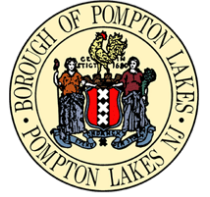


**BOROUGH OF POMPTON LAKES
PASSAIC COUNTY, NEW JERSEY**



ORDINANCE NO. 26-05

**AN ORDINANCE AMENDING CHAPTER 190, ARTICLE IV OF THE MUNICIPAL
CODE OF THE BOROUGH OF POMPTON LAKES TO ADDRESS THE BOROUGH'S
AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND
THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)
(430-460 Montclair Avenue)**

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. ("MLUL") enables municipalities to adopt and amend zoning ordinances relating to the nature and extent of the uses of land, buildings and structures within a municipality; and

WHEREAS, pursuant to the MLUL, all provisions of such zoning ordinances or amendments shall either be substantially consistent with the land use plan element and housing element of the municipalities master plan or designed to effectuate such plan elements; and

WHEREAS, the Borough wishes to address its constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with N.J.A.C. 5:99-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985 as amended and supplemented; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units; and

WHEREAS, the Pompton Lakes Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1. Forgoing whereas clauses are incorporated herein by reference and made part hereof.

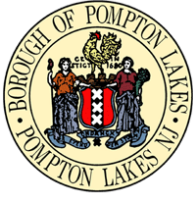
Section 2. § 190-17 AFFORDABLE HOUSING ZONES is hereby amended to add subparagraph M in the following manner:

§ 190-17. District Regulations.

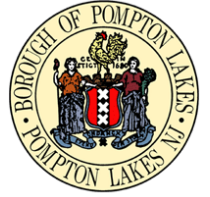
M. AH-3 Affordable Housing Overlay Zone. With respect to the AH-3 Overlay Zone, the Borough of Pompton Lakes recognizes its obligation under the New Jersey Fair Housing Act to provide for its own indigenous need and its fair share of the regional need of low- and moderate-income (affordable) housing. The AH-3 Overlay Zone is located at 430-460 Montclair Avenue and is identified as Block 1800, Lot 13.01 and 13.02 (formerly Lot 13).

(1) Permitted Principal Uses and Densities. Properties in the AH-3 Overlay Zone may be developed with multi-family inclusionary development, exclusive of any state- or federally designated wetland or other wetland area confirmed by professional investigation and any area containing slopes exceeding a grade of 15%, and subject to other requirements and limitations as may be imposed by this chapter; provided, however, that no fewer than 20% of the total number of housing units shall be designated for occupancy by low- and moderate-income households that shall comply with UHAC (N.J.A.C 5:80-26, et seq.)

(2) Permitted Accessory Uses. The following accessory uses are permitted in the AH-3 Overlay Zone:



BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY

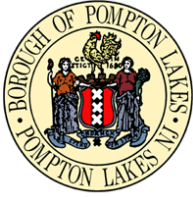


- (a) Leasing, management, maintenance, and related offices.
 - (b) Buildings for storage of maintenance equipment.
 - (c) Off-street parking as regulated in §190-16CC.
 - (d) Signs in accordance with §190-16Q.
 - (e) Landscape and site furnishing (seating, bicycle racks, etc.).
 - (f) Interior and exterior amenity spaces, including community space, mailrooms, and recreation/gathering areas.
 - (g) All other accessory structures which are customary and incidental to the operation of a multi-family apartment building.
- (3) Required Conditions. The following zoning standards shall apply to development in the AH-3 Overlay Zone:
- (a) Minimum lot area: 1.2 acres.
 - (b) Minimum Setbacks:
 - [1] Front yard setback: 50 feet.
 - [2] Minimum Side Yard: 20 feet (one)/40 feet (both)
 - [3] Minimum Rear yard: 10 feet
 - (c) Maximum Density 32 dwelling units per acre
 - (d) Minimum Affordable Housing Set-aside: 20%
 - (e) Maximum building coverage: 40% of site.
 - (f) Maximum impervious coverage: 60% of site
 - (g) Maximum height of building. No building shall exceed a height of three (3) stories or 40 feet.
 - (h) Parking. Adequate provisions shall be made for off-street parking in accordance with all applicable provisions of § 190-16CC of this chapter.
 - [1] Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).
 - [2] Shrubs and deciduous trees shall be required to provide reasonable screening for parking areas with frontage along any street. A landscaped buffer of at least eight (8) feet shall be provided along the boundary of the property. Landscaping shall comply with Section 190-16.BB of the ordinance.
- (4) Minimum Distance between Buildings. Should be development consist of two separate buildings then the minimum distance shall be 35 feet if a driveway is located between the buildings or at least 25 feet if no driveway is proposed.
- (5) Open Space and Recreation. Exclusive of internal roadways and parking areas, there shall be provided a minimum of 20% of the entire tract for common open space and facilities.

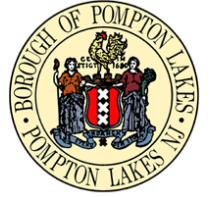
Section 3. A copy of this Ordinance after adoption by the Municipal Council on first reading shall be submitted to the Planning Board for a consistency hearing, pursuant to N.J.S.A. 40:55D-26-a.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision clause or provision so adjudged and the remainder of this ordinance shall remain valid and effective.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance



BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



with the laws of the State of New Jersey, following the required 20 day after adoption as set forth in N.J.S.A. 40:69A-181 (b).

Elizabeth Brandsness, Municipal Clerk

Michael Serra, Mayor

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced at a Regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 11th day of February, 2026 and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 25th day of February, 2026 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.