

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

ORDINANCE 20-2567 – AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED “LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD”

was introduced at a meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, August 18, 2020 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, October 6, 2020 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement for this ordinance is to amend Chapter 186 to include that every development that creates or generates five (5) or more new residential units in a multifamily housing or mixed-use development shall deed restrict at least 20% of the total number of housing units in a for-sale development as housing affordable to low- and moderate-income households as these terms are defined in N.J.A.C. 5:93, and set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC
Borough Clerk
August 24, 2020

ORDINANCE NO. 20-_____
BOROUGH OF BERGENFIELD
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF BERGENFIELD, LAND USE, CHAPTER 186 ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF BERGENFIELD"

BE IT ORDAINED by the Borough Council of the Borough of Bergenfield, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Land Development Ordinances of the Borough of Bergenfield, Chapter 186.

Section 1

Article VI Zoning Regulations and Establishment of Zones is hereby amended in the following particulars only.

Section 186-40. **Regulations applicable to all zones** is amended by the inclusion of a new sub-paragraph as detailed herein.

- P. Every development that creates or generates five (5) or more new residential units in a multifamily housing or mixed-use development shall deed restrict at least 20% of the total number of housing units in a for-sale development as housing affordable to low-and moderate-income households as these terms are defined in N.J.A.C.5:93. The affordable housing rental setaside is hereby established at 15% of the total number of housing units. This requirement is unwaivable. Any effort on the part of a developer to produce less than a 20% affordable housing setaside for future developments not in the Settlement Agreement or Fair Share Plan is contrary to the public good and is a prima facie basis for the reviewing board to deny the development application in full. All such affordable housing generated pursuant to this provision shall fully comply with Bergenfield's Affordable Housing Ordinance, applicable Council on Affordable Housing regulations and the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) with the understanding that 13% of all affordable units must be offered to households earning 30% of regional median income.

Where the calculation of the number of affordable units results in a fraction of 0.5 or greater, the affordable housing obligation shall be rounded up to the next whole number. If less than 0.5, the developer may elect to make a payment-in-lieu to Bergenfield's affordable housing trust account for the fractional obligation at a

cost of \$200,000.00 per unit. By way of example, a 0.3-unit affordable housing obligation would result in a payment-in-lieu of \$6,000.00.

This provision does not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of Bergenfield or its Boards or agencies to grant such rezoning, variance or other relief to a developer.

Section 2

All Ordinances of the Borough of Bergenfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3

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 4

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

ATTEST:

BOROUGH OF BERGENFIELD
COUNTY OF BERGEN
STATE OF NEW JERSEY

Marie Quinones, Borough Clerk

Arvin Amatorio, Mayor