

NOTICE IS HEREBY GIVEN that Ordinance #26-8 was introduced and passed on first reading at the regular meeting of the Mayor and Council on the 17th day of February, 2026, reintroduced on March 3rd, 2026 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 13th day of March, 2026 at 7:30 p.m. or as soon thereafter as said matter can be reached, at 101 Washington Avenue, Westwood, NJ, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Jean-Marie Vadovic, Borough Clerk
Borough of Westwood

**BOROUGH OF WESTWOOD
ORDINANCE #26-8**

AN ORDINANCE IMPLEMENTING THE BOROUGH'S FOURTH ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING AND TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF WESTWOOD, CHAPTER 195 "LAND USE AND DEVELOPMENT" TO ADD THE FOLLOWING AHO-3 AFFORDABLE HOUSING OVERLAY ZONE -3 (AHO-3).

WHEREAS, the Borough of Westwood (the "Borough" or "Westwood") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 28, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 19 units and a Prospective Need of 235 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Borough having approved its HEFSP on June 12, 2025 ("Adopted HEFSP"); and

WHEREAS, the Borough Mayor and Council endorsed the HEFSP on June 17, 2025 for review with the Program for review with the Program; and

WHEREAS, Fair Share Housing Center ("FSHC") filed challenges to the Borough's application for approval of its Housing Element and Fair Share Plan; and

WHEREAS, the dispute resolution program ("Program") created by the Fair Housing Act having appointed Judge Toskos as the program judge and Sanyogita S. Chavan, AICP, PP as the adjudicator to help mediate the disputes; and

WHEREAS, while mediation did not result in a final agreement, the Borough is amending the Fourth Round HEFSP to include additional overlay zoning to further address unmet need; and

WHEREAS, the Borough is committed to fulfilling this additional effort and implementing amendments to its Housing Element and Fair Share Plan and referral to the Mount Laurel judge pursuant

to N.J.S.A. 52:27D-304. 1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round; and

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity by adding additional overlay zoning of affordable housing on selected properties on Broadway and Center Avenue;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, and State of New Jersey that Chapter 195 Land Use and Development Ordinance of the Borough of Westwood is and shall be amended to add the following particulars only:

Section 1. Article XII General Provisions is hereby amended to add the following Zone Designation:

AHO-3 Affordable Housing Overlay Zone-3.

Section 195-107 Zone Map is hereby amended to include both the new overlay districts AHO-3. More specifically, the following properties shall retain their existing district designation but shall also be subject to the overlay district by their inclusion within the AHO-3 district:

AHO-3 Block 907 Lots 2, 3, 4, 5 and 18

Section 2. A new Section 195-128.2 AHO-3 Affordable Housing Overlay Zone-3 is hereby adopted with following provisions:

§195-128.2 AHO-3 Affordable Housing Overlay Zone-3

- A. Purpose. This district has been created to assist the Borough of Westwood address a distinct portion of its constitutional obligation to provide affordable housing. The AHO-3 district is designed to partially address this obligation and to implement certain obligations. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Westwood and encourage the construction of a mixed-use inclusionary housing development consistent with smart growth design goals in the commercial center of the Borough accessible to goods, services and transit. The AHO-3 Affordable Housing Overlay Zone encourages the development of a mixed-use low- and moderate-income housing by allowing for inclusionary development; however, developers shall also have the option of developing in accordance with the underlying CBD Zone standards.
- B. The following are the principal permitted uses.
 - (l) Mixed use attached inclusionary multifamily residential is a principal permitted use located on floors above lower or first floor commercial uses as permitted in the underlying CBD zone. To maintain a commercial context and pedestrian-oriented environment, such CBD commercial uses shall occupy minimally 50 percent of the principal building's linear frontage along the tracts R.O.W. frontage.

C. Bulk regulations.

(1) Minimum Tract Area. The minimum area of the lots comprising a tract for development permitted to apply the overlay standards of this zone shall be 15,000 square feet.

(2) Height. No building shall exceed a maximum height of three (3) stories or 38 feet, whichever is less.

B. Density in the district shall not exceed thirty-two (32) dwelling units per acre.

C. Yards. Minimum required building setback distances are as established by and for the underlying zone district.

D. A five (5) foot pavement and parking buffer shall be provided along all side and rear lot lines. In those instances when the pavement and parking areas are within ten (10) feet of a residential district boundary line, a solid fence of six (6) feet shall be erected and landscaping to provide screening.

E. Total building and accessory structure coverage in this district shall not exceed fifty (50) percent and maximum impervious lot coverage shall not exceed ninety (90) percent.

F. Twenty (20) percent of total number of housing units generated in a development in this district shall be reserved as affordable housing. The developer/property owner shall round the fractional number of affordable units upward to provide one additional whole unit. All such affordable housing shall be deed restricted for a minimum number of years pursuant to NJAC 5:80-26.2 or as periodically updated. Affordable housing as defined in NJAC 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution requirements. All affordable housing units in this district shall be constructed, marketed, occupied and maintained in strict compliance with Westwood's Affordable Housing Ordinance (Article XXV-Affordable Housing), applicable state and the UHAC rules (N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:99).

G. Off-street Parking.

(1) The Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21, shall be referenced to determine the number of required parking spaces, size of parking spaces, and construction details concerning project streets and drives, sidewalks, water supply and sanitary sewers. Barrier-free parking spaces shall be provided and signed in accordance with the standards of the New Jersey Barrier-Free Code.

(2) Mixed use developments may meet the required parking provisions of this section by participation in a shared parking of two or more uses, provided that plans for such a program have been approved by the Planning Board, and further provided that the number of the parking spaces equals the sum of the required number of parking spaces of each use participating in the shared parking program. Notwithstanding the foregoing, the reviewing Board may approve a shared parking plan with fewer parking spaces than the sum of the requirements for the participating uses without the need for a variance, if all of the following requirements are complied with:

- (a) A shared parking provision of off-street parking shall be permitted where adjacent properties are either commonly owned or otherwise controlled, or upon confirmation of shared parking easement rights.
- (b) The applicant must demonstrate that the particular combination of uses and the peak periods of demand for parking spaces, as applicable, are such that a lesser number of spaces are necessary to meet the total parking and/or loading needs for the development at all times.
- (c) The shared parking methodology used by the applicant to calculate the number of shared parking spaces permitted shall be those recommended in the Urban Land Institute "Shared Parking Standards for a Mixed-Use Center" latest edition or similar nationally recognized standard.
- (d) The applicant must demonstrate that the parking are located to be reasonably convenient, safe and suitable for use by the various uses, buildings and/or lots involved in the shared parking program.
- (e) The applicant and the reviewing Board must agree on a mechanism that will ensure that the shared parking and/or loading spaces, as applicable, will continue to comply with this section for the life of the development.

H. Landscape standards: refer to § 195-121.1.H., §195-83 and §195-166 for applicable standards. In the event of a conflict between these sections noted above and those of this zone, this zone criteria shall govern.

I. Architectural Design Standards-The following are architectural design standards for new buildings constructed in this zone.

(1) Building Architectural and Neighborhood Goals:

(a) The design standards in this section provide the criteria for proposed development within this zone in order to promote a high quality, pedestrian friendly, mixed use environment. These standards promote:

- Appropriate scale for a mixed use building;
- Standards for all permitted and accessory uses;
- A compatible mixture of architectural styles.

(2) Building Architectural and Neighborhood Standards:

(a) Construction. The multifamily buildings shall conform with the applicable NJUCC requirements including the fire resistance of building materials.

(b) Architectural Character: Deviations from these standards shall be reviewed as a waiver of such standards subject to the Board's approval.

1. All building details shall reinforce pedestrian scale through the use of features such as windows, doors, porches, columns and balconies;
2. The base of buildings shall be distinguished from the middle and top of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;

3. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
 4. Storefront windows should be distinguished from the rest of the building through the use of arches, pediments, mullions, and other treatments;
 5. Building facades in excess of 120 feet in length shall be designed to avoid a monolithic appearance through the use of different facade materials and building setbacks (minimally 3 feet), that act to break the building appearance into smaller increments and sections;
 6. Building materials may include brick, stone, cast stone, metal, clay, porcelain, ceramic, tile, resin panels and glass storefront assemblies, wood and fiber cement siding or other material as approved by the reviewing authority;
 7. First level commercial, retail and office may be designed using different material than the levels above.
- (c) Building Orientation:
8. All buildings shall be oriented toward streets. The building front is the elevation facing any street unless the building is adjacent to a newly constructed park, plaza or open space, in which case the building should orient to both the street and the designed open space;
 9. The first floors of all buildings, including parking levels, must be designed to encourage and compliment pedestrian-scale activity as seen from the adjacent streets;
- (d) Building Entrances:
10. Building entrances should be easily identifiable and feature large, open and transparent windows.
 11. Retail entrances can have up to a 2-foot pop-out/ protrusion/ recess into the required setback for columns or other architectural features that distinguish the commercial or retail storefront;
 12. Entrances for residential, office and uses other than retail should be separate and distinct from retail/commercial entrances.
- (e) Doors and Windows:
13. Where windows are used, they should be transparent;
 14. Where expanses of solid wall are necessary, they may not exceed 30 feet in length;

15. Windows should align vertically from floor to floor and the pattern of window openings should relate to a building's vertical bay pattern;
 16. All windows should have dimensionality so as to create shadows and texture within the building facade;
 17. At a minimum, all windows should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged;
 18. Window glazing should be recessed relative to the surrounding enframing. If divided lintels are used, they should include external members that cast shadows on the glass;
 19. Upper-story windows should be vertically proportioned. Windows may be clustered in pairs and triples to create larger, horizontally proportioned expanses of windows;
 20. The first floor and street level must be designed to address all communal streets and all communal public plaza areas.
- (f) Roof-line Emphasis:
21. Any pitched roof-line should be emphasized with deep eaves or overhangs, cross gables, and/or dormer windows. The shape of roof-lines should coordinate with and reinforce the variation in bay massing and can be utilized to screen mechanical equipment.
 22. Bays for Vertical Articulation:
 - a. Buildings should be broken into bays whose width relates to the width of each residential unit or vertically stacked pair of units;
 - b. Each bay is recommended to not exceed 60 feet in width;
 - c. Examples of elements that contribute to bay differentiation include changes in facade plane, downspouts, expansion joints, pilasters, variation in roof-line, gables, dormers, overhangs, and bay windows or other projections.

Section 3

All Ordinances of the Borough of Westwood which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF WESTWOOD
COUNTY OF BERGEN
STATE OF NEW JERSEY

Jean-Marie Vadovic, Borough Clerk

By: _____
Ray Arroyo, Mayor

