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BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

ORDINANCE #6-23

AN ORDINANCE AMENDING CHAPTER 209 OF THE LAND USE DEVELOPMENT ORDINANCES OF THE BOROUGH OF MAYWOOD, SPECIFICALLY SECTION 209-35 RC RESTRICTED COMMERCIAL BUSINESS DISTRICT, AND SECTION 209-39B. (5) GARAGES AND OFF-STREET PARKING

WHEREAS, the Borough of Maywood has entered into a Settlement Agreement to resolve its affordable housing obligations with the Fair Share Housing Center (“FSHC”), in order to resolve the Declaratory Judgement Act filed in 2015 with the New Jersey Superior Court seeking to establish that the Housing Element and Fair Share Plan developed by the Borough is constitutionally compliant, and

WHEREAS, as to facilitate the settlement and in compliance with the Housing and Fair Share Plan, the Mayor and Council of the Borough have agreed to amend Chapter 209-35 of the Borough Zoning Ordinance to expand the boundary of the R-C Restricted Commercial Business District, and to add residential as a primary intended use as set forth below.

NOW THEREFORE, be it ordained by the mayor and council of the Borough of Maywood, County of Bergen, State of New Jersey as follows:

Section 1:

- A. The RC Restricted Commercial Business District shall be expanded in a southerly direction by adding to the District Block 83, Lots 18, 19, 20 and 12.01;

Block 82, Lots 2, 3, 8 and 9; Block 81, Lots 2 and 6 and southerly portion of 4.01; and Block 80, Lots 4, 5, 10, and 11 located along sections of Oak Avenue, Bergen Avenue, Palmer Avenue, Spencer Joseph Way and Lincoln Avenue.

- B. The Zoning Map of the Borough of Maywood and Schedule B-2, RC Restricted Commercial Business District, shall both be amended to include the above-referenced Blocks and Lots.

Section 2:

Section 209-35 of the Borough Code shall be amended to add the following as a primary intended use:

209-35: RC Restricted commercial business district.

- A. Primary intended uses. The RC Restricted Commercial Business District is designed and intended for first floor commercial uses and second floor residential apartments. Commercial uses are limited to the sale of commodities or services or the furnishing thereof. Within the Restricted Commercial Business Zone, no building or land shall be used for any uses except for the following:

6. Residential shall be permitted as a primary intended use on the second floor of any building in the RC District. A set-aside of fifteen (15) percent of low- and moderate-income units in accordance with Chapter 211 of the Borough Code shall be required.

Section 3:

- a. Residential uses located in the RC District shall be subject to parking requirements contained in the Residential Site Improvement Standards (RSIS) New Jersey Administrative Code, Title 5, Chapter 21 (as amended). Consideration will be given for

waivers or de minimis exceptions pursuant to RSIS for the parking requirements for units that are designated as affordable units.

Non-residential uses shall comply with Section 209-39B.(5) of the Borough Code, pending further study in conjunction with a proposed developer to address the potential needs and demands for residential (market/affordable) and commercial parking; including shared and/or structured parking, in accordance with sound planning principles consistent with this Ordinance.

Section 4:

Repealer. All ordinances or Code provisions or parts that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5:

Severability. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not affect, impair or invalidate the remainder of this Ordinance.

Section 6:

Effective Date. This Ordinance shall take effect upon its passage and publication, as required by law. Copies of this Ordinance shall be provided to the Court, the Special Master, and counsel for FSHC. The zoning map of the Borough shall be amended to conform to the provisions of this ordinance.

Date: May 22, 2023

APPROVED: Richard Bolan
Richard Bolan, Mayor

ATTEST: Barbara Dispoto
Barbara L. Dispoto, RMC/CMC
Borough Clerk

Introduction-1st Reading

Date: April 24, 2023

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman Cicarelli		X	X				
Councilman Conoscenti			X				
Councilwoman Flynn	X		X				
Councilman Roer			X				
Councilman Ullman			X				
Council President DeMuro						X	

Adoption-2nd/Final Reading

Date: May 22, 2023

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman Cicarelli			X				
Councilman Conoscenti		X	X				
Councilwoman Flynn	X		X				
Councilman Roer			X				
Councilman Ullman						X	
Council President DeMuro			X				

CERTIFICATION

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on second reading by the Governing Body at the meeting of May 22, 2023.

Date: _____

Barbara L. Dispoto, RMC/CMC
Borough Clerk