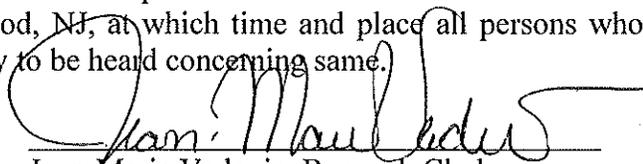


**NOTICE IS HEREBY GIVEN** that Ordinance #26-6 was introduced and passed on first reading at the regular meeting of the Mayor and Council on the 17<sup>th</sup> day of February, 2026, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 3<sup>rd</sup> 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 #26-6**

**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 LM-RM MULTIFAMILY AFFORDABLE HOUSING OVERLAY ZONE (LM-RM).**

**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 Charles Street and Bergenline 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:

<u>Zone Designation</u>	<u>Zone Description</u>
LM-RM	LM-RM Multifamily Affordable Housing Overlay Zone

Section 195-107 Zone Map is hereby amended to include both the new overlay districts LM-RM. 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 LM-RM district:

LM-RM     Block 1805, Lots 9, and Block 2105 Lots 2 through 6.

**Section 2.** A new Section 195-125.1 LM-RM Multifamily Affordable Housing Overlay Zone is hereby adopted with following provisions:

§195-125.1 LM-RM Multifamily Affordable Housing Overlay Zone

- 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 LM-RM 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 inclusionary housing development consistent with smart growth design goals in the commercial center of the Borough accessible to goods, services and transit. The LM-RM Multifamily Affordable Housing Overlay Zone encourages the development of low- and moderate-income housing by allowing for inclusionary development; however, developers shall also have the option of developing in accordance with the underlying LM Zone standards.
- B. Principal permitted uses. The principal permitted uses in the LM-RM Multifamily Affordable Housing Overlay Zone shall be attached inclusionary multifamily in accordance with the standards as set forth herein below.
- C. Permitted accessory uses allowed in the LM-RM Zone include the following:
  - (1) Off-street parking in accordance with Article XII, § 195-111D, and Article XV, § 195-130A(1)(c), as well as Article XX, of this chapter.

- (2) Decks, balconies and porches.
- (3) Fences and walls, in accordance with Article XV, § 195-130G, of this chapter.
- (4) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of a complex and in accordance with Article XV, Supplementary Regulations Governing Certain Uses, § 195-130F, of this chapter.
- (5) Trash enclosures.
- (6) Signs, in accordance with Article XIX, Sign Regulations, of this chapter.
- (7) Outdoor lighting, in accordance with Article XI, Design Standards for Site Plans, § 195-95, of this chapter.
- (8) Rooftop-mounted solar energy panels, subject to § 195-130J.
- (9) Other accessory uses normally incidental to the principal permitted use.

D. Affordable housing.

- (1) All multifamily residential developments constructed in the LM-RM Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum of 20% of the total number of units in accordance with the Affordable Housing requirements in Article XXV Affordable Housing of the Borough regulations and the applicable New Jersey statutes and regulations. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

E. 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 one (1) acre.
- (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. Notwithstanding the underlying building setback requirements, any and all three (3) story buildings in this district are required to provide a minimum twenty-five (30) foot setback to any residential zone boundary line.

D. A fifteen (15) 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 fifteen (15) 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 structure coverage in this district shall not exceed fifty (60) percent and maximum impervious lot coverage shall not exceed ninety (80) 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.

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.

(2) 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 multifamily building;
- Standards for all permitted and accessory uses;
- A compatible mixture of architectural styles.

(3) 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 façade 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:

1. 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:

1. Building entrances should be easily identifiable and feature large, open and transparent windows.

(e) Doors and Windows:

1. Where windows are used, they should be transparent;
2. Where expanses of solid wall are necessary, they may not exceed 30 feet in length;
3. Windows should align vertically from floor to floor and the pattern of window openings should relate to a building's vertical bay pattern;
4. All windows should have dimensionality so as to create shadows and texture within the building façade;
5. 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;
6. 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;

- 7. Upper-story windows should be vertically proportioned. Windows may be clustered in pairs and triples to create larger, horizontally proportioned expanses of windows;

(f) Roof-line Emphasis:

- 1. 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.
- 2. 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**

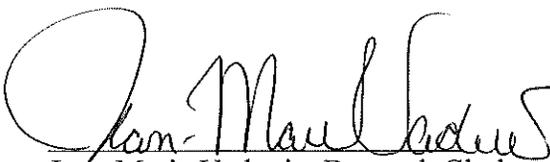
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

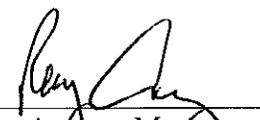
**Section 5**

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

ATTEST: 3/3/26

BOROUGH OF WESTWOOD  
 COUNTY OF BERGEN  
 STATE OF NEW JERSEY

  
 Jean-Marie Vadovic, Borough Clerk

By:   
 Ray Aridyo, Mayor