

**LEGAL NOTICE
ORDINANCE NO. 11
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 134 (LAND DEVELOPMENT) OF
THE CODE OF THE TOWNSHIP OF WAYNE**

WHEREAS, on November 18, 2020, the Township Council of the Township of Wayne adopted Resolution No. 323 of 2020 Authorizing An Agreement with Wayne PSC, LLC for the Development of a Mount Laurel Inclusionary Housing Project to be located on a portion of Block 3205, Lot 7 on the Tax Assessment Map of the Township of Wayne, more commonly known as 1210 Hamburg Turnpike ("Preakness Shopping Center" or "PCS Property"); and

WHEREAS, on November 25, 2020, the Township of Wayne ("Township"), the Wayne Planning Board, and Wayne PSC, LLC, a New Jersey Limited Liability Company with offices located at 505 Main St., P.O. Box 667, Hackensack, NJ 07601, entered into a Settlement Agreement with respect to the PCS Property ("PSC Settlement Agreement"); and

WHEREAS, pursuant to the terms contained in the PSC Settlement Agreement, the Township and the Wayne Planning Board agreed to amend the Zoning Ordinance to provide for the PSC Property as part of the Township's Affordable Housing Plan; and

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Planning Department recommends the following amendments to the Township's Zoning Ordinance in accordance with the Settlement Agreement authorized pursuant to Resolution No. 323 of 2020; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the Township; and

WHEREAS, Chapter 134 (Land Development) needs to be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 134 (Land Development), Article I (General Provisions) of the Code of the Township of Wayne is hereby supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

§ 134-27. Zone Districts.

Mount Laurel Round Three District 1 (MLR3D-1)
Mount Laurel Round Three District 2 (MLR3D-2)
Mount Laurel Round Three District 3 (MLR3D-3)
Mount Laurel Round Three District 4 (MLR3D-4)

§ 134-27.1. Zoning Map.

B. Zoning Map Amendments

(7) Ordinance No. 31 of 2020 amends the Zoning Map to create the Mount Laurel Round Three District 1 (MLR3D-1); including sub-districts A and B from the R-30 District; Block 3305, Lots 4 and 6. The zoning designations map dated July 15, 2020 is hereby approved and adopted as the official finding and record of the location and areas of MLR3D-1 Sub-Districts A and B.

(8) Ordinance No. 26 of 2020 amends the Zoning Map to create the Mount Laurel Round Three District 2 (MLR3D-2) from the Office Research (OR) District; Block 2329, Lots 1 and 1QFARM (previously known as Lot 17).

(9) Ordinance No. 9 of 2021 amends the Zoning Map to create the Mount Laurel Round Three District 4 (MLR3D-4) from the Office Research (OR) District (Block 3103, Lots 16 and 19) and the Office Building - Limited (OB-L) District (Block 3101, Lots 12 and 13).

(10) Ordinance No. 11 of 2021 amends the Zoning Map to create the Mount Laurel Round Three District 3 (MLR3D-3) from the Business ("B") District: Block 3205, Lot 7.

SECTION 2. Chapter 134 (Land Development), Article III (Zoning Regulations) of the Code of the Township of Wayne is hereby supplemented to create and establish Section 134-54.7 entitled Mount Laurel Round Three District-3 ("MLR3D-3") [additions by **bold**, deletions by ~~strikethrough~~].

§ 134-54.7 Mount Laurel Round Three District-3 (MLR3D-3).

A. Permitted Uses: A combination of the following uses are permitted:

- 1) All uses permitted in the B-Business District; multiple buildings, including multiple principal buildings, on the same lot shall be permitted;
- 2) Residential Dwelling, a single Multi-family building shall be permitted.
- 3) Said Business District Uses (#1, above) and said Residential Dwelling (#2, above) shall be permitted simultaneously on the same lot.

B. Permitted Accessory Uses

- 1) Uses and buildings customarily incidental to the above permitted uses and located on the same lot as the principal use to which they are accessory.
- 2) Playgrounds.
- 3) Parking.
- 4) Signs (subject to limitations appearing in the Township code and to be determined upon site plan review).
- 5) Fences and walls.
- 6) Temporary sales and construction trailers.
- 7) Sales signs and banners pursuant to §134-68.I(2), except that the main residential sales sign for the overall development shall not exceed a maximum of 40 square feet.
- 8) Street furnishings, planters, courtyards, and exterior, garden-type shade structures.
- 9) Indoor and outdoor recreational facilities, including but not limited clubhouses, swimming pools, tennis courts, jogging paths, dog runs, play lots, and similar recreation amenities.
- 10) Light fixtures.
- 11) Refuse collection areas.

C. Bulk Requirements

- 1) Lot Requirements
 - i. Minimum Lot Size: 38 Acres
 - ii. Maximum Impervious Coverage: 83%
- 2) Commercial Requirements
 - i. Shall conform to Sections 134-43.3, except where

otherwise specified under this section.

3) Dwelling, Multi-family Requirements

i. Minimum Setbacks

1. From Hamburg Turnpike public right-of-way: 750 Feet
2. From Alps Road public right-of-way: 20 feet
3. From cartway (as measured from face of curb): 15 feet
4. Exemption from setbacks: A maximum number of 132 balconies may be permitted to extend no more than 6 feet from the principal façade of the building, despite any applicable setbacks.

ii. Maximum Heights: (measured per definition in Section 134-2.2)

1. Roof structure: 50 feet
2. Top of parapet: 53.5 feet
3. Top of mechanical equipment: 60 feet
4. Top of elevator/stair structures: 65 feet
5. Top of parking garage (including elevator/stair structures): 84 feet

iii. Circulation Requirements:

1. Minimum cartway width: 24 feet
2. Pick-up/Drop-Off Aisle:
 - a. Minimum Width: 10 feet
 - b. Minimum Length: 80 feet

D. Residential Yield and Affordable Set-Aside

- 1) Maximum Number of Residential Units: 244
- 2) Maximum Number of Buildings: One
- 3) Minimum Affordable Housing Set-Aside: 15%

E. Parking: Parking shall be provided pursuant to RSIS requirements. Shared parking as between the said Business District use and the said Residential Dwelling shall be permitted so long as no parking required for the said Business District uses shall include the use of any parking spaces located within any parking garage that is associated with the Residential Dwelling; the parking requirements (i.e., calculations) established by the Institute of Traffic Engineers, or other acceptable traffic engineering handbook, may be used to establish the parking requirements for the lot.

F. Residential Design recommendations

- 1) Ground floor units shall have individual outdoor entrances.
- 2) Street trees: Planted at least every 50 feet on center along rights-of-way and internal streets.
- 3) Street lighting:
 - i. Installed at least every 50 feet on center
 - ii. Dark sky compliant
- 4) HVAC: PTAC units are not recommended
- 5) Benches and seating: encouraged along sidewalks and park/plaza areas.
- 6) Open Space: A park should be included along the eastern side of the residential building including pathways, landscaping, and seating. Playground area, splash pad, other recreational equipment and/or dog run may be included.

G. Site Design: The configuration of residential buildings, recreation facilities, roadways, and other improvements shall be substantially consistent with the concept plan adopted as part of the settlement agreement between the Township of Wayne, the Township of Wayne Planning Board, and Wayne PSC, LLC dated November 25, 2020.

H. Exemptions

- 1) The 20% affordable set-aside requirement for for-rent units established in 134-54.3 shall not apply within the MLR3D-3 and instead shall be 15%.
- 2) Parking, retaining walls and roadways shall be allowed within setback areas except as restricted under the buffer requirements. Placement of temporary construction and storage trailers shall be allowed within setback areas during construction of the project.

- 3) **Section 134-91.2 (Calculation of number of building lots for subdivision and the number of units for site plans) shall not apply.**
- 4) **Section 134-91.3 (Slope and Soil Disturbance Provisions) shall not apply.**
- 5) **Section 134-96.4 (General Requirements to Regulations for Slope and Soil Disturbance) shall not apply, except that MAD/TADA calculations shall be provided.**

SECTION 3. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, on behalf of the Township Council, the Township Clerk shall refer this ordinance to the Wayne Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance to the clerk of an adjoining municipality involving property situated within 200 feet of such adjoining municipality in accordance with N.J.S.A. 40:55D-15. In addition, the Township Clerk shall give notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district to the owners of all real property as shown on the current tax duplicates located within 200 feet in all directions pursuant to N.J.S.A. 40:55D-62.1.

Upon adoption, the Township Clerk shall send a copy of this ordinance to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 4. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 8. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE INTRODUCED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WAYNE AT A REGULAR MEETING HELD ON FEBRUARY 3, 2021.

ATTEST:



PAUL V. MARGIOTTA
TOWNSHIP CLERK

