

Introduced: 04/23/2019
Public Hearing: 05/14/2019
Adopted: 05/14/2019
Effective: 05/14/2019

TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
ORDINANCE NO 05-2019

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY TO AMEND THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE (2000) TO ESTABLISH A TOWNSHIP-WIDE AFFORDABLE HOUSING SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Township Committee of the Township of Tewksbury desires to create a realistic opportunity for the creation of affordable housing within the Township; and

WHEREAS, this ordinance is intended to provide assurances that very low, low and moderate income units (“affordable units”) are required when certain types of applications for development are approved; and

WHEREAS, this ordinance is intended to implement and be consistent with the New Jersey Fair Housing Act (N.J.S.A. 52:27B-310, et seq);

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. The Township of Tewksbury Development Regulations Ordinance (2000) is amended to add a new Subsection 28 entitled “Township-Wide Set-Aside Requirements,” said section to read as follows:

Subsection 28 Township-Wide Set-Aside Requirements.

- a. Any property in the Township of Tewksbury that receives Land Use Board approval, a zoning change, density variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, including the residential portion of a mixed-use project, which multi-family residential development will yield five (5) or more new dwelling units, shall provide a minimum affordable housing set-aside for occupancy by low or moderate income households of at least twenty (20%) percent of the residential units constructed, to the extent this is economically feasible, pursuant to N.J.S.A. 52:27D-329.9(a), whether the units will be for rent or for sale, as the Township is located within the jurisdiction of the Highlands Water Protection and Planning Council pursuant to N.J.S.A. 13:20-11.
- b. This requirement shall not apply to residential development on sites that are zoned for inclusionary residential development as part of the Township’s Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
- c. This requirement does not, and shall not be construed to, grant or entitle any property owner or developer the right to any development approval, rezoning, variance or other relief, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or

rehabilitation, nor does this requirement establish any obligation on the part of the Township of Tewksbury to grant any such development approval, rezoning, variance or other relief.

- d. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.
- e. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- f. Should it be determined that it is not economically feasible to provide a minimum affordable housing set-aside of twenty (20%) percent pursuant to N.J.S.A. 52:27D-329.9(a), whether the units will be for rent or for sale, then only in such an event, any property that benefits from a development approval, rezoning, variance or other relief, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, that results in multi-family residential development of five (5) dwelling units or more at a density of six (6) dwelling units or more per acre, shall provide a minimum affordable housing set-aside of twenty (20%) percent for affordable for-sale units and a set-aside rate of fifteen (15%) percent for affordable rental units.
- g. All affordable units created pursuant to this Section shall be governed by the provisions of Chapter 15.12 of the Code of Ordinances of Tewksbury Township, "Affordable Housing Program" where not inconsistent with the provisions of this ordinance.

Section 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED by the Tewksbury Township Committee that this ordinance shall take effect immediately upon publication following final passage and the filing of a copy hereof with the Hunterdon County Planning Board and the Highlands Council.

Attest:

William Voyce

Mayor

Jennifer Ader

Clerk

Copies of this ordinance can be obtained without cost by any member of the general public from the Township Clerk at the Police/Administration Building, 169 Old Turnpike Road, Tewksbury Township during normal business hours which are 8:30 am – 4:00 pm Monday through Friday, holidays excluded.