

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of December, 2018, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of December, 2018 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 18-40

AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XVI OF THE WESTWOOD BOROUGH CODE, ENTITLED “LAND USE AND DEVELOPMENT – ZONE DISTRICTS AND PERMITTED USES” AND THE WESTWOOD BOROUGH ZONING MAP TO CREATE THE “LIMITED BUSINESS-RESIDENTIAL MULTIFAMILY AFFORDABLE HOUSING OVERLAY ZONE” AND THE STANDARDS ASSOCIATED WITH THE ZONE IN THE BOROUGH OF WESTWOOD

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity for the development of affordable housing along a portion of Broadway Avenue;

WHEREAS, in furtherance of this goal, the Borough proposes to create a new Limited Business – Residential Multifamily Affordable Housing Overlay Zone to encourage inclusionary development in the LB-1 Zone.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, that Chapter 195, “Land Use and Development” of the Borough Code of the Borough of Westwood is hereby amended or supplemented as follows:

Section 1. Chapter 195, Article XVI, Section 195-106 of the Code of the Borough of Westwood entitled “Zoning Districts” is hereby amended to add the following new zone district to the list of zone districts:

LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone

Section 2. Chapter 195, Article XII, Section 195-107. of the Code of the Borough of Westwood “Zoning Map” shall be amended to identify the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone to encompass Block 701 Lots 1 through 8, **10 through 13 and 16** while retaining the underlying LB-1 Limited Business District 1 Zone designation for these lots, as shown on the accompanying map.

Section 3. Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled “Zone Districts and Permitted Uses” is hereby amended to include a new subsection 195-122.1 as follows:

§195-122.1 LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone

- A. The purpose of the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone is to create an opportunity for the construction of low- and moderate-income housing in a suitable portion of the Borough of Westwood and thereby to address the fair share housing obligation of the Borough of Westwood under the New Jersey Fair Housing Act (“FHA”), applicable Council on Affordable Housing (“COAH”) regulations, the settlement agreement entered into between the Borough and Fair Share Housing Center (“FSHC”) on April 24, 2018, and the Borough’s Housing Element and Fair Share Plan. The LB-RM Overlay Zone encourages the development of low- and moderate-income housing by allowing for inclusionary development; however, developers shall also have the option of developing in accordance with the underlying LB-1 Zone standards.
- B. The principal permitted uses in the Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be identical to those uses permitted in the LB-1 Zone as set forth at §195-122; provided, however, that any developer that elects to develop in accordance with the Limited Business – Residential Multifamily Affordable Housing Overlay Zone standards as set forth herein below shall be required to provide multi-family dwellings.
- C. Permitted accessory uses allowed in the LB-RM Zone include the following:
 - (a) Off-street parking in accordance with Chapter 195, Article XII, Section 195-111.D and Section 195-130.A(1)c. as well as Chapter 195, Article XX
 - (b) Decks, balconies and porches.
 - (c) Fences and walls, in accordance with the Fence Ordinance, Chapter 195, Article XV, Section 195-130.G.
 - (d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of a complex and in accordance with the Westwood Supplementary Regulations Governing Certain Uses, Chapter 195, Article XV, Section 195-130.F.
 - (e) Trash enclosures.
 - (f) Signs, in accordance with the Westwood Sign Regulations Ordinance, Chapter 195, Article XIX.
 - (g) Outdoor lighting, in accordance with the Westwood Design Standards for Site Plans Ordinance, Chapter 195, Article XI, Section 195-95.
- D. Affordable Housing.
 - (a) All multifamily residential developments constructed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be

required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

(b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXV of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

[1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.

[2] Bedroom Mix: In the development under this zoning, the following bedroom mix shall apply:

[a] The combined number of one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

[b] At least 30% of all low- and moderate-income units shall be two bedroom units;

[c] At least 20% of all low- and moderate-income units shall be three bedroom units; and

[d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

[3] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire at the end of 30 years after the date of the initial occupancy of the respective individual affordable unit, except, as to rental units, the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. Ibid. For for-sale units, the deed restriction shall expire only after it is properly released by the Borough and/or the Borough's Administrative Agent.

[4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent, **approved by the Borough** and paid for by the developer.

[5] Other Affordable Housing Unit Requirements: Developers shall also comply with all the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing

requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site and shall identify the exact location of each affordable unit at the time of site plan application.

E. Area and Bulk Requirements. The area and bulk requirements for the uses allowed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone are set forth below.

- (a) Lot Area. There shall be a minimum lot area of 2 acres.
- (b) Lot Width. There shall be a minimum lot width of **100** feet.
- (c) Lot Depth. There shall be a minimum lot depth of 100 feet
- (d) Density. There shall be a maximum gross density of 20 dwelling units per acre.
- (e) Yards.
 - [1] Front Yard. There shall be a front yard of not less than 25 feet.
 - [2] Side Yard. No side yard shall be less than **10** feet.
 - [3] Rear Yard. There shall be a rear yard of at least 30 feet.
- ~~(f) Maximum Floor Area Ratio (FAR) 50%.~~
- (g) Height. No building shall exceed a height of 38 feet or three stories.
- (h) Building Coverage. There shall be a maximum building coverage of 50%.
- (i) Lot Coverage. There shall be a maximum lot coverage of **75%**.

F. Development Standards.

- (a) Building Requirements.
 - [1] Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
 - [a] Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
 - [b] Harmonious relationship with other onsite features and buildings.
 - [c] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
 - [d] No more than 30 feet of front or rear building wall permitted without providing a break in the façade of 2 feet of articulation.
 - [e] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
 - [f] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
 - [g] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or

complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.

- [h] Complimentary building colors and materials to be consistent with the general theme of the development.
- [i] Strategically placed windows, doors, porches and columns with consideration of “human scale”.
- [j] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.
- [k] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance costs of low- and moderate-income households.

[2] Construction. **The multifamily buildings shall conform with the applicable NJUCC requirements including the fire resistance of building materials.**

(b) Dwelling Unit Requirements.

- [1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 600 square feet.
- [2] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.

(c) Accessory structures. All accessory structures shall be designed in accordance with Section 195-130 of the Borough of Westwood Code.

G. Off-street parking.

- (a) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).
- (b) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.
- (c) Adequate fire and emergency access must be provided subject to the Borough of Westwood Fire Department.
- (d) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
- (e) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.
- (f) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).

H. Landscaping and open space.

- (a) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
- (b) There shall be a comprehensive landscape plan prepared by a New Jersey licensed Landscape Architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (c) A landscape buffer shall be provided where a multifamily development abuts a single-family residential zone. The buffer shall be a minimum of 20 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated
- (d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for walkways, underground linear utilities and site access drives, and the Board may also permit a portion of a buffer area to be used for stormwater detention or retention basins, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.

I. Lighting.

- (a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
- (b) All outdoor lighting, including street lamps and accent lighting, should comply with “dark sky” standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (c) Lighting for the development must be contained on the property on which the development is located **with a maximum foot-candle of 0.30 at all side and rear property lines.**
- (d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

J. Miscellaneous.

- (a) **Secure** television connections shall be provided for each unit. Television antennas shall be limited to one master antenna per building.
- (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (c) All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. They may be stored in private garages or outside of buildings. If the materials are stored outside, they

must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.

- (d) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
- (e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
- (f) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
- (g) Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
- (h) Fences shall be situated and designed in accordance with Chapter 195, Article XV, Section 195-130.G.

Section 4. Chapter 195, Attachment 14, “Schedule A, Area and Bulk Regulations” of the Code of the Borough of Westwood shall be amended to include a new LB-RM Overlay Zone category, which shall state ‘See § 195-122.1’ for area and bulk regulations.

Section 5. Chapter 195, Attachment 15, “Schedule B, Schedule of Principal, Accessory and Conditional Uses” of the Code of the Borough of Westwood shall be amended to include a new LB-RM Overlay Zone category, which shall state ‘See § 195-122.1’ for permitted principal, accessory and conditional uses.

Section 6. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Mayor and Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 10. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his

approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

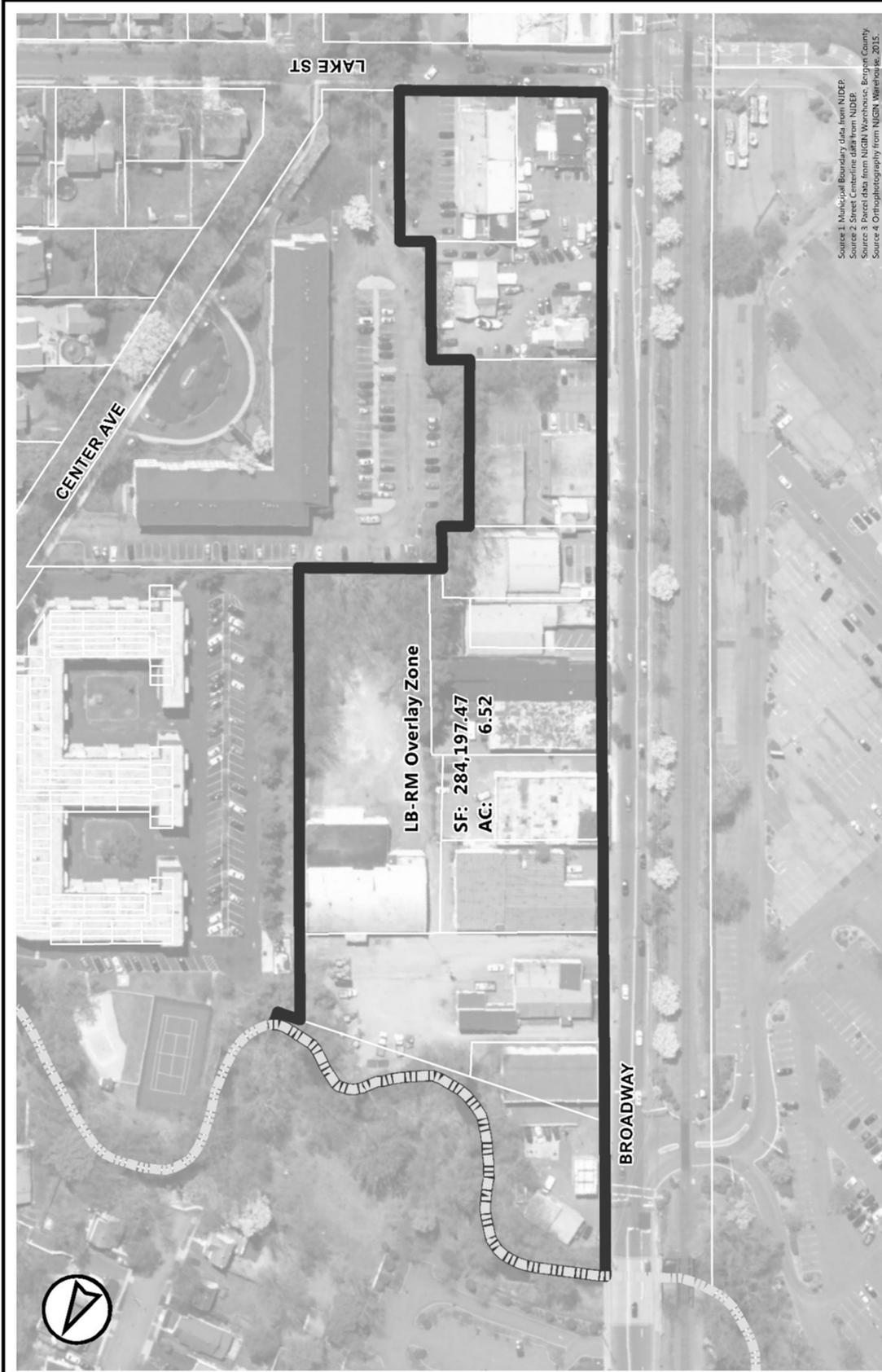
INTRODUCED the _____ day of _____, 2018.

ADOPTED the _____ day of _____, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk



		BURGTS ASSOCIATES, INC. CONSULTING PLANNERS / LAND DEVELOPERS AND DESIGN / LANDSCAPE ARCHITECTURE 25 Westwood Ave. 5th Westwood, New Jersey 07675		Project No. 3014.07 Date 11.01.18 Designer DN/AF		Legend 	
Proposed LB-RM Limited Business - Residential Multifamily Overlay Zone		Project No. 3014.07 Date 11.01.18 Designer DN/AF		Scale 1" = 140' Date 11.01.18 Designer DN/AF		Project No. 3014.07 Date 11.01.18 Designer DN/AF	
Project No. 3014.07 Date 11.01.18 Designer DN/AF		Project No. 3014.07 Date 11.01.18 Designer DN/AF		Project No. 3014.07 Date 11.01.18 Designer DN/AF		Project No. 3014.07 Date 11.01.18 Designer DN/AF	