

**BOROUGH OF EDGEWATER  
ORDINANCE NO. 2022 – 016**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF  
BERGEN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING CHAPTER 240 OF THE BOROUGH CODE TO  
IMPLEMENT AFFORDABLE HOUSING**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Edgewater are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Edgewater; and

**WHEREAS**, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts 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**, on August 22, 2022, the Mayor and Council acted in compliance with the Borough’s obligations pursuant to the Borough’s settlement agreement with Fair Share Housing Center and subsequent Court Orders and adopted Ordinance No. 2022-011 which established the Affordable Housing Zone 2 (AH-2); and

**WHEREAS**, due to a minor clerical error, there is a discrepancy between what is required by provisions of the settlement agreement and the Court Orders and the provisions of Ordinance No. 2022-011, as adopted; and

**WHEREAS**, the Mayor and Council have deemed it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Edgewater, as follows:

**Section 1. Objectives**

- A. To provide a realistic opportunity for affordable housing development.

**Section 2. Applicability**

- A. These provisions shall apply to all properties located within Affordable Housing Zone 2 (AH-2) and are designed to amend what types of uses are permitted within the zone.

**Section 3. Uses**

- A. Permitted uses.

1. Multi-family residential subject to the provisions of the R-3 zone, with a 15% set aside for rental projects or a 20% set aside for for-sale projects
- B. Accessory uses
  1. All customary accessory uses.

**Section 7. Other provisions superseded.**

- A. In the event of any inconsistency between the provisions of this section and any other section of Chapter 240, the provisions of this section shall prevail.

**Section 8. Planning Board review**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Edgewater, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

**Section 9. Severability**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

**Section 10. Effective date**

This Ordinance shall take effect immediately upon final publication as required by law.

**Section 11. Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**INTRODUCED:      October 17, 2022**

**ADOPTED:          November 21, 2022**

**ATTEST:**

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**Michael J. McPartland**  
**Mayor**

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**Annamarie O'Connor, RMC**  
**Borough Clerk**