

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1656 (2020)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF SEA ISLE CITY, CHAPTER 26-43 ENTITLED “AFFORDABLE HOUSING” TO ENSURE COMPLIANCE AND UNIFORMITY IN THE CITY’S MT. LAUREL POLICIES

WHEREAS, from time to time, periodic revisions are made to the Sea Isle City Ordinance as deemed appropriate; and

WHEREAS, the New Jersey Council on Affordable Housing (“COAH”) has promulgated rules, set forth at N.J.A.C. 5:93 and 5:91, concerning the substantive and procedural requirements for obtaining judicial certification of the City’s Housing Elements and Fair Share Plan; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court division; and

WHEREAS, on July 7, 2015 the City submitted a Declaratory Judgment Action to the New Jersey Superior Court seeking a declaration of compliance with the Mount Laurel doctrine and Fair Share Housing Act of 1985; and

WHEREAS, on November 14, 2017 the City entered into a Settlement Agreement with the Fair Share Housing Center which determined the City’s prior round, present, and third round obligation and set forth the City’s preliminary compliance plan;

WHEREAS, on December 1, 2017 the New Jersey Superior Court approved the Settlement Agreement; and

WHEREAS, on May 14, 2018 the City’s Planning Board passed Resolution No. 2018-05-01 adopting the Sea Isle City’s Master Plan Housing Element and Fair Share Plan (“Fair Share Plan”); and

WHEREAS, on May 29, 2018 the Governing Body of Sea Isle City ratified the Fair Share Plan as adopted by the Sea Isle City Planning Board; and

WHEREAS, the Revised General Ordinances of Sea Isle City contains language that conflicts with the Settlement Agreement and Fair Share Plan; and

WHEREAS, in order to meet full compliance and receive a declaratory judgment from the Superior Court this difference in language must be resolved.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 26 Section 43.2.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “PAYMENT IN LIEU OF UNIT DEVELOPMENT” is hereby amended:

EXISTING SECTION:

- a. Developers unable to provide the appropriate percentage of affordable housing units on site will have the option of paying into the Affordable Housing Trust Fund an amount as established by this section for each unit which is not provided.

AMENDED SECTION:

- a. Developers unable to provide the 16.6% affordable housing units on site will have the option of providing the units as family affordable housing units elsewhere in the

municipality. In a case when fractional units would be required, a payment-in-lieu of providing the fractional affordable units will be permitted.

SECTION II. Chapter 26 Section 43.3.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “PAYMENT IN LIEU OF UNIT DEVELOPMENT” is hereby amended:

EXISTING SECTION:

- a. Developers unable to provide the appropriate percentage of affordable housing units on site will have the option of paying into the Affordable Housing Trust Fund an amount as established by this section for each unit which is not provided.

AMENDED SECTION:

- a. Developers unable to provide the 16.6% affordable housing units on site will have the option of providing the units as family affordable housing units elsewhere in the municipality. In a case when fractional units would be required, a payment-in-lieu of providing the fractional affordable units will be permitted.

SECTION III. Severability. If for any reason, any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION IV. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION V. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

William J. Kehner, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 14th day of July, 2020 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 25th day of August, 2020, in City Hall, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk