

BOROUGH OF GLENRIDGE

ORDINANCE NO. 1703

**AN ORDINANCE OF THE BOROUGH OF GLEN RIDGE, COUNTY OF
ESSEX, STATE OF NEW JERSEY, AMENDING THE “ZONING
ORDINANCE OF THE BOROUGH OF GLEN RIDGE” CODE IN ORDER
TO ESTABLISH A BOROUGH-WIDE AFFORDABLE HOUSING
MANDATORY SET ASIDE REQUIREMENT**

Purpose:

This Ordinance amends the Borough land use ordinances by establishing new regulations to ensure that any site that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Borough or the Planning Board which results in multi-family residential development containing five (5) or more new dwelling units produces affordable housing at a set-aside rate of 20% for for-sale units and 15% for rental units; which regulations will be set forth in the Borough Code in connection with the Borough's Third Round Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center regarding compliance with the Borough's affordable housing obligations.

WHEREAS, the Borough Council of the Borough of Glen Ridge, Essex County, New Jersey, wishes to amend “The Zoning Ordinance Of The Borough of Glen Ridge” to further address Glen Ridges constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are required when certain types of applications are approved.

WHEREAS, the Borough of Glen Ridge Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.* The Housing Element and Fair Share Plan have been endorsed by the Borough Council. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.* as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Glen Ridge, County of Essex, State of New Jersey, that Chapter 17 “Zoning and Land Use” of the Borough Code of the Borough of Glen Ridge is hereby amended as follows:

Section 1. Section 17.36 “(Reserved)” of the Code of the Borough of Glen Ridge shall be amended to read as follows:

Affordable housing mandatory set-aside.

- A. Any multi-family residential development (including the multi-family residential portion of a mixed-use project) that is approved to contain five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Borough or the Planning Board shall be required to set aside a minimum percentage of units for affordable housing.
- B. For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
- C. Nothing in this section precludes the Borough or the Planning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

- D. This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a Redevelopment Plan or Rehabilitation Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- E. This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted Redevelopment Plan or Rehabilitation Plan.
- F. Furthermore, this requirement shall not apply to developments containing four (4) or less new dwelling units.
- G. 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 dwelling units is five (5) or more.
- H. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- I. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Chapter 70 of the Borough Code and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Glen Ridge, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Glen Ridge are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. 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 Essex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Glen Ridge for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk

with (a) the Essex 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.

INTRODUCED the _____ day of _____, 2019.

ADOPTED the _____ day of _____, 2019.

_____, Mayor

ATTEST:

_____, Borough Clerk