

Introduction: 7/11/19  
Public Hearing: 8/8/19  
Effective: 9/5/19

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1880**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND  
SUPPLEMENTING CHAPTER XXIV "ZONING" 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**, Mahwah Township 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; and

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah as follows:

**Section 1.** The Land Development Code, Chapter XXIV "Zoning", Subsection §24-3.1 "Districts Designated" is hereby amended and supplemented with the following new underlined text inserted alphabetically:

MF-1 – Multi-family-1

**Section 2.** The Land Development Code, Chapter XXIV "Zoning", Subsection §24-4.1 "Schedules of Regulations" is hereby amended and supplemented as shown in the attached Zoning Schedule of Area, Bulk and Yard Requirements, which is attached to the end of this document.

**Section 3.** The Land Development Code, Chapter XXIV "Zoning", is hereby amended and supplemented with the following new underlined text:

§24-4.1.3 MF-1 Multi-family-1 Zone Regulations.

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.
2. Stacked townhomes, which are defined as a one (1) family unit in a row of at least three (3) such units, where units are stacked on each other. Units may be multi-level; however, all units shall have common fire-resistant walls and have direct access from the outside.
3. Affordable housing units within a townhome configuration, which may be designed as one-over-one condominium flats.

b. Accessory Uses.

1. Home occupations subject to Section 24-6.8g.
2. Parks, playgrounds, open space, and tenant recreation facilities.
3. Fences and walls subject to Section 24-6.11b.
4. Surface parking subject to Section 24-7.
5. Community rooms and amenity spaces for the use of building owners and/or tenants.
6. Signs, subject to Section 24-6.8f. Additionally, 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.

c. 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. Maximum density of the site shall not exceed fourteen (14) units per disturbed/impervious acre. In no event shall the density within the zone exceed a total of forty-two (42) residential units 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 five (5') feet from parking lots.
  - (d) No parking shall be permitted within twenty (20') feet of an adjacent single-family use.
- d. 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 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%) 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.

e. Off-Street Parking Requirements.

1. Off-street parking shall be in accordance with the Township Off-street and Loading Ordinance, Section 24-7.
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 Section 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.

f. 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 façade materials and balconies.
4. The architectural treatment of a façade shall be completely continued around all street-facing façades 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 forty (40') feet in length.
7. Building façades 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.

g. 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 minimum ten- (10') foot-wide landscaped buffer adjacent to any existing single-family properties. The only improvements that are permitted to encroach on this buffer are utilities and driveways.
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 standard shall supplement the requirements of Section 22-6.5a 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-1 (MF-1) District.

**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.

**ZONING SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS  
TOWNSHIP OF MAHWAH**

Zone	District	Minimum Area Requirements			Maximum Bulk Requirements			Bldg. Ht.			Minimum Yard Requirements		
		Lot Area (Sq. Ft.)	Lot Width (Ft.)	Lot Depth (Ft.)	Improved Lot Coverage (%)	Lot Coverage (%)	Feet	Principal**	Story	Front Yard (Ft.)	Side Yard One (Ft.)	Both (Ft.)	Rear Yard (Ft.)
C-200	Conservation												
R-80	One-Family	80,000	200	300	20	10	35	2 1/2	60	40	80	50	
R-40	One-Family	40,000	150	175	30	15	35	2 1/2	40	30	60	40	
R-20	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
R-15	One-Family	15,000	90	125	40	20	35	2 1/2	30	10	25	30	
R-10	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30	
R-5	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25	
R-11	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25	
GA-200	Two-Family	11,000	80	100	50	25	35	2 1/2	30	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	
PRD-4	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
PRD-6	Other Uses (PRD)	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
RM-6	Other Uses (PRD)	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
B-200	Mobile Homes	400,000	400	500	50	30	35	2 1/2	35	20	40	35	
B-40	Shopping Center	200,000	300	400	80	40	40	3	75	See subsection 24-6.3.	75	75	
B-12	Highway Business	40,000	150	200	80	40	40	3	75	20	40	40	
B-10	General Business	12,000	80	100	80	40	40	3	40	15	30	40	
OP-200	Neighborhood Business	10,000	50	100	80	50	40	3	10	10	20	40	
IP-120	Office Park	200,000	300	400	60	30	300	25	60	40	75	65	
GI-80	Industrial Park	120,000	300	400	70	35	40	3	50	25	50	65	
CEM	General Industry	80,000	200	300	80	40	40	3	50	See subsection 24-6.9.	50	50	
FP	Cemetery	200,000	300	400	-	35	35	-	See subsection 24-6.9.	See subsection 24-6.9.	See subsection 24-6.9.	See subsection 24-6.9.	
CEM/R-40	Flood Plain												
BZ	Cont. Econ. Dev't.												
PRD-4S	Buffer Zone												
*L.O.D.	Adult/Patio Housing	80,000	200	200	30	5	35	2	60	30	60	40	
CB	Limited Office District	90,000	360	400	70	25	40	3	75	40	80	75	
PED	Community Business	87,120 (2 acres)	150	300	65	30	35	2 1/2	35	25	50	35	
MF-1	Public Education District	4.5 acres	-	-	50	30	35	3	25	15	30	25	
	Multi-Family-1												

\* One parking space required for each 125 square feet.

\*\* See subsection 24-6.2 concerning height limits in the OP-200 Zone.

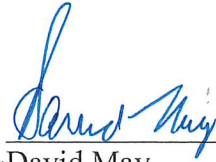
(Ord. #574; Ord. #622; Ord. #815; Ord. #860; Ord. #883; 1976 Code Ch. 179; Ord. #955, §5; Ord. #1036, §III; Ord. #1161; Ord. #1211, §III; Ord. #1252, §I; Ord. #1298; Ord. #1324, §SI, II; Ord. #1448)

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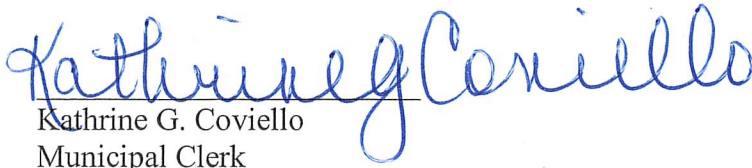
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Dated: August 15, 2019

Attest



David May  
Council President



Kathrine G. Coviello  
Municipal Clerk

I, Kathrine G. Coviello, 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 8th day of August, 2019.



Kathrine G. Coviello, BMC/CMC/MMC  
Municipal Clerk