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Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtnpj.com>

Meeting: 05/07/12 07:00 PM

2012 ORDINANCE COAH

ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, NEW JERSEY AMENDING CHAPTER 112 OF THE TOWNSHIP CODE

WHEREAS, in 2008, the Mayor and Council of the of the Township of Bloomfield (the "Township") adopted an affordable housing ordinance that was subsequently codified in Chapter 112 of the Township Code ("Chapter 112"), the stated purpose of which is to facilitate the provision of affordable housing in connection with residential and nonresidential development in compliance with the requirements of statutory law and the Coalition on Affordable Housing's Revised Third Round Rules; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, (the "Redevelopment Law"), the Mayor and Council, after appropriate investigation and review by the Planning Board of the Township, determined that the following areas within the Township met the criteria for designation as areas in need of redevelopment set forth in Section 5 of the Redevelopment Law: the Bloomfield Station Redevelopment District; the Bloomfield Center Redevelopment District - Phase I; the Oaks Pond Redevelopment Area; the Block 228 and Block 220, Lot 40 Redevelopment Area; and the Block 243 Redevelopment Area; and

WHEREAS, the Mayor and Council also qualified the entire Township as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, the Mayor and Council adopted several redevelopment plans governing development of the redevelopment areas: the Bloomfield Station Redevelopment Plan; the Bloomfield Center Redevelopment Plan - Phase I; the Oaks Pond Redevelopment Plan; and the Block 228 and Block 220, Lot 40 Redevelopment Plan ; and

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Director of Law - Township Attorney

WHEREAS, the redevelopment plan for the Block 243 Redevelopment Area is in the drafting stage; and

WHEREAS, using the rehabilitation designation, the Mayor and Council also adopted the Bloomfield Center Redevelopment Plan - Phase II, which governs the development of certain properties in Bloomfield Center which surround the Bloomfield Center Redevelopment District - Phase I; and

WHEREAS, Chapter 112 was amended by ordinance adopted by the Mayor and Council on May 18, 2011, which exempted properties in a redevelopment area from the strict application of the affordable housing ordinance due to the unique financial challenges presented by projects in areas in need of redevelopment. Instead, any affordable housing obligation imposed on a redevelopment area project would be set forth in a redevelopment agreement; and

WHEREAS, the Mayor and Council amended the Phase I Redevelopment Plan and the Phase II Redevelopment Plan to require a developer to be designated as a redeveloper and execute a redevelopment agreement only when a project exceeded a certain size and scope; and

WHEREAS, it has become apparent to the Mayor and Council that projects in a rehabilitation area, and particularly those governed by the Phase II Plan, are experiencing financing challenges similar to those in a redevelopment area and it therefore would be in the best interests of the Township to determine on an ad hoc basis the affordable housing obligation for all projects governed by a redevelopment plan and for which a redevelopment agreement is required, whether such projects are undertaken in a redevelopment area or a rehabilitation area; and

WHEREAS, the Mayor and Council accordingly desires to amend Chapter 112 of the Township Code to provide that it shall not apply to the development of projects in areas designated by the

Township as areas in need of redevelopment or areas in need of rehabilitation under the auspices of the Redevelopment Law, provided the redevelopment plan governing such projects require the execution of redevelopment agreement by the developer.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, New Jersey as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 112-3 of the Township Code is hereby amended and restated in its entirety as follows:

“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. Except as otherwise set forth herein, this specifically includes, without limitation, 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. It also includes any parcel in an area designated by the Township as an area in need of redevelopment or an area in need of rehabilitation pursuant to the Redevelopment Law. Notwithstanding the above, this chapter shall not apply (i) 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; or (ii) to any parcel within an area designated by the Township as an area in need of redevelopment or an area in need of rehabilitation under the Redevelopment Law, provided the developer of any such project is required to execute a redevelopment agreement under the terms of a prevailing redevelopment plan. Any affordable housing obligation for a project undertaken in a designated redevelopment or rehabilitation area which is subject to a redevelopment agreement pursuant to the terms of a prevailing redevelopment plan will be determined through negotiations between the redevelopment entity and a designated redeveloper, and incorporated into the redevelopment agreement.”

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

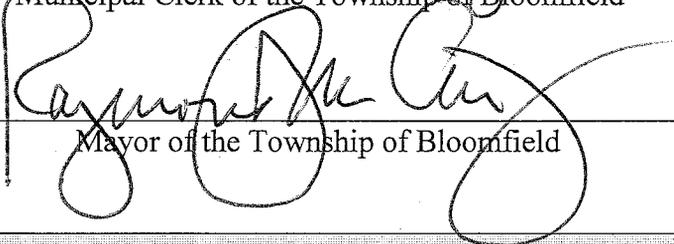
Section 4. This ordinance shall take effect in accordance with applicable law.

* . . . * . . . *

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1744						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						

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