

Township of Saddle Brook
County of Bergen, State of New Jersey
Ordinance #1797-26

**AN ORDINANCE AMENDING THE AFFORDABLE HOUSING SET-ASIDE OF
THE AHOZ-1, AHOZ-2, AHOZ-3 and AHOZ-4 OVERLAY ZONES**

WHEREAS, the Township of Saddle Brook (the “Township” or “Saddle Brook”) 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-391 et. Seq. (the “Fair Housing Act”) on January 31, 2025; and

WHEREAS, the Court entered an order on May 20, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 42 units and a Prospective Need of 279 units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Saddle Brook Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 16, 2025, which was duly endorsed by the Township Council; and

WHEREAS, Fair Share Housing Center filed a challenge to the Township’s 2025 Housing Element and Fair Share Plan; and

WHEREAS, Mediation was held as part of the Affordable Housing Dispute Resolution Program, which resulted in a Mediation Agreement fully executed on January 19, 2026; and

WHEREAS, pursuant to the Mediation Agreement, the Township agreed to increase the set-asides for existing overlay zones; and.

WHEREAS, the Township wishes to implement the requirement of the Mediation Agreement.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Saddle Brook, County of Bergen, State of New Jersey, being the Governing Body thereof, that the Code of the Township of Saddle Brook be and is hereby amended as follows:

SECTION 1. Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” Section 9.53 entitled “AHOZ-1 Affordable Housing Overlay Zone”, is hereby amended to read as follows:

§ 206-9.53. AHOZ-1 Affordable Housing Residential Overlay Zone.

B. Permitted uses.

(1) In addition to the permitted uses in the underlying TH-3 Zone District, when affordable housing is provided, three-story multifamily residential structures are permitted with a density up to, but not

exceeding, 20 dwelling units per acre. There shall be a mandatory set-aside of affordable units. The set-aside shall be 20%, regardless of tenure. At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.

SECTION 2. Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” Section 9.54 entitled “AHOZ-2 Affordable Housing Overlay Zone”, is hereby amended to read as follows:

§ 206-9.54. AHOZ-2 Affordable Housing Residential Overlay Zone.

B. Permitted uses.

(1) In addition to the permitted uses in the underlying B-2 Zone District, when affordable housing is provided, mixed-use buildings shall be permitted with first-floor commercial uses and second- and third-floor residential uses, resulting in structures with a maximum height of three stories and with a residential density up to, but not exceeding, 12 dwelling units per acre. There shall be a mandatory set-aside of affordable units. The set-aside shall be 20%, regardless of tenure. At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.

SECTION 3. Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” Section 9.55 entitled “AHOZ-3 Affordable Housing Overlay Zone”, is hereby amended to read as follows:

§ 206-9.55. AHOZ-3 Affordable Housing Residential Overlay Zone.

B. Permitted uses.

(1) In addition to the permitted uses in the underlying B-2 Zone District, when affordable housing is provided, mixed-use buildings shall be permitted with first-floor commercial uses and second-floor residential uses, resulting in structures with a maximum height of two stories and with a residential density up to, but not exceeding, eight dwelling units per acre. There shall be a mandatory set-aside of affordable units. The set-aside shall be 20%, regardless of tenure. At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.

SECTION 4. Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” Section 9.56 entitled “AHOZ-4 Affordable Housing Overlay Zone”, is hereby amended to read as follows:

§ 206-9.56. AHOZ-4 Affordable Housing Residential Overlay Zone.

B. Permitted uses.

(1) In addition to the permitted uses in the underlying O-MR Zone District, when affordable housing is provided, mixed-use buildings shall be permitted with first-floor commercial uses and second- and third-floor residential uses, resulting in structures with a maximum height of three stories and with a residential

density up to, but not exceeding, 16 dwelling units per acre. There shall be a mandatory set-aside of affordable units. The set-aside shall be 20%, regardless of tenure. At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.

SECTION 5. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

SECTION 6. Savings and Construction. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

ATTEST:

APPROVED:
TOWNSHIP OF SADDLE BROOK

Peter Lo Dico, Township Clerk

ANDREW M. CIMILUCA
Council President

Mayor Robert D. White

Introduced: February 5, 2026

Adopted: