

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

ORDINANCE No. 17-16

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS O-R DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON**

**WHEREAS**, the Planning Board of the Township of Washington adopted the Washington Township Housing Plan Element and Fair Share Plan on July 26, 2017, and the Township Council endorsed same on August 7, 2017;

**WHEREAS**, the Washington Township Housing Plan Element and Fair Share Plan, as adopted on July 26, 2017, recommends the establishment of a multi-family affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the Washington Township Housing Plan Element and Fair Share Plan;

**WHEREAS**, it has become necessary to amend Article IX, entitled "Class O-R District," of the Township of Washington Zoning Ordinance, and adopt this new ordinance to implement and incorporate the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

**WHEREAS**, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units and sets forth the administrative mechanisms necessary to implement the Township's revised Housing Element and Fair Share Plan.

**BE IT ORDAINED**, by the Township Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

**SECTION 1.** Article IX, entitled "Class O-R District," of the Township of Washington's Zoning Ordinance is hereby amended to add a new Section 245-59.1 as follows:

## §245-59.1 Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to provide development that contributes to the Township of Washington's municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

B. Location. There is hereby established an Affordable Housing Overlay District, comprised of the following lands and premises shown and designated on the Tax Assessment Map of the Township of Washington as revised: Block 3202.01 Lot 3, containing a total area consisting of approximately 9.7 acres.

C. Permitted Uses

(1) Multi-family residential apartments

D. Development Standards. The standards contained in the Affordable Housing Overlay shall supersede the existing O-R District standards for area, yard, frontage, height and other bulk requirements. The remaining provisions of the Washington Township Land Use and Zoning regulations shall apply as appropriate.

(1) Maximum Residential Density: 15 dwelling units per acre

(2) Maximum Permitted Building Height: Three (3) stories or 35 feet

(3) Maximum Impervious Lot Coverage: 80 percent

(4) Minimum Landscape Buffer: A minimum 20 foot wide landscape buffer shall be provided adjacent to any property line abutting a single-family residential use.

(5) Minimum Front Yard Setback: 50 feet

(6) Minimum Side Yard Setback: 30 feet

(7) Minimum Rear Yard Setback: 30 feet

E. Affordable Housing Requirements

(1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be reserved as affordable units.

- (2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.
- (3) At least 13 percent of the total number of affordable rental units shall be affordable to very low income households.
- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township's Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years.
- (6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.
- (7) All affordable units shall be subject to the provisions of the Township's Affordable Housing Ordinance.

**SECTION 2.** Article II: Classes of Districts Sections 245-3 and 245-4 are hereby amended to include the Affordable Housing Overlay District referenced herein.

**SECTION 3.** This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

**SECTION 3.** All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

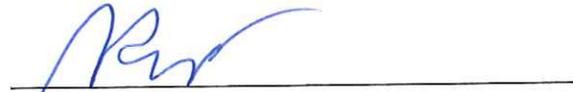
**SECTION 4.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**SECTION 5.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
 Susan Witkowski,  
 Township Clerk

  
 Robert Bruno,  
 Council President

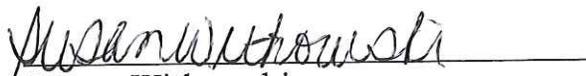
First Reading of Township Ordinance No. 17-16

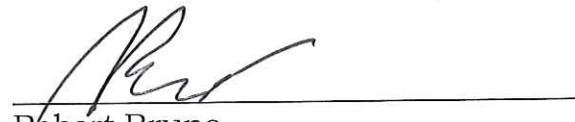
Introduction Date: August 7, 2017

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Calamari		Calamari	X	Calamari	X			
Cascio		Cascio		Cascio	X			
Sears	X	Sears		Sears	X			
Ullman		Ullman		Ullman	X			

ATTEST:

APPROVED:  
 TOWNSHIP COUNCIL OF THE  
 TOWNSHIP OF WASHINGTON

  
 Susan Witkowski,  
 Township Clerk

  
 Robert Bruno,  
 Council President

Second Reading of Township Ordinance No. 17-16

Adoption Date: September 11, 2017

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Calamari		Calamari		Calamari	X			
Cascio	X	Cascio		Cascio	X			
Sears		Sears	X	Sears	X			
Ullman		Ullman		Ullman	X			