

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 2087**

**AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED “ZONING”, TO ESTABLISH A NEW MIXED-USE DEVELOPMENT 3 OVERLAY DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Township of Mahwah has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

**WHEREAS**, on March 20, 2024, Governor Philip D. Murphy signed P.L.2024, c.2 into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) (hereinafter “Amended FHA”); and

**WHEREAS**, the Mahwah Planning Board adopted the 2025 Housing Element & Fair Share Plan on June 9, 2025, which was duly endorsed by the Township Council on June 23, 2025; and

**WHEREAS**, the 2025 Housing Element & Fair Share Plan recommends creating a mixed-use inclusionary overlay zone over properties along the Franklin Turnpike corridor, including Block 71, Lots 6 through 22; and

**WHEREAS**, the Township Council has authorized the execution of a Mediation Agreement with Fair Share Housing Center in connection with the Township’s Fourth Round affordable housing obligations; and

**WHEREAS**, said Mediation Agreement requires the Township to adopt a mixed-use inclusionary overlay zone over properties along the Franklin Turnpike corridor, including Block 69, Lots 1 through 5, Block 70, Lots 1 through 7, 8.01, 10 through 14, 25 through 36, 39, 41, 41.01, and 43, Block 70.02, Lots 106 through 111, 120, and 121, and Block 72, Lots 1 and 17 through 26; and

**WHEREAS**, the Township Council seeks to effectuate the recommendations of the 2025 Housing Element & Fair Share Plan and implement the zoning required by the Mediation Agreement by amending the zoning ordinance to create a realistic opportunity for the creation of affordable housing.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** Chapter 24, “Zoning”, §24-2.1, “Districts Designated”, is hereby amended and supplemented with the following new underlined text inserted alphabetically:

MUD-3 Mixed-Use Development 3 Overlay

**SECTION 2.** Chapter 24, “Zoning”, §24-4.1, “Schedules of Regulations.”, also known as Attachment 5 of Chapter 24, is hereby amended and supplemented with new text in **bold** as shown in the attached Zoning Schedule of Area, Bulk and Yard Requirements, which is located at the end of this document.

**SECTION 3.** Chapter 24, “Zoning”, is hereby amended and supplemented to create a new subsection §24-4.37, “MUD-3 Mixed-Use Development 3 Overlay”, which shall read as follows:

**§24-4.37 MUD-3 Mixed-Use Development 3 Overlay.**

The following standards shall apply to development within the MUD-3 Overlay Zone. When the standards herein conflict with other provisions of Chapter 24, the standards herein shall apply.

a. Permitted Principal Uses.

1. Ground floor uses shall be non-residential. Accessory residential community rooms, lobbies, and amenity spaces may also be located on the ground floor.
2. Permitted principal B10 Zone uses for properties within the underlying B10 Zone, excluding the following:
  - (a) Funeral parlors.
  - (b) Parks, public facilities, and public recreation facilities.
3. Permitted principal B12 Zone uses for properties within the underlying B12 Zone, excluding the following:
  - (a) Automobile sales.
  - (b) Bus terminal, offices, garage, and facilities for the servicing, repairing, maintaining, and parking of buses and other related equipment and vehicles.
  - (c) Distribution terminals.
  - (d) Funeral parlors.
  - (e) Parks, public facilities, and public recreation facilities.
4. Multi-family dwellings above the ground floor.

5. A mixture or combination of the above uses.
- b. Permitted Accessory Uses.
1. Off-street parking subject to §22-6.2 and §24-3.7.
  2. Loading facilities subject to §22-6.3 and §24-3.7.
  3. Community rooms and amenity spaces related to the multi-family dwelling use for the use of building owners, tenants, and/or guests, including but not limited to recreational and fitness facilities, lobbies, leasing and management offices, and mailrooms.
  4. Fences and walls subject to §24-5.6b.
  5. Outdoor dining associated with permitted restaurant uses, subject to the following conditions:
    - (a) Tables may be located on private property or on the public sidewalk, provided that at least five feet of sidewalk clearance is maintained.
    - (b) Fencing, bollards, or planters shall be used to define the outdoor dining area.
    - (c) No outdoor dining shall be permitted after 11:00 p.m.
    - (d) All lighting shall be downward-facing and shall be turned off no later than 11:30 p.m.
  6. Roof-mounted solar energy systems subject to §24-3.8i.
  7. Electric Vehicle Supply/Service Equipment subject to §24-3.10.
  8. Signs.
- c. Prohibited Uses.
1. Drive-through facilities.
  2. Non-residential uses above the ground floor.
  3. Gas and service stations.
- d. Area, Bulk, and Yard Requirements.
1. Minimum lot area –10,000 square feet.
  2. Minimum front yard setback from Miller Road and Scherer Place – 0 feet.
  3. Minimum front yard setback from Franklin Turnpike and all other streets – 15 feet.

4. Maximum setback from any street – 40 feet.
  5. Minimum setback for all other yards – 15 feet.
  6. Maximum improved lot coverage – 80%.
  7. Maximum lot coverage – 60%.
  8. Maximum building height – 2 stories and 30 feet.
  9. Maximum permitted density – 14 units per acre.
- e. Affordable Housing.
1. A minimum of twenty (20%) percent of the units shall be reserved for, and affordable to, very-low-, low- and moderate-income households.
  2. The development, unit distribution, income distribution, deed restriction length, and marketing of all affordable units shall be undertaken consistent with §24-8 “Affordable Housing.” of this Chapter, and all other applicable law, rules, and regulations, including applicable COAH regulations, the Fair Housing Act, and the Uniform Housing Affordability Controls in effect at the time of application.
  3. The developer shall be responsible for all costs as permitted by law associated with the initial rental and/or sale of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.
  4. All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
- f. Off-Street Parking Requirements.
1. Off-street parking shall be in accordance with §24-3.7 and §22-6.2.
  2. All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
  3. Parking lot lighting shall comply with § 22-6.4.
  4. Within surface parking lots one (1) landscape island shall be provided for every twenty (20) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree shall be three (3") inches in caliper at installation.
  5. Sidewalks and landscaped beds along Fox Lane, Christie Avenue, Cedar Hill Avenue, Stephens Lane, Winter Place, Lawrence Road, Franklin Turnpike, and Miller Road street frontages shall be a minimum of eight (8') feet wide.

g. Building Design.

1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
2. The maximum spacing between such offsets shall be forty-five (45') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
3. Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in facade materials and balconies.
4. A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
5. Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
6. The architectural treatment of a facade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
7. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
8. Building facades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
9. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
10. All rooftop mechanical equipment shall be screened from view from all vantage points at grade or below the roof.
11. Placement of any packaged terminal air conditioner units within the facade is prohibited.

h. Landscaping.

1. Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped and in compliance with §24-5.6b.
2. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and

enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

3. Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
  4. If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside of the building(s).
  5. The above standards shall supplement the requirements of §22-6.5, paragraph a, and supersede said design standards when there is a conflict.
- i. Lighting, subject to §22-6.4.
  - j. Signs, subject to §24-6, except that:
    1. Non-residential ground floor uses shall be permitted one (1) wall sign per street frontage, subject to the following parameters:
      - (a) A maximum sign area of thirty-six (36) square feet.
      - (b) The horizontal dimension of the sign shall not exceed eighty (80%) of the width of the building frontage occupied by the individual use.
      - (c) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3') feet of the top of a parapet.
      - (d) Said signs may be illuminated.
    2. Residential uses shall be permitted one wall sign per street frontage, which identifies the development, subject to the following parameters:
      - (a) A maximum sign area of forty (40) square feet.
      - (b) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3') feet of the top of a parapet.
      - (c) Said signs may be illuminated.

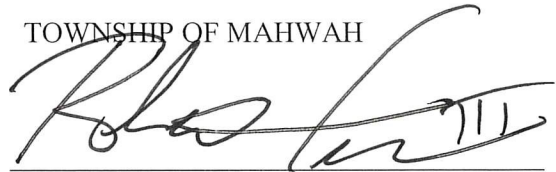
**SECTION 4.** If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 5.** All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Introduced: 2/19/26  
Adopted: 3/12/26  
Effective date: 4/1/26

TOWNSHIP OF MAHWAH




Robert M. Ferguson, III  
Council President

ATTEST:

  
Carolyn George, RMC  
Municipal Clerk

I, Carolyn George, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 12<sup>th</sup> day of March, 2026.

  
Carolyn George, RMC  
Municipal Clerk

**ZONING**  
 24 Attachment 5  
 Township of Mahwah  
 Area, Bulk and Yard Requirements

Zone	District	Minimum Area Requirements			Maximum Bulk Requirements				Minimum Yard Requirements**				
		Lot Area (Sq. Ft.)	Lot Width (Ft.)	Lot Depth (Ft.)	Improved Lot Coverage (%)	Lot Coverage (%)	Bldg. Ht. Principal*		Front Yard (Ft.)	Side Yard		Rear Yard (Ft.)	
							Feet	Story		One (Ft.)	Both (Ft.)		
C200	Conservation	200,000	300	400	15	5	35	2 1/2	75	50	100	75	
POS	Public Open Space	200,000	300	400	15	5	35	2 1/2	75	50	100	75	
R80	One-Family	80,000	200	300	20	10	35	2 1/2	60	40	80	50	
R40	One-Family	40,000	150	175	30	15	35	2 1/2	40	30	60	40	
R20	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
R15	One-Family	15,000	90	125	40	20	35	2 1/2	30	10	25	30	
R10	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30	
R5	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25	
R11	One-Family	5,000	50	100	40	30	35	2 1/2	25	6	18	25	
	Two-Family	11,000	80	100	50	30	35	2 1/2	25	10	25	25	
GA200	One-Family	10,000	75	100	40	25	35	2 1/2	30	10	25	30	
	Garden Apt.	200,000	300	400	70	30	35	2 1/2	50	30	60	75	
	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
PRD4	Other Uses (PRD)	See §24-3.8 k and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)											
	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
PRD6	Other Uses (PRD)	See §24-3.8 k and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)											
	One-Family	20,000	100	150	40	20	35	2 1/2	35	20	40	35	
RM6	Manufactured Homes	400,000	400	500	50	30	35	2 1/2		See §24-4.14			
CB360	Community Business	90,000	360	400	70	25	40	3	75	40	80	75	
B200	Shopping Center	200,000	300	400	80	40	40	3	75	40	75	75	
B40	Highway Business	40,000	150	200	80	40	40	3	75	20	40	40	
B12	General Business	12,000	80	100	80	40	40	3	40	15	30	40	
B10	Neighborhood Business	10,000	50	100	80	50	40	3	10	10	20	40	
OP200	Office Park	200,000	300	400	60	30	300	25		See §24-4.32 c2			
ORP200	Office Research Park	200,000	300	350	60	30	40	3	75	40	80	75	
IP120	Industrial Park	120,000	300	400	70	35	40	3	60	40	75	65	
GI80	General Industry	80,000	200	300	80	40	40	3	50	25	50	65	
CEM	Cemetery	200,000	300	400	--		35	--		See §24-4.23			
FP	Flood Plain	See §24-4.22											
BZ	Buffer Zone	See §24-5.6											
PRD4S	Adult/Patio Housing	See §24-3.8 k and Attachment 6 (Schedule of Area, Yard, and Bulk Requirements for Planned Residential Developments)											
*LOD	Limited Office District	80,000	200	200	30	5	35		2	60	30	60	40
ED	Education District	200,000	150	300	65	30	35	2	45	25	50	35	
ML1	Mount Laurel	See §22-11.6											
ML2	Mount Laurel	See §22-11.6											
MF-1	Multi-Family 1	4.5 Acres			35	20	39	3	25	†	†	25	
MF-2	Multi-Family 2	21,780	75	100	70	35	35	3	25	10	20	25	
MF-3	Multi-Family 3 Overlay	4 Acres	200	500	50	25	40	4	40	20	100	200	
MUD-1	Mixed-Use Development 1	See §24-4.29											
MUD-2	Mixed-Use Development 2	See §24-4.30											
MUD-3	Mixed-Use Development 3	See §24-4.37											

\*See §24-4.32c.5 concerning height limits in the OP200 Zone.

\*\*See §4.32c concerning yard requirements of the OP200 Zone.

†A 42-foot side yard setback is to buildings and a 30-foot side yard setback is to decks/patios.