

**AFFORDABLE HOUSING UNMET NEED OVERLAY ZONE**

ORDINANCE NO. 22-2598

BOROUGH OF BERGENFIELD  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

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

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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 Revised General Ordinances of the Borough Bergenfield, Chapter 186 entitled "Land Development Ordinance of the Borough of Bergenfield, New Jersey".

Section 1 Section 186-40 Regulations applicable to all zones is hereby amended in the following particulars only.

1. P. Affordable housing set-aside, paragraph (1) is hereby amended as follows:

Every development that creates or generates five 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 as housing affordable to low- and moderate-income households as those terms are defined in N.J.A.C. 5:93, regardless if the housing units are to be offered as for-sale units or as rentals. This requirement is unwaivable. Any effort on the part of a developer to produce less than a 20% affordable housing set-aside 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 section 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.

Section 2 §186-63.4 Miscellaneous provisions shall be amended and revised in the following particulars only.

1. Density as defined in N.J.S.A. 40-55D-4 shall not exceed twenty (20) dwelling units per acre, regardless if the resultant housing is to be offered for sale or as rental units. The minimum affordable housing setaside shall be a minimum of 20%, regardless if affordable units are to be offered for sale or for rent.
2. If the affordable housing setaside calculation results in a fraction, all fractions of greater than 0.5 shall be rounded up, those less than 0.5 shall be rounded down, with the developer required to make a payment-in-lieu for the remaining fractional amount of the housing obligation

Section 3 §186-63.8 Miscellaneous provisions shall be amended and revised in the following particulars only.

1. Density as defined in N.J.S.A. 40-55D-4 shall not exceed forty (40) dwelling units per acre, regardless if the resultant housing is to be offered for sale or as rental units. The minimum affordable housing setaside shall be a minimum of twenty (20) percent, regardless if the affordable units are to be offered for sale or for rent.
2. If the affordable housing setaside calculation results in a fraction, all fractions of greater than 0.5 shall be rounded up, those less than 0.5 shall be rounded down, with the developer required to make a payment-in-lieu for the remaining fractional amount of the housing obligation

Section 4

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 5

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 6

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

**NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 15<sup>th</sup> day of March, 2022 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 19<sup>th</sup> day of April, 2022 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.**

**Borough Clerk**