BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY
NEW JERSEY

NOTICE OF FINAL ADOPTION

THE BELOW ORDINANCE WAS PASSED ON SECOND READING AND FINALLY ADOPTED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WILDWOOD CREST, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AFTER PUBLIC HEARING AT A REGULAR MEETING OF THE BOARD OF COMMISSIONERS HELD ON

NOVEMBER 3, 2026

**ORDINANCE NO. 1501**

**AN ORDINANCE AMENDING CHAPTER 85, ARTICLE XXI, SECTION 5 "MUNICIPALITY-WIDE MANDATORY SET-ASIDE" OF THE GENERAL CODE OF THE BOROUGH OF WILDWOOD CREST**

**WHEREAS**, Chapter 85, Article XXI, Section 5 "Municipality-Wide Mandatory Set-Aside" of the General Code of the Borough of Wildwood Crest has to be amended to clarify the affordable housing set-aside requirements for when a developer demolishes existing dwelling units and replaces them with new dwelling units.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May and State of New Jersey that Chapter 85, Article XXI, Section 5, entitled "Municipality-Wide Mandatory Set-Aside" is hereby revised as follows:

**Section 1:** Chapter 85, Article XXI, Section 5, entitled "Municipality-Wide Mandatory Set-Aside" is hereby revised as follows: (added language is underlined, deleted language is ~~stricken~~):

**§85-2105 Municipality-Wide Mandatory Set-Aside.**

**A.** A development, other than single-family family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six

units per acre, is required to include an affordable housing set-aside of 20%. Furthermore, this section shall not apply to developments containing four or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of newly created dwelling units is five or more.

**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**: 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**: 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**: 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)

PATRICIA A. FEKETICS

MUNICIPAL CLERK