



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 10/17/23 06:30 PM

Department: Township Clerk

Category: Amend

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INFORMATION ITEM (ID # 8071)

Ordinance No. 39-2023 AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK TO ENACT A NEW SECTION ESTABLISHING AND REGULATING ACCESSORY DWELLING UNITS BE IT RESOLVED by the Township of Teaneck that Ordinance #39-2023, passed on first reading and that said Ordinance will be further considered for a public hearing and final adoption thereon at a meeting of the Township Council to be held on November 21, 2023 at 8PM in the Council Chambers of the Municipal Building, 818 Teaneck Road, Teaneck, New Jersey & on ZOOM, should the need arise; with login info available at teanecknj.gov under "Agendas & Minutes", on the website calendar, and within the agenda; at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Township Clerk is hereby authorized to advertise same according to law and to provide the appropriate notices in accordance with law.

AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK TO ENACT A NEW SECTION ESTABLISHING AND REGULATING ACCESSORY DWELLING UNITS

BE IT RESOLVED by the Township of Teaneck that Ordinance #39-2023, passed on first reading and that said Ordinance will be further considered for a public hearing and final adoption thereon at a meeting of the Township Council to be held on November 21, 2023 at 8PM in the Council Chambers of the Municipal Building, 818 Teaneck Road, Teaneck, New Jersey & on ZOOM, should the need arise; with login info available at teanecknj.gov under "Agendas & Minutes", on the website calendar, and within the agenda; at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Township Clerk is hereby authorized to advertise same according to law and to provide the appropriate notices in accordance with law.

WHEREAS, the Township of Teaneck is an aspirational and diverse community with numerous parks and recreational opportunities, a wide variety of transportation options offering easy access to New York City, an abundance of cultural activities and restaurants, a well-regarded school system, and a wide range of municipal services; and

WHEREAS, those very same qualities have put considerable financial pressure on many residents as housing costs rise and the competition for available homes and apartments remains high which has made it difficult for low-, moderate-, and middle-income households to find housing that is attainable and sustainable over time; and

WHEREAS, older residents living on a fixed income are especially at risk and face the possibility of having to leave the township, taking with them a lifetime of experiences that benefit the entire community; and

WHEREAS, people with disabilities face considerable challenges when finding adaptive housing and risk having to live away from family and trusted support networks in order to find

appropriate living environments; and

WHEREAS, the Township recognizes a large and growing unmet need for affordable housing and how that need can be met by increasing the use of existing housing resources-namely, single family dwellings-in addition to the Township’s commitment to new development and vacant/abandoned housing rehabilitation; and

WHEREAS, Accessory Dwelling Units (“ADUs”) are a partial but important solution to these challenges that require no or little investment by the Township and no additional municipal infrastructure development and will increase options available to tenants, provide additional income for homeowners, create additional living options for residents aging in place, offer more options for caregivers, and increase tax revenue.

WHEREAS, the benefits of permitting ADUs on single family lots further include cost effective and better use of existing infrastructure; increasing the supply of affordable housing to benefit older homeowners, single parents, young home buyers, and the disabled; integrating affordable housing more uniformly within the community; providing homeowners with extra income to help meet rising housing costs, including to seniors in the community who wish to age in place; providing the means for adult children to care for and support a parent in semi-independent living; providing the opportunity to increase security and companionship for older and other homeowners; enhancing the local property tax base; strengthening community; and removing exclusion or other barriers to housing within the Township; and

WHEREAS, the Township agrees to permit ADUs as a Permitted Use under certain conditions and in certain areas.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council that:

SECTION I. Article VII, “Accessory Dwelling Units,” of Chapter 33, “Development Regulations,” of the Township Code of the Township of Teaneck is hereby created as follows:

Sec. 33-39. Zones Permitted.

Accessory Dwelling Units shall be allowed in the R-S, R-M, and B-R Zones as a Permitted Use. Notwithstanding the foregoing, an ADU shall not be a Permitted Use on any property that has been designated as historic by the Historic Preservation Commission of the Township of Teaneck.

Sec. 33-40. Definitions.

As used in this article, the following terms shall mean:

ACCESSORY DWELLING UNIT (ADU)

A group of interrelated rooms that:

- (a) Constitutes an entirely self-contained portion of a principal, single-family dwelling, or is located in an accessory building on the same lot as a principal, single-family dwelling;
- (b) Is owned by the owner of the principal, single-family dwelling;
- (c) Contains complete housekeeping facilities for only one family;
- (d) Has no cooking facilities, food preparation facilities, sanitary facilities, or enclosed space in common with any other part of the building and which is located, except vestibules, entrances, porches, garages, laundries, or heating or air conditioning rooms or equipment; and
- (e) Complies with all building and fire codes.

PERSON

A natural person only and not a corporation, partnership, or other similar legally constructed entity.

PRIMARY DWELLING UNIT (PDU)

The original living unit in the Residence constituting the space on whose size the ADU was created.

RESIDENCE

An existing, detached single-family residence.

Sec. 33-41. Requirements for Approving an ADU.

One ADU shall be a Permitted Use in any Residence or in any garage or accessory structure on the Property Lot located in the zones identified in Section 33-39 of the Township Code, if the Zoning Officer finds that the following conditions have been met:

- (a) The Residence for which the permit is sought shall be a detached single-family residence.
- (b) The ADU shall be used only for residential purposes for single families.

- (c) There shall be no more than one ADU per lot.
- (d) Either the ADU or the PDU shall be the domicile of the person(s) who own(s) the Property Lot.
- (e) The total floor area of an attached ADU shall not exceed 40% of the floor area of the PDU, up to a maximum floor area of 800 square feet, whichever is greater, except that ADUs that are restricted to occupancy by low- and moderate-income families in accordance with the requirements of the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq. or successor regulations, shall not exceed 50% of the floor area of the PDU, or 1,200 square feet, whichever is greater. In addition to the foregoing, if the accessory dwelling unit is fully handicapped accessible under New Jersey’s Barrier Free Sub-Code, the property as a whole shall be granted an increase of 5% of the total maximum floor area allowed, which can be applied either to the PDU or to the ADU, or both.
- (f) Applicants must provide mathematical computations of the “floor area” for both units on the plot plans, and these calculations must be taken from the exterior dimensions of the outside walls. The computation of floor area includes the total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, garages, and carports.
- (g) Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages otherwise allowed on the lot or unless a variance is obtained.
- (h) Detached ADU are limited to 24’ in height.
- (i) Setbacks of at least 4’ from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached accessory structure. The setbacks only apply to the added space above the accessory structure and the ADU can be constructed wholly or partly above the accessory structure, including extending beyond the accessory structure walls.
- (j) All newly constructed ADU’s must comply with the required front & exterior side yard setbacks and a minimum side and rear setback of 4’ (except any required fire setbacks).
- (k) Any garage, carport, patio, or other accessory structure(s) attached to an ADU are subject to the regular setback and height regulations of the Zoning Ordinance.
- (l) An ADU attached to the primary residence must comply with the required main building setbacks.
- (m) An ADU shall provide one parking space. The parking space may be located within the

setbacks and in an existing driveway as tandem parking. Parking spaces don't need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

- (n) The sanitary disposal system for the Residence, either existing or as modified to accommodate the ADU, shall be inspected and approved by the Construction Official or their designee, and shall meet all requirements of the current New Jersey Uniform Plumbing Subcode.
- (o) If the ADU is fully handicapped accessible under New Jersey's Barrier Free Sub Code, the property shall be granted an increase of 5% of the total maximum floor area allowed which can be applied either to the Principal Dwelling or to the Accessory Dwelling or both.
- (p) No balconies or decks shall be associated with an ADU.
- (q) An ADU that is attached to the principal single-family dwelling shall utilize the same exterior materials and colors as the principal single-family dwelling.
- (r) There shall be no external entrance that faces a street and that is separate from any other external entrance to any building on the same lot facing the same street.
- (s) The ADU shall be used in a manner not inconsistent with Chapter 23, "Lodging Places Other Than Hotels/Motels" of the Township Code.
- (t) The ADU as proposed shall comply with all existing Township Ordinances, Zoning Ordinances, and the New Jersey Uniform Construction Code.

Sec. 33-42. Application for Approving an ADU.

An ADU may not be created until the Zoning Officer determines that it meets the following requirements for designation:

- (a) The applicant for an ADU must fill out an application for a Zoning Review on a form prescribed by the Zoning Officer. The application shall include pertinent data such as the names and addresses of the owners, and an identification, by street number and lot and block designation, of the Residence involved.
- (b) The application shall be accompanied by a current survey of the property, prepared by a licensed engineer or land surveyor, depicting the boundaries of the lot and all existing structures and improvements on the property, with all existing and proposed setbacks and coverage calculations.
- (c) The application shall also be accompanied by a proposed floor plan which shall be drawn by a licensed architect or engineer, if reasonably required by the Construction Official, depicting all proposed interior and exterior changes to the Residence and ADU, including

the relation of the ADU to the Primary Dwelling Unit, the location of any proposed additional exterior doors, and any proposed modifications to the existing sanitary disposal system. All proposed changes and/or additions must comply with the New Jersey Uniform Construction Code.

- (d) Within ten business days of when the application for an ADU is complete, the Zoning Officer shall render a final decision and notify the applicant by regular mail and email whether the proposed ADU may be deemed Permitted.

Sec. 33-43. Commencement of Construction of ADU After Its Permit is Issued.

- (a) If the Zoning Officer approves the proposed ADU the applicant must commence construction within one year of the Zoning Officer's determination, or the Zoning Officer may revoke the Permit.
- (b) If the Zoning Officer denies the proposed ADU, the applicant may appeal the decision of the Zoning Officer to the Township Zoning Board of Adjustment within 45 days of the receipt of the denial from the Zoning Officer. Thereafter, the appeal shall be deemed untimely.
- (c) An applicant unable to commence construction of an ADU within 120 days of the Zoning Officer's determination may appeal to the Zoning Officer for an extension of the designation in excess of 120 days for good cause shown.
- (d) Construction of the ADU must be completed within one year of the issuance of the ADU permit. The Construction Official may grant reasonable extensions based upon extraordinary circumstances.

Sec. 33-44. Owner's Annual Affidavit of Continued Compliance.

- (a) On or before January 1 of every year, starting with the first January following the issuance of the initial Certificate of Occupancy for an ADU, the Property Owner to whom the Certificate of Occupancy was issued shall file a sworn affidavit in the form prescribed by Building Department, stating that there has been no change in the conditions upon which the ADU was originally approved and that the owner resides in either the Primary Residence or the ADU.
- (b) If the Owner of the Property Lot fails to file any affidavit as herein required, the Certificate of Occupancy issued for the ADU shall automatically be revoked within 20 days, and the Construction Official shall so notify the Lot Owner, in writing, of the revocation. The failure to file the required affidavit shall result in a fine of \$500.
- (c) Any continued occupancy of the ADU following notice of revocation of the Certificate of Occupancy shall subject the Owner of the Property Lot to a fine of \$500 dollars for the first 30 days in which the ADU continues to be occupied. Thereafter, the fine shall be

\$500 dollars per day for each day that the ADU continues to be occupied.

Sec. 33-45. Construction of the ADU.

- (a) The applicant constructing an approved ADU must comply with all existing procedures established by the Building Department regarding applications, permits, fees, and inspections, except that the applicant must schedule a final inspection with the Construction Official and the Fire Official within 20 days of when construction of the ADU is complete.
- (b) The Construction Official and Fire Official shall conduct a physical inspection of the Primary Dwelling Unit and the ADU to determine whether the construction complies with the terms on which the approval was given. If the Construction Official and Fire Official determine that the construction complies with Township Ordinances and the New Jersey Uniform Construction Code, they shall issue a Certificate of Occupancy for the ADU upon the payment of a fee of \$100.

Sec. 33-46. Transfer of the Property Lot.

- (a) If the Owner of a Property Lot in which an ADU is permitted transfers title to the Property Lot, the new Owner shall apply, as herein, for a Certificate of Continued Use of the ADU upon the terms and conditions contained herein. Such new application shall be filed within 60 days of the transfer of the Property.
- (b) Upon the Construction Official or their designee determining that there have been no changes in condition, the Construction Official shall issue a new Certificate of Continued Use for the ADU upon the payment of a fee of \$100.
- (c) An ADU may not be sold independently of the Primary Residence.
- (d) When listing the Property for sale with an approved ADU, the owner of the Property shall disclose to all prospective buyers that the property contains an approved ADU. The Township shall confirm same on the Certificate of Continued Use.

Sec. 33-47. Inspections.

The Construction Official and Fire Official shall have the right to conduct inspections to determine compliance with the provisions of this Ordinance.

The New Jersey Law Against Discrimination shall apply to this Ordinance and to all ADUs within the Township of Teaneck.

Sec. 33-48. Violations and Penalties.

The creation, maintenance, or occupancy of any ADU other than in accordance with the provisions of this article shall constitute a violation of this ordinance and shall be punishable to the Property Owner with a fine of \$500 dollars per day.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This Ordinance shall take effect after passage and publication in the manner provided by law.

STATE OF NEW JERSEY)
): ss
COUNTY OF BERGEN)

I, Doug Ruccione, Township Clerk of the Township of Teaneck, do hereby certify that the foregoing Ordinance is a true and exact copy of the General Ordinance No.____ and was duly adopted by the Township of Teaneck at a meeting held on _____, with a quorum being present and voting in the majority.

Clerk, Township of Teaneck