

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1477

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING
CHAPTER 85, ARTICLE XXIII OF THE GENERAL CODE
“AFFORDABLE HOUSING OVERLAY ZONE” TO INCREASE THE
AFFORDABLE HOUSING SET ASIDE**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary to amend Ordinance No. 1275 adopted on April 11, 2018 in order to comply with its constitutional obligation to provide its fair share of affordable housing, the Borough adopted this Affordable Housing Overlay Zone; and

WHEREAS, since the adoption of this Overlay Zone, the Borough has prepared and adopted a Housing Element and Fair Share Plan (“HEFSP”) to comply with its affordable housing obligations for the Fourth Round (2025-2035) and filed same with the Affordable Housing Dispute Resolution Program (“the Program”) in compliance with the 2024 amendments to the New Jersey Fair Housing Act; and

WHEREAS, while participating in the Program, the Borough has negotiated a settlement with Fair Share Housing Center that has resulted in a Consent Order, resolving all issues with the Borough’s Fourth Round HEFSP; and

WHEREAS, the Consent Order requires that the Borough revise its Affordable Housing Overlay Zone to increase the affordable housing set aside to 20% regardless of whether the affordable units are rental or for-sale units; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Wildwood Crest, as follows:

Section 1: A portion of Ordinance Number 1275 adopted April 11, 2018, and codified in the Code of the Borough of Wildwood Crest as Chapter 85, Article XXIII, “Affordable Housing Overlay Zone” is hereby amended and supplemented as follows: (added language is underlined, deleted language is stricken)

§85-2302. Affordable Housing Overlay Zoning Provisions.

D. Density and Required Set-Aside: The maximum density permitted for all affordable housing development in the overlay zone is 18 units per acre with a minimum required affordable housing set-aside of ~~15%~~ 20%.

H. Affordable Housing Requirements: All affordable housing developments within the overlay zone, for projects creating five or more units only, shall provide a minimum set-aside of ~~15% for rentals, and a minimum 20% for for-sale residential developments for~~ very-low, low and moderate income households in accordance with Borough affordable housing requirements. All affordable housing developments shall conform to the standards found in the Borough's Affordable Housing Ordinance including provisions for affordability, very low income units, and UHAC standards.

1. Age-restricted units shall be permitted within any affordable housing development but shall not exceed 25% of any given affordable housing development's low and moderate income set aside.

Section 2:

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Wildwood Crest for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 3:

The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Cape May County Planning Board and to all other persons entitled thereto pursuant to 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 4:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, or phrase thereof for any reason is held to be invalid or unconstitutional by a court or competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:

Codification: This Ordinance shall be a part of the Code of the Borough of Wildwood Crest as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article, and/or Section number of the Code of the Borough of Wildwood Crest in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

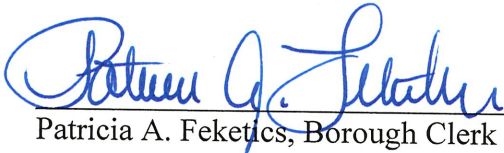
Section 7:


This Ordinance shall take effect upon passage, adoption, and publication in the matter prescribed by law.

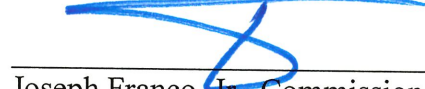
Section 8:

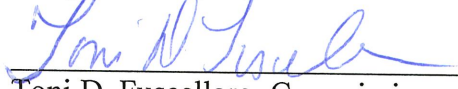
Upon adoption of this Ordinance, the Borough Clerk shall file same with (a) the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16 and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1(c)

Dated: February 18, 2026


Patricia A. Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr., Commissioner


Toni D. Fuscellaro, Commissioner

Introduced: January 21, 2026

Adopted: February 18, 2026