Introduced 2/19/26
Adopted 3/16/26

ORDINANCE NO. 26-05

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WOODCLIFF LAKE TO ESTABLISH AN AFFORDABLE HOUSING SET ASIDE FOR THE THO-II TOWNHOME OVERLAY DISTRICT

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, the Borough further recognizes the continuing need for and its obligation in creating affordable housing within the Borough consistent with the "Fair Housing Act," P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-391 et. Seq. (the "Fair Housing Act") on January 29, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 360 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the filed its HEFSP on June 25, 2025; and

WHEREAS, Fair Share Housing Center filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, mediation was held as part of the Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the terms of the mediation, the Borough agreed to codify a 20% set-asides for affordable housing in the THO-II Townhome Overlay District; and

WHEREAS, to facilitate such mediated settlement and in compliance with its HEFSP, the Mayor and Council of the Borough of Woodcliff Lake have deemed it in the best interests of the Borough to amend the Borough Zoning Ordinance so as to establish a 20% set aside for affordable housing in the THO-II Townhome Overlay District.

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 Chapter 380-11.4 shall be supplemented as follows:

§ 380-11.4 THO-II Townhome Overlay Districts

C. There shall be a mandatory set-aside of affordable units within the THO-II Townhome Overlay District such that 20% of all units, regardless of tenure, shall be restricted for affordable households. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded down to the lower whole unit and fractions of one half (1/2) or greater shall be rounded up to the higher whole unit. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Response Order. This shall include but is not limited to:

a. The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of median income,
b. The bedroom distribution of very-low, low- and moderate- income affordable units shall be as follows:
    i. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.
    ii. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.
    iii. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.
c. Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
d. Minimum unit sizes by square footage as required by UHAC for affordable housing units.
e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
f. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

Section 2. 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 3. 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 4. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.