

Introduction: 6/13/19
Public Hearing: 6/27/19
Effective: 7/23/19

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1868**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND
SUPPLEMENTING CHAPTER XXIV "ZONING" OF THE LAND DEVELOPMENT
CODE TO ESTABLISH A NEW MIXED-USE DEVELOPMENT 1 OVERLAY (MUD-1)
DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE
THERE TO**

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 are suitable for mixed-use development that includes non-residential and residential uses, these parcels are identified as follows:

Block 82, Lot 1
Block 82, Lot 2
Block 82, Lot 4
Block 82, Lot 8
Block 82, Lot 10
Block 82, Lot 12
Block 82, Lot 16
Block 82, Lot 19
Block 82, Lot 22
Block 82, Lot 25
Block 82, Lot 26
Block 82, Lot 28
Block 82, Lot 29
Block 82, Lot 30

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:

MUD-1 – Mixed-use Development 1 Overlay

Section 2. The Land Development Code, Chapter “Zoning”, is hereby amended and supplemented with the following new underlined text:

§24-4.1.1 MUD-1 – Mixed-use Development 1 Overlay Zone Regulations.

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

a. Permitted Uses.

1. Ground floor uses with frontage on Ramapo Avenue shall be non-residential.
2. Permitted principal B-10 Zone uses, excluding the following:
 - (a) Churches, other places of worship, including parish houses, Sunday school buildings.
 - (b) Clubs, social recreational buildings.
 - (c) Offices, business and professional.
 - (d) Public schools, parks, playgrounds, firehouses, libraries.
 - (e) Undertakers and funeral parlors.

3. Multi-family housing.

4. A mixture or combination of the above uses.

b. Accessory Uses.

1. Off-street parking subject to Section 22-6.2 and 24-7.
2. Parking decks or structures, subject to the following limitations:

- (a) Decks or structures shall not face East Ramapo Avenue or Franklin Turnpike.
 - (b) Access shall be from King Street or Siding Place.
 - (c) The height of the deck or structure shall be five (5') feet lower than the height of the principle building on the lot.
 - (d) The required setbacks shall be the same as that required for a principal building.
 - (e) The deck or structure shall be architecturally consistent or compatible with the principal building.
3. Loading facilities subject to Section 22-6.3 and 24-7.
4. Signs, subject to Section 24-6.8f, except that:
- (a) Non-residential ground floor uses shall be permitted one (1) wall sign per street frontage, subject to the following parameters:
 - (1) A maximum sign area of thirty-six (36) square feet.
 - (2) The horizontal dimension of the sign shall not exceed eighty (80%) of the width of the building frontage occupied by the individual use.
 - (3) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3) feet of the top of a parapet.
 - (4) Said signs may be illuminated.
 - (b) Residential uses shall be permitted one ground or wall sign per street frontage, which identifies the development, subject to the following parameters:
 - (1) A maximum sign area of fifty (50) square feet.
 - (2) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3) feet of the top of a parapet.
 - (3) Said signs may be illuminated.

5. Community rooms and amenity spaces related to the residential use for the use of building owners and/or tenants, including, but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mailrooms.
 6. Fences and walls subject to Section 24-6.11b.
 7. Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - (a) Tables may be located on private property or on the public sidewalk, so long as five (5') feet of sidewalk clearance is maintained.
 - (b) Fencing, bollards or planters shall be used to define the outdoor dining area.
 - (c) No outdoor dining shall be permitted after 12:00 a.m.
 - (d) All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
- c. Prohibited Uses.
1. Drive-through facilities.
 2. Gas and service stations.
 3. Non-residential uses shall be prohibited on the second or third floor.
- d. Area, Bulk and Yard Requirements.
1. Minimum lot area – 3 acres
 2. Minimum lot width – 150 feet
 3. Maximum front (street) yard setback – 15 feet; however, a maximum of 20% of the linear building frontage may be set back a maximum of 30 feet
 4. Minimum side yard setback, each – 10 feet
 5. Minimum rear yard setback – 40 feet
 6. Maximum improved lot coverage – 95%

7. Maximum lot coverage – 90%
 8. Maximum building height – 3 stories and 38 feet
 9. Maximum density – 14 units per acre
- 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 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 as very-low income units at thirty (30%) percent of median income within each bedroom distribution 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 COAH 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 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 residential parking shall be provided in accordance with RSIS, non-residential parking shall be provided in accordance with Section 22-6.2a. All required parking shall be provided on site.
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.
6. Sidewalks and landscaped beds along the East Ramapo Avenue street frontage shall be a minimum of eight (8') feet wide.

g. Building Design.

1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') 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 forty-five (45') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
3. A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
4. Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
5. Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint and such details as piers, columns, and framing should be utilized to reinforce verticality.

6. 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.
 7. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
 8. Building façades visible from any street shall consist of durable, long-lasting materials.
 9. 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.
 10. All rooftop mechanical equipment shall be screened from view from all vantage points at grade or below the roof.
 11. Placement of any packaged terminal air conditioner units within the façade is prohibited.
- 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 if the sidewalk is not directly adjacent to the structure. 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 the building(s).

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 Mixed-Use Development 1 Overlay (MUD-1) District.

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.

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Dated: July 11, 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 27th day of June, 2019.



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