

**Ordinance No. 1891**

**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 517, Lot 3.01, Block 516, Lots 6.03 and 6.04 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 517, Lot 3.01, Block 516, Lots 6.03 and 6.04 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 517, Lot 3.01, Block 516, Lots 6.03 and 6.04 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-2 Zone will follow the property lines of Block 517, Lot 3.01, Block 516, Lots 6.03 and 6.04; 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 517, Lot 3.01, Block 516, Lots 6.03 and 6.04.

**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-2 Zone is the name of the zone established to include Block 517, Lot 3.01, Block 516, Lots 6.03 and 6.04**

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

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

**D. AHO-2 Zone: Affordable Housing Overlay 2 Zone**

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

- (a) Mixed use development, consisting of multi-family and/or townhouse units with a 20% set-aside for affordable housing and ground floor retail use for buildings facing Goffle Road and Coe Avenue.
  - (i) Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.
- (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: Lot sizes existing as of the date of this ordinance. No further subdivision shall be permitted in the exercise of this overlay zone.
  - (b) Maximum Gross Density: 16 du/ac
  - (c) Minimum Lot Width and Frontage: 150 feet
  - (d) Minimum Lot Depth: 150 feet
  - (e) Principal Building Setback
    - (i) Front: 25 feet. The front yard setback along Coe Avenue may be reduced to 20 feet.

- (ii) Each Side: 20 feet
  - (iii) Rear: 20 feet
  - (iv) Side and rear yards shall be increased to 40 feet where adjacent to a residential use or zone outside of the AHO-2.
- (f) Accessory Building Setback
- (i) Each Side: 10 feet. 15 feet where the accessory building abuts a residential zone.
  - (ii) Rear: 10 feet. 15 feet where the accessory building abuts a residential zone.
- (g) Maximum Building Height
- (i) Building heights shall be varied such that 2.5 stories / 35 feet shall be the maximum building height where adjacent to Goffle Road, a residential use or zone outside of the AHO-2 (including across the street). Building heights in all other areas of the district shall be limited to 3 stories / 45 feet.
  - (ii) No building within 50 feet of a residential use or zone outside of the AHO-2 shall exceed 2.5 stories / 35 feet.
- (h) Maximum Lot Coverage
- (i) Principal Building: 45%
  - (ii) Accessory building: 5%
- (6) Building Design
- (a) Buildings located along Goffle Road shall be oriented toward Goffle Road with all or a significant portion located parallel to the street. This shall not apply to any building located behind another building. Orientation shall include the provision of one or more primary building entrances.
  - (b) First floor residential units shall not face Goffle Road.
  - (c) The portion of the building facing Goffle Road and Coe Avenue shall consist of permitted nonresidential uses on the first floor. All other building and portions of buildings shall consist of residential uses on all floors.
  - (d) All townhouse dwellings shall provide at least one (1) off-street parking space within an enclosed garage located in the rear yard with access from a lane/alley. Front loaded garages are prohibited.
  - (e) Townhouse dwelling lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet one-way and sixteen (16) feet two-way.
  - (f) Multiple principal buildings shall be permitted on a lot.
  - (g) Maximum building length: 200 feet.
  - (h) 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.

- (i) 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.
- (j) 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 façade.
- (k) Where facing Goffle Road 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.
- (l) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
- (m) 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 or column.
- (n) Building materials and architectural details shall be consistent on all sides of each building.
- (o) The maximum size of any individual commercial business is limited to 12,000 square feet. The total commercial space within this zone shall be limited to no more than 25,000 square feet.
- (p) 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.
- (q) Awnings are encouraged. Where provided, awnings shall be uniform in color and material
- (r) When separate nonresidential tenants are housed in the ground floor of any building, separate entrances onto the sidewalk for each space should be provided, except when two stores share a vestibule.
- (s) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
- (t) Pedestrian friendly building design and site furnishings (outdoor tables,

benches, bicycle racks, etc.) are required along Goffle Road.

(u) Minimum Distance between buildings:

(i) Front facade to any facade: 60 feet

(ii) Rear facade to any facade: 50 feet

(iii) Side facade to any facade: 30 feet

(v) 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 shall be provided along all property lines shared with a residential use or district outside of the AHO-2. Where deemed appropriate by the Land Use Board, existing plantings may be retained and the buffer area supplemented with new plantings in order to satisfy this requirement.

(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) Access is prohibited to all public streets, with the exception of Goffle Road and Coe Avenue within Wyckoff and Hopper Lane within the Borough of Hawthorne.

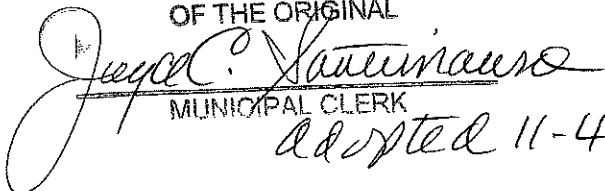
(b) Sidewalks shall be provided along both sides of all public and/or private roads and interior access drives except sidewalks shall not be required along Spencer Drive or Hopper Avenue in Wyckoff. Sidewalks of not less than 4 feet in width shall be provided along all building facades that provide a building entrance.

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

- (d) 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.
  - (e) Pedestrian walkway and bicycle paths to adjacent 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.
  - (f) Lighting shall be consistent with the Township's lighting ordinance requirements.
  - (g) All utilities shall be installed underground wherever possible.
- (9) Parking
- (a) Parking shall not be located between the building and the public street, with the following exception.
    - (i) Parking may be located between a commercial building and a public street for which no access is provided if a compliant buffer is provided.
  - (b) Maximum distance between off-street parking space and the unit served: 200 feet.
  - (c) 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.
  - (d) Off-street parking for nonresidential uses shall be provided as per the schedule of off-street parking requirements for the B-1 district (§186-26.C.).

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  
  
MUNICIPAL CLERK  
Adopted 11-4-19