

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2017-10

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
CHAPTER 136 LAND DEVELOPMENT, ARTICLE IX AFFORDABLE HOUSING,
SECTION 71 AFFORDABLE HOUSING PROGRAMS.**

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford, in the County of Union, State of New Jersey, as follows:

SECTION 1. Section 136-71(B.) is repealed and replaced in its entirety as follows:

- B. Percentage of Mandatory Set-Asides for All Future Residential Developments.
- (1) If the Township or either the Township Zoning Board of Adjustment or Planning Board permits (or recommend the permission of) the construction of multi-family or single-family attached residential development that is an “approvable site” and a “developable site,” as defined at N.J.A.C. 5:93-1.3, the Township or the applicable Board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply beginning with the effective date of this Ordinance to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Zoning Board of Adjustment, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For any such development for which the Township’s land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Ordinance, this requirement shall only apply if the Township or the Township’s Land Use Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance. Nothing in this paragraph precludes the Township or the applicable Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

This section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

- (2) Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Minimum Percentage of Low- and Moderate-Income Units Completed	Maximum Percentage of Market-Rate Units Completed
0	25
10	25 + 1 Unit
75	75
100	90

(3) Fractional Units. If 15 or 20 percent of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.

(4) Integration Of Affordable Units. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market rate units.

(5) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall become effective upon final passage and publication according to law.

Introduced: July 18, 2017
Adopted: September 12, 2017

APPROVED:

Thomas H. Hannen, Jr., Chairman
Township Committee

ATTEST:

Tara Rowley, RMC
Township Clerk

RECORDED VOTE
Thomas H. Hannen, Jr.
Patrick F. Giblin
Ann Dooley
Andis Kalnins
Mary O’Connor

INTRODUCED
Aye
Aye
Aye
Aye
Aye

ADOPTED
Aye
Aye
Aye
Aye
Aye