

BOROUGH OF BERGENFIELD  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

22-2593 - 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"

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BE IT ORDAINED by the Borough Council of the Borough of Bergenfield, in the County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Bergenfield, Chapter 59 entitled "Land Development Ordinance of the Borough of Bergenfield".

Section 1

**ARTICLE VI Zoning Regulations and Establishment of Zones** is hereby amended and supplemented by inserting the following provision:

Section 186-40. Regulations applicable to all zones is hereby amended through the deletion of existing Paragraph P. and its replacement with the following:

P. Every new development of for-sale housing units that is the result of a rezoning, use variance or the redevelopment of existing property that creates or generates five (5) or more new residential units shall deed restrict no less than at least twenty (20) percent of the total number of housing units in the development as housing restricted to and affordable by low-and moderate-income households as these terms are defined in N.J.A.C.5:93. This requirement is un-waivable. Any effort on the part of a developer to produce a for-sale housing project containing less than a 20% affordable housing setaside in a future development not included 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.

Every new development proposing rental housing units that is the result of a rezoning, use variance or the redevelopment of existing property that creates or generates five (5) or more new residential units shall deed restrict no less than fifteen (15) percent of the total number of housing units in the development as housing restricted to and affordable by low-and moderate-income households as these terms are defined in N.J.A.C.5:93. This requirement is un-waivable. Any effort on the part of a developer to produce a rental housing development consisting of less than a 15% 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 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 within each bedroom configuration must be restricted to households earning no more than 30% of the regional median income.

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 such as a designation that an area is in need of redevelopment to a developer.

### Section 3

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 4

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 5

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 1<sup>st</sup> day of February, 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 15<sup>th</sup> day of March, 2022 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.**

**Marie Quinones**

**Borough Clerk**