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

WHEREAS, In 2008, the Township Council (the "Township Council") of the Township of Bloomfield (the "Township") adopted an 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 Round Three rules; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), the Township Council, after appropriate investigation and review by the Planning Board of the Township, has determined that certain areas within the Township constitute areas in need of redevelopment, and has adopted redevelopment plans governing the development of such areas; and

WHEREAS, the Township Council has determined, because of the unique financial challenges presented in connection with the development of areas deemed to qualify as areas in need of redevelopment, that it would be in the best interest of the Township to address certain matters, such as the construction of affordable housing in such areas, if any, in agreements to be entered into by and between the Township and designated redevelopers, rather than through the strict application of Chapter 112 of the Township Code thereto; and

WHEREAS, the Township Council desires to amend Chapter 112 of the Township Code to provide that it shall not apply to the development of projects in

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

Director of Law - Township Attorney

areas designated by the Township as areas in need of redevelopment under the Redevelopment Law.

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:

“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, this chapter shall not apply to development in any areas designated by the Township as areas in need of redevelopment under the Redevelopment Law. 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.”

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.

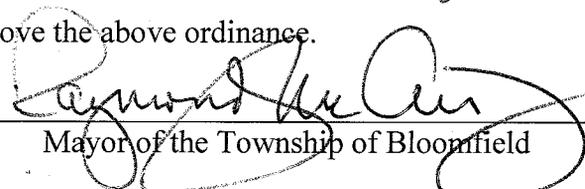
* * *

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 APRIL 18, 2011



 Municipal Clerk of the Township of Bloomfield

I hereby approve the above ordinance.



 Mayor of the Township of Bloomfield

ROLL CALL VOTE

MAYOR & COUNCIL	Y	N	ABSTAIN	ABSENT	Y	N	ABSTAIN	ABSENT
MALY	✓				✓			
JOANOW		✓			✓			
RUANE		✓			✓			
VENEZIA	✓				✓			
DUNIGAN	✓				✓			
HAMILTON	✓				✓			
McCARTHY	✓				✓			

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