12-01

Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

http://www.bloomfieldtwpnj.com

Meeting: 01/17/12 07:00 PM

2012 ORDINANCE AMENDMENT

AMENDMENT TO CHAPTER 112 (AFFORDABLE HOUSING) OF THE TOWNSHIP ORDINANCE TO PERMIT ADDITIONAL REGULATION OF AFFORDABLE HOUSING CONSTRUCTION BY WAY OF DEVELOPERS AGREEMENTS

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975 ("Mount Laurel I"); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"); and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low and moderate income households; and

WHEREAS, the Township of Bloomfield (the "Township") adopted an inclusionary zoning ordinance to facilitate the New Jersey Council on Affordable Housing revised round three growth share rules in connection with residential and nonresidential development (the "Ordinance"); and

WHEREAS, the Township has determined that it is necessary to amend the Ordinance to provide the Township with additional options and flexibility for the construction of affordable housing units; and

WHEREAS, by way of this amendment, the Township will continue to ensure that as developers build residential and non-residential projects, they address affordable housing in a manner consistent with the statutory law, State regulations and policies described above, policies soundly rooted in New Jersey Supreme Court precedent, and the input of the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township

APPRO[illegible]ORM AND PROCEDURE
O[illegible]FACTS SET FORTH

Brian J. Aloia
D[illegible]aw-Township Attorney

of Bloomfield, County of Essex, State of New Jersey as follows:

Section 1. Chapter 112 (Affordable Housing) of the Township Ordinance shall be amended by inserting the underlined language where indicated below:

a. § 112-3. Applicability.

[Amended 4-29-2011 by Ord. No. 11-26]

Except as otherwise set forth herein, this chapter sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township. This chapter shall not apply to any parcel within the Township which would not accommodate five or more dwelling units where the zoning would require a twenty-percent set-aside. Pursuant to N.J.A.C. 5:97-6.4(b)7, this chapter shall apply to any parcel within the Township which would accommodate five or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty-percent set-aside. Notwithstanding anything herein to the contrary, Section 112-8 of this Chapter may be modified as provided for below. This Chapter shall not apply to development in any areas designated by the Township as areas in need of redevelopment under the Redevelopment Law. *Editor's Note: See N.J.S.A. 40A:12A-1 et seq.* The affordable housing obligation for a project undertaken in a designated redevelopment area, if any, will be determined through negotiations between the redevelopment entity and a designated redeveloper, and incorporated into a redevelopment agreement.

b. § 112-8. Schedule.

Affordable housing units shall be built in accordance with the following schedule, unless otherwise specifically agreed to by the Township and a developer pursuant to a Developers Agreement executed by the same.

Percentage of Market Rate Units Completed	**Minimum Percentage of Low and Moderate Income Units Completed**
25%	0%
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%

Section 2. If any part(s) of this Ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 3. All ordinances and resolutions or parts thereof inconsistent with the ordinance are hereby rescinded.

Section 4. This Ordinance shall take effect in accordance with applicable law.

......*...*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on Feb 21, , 2012.

Municipal Clerk of the Township of Bloomfield

Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1301						
☐ Adopt			Yes/Aye	No/Nay	Abstain	Absent
☐ Deny	Elias Chalet		☑	☐	☐	☐
☐ Withdrawn	Nicholas Joanow		☑	☐	☐	☐
☐ Table	Carlos Bernard		☑	☐	☐	☐
☐ Not Discussed	Michael Venezia		☑	☐	☐	☐
☑ First Reading	Peggy O'Boyle Dunigan		☐	☐	☐	☑
☐ Table with no Vote	Bernard Hamilton		☑	☐	☐	☐
☐ Approve	Raymond McCarthy		☑	☐	☐	☐

✓ Vote Record - Ordinance 1301						
☑ Adopt			Yes/Aye	No/Nay	Abstain	Absent
☐ Deny	Elias Chalet		☑	☐	☐	☐
☐ Withdrawn	Nicholas Joanow		☑	☐	☐	☐
☐ Table	Carlos Bernard		☑	☐	☐	☐
☐ Not Discussed	Michael Venezia		☑	☐	☐	☐
☐ First Reading	Peggy O'Boyle Dunigan		☐	☐	☐	☑
☐ Table with no Vote	Bernard Hamilton		☑	☐	☐	☐
☐ Approve	Raymond McCarthy		☑	☐	☐	☐

ATTACHMENTS:

- ordinance amending chapter 112 affordable housing (00646329) (DOC)
- Res Referring COAH amendment to PB (00647639) (DOC)