

ARTICLE X
Zone Bulk and Parking Regulations

§ 275-34. Applicable provisions. [Amended 9-16-1986 by Ord. No. 86-25-942]

- A. The following Schedule of Regulations applying to the area of lots, the height of buildings, the yards and other open spaces to be provided, off-street parking spaces, minimum floor areas and all other matters contained therein, as indicated for the various zones established by this chapter, is hereby adopted and declared to be a part of this chapter.
- B. Except as provided in this section, projections shall not be permitted as an exception to the Schedule of Regulations. Projections into yards or courts are permitted, provided that they do not exceed the following:
- (1) Cornices and eaves, including gutters, may project not more than two feet.
 - (2) Belt courses, sills, stormwater leaders and similar ornamental or structural features may not project more than one foot.
 - (3) Awnings or roofs over doors or windows may project not more than three feet and shall not be more than four feet in width.
 - (4) A chimney or vent may project into a required side yard or rear yard not more than two feet, and the width shall not exceed five feet.
 - (5) An open, fireproof fire escape stairway may project into a side or rear yard not more than four feet.

§ 275-35. R-40, R-15 and R-10 One-Family Residence Zones.

- A. In one-family residence zones, the following regulations shall apply:

Regulations	R-40	R-15	R-10
Minimum required			
Lot area	40,000 square feet	15,000 square feet	10,000
Lot frontage	150 feet	100 feet	100 feet
Lot depth	200 feet	150 feet	100 feet
Front yard	50 feet	40 feet	25 feet
1 side yard	30 feet	15 feet	15 feet
Total, both side yards	60 feet	35 feet	35 feet
Rear yard	75 feet	50 feet	30 feet
Livable floor area per dwelling unit	1,200 square feet	1,100 square feet	1,000 square feet

Regulations	R-40	R-15	R-10
Off-street parking spaces per dwelling unit	3	2	2
Maximum permitted			
Building height			
Stories	2 1/2	2 1/2	2 1/2
Feet	28*	28	28
Building coverage [Amended 6-18-1985 by Ord. No. 85-14-904]	12 1/2%	15%	20%
FAR [Added 2-6-2002 by Ord. No. 02-36-1244; amended 4-17-2002 by Ord. No. 02-06-1248; 9-17-2003 by Ord. No. 03-15-1274]	20%	25%	(See schedule below)
Percentage of allowable impervious coverage [Added 2-6-2002 by Ord. No. 02-36-1244; amended 4-17-2002 by Ord. No. 02-06-1248; 9-17-2003 by Ord. No. 03-15-1274]	35% of the lot area	30% of the lot area	(See Schedule below)

***NOTES: [Added 6-3-1992 by Ord. No. 92-8-1071; amended 7-11-2007 by Ord. No. 07-091337]**

1. The maximum permitted building height of residential structures in the R-40 One-Family Residence Zone shall be increased from 28 feet to 33 feet, provided that for any residential structure in excess of 28 feet, there exists an accessible, clear firm and level area (fire apparatus access zone) adjacent to the residence so as to have safe access to a second floor window or opening. This designated area shall be essentially rectangular in shape, having dimensions of no less than 12 feet in length or no less than six feet in width. The long side of the area nearest to the residence shall be parallel to and located not less than six feet nor more than eight feet from the residence. The surface of the designated area shall be such as to allow a ladder to be firmly positioned without lateral movement, which would render unquestionably safe use of the ladder on an emergency basis.

2. All such residential structures benefiting from the increased height permitted under this note shall be required to include such designated area prior to the issuance of approvals and building permits. In the event that a residential structure does not have sufficient twelve-foot by six-foot designated area as set forth in Subsection 1 of this note, as determined by the Building Inspector, then the maximum height applicable shall be 28 feet.

Regulations**R-40****R-15****R-10**

3. Any application for a variance from the requirements of Subsection 1 of this note may be granted only upon proof of written notice by the applicant to the Cresskill Fire Department of the pendency of the application.
4. The Building Inspector or his designee shall be authorized to inspect properties required to maintain such designated fire apparatus access zones at reasonable times, without notice.
5. Decks and patios shall be below the height level for a roof so that no such usage or comparable use shall be made of a roof area. The roof area of a residential structure enclosing the residence shall have no other use except roofing coverage.

Schedule of Floor Area Ratio (FAR) and Impervious**Coverage Requirements for R-10 One-Family Residence Zone**

[Added 7-12-2006 by Ord. No. 06-15-1317]

Lot Width

(feet)	Floor Area Ratio	Impervious Coverage
Less than or equal to 50.00	39.00%	35.00%
50.01-50.99	38.82%	34.90%
51.00-51.99	38.64%	34.80%
52.00-52.99	38.46%	34.70%
53.00-53.99	38.28%	34.60%
54.01-54.99	38.10%	34.50%
55.00-55.99	37.92%	34.40%
56.00-56.99	37.74%	34.30%
57.00-57.99	37.56%	34.20%
58.00-58.99	37.38%	34.10%
59.00-59.99	37.20%	34.00%
60.00-60.99	37.02%	33.90%
61.00-61.99	36.84%	33.80%
62.00-62.99	36.66%	33.70%
63.00-63.99	36.48%	33.60%
64.00-64.99	36.30%	33.50%
65.00-65.99	36.12%	33.40%
66.00-66.99	35.94%	33.30%
67.00-67.99	35.76%	33.20%
68.00-68.99	35.58%	33.10%

**Schedule of Floor Area Ratio (FAR) and Impervious
Coverage Requirements for R-10 One-Family Residence Zone**

[Added 7-12-2006 by Ord. No. 06-15-1317]

Lot Width

(feet)	Floor Area Ratio	Impervious Coverage
69.00-69.99	35.40%	33.00%
70.00-70.99	35.22%	32.90%
71.00-71.99	35.04%	32.80%
72.00-72.99	34.86%	32.70%
73.00-73.99	34.68%	32.60%
74.00-74.99	34.50%	32.50%
75.00-75.99	34.32%	32.40%
76.00-76.99	34.14%	32.30%
77.00-77.99	33.96%	32.20%
78.00-78.99	33.78%	32.10%
79.00-79.99	33.60%	32.00%
80.00-80.99	33.42%	31.90%
81.00-81.99	33.24%	31.80%
82.00-82.99	33.06%	31.70%
83.00-83.99	32.88%	31.60%
84.00-84.99	32.70%	31.50%
85.00-85.99	32.52%	31.40%
86.00-86.99	32.34%	31.30%
87.00-87.99	32.16%	31.20%
88.00-88.99	31.98%	31.10%
89.00-89.99	31.80%	31.00%
90.00-90.99	31.62%	30.90%
91.00-91.99	31.44%	30.80%
92.00-92.99	31.26%	30.70%
93.00-93.99	31.08%	30.60%
94.00-94.99	30.90%	30.50%
95.00-95.99	30.72%	30.40%
96.00-96.99	30.54%	30.30%
97.00-97.99	30.36%	30.20%

**Schedule of Floor Area Ratio (FAR) and Impervious
Coverage Requirements for R-10 One-Family Residence Zone**

[Added 7-12-2006 by Ord. No. 06-15-1317]

Lot Width

(feet)	Floor Area Ratio	Impervious Coverage
98.00-98.99	30.18%	30.10%
99.00-100.00	30.00%	30.00%
Greater than 100.00	30.00%	30.00%

NOTES:

1. Floor area ratio impervious coverage expressed as percentage of the lot area within 125 feet of the street line.

B. Lot area requirements on individual zoning lots within the R-40 Zone may be reduced up to 50% by the Planning Board in its sole discretion, provided that:

- (1) The land dedicated to the Borough is indicated on the Borough Master Plan as permanent open space.
- (2) All minimum yard, setback and off-street parking requirements can be complied with.
- (3) Land equal in area to the amount by which the lot has been reduced is dedicated in fee to the Borough.

C. (Reserved)¹

§ 275-36. P Professional Zone and P and L Professional Office and Research, Design and Development Laboratories Zone. [Amended 11-7-2001 by Ord. No. 01-34-1242]

In a Professional Zone, the following regulations shall apply:

Regulations	Office Buildings
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front yard	25 feet
Side yards	15 feet

1. Editor's Note: Former § 150-35C, pertaining to the minimum required square feet of lot area per bedroom, added 10-7-1998 by Ord. No. 98-16-1194, was repealed 3-16-2000 by Ord. No. 00-4-1212.

Regulations**Office Buildings**

Rear yard	
When adjoining a residence zone	30 feet
When adjoining a zone other than a residence zone	20 feet
Off-street parking spaces, rear or side only, per 200 square feet of floor area [Amended 6-18-1985 by Ord. No. 85-14-904]	1
Floor area	2,000 square feet
Maximum permitted	
Building height	
Stories	2
Feet	28
Building coverage	
1-story building	40%
2-story building	30%
Length of any structure	160 feet

§ 275-37. DU Dual Use Zone.

A. In a Dual Use Zone, the following regulations shall apply:

Regulations**Minimum Requirements**

Lot area	87,120 square feet
Lot area per efficiency unit	2,400 square feet
Lot area per 1-bedroom unit	3,000 square feet
Lot area per 2-bedroom unit	4,000 square feet
Lot area per 3-bedroom unit	5,000 square feet
Lot frontage	200 feet
Lot depth	200 feet
Front yard	50 feet
1 side yard	30 feet
Both side yards	80 feet
Rear yard	50 feet
Lot area for offices	4 square feet per gross square feet of office area
Livable floor area per dwelling unit	
Efficiency unit	550 square feet

Regulations

1-bedroom unit	700 square feet
2-bedroom unit	900 square feet
3-bedroom unit	1,050 square feet
Off-street parking spaces, rear and side yards only	
Per dwelling unit	1 1/2
Per 200 gross square feet of office space	1
[Amended 6-18-1985 by Ord. No. 85-14-904]	
Size of parking space	300 square feet
Buffer area width along lot lines	
Front yard	10 feet
Side yard	10 feet
Rear yard	10 feet
Sound transmission coefficient Class Rating 55 shall apply for all floors between apartments and offices.	
Maximum permitted	
Gross ground floor area shall not exceed gross second floor area.	
Building height	
Stories	2
Feet	28
Building coverage	20%
Dwelling units per acre	8
Length of structure	160 feet

B. Additional regulations.

- (1) Not less than 80% of the dwelling units shall be efficiencies and/or one-bedroom units.
- (2) Office space shall be only on the ground floor. No apartments shall be located on the ground floor.
- (3) Distance between buildings shall be the height of the highest building at the points where such buildings are nearest to one another.
- (4) Notwithstanding any other provision and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle

with a radius of 60 feet, extending 70° on each side of a line perpendicular to the center of any required window, other than a bedroom or kitchen window, and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building, the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80°. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

- (5) An inner court is permitted if the minimum dimension of such court is not less than 60 feet.
- (6) The minimum width of an outer court shall be 20 feet and the depth thereof shall not exceed its width.
- (7) Signs. Signs announcing the name or insignia, or both, of the occupants of office space on the same lot shall be permitted, provided that:
 - (a) There be not more than one directory-type sign per building.
 - (b) If such signs are illuminated, such illumination shall be internal, with all light sources shielded from the view of adjacent lots and streets.
 - (c) In addition, necessary traffic directional signs, each with an area of not more than two square feet, shall be permitted.

§ 275-38. Commercial Zone. [Amended 4-2-2008 by Ord. No. 08-04-1346; 12-20-2017 by Ord. No. 17-14-1508]

In a Commercial Zone, the following regulations shall apply:

A. For all permitted uses:

Regulations	For All Permitted Uses
Minimum required	
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Front yard	
With parking in front yard	40 feet
With no parking in front yard	10 feet
No side yard required, but if provided	15 feet
Total both side yards if provided	30 feet
Rear yard	30 feet
Floor areas for 1-story building	1,500 square feet

Regulations	For All Permitted Uses
Floor areas for first floor of 2-story building	1,500 square feet
Floor areas for businesses	400 square feet
Room width for businesses	12 feet
Off-street parking spaces per 150 square feet of floor area	1
Maximum permitted	
Building height	
Stories	2
Feet	31
Building coverage	50%

B. For mixed-use, multifamily buildings only: **[Amended 12-19-2018 by Ord. No. 18-22-1508A]**

Regulations	Applicable to mixed-use multifamily buildings only
Minimum required	
Lot area	7,500 square feet
Lot frontage	75 feet
Lot depth	100 feet
Front yard	10 feet
Rear yard	10 feet
Maximum permitted building height	
Stories	3
Feet	41
Building coverage	50%

C. Additional regulations. **[Amended 12-19-2018 by Ord. No. 18-22-1508A]**

- (1) Parking shall not be developed or constructed in the front yard. Off-street parking requirements apply to both the residential and nonresidential portions of all mixed-use developments. Parking standards listed elsewhere in the ordinance shall apply to the nonresidential portion of a mixed-use development. In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable to the residential component of a mixed-use development in the Commercial Zone.

- (a) Dwelling unit: 1.25 parking spaces per dwelling.

- (2) All residential developments constructed within the Commercial Zone shall be

structured so that COAH credit-worthy dwellings comprise no less than 20% of the residential development if residential units are to be offered for sale. A rental community shall be required to have a 15% affordable housing set-aside. No less than 50% of all COAH credit-worthy units shall be affordable to low-income households, with 13% of the affordable housing units offered to very-low-income family households. The balance can be affordable to moderate-income households.

- (3) Affordable housing proposed in the Commercial Zone shall be structured so no more than 20% of the units are studio or one-bedroom units, at least 30% are two bedrooms and no fewer than 20% are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
 - (4) Residential density in the Commercial Zone shall be no greater than 15 units per acre.
 - (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained as a Superior Court or COAH certifiable rental or sales unit included as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to Article XXIX, Special Mount Laurel Requirements of the Borough of Cresskill Municipal Code.
- D. Storage permitted. No person in the Commercial Zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.
- E. Prohibited uses. All uses not listed in § 275-19 are prohibited.
- F. Performance standards. All uses are subject to performance standards as set forth in Article XIV.
- G. Site development plan approval. Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

§ 275-38.1. Storage permitted. [Added 12-19-2018 by Ord. No. 18-22-1508A]

No person in the Commercial Zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.

§ 275-38.2. Prohibited uses. [Added 12-19-2018 by Ord. No. 18-22-1508A]

All uses not listed in § 275-19 are prohibited.

§ 275-38.3. Performance standards. [Added 12-19-2018 by Ord. No. 18-22-1508A]

All uses are subject to performance standards as set forth in Article XIV.

§ 275-38.4. Site development plan approval. [Added 12-19-2018 by Ord. No. 18-22-1508A]

Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

§ 275-39. RA Residential Apartment Zone.

A. In a Residential Apartment Zone, the following regulations shall apply:

Regulations**Minimum required**

Lot area	87,120 square feet
Lot area per efficiency unit	2,400 square feet
Lot area per 1-bedroom unit	2,750 square feet
Lot area per 2-bedroom unit	3,500 square feet
Lot area per 3-bedroom unit	5,000 square feet
Lot frontage	200 feet
Lot depth	200 feet
Front yard	50 feet
1 side yard	30 feet
Total both side yards	80 feet
Rear yard	50 feet
Livable floor area per dwelling unit	

Regulations

Efficiency units	550 square feet
1-bedroom units	700 square feet
2-bedroom units	900 square feet
3-bedroom units	1,050 square feet
Off-street parking spaces, rear and side yards only	
Per dwelling unit	1 1/2
Size of parking space	300 square feet
Buffer area width along lot lines	
Front yard	10 feet
Side yards	10 feet
Rear yard	10 feet
Maximum required	
3-bedroom units	
Building height	
Stories	2
Feet	28
Building coverage	20%
Length of structure	160 feet
Number of dwelling units in group of attached dwellings or in multiple dwellings	20
Dwelling units per acre	15

B. Additional regulations.

- (1) Distance between buildings shall be the height of the highest building at the points where such buildings are nearest to one another.
- (2) Notwithstanding any other provision and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet of any required window, other than a bedroom or kitchen window, extending 70° on each side of a line perpendicular to the center and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building, the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80°. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

- (3) An inner court is permitted if the minimum dimension of such court is not less than 60 feet.
 - (4) The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.
 - (5) Not less than 80% of the dwelling units in a garden apartment shall have one bedroom and/or efficiency, and no dwelling unit shall have more than three bedrooms.
- C. Marijuana establishments, prohibition. The operation of medicinal and retail marijuana establishments, which includes retail marijuana and/or marijuana paraphernalia stores, marijuana cultivation facilities, marijuana products manufacturing facilities, and marijuana testing facilities, and the operation of retail marijuana social clubs are prohibited within the Borough of Cresskill and, therefore, all activities related to the above-mentioned retail uses such as, but not limited to, cultivation, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited in any zone within the Borough of Cresskill. **[Added 6-16-2021 by Ord. No. 21-23-1573]**

§ 275-40. R-SC Senior Citizens Residence Zone. [Added 8-1-1989 by Ord. No. 89-15-1018; amended 6-16-2021 by Ord. No. 21-23-1573]

- A. In a Senior Citizens Residence Zone (R-SC) the regulations for an R-10 Zone contained in § 275-35 of the Code of the Borough of Cresskill shall apply.
- B. The operation of medicinal and retail marijuana establishments, which includes retail marijuana and/or marijuana paraphernalia stores, marijuana cultivation facilities, marijuana products manufacturing facilities, and marijuana testing facilities, and the operation of retail marijuana social clubs are prohibited within the Borough of Cresskill and, therefore, all activities related to the above-mentioned retail uses such as, but not limited to, cultivation, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited in any zone within the Borough of Cresskill.

§ 275-40.1. Downtown Affordable Housing Overlay Zone (DAHO). [Added 12-20-2017 by Ord. No. 17-13-1507]

- A. Permitted uses. No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following. Such approval shall also be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:
 - (1) Residential market rate and affordable dwelling units, specifically including multifamily buildings at the density, height and bulk prescribed below.

Affordable housing units shall be constructed, marketed and deed-restricted in strict conformance to Cresskill's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls, as these documents may be amended, revised and supplemented, so that 13% of all affordable housing units are to be available and affordable to very-low-income households earning 30% of median income.

- B. Storage permitted. No person in a Downtown Affordable Housing Overlay Zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.
- C. Prohibited uses. All uses not listed in § 275-40.1A are prohibited.
- (1) The operation of medicinal and retail marijuana establishments, which includes retail marijuana and/or marijuana paraphernalia stores, marijuana cultivation facilities, marijuana products manufacturing facilities, and marijuana testing facilities, and the operation of retail marijuana social clubs are prohibited within the Borough of Cresskill and, therefore, all activities related to the above-mentioned retail uses such as, but not limited to, cultivation, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited in any zone within the Borough of Cresskill. **[Added 6-16-2021 by Ord. No. 21-23-1573]**
- D. Performance standards. All uses are subject to performance standards as set forth in Article XIV.
- E. Site development plan approval. Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.
- F. The following area and bulk standards are applicable in the DAHO Zone:

(1) Standards.

Regulations	Inclusionary Developments
Lot area	13,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required:	

Regulations	Inclusionary Developments
Front yard	15 feet
Side yards	6 feet
Rear yard	10 feet
Parking	Not permitted in required front yard
Maximum permitted building height	3 stories/41 feet
Building coverage	40%

(2) Additional regulations.

- (a) In recognition of the availability of nearby off-street parking, the central business location of the DAHO Zone, and the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable to residential development, but only in the DAHO Zone: dwelling unit, 1.25 parking spaces per dwelling.
- (b) All developments constructed within the DAHO Zone shall be structured so that no less than 20% of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen-percent affordable housing set-aside. No less than 50% of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very-low-income family households. The balance can be affordable to moderate-income households.
- (c) Affordable housing in the DAHO Zone shall be structured so no more than 20% of the units are studio or one-bedroom units and no fewer than 20% are three-bedroom units. At least 30% of the dwelling units must be two-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
- (d) Density for the DAHO Zone shall be no greater than 15 units per acre.
- (e) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, UHAC and the settlement agreement in the matter of the Borough of Cresskill, County of Bergen Docket No. L-6274-15 before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained. Furthermore, all such developments shall conform to Article XXIX, Special Mount Laurel Requirements, and Article XXX, Development Fees for Affordable Housing, of the Borough of Cresskill Municipal Code.

§ 275-40.2. Affordable Housing Site II Zone. [Added 12-20-2017 by Ord. No.

17-17-1511; amended 12-19-2018 by Ord. No. 18-23-1511A]

- A. Permitted uses. No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following. Such approval shall also be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:
- (1) Residential market rate and affordable dwelling units specifically including multifamily buildings at the density, height and bulk prescribed below. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Cresskill's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.
- B. Storage permitted. No person in the Affordable Housing Site Zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.
- C. Prohibited uses. All uses not listed in § 275-40.2A are prohibited.
- (1) The operation of medicinal and retail marijuana establishments, which includes retail marijuana and/or marijuana paraphernalia stores, marijuana cultivation facilities, marijuana products manufacturing facilities, and marijuana testing facilities, and the operation of retail marijuana social clubs are prohibited within the Borough of Cresskill and, therefore, all activities related to the above-mentioned retail uses such as, but not limited to, cultivation, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited in any zone within the Borough of Cresskill. **[Added 6-16-2021 by Ord. No. 21-23-1573]**
- D. Performance standards. All uses are subject to performance standards as set forth in Article XIV.
- E. Site development plan approval. Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.
- F. The following area and bulk standards are applicable in the Affordable Housing

Site II Zone:

(1) Standards.

Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front yards	15 feet
Side yards	6 feet
Rear yard	15 feet
Parking	Not permitted in required front yard
Maximum permitted building height	
Stories	3
Feet	41
Building coverage	40%

(2) Additional regulations.

- (a) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Housing Site II Zone.
 - [1] Affordable dwelling unit: 1.25 parking spaces per dwelling.
 - [2] Market rate dwelling unit: RSIS requirements apply.
- (b) All developments constructed within the Affordable Housing Site II Zone shall be structured so that no less than 20% of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a 15% affordable housing set-aside. No less than 50% of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very-low-income family households. The balance can be affordable to moderate-income households.
- (c) Affordable housing in the Zone shall be structured so no more than 20% of the units are studio or one-bedroom units, at least 30% are two bedrooms and no fewer than 20% are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
- (d) Density for the Affordable Housing Site II Zone shall be no greater than 15 units per acre.

- (e) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to Article XXIX, Special Mount Laurel Requirements, of the Borough of Cresskill Municipal Code.