

**ORDINANCE 15-06**

**AN ORDINANCE TO AMEND ARTICLE X OF CHAPTER 380 ENTITLED “AFFORDABLE HOUSING DEVELOPMENT FEES ” OF THE BOROUGH OF WOODCLIFF LAKE CODE IN THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**WHEREAS**, the Borough of Woodcliff Lake Code Chapter 380 Article X (10) provides state mandated Affordable housing development fees throughout the Borough; and

**WHEREAS**, to remain compliant with State Law pursuant to N.J.S.A. 40:48-2, 40:49-2, and N.J.S.A. 40A:14-118 it is necessary that the Borough of Woodcliff Lake amend Article 10, Sections 380-70 and 380-72 to update the ordinances pertaining to residential development fees, nonresidential development fees and eligible exaction; ineligible exaction and exemptions; and

**WHEREAS**, the Mayor and Council of the Borough of Woodcliff Lake are desirous to revise and update said ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

**Section 1.** Chapter 380 Article 10 subsection 70 (§ 380-70) is revised and shall read as:

**§ 380-70 Residential development fees.**

Within the R-30, R-22.5, R-15, R-8.15 and R-1511 Zoning Districts and for age-restricted multiunit housing within the ARHO Zoning District, developers shall pay a development fee of 1% of the equalized assessed value of any new one family residential dwelling, less the equalized assessed value of any dwelling being replaced, pursuant to § 380-73 of this article, provided that no increased density is permitted. Notwithstanding the foregoing, developers in the ARHO Zoning District shall also pay to the Borough of Woodcliff Lake an additional fee equal to the difference between 1% of the equalized assessed value paid to the Borough of Woodcliff Lake and the pro rata amount per home of the aggregate fee paid to the Borough of Woodcliff Lake in conjunction with the development of the property in the Borough of Woodcliff Lake located adjacent to the ARHO Zone in the Borough of Woodcliff Lake. The development fee and the increased fee, if any, for development in the ARHO Zone provided herein shall be paid in accordance with provisions of § 380-73 of this article.

**Section 2.** Chapter 380 Article 10 subsection 72 (§ 380-72 ) is revised and shall read as:

**§ 380-72 Eligible exaction; ineligible exaction and exemptions.**

- A. Developers of low- and moderate-income units shall be exempt from paying development fees.
- B. The Borough exempts the following types of development from the imposition of development fees:
  - (1) Development by the Borough or any of its instrumentalities.
  - (2) Development by charitable or nonprofit entities formed and legally established in accordance with the laws of the State of New Jersey.
  - (3) Development, in the form of any addition, to an existing residential dwelling.
- C. Within zones where inclusionary development is required, developers shall be exempt from paying a development fee.

**Section 3. No New Rights/No Vacancies.** Unless expressly stated otherwise or required by law, this ordinance shall not create any rights that did not exist before this ordinance and this ordinance shall not be deemed to create any vacancies unless the law requires otherwise.

**Section 4. Repealer.** 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 5. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in section 1 hereof. 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 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.