

BOROUGH OF PALISADES PARK
BERGEN COUNTY, NEW JERSEY

ORDINANCE # 2026-7

AN ORDINANCE CREATING THE BERGEN BOULEVARD DISTRICT (BBD) OVERLAY ZONE

WHEREAS, the Borough of Palisades Park has a constitutional obligation to provide a realistic opportunity for the construction of affordable housing under the New Jersey Supreme Court’s Mount Laurel Doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Borough also seeks to enhance the economic vitality of specific commercial corridors, particularly along Bergen Boulevard, by encouraging mixed-use development; and

WHEREAS, the Borough’s Master Plan and Housing Element & Fair Share Plan support the development of affordable housing as part of the Borough’s compliance with its affordable housing obligations; and

WHEREAS, the Borough desires to create the Bergen Boulevard District (BBD) Overlay Zone to promote developments with a 20% set-aside for affordable housing units, while also requiring ground-floor commercial uses in specific areas to serve both residential and commercial needs;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Palisades Park, County of Bergen, and State of New Jersey as follows:

Section 1. Title

This Ordinance shall be known and cited as the "Bergen Boulevard District (BBD)" established as an Overlay Zone in the Borough of Palisades Park.

Section 2. Codification / Amendment to Code

The Bergen Boulevard District (BBD) Overlay Zone is hereby established and shall be incorporated into the Code of the Borough of Palisades Park as Section 300-9.2 of Article II, entitled “Districts, Map, Boundaries, and Schedules,” of Chapter 300, Zoning.

Section 3. Purpose

The purpose of this Ordinance is to create an Overlay Zone to encourage the development of affordable housing units and require commercial uses on the ground floor along designated commercial corridors. This Overlay Zone is intended to balance affordable housing needs with economic development objectives, particularly in areas where mixed-use developments will contribute to the vitality of the community.

Section 4. Applicability

The Bergen Boulevard District (BBD) Overlay Zone shall be divided into two (2) districts along the Bergen Boulevard corridor and shall apply to properties located within the designated areas as depicted on the Borough Zoning Map.

1. **BBD Mixed-Use** This district applies to the majority of the commercial areas located along the east side of Bergen Boulevard, extending from the Fort Lee border to the north to East Palisades Boulevard, and

including the first property south of East Palisades Boulevard. Properties included within the district are identified in the Borough's tax records as Block 420, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 17.01, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; and Block 424, Lot 5.

The standards of the BBD Mixed-Use District are intended to create an active, walkable destination through the integration of a mix of land uses.

Development within this district is proposed at a density of 70 dwelling units per acre, subject to site design and ordinance standards.

Development within this district relies on the provision of both physical and visual connections, including improved access and enhanced visibility from Bergen Boulevard, as well as connections to adjacent neighborhoods.

This district accommodates a wide variety of permitted uses, as set forth in Section 4. Redevelopment within the BBD Mixed-Use District is intended to create a walkable, mixed-use core serving as the anchor of the District.

2. **BBD 10th Street Transition Neighborhood** This district applies to properties located along the east side of 10th Street, north of East Edsall Boulevard and extending northward to the Fort Lee border. The district is intended to serve as a transitional area between the more intensive mixed-use development permitted along Bergen Boulevard and the lower-density residential neighborhoods located to the east. Properties included within the district are identified in the Borough's tax records as Block 421, Lots 1, 2, 3, 4, 5, and 6, and Block 421, Lot 8.02.

The standards of the BBD 10th Street Transition Neighborhood are intended to facilitate residential-only development that provides additional affordable housing opportunities within the Borough, while ensuring compatibility with the scale and character of adjacent residential development.

Development within this district is proposed at a density of 45 dwelling units per acre, subject to site design and ordinance standards.

Development within the district shall consist of four-story residential buildings, with building heights and massing designed to remain compatible with the existing condominium development located immediately east of the subject properties.

Development shall incorporate appropriate transitions in building height, scale, and site design to provide a sensitive interface between higher-density development along Bergen Boulevard and the established residential neighborhood to the east.

Section 5. Permitted Uses

- A. Within the BBD Mixed-Use Overlay Zone, the following uses are permitted:

1. **Ground Floor Commercial Uses:**

- (a) Retail and commercial establishments.
- (b) Professional and personal services.
- (c) Financial Services (banks, savings and loans and credit unions).
- (d) Eating/Drinking Establishments (including restaurants, coffee shops microbreweries, distilleries, and micro-wineries) and Outdoor Dining

(e) Art galleries, cultural facilities, and community spaces.

(f) Overnight Lodging and Hotel

(g) Entertainment / Recreation, Indoor (including movie theaters, theaters, karaoke, live music).

(h) Exercise, Wellness and Fitness.

2. **Office Uses (Permitted on Ground through 2nd floors) :**

(a) Professional, general, medical, governmental and business offices.

3. **Upper-Floor Residential Uses (Permitted on floors 2 – 5):**

(a) Multifamily residential dwellings.

4. **Accessory Uses:**

(a) Parking, recreational areas, and facilities for residents and commercial tenants.

(b) Surface parking lots are permitted; however, they shall be located only within the side or rear yard areas.

(c) Parking structures are permitted when integrated into the building; however, they shall not be located within the portion of the building fronting the primary street or secondary street.

(d) Home Occupations.

(e) Outdoor dining and seating.

i. Outdoor dining and seating areas, furniture, and enclosures shall be set back at least six feet from the curb and at least five feet from all street trees and street furniture. In no case shall these amenities be placed in a manner that would provide less than six feet of clear area for pedestrian use.

ii. Advertising is not permitted on dining furniture, accessories, or other similar amenities.

iii. Dining furniture shall be of the same design, material and color for all furniture associated with the use. When not in regular use, outdoor furniture shall be stored in a location that is not visible to the public, unless the furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.

B. Within the BBD 10th Street Transition Neighborhood Overlay Zone, the following uses are permitted:

1. Multifamily residential dwellings.

2. Stacked Townhomes.

3. Accessory Uses:

(a) Parking, recreational areas, and facilities for residents.

(b) Home Occupations.

Section 6. Ground Floor Commercial Requirement

1. Commercial Requirement along Bergen Boulevard:

- Developments fronting Bergen Boulevard are required to include commercial uses on the ground floor to promote a vibrant streetscape and provide services to residents and the surrounding community.

2. **Minimum Commercial Space:**

- Ground floor commercial space shall occupy at least 85% of the building frontage along these corridors and shall be oriented toward Bergen Boulevard.

3. **Design Standards for Commercial Facades:**

- Ground floor facades must have transparent glass covering at least 60% of the street-facing facade area, blank walls are not permitted to encourage pedestrian engagement and visibility of commercial activities.
- Blank walls are not permitted.
- Ground floor entrances must be directly accessible from the public sidewalk along Bergen Boulevard.

Section 7. Density and Bulk Standards

A. Within the BBD Mixed-Use Overlay Zone:

1. **Maximum Residential Density:** 70 dwelling units per acre
2. **Minimum Lot Size:** 20,000 sq. ft.
3. **Minimum Lot Width:** 100 ft.
4. **Maximum Building Height:**
 - (a) 2 stories min. 5 stories or 66 ft. max. , except as otherwise permitted pursuant to Section 11, Sixth Floor Stepback and Amenity Use, which provides for an additional story as an incentive.
 - (b) Ground Story: 12 ft. min. to 18 ft. max.
 - (c) Upper Stories: 10 ft. min. to 12 ft. max.
5. **Building Placement:**
 - (a) Front Primary Street Setback (min./max.): 2 ft./12 ft.
 - (b) Front Secondary Street Setback (min./max.): 2 ft./12 ft.
 - (c) Side Setback (min.): 0 ft.
 - (d) Rear Setback (min.): 5 ft.
 - (e) Frontage Buildout 80% min. at setback
6. **Maximum Impervious Coverage:** 85%.
7. **Parking Requirements:** Parking for residential uses shall comply with the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21. Parking for non-residential uses shall comply with the applicable zoning requirements of the Borough of Palisades Park.

The approving authority may permit shared parking arrangements for mixed-use developments, where appropriate. In conjunction with such shared parking arrangements, the approving authority may, without the need for a variance, permit a reduction of up to twenty-five percent (25%) in the total number of required non-residential parking spaces, provided the applicant demonstrates that

peak parking demands occur at different times and that sufficient parking will be available to serve all uses.

8. Parking Location & Loading:

- (a) Parking Location: Rear or Side; within building (refer to Section 4 - A.4(c) Accessory Uses)
- (b) Loading Facility Location: Rear
- (c) Entry for Parking within Building: Rear or Side
- (d) Primary Street Setback (min.): 30'
- (e) Secondary Street Setback (min.): 10'
- (f) Side Setback: Interior/Common Lot Line (min.): 10'
- (g) Rear Setback (min.): 10'
- (h) Vehicular Access: Secondary Street. New curb-cuts are not permitted on Primary Streets, except where there is no alley or Secondary or side street to provide access.

B. Within the BBD 10th Street Transition Neighborhood Overlay Zone:

1. **Maximum Residential Density:** 45 dwelling units per acre.
2. **Minimum Lot Size:** 20,000 sq. ft.
3. **Maximum Building Height:** 4 stories or 48 ft.
4. **Building Placement:**
 - (a) Front Primary Street Setback (min./max.): 5 ft./20 ft.
 - (b) Front Secondary Street Setback (min./max.): 5 ft./20 ft.
 - (c) Side Setback (min.): 5 ft.
 - (d) Rear Setback (min.): 15 ft.
 - (e) Frontage Buildout 75% min. at setback
5. **Maximum Impervious Coverage:** 70%.
6. **Parking Requirements:** Parking shall comply with the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.
7. **Parking Location:**
 - (a) Parking Location: Rear or Side
 - (b) Primary Street Setback (min.): 30 ft.
 - (c) Secondary Street Setback (min.): 10 ft.
 - (d) Side Setback: Interior/Common Lot Line (min.): 10 ft.
 - (e) Rear Setback (min.): 10 ft.

Section 8. Design Standards

A. Architectural Design

1. Buildings within the Bergen Boulevard District (BBD) Overlay Zone shall exhibit a cohesive architectural design that contributes to a welcoming, pedestrian-oriented streetscape. Ground floor commercial spaces, where permitted, shall be designed to be inviting and active, incorporating large transparent windows, attractive signage, and, where appropriate, outdoor seating.
2. The design standards set forth in subsections B through G below shall apply only to development within the BBD Mixed-Use Overlay Zone and shall not apply to development within the BBD 10th Street Transition Neighborhood Overlay Zone.

B. Street Façade Transparency

1. Ground floor street-facing façades shall provide a minimum of 60% transparency to promote visibility of interior commercial uses and pedestrian engagement.
2. Upper-story street-facing façades shall provide a minimum of 30% transparency.
3. Blank wall areas along street-facing façades shall be minimized and are subject to applicable blank wall limitation requirements.

C. Non-Street Façade Transparency

1. Non-street-facing façades shall provide a minimum of 15% transparency. Blank wall limitations shall also apply.

D. Building Entrances

1. The principal entrance to each building shall be located on the primary street frontage.
2. Along street-facing façades, a minimum of one (1) entrance shall be provided for every 75 feet of façade length.
3. Along parking lot façades, a minimum of one (1) entrance shall be provided for every 100 feet of façade length.
4. For buildings exceeding 250 feet in length, a mid-building pedestrian passageway shall be required to improve connectivity.

E. Façade Articulation and Story Expression

1. Building façades shall be designed to clearly express individual stories through the use of fenestration, material changes, and horizontal articulation. Fenestration shall be organized to align with and occupy each floor level.
2. Vertical façade divisions shall occur at intervals of no greater than 45 feet to break down building mass and create visual interest.
3. Horizontal façade divisions shall be provided on buildings of three (3) stories or greater, located within three (3) feet of the top of the ground story, and at any building step-back.

F. Roof Design

1. Permitted roof types include parapet, pitched, and flat roofs.
2. Alternative roof types may be permitted subject to the approving authority.

G. Building Materials

1. Primary façade materials shall consist of high-quality, durable materials, including but not limited to stone, brick, and glass.

Section 9. Landscaping and Open Space Requirements

1. A minimum of 10% of the total lot area shall be dedicated to landscaped open space. The required landscaped area may include planter areas located around the perimeter and in front of the building, as well as street trees.

- a) **Landscaping:** A landscape plan shall include a mix of trees, shrubs, and ground cover to enhance the visual appeal and buffer any adjacent residential uses. Landscaping shall also be provided along the front of the building adjacent to the public street to enhance and create a visually appealing streetscape.
- b) **Open Space and Recreation:** Developments should provide common open space and recreational areas such as playgrounds, walking paths, or seating areas to serve the residents of the development.

Section 10. Affordable Housing Requirements

1. **Mandatory Set-Aside:** Any residential component of a development within the Bergen Boulevard District (BBD) Overlay Zone with five (5) or more dwelling units shall set aside a minimum of twenty percent (20%) of the total number of dwelling units as affordable housing units in accordance with New Jersey's affordable housing requirements.
2. **Phasing Requirement:** Construction of affordable units shall be phased alongside market-rate units in accordance with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., ensuring that affordable units are issued certificates of occupancy proportionately within each phase of development.
3. **Affordability Controls:** All affordable units created under this Ordinance shall comply with affordability controls as per the New Jersey Council on Affordable Housing (COAH) or any successor agency, and the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq.
4. **Distribution of Affordable Units:** Affordable units shall be integrated with market-rate units throughout the development and not concentrated in a single area or building.
5. **Bedroom Mix:** The bedroom mix of affordable units must comply with UHAC requirements, providing a mix of unit types to accommodate diverse household sizes.

Section 11: Sixth Floor Incentive

A sixth (6th) story shall be permitted within the BBD Mixed-Use Overlay Zone, only on lots having a minimum area of one-half (0.5) acre (21,780 square feet), or on contiguous lots that have been assembled into a single development parcel with a minimum area of one-half (0.5) acre, provided that the development complies with the following requirements:

- A. **Stepback Requirement:** The sixth floor shall be stepped back a minimum of ten (10) feet from all building façades, as measured horizontally from the exterior wall of the fifth floor.
- B. **Maximum Floor Area:** The indoor floor area of the sixth floor shall not exceed sixty percent (60%) of the gross floor area of the floor immediately below. Outdoor areas, including terraces, gardens, and recreation spaces, shall not be included in this calculation.
- C. **Permitted Use:** The sixth floor shall be limited primarily to amenity space accessory to the principal residential use and shall not be used for dwelling units, offices, or other principal commercial purposes. Permitted amenity space may include, but is not limited to, indoor resident amenity areas such as lounges, fitness rooms, co-working spaces, and community rooms, as well as outdoor roof terraces, gardens, and recreation areas. Notwithstanding the foregoing, commercial space may be permitted on the sixth floor at the sole discretion of the approving authority, provided that such space is accessory to permitted commercial use located on the ground floor, is physically separated from any residential use or amenity area, and is accessed by a separate entrance from that serving the residential or amenity

spaces. Such commercial space may include, but is not limited to, a rooftop café or bar associated with a restaurant.

- D. Design Standards:** The sixth floor shall be designed to reduce perceived mass and shall comply with the following:
1. The sixth floor shall incorporate lighter and visually distinct materials, including but not limited to glass, metal panels, or similar materials, to differentiate it from the lower floors.
 2. Guardrails, terrace edges, and similar features shall be visually transparent.
 3. All mechanical equipment shall be fully screened from view from public streets and adjacent properties.
 4. The stepback area shall incorporate landscaping and/or usable outdoor amenity space.
- E. Height and Story Exception:** The sixth floor shall not be counted toward the maximum permitted building height, whether measured in number of stories or feet, provided that it complies with the stepback requirements set forth herein and does not exceed an additional twelve (12) feet in height above the roof level of the fifth floor.

Section 12. Administration and Compliance

The administration of affordable units shall be in compliance with COAH or its successor agency, as well as with any designated affordable housing administrative agent. Compliance with this Ordinance shall be monitored by the Borough's Affordable Housing Liaison or designee.

Section 13. Severability

If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be deemed invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but shall be confined to the part directly involved in the controversy in which such judgment shall have been rendered.

Section 14. Effective Date

This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

Sophia H. Jang, Borough Clerk

Chong Paul Kim, Mayor

First Reading: April 28, 2026

Second Reading: May 26, 2026