

ORDINANCE NO. 18-11

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WOODCLIFF LAKE TO
CREATE AN OVERLAY ZONE AND PERMITTED USES ON A PORTION OF THE SO II SPECIAL
OFFICE DISTRICT TO PERMIT THE DEVELOPMENT OF AGE-RESTRICTED MULTI-UNIT HOUSING
PROJECT**

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Woodcliff Lake is authorized and empowered to adopt and amend the zoning ordinance of the Borough of Woodcliff Lake; and

WHEREAS, the Borough further recognizes the continuing need for and its obligation in creating affordable housing within the Borough consistent with the “Fair Housing Act,” P.L. 1985, c 222 (C-52:27D-301 et seq.) and In re-adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV); and

WHEREAS, the Mayor and Council have entered into settlement negotiations and secured settlement terms regarding its obligation in creating affordable housing and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal; and

WHEREAS, to facilitate such settlement and in compliance with its FSP, the Mayor and Council of the Borough of Woodcliff Lake have deemed it in the best interest of the Borough to amend the Borough Zoning Ordinance so as to create an overlay zone on a portion of the SO II Special Office District which shall permit the development of age-restricted multi-unit housing project(s).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

Section 1. That Chapter §380-57 be amended to add article § 380-57A to permit and govern an Age-Restricted Housing Overlay-2 District (ARHO-2) within a portion of the SO II Special Office District in addition to the underlying uses permitted in the Special Office II District. Article § 380-57A shall read and be enumerated as follows:

Chapter Title: Article § 380-57A Age-Restricted Housing Overlay-2 District (ARHO-2)

§ 380-57A.1 Intent.

The intent of this overlay zone is to permit the development of age-restricted multi-unit housing project on a portion of the SO II Special Office District in addition to the underlying uses permitted in the Special Office II District. The portion of the SO II District for which the overlay district applies is designated on the Tax Maps as Lot 4 in Block 402.

§ 380-57A.2 Permitted uses.

Within the Age-Restricted Housing Overlay-2 District (ARHO-2), no lot, tract or parcel of land shall be used and no building structure shall be constructed, altered, erected or placed to be used for any purpose other than the following:

- A. Any principal or accessory use permitted in the Special Office II District.
- B. Age-restricted multi-unit housing units, as defined in this chapter, are principal permitted uses.
- C. Accessory uses and structures associated with age-restricted multi-unit housing, which shall include but not be limited to parking, patios, swimming pools, recreational uses and buildings, refuse enclosures, directional and identification signs, and utility and retaining structures.
- D. Temporary structures, such as trailers and buildings associated with the initial construction of improvements on the site and the marketing of units, are permitted, subject to Planning Board approval, provided that such items shall be removed no later than 60 days from the completion of construction.

§ 380-57A.3 Dimensional requirements.

The dimensional requirements applicable to the SO II District shall apply to all nonresidential (SOII District) uses permitted in the ARHO-2 District. Age-restricted housing shall comply with the following dimensional requirements:

- A. Each lot shall have a minimum size of five (5) acres and a minimum frontage of 500 feet on a county road.
- B. The maximum residential density shall be 20 dwelling units per acre and the maximum number of dwelling units in the ARHO-2 District shall be 100 units.
- C. The maximum building coverage shall be 35% of lot area.
- D. The maximum surface coverage shall be 50% of lot area. The provisions of § 380-10 of this chapter shall apply in computing lot area for the purpose of calculating maximum surface coverage.
- E. The maximum building height shall be 36 feet and (3) three stories. If parking may be provided beneath the building fully below grade and not constitute a story for the purpose of determining the maximum number of permitted stories.
- F. The minimum building setback shall be measured from the foundation wall and shall be a minimum of 70 feet from the front property line parallel to Chestnut Ridge Road. A minimum building setback of 50 feet shall be provided along the side and rear property lines.
- G. The minimum parking standards for both the dimensions and the number of spaces as well as driveways and other site improvements shall be in accordance with the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- H. The following schedule of area, yard, setback and bulk requirements shall apply to age-restricted multiunit housing development in the ARHO-2 District

and supplements the Borough's existing Limiting Schedule for all zoning districts.

Editor's Note: Said schedule is included at the end of this chapter.

- I. There shall be a minimum of one garage parking spaces per unit provided for residents in the age-restricted multiunit development.
- J. There shall be common area parking for both guests and residents totaling at least 0.25 spaces per unit.
- K. There shall be an active and/or passive recreational feature included in the development, such as an outdoor pool, community center or garden and sitting area.

§ 380-57A.4 Site Plan and Building Guidelines

Age-restricted multiunit development in the ARHO-2 District shall also comply with the following requirements:

- A. Landscape buffer. A landscaped buffer shall be provided along the site's perimeter; 35 feet in width along the entire Chestnut Ridge Road frontage and 25 feet along the side and rear property lines. The buffer shall be planted with grass, perennial and annual flowering plants, deciduous and evergreen trees, shrubs and all other landscape material and treatments as required by the Planning Board and Shade Tree Committee. No retaining walls shall be located within the buffer. Site identifying signage and driveways perpendicular to the buffer may encroach into the buffer.
- B. Signage. One two-sided free-standing identification sign shall be permitted, having a maximum sign panel area of 30 square feet (excluding the base of the sign and the monument on which the sign is located), a maximum height of seven feet and a minimum setback from any property line of 15 feet. Additionally, directional and informational signs shall be permitted along internal driveways and near building entrances, subject to site plan approval.
- C. Sidewalks. Sidewalks shall be provided along the frontage of all public streets upon with the property fronts.
- D. Mechanical equipment. Any rooftop mechanical equipment shall be concealed within the roof of the building so it is not visible from Chestnut Ridge Road. Any ground-mounted mechanical equipment shall be screened appropriately.
- E. Architectural Design Guidelines.
 - i. Primary materials for buildings shall be brick, wood, HardiePlank panels or similar fiber cement siding, stone, precast and cast stone and manufactured stone, and glass.
 - ii. No more than three different primary materials shall be used on each building façade. Within the primary materials, variations in colors, texture and pattern may be employed to further break up the mass or bulk of a building.

- iii. The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building.
- iv. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building.
- v. Windows shall be vertically proportioned. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- vi. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- vii. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes.
- viii. Building wall offsets, including projections such as canopies and recesses may also be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- ix. In the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

F. **Affordable Housing Requirements.** If the residential units are rental, 15% of the units shall be reserved for affordable households. If the units are for-sale, 20% of the units shall be reserved for affordable households. The affordable units shall have a minimum 30-year deed restriction. Any such affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws. The units shall meet the bedroom distribution required by UHAC. The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units as mandated by the Fair Housing Act. The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense for the lifetime of the deed restriction. This shall include the initial rental/sale of the unit and the ongoing compliance. The developer shall utilize the Borough's Administrative Agent or a Borough-approved equivalent. The affordable units shall be age-restricted units.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. This ordinance shall be construed consistent with the purpose stated herein. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance.

If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 5. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Date: September 4, 2018

Attest: Deborah A. Dakin, Borough Clerk