

ORDINANCE NO. 26-04

**AN ORDINANCE CREATING THE AFFORDABLE HOUSING OVERLAY 4 ZONE
DISTRICT ON BLOCK 301, LOT 3.05**

WHEREAS, the Land Use Board of the Borough of Woodcliff Lake adopted the Borough's Fourth Round Housing Element and Fair Share Plan on June 24, 2025, and the Mayor and Council of the Borough of Woodcliff Lake endorsed the Housing Element and Fair Share Plan on the same date; and

WHEREAS, in accordance with P.L. 2024, c.2, Fair Share Housing Center and SIG 100 Tice, LLC challenged the compliance of the Housing Element and Fair Share Plan with P.L. 2024, c.2; and

WHEREAS, between September 1 and December 31, 2025, the Borough participated in multiple mediation sessions with the challenger parties before the Honorable Ronald E. Bookbinder, A.J.S.C. (Retired, appointed Program Judge) and Special Adjudicator Joseph Burgis, PP, AICP in order to attempt to resolve the challenges to the Plan; and

WHEREAS, as a result of those mediation sessions, the Borough agreed to a settlement with the challenger parties which includes agreements regarding the rezoning of Block 301, Lot 3.05, also known as 100 Tice, to permit a mixed-use inclusionary development of up to 91 units on the property inclusive of 18 affordable age-restricted apartments and 25 market-rate age-targeted townhouses and 20,000 square feet of commercial space.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that the Code of the Borough of Woodcliff Lake is hereby amended to create the AHO4 Affordable Housing Overlay 4 Zone.

§380-66.2

- A. There is hereby created the AHO4 Affordable Housing Overlay 4 Zone, consisting of Block 301, Lot 3.05, for the purposes of addressing the Borough's Fourth Round Affordable Housing "Unmet Need". The parameters and provisions of this overlay zone shall be as follows:
- (1) Underlying Zoning. A developer of property within the AHO4 Zone may elect to develop in conformance with either the requirements and provisions herein, or with the underlying zoning. All other requirements of Chapter 380 of the Borough Code shall continue to apply to the AHO4 Zone except where superseded or supplemented herein.
 - (2) Permitted Principal Uses:

- (a) Age-Restricted Multi-Family Apartments, pursuant to the definition of Age-Restricted Unit at §380-15.B, which may be located in a mixed-use building above ground-level business uses.
 - (b) Townhouses for seniors and/or families;
 - (c) Business uses permitted in the B-2 Zone at § 380-42A, provided that they are on the ground floor of a mixed-use building, having residential apartments above;
- (3) Permitted Accessory Uses:
 - (a) All accessory uses customarily incidental to an age restricted living community;
- (4) Prohibited Principal Uses:
 - (a) Any uses which are not identified in A(2) as permitted uses shall be prohibited in the AHO4 zone.
- (5) Bulk Requirements
 - (a) Minimum Tract Size: 12 Acres
 - (b) Minimum Building Setback from Tice Boulevard:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 175 feet
 - (c) Minimum Building Setback from Harriet Drive:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 100 feet
 - (d) Minimum Distance between Buildings:
 - 1. Front to Front/Side: 70 feet
 - 2. Rear to Rear: 50 feet
 - 3. Side to Side: 25 feet
 - 4. Townhouse to All Other Building Types: 70 feet
 - (e) Coverage:
 - 1. Buildings: 25%
 - 2. Total Surface: 50%
 - (f) Density: 7.6 du/ac, not to exceed 91 total units
 - (g) Building Height:
 - 1. Age-Targeted Townhomes: 2.5 stories, 35 feet
 - 2. All Other Buildings: 3.5 stories, 42 feet
- (6) All Other Requirements:
 - (a) Affordable Housing: A minimum of 18 units or 20% of the total number of units in the development, whichever number is greater, shall be age restricted affordable housing units in compliance with the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. and the Borough Code at Chapter 380, Article V, including but not limited to:
 - i. The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low-income households earning thirty percent (30%) or less of median income,

- ii. Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
 - iii. Minimum unit sizes by square footage as required by UHAC for affordable housing units.
 - iv. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
 - v. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.
- (b) Age-Targeted Housing: A minimum of 25 townhome units, which may be market-rate units, shall be age-targeted carriage units designed with primary living and sleeping space on the ground story.
- (c) Residential Parking Ratio: Shall meet or exceed the parking ratios at N.J.A.C. 5:21-4.14, Table 4.4. Notwithstanding the number of parking spaces provided for townhouse units, there shall be a minimum of two (2) parking spaces assigned to or available for residents of apartments.
- (d) Non-Residential Parking Ratio: Parking for any non-residential principal uses shall comply with §292-26A, except that a reduced parking ratio of not less than 2.15 spaces per 1,000 square feet may be acceptable if a developer demonstrates that a shared parking arrangement is feasible between uses on the site.
- (e) Environmental Standards: Development in the AHO4 zone shall comply in all ways.
- (f) Screening:
1. Tice Boulevard: Townhome units shall be screened from Tice Boulevard with a combination of plantings and a solid fence,

conforming to §168-5, set a minimum of 20 feet from the property line.

2. Adjacent Residential Uses: Screening shall be provided from adjacent residential uses in accordance with §292-29.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Ordinance conflicts with or amends or modifies any provision of any other of the Borough' s development regulations, the conflicts shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough' s zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.