

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

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1870**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND SUPPLEMENTING CHAPTER XXIV "ZONING" OF THE LAND DEVELOPMENT CODE TO ESTABLISH A NEW MULTI-FAMILY 2 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 a portion of certain lands known as 70 Island Road, identified as Block 56, Lot 74 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-2 – Multi-family-2

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 "Zoning", is hereby amended and supplemented with the following new underlined text:

§24-4.1.4 MF-2 Multi-family-2 Zone Regulations.

The following standards shall apply to development within the MF-2 Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.

a. Permitted Uses.

1. Multi-family housing.
2. Municipal uses, including off-street parking.

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 a minimum of 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 fifteen (15) units per acre.
3. Internal setbacks.
 - (a) Buildings shall be setback a minimum of five (5') feet from driveways and parking areas.
 - (b) No parking shall be permitted within twenty (20') feet of an adjacent single-family use.

d. Affordable Housing.

1. One-hundred (100%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall 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 thirty (13%) percent of the units as very-low income units at thirty (30%) percent of median income within each bedroom distribution
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.
6. The affordable units shall be reserved for families or special needs households.

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 a minimum of three (3) inches 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 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 fifty (50') 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 homes. The only improvements permitted to encroach on this buffer are utilities.
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-2 (MF-2) 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.

Ordinance No. 1870

Page: 7

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