

**Ordinance No. 1894**

**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 235, Lot 3 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 235, Lot 3 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 235, Lot 3 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-4 Zone will follow the property lines of Block 235, Lot 3; 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 235, Lot 3.

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-4 Zone is the name of the zone established to include Block 235, Lot 3**

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

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

D. AHO-4 Zone: Affordable Housing Overlay 4 Zone

- (1) Principal permitted uses shall be as follows:
  - (a) Construction of one-story of multi-family units above the existing nonresidential building or above a new one story nonresidential building no greater in size than the current building subject to the following.
    - (i) The multi-family units shall have a 20% set-aside for affordable housing.
    - (ii) Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.
  - (b) Mixed use development consisting of nonresidential uses on the first floor and residential units on the second floor, subject to the following:
    - (i) The floor area of the first floor nonresidential use shall not exceed the floor area of nonresidential uses existing as of September 2019.
    - (ii) The multi-family units shall have a 20% set-aside for affordable housing.
    - (iii) 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: 2.3 acres
  - (b) Maximum Gross Density: 10 du/ac
  - (c) Minimum Lot Width and Frontage: 200 feet
  - (d) Minimum Lot Depth: 200 feet
  - (e) Principal Building Setback
    - (i) Front: 15 foot minimum and 55 foot maximum

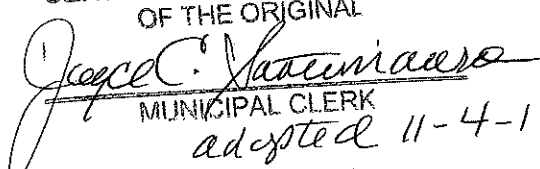
- (ii) Each Side: 10 feet
- (iii) Rear: 20 feet
- (f) Accessory Building Setback
  - (i) Each Side: 10 feet
  - (ii) Rear: 10 feet
- (g) Maximum Building Height: 2 stories / 35 feet
- (h) Maximum Lot Coverage
  - (i) Principal Building: 40%
  - (ii) Accessory building: 5%
- (i) Building footprint: the building footprint shall not exceed that which exists as of the adoption date of this ordinance (roughly 30,000 s.f.).
- (6) Building Design
  - (a) One principal building shall be permitted.
  - (b) The building shall be oriented toward Wyckoff Avenue with all or a significant portion located parallel to the street. Orientation shall include the provision of one or more primary building entrances.
  - (c) All residential units shall be located on the second floor.
  - (d) The building shall consist of permitted nonresidential uses on the first floor and one story of multi-family housing above.
  - (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 the 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) First-floor facades which shall contain 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.
  - (h) Where facing Wyckoff Avenue 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.
  - (i) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
  - (j) 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 columns.
  - (k) Building materials and architectural details shall be consistent on all sides of

- each building.
- (l) The maximum size of any individual commercial business is limited to 12,000 square feet.
  - (m) 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.
  - (n) An arcade facing Wyckoff Avenue shall be provided along not less than 75 percent of the building façade facing Wyckoff Avenue. This arcade shall include a series of columns or other vertical elements that form a covered walkway.
  - (o) 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.
  - (p) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
  - (q) Consistent building materials shall be used on all sides of a building that is visible from a public street.
  - (r) Pedestrian friendly building design and site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Wyckoff Avenue.
  - (s) Roof design:
    - (i) Flat roofs are prohibited.
    - (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 of note less than 15 feet in width shall be provided along the side and rear property line.
  - (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.
  - (b) Sidewalks shall be provided along Wyckoff Avenue and Clinton Avenue.
  - (c) 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
- (9) (d) All utilities shall be installed underground wherever possible.  
Parking
- (a) Not more than two rows of parking shall be located between the building and a public street. Where parking is provided between the building and Wyckoff Avenue, the parking shall be angled so as to reduce the necessary building setback and paving along Wyckoff Avenue
- (b) Parking available to the public shall not be reduced unless authorized by the Township Governing Body.
- (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