

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2002**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED "ZONING", SECTION 24-4.27, ENTITLED "(RESERVED)", OF THE LAND DEVELOPMENT CODE TO ESTABLISH A NEW MULTI-FAMILY 1 HOUSING DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

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 1 Fyke Road, identified as Block 21, Lots 21, 22, and 23 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, §24-4.27, (Reserved) is hereby amended and supplemented to add the following underlined text and delete the following text in ~~strikeout~~:

§24-4.27 MF-1 Multi-Family-1(Reserved)

The following standards shall apply to development within the MF-1 Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.

- a. Permitted Uses.
 - 1. Townhomes, which are attached (not stacked).
 - 2. Affordable housing units within a townhome configuration, which may be designed as one-over-one condominium flats.
- 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. Density for the Property. A maximum of twenty-five (25) units shall be permitted including any affordable housing units.
3. Internal setbacks.
 - (a) Buildings shall be setback at least twenty-five (25') feet from one another.
 - (b) No building shall exceed one hundred and fifty (150') feet in length.
 - (c) Buildings shall be setback a minimum of fifteen (15') feet from parking lots.
 - (d) No parking shall be permitted within thirty (30') feet of an adjacent single-family use.
4. Each market-rate unit shall not exceed 4,500 square feet, said square footage shall exclude garages, basements, and decks.
5. Certain architectural features may project into required yards as detailed in Section 24-3.4d.1.

e. Affordable Housing.

1. Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall be family rental units available to the general public and not restricted to any specific segment of the population and meet the low-/moderate-income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty-five (35%) percent of median income, the developer shall provide at least thirteen (13%) percent of the units within each bedroom distribution as very-low-income units at thirty (30%) percent of median income if the affordable units are rental in tenure.
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. Off-street parking shall be provided in accordance with RSIS.
4. Parking lot lighting shall comply with § 22-6.4.
5. Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree 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. Roofs shall be designed with a pitch (i.e., gable or hip roofs); no flat roofs shall be permitted.
6. Roofline offsets shall be provided along any gable roof measuring more than forty (40') 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.
9. Decks shall not exceed forty (40%) percent of the width of any unit.

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. There shall be a twenty-five foot (25') buffer in which the first 15 feet from the property line shall be a landscaped buffer with trees and the remaining 10-foot area will contain lawn, small shrubs and bushes. Berms will be installed in locations where reasonably feasible. The only improvements that are permitted to encroach on this buffer are utilities and streets, as shown on Exhibit A (but no streets shall be located between the rear of any townhouse and the adjacent property line).
4. Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.
5. Buffer plants shall include, at a minimum, the following:
 - (a) One shade tree for every seventy-five (75') linear feet of buffer;
 - (b) One evergreen tree for every forty (40') linear feet of buffer;
 - (c) Ten (10) shrubs for every fifty (50') linear feet of buffer.
6. Buffer plants shall be the following size at the time of planting:
 - (a) Shade trees shall be planted at a minimum three (3") inch caliper and shall be a minimum of twelve (12') to fourteen (14') feet in height, balled and burlapped.
 - (b) Evergreen trees shall be planted at a minimum height of seven (7') feet, balled and burlapped.
 - (c) Shrubs shall be planted at a minimum of three (3') feet in height. All shrubs shall be evergreen.
7. 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.
8. 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).

9. The above standards shall supplement the requirements of §22-6.5, paragraph a, and supersede said design standards when there is a conflict.

i. Recreation:

1. There shall be a reasonable passive recreation area which may include at the discretion of the developer, by way of example but not by way of limitation, a gazebo and/or benches.

j. Submission Requirements:

1. In addition to the application requirements in Chapter 22, any application for development within the MF-1 Zone shall provide an Environmental Impact Statement in accordance with §22-5.3 and a Traffic Impact Study.

SECTION 2. Chapter 24, Zoning, Attachment 5, Area, Bulk and Yard Requirements, is hereby amended and supplemented to add the **bold** text and delete the text in ~~strikeout~~ as attached to the end of this Ordinance.

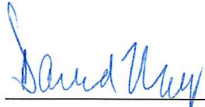
SECTION 3. Whereas, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Mahwah to illustrate the location of the Multi-Family 1 (MF-1) Zone.

SECTION 4. 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 5. 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.

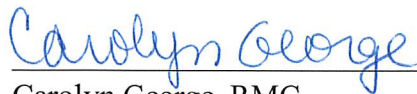
SECTION 6. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

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.) Both (Ft.) | Rear Yard (Ft.) | | |
| C200 | Conservation | 200,000 | 300 | 400 | 15 | 5 | 35 | 2 1/2 | 75 | 50 | 100 | 75 | |
| POS | Public Open Space | 200,000 | 300 | 400 | 15 | 5 | 35 | 2 1/2 | 75 | 50 | 100 | 75 | |
| R80 | One-Family | 80,000 | 200 | 300 | 30 | 10 | 35 | 2 1/2 | 60 | 40 | 80 | 50 | |
| R40 | One-Family | 40,000 | 150 | 175 | 30 | 15 | 35 | 2 1/2 | 40 | 30 | 60 | 40 | |
| R20 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 35 | |
| R15 | One-Family | 15,000 | 90 | 125 | 40 | 20 | 35 | 2 1/2 | 30 | 10 | 25 | 30 | |
| R10 | One-Family | 10,000 | 75 | 100 | 40 | 25 | 35 | 2 1/2 | 30 | 10 | 25 | 30 | |
| R5 | One-Family | 5,000 | 50 | 100 | 40 | 30 | 35 | 2 1/2 | 25 | 6 | 18 | 25 | |
| R11 | One-Family | 5,000 | 50 | 100 | 40 | 30 | 35 | 2 1/2 | 25 | 6 | 18 | 25 | |
| GA200 | Two-Family | 11,000 | 80 | 100 | 50 | 30 | 35 | 2 1/2 | 25 | 10 | 25 | 25 | |
| | One-Family | 10,000 | 75 | 100 | 40 | 25 | 35 | 2 1/2 | 30 | 10 | 25 | 30 | |
| | Garden Apt. | 200,000 | 300 | 400 | 70 | 30 | 35 | 2 1/2 | 50 | 30 | 60 | 75 | |
| PRD4 | One-Family | 20,000 | 100 | 150 | 40 | 20 | 35 | 2 1/2 | 35 | 20 | 40 | 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 | |
| | 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 | |
| CB360 | Manufactured Homes | 400,000 | 400 | 500 | 50 | 30 | 35 | 2 1/2 | 35 | 20 | 40 | 35 | |
| B200 | Community Business | 90,000 | 360 | 400 | 70 | 25 | 40 | 3 | 75 | 40 | 80 | 75 | |
| B40 | Shopping Center | 200,000 | 300 | 400 | 80 | 40 | 40 | 3 | 75 | 40 | 75 | 75 | |
| B12 | Highway Business | 40,000 | 150 | 200 | 80 | 40 | 40 | 3 | 75 | 20 | 40 | 40 | |
| B10 | General Business | 12,000 | 80 | 100 | 80 | 40 | 40 | 3 | 40 | 15 | 30 | 40 | |
| OP200 | Neighborhood Business | 10,000 | 50 | 100 | 80 | 50 | 40 | 3 | 10 | 10 | 20 | 40 | |
| ORP200 | Office Park | 200,000 | 300 | 400 | 60 | 30 | 300 | 25 | See §24-4.32.c.2 | 40 | 80 | 75 | |
| IP120 | Office Research Park | 200,000 | 300 | 350 | 60 | 35 | 40 | 3 | 60 | 40 | 75 | 65 | |
| GI80 | Industrial Park | 120,000 | 300 | 400 | 70 | 35 | 40 | 3 | 60 | 40 | 75 | 65 | |
| GI80 | General Industry | 80,000 | 200 | 300 | 80 | 40 | 40 | 3 | 50 | 25 | 50 | 65 | |
| GEM | General Industry | 80,000 | 200 | 300 | 80 | 40 | 40 | 3 | 50 | 25 | 50 | 65 | |
| EP | Cemetery | 200,000 | 300 | 400 | -- | 35 | 35 | -- | See §24-4.22 | See §24-4.23 | | | |
| BZ | Flood Plain | | | | | | | | | | | | |
| PRD4S | Buffer Zone | | | | | | | | | | | | |
| *LOD | Adult/Patio Housing | See §24-3.8.k. and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments) | | | | | | | | | | | |
| ED | Limited Office District | 80,000 | 200 | 200 | 30 | 5 | 35 | 2 | 60 | 30 | 60 | 40 | |
| ML1 | Education District | 200,000 | 150 | 300 | 65 | 30 | 35 | 2 | 45 | 25 | 50 | 35 | |
| ML2 | Mount Laurel | | | | | | | | | | | | |
| MF-1 | Mount Laurel | | | | | | | | | | | | |
| MF-2 | Multi Family 1 (Reserved) | 4.5 Acres | | | 35 | 20 | 38 | 3 | 25 | † | † | 25 | |
| MUD-1 | Multi Family 2 | 21,780 | 75 | 100 | 70 | 35 | 35 | 3 | 25 | 10 | 20 | 25 | |
| MUD-2 | Mixed-Use Development 1 | | | | | | | | | | | | |
| | 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 required for buildings and a 30-foot side yard setback is required for decks/patios.