

ORDINANCE NO. 26-13

AN ORDINANCE AMENDING THE REQUIREMENTS AT § 380-57A OF THE CODE OF THE BOROUGH OF WOODCLIFF LAKE RELATING TO THE CREATION OF AFFORDABLE HOUSING UNITS IN THE AGE-RESTRICTED HOUSING OVERLAY-2 DISTRICT (ARHO-2) OVERLAY ZONE

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Woodcliff Lake is authorized and empowered to adopt and amend the zoning ordinance of the Borough of Woodcliff Lake; and

WHEREAS, on September 4, 2018, the Mayor and Council of the Borough of Woodcliff Lake passed Ordinance No. 18-11, creating the ARHO-2 Age-Restricted Housing Overlay-2 District at § 380-57A, to implement its Third Round Housing Element and Fair Share Plan and satisfy the requirements of its settlement agreement with Fair Share Housing Center ; and

WHEREAS, as a condition of compliance of its Fourth Round Housing Element and Fair Share Plan, the Borough must amend § 380-57A to require 20% of all housing units created in the overlay to be affordable to low- and moderate-income households, regardless of whether the units are for-rent or for-sale.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

Section 1. That § 380-57A in Chapter §380-57 be amended as follows:

§ 380-57A.4 Site Plan and Building Guidelines

Age-restricted multiunit development in the ARHO-2 District shall also comply with the following requirements:

....

F. Affordable Housing Requirements. ~~If the residential units are rental, 15% of the units shall be reserved for affordable households. If the units are for-sale, 15% of the units shall be reserved for affordable households. The affordable units shall have a minimum 30-year deed restriction.~~ Any such affordable units shall comply with Article V, "Development and Management of Low- and Moderate-Income Housing," within Chapter 380 of the Borough code, and all other applicable laws and regulations of the State of New Jersey and the Uniform Housing Affordability Controls (UHAC), applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws. ~~The units shall meet the bedroom distribution required by UHAC. The units shall meet the low/moderate income split~~

~~required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very low income units as mandated by the Fair Housing Act.~~ The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense for the lifetime of the deed restriction. This shall include the initial rental/sale of the unit and the ongoing compliance. The developer shall utilize the Borough's Administrative Agent or a Borough-approved equivalent. The affordable units shall be age-restricted units.

Section 3. 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 4. This ordinance shall be construed consistent with the purpose stated herein. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 5. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.