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**BOROUGH OF MAYWOOD**  
**15 Park Avenue, Maywood, NJ 07607**

**ORDINANCE #7-23**

**AN ORDINANCE AMENDING CHAPTER 209 OF THE LAND USE DEVELOPMENT ORDINANCES OF THE BOROUGH OF MAYWOOD, SPECIFICALLY AMENDING SECTION 209-38.3 THO (TOWNHOUSE USE OVERLAY DISTRICT) AND ADDING SECTION 209-38.6 (TOWNHOUSE USE OVERLAY-2 DISTRICT), SECTION 209-38.7 (TOWNHOUSE USE OVERLAY-3 DISTRICT), AND SECTION 209-39B. (9), PARKING REQUIREMENTS FOR ALL THO DISTRICTS**

**WHEREAS**, the Borough of Maywood has entered into a Settlement Agreement with the Fair Share Housing Center to effectuate its affordable housing obligations pursuant to the Fair Housing Act and its implementing regulations, and pursuant to the terms of the Settlement Agreement entered into between the Borough and Fair Share Housing Center (“FSHC”), the Borough has agreed to amend certain Land Use Ordinances to effectuate said housing element and fair share plan, and

**WHEREAS**, as part of effectuating this settlement, the Borough Council, by way of this ordinance, is amending Section 209-38.3, THO Townhouse Use Overlay District, and is establishing a new Section 209-38.6, THO-2 Townhouse Use Overlay-2 District, and a new Section 209-38.7, THO-3 Townhouse Use Overlay-3 District, as follows:

**Section 1:**

- A. The following blocks and lots shall be removed from the THO District: Block 131, Lots 9, 10, 11, 12 & 13; Block 132, Lots 1 and 2; Block 133, Lots 1 and 2; Block 134, Lot 1; and Block 135, Lots 1, 2 and 3.
- B. The following blocks and lots only shall be included in the THO District: Block 87, Lots 8-12; Block 88, Lot 28; and Block 106, Lots 1-5 along Prospect Avenue.
- C. The Zoning Map of the Borough of Maywood and Schedule B-2, THO Townhouse Use Overlay District, shall both be amended to reflect these subtractions and additions.

**Section 2:**

Section 209-38.3 of the Borough Code shall be amended to read as follows:

**209-38.3 THO Townhouse Use Overlay District**

A. Permitted uses:

- (1) All principal and accessory uses permitted within the TH-Townhouse Use District.
- (2) All principal and accessory uses permitted within the underlying zoning district.

B. District Regulations:

(1) All principal and accessory uses within the THO District shall comply with the requirements and regulations governing the TH – Townhouse Use District except as set forth below:

- a. Density. The maximum density of dwelling units shall be 20 per acre (1 unit per 2,175 square feet).
- b. Height of buildings
  - i. On Block 87, Lots 8-12 and Block 88, Lot 28, townhouses shall have a maximum building height of 3 stories or 40 feet (2 stories residential and one-story parking underneath).
  - ii. On Block 106, Lots 1-5, townhouses shall have a maximum building height of 4 stories or 48 feet (3 stories residential and one-story parking underneath).

c. Bulk Requirements

<b>Requirements</b>	
Minimum Lot Area	20,000 s.f.
Minimum Lot Depth	100 ft.
Minimum Lot width	200 ft.
Minimum Front Yard Setback	30 ft.
Minimum Side Yard Setback One	15 ft.
Minimum Side Yard Setback Both	25 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Building Coverage	30%
Maximum Impervious Coverage	45%

- d. All Townhouse development permitted in the THO District shall be required to provide a 15% affordable housing set-aside for renter-occupied units and a 20% affordable housing set-aside for owner-occupied units.
- e. All affordable units created in the THO District shall fully comply with the applicable provisions of the Borough of Maywood Affordable Housing Ordinance at Chapter 211 of the Borough Code.

(2) Schedule A-1 shall be amended to add the regulations for the THO District.

**Section 3:**

- A. There is hereby created a new district, the THO-2 Townhouse Use Overlay-2 District.
- B. The following blocks and lots shall be included in the THO-2 District: Block 124, Lots 50, 51 and 52 along West Hunter Avenue.
- C. The Zoning Map of the Borough of Maywood and Schedule B-2 shall both amended to add the THO-2 Townhouse Use Overlay-2 District and include in it the above-referenced blocks and lots.

**Section 4:**

There is hereby created a new Section 209-38.6 of the Borough Code, to read as follows:

**209-38.6 THO-2 Townhouse Use Overlay-2 District**

A. Permitted uses:

- (1) All principal and accessory uses permitted within the TH-Townhouse Use District.
- (2) All principal and accessory uses permitted within the underlying zoning district.

B. District Regulations:

- (1) All principal and accessory uses within the THO-2 District shall comply with the requirements and regulations governing the TH – Townhouse Use District except as set forth below:
  - a. Density. The maximum density of dwelling units shall be 12 per acre (1 unit per 3,630 square feet).
  - b. Height of buildings. Townhouses shall have a maximum building height of 3 stories or 40 feet (2 stories residential and one-story parking underneath).
  - c. Bulk Requirements

<b>Requirements</b>	
Minimum Lot Area	40,000 s.f.
Minimum Lot Depth	175 ft.
Minimum Lot width	230 ft.
Minimum Front Yard Setback	30 ft.
Minimum Side Yard Setback One	20 ft.
Minimum Side Yard Setback Both	35 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Building Coverage	30%
Maximum Impervious Coverage	45%

- d. All Townhouse development permitted in the THO-2 District shall be required to provide a 15% affordable housing set-aside for renter-occupied units and a 20% affordable housing set-aside for owner-occupied units.
- e. All affordable units created in the THO-2 District shall fully comply with the applicable provisions of the Borough of Maywood Affordable Housing Ordinance at Chapter 211 of

the Borough Code.

(2) Schedule A-1 shall be amended to add the regulations for the THO-2 District.

**Section 5:**

- A. There is hereby created a new district, the THO-3 Townhouse Use Overlay-3 District.
- B. The following blocks and lots shall be included in the THO-3 District: Block 69, Lots 4, 5, 13, 17 and 18 along Spring Valley Road.
- C. The Zoning Map of the Borough of Maywood and Schedule B-2 shall both amended to add the THO-3 Townhouse Use Overlay-3 District and include in it the above-referenced blocks and lots.

**Section 6:**

There is hereby created a new Section 209-38.7 of the Borough Code, to read as follows:

**209-38.7 THO-3 Townhouse Use Overlay-3 District**

- A. Permitted uses:
  - (1) All principal and accessory uses permitted within the TH-Townhouse Use District.
  - (2) All principal and accessory uses permitted within the underlying zoning district.
- B. District Regulations:
  - (1) All principal and accessory uses within the THO-3 District shall comply with the requirements and regulations governing the TH – Townhouse Use District except as set forth below:
    - a. Height of buildings. Townhouses shall have a maximum building height of 3 stories or 40 feet, (2 stories residential and one-story parking underneath)
    - b. All Townhouse development permitted in the THO-3 District shall be required to provide a 15% affordable housing set-aside for renter-occupied units and a 20% affordable housing set-aside for owner-occupied units.
    - c. All affordable units created in the THO-3 District shall fully comply with the applicable provisions of the Borough of Maywood Affordable Housing Ordinance at Chapter 211 of the Borough Code.

(2) Schedule A-1 shall be amended to add the regulations for the THO-3 District.

**Section 7:**

There is hereby created a new section of the Borough Code, Section 209-39B.(9), which shall read as follows:

- (9) THO, THO-2 and THO-3 overlay zones.
  - a. Residential uses located in the THO, THO-2 and THO-3 overlay zones 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 deminimis exceptions pursuant to RSIS for the parking requirements for units that are designated as affordable units.

**Section 8:**

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

**Section 9:**

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 10:**

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-1<sup>st</sup> Reading**

**Date: April 24, 2023**

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

**Adoption-2<sup>nd</sup>/Final Reading****Date:**

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