

Ordinance No. 1898
Amendments to Land Use Ordinance
Township of Wyckoff, Bergen County

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Township of Wyckoff entered into a Settlement Agreement with Fair Share Housing Center on July 12, 2018 in In the Matter of the Application of the Township of Wyckoff's Housing Element and Fair Share Plan (Docket No.: BER-L-6224- 15); and

WHEREAS, these Settlement Agreement set forth that Block 216, Lots 17.01, 18 and 19 shall receive zoning to permit mixed-use inclusionary development;

WHEREAS, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that Block 216, Lots 17.01, 18 and 19 shall receive zoning to permit mixed-use inclusionary development in order to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate- income housing;

WHEREAS, the amended zoning of Block 216, Lots 17.01, 18 and 19 herein is consistent with the Settlement Agreement with Fair Share Housing Center, as well as the 2018 Housing Element and Fair Share Plan; and

WHEREAS, the MF/AH8 Zone will follow the property lines of Block 216, Lots 17.01, 18 and 19; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, Bergen County, New Jersey, that the Code of the Township of Wyckoff is hereby amended to include provisions for new zoning to permit mixed-use inclusionary development on Block 216, Lots 17.01, 18 and 19.

SECTION 1. Amend Section 186-3 Zoning Map to add a new Section Z. as follows:

Additions are shown as **thus**; deletions shown as ~~thus~~

Z. The MF/AH8 Zone is the name of the zone established to include Block 216, Lots 17.01, 18 and 19

SECTION 2. Amend Section 186-49 Zoning districts and bulk requirements as follows:

Additions are shown as **thus**; deletions shown as ~~thus~~

D. MF/AH8 Zone: Affordable Housing

- (1) **Principal permitted uses shall be as follows:**
 - (a) **Mixed-use development, consisting of multi-family units with a set-aside for affordable housing and ground floor nonresidential.**
 - (i) **Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.**
 - (ii) **Single family dwellings in existence as of the time of the adoption of this ordinance.**
- (2) **Accessory uses shall be as follows:**
 - (a) **Accessory buildings.**

- (b) Off-street parking facilities
 - (c) Private recreational facilities and common open space.
 - (d) Signs.
 - (e) Fences.
 - (f) Retaining walls.
 - (g) Uses which are customary and incidental to a permitted use.
- (3) Conditional uses shall be as follows:
- (a) None.
- (4) Affordable housing.
- (a) Where the affordable units shall be for sale, 20% of the total units on the site shall be reserved for affordable housing.
 - (b) Where the affordable units shall be for rent, 15% of the total units on the site shall be reserved for affordable housing.
 - (c) Affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).
 - (d) The affordable units shall be managed by a single entity in accordance with an Affordable Housing Management Plan, which shall be approved by the Township of Wyckoff, Affordable Housing Committee or other Township-designated Administrative Agent.
 - (e) The exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.
- (5) Bulk Requirements.
- (a) Minimum Lot size: 0.5 acres
 - (b) Maximum Gross Density: 12 du/ac, not to exceed 6 units in the district.
 - (c) Minimum Lot Width and Frontage: 200 feet
 - (d) Minimum Lot Depth: 100 feet
 - (e) Principal Building Setback
 - (i) Front: 30 feet
 - (ii) Each Side: 20 feet
 - (iii) Rear: 30 feet
 - (f) Accessory Building Setback
 - (i) Each Side: 10 feet
 - (ii) Rear: 10 feet
 - (g) Maximum Building Height
 - (i) 2 ½ stories / 35 feet
 - (h) Maximum Lot Coverage
 - (i) Principal Building: 25%
 - (ii) Accessory building: 5%
- (6) Building Design
- (a) Building side and rear elevations shall be designed with the same material as the front of the building.
 - (b) Not less than 50% of first floor uses shall be nonresidential. Residential uses shall be permitted in the remaining 50% of the first floor as well as portions of the building.

- (c) Multiple principal buildings shall be permitted on a lot.
- (d) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.
- (e) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
- (f) First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns, insets, projections or other vertical elements may be used to visually break up the plane of the first floor facade.
- (g) Nonresidential uses shall have a minimum of 60% of the ground floor facade between three and 10 feet above grade and 30% of upper floor facades shall be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
- (h) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
- (i) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber Cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.
- (j) Building materials and architectural details shall be consistent on all sides of each building.
- (k) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
- (l) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
- (m) Roof design:
 - (i) Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.
 - (ii) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - (iii) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (iv) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots,

and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.

(7) Plantings and buffers

- (a) A buffer strip of 20 feet or greater shall be provided where the multi-family use abuts a single-family residential use.**
- (b) Exterior utility boxes, mechanical and electrical equipment, and HVAC equipment shall be screened from view by architectural elements and/or landscape plantings.**
- (c) Buffers shall be maintained in perpetuity. If such buffers fail to provide adequate screening the buffers shall be re-established by the property owner using the same or similar plantings at the property owner's expense.**

(8) Miscellaneous Requirements.

- (a) Signs shall be permitted pursuant to regulations for the B-1 district in §186-28.**

(9) Parking

- (a) Parking shall not be located between the building and the public street.**
- (b) Off-street parking for residential uses shall be provided in accordance with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21.**

SECTION 3 Except as hereby amended, all other sections of Chapter 186 shall remain in full force and effect.

SECTION 4 This Ordinance shall take effect upon final passage and publication according to law.