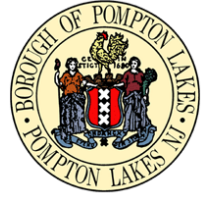


BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



ORDINANCE NO. 26-11

AN ORDINANCE REPEALING ORDINANCE 26-05 AMENDING CHAPTER 190, ARTICLE IV OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS(UHAC) (430-460 MONTCLAIR AVENUE)

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* ("MLUL") enables municipalities to adopt and amend zoning ordinances relating to the nature and extent of the uses of land, buildings and structures within a municipality; and

WHEREAS, pursuant to the MLUL, all provisions of such zoning ordinances or amendments shall either be substantially consistent with the land use plan element and housing element of the municipalities master plan or designed to effectuate such plan elements; and

WHEREAS, the Borough of Pompton Lakes passed Ordinance No. 26-05 in furtherance of its obligation to provide reasonable opportunities for Affordable Housing; and

WHEREAS, the Housing Element and Fair Share Plan have been adopted without the necessity of including the property identified in Ordinance No. 26-05, which was adopted on February 25, 2026; and

WHEREAS, the Borough Attorney has deemed said Ordinance void ab initio and ineffective for non-compliance with various requirements, and unnecessary to satisfy the Township's Affordable Housing obligation; and

WHEREAS, the Governing Body wishes to repeal said Ordinance before its effective date;

BE IT FURTHER ORDAINED, that Ordinance No. 26-05 be hereby repealed in its entirety leaving the property commonly known as 430-460 Montclair Avenue and identified as Block 1800, Lots 13.01 and 13.02 (formerly lot 13) as it has been zoned.

Section 1. Forgoing whereas clauses are incorporated herein by reference and made part hereof.

Section 2. A copy of this Ordinance after adoption by the Municipal Council on first reading shall be submitted to the Planning Board for a consistency hearing, pursuant to N.J.S.A. 40:55D-26-a.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision clause or provision so adjudged and the remainder of this ordinance shall remain valid and effective.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey, following the required 20 day after adoption as set forth in N.J.S.A. 40:69A-181 (b).

Elizabeth Brandsness, Municipal Clerk

Michael Serra, Mayor

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced at a regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 11th day of March, 2026 and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 22nd day of April, 2026 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.