

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 595(2021)

**AN ORDINANCE TO AMEND AFFORDABLE HOUSING REGULATIONS OF THE LAND
USE DEVELOPMENT ORDINANCE OF THE BOROUGH OF WEST WILDWOOD TO
ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND UNIFORM HOUSING
AFFORDABILITY CONTROLS REGARDING COMPLIANCE WITH THE BOROUGH'S
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Affordable Housing Regulations of the Land Use Development Ordinance of the Borough of West Wildwood must be amended to comply with the current state affordable housing regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WEST WILDWOOD, as follows:

Section 1:

The Affordable Housing Regulations of the Land Use Development Ordinance of the Borough of West Wildwood is hereby amended as follows [additions by underline, deletions by ~~strikethrough~~]:

1-118 Applicability

1. No change
2. No change
3. All new residential or mixed-use development ~~multifamily residential development~~ that creates five (5) or more units as a result of a zoning change, use variance, density variance, or approval of a new or amended redevelopment plan to permit residential development where not previously permitted or to permit higher density residential development than previously permitted, shall provide an affordable housing set-aside of 15%, if the affordable units will be for rent, and 20% if the affordable units will be for sale. No property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions only and shall not entitle any property owner or developer to the right to any such rezoning, variance, or other relief. All affordable units created pursuant to this paragraph shall be governed by the provisions of this ordinance. This set-aside requirement applies to all of the Borough's zoning districts with the exception of the zoning districts where the Commercial Overlay Zone and Marine Commercial Overlay Zone apply, which have their own set-aside requirements.

Section 2:

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of West Wildwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 5:

The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Cape May County Planning Board and to all other persons entitled thereto pursuant to 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 7:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8:

Codification. This Ordinance shall be a part of the Code of the Borough of West Wildwood as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article, and/or Section number of the Code of the Borough of West Wildwood in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 9:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Section 10:

Upon adoption of this Ordinance, the Borough Clerk shall file same with (a) the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1(c).

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING




COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2021 08-06
Publication: 2021 08-12

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek		X	X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest			X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at a Regular Meeting held on August 6, 2021 and will be considered for final passage after a public hearing to be held on September 3, 2021 at 7:00pm prevailing time.



Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:


MAYOR MATTHEW J. KSIAZEK


COMMISSIONER JOHN J. BANNING


COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2021 09-03
Publication: 2021 09-09

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, Donna L. Frederick, RMC, Municipal Clerk of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at a Regular Meeting held on August 6, 2021 and finally adopted after a public hearing held on September 3, 2021 at 7:00pm prevailing time.


Donna L. Frederick, RMC
Municipal Clerk