance which specifically requires a restricted area of disturbance and that land outside the restricted area of disturbance shall be preserved in perpetuity as Open Space through a Conservation Easement; and

 **WHEREAS,** the Ordinance would presently call for the mandatory conservation of approximately 145 acres of land out of a 177 acres of land in connection with the aforementioned property; and

 **WHEREAS**, subsequent to the adoption of Ordinance 13-2007, the New Jersey Superior Court Appellate Division, in the case of *New Jersey Shore Builders v. The Township of Jackson*, 401 N.J. Super. 152 (App. Div. 2008), held that “although maintaining common open space and recreation areas are important goals of the Municipal Land Use Law, municipalities do not have unlimited authority to effectuate those goals”; and

 **WHEREAS**, Ordinance 13-2007 exceeds the authority of the Borough of Bloomingdale to compel a property owner to set aside 80% of a tract of land for Open Space in consideration of a residential development; and

 **WHEREAS**, the property owner of the Meer Tract could not find a developer for the project due to the cost prohibitive site preparation work necessary for the project; and

 **WHEREAS**, the Borough of Bloomingdale sought alternatives to develop the Meer Tract and received an Order entered by the Honorable Thomas F. Brogan, P.J. Cv. on October 7, 2013 providing that the Borough Council may consider adopting amendments to Ordinance 13-2007 to, among other things, “permit quarrying, reclamation and related industrial uses on a portion of the Meer Property and the adjacent property owned by Tilcon, New York”; and

**WHEREAS**, the Planning Board of the Borough of Bloomingdale adopted a 2015 Master Plan Amendment relating to Block 5105, Lots 14 which called for incentivize zoning and a Quarry Overlay Zone in order to encourage the development of Affordable Housing in the AH Zone; and

 **WHEREAS**, the Borough adopted the AH-1 Overlay Zone on August 5, 2016, which permitted a portion of the 145 acres of land to be quarried so long as the land owner first takes necessary steps to provide excavation and elevation on the Affordable Housing section of the property so that it is suitable for an Affordable Housing development; and

**WHEREAS**, the Borough of Bloomingdale adopted a Housing Element and Fair Share Plan dated October 4, 2016 that called for an Overlay Zone and incentivizing zoning in coordination with the existing AH Affordable Housing Zone by establishing the “AH-1 Affordable Housing Overlay Zone”; and

 **WHEREAS**, the purpose of the AH-1 Overlay Zone was to assist in the provision of Affordable Housing on the “Meer Tract” in order to support the development on Affordable Housing on this land; and

 **WHEREAS**, on July 18, 2016, the Honorable Thomas F. Brogan, P.J.Cv. issued an Order granting Third Round Substantive Certification to the Borough of Bloomingdale; and

 **WHEREAS,** as part of said Order, the Court considered the recommendations of the Special Master that the municipality is entitled to credits towards its prior round and third round perspective need obligations; and

 **WHEREAS**, said Order, with respect to the Meer Tract, stated the following:

 “72 units will be a reasonable opportunity for Affordable Housing upon the Borough providing zoning incentives for the development of this tract. This tract which is approximately 180 acres in size contains 32 acres of land that has been approved for residential development for the past 8 years. However, there have been no prospects for the development since the site preparation is considered cost prohibitive. However, pursuant to Counsel for Bloomingdale’s letter of March 24, 2016, the Borough is considering the owner of the Meer Tract’s request for enhanced zoning by way of permitting quarrying activities on the portion of the remaining 145 acres of land of the Meer Tract. As part of this zoning overlay, the present owner of the property will provide appropriate excavation and elevation for the 32 acres of land approved for residential development which includes 72 Affordable Housing units in order to insure that the property has reasonable opportunity for development.”

 **WHEREAS,** the conservation of 147 acres of land in the AH Zone is a misuse of zoning and violates the Municipal Land Use Law; and

 **WHEREAS,** the incentive of permitted additional uses in the AH Zone will support the development of the inclusionary housing on the site; and

 **WHEREAS**, it is appropriate and consistent with the Borough Master Plan, Fair Share Housing Plan and the Municipal Land Use Law to limit improper and excessive conservation requirement in the AH Zone.

 **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey, as follows:

**SECTION 1.** The following sections of Chapter 92, the Zoning Ordinance of the Borough of Bloomingdale, Passaic County, New Jersey are hereby amended as indicated by strike out, as follows:

 Section 92-61 AH Affordable Housing Zone (hereafter “this Section”)

1. Purpose: The purpose of the AH (Affordable Housing) Zone is to implement a Superior Court Order (in D.R. Horton, Inc. – New Jersey and Bloomingdale Joint Venture v. Borough of Bloomingdale and Planning Board of Bloomindale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. – New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-1259-06) to rezone a tract identified on the Tax Map of the Borough of Bloomingdale as Block 59, Lot 1.04, Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01 and 60.02, now known as Block 5105, Lot 14 (hereafter, the subject property) to assist the Borough in addressing its constitutional low and moderate income housing obligation. The purpose of this Section is to facilitate the construction of an inclusionary development consisting of a maximum of 360 multi-family units, including 72 units of low and moderate income for sale housing as depicted on the attached concept plan identified as Exhibit A.

The low and moderate income housing units shall comply with all requirements of N.J.A.C. 5:94-1 (COAH’s rules) and N.J.A.C. 5:80-26 et seq. (Uniform Housing Authority Controls.)

The Borough has acknowledged that the subject property is subject to the municipal Services Act. The Borough has also acknowledged that the applicant shall have the option to construct a temporary haul road during the construction, which will be removed immediately upon the completion of the development, or at the earliest date permitted by weather conditions. Such haul road shall be restored to grade and stabilized with top soil and seed.

In facilitating this development, it is the clear intent of the Borough: not to impose any unnecessary cost generating standards on the inclusionary development; to expedite the review of any simultaneous preliminary and final land use land development application on the subject property; to cooperate in granting any reasonable variances and waiver, it being expressly understood that the restricted area of disturbance as defined in this Section cannot be enlarged except as provided for in Section 6; to utilize Residential Site Improvement Standards (RSIS); and to eliminate duplicative reviews. Thus, if the State or County has exclusive jurisdiction over necessary approvals required for the development of the subject property, such as, but not limited to, wetlands buffers, stream encroachment, review of homeowner or condominium association documents, traffic, soil erosion and sedimentation control, etc., the Borough and its Board shall condition its decision on obtaining necessary approvals from such State or County agencies with jurisdiction.

 The applicant shall provide the Planning Board’s engineer with copies of all applications for outside agency approvals at the same time such applications are submitted. The applicant shall submit all condominium documents to the Planning Board and Borough Attorneys contemporaneously with its submission to the Department of Community Affairs.

 The Borough shall cooperate with the applicant in obtaining any *de minimus* exceptions to the RSIS (e.g., for sidewalks on one side of the entrance boulevard).

 The Planning Board Engineer shall have the authority to deem the application complete and to grant waivers from any checklist requirements rendered inapplicable by the terms of this Section.

 In order to expedite the review of the inclusionary development, the Borough’s professionals shall undertake their reviews of the development application within 20 days of its submission of a substantially complete application, and the applicant shall have the right to technical review meetings with the Borough’s professionals and two (2) planning board members commencing after 20 days of its submission (even if the submission has not yet been deemed complete). The goal of the technical review meetings is to resolve all technical and design issues, including issues as to the application’s conformance to all ordinances, during the technical review process. The applicant may respond to the comments of the technical review committee with concept sketches without amending fully engineered plans. Revisions to the plan that the Planning Board Engineer determines can be addressed with sketches during the hearings may be satisfied as a condition of site plan approval.

 The Planning Board shall schedule a hearing on the proposed inclusionary development within 60 days of submission, unless the applicant agrees to an extended schedule or the development application is deemed incomplete within the 45 days permitted by the Municipal Land Use Law (MLUL). If the application is deemed incomplete within the 45 days permitted by the MLUL, the Planning Board shall schedule a hearing no later than 30 days of the application being deemed complete. The Planning Board shall complete its review of the inclusionary development thereafter and shall take an action within the time frame required pursuant to the MLUL and shall schedule special meetings, if necessary, to complete its review and take action pursuant to the MLUL deadline.

 The inclusionary development shall not be responsible for more than its fair share of the costs associated with any off-tract improvement. Since the concept plan identified as Exhibit A hereto has been determined by the Planning Board Engineer not to negatively impact drainage on Van Dam Avenue, the applicant shall not be responsible for any improvement costs associated with the drainage system on Van Dam Avenue.

 An applicant seeking approval of the inclusionary development shall not be required to submit a fiscal or environmental impact statement. In lieu of an environmental impact statement, the applicant shall prepare a brief narrative describing: the proposed inclusionary development; the design of the proposal; and measures it is employing to mitigate the environmental impacts of the proposed development. The applicant shall not be required to prepare an analysis contrasting the proposed development to any other build or no build options for the site.

 If there is any conflict between the Bloomingdale Zoning and Land Development Ordinance and the standards outlined below or within the RSIS, the standards outlined below or within the RSIS shall apply.

 It is also the clear intent of this Section to exempt the inclusionary development from the provisions of Chapter XII, Low and moderate Income Housing, of the Revised General Ordinances of the Bloomingdale Borough Ordinances, which currently regulate low and moderate income housing development, and any and all Bloomingdale ordinances that regulate steep slopes, soil movement or blasting as they relate solely to the restricted area of disturbance.

B. The following definitions shall apply to the Affordable Housing Zone:

        ACCESSORY BUILDING OR STRUCTURE — A subordinate building or structure customarily incidental and subordinate to the principal building or use on the lot, including but not limited to clubhouse, pool, recreation facilities, stormwater basins, fencing, signage, retaining walls, sales or construction trailer, and dumpsters, and trash enclosures.

        BUILDING DEPTH — For the purpose of this section, the distance measured on a single plane along the building's shortest dimension, consistent with the attached sketch.  Bay windows, roof eaves and entry overhang features are excluded from the building depth measurement.

        BUILDING HEIGHT — For the purposes of this section, building height shall be the vertical distance measured from the garage floor (as measured from the top of the cement floor base of the garage) elevation to the peak of building, but not including mechanical equipment, elevator penthouses, tanks, and architectural details such as decorative cupolas, chimneys, spires and other similar projections, consistent with the attached sketch identified as Exhibit B. Mechanical and HVAC equipment and architectural design features (e.g., weather vanes, cupolas, etc.) are exempt from the height limit. Any mechanical, HVAC equipment or other non-architectural design feature shall be appropriately screened.

        BUILDING LENGTH — For the purposes of this section, the distance measured on a single plane along the front face of the building, consistent with the attached sketch identified as Exhibit B. Bay windows, roof eaves and entry overhang features are excluded from the building length measurement.

        GRADED AREA — An area having not more than a five percent (5%) slope for its entire length and width.

        MULTI-FAMILY BUILDING — For the purposes of this section only, a building containing a maximum of sixty (60) dwelling units.

C. Permitted Principal Uses (land and buildings):

1. Multi-family buildings as defined in B above.

D. Accessory Uses (land and buildings):

1. Clubhouse.

2. Swimming pool.

3. Recreation facilities, including tot lots and sitting and picnic areas.

4. Storm water basins.

5. Fencing.

6. Signage.

7. Retaining walls.

8. Sales and construction trailers.

9. Dumpsters and trash enclosures.

10. Other subordinate structures customarily incidental and subordinate to the principal building or use on the lot.

E. Tract Standards:

1. Maximum Yield for Zoning District – 360 rental or for sale units, or any combination thereof, at the option of the developer, in the area set forth in Exhibit A.

2. Maximum Number of Multi-Family Buildings - 6.

3. Maximum Building Coverage – 30 percent of the restricted area of disturbance.

4. Maximum Lot Coverage – 60percent of the restricted area of disturbance.

5. Minimum Graded Area Along the Rear Length of Any Building - 36 feet.

1. Minimum Building Set-back from Perimeter Property Line - 50 feet.
2. Maximum Building Height – 73 feet.
3. Minimum Parking Set-back from Perimeter Property Line – 15 feet.
4. Accessory Buildings and/or Structures:
	1. Minimum set-back from property line – 25 feet.
	2. Building height – a maximum of 35 feet and not exceeding two (2) stories. A story shall not include a crawl space or a basement, which may be constructed as a walk-out basement, nor shall a walk out basement be considered in the calculation of building height (see Exhibit D for illustration). For purposes of this Section only, the building height of any accessory building and/or structure shall be measured from main floor grade level to the peak of the building.
	3. Accessory buildings and structures in the AH zone shall be exempt from Section 92-17 of this chapter.

10. Perimeter set-back standards shall not apply to certain site improvements including retaining walls, detention basins, signs and fencing, unless otherwise required by this Section.

11. A 25 foot setback shall be required from Block 59, Lots 1.03, 2, 3.01, a portion of 3.02, 6.01, 6.02 and 7.

F. Multi-family Building Standards:

1. Maximum Number of Units per Building - 60.

1. Maximum Length of Building – 220 feet.
2. Maximum Depth of Building – 160 feet.
3. Minimum Building Set-back from Internal Street or Parking - 10 feet.
4. Minimum Building Set-back from Parking – 10 feet.
5. Maximum Building Height (Residential Building) – 73 feet.
6. Minimum Distance between Residential Buildings - 50 feet.
7. Parking requirements shall be not less than required by RSIS standards. There is no obligation to provide garage parking for every unit. Parking may be provided as either surface parking lots or garages or a combination of both. All parking shall be located within the restricted area of disturbance.
8. There shall be within each building on the garage floor a designated area for the temporary storage of solid waste and recyclable materials. At the applicant’s option, dumpsters may be located outside of the buildings in appropriately screened enclosures.
9. Open Space and Recreation Plan: It is recognized that the Court approved a concept plan for the inclusionary development that did not include any active recreation facilities. Although recreational facilities are not required, they are permitted, and all proposed recreational facilities shall be subject to site plan approval. The following recreational facilities are permitted:
10. A community clubhouse of at least 3 square feet for each housing unit within the community. Facilities within the clubhouse shall include an all purpose room, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board. The clubhouse shall not be available for large assemblies or gatherings exceeding five (5) percent of the development’s population.
11. A swimming pool of at least 3 square feet for each housing unit.
12. Additional outdoor recreational facilities, such as a putting green, tot lot, bocce courts, tennis courts, and/or passive recreation such as lawn areas, picnic areas and sitting areas may also be provided. All recreational facilities provided shall be located within the restricted area of disturbance and shall be utilized only by residents of the community and their guests, and shall not be available to the general public by fee, membership or other means.
13. Parking for recreational facilities is not required with the exception of handicap parking to be provided at the clubhouse.
14. In the event that dwellings are offered for sale, a homeowner’s association or condominium association shall be incorporated as required by law. No association shall be required for rental units. Any homeowners’ or condominium association created for for-sale units in the community shall be responsible for owning, maintaining and repairing all common areas in the community. The residents in the community which includes for-sale units, shall be required to be members of the association. This requirement shall be set forth in the contract of sale and deed for each for-sale unit as well as in any public offering statement required by State law. The review of homeowner association documents shall be subject to the sole jurisdiction of the NJ Department of Community Affairs. (Ord. No. 16-2011)

12. Tree removal: It is understood that the applicant will have to clear significant areas to construct the inclusionary development. The applicant shall be exempt from any prohibition on clearing trees within the area of residential development as depicted on the concept plan identified as Exhibit A, and shall not be required to replace trees removed from the restricted area of disturbance.

13. Low and moderate income housing: Twenty percent of the housing units within the inclusionary development shall be affordable to low and moderate income households. The low and moderate income units shall be constructed pursuant to the phasing schedule required by COAH’s rules. The affordable units shall conform to N.J.A.C. 5:94-1, et seq. (COAH’s rules) and N.J.A.C. 5:80-26, et seq. (Uniform Housing Affordabilty Controls). The affordable units shall be integrated throughout the development. The affordable housing units shall be considered integrated providing there are at least 10 affordable units within each building.

1. Temporary Sales Trailer, Sales Office, Models and Construction Trailers:

1. One (1) temporary sales trailer shall be permitted on-site upon the Planning Board’s granting of preliminary site plan approval for the community and up to eight (8) temporary construction trailers and staging areas shall be permitted on site during construction.

2. Maximum Trailer Size: 25’ x 80’.

1. Location: The location of any sales trailer shall be shown on the site plan.
2. Parking for Sales Trailer: One (1) space per sales employee plus five (5) additional spaces, which can be temporary gravel or pavement.
3. Parking for Construction Trailer: Temporary gravel or paved parking area.
4. Temporary exterior lighting may be provided to illuminate the trailers and provide security during construction; such lighting shall be shielded from adjacent properties to prevent overhead skyglow.
5. The applicant shall be permitted to use units within the development for model homes, sales office and sales during the construction of the development.
6. All temporary construction trailers shall be removed within 60 days of bond release.
7. The temporary sales trailer shall be removed upon construction/establishment of a permanent sales office.

H. Permanent Signs:

1. Two (2) permanent entry wall signs shall be permitted with a maximum area of 50 square feet per sign, with a design substantially consistent with the depiction shown on Exhibit C to this Section.

1. Building locator signs shall be permitted with a maximum area of 8 square feet per sign. This shall apply to all residential buildings, clubhouse and any recreation areas on-site.
2. Permanent signs shall not be located within required sight triangles established by the RSIS.
3. Minimum sign setback to perimeter property line: 3 feet.
4. Sign maintenance shall be the responsibility of the homeowners’ or condominium association.
5. Exterior illumination of signs shall be permitted subject to site plan approval. No flashing or moving lights shall be permitted.

7. There is no limitation on the number of directional signs that shall be permitted within the development.

8. No other permanent signage shall be permitted on the site.

9. All permanent signage shall be subject to site plan review.

I. Temporary Signs:

1. Sales directional signs and construction vehicular movement signs shall be permitted with a maximum area of 8 sq. feet per sign.
2. A temporary 2-sided sales sign shall be permitted at the entrance, within 3 feet of the property line, with a maximum area of 20 square feet.
3. Temporary signs shall not be located within required sight triangles established by RSIS standards.

J. Lighting:

1. Street lighting shall be provided at all road intersections and shall comply with the Borough’s illumination and shielding requirements, unless the Planning Board and applicant agree to a lesser standard as part of site plan approval.
2. Parking lot lighting shall be colonial post mount. The maximum height for lighting fixtures in parking lots shall be 20 feet.
3. All lighting shall be shielded to prevent overhead skyglow and to prevent light from shining off-site and into residential units within the development.

K. Sidewalks:

1. Sidewalks shall be provided on the south side of the entrance drive and shall not be required on the northern side. The Planning Board shall, if necessary, grant the applicant a de minimis exception from the RSIS for the elimination of the northerly sidewalk.
2. Sidewalks shall be provided to connect parking areas to the entrances of residential buildings and to the community recreation building.
3. The applicant shall not be required to provide any other pedestrian trails other than the sidewalks referenced above.

L. Landscaping:

1. The applicant shall not be required to provide any landscaping outside of the restricted area of disturbance.
2. Within the restricted area of disturbance, land not used for required driveways, sidewalks, off street parking or loading, accessory buildings or playground areas shall be planted with trees (sized consistent with street trees), shrubs, plants and grass lawns or ground cover in order to ensure the attractiveness of the premises and the protection of the soil thereon, subject to approval by the Planning Board Engineer.

3. Street trees shall have a minimum diameter of two and one-half (2.5) inches in diameter, measured six (6) inches above the ground. Such trees shall be planted 40 to 60 feet apart (averaging 50 feet) parallel to Road A as shown on the concept plan, subject to modification due to conflicts with other improvements.

4. All plantings as shown on the approved landscape plan shall be permanently maintained by the homeowners association.

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 M. Phasing:

1. If the applicant proposes to phase the development, it shall submit a phasing plan, with the site plan application, consistent with the following principles:
	* 1. Each phase or section shall be located and designed to function as if no further development will occur with respect to a safe and convenient circulation system, storm water control, utility services, fire hydrants and access for emergency vehicles.
		2. All proposed amenities shall be completed by the first Memorial Day after the applicant receives its 180th Certificate of Occupancy.

N. Retaining Walls:

1. The development of this site will require the use of retaining walls of various types and heights. These retaining walls shall consist of either reinforced concrete with a segmented facade or modular concrete retaining walls.

a. The location and type of retaining wall shall be shown on the Site Plan to be submitted to the Planning Board. The Board shall review the aesthetics of the facade choice(s).

b. Said Site Plan shall contain a typical or generic detail of the proposed retaining wall. Said detail shall provide generic information as to:

1) Maximum Height

2) Structural Composition

3) Modular Unit and Configuration

4) Face Color

5) Face Finish

2. The applicant shall not be required to submit detailed geotechnical information, structural designs, calculations or shop drawings as part of site plan review.

3. The Planning Board shall condition its site plan approval on the submission of geotechnical information, structural designs, calculations and shop drawings signed and sealed by a licensed New Jersey Professional Engineer to the Planning Board Engineer prior to requesting a construction permit for said walls.

a. Upon submission of geotechnical information, structural designs and calculations, the Planning Board Engineer shall have ten business days to either approve or reject the submission. If the submission is rejected, the Planning Board Engineer shall provide in writing his reasons for rejection.

b. If rejected by the Planning Board Engineer, upon resubmission, the Planning Board Engineer shall have five business days to either approve or reject as outlined above.

c. Upon approval of Structural Designs and Calculations by the Planning Board Engineer, the applicant shall submit Shop Drawings for approval by Planning Board Engineer. The applicant may, at his option, submit Shop Drawings simultaneously with Structural Designs and Calculation. If submitted with Structural Designs and Calculations, the Planning Board Engineer shall review them within the same time frame as in paragraph a. above. If submitted separately, the Planning Board Engineer shall approve or reject the Shop Drawings within five business days

O. Site Plan Checklist Submission Requirements: For the specific purpose of implementing the terms of the Court Order pursuant to which this Section has been created, the following requirements of Checklist A, the Site Plan Checklist for the Borough of Bloomingdale, and Chapter 69, Article III, “Site Plan Details”, Section 69:23 “Details enumerated, REQUIRED DATA & INFORMATION”, shall be amended to read as follows for development in the AH zone only:

1. Item #20, Existing Features: The topography and locations of high points, water courses (indicating direction of flow), depressions, wetlands including transition areas, wooded areas and other significant existing features within 100 feet of the restricted area of disturbance.

2. Item #24, Steep Slopes: Not applicable.

3. Item #30, Drainage: Plans and profiles of all existing and proposed storm drainage, structures and facilities including cross sections of any proposed swales or water courses within the restricted area of disturbance that have a tributary drainage area of greater than one (1) acre.

4. Item #32, Utilities: Location of all utilities (gas, electric, phone, cable, etc). Satisfaction of this checklist item shall be deemed acceptable by utilizing one line to show the general location of gas, electric, phone and catv lines and then providing a typical section showing the layout of the utility lines.

5. Item #41, Traffic Report: Not applicable.

6. Item #42, Provision of Environmental Impact Statement: In lieu of providing an Environmental Impact Statement, the applicant shall only be obligated to provide a brief narrative describing the proposed inclusionary development, the design of the proposal and the measures the applicant is employing to mitigate the environmental impacts, if any, of the proposed project.

7. Item #43, Compliance with Chapter 92-67, “Shade Trees”: Not applicable.

**SECTION 3.** Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

**SECTION 5.** Short Title. The short title of the above Ordinance shall be “AH Affordable Housing Zone Amendment to the Zoning Ordinance”.

**SECTION 6.** Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

NOTICE

NOTICE IS HEREBY GIVEN that the Ordinance was introduced and passed first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 7th day of February 2017, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 7th day of March 2017 at 7:00 p.m., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

Jane McCarthy, RMC

Municipal Clerk