

ORDINANCE NO. 2174-2010

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 49 ENTITLED "AFFORDABLE HOUSING" AT §49-15 ENTITLED "B-4 WITH AFFORDABLE HOUSING COMPONENT OVERLAY DISTRICT" TO AMEND THE BOUNDARY TO DELETE BLOCK 5723, LOT 7, LOCATED AT 17-10 RIVER ROAD AND TO ADD BLOCK 5723, LOT 5 LOCATED AT 17-16 RIVER ROAD

WHEREAS, the Mayor and Council recognize that the Borough has an obligation to provide for the reasonable development of affordable housing within appropriate areas of the Borough; and

WHEREAS, the Borough has determined that the boundary of the "B-4 with Affordable Housing Component Overlay District" requires amendment to be consistent with the Amendment to the Borough's Housing Element and Fair Share Compliance Plan; and

WHEREAS, the Borough has determined that Block 5723, Lot 7 should be removed from the District and returned to the B-4 District; and

WHEREAS, the Borough has determined that Block 5723, Lot 5 should be added to the district because adjacent Lot 1 is located in the district and is under common ownership; and

WHEREAS, this ordinance is being introduced and adopted under protest by the Mayor and Council of the Borough of Fair Lawn. This ordinance is being introduced and adopted pursuant to an interlocutory Order granting builders remedy and other relief entered on July 29, 2009, by Judge Jonathan N. Harris in the matter of Landmark at Radburn, et al vs. Borough of Fair Lawn, et al, Superior Court of New Jersey, Law Division, Bergen County, Docket Number: BER-L-8266-07 and the Borough of Fair Lawn reserves all of its rights to appeal, move for reconsideration, or seek any and all other such relief as it deems appropriate from the aforesaid interlocutory Order, when the Borough's right to appeal becomes fixed and determined;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that:

SECTION I.

In Section 49-15, "B-4 with Affordable Housing Component Overlay District," paragraph A shall be amended to delete Block 5723, Lot 7, and to add Block 5723, Lot 5. Block 5723, Lot 7 shall be re-zoned B-4.

SECTION II:

All other sections of Chapter 49 shall remain in full force and effect.

SECTION III:

Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION IV:

All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

SECTION V:

This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

Joseph Tedeschi, Mayor

Introduced: January 26, 2010

Adopted: