

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

ORDINANCE No. 18-12

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN INCLUSIONARY MULTI-FAMILY 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; and

**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 zones to capture affordable housing opportunities on sites identified and mentioned in the Washington Township Housing Plan Element and Fair Share Plan; and

**WHEREAS**, on or about February 28, 2017 the Township of Washington entered into a settlement agreement in an action captioned In the Matter of the Application of the Township of Washington Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15 ("Action") with the Fair Share Housing Center and Franklin Court, LLC, which outlines provisions for the inclusion of an affordable housing set-aside at the property identified as Block 1102 Lots 1.04, 2, 9 and 11 in the Township of Washington; and

**WHEREAS**, it has become necessary to amend Article VI entitled "Class AA District," of the Township of Washington Zoning Ordinance, and adopt this new ordinance to implement and incorporate the terms of the settlement and 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;

**NOW, THEREFORE, 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 VI, entitled "Class AA District," of the Township of Washington's Zoning Ordinance is hereby amended to add a new Section 245-26.4 as follows:

**Section 245-26.4: Inclusionary Multi-family Affordable Housing Overlay District**

**A. Purpose.** The purpose of the Inclusionary Multi-family Affordable Housing Overlay District is to provide development that contributes to the Township of Washington's municipal affordable housing obligation in accordance with the Township's Affordable Housing ordinances and to implement and incorporate the court approved settlement agreement, captioned In the Matter of the Application of the Township of Washington Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15, which was approved by the Superior Court of New Jersey at a Fairness Hearing on May 11, 2017.

**B. Location.** The following lands and premises shown and designated on the Tax Assessment Map of the Township of Washington as revised, are hereby classified as the Inclusionary Multi-family Affordable Housing Overlay District:

Block 1102 Lots 1.04, 2, 11 and a portion of Lot 9

**C. Permitted Uses.** No building or land shall be used and no building or other structure shall be built, altered or erected to be used for any other purpose than those specified as follows:

(1) Multi-family residential

**D. Permitted Accessory Uses.** Accessory Uses. Uses customary and incidental to the principal use, including but not limited to: meeting rooms, gyms, and other amenities for the sole use of residents and their guests shall be permitted.

**E. Density.** The residential density shall not exceed forty-four dwelling units.

**F. Affordable Housing Requirements.**

(1) At least fifteen percent (15%) of the total number of dwelling units to be constructed on the site, or seven (7) units, shall be set aside as affordable family units

(2) Affordable units shall further be reserved as follows: one (1) very low income; three (3) low income; and three (3) moderate income.

(3) All affordable units shall be subject to the provisions, where not referenced herein, of Article XXI, Affordable Housing of Chapter 239 of the Township of Washington Code.

**G. Bulk Requirements.** Any proposed development shall comply with the following bulk standards:

- (1) Minimum Tract Area: 13 acres
- (2) Minimum Lot Size: one hundred thousand (100,000) square feet.
- (3) Minimum Front Yard Setback: one hundred twenty-five feet (125) measured from the property boundary between Lot 1.04 and Van Emburgh Avenue as depicted on the official tax map of the Township of Washington.
- (4) Minimum Side Yard Setback; forty-five (45) feet.
- (5) Minimum Rear Yard Setback; 200 (200) feet.
- (6) Maximum Coverage by Buildings or Impervious Surfaces: 25 percent (25%)
- (7) Maximum Building Height:
  - (a) Not more than 34 feet at that point of the building closest to Van Emburgh Avenue, as viewed from the easterly right-of-way line of Van Emburgh Avenue;
  - (b) Not more than 63 feet from the average ground elevation around the foundation of the building to the highest point of the building;
  - (c) Not more than 75 feet overall to the highest point of the building.

**H. Off-street Parking.** Number and size of off-street parking spaces shall be provided in accordance with the Residential Site Improvement Standards.

- (1) Driveway and Parking Area Setback: Setback of driveways and parking areas from adjacent residential uses and property boundaries shall be at least twenty (20) feet.

**I. Lighting.** Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements.

- (1) Exterior lighting shall be shielded to prevent glare or illumination on adjacent properties and residential uses.
- (2) Pedestrian-level, bollard style lighting, or other glare-controlled fixtures mounted on building or landscape walls shall be used to light pedestrian walkways and not exceed four (4) feet in height.
- (3) Parking lot lights shall not exceed twelve (12) feet in height.

**J. Landscape and Buffering Requirements:** All landscaped areas are recommended to provide a variety of flowering and evergreen trees, shrubs and perennial plants to provide seasonal interest.

- (1) A minimum twenty (20) foot wide landscaped buffer shall be provided along all parking areas and driveways that abut a property line of an adjacent residential use or property. This buffer shall be comprised of the following planting requirements:
  - (a) Evergreen Row - A minimum twelve (12) foot wide portion of the buffer that is closest to the adjacent property line shall be planted with a staggered row of evergreen trees.
  - (b) Shrub Row - A minimum eight (8) foot wide section of the buffer between the row of evergreens and the grass strip shall be planted with a staggered row of shrubs.

- [1] Within the shrub row, one (1) deciduous shade tree shall be provided every thirty (30) linear feet or one (1) flowering tree shall be provided every twenty (20) linear feet.
- (2) A minimum fifty (50) foot wide natural buffer shall be provided along the property boundary between Lot 1.04 and Lot 1.02.
  - (a) The natural buffer shall consist of trees, shrubs and groundcovers existing on the property at the time of development.
  - (b) The area of the natural buffer shall be protected from construction, grading or other activity which might cause damage to or reduction of the area of the buffer and the plant materials within.
  - (c) The natural buffer may be supplemented by additional plantings at the perimeter of the buffer to provide additional screening.
- (3) A minimum ten (10) foot wide landscaped buffer shall be provided along the perimeter of parking areas not abutting a property boundary. This buffer shall be planted in a manner that will provide a continuous visual screen throughout the entire year.

**K. Open Space.** All areas of the tract that are not developed with principal buildings, drives, parking areas and stormwater management facilities shall be reserved as open space for passive recreation or conservation purposes and dedicated to an organization responsible for the ownership and maintenance of such open space for the benefit of owners or residents of the development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and shall not dispose of such open space without first offering to dedicate the same to the Township of Washington.

- (1) Minimum open space area: At least nine (9) contiguous acres of the tract area shall be reserved as open space.

**L. Signs.** The following signs shall be permitted:

- (1) Ground identification sign: One (1) ground identification signs shall be permitted at the entrance to the development on Van Emburgh Avenue.
  - (a) The sign face of the ground identification sign shall not exceed four (4) feet in height and shall not exceed thirty-two (32) square feet in area.
- (2) Way-finding or directional signage, building identification, building entrance and similar incidental signage shall be permitted.
  - (a) The sign face of way-finding or directional signage shall not exceed two (2) square feet in area per sign.
    - [1] No illumination of way-finding or directional signage shall be permitted.
  - (b) Building identification signage shall not exceed ten (10) square feet in area per sign.
    - [1] Building identification signage may be externally illuminated with a light level of an intensity not to exceed the equivalent of

seventy-five (75) watts or 1,100 lumens each, that are shielded and directed solely at the sign.

**SECTION 2.** Article II: Classes of Districts, Sections 245-3 is hereby amended to include the Inclusionary Multi-family Affordable Housing Overlay District and the Zoning Map of the Township of Washington is hereby amended to include the boundaries of the Inclusionary Multi-family Affordable Housing Overlay District as described herein and in the attached Exhibit A.

**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 4.** All ordinances or parts thereof affecting the property designated as Block 1102 Lots 1.04, 2, 11 and a portion of Lot 9 that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies, and no land use related ordinance hereafter enacted by the Township of Washington shall be enforced in such manner as to impair the rights conferred by virtue of the settlement agreement between Franklin Court LLC and the Township of Washington, as marked into evidence in the case entitled In the Matter of the Application of the Township of Washington, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15.

**SECTION 5.** 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.

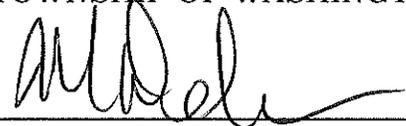
**SECTION 6.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

ATTEST:

APPROVED:

TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
\_\_\_\_\_  
Susan Witkowski,  
Township Clerk

  
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Michael DeSena  
Council President

First Reading of Township Ordinance No. 18-12

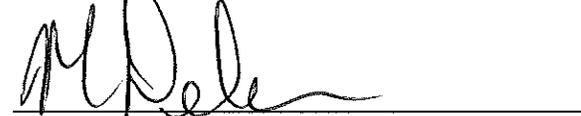
Introduction Date: September 4, 2018

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Cascio	X	Cascio		Cascio	X			
Cumming		Cumming		Cumming	X			
DeSena		DeSena		DeSena	X			
Ullman		Ullman	X	Ullman	X			

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski,  
Township Clerk

  
Michael DeSena  
Council President

Second Reading of Township Ordinance No. 18-12

Adoption Date: October 1, 2018

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno				X
Cascio	X	Cascio		Cascio	X			
Cumming		Cumming	X	Cumming	X			
DeSena		DeSena		DeSena	X			
Ullman		Ullman		Ullman	X			