

CITY OF PASSAIC
ORDINANCE NO. 2435-24

ORDINANCE AMENDING CHAPTER 317, "ZONING", ARTICLE III "DEFINITIONS AND WORD USAGE", SECTION 317-10 "DEFINITIONS", ARTICLE VI "CONDITIONAL USES", SECTION 317-16 "ALL ZONES" AND ARTICLE IV "SCHEDULE OF REGULATION", SECTION 317-11 "ADOPTION OF SCHEDULE" OF THE CITY OF PASSAIC CODE TO PERMIT ACCESSORY DWELLING UNITS IN ALL ZONING DISTRICTS

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the City Code of the City of Passaic, Chapter 317, "Zoning," Article III "Definitions and Word Usage" Section 317-10 "Definitions", Article VI "Conditional Uses" Section 317-16 "All Zones" and Article IV, "Schedule of Regulations" Section 317-11 "Adoption of Schedule" sets forth permitted and conditional use regulations throughout the City of Passaic Zoning Districts; and

WHEREAS, Mayor Hector C. Lora wishes to amend the zoning ordinance to permit accessory units for the creation of additional affordable housing opportunities in all zoning districts; and

WHEREAS, the lack of affordable units throughout the nation has led to the displacement of many families; and

WHEREAS, Mayor Hector C. Lora wishes to address the growing need for affordable units within the City; and

WHEREAS, expanded housing options improve quality of life day to day and increases accessibility for economic opportunities; and

WHEREAS, the Planning Board has transmitted its report of recommendations regarding the zoning ordinance amendments to the Governing Body pursuant to N.J.S.A. 40:55D-26; and

NOW THEREFORE, IT IS ORDAINED that the City Council of the City of Passaic hereby accepts the ordinance amendment below and as attached for Chapter 317, "Zoning," Article III "Definitions and Word Usage" Section 317-10 "Definitions", Article VI "Conditional Uses" Section 317-16 "All Zones" and Article IV, "Schedule of Regulations" Section 317-11 "Adoption of Schedule", "Attachment 4 Schedule of Regulations Part 1" is hereby amended as follows:

SECTION 1

317-10 Definitions amended to include the following definitions:

ACCESSORY DWELLING UNIT (ADU), a residential living unit that is within or attached to a single-family or two-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

317-11 Schedule of Regulations is amended to include the following:

Accessory Dwelling Unit as a permitted conditional use in all zones see "Attachment 4- Schedule of Regulations Part 1" as amended

317-16 All Zones is amended to include the following:

G. Accessory Dwelling Unit

- (1) The residence for which the permit is sought shall be a one-family or two-family residence
- (2) In no case shall an accessory unit eliminate any of the existing on-site parking on the lot
- (3) The accessory dwelling must be located in an attic, basement, ground floor below the primary unit, and/or above a garage
- (4) In no case shall the ADU be more than 50% of the living area of a principal dwelling unit, but no less than 300 square feet, nor have more than three bedrooms.
- (5) The accessory dwelling may not be situated or contained within a cellar
- (6) There shall be no more than one accessory dwelling unit per lot
- (7) An accessory dwelling unit that is attached to the principal single-family and/or two-family dwelling shall utilize the same exterior materials and colors as the principal dwelling. The ADU shall preserve the physical housing stock and the architectural and landscaping character of residential neighborhoods.
- (8) The accessory dwelling unit shall be used only for residential purposes
- (9) Every accessory dwelling unit must contain a 20 year deed restricted affordability period
 - a) Tenants for each accessory unit cannot exceed the maximum income limits as established annually by the U.S. Department of Housing and Urban Development (HUD)
 - b) Rents for each accessory unit cannot exceed the rental limits as established annually by the U.S. Department of Housing and Urban Development (HUD)
- (10) No accessory structure may be built on any lot on which there is no principal building or structure
- (11) Accessory structures shall not exceed the maximum height permitted in the zone for a one and/or two-family structure.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

INTRODUCED BY COUNCILPERSON: Maritza Colon-Montanez

SECONDED BY COUNCILPERSON: Thania Melo

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
COLON-MONTANEZ, M.	x			
GARCIA, J.	x			
MELO, T.	x			
LOVE, T.	x			
MUNK, C.	x			
SCHAER, G.	x			
SCHWARTZ, D	x			

Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on ~~February 20, 2024~~

Adopted on the second and final reading after the hearing on March 19, 2024.

APPROVED: 
Hector C. Lora, Mayor

3/22/2024
Date


Gary S. Schaer, Council President


Weatherly Frías, Deputy City Clerk