

BOROUGH OF OAKLAND
ORDINANCE No. 21-Code-865

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE
BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE
AND ZONING ORDINANCE OF THE BOROUGH OF OAKLAND” REGARDING 20
PERCENT AFFORDABLE HOUSING SETASIDE

BE IT ORDAINED by the Borough Council of the Borough of Oakland, 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 Oakland, Chapter 59 entitled “Land Use and Zoning Ordinance of the Borough of Oakland”.

Section 1

ARTICLE VII Zoning is hereby amended and supplemented by inserting the following provision:

Section 59-45. Regulations applicable to all zones is hereby amended through the insertion of the following clause.

J. Every new development that creates or generates five (5) or more new residential units shall deed restrict at least 20% 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 less than a 20% 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 Oakland’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 within each affordable housing bedroom distribution classification, 13% of all affordable units within each bedroom configuration must be restricted to households 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 Oakland 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 2

Ordinance 21-Code-840 is hereby declared null and void.

Section 3

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.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.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

Lisa M. Duncan, Borough Clerk

Linda H. Schwager, Mayor