

**COUNTY OF BERGEN  
BOROUGH OF PARAMUS  
ORDINANCE No. 2022-13**

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**ORDINANCE AMENDING PARAMUS CODE  
Sections 210-5(A) and 210-5(C)**

**Section 1. Purpose & Authority.** Pursuant to the settlement agreement dated February 6, 2020 entered into between the Borough of Paramus and Fair Share Housing Center in the declaratory judgment action captioned In the Matter of the Borough of Paramus, County of Bergen, Docket No.: BER-L-6227-15, and in furtherance of the Borough's constitutional obligation to contribute its fair share of a regional need for affordable housing in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015), the Paramus Governing Body hereby amends Chapter 210-5(A) and 210-5(C) of the Paramus Code to change the Affordable Housing – Inclusionary Zoning Requirements.

**Section 2. Paramus Code §210-5(A).** Paramus Code §210-5(A) is hereby modified and amended to provide, in its entirety, as follows:

- (a) **Inclusionary set-aside.** To ensure realistic opportunities for the creation of affordable housing, all new multi-family residential development of five (5) units or more within the Borough shall be required to provide and set aside affordable housing units at a rate of fifteen (15%) for rental residential development and twenty percent (20%) for for-sale residential development, and shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more. A fractional obligation to provide for affordable housing shall be met by a payment in lieu of construction as hereafter set forth. By way of illustration, if a project consists of 50 units, the number of affordable housing units required would be (i) 7.5 if a rental development, of which 7 units would need to be constructed on or off-site with a payment made for .5 of a unit or a payment in lieu pursuant to Section 210-5(c)(3); or (ii) 10 units if a for-sale development.
- (b) **Density variances.** A compensatory benefit will be deemed to have been awarded, and the density bonus referred to in paragraph (a) above will not apply, where the Borough's Zoning Board of Adjustment approves an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5), (known as a density variance).
- (c) **Relaxation of zoning standards.** In all cases, the Borough's approving land use board shall consider the granting of variances and waivers including but not limited to reduced setbacks, reduced coverage, increased floor area, increased building heights and/or additional stories so as to accommodate the increased number of units and to reasonably result in

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an opportunity to provide affordable housing except on any property adjoining a One-Family Residential Zone.

- (d) Additional incentives. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in a developer's or redeveloper's agreement at the discretion of the Borough.

**Section 3. Paramus Code §210-5(C).** Paramus Code §210-5(C) is hereby modified and amended to provide, in its entirety, as follows:

Subject to the conditions which follow, a developer shall be required to provide affordable housing units on site

- (1) The on-site construction is subject to the following controls: Developers shall determine the number of required affordable units by multiplying the permitted on-site units by .15 or .20, as appropriate, and then adding the density bonus.

**Sections 4. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 5. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated on section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Paramus Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Paramus Code.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:



ANNEMARIE KRUSZNIS, RMC  
Borough Clerk

Approved:



RICHARD A. LABARBIERA  
Mayor

Introduced: April 19, 2022

Adopted: May 10, 2022