

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY
ORDINANCE 23-26**

**AN ORDINANCE TO AMEND SECTION §250-55 ENTITLED “ZONING MAP”
OF THE CITY OF ENGLEWOOD LAND USE CODE**

WHEREAS, the New Jersey Supreme Court issued its decision In re: Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) on March 10, 2015 stripping COAH of its administrative duties relating to the affordable housing certification process and thereby created a judicial process by which a municipality can file a declaratory judgement action with the court seeking a judicial determination that their housing element and fair share plan satisfied their third round affordable housing obligation; and

WHEREAS, pursuant to the New Jersey Supreme Court’s March 10, 2015 decision and to preserve immunity from developer remedy lawsuits, the City filed a declaratory judgment action (DJ Action) entitled In the Matter of the Application of the City of Englewood for Judgement of Compliance and Repose, County of Bergen, Docket Number BER-L- 4069-19 with the Superior Court; and

WHEREAS, by way of negotiations with the Fair Share Housing Center in the DJ Action the City has arrived at a Settlement Agreement (Settlement) with Fair Share Housing Center concerning the City’s obligation which was approved by the Superior Court after a fairness hearing held on January 10, 2023 and in an order entered by the Court and filed on January 20, 2023; and

WHEREAS, the City is required to now take certain actions including the adoption of ordinances to implement the settlement agreement with Fair Share Housing Center; and

BE IT ORDAINED by the Governing Body of the City of Englewood, Bergen County, New Jersey that it does hereby amend, and supplement Chapter 250 of the City Code as follows:

SECTION 1. Article IX, §250-55 entitled Zoning Map is hereby amended to delete the following parcels from Affordable Housing Overlay Zone, AHO-1 as follows:

Block	Lot(s)	Affordable Housing Overlay Designation (AHO)
305	15 through 25	AHO-1

SECTION 2. Article IX, §250-55 entitled Zoning Map is hereby amended to add the following parcels to Affordable Housing Overlay Zone, AHO-1 as follows:

Block	Lot(s)	Affordable Housing Overlay Designation (AHO)
306	15 through 25	AHO-1

SECTION 3. The City Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The City Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 4. After introduction, the City Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the City Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 5. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the City Tax Assessor as required by N.J.S.A. 40:49-2.1.
in accordance with the laws of the State of New Jersey.

Introduced by: _____, Seconded by: _____

Roll Call:

Approved: _____,

City of Englewood

Motion by: _____, Second by: _____

Roll Call:

By: _____

Attest: _____

ORDINANCE #23-26

**AN ORDINANCE TO AMEND SECTION §250-55 ENTITLED “ZONING MAP”
OF THE CITY OF ENGLEWOOD LAND USE CODE**

RECORD OF VOTE

FIRST READING DATE: September 19, 2023

COUNCIL	MOTION	VOTE
Cobb		Y
Maron		Y
Rosenzweig	X	Y
Wilson		Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: October 2, 2023

DATES PUBLIC HEARINGS HELD: October 24, 2023

DATE SECOND READING HELD: October 24, 2023

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb	X	Y	X	Y	X	Y
Maron		Y		Y		Y
Rosenzweig		Y		Y		Y
Wilson		N		N		N
Wisotsky		Y		Y		Y

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR: October 25, 2023

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk

**CITY OF ENGLEWOOD
NOTICE OF ORDINANCE INTRODUCTION/PUBLIC HEARING**

ORDINANCE 23-26

**AN ORDINANCE TO AMEND SECTION §250-55 ENTITLED “ZONING MAP”
OF THE CITY OF ENGLEWOOD LAND USE CODE**

NOTICE IS HEREBY GIVEN that the above ordinance was introduced and passed on first reading at a Regular Meeting of the City Council of the City of Englewood on September 19, 2023 and that said ordinance will be further considered for final passage at a meeting of the City Council to be held at the Municipal Court Room, 73 S. Van Brunt Street, Englewood, Bergen County, New Jersey, on October 24, 2023 at 7:30 pm or as soon thereafter as the matter can be reached, at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance. A copy of the ordinance in full may be requested at no charge from the City Clerk’s Office during regular business hours and can also be found on the City’s website at www.cityofenglewood.org.

The purpose of this Ordinance is to amend and supplement Chapter 250, Land Use, of the Code of the City of Englewood, to establish new affordable housing overlay zones for the following properties that will encourage the production of very-low, low-, and moderate-income housing units:

		Affordable Housing Overlay Designation (AHO)	
Block	Lot(s)		
306	15 through 25		AHO-1

BLOCK	LOT	LOCATION	CITY	ZIP
306	15	133 GLENBROOK PKWY	ENGLEWOOD, NJ	07631
306	16	137 GLENBROOK PKWY	ENGLEWOOD, N.J.	07631
306	17	141 GLENBROOK PKWY	ENGLEWOOD NJ	07631
306	18	149 GLENBROOK PKWY	ENGLEWOOD, NJ	07631
306	19	157 GLENBROOK PKWY	ENGLEWOOD, NJ	07631
306	20	161 GLENBROOK PKWY	ENGLEWOOD, N.J.	07631
306	21	165 GLENBROOK PKWY	ENGLEWOOD,NJ	07631
306	22	171 GLENBROOK PKWY	ENGLEWOOD, NJ	07631
306	23	260 TRYON AVE	ENGLEWOOD, NJ	07631
306	24	256 TRYON AVE	ENGLEWOOD NJ	07631
306	25	252 TRYON AVE	ENGLEWOOD, NJ	07631

Yancy Wazirmas, RMC
City Clerk