

TOWNSHIP OF BORDENTOWN

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE CASH-CONTRIBUTION REQUIREMENTS OF DEVELOPERS FOR AFFORDABLE HOUSING.

ORDINANCE NO. 2003- 17

WHEREAS, the Township Committee of the Township of Bordentown recognizes the need to update its affordable-housing ordinance to conform to the regulations of the Council On Affordable Housing (COAH) with respect to cash contributions by developers to the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that Section 25:606 of the Bordentown Township Land Development Ordinance is amended as follows (deletions are bracketed; amendments are underlined):

H. *PBD-R planned business development residential.*

1. *Principal permitted uses.*

- a. Uses consistent with those permitted in the HC-Highway Commercial District on development tracks abutting the Rt. 130 right-of-way.
- b. Uses consistent with those permitted in the REO District.
- c. Residential uses, Consistent with the types permitted in the A/T multi-family district subject to the design standards in this section and including a set-aside for affordable units of 15% of the units developed on site. Such affordable units shall be equally divided between low and moderate income units as those terms are defined from time to time under N.J.A.C. 5:91-1 et seq. and 5:93-1 et seq. In lieu of constructing affordable units on site, the developer may make a cash contribution [equal to \$10,000] in an amount equal to the maximum amount permitted under current COAH regulations for each affordable unit otherwise to be developed on site. Such payment shall be made upon the developer's receipt of a certificate of occupancy for the unit otherwise to be built as an affordable unit under the phasing requirements in N.J.A.C. 5:93-1 et seq.

2. *Accessory uses.* As permitted in the respective districts noted above.

3. *Conditional uses.*

- a. Residential units, in addition to those above consistent with the types permitted in the A/T District to a maximum of 195 units when utilizing residential

development credits transferred from elsewhere in the Township and including a set aside for affordable units of 15% of the units developed on site. Such affordable units shall be equally divided between low and moderate income units as those terms are defined, from time to time under N.J.A.C. 5:91-1 et seq. And 5:93-1 et seq. In lieu of constructing affordable units on site, the developer may make a cash contribution [equal to \$10,000] in an amount equal to the maximum amount permitted under current COAH regulations for each affordable unit otherwise to be developed on site. Such payment shall be made upon the developer's receipt of a certificate of occupancy for the unit otherwise to be built as an affordable unit under the phasing requirements in N.J.A.C. 5:93-1 et seq. For the purposes of this section, the PBD-R tract and the property from which residential credit are transferred shall be considered a non-contiguous planned development.

4. *Additional conditional uses.*

- a. Upon payment of a density bonus fee for each bonus residential unit, a maximum of 135 additional residential units of the types permitted above shall be permitted. The density bonus fee and its method of payment shall be in accordance with the provisions of the Order of Compliance and Judgment of Repose entered by the Court resolving the litigation of cases titled E'Town Properties v. Township of Bordentown, et al., and Bordentown Development Company v. Township of Bordentown, et al., with Docket Numbers BUR-L-975-97; 1281-97; 1113-98; 1296-98; and 2583-98. The magnitude of the density bonus, up to the maximum of 135 additional units, shall be at the sole discretion of the developer.

5. *Inclusionary obligation.*

- a. Any and all residential development within the zone shall set aside 15% of all units as price-restricted units. Such affordable units shall be equally divided between low and moderate-income units and administered in accordance with Section 25:1100. In lieu of restricting the prices of units within the development, the developer may opt to make a cash contribution to the Township for the purposes of providing affordable housing [in the amount of \$20,000] in an amount equal to the maximum amount permitted under current COAH regulations per unit otherwise required to be price-restricted. Payments shall be made by the developer in four equal increments occurring prior to the issuance of the certificate of occupancy for homes totaling 25%, 50%, 75%, and 90% of the total number of homes that have received preliminary approval by the Planning Board of Bordentown Township.

George Chidley, Mayor

Colleen Eckert, Township Clerk