

**Ordinance No. 1890**

**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 OVERLAY MIXED-USE 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 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7 shall receive overlay 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 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7 shall receive overlay 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 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7 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 AHO-3 Zone will follow the property lines of Block 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7; 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 overlay zoning to permit mixed-use inclusionary development on Block 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7.

**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 AHO-3 Zone is the name of the zone established to include Block 224, Lots 1.01, 2.01, 3, 4, 5.01, 6.01, and 7**

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

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

**D. AHO-3 Zone: Affordable Housing Overlay 3 Zone**

**(1) Principal permitted uses shall be as follows:**

- (a) Multi-family units with a 20% set-aside for affordable housing.
- (2) Accessory uses shall be as follows:
  - (a) Accessory buildings.
  - (b) Off-street parking facilities, including structured parking
  - (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) 20% of the total units on the site shall be reserved for affordable housing.
  - (b) 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).
  - (c) 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.
  - (d) 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: 2 acres
  - (b) Maximum Gross Density: 12 du/ac
  - (c) Minimum Lot Width and Frontage: 400 feet along West Main Street
  - (d) Minimum Lot Depth: Lot depth existing as of the date of this ordinance.
  - (e) Principal Building Setback
    - (i) Front: 20 feet
    - (ii) Each Side: 10 feet
    - (iii) Rear: 40 feet
  - (f) Accessory Building Setback
    - (i) Each Side: 10 feet. 15 feet when abutting a residential zone.

- (ii) Rear: 10 feet. 15 feet when abutting a residential zone.
- (g) Maximum Building Height
  - (i) 3 stories / 45 feet
- (h) Maximum Lot Coverage
  - (i) Principal Building: 35%
  - (ii) Accessory building: 5%
- (6) Building Design
  - (a) Structured parking shall not exceed one story (parking level) and shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.
  - (b) Building side and rear elevations shall be designed with the same material as the front of the building.
  - (c) Multiple principal buildings shall be permitted on a lot.
  - (d) Maximum building length: 200 feet.
  - (e) 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.
  - (f) 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.
  - (g) 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.
  - (h) Building materials and architectural details shall be consistent on all sides of each building.
  - (i) 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.
  - (j) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
  - (k) Pedestrian friendly building design and site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Wyckoff Avenue.
  - (l) Minimum Distance between buildings:
    - (i) Front façade to any facade: 60 feet

(ii) Rear facade to any façade: 50 feet

(iii) Side façade to any facade: 30 feet

(m) Roof design:

(i) Any third story shall be created within the roof space over the second floor to reduce the appearance of height. Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. 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) A planted berm of 5 feet tall or greater shall be provided where the multi-family use abuts a single-family residential use. This berm shall be used for all or a portion of the required buffer plantings in order to increase the plant height and screening ability of the buffer. The requirement for a berm may be waived where the applicable Land Use Board finds the existing and proposed plant material provides an effective screen.

(c) Exterior utility boxes, mechanical and electrical equipment, and HVAC equipment shall be screened from view by architectural elements and/or landscape plantings.

(d) 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.

(b) Useable open space not less than 10% of the tract shall be provided. Said open space shall be used as outdoor passive open space for use by on-site residents and/or customers of the nonresidential uses (such as but not limited

to parklike areas, outdoor seating, walking trails) and open space such as but not limited to a playground or outdoor game area. Buffer areas and other required landscape areas shall not contribute to the open space requirement.

- (c) Sidewalks shall be provided along West Main Street and sidewalks not less than 4 feet in width shall be provided along all building facades that provide a building entrance.
  - (d) Pedestrian walkway and bicycle paths to adjacent public areas and/or residential streets shall be required where possible and beneficial for safe non-vehicular traffic. Maintenance of such walkways and/or paths shall be the responsibility of the property owner or homeowner's association.
  - (e) All utilities shall be installed underground wherever possible.
- (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.

TOWNSHIP OF WYCKOFF  
CERTIFIED TO BE A TRUE COPY  
OF THE ORIGINAL

*Joyce C. Santunaro*  
MUNICIPAL CLERK  
*adopted 11-4-19*