

BOROUGH OF WANAQUE

COUNTY OF PASSAIC

STATE OF NEW JERSEY

ORDINANCE #23-0-12

AN ORDINANCE AMENDING §114-4 and §114-8 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO ZONING DISTRICTS SO AS TO PROVIDE FOR A SPECIFIC OVERLAY ZONING DISTRICT TO BE KNOWN AND DESCRIBED AS THE SUPPORTIVE AND SPECIAL NEEDS HOUSING ZONE (SNH) ZONE AS PART OF THE ACTIVE ADULT HOUSING DISTRICT (AAH); SPECIFICALLY AT BLOCK 313, LOT 2 AND A PORTION OF LOT 1

WHEREAS, on June 11, 2012 the Borough of Council of the Borough of Wanaque adopted Ordinance number 16-0-12 authorizing the funding and acquisition of Block 313, Lot 2, as shown on the tax map of the Borough of Wanaque, for the purpose of providing for Supportive and Special Needs Housing, as defined in NJAC 5:97-1.4, (a part of the COAH regulations), and

WHEREAS, the property at Block 313, Lot 2 (and a sliver of Lot 1) is heretofore zoned as Active Adult Housing (AAH) and the new Supportive and Special Needs Housing (SNH) zone are established in furtherance of the objectives of the Federal and State Fair Housing Act and the affordable housing objectives of the Borough of Wanaque as indicated in the 2010 Master Plan Reexamination and the Housing Element of the Master Plan, and

WHEREAS, the new SNH zoning district, as an overlay zone, is being created so as to meet a need for residences to serve underserved population and those in need of supportive housing opportunities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WANQUE AS FOLLOWS:

The following amendments to Section 114-14.4 and 114-8 of the Code of the Borough of Wanaque pertaining to the Active Adult Housing District (AAH) are hereby enacted:

Section 1-The Supportive and Special Needs Housing (SNH) overlay zone is hereby established within the Active Adult Housing District (AAH) so as to permit a Supportive and Special Needs housing (residence) to serve individuals with special housing requirements. §114-4 A. is hereby amended to include the SNH overlay zone, immediately after the AAH zone.

Section 2-The Zoning Districts and Land Use Map of the Borough of Wanaque is hereby amended at §114-4 and, further, §114-8 B, Land to be Included, is amended to add thereto: “Supportive and Special Needs Housing overlay zone to be located upon Block 313, Lot 2 and any portion of Lot 1”. The Land Use map and zoning districts are hereby amended to include the SNH overlay zoning district.

Section 3- A. §114-14.8 A. Purpose of the AAH district is amended to include the sentence: “ To provide for Supportive and Special Needs Housing as defined in NJAC 5:97-1.4, (a part of the COAH regulations) so as to serve an underserved population”.

B. The location of the SNH zone shall be Lot 2 and a portion of Lot 1 in Block 313 as shown on the Tax Map of the Borough of Wanaque.

C. §114-14.8 D Permitted principal uses, is hereby amended to include sub-paragraph (2) “Supportive and Special Needs Housing”, to be permitted and located in the overlay zone (SNH).

D. §114-14.8 D Permitted principal uses, is hereby amended to include sub-paragraph (3) “Standards of Supportive and Special Needs Housing”, to be permitted and located in the overlay zone (SNH). The following bulk and property standards shall apply:

i.-any dwelling built in the SHN zone shall be limited to a maximum of one 3,000 square foot residential structure housing individuals with special needs.

ii.-the number of residential units shall not exceed six (6) such units and ten bedrooms, located under one continuous roof.

iii.-there shall be a private drive with a landscaped entrance.

iv.-the height of the structure shall not exceed twenty feet from grade; excluding chimneys, HVAC and other rooftop service units, which shall not be constructed on more than 20% of the roof surface area.

v.-any dwelling shall be setback a minimum of fifteen (15) feet from any lot line or road way right of way.

vi.-all other dwelling, design and lot standards pertaining to the SNH overlay zone, including parking, storm water control, and other site and building issues shall be determined by the Borough of Wanaque Planning Board, consistent with Borough Ordinances and general Law, upon application by the property owner to the Board for a development which otherwise meets the standards of this Ordinance.

vii. no more than one residential structure is permitted in the SNH overlay zone.

viii. no more than twelve individuals shall be permitted to occupy the residential units in any continuous 24 hour period.

ix. the bulk standards and/or regulations included in §114-14.8 are NOT applicable to the Supportive and Special Needs Housing (SNH) overlay zone.

Section 3-The Borough of Wanaque is implementing the Highlands Act rules and provisions. §114-125 of the Wanaque Highlands Ordinance states: “it is the intent and policy of the Mayor and Council to encourage the development of a Special Needs facility at Block 313, Lot 2 (and a sliver of Lot 1)”. In addition, this residential overlay zone (SHN) meets the Highlands development waiver requirements of the New Jersey Department of Environmental Protection, and shall be exempted from Highlands restrictions, to the extent allowed by Law.

Section 4-§114-65 of the Borough Code regarding Affordable Housing Provisions is hereby amended to eliminate “Alternative Living Arrangement” and to add thereto the following definitions: “Supportive and special needs housing” means a structure or structures in which individuals or households reside, as delineated in N.J.A.C. 5:97-6.10, previously referred to as alternative living arrangements. And,

“Supportive shared living housing” means permanent lease based supportive housing that provides access to supportive services to individuals with special needs who maintain separate leases for bedrooms and share common living space.

Section 5-Inconsistent Ordinances Repealed. Should any provision of this Ordinance be inconsistent with the specific provisions of any prior Ordinance(s), the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

Section 6-Severability. In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Section 7-Captions. Captions contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any specific Section.

Dated: October 15, 2012

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #23-0-12

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 15th day of October 2012, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on December 10, 2012 at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: October 15, 2012

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #23-0-12

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING §114-4 and §114-8 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO ZONING DISTRICTS SO AS TO PROVIDE FOR A SPECIFIC OVERLAY ZONING DISTRICT TO BE KNOWN AND DESCRIBED AS THE SUPPORTIVE AND SPECIAL NEEDS HOUSING ZONE (SNH) ZONE AS PART OF THE ACTIVE ADULT HOUSING DISTRICT (AAH); SPECIFICALLY AT BLOCK 313, LOT 2 AND A PORTION OF LOT 1

pass first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 10th day of December 2012, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 10/15/12

Filed: 10/15/12

Approved: 10/15/12

Katherine J. Falone, RMC, CMC
Municipal Clerk