

**BOROUGH OF PALISADES PARK
BERGEN COUNTY, NEW JERSEY**

ORDINANCE # 2024-17

Creating Article III of the Code of the Borough of Palisades Park Entitled “Buildings and Accessory Units” Zoning to Permit Accessory Dwelling Units as an Accessory Use for One and Two Family Dwellings in the AA Zones.

WHEREAS, the Borough of Palisades Park is an aspirational and diverse community with numerous parks and recreational opportunities, a wide variety of transportation options, an abundance of cultural activities and restaurants, a well-regarded school system, and a wide range of municipal services; and

WHEREAS, those very same qualities have put considerable financial pressure on many residents as housing costs rise and the competition for available homes and apartments remains high which has made it difficult for low, moderate, and middle-income households to find housing that is attainable and sustainable over time; and

WHEREAS, older residents for example may be living on a fixed income are thereby especially at risk and face the possibility of having to leave the Borough, taking with them a lifetime of experiences that benefit the entire community; and

WHEREAS, also people with disabilities may face considerable challenges when finding adaptive housing and risk having to live away from family and trusted support networks in order to find appropriate living environments; and

WHEREAS, accessory dwelling units (ADU) are a partial but important solution to these challenges that require no or little investment by the Borough and limited municipal infrastructure development and will increase options available to tenants, provide additional income for homeowners, create additional living options for residents aging in place, offer more options for caregivers, increase tax revenue, and other public health, safety, and welfare benefits.

NOW, THEREFORE BE IT ORDAINED by the Borough of Palisades Park, Bergen County, New Jersey, that Borough of Palisades Code §300 Zoning is hereby amended to establish new requirements for accessory dwelling units:

1. Article III General Regulations and Accessory buildings and uses 300-15

A. Purpose and Intent. The Borough of Palisades Council finds and declares, but not limited to, that the purpose of this ordinance is to:

1. Provide citizens with the opportunity to retain their homes, and to age in place, and create adaptive living environments for people living with disabilities.
2. Increase the supply of attainable housing within developed properties while putting minimal pressure on town services such as schools and infrastructure.
3. Integrate these housing units, subject to the terms described herein, within existing neighborhoods respecting the character of the neighborhood.
4. Provide flexible housing options for residents, in keeping with the goals of the Master Plan, that respond to changing family needs, smaller households, and increasing housing costs.

5. Codify the requirements and process to ensure that existing accessory dwelling units are legal and meet the town's safety codes.
6. Other possible, health, safety, and welfare benefits.

B. Definitions

“Accessory Dwelling Unit” (ADU) means a residential living unit on the same parcel as a one or two family dwelling with complete independent living facilities, including a kitchen and bathroom, for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling. Does not include basements.

“Living Area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

“Primary Dwelling Unit” means the original living unit in a one-family home and the larger living unit in a, two family home. The permissible size of an ADU will be based on the size of the primary dwelling unit.

“Zoning Officer” means the local official who is responsible for processing and approving or denying applications to develop ADUs.

C. Where Permitted. ADUs shall be a permitted accessory use on lots containing one and two family dwellings in the AA zone districts.

D. Standards. Only One ADU shall be a permitted on a lot located in the AA zones in the Borough. Then, if the Zoning Officer finds that the following conditions have been met:

1. Either the ADU or the Primary Dwelling Unit shall be the primary domicile of the person(s) who or entity that own(s) the property. In the case of a multi-family structure two-family home, the primary domiciles of the owner must be one of the dwelling units or the ADU.
2. No more than three (3) persons shall occupy an ADU.
3. In no case shall the ADU's living area be more than 40% of that of the Primary Dwelling Unit up to a maximum of 800 square feet; nor less than 300 square feet; nor have more than two (2) bedrooms and no more than three rooms, excluding the kitchen and bathroom.
4. Detached ADU's shall comply with the requirements for accessory structures in the applicable zone district and the requirements as per the Borough of Palisades Park zoning code §300.
5. All ADU's shall comply with existing Borough Ordinances, Zoning Ordinances, and the New Jersey Uniform Construction Code (UCC) and related public, health, safety, and welfare regulations.
6. There shall be no more than one ADU per unit.
7. The ADU shall be used only for residential purposes for one and two family. (“Family” is defined as per the Borough of Palisades Park zoning code §300.)
8. For adaptive reuse projects, ADU's that are fully handicapped accessible under New Jersey's Barrier Free Sub Codes shall be granted an increase of 5% of the total maximum floor area allowed for the ADU.
9. For new construction, adherence to the New Jersey Barrier Free Sub Codes is required.
10. An ADU that is attached to the principal one or, two dwelling shall utilize the same complementary exterior materials and colors as the principal single-family dwelling. The

ADU shall harmonize with the architectural and landscaping character of its neighborhood.

11. With respect to new construction, the external entrance to the ADU shall not face the same street as the external entrance to the principal dwelling unit if such external entrance to the ADU is visible from the street.
12. Short-term rentals shall not be permitted in ADUs. A short-term rental is defined as a rental of all or part of a residential dwelling for a duration of occupancy of less than 30 days. A minimum rental term of 6 months is required for tenants in ADUs.
13. At least one existing off street parking space shall be provided for an ADU.
14. No window in a ADU that faces another residential property may be located within six feet of a property line.

E. Procedures.

1. A new ADU may not be created nor can an existing ADU be legalized until the Zoning Officer determines that it meets the following requirements for designation:
 - a. An application for a Zoning Permit on a form prescribed by the Borough of Palisades Park Construction Department is submitted with pertinent data such as the names and addresses of the owners, and an identification, by street number and lot and block designation, of the residence involved.
 - b. For detached ADU's and ADUs that involve construction of an addition, the application shall be accompanied by a recent survey of the property (within five years), prepared by a licensed engineer or land surveyor, depicting the boundaries of the lot and all existing structures and improvements on the property, as well as applicable County, State, and Federal regulations.
 - c. The application shall also be accompanied by a proposed floor plan which shall be drawn by a licensed architect or engineer, if reasonably required by the Construction Official, depicting all proposed interior and exterior changes to the residence and ADU, including the relation of the ADU to the primary dwelling unit, the location of any proposed additional exterior doors, and any proposed modifications to the existing sanitary disposal system or water lines. All proposed changes and/or additions as continually noted herein must comply with the Uniform Construction Code (UCC).
 - d. Within twenty (20) business days after the application for an ADU is deemed complete, the Zoning Officer shall schedule a meeting with the applicant. Within twenty (20) business days from the meeting with the applicant, the Zoning Officer shall render a final decision and notify the applicant by regular mail and email whether the proposed ADU may be deemed permitted.
2. All ADUs must file a deed notice with the County Clerk clearly indicating the presence of the ADU and the limitations of its use.
3. A Certificate of Occupancy cannot be issued until the deed notice is filed.
4. If the Zoning Officer approves the proposed ADU the applicant must commence construction within one year of the Zoning Officer's determination, or the Zoning Officer may revoke the Permit. An applicant unable to commence construction of an ADU within said one year of the Zoning Officer's determination may appeal to the Zoning Officer for an extension of time for one year for good cause shown.
5. If the Zoning Officer denies the proposed ADU, the applicant may appeal the decision of the Zoning Officer to the Borough Zoning Board of Adjustment within forty-five (45) days of the receipt of the denial from the Zoning Officer. Thereafter, the appeal shall be deemed untimely.
6. Construction of the ADU.

- a. The applicant constructing an approved ADU must comply with all existing procedures established by the Building Department regarding applications, permits, fees, and inspections, except that the applicant must schedule a final inspection with the Construction official or his designated licensed inspector within thirty (30) days from when construction of the ADU is complete. A copy of the lease must be provided if the ADU is being rented.
 - b. Construction official or his designated licensed inspector shall conduct a physical inspection of the Primary Dwelling Unit and the ADU to determine whether the construction complies with the terms on which the approval was given. If the Construction Official and Fire Official determine that the construction complies with Borough Ordinances and the Uniform Construction Code, (s)he shall issue a Certificate of Occupancy for the ADU upon the payment of a fee based on the current fee schedule for such issuance. If the construction does not comply with the terms of the approval, within five (5) business days the applicant shall be sent written notification describing the non-compliance. The applicant may cure the non-compliant items and submit proof of compliance to the Construction Official and the Fire Official for reconsideration.
7. Owner's Annual Affidavit of Continued Compliance
- a. On or before January 1 of every year, starting with the first January following the issuance of the initial Certificate of Occupancy for an ADU, the Owner to whom the Certificate of Occupancy was issued shall file an affidavit in the form prescribed by the Borough of Palisades Park Building Department, stating that there has been no change in the conditions upon which the ADU was originally approved and that the owner continues to reside in either the Primary Residence or the ADU.
 - b. If the Owner fails to file the affidavit as herein required, the Certificate of Occupancy issued for the ADU shall automatically be revoked within thirty (30) days, and the Construction Official shall so notify the Owner and the tenant, if any, in writing, of the revocation.
 - c. Any continued occupancy of the ADU following notice of revocation of the Certificate of Occupancy shall subject the Owner to a fine of two hundred fifty (\$250) for the first thirty (30) days in which the ADU continues to be occupied. Thereafter, the fine shall be up to one hundred (\$100) dollars per day for each day that the ADU continues to be occupied, subject to a maximum of three thousand (\$3,000) dollars for each subsequent 30-day period following the first month.
 - d. The Certificate of Occupancy for the ADU may be reinstated once the required affidavit is filed and approved by the Borough of Palisades Park Building Department.
8. Transfer of the Property Lot
- a. If the Owner of the property in which an ADU is permitted transfers title to the Property, the new Owner shall apply, as herein, for a Certificate of Continued Use of the ADU upon the terms and conditions contained herein. Such new application shall be filed within sixty (60) days of the transfer of the Property.
 - b. Upon the Construction Official determining that there have been no changes in condition, the Construction Official shall issue an amended Certificate of Continued Use for the ADU upon the payment of a fee based on the current fee schedule for such issuance.
 - c. An ADU may not be sold independent of the Primary Residence.

- d. When listing the Property for sale with an approved ADU, the owner of the Property shall disclose to all prospective buyers that the property contains an approved ADU housing condition.
 - e. The Borough shall confirm same on the Certificate of Continued Use.
9. Inspections as noted above before the Borough's Certificate of Occupancy for the ADU is granted, the Borough Construction Official and Fire Official shall have the right to conduct inspections to determine compliance with the provisions of this Ordinance, as well as issuance of state work orders in case of non-compliance.


ROLL CALL VOTE ON ADOPTION

COUNCIL	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
STEPHANIE S. JANG			X			
JASON KIM			X			
SANG H. LEE			X			
SUK "JOHN" MIN		X	X			
MICHAEL VIETRI						X
YOUBONG WON-YOON	X		X			
MAYOR, CHONG PAUL KIM						

ATTEST:



 Sophia Jang, Borough Clerk



 Chong Paul Kim, Mayor

First Reading: November 15, 2024
 Second Reading: December 9, 2024

I HEREBY CERTIFY the foregoing to be a true copy of ordinance #2024-17 adopted as amended by the Mayor and Council of the Borough of Palisades Park, in the County of Bergen, at its meeting held on December 9, 2024.

