

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2003**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND
SUPPLEMENTING CHAPTER 24, ENTITLED "ZONING", TO
ESTABLISH A NEW MULTI-FAMILY 3 HOUSING OVERLAY DISTRICT
AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE
THERE TO**

WHEREAS, the Township of Mahwah has a constitutionally mandated requirement to provide affordable housing; and

WHEREAS, the Township Council desires to create opportunities for the creation of affordable housing within the Township; and

WHEREAS, the Township Council has determined that certain lands known as 457 Ridge Road, identified as Block 139, Lot 41 are suitable for inclusionary development.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 24, Zoning, §24-2.1, Districts Designated, is hereby amended and supplemented with the following new underlined text inserted alphabetically:

MF-3 Multi-Family-3 Overlay

SECTION 2. Chapter 24, Zoning, §24-4.1, Schedules of Regulations, also known as Attachment 5 of Chapter 24, is hereby amended and supplemented with new text in **bold** as shown in the attached Zoning Schedule of Area, Bulk and Yard Requirements, which is attached to the end of this document.

SECTION 3. Chapter 24, Zoning, is hereby amended and supplemented to create a new subsection §24-4.36, entitled "MF-3 Multi-Family-3 Overlay", which shall read as follows:

§24-4.36 MF-3 Multi-Family-3 Overlay.

The following standards shall apply to development within the MF-3 Overlay Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.

- a. Permitted Uses.
 1. Multi-family housing.
- b. Permitted Accessory Uses.
 1. Home occupations subject to §24-3.6a.8.
 2. Parks, playgrounds, open space, and tenant recreation facilities.
 3. Fences and walls subject to §24-5.6b.
 4. Surface parking subject to §24-3.7.
 5. Community rooms, administrative office for on-site management, and amenity spaces for the use of building owners and/or tenants.
- c. Signs.
 1. Signage shall comply with §24-6, Signs.
 2. In addition to the above, a ground sign, next to the site entrance, identifying the development, shall be permitted. Said sign shall not exceed twenty-five (25) square feet, may be illuminated, and shall be setback ten (10') feet from any property line.
- d. Area, Bulk, and Yard Requirements.
 1. Area, Yard, and Bulk Controls shall be in accordance with the Zoning Schedule of Area, Bulk, and Yard Requirements at the end of this chapter.
 2. Maximum building height shall be in accordance with the Zoning Schedule of Area, Bulk, and Yard Requirements. However, parapets, elevator overruns, mechanical equipment, and screening associated with such equipment shall extend no more than four (4') feet above the maximum permitted building height.
 3. Density. A maximum of seventy-six (76) units shall be permitted. At least seventy-four (74) units shall be affordable units and no more than two (2) units may be market-rate.
- e. Affordable Housing.
 1. At least 74 units of the maximum 76 units shall be reserved for, and affordable to, low- and moderate-income households. The affordable units shall consist of no more than fourteen (14) one-bedroom units, at least fifteen (15) three-bedroom units, and the remainder shall be two-bedroom units. Additionally, at least ten (10) of the seventy-four (74) affordable units shall be very-low income (available to households at or below 30% of the area median income). At least three (3) of the very-low-income units shall

be three-bedroom units, no more than two (2) of the very-low-income units may be one-bedroom units, and the remainder of the very-low-income units shall be two-bedroom units.

2. The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
3. The units shall meet the bedroom distribution required by the UHAC.
4. The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
5. All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

f. Off-Street Parking Requirements.

1. Off-street parking shall be in accordance with Off-street and Loading, § 24-3.7.
2. All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
3. Tandem parking is permitted. However, no more than seventy-five (75%) percent of the parking spaces may be tandem.
4. Off-street parking shall be provided at a rate of 1.82 spaces per unit.
5. Parking lot lighting shall comply with § 22-6.4.
6. Around the perimeter of surface parking lots landscaping shall be provided. One (1) shade tree and one (1) shrub shall be provided for every twenty (20) parking spaces. Said shade trees shall be three (3") inches in caliper at installation.

g. Building Design.

1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than forty (40') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
2. The maximum spacing between such offsets shall be thirty-five (35') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
3. Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in facade materials and balconies.

4. The architectural treatment of a facade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
 5. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
 6. Roofline offsets shall be provided along any gable roof measuring more than fifty (50') feet in length.
 7. Building facades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
 8. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- h. Landscaping.
1. Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
 2. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.
 3. Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
 4. If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside of the building(s).
 5. The above standards shall supplement the requirements of §22-6.5, paragraph a, and supersede said design standards when there is a conflict.

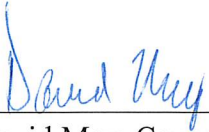
SECTION 4. Whereas, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Mahwah to illustrate the location of the Multi-Family-3 Overlay (MF-3) Zone on Block 139, Lot 41.

SECTION 5. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 6. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

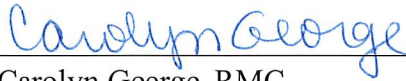
SECTION 7. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

TOWNSHIP OF MAHWAH



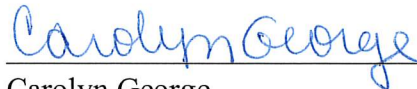
David May, Council President

ATTEST:



Carolyn George, RMC
Municipal Clerk

I, Carolyn George, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 20th day of March, 2023.



Carolyn George
Municipal Clerk

ZONING
 24 Attachment 5
 Township of Mahwah
 Area, Bulk and Yard Requirements

Zone	District	Minimum Area Requirements				Maximum Bulk Requirements				Minimum Yard Requirements**			
		Lot Area (Sq. Ft.)	Lot Width (Ft.)	Lot Depth (Ft.)	Improved Lot Coverage (%)	Lot Coverage (%)	Bldg. Ht. Principal* Feet	Story	Front Yard (Ft.)	Side Yard (Ft.)	Rear Yard (Ft.)	One (Ft.)	Both (Ft.)
C200	Conservation	200,000	300	400	15	5	35	2 1/2	75	50	100	75	75
POS	Public Open Space	200,000	300	400	15	5	35	2 1/2	75	50	100	75	75
R30	One-Family	80,000	300	300	20	10	35	2 1/2	60	40	80	50	50
R40	One-Family	40,000	150	175	30	15	35	2 1/2	40	30	60	40	40
R20	One-Family	20,000	90	125	40	20	35	2 1/2	35	20	40	35	35
R15	One-Family	15,000	75	100	40	25	35	2 1/2	30	10	25	30	30
R10	One-Family	10,000	50	100	40	30	35	2 1/2	25	10	25	30	30
R5	One-Family	5,000	30	100	40	30	35	2 1/2	25	6	18	25	25
R11	Two-Family	11,000	80	100	40	30	35	2 1/2	25	10	25	30	30
GA200	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30	30
	Garden Apt.	200,000	300	400	70	30	35	2 1/2	50	30	60	75	75
PRD4	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	35
	Other Uses (PRD)	See §24-3.8.k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)											
PRD6	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	35
	Other Uses (PRD)	See §24-3.8.k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)											
RM6	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	35
CB360	Manufactured Homes	400,000	400	500	50	30	35	2 1/2	35	20	40	35	35
B200	Community Business	90,000	360	400	70	25	40	3	75	40	80	75	75
B40	Shopping Center	200,000	400	400	80	40	40	3	75	40	75	75	75
B12	Highway Business	40,000	150	200	80	40	40	3	75	20	40	40	40
B10	General Business	12,000	80	100	80	40	40	3	40	15	30	40	40
B10	Neighborhood Business	10,000	50	100	80	50	40	3	10	10	20	40	40
OP200	Office Park	200,000	300	400	60	30	300	25	25	See §24-4.32.c.2	40	80	175
IP120	Office Research Park	200,000	300	350	60	30	40	3	75	40	75	65	65
GI80	Industrial Park	120,000	300	400	70	35	40	3	60	40	50	65	65
GI80	General Industry	80,000	200	300	80	40	40	3	50	25	50	65	65
CEM	Cemetery	200,000	300	400	—	35	35	—	—	—	—	—	—
FP	Flood Plain												
EZ	Buffer Zone												
PRD4S	Adm/Plat Housing												
*LOD	Limited Office District	80,000	200	200	30	5	35	2	60	30	60	40	40
ED	Education District	200,000	150	300	65	30	35	2	45	25	50	35	35
ML1	Mount Laurel												
ML2	Mount Laurel												
ME-1	Multi-Family 1	4.5 Acres			35	20	39	3	25	†	†	†	25
ME-2	Multi-Family 2	21.780	75	100	70	35	35	3	25	10	20	25	25
ME-3	Multi-Family 3 Overlay	4 Acres	200	500	50	25	40	4	40	20	100	200	200
MUD-1	Mixed-Use Development 1												
MUD-2	Mixed-Use Development 2												

**See §24-4.32c.5 concerning height limits in the OP200 Zone.

**See §4.32c concerning yard requirements of the OP200 Zone.

† A 42-foot side yard setback is to buildings and a 30-foot side yard setback is to decks/patios.