

Appendix C

The Proposed Overlay Zone Ordinances

- Proposed Ordinance Creating the Affordable Housing 1 Overlay District
- Proposed Ordinance Brook Avenue Stacked Townhome Overlay District
- Proposed Passaic Street Stacked Townhome Overlay District

ORDINANCE CREATING THE AFFORDABLE HOUSING 1 OVERLAY DISTRICT (AH-1)

AN ORDINANCE OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING THE AFFORDABLE HOUSING 1 OVERLAY DISTRICT (AH-1) AND ESTABLISHING DEVELOPMENT STANDARDS FOR BLOCK 3, LOT 1

Section 1. Title

This Ordinance shall be known and cited as the “Affordable Housing 1 Overlay District (AH-1) Ordinance of the Borough of Maywood.”

Section 2. Purpose

The purpose of this Ordinance is to create a new Affordable Housing 1 Overlay District (AH-1) to facilitate the development of inclusionary mid-rise multifamily housing containing a mandatory affordable housing component. The AH-1 Overlay District is intended to further the Borough of Maywood’s constitutional obligation to provide a realistic opportunity for the development of affordable housing in accordance with the Mount Laurel Doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

The district is specifically designed to accommodate a mid-rise residential building with structured podium parking and to ensure that at least twenty percent (20%) of all units created within the district are deed-restricted affordable units subject to Uniform Housing Affordability Controls (UHAC).

Section 3. Applicability

The AH-1 Overlay District shall apply solely to the following property:

Block 3, Lot 1 (Address: 25 East Spring Valley Avenue, Borough of Maywood)

This overlay provides an alternative set of zoning regulations to facilitate development that supports the Borough’s affordable housing obligations.

Section 4. Permitted Uses

A. Principal Permitted Uses

1. Mid-rise apartment buildings, defined as multifamily residential buildings up to four stories in height, consisting of three residential stories over one podium parking level.

B. Accessory Uses

1. Parking garages and structured podium parking integrated into the principal building.
2. Surface parking where necessary, located to the side or rear of the building.
3. Recreational amenities and open-space facilities for residents.
4. Utilities, storage rooms, and other customary accessory uses.

Section 5. Affordable Housing Set-Aside Requirement

Any residential development within the AH-1 District shall set aside a minimum of twenty percent (20%) of all dwelling units as affordable housing in accordance with UHAC (N.J.A.C. 5:80-26.1 et seq.).

Affordable units shall be income-restricted and affirmatively marketed in compliance with the Borough's Affordable Housing Ordinance (Chapter 211).

Section 6. Density and Bulk Standards

A. Maximum Residential Density: 24 dwelling units per acre

B. Minimum Lot Size: 2 acres

C. Minimum Lot Width: 250 feet

D. Maximum Building Height:

- Four stories total (one podium parking level and three residential stories above)
- Maximum height: 55 feet

E. Maximum Impervious Coverage: 80%

F. Minimum Setbacks:

- Front Yard: 25 feet
- Side Yard: 20 feet
- Rear Yard: 30 feet

G. Minimum Buffer Adjacent to Single-Family Zones: 25 feet

H. Open Space Requirement: Minimum 20% of site area

I. Parking: In accordance with RSIS (N.J.A.C. 5:21)

Section 7. Design Standards

- A. Buildings shall incorporate cohesive architectural design facing public streets.
- B. Parking podiums shall be screened with architectural treatments or landscaping.
- C. Pedestrian connectivity to surrounding streets and sidewalks shall be emphasized.
- D. Mechanical equipment shall be screened from public view and from adjacent residential uses.

Section 8. Landscaping and Open Space Requirements

- A. At least 20% of the total lot area shall be dedicated to common or passive open space.
- B. Landscaping shall include street trees, perimeter buffers, and internal plantings.
- C. Outdoor amenities such as seating areas, play areas, or passive recreation space shall be incorporated.

Section 9. Affordable Housing Unit Distribution

Affordable housing units shall be integrated throughout the building and shall not be concentrated on a single floor or area.

Bedroom distribution shall comply with UHAC requirements.

Section 10. Administration and Compliance

The administration of affordable units within the AH-1 Overlay District shall be conducted by the Borough's Administrative Agent in coordination with the Borough's Affordable Housing Liaison.

All requirements of Chapter 211 (Affordable Housing) shall apply unless specifically superseded herein.

Section 11. Developer's Agreement

Prior to the issuance of any building permits, a developer's agreement shall be executed and approved by the Planning Board and the Borough Attorney. The

agreement shall specify the required number of affordable units, bedroom distribution, phasing, and the appointment of a qualified administrative agent.

Section 12. Repealer

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

Section 13. Severability

If any section or provision of this Ordinance is deemed invalid, such judgment shall not affect the remainder of the Ordinance.

Section 14. Effective Date

This Ordinance shall take effect upon final passage and publication as required by law.

WEST PASSAIC STREET STACKED TOWNHOME OVERLAY DISTRICT ORDINANCE

AN ORDINANCE OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A STACKED TOWNHOME OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS FOR INCLUSIONARY STACKED TOWNHOME DEVELOPMENT

Section 1. Title

This Ordinance shall be known and may be cited as the “West Passaic Street Stacked Townhome Overlay District Ordinance of the Borough of Maywood.”

Section 2. Purpose

The purpose of this Ordinance is to create a Stacked Townhome Overlay District to facilitate the development of inclusionary multi-family housing in a manner compatible with surrounding neighborhoods while advancing the Borough’s constitutional obligation to provide a realistic opportunity for affordable housing pursuant to the Mount Laurel Doctrine and the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This Overlay District implements the Borough’s Housing Element and Fair Share Plan.

Section 3. Applicability

The Stacked Townhome Overlay District shall apply only to the following properties, as designated by ordinance or zoning map amendment: Block 87, Lot 2; Block 87, Lot 3; and Block 87, Lot 4. The Overlay District establishes an optional alternative set of zoning standards. All underlying zoning regulations shall remain in effect unless expressly superseded by the provisions of this Overlay District.

Section 4. Definitions

Stacked Townhome: A self-contained dwelling unit designed for occupancy by a single household, located within a multi-unit residential building where units are

stacked vertically and/or arranged horizontally, separated by common walls, floors, or ceilings, and sharing common circulation areas, parking facilities, or other common elements.

Section 5. Permitted Uses

A. Principal Use: Inclusionary stacked townhome residential buildings.

B. Accessory Uses: Structured or surface parking, open space and recreational amenities, maintenance buildings, utilities, storage, and customary residential accessory uses.

Section 6. Affordable Housing Requirement

A. A minimum of twenty percent (20%) of all dwelling units shall be deed-restricted affordable housing units.

B. At least fifty percent (50%) of affordable units shall be low-income units.

C. At least thirteen percent (13%) of low-income units shall be very-low-income units.

D. All affordable units shall comply with UHAC (N.J.A.C. 5:80-26.1 et seq.) and be administered by the Borough's Administrative Agent.

Section 7. Density and Bulk Standards

A. Maximum Density: 18 dwelling units per acre.

B. Minimum Lot Size: 2 acre (87,120 square feet)

C. Maximum Building Height: Three (3) stories and forty-five (40) feet.

D. Minimum Setbacks:

1. Front Yard: 30 feet

2. Side Yard: 20 feet

3. Rear Yard: 30 feet

E. Minimum Buffer to Single-Family Zones: 25 feet landscaped buffer.

F. Maximum Building Coverage: 45%.

G. Maximum Impervious Coverage: 75%.

H. Open Space: Minimum 10% of site area.

I. Parking: RSIS compliant including EV requirements.

Section 8. Building Separation and Design

A. Minimum Separation (3 stories):

1. Front to Front: 68 feet

2. Side to Side: 15 feet

3. Side to Rear: 35 feet

4. Rear to Rear: 40 feet

B. Maximum Units per Building: 16 units.

C. Maximum Building Length: 240 feet.

Section 9. Architectural and Site Design Standards

Buildings shall include façade articulation, pedestrian orientation, screened parking, screened mechanical equipment, and landscaped buffers to ensure neighborhood compatibility.

Section 10. Landscaping and Open Space

Landscaping shall include street trees, perimeter buffers, internal plantings, and accessible open space areas. Passive recreation amenities are encouraged.

Section 11. Residential Buffering

A. Applicability

A residential buffer shall be required where development in the [Zone Name] District abuts or is located across a public or private street from property zoned or used for single-family residential purposes.

B. Buffer Width

A minimum buffer width of twenty-five (25) feet shall be provided, measured from the property line or right-of-way line adjacent to the single-family residential property.

C. Buffer Design

The buffer shall be landscaped and maintained to provide year-round visual screening and shall include:

1. A landscaped berm;
2. Staggered rows of evergreen trees; and
3. Additional plantings appropriate to the local climate and site conditions.

Evergreen trees shall be a species suitable for the region and shall have a minimum height of six (6) to eight (8) feet at the time of planting.

D. Prohibited Uses

No buildings, parking areas, or storage shall be permitted within the required buffer. Utilities or pedestrian paths may be allowed where they do not reduce the effectiveness of the buffer, subject to approval.

Section 12. Administration

Affordable housing units shall be administered by the Borough's Affordable Housing Liaison and Administrative Agent.

Section 13. Developer's Agreement

A developer's agreement shall be executed prior to issuance of building permits, addressing affordable housing obligations, phasing, and compliance.

Section 14. Repealer

All ordinances or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 15. Severability

If any section or provision is found invalid, such invalidity shall not affect the remaining provisions.

Section 16. Effective Date

This Ordinance shall take effect upon final passage and publication as required by law.

BROOK AVENUE STACKED TOWNHOME OVERLAY DISTRICT ORDINANCE

AN ORDINANCE OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A STACKED TOWNHOME OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS FOR INCLUSIONARY STACKED TOWNHOME DEVELOPMENT

Section 1. Title

This Ordinance shall be known and may be cited as the “Brook Avenue Stacked Townhome Overlay District Ordinance of the Borough of Maywood.”

Section 2. Purpose

The purpose of this Ordinance is to create a Stacked Townhome Overlay District to facilitate the development of inclusionary stacked townhome housing in a manner compatible with surrounding neighborhoods while advancing the Borough’s constitutional obligation to provide a realistic opportunity for affordable housing pursuant to the Mount Laurel Doctrine and the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This Overlay District implements the Borough’s Housing Element and Fair Share Plan.

Section 3. Applicability

The Stacked Townhome Overlay District shall apply only to the following properties, as designated by ordinance or zoning map amendment: Block 107, Lot 51; Block 107, Lot 52; Block 107, Lot 53; Block 107, Lot 54; and Block 107, Lot 55. The Overlay District establishes an optional alternative set of zoning standards. All underlying zoning regulations shall remain in effect unless expressly superseded by the provisions of this Overlay District.

Section 4. Definitions

Stacked Townhome: A self-contained dwelling unit designed for occupancy by a single household, located within a multi-unit residential building where units are stacked vertically and/or arranged horizontally, separated by common walls, floors, or ceilings, and sharing common circulation areas, parking facilities, or other common elements. Each unit shall contain independent living, sleeping, cooking, and sanitary facilities.

Section 5. Permitted Uses

A. **Principal Use:** Inclusionary stacked townhome residential buildings.

B. **Accessory Uses:** Structured or surface parking, open space and recreational amenities, maintenance buildings, utilities, storage, and customary residential accessory uses.

Section 6. Affordable Housing Requirement

A. A minimum of twenty percent (20%) of all dwelling units shall be deed-restricted affordable housing units.

B. At least fifty percent (50%) of affordable units shall be low-income units.

C. At least thirteen percent (13%) of low-income units shall be very-low-income units.

D. All affordable units shall comply with UHAC (N.J.A.C. 5:80-26.1 et seq.) and be administered by the Borough's Administrative Agent.

Section 7. Density and Bulk Standards

A. **Maximum Density:** 16 dwelling units per acre.

B. **Minimum Lot Size:** 1 acre (43,560 square feet)

C. **Maximum Building Height:** Three (3) stories and forty-five (40) feet.

D. **Minimum Setbacks:**

1. **Front Yard:** 30 feet

2. Side Yard: 20 feet

3. Rear Yard: 30 feet

E. Minimum Buffer to Single-Family Zones: 25 feet landscaped buffer.

F. Maximum Building Coverage: 45%.

G. Maximum Impervious Coverage: 75%.

H. Open Space: Minimum 10% of site area.

I. Parking: RSIS compliant including EV requirements.

Section 8. Building Separation and Design

A. Minimum Separation (3 stories):

1. Front to Front: 68 feet

2. Side to Side: 15 feet

3. Side to Rear: 35 feet

4. Rear to Rear: 40 feet

B. Maximum Units per Building: 16 units.

C. Maximum Building Length: 240 feet.

Section 9. Architectural and Site Design Standards

Buildings shall include façade articulation, pedestrian orientation, screened parking, screened mechanical equipment, and landscaped buffers to ensure neighborhood compatibility.

Section 10. Landscaping and Open Space

Landscaping shall include street trees, perimeter buffers, internal plantings, and accessible open space areas. Passive recreation amenities are encouraged.

Section 11. Administration

Affordable housing units shall be administered by the Borough's Affordable Housing Liaison and Administrative Agent.

Section 12. Developer's Agreement

A developer's agreement shall be executed prior to issuance of building permits, addressing affordable housing obligations, phasing, and compliance.

Section 13. Repealer

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Section 14. Severability

If any section or provision is found invalid, such invalidity shall not affect the remaining provisions.

Section 15. Effective Date

This Ordinance shall take effect upon final passage and publication as required by law.