

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2011**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND SUPPLEMENTING CHAPTER 22, ENTITLED "SITE PLAN REVIEW", SECTION 22-6.2, ENTITLED "OFF-STREET PARKING", AND SECTION 22-6.3, ENTITLED "OFF-STREET LOADING", AND AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED "ZONING", ATTACHMENT 4, ATTACHMENT 5, AND SECTION 24-5.6, ENTITLED "BUFFER ZONE AND GENERAL LANDSCAPING REQUIREMENTS" TO MODIFY CERTAIN REQUIREMENTS RELATED TO WAREHOUSE AND/OR DISTRIBUTION USES

WHEREAS, on April 28, 2023 the New Jersey Highlands Water Protection and Planning Council issued policy standards for warehousing in the New Jersey Highlands Region; and

WHEREAS, said policy standards provide locational requirements for warehouse siting and offer recommendations for updates to a municipal zoning ordinance where warehouses are permitted, which include, but are not limited to reviewing setbacks, requiring effective screening and buffering, reviewing building lot coverage, evaluating height limitations, reviewing parking requirements, and considering performance standards; and

WHEREAS, the Township Planner has a conducted a study focusing on warehouse and/or distribution uses within the IP120, Industrial Park, and ORP200, Office Research Park, Zone Districts; and

WHEREAS, the study makes certain recommendations related to coverage, screening, parking ratios, and loading dock location; and

WHEREAS, the Township Council has reviewed said study and desires to enact many of the recommendations in said report.

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 22, Site Plan Review, §22-6.2, Off-Street Parking, subsection a. The following lines of Table 1 of §22-6.2a. are hereby amended and supplemented to add the following underlined text and delete the following text in ~~strikeout~~:

Uses	Required Parking Spaces
Industrial and manufacturing uses	1 parking space for every 1,000 250 square feet of floor area or <u>1 space for each employee</u> 3 spaces for each 4 employees in the maximum working shift, whichever is greater
Laboratory and research uses	1 parking space for every 500 250 square feet of floor area
Wholesale establishments, warehouses and furniture stores	1 parking space for each 1,000 250 square feet of floor area

SECTION 2. Chapter 22, Site Plan Review, §22-6.3, Off-Street Loading, is hereby amended and supplemented to add the following underlined text and delete the following text in ~~strikeout~~:

- c. ~~Except for required buffer areas, each such loading space may occupy any required side or rear yard.~~ Off-street loading spaces and docks shall not be located along a street-facing façade except when located in the IP120 or GI80 Zone Districts. When a loading space adjoining a residential use, institutional use, or place of general assembly, a twenty-five-foot buffer zone, suitably screened or landscaped, shall be provided.

SECTION 3. Chapter 24, Zoning, Attachment 4, Schedule of District Use Regulations, is hereby amended and supplemented to add the following underlined text and delete the text in ~~strikeout~~ in the rows specified below.

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
ORP200 Office Research Park	5. Warehouse and/or distribution facility. 6. Warehouses and/or distribution facilities containing an office.	<i>No change</i>	<i>No change</i>

SECTION 4. Chapter 24, Zoning, Attachment 5, Schedule of Area, Bulk, and Yard Requirements, is hereby amended and supplemented as specified below.

1. The row entitled "ORP200", column entitled "Maximum Bulk Requirements", sub-column entitled "Improved Lot Coverage (%)" shall be amended from "60" to "55".
2. The row entitled "ORP200", column entitled "Maximum Bulk Requirements", sub-column entitled "Lot Coverage (%)" shall be amended from "30" to "25".

SECTION 5. Chapter 24, Zoning, §24-5.6, Buffer Zone and General Landscaping Requirements, is hereby amended and supplemented to add the following underlined text and delete the following text in ~~strikeout~~:

a. Buffer Zone Requirements.

1. All commercial, industrial, and apartment uses adjoining or abutting a residential zone or institutional or public use shall provide a buffer strip or buffer zone on the sides or sides facing said use or zone in accordance with the following table.

Buffer Zone Requirements			
Zone District	Buffer Zone Location	Minimum Width of Buffer Zone (feet)	
		Minimum	Maximum
IP120	Adjacent to a residential zone or use	75	
ORP200	Adjacent to a non-residential zone or use	25	
GA200 B200 IP120 RM6 ORP200 MUD-2	Adjacent to a residential zone or use 10% of lot depth or width on the side or sides facing such use or residential zone	50	100
B40 GI80	Adjacent to a residential zone or use 7 1/2% of the lot depth or width on the side or sides facing such use or residential zone	25	50
B10	Adjacent to a residential zone or use 5% of the lot depth or width on the side or sides facing such use or residential zone	10	25
ED Zone. A minimum buffer of fifteen (15') feet shall be provided along every area that abuts a property used for residential purposes.			

2. No principal or accessory structure, other than as may be provided herein, nor any off-street parking or loading areas or other use shall be permitted within the buffer zone.
3. ~~No access or driveways, other than as may be permitted herein, shall be permitted within the buffer zone.~~
3. ~~4.~~ The buffer zone shall be kept in its natural state where wooded. No existing tree within the buffer area shall be cut or removed unless the tree is invasive, dead, diseased, or dying, and when natural vegetation is sparse, plant material at least six (6') feet in height and a solid or tightly woven fence may be required so as to provide a year-round visual screen by the Board. The planting may be placed in suitable areas in the buffer

~~zone as shall be required by the Board and the Shade Tree Commission of the Township.~~

4. Buffer zone plantings shall consist of a combination of shade trees, evergreen trees, and ornamental trees. Existing shade and evergreen trees within the buffer zone may be counted in fulfilling the required buffer planting. Berms shall be installed within the buffer zone where reasonably feasible to enhance screening efforts.
5. Buffer zone plantings shall include, at a minimum, the following:
 - (a) One (1) shade tree for every forty (40') linear feet of buffer;
 - (b) One (1) evergreen tree for every fifteen (15') linear feet of buffer;
6. Plantings within the buffer zone 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 eight (8') feet, balled, and burlapped.
7. ~~5-~~ Within the buffer zone, the installation of utilities and driveways shall be permitted. Existing trees may be removed if required for the installation of these improvements.~~underground utility easements shall be permitted.~~
8. ~~6-~~ The area encompassed in the buffer zone may be utilized for the purpose of computing lot coverage and yard setbacks.
9. ~~7-~~ The provisions of paragraph b3 shall also apply.

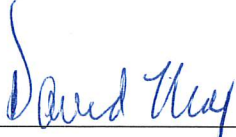
SECTION 6. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 7. 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 8. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Introduced: 6/19/23
Adopted: 7/31/23
Effective Date: 8/21/23

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 31st day of July, 2023.



Carolyn George
Municipal Clerk