

ORDINANCE NO. 2017-09

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX,
"ZONING," SECTION 20-11, "R-M RESIDENTIAL MULTIFAMILY,"
AND SECTION 20-20, "AFFORDABLE HOUSING," OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR,
COUNTY OF MERCER, STATE OF NEW JERSEY**

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at N.J.A.C. 5:93 and 5:91, concerning the substantive and procedural requirements for obtaining third round substantive certification of the Township Housing Element and Fair Share Plan; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mt. Laurel trial judges within the Superior Court; and

WHEREAS, on July 7, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the purpose of this Ordinance is to facilitate the provision of affordable housing units in the R-M Residential Multifamily zone to satisfy the Township fair share in accordance with the Township developed and approved Housing Element and Plan.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, that Chapter XX, "Zoning," Section 20-11, "R-M Residential Multifamily and Section 20-20 "Affordable Housing," of the Revised General Ordinances of the Township of East Windsor are hereby amended and supplemented as follows:

SECTION 1. Chapter XX, "Zoning," Section 20-20 "Affordable Housing," and "Subsection 20-20.01," "Definitions," is hereby amended and supplemented by adding a new definition;

20-20.01 AFFORDABLE UNIT: A housing unit proposed or created pursuant to the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301, et seq.) credited pursuant to N.J.A.C. 5:93 and/or funded through an affordable housing trust fund.

SECTION 2. Chapter XX, "Zoning," Section 20-11, "R-M Residential Multifamily," Subsection 20-11.4 "Bulk Area Requirements," is hereby amended and supplemented as follows:

20-11.4 Bulk and Area Requirements.

- a. Gross residential density shall not exceed 10 dwelling units per acre in multi-family developments.
- b. The gross residential density and developments which contain a mix of housing types shall be based on ten units per acre for multi-family dwellings other than attached dwellings, six units per acre for attached dwellings and five units per acre for detached dwellings.
- c. Gross residential density as defined in paragraphs 20-11.4(a) and 20-11(b) may be exceeded, as determined by the Township and at the sole discretion of the Township, where Affordable Units are provided as a component of a Township approved Master Plan Housing Element.
 1. Affordable Units shall be constructed to be consistent in architectural appearance to all other non-affordable units on site.
 2. Any site plan approval granted to a property owner within the Residential Multi-Family Zone District which includes Affordable Units pursuant to the provisions of this chapter shall include provisions that shall permit the property owner to elect which units on site shall be designated as Affordable Units. If the site plan approval for Affordable Units is an amended site plan for premises already approved and developed as non-affordable units, the property owner, at the property owner's election, may designate the existing units or the newly approved units as Affordable Units.
- d. See the Schedule of District Regulations of this chapter.

SECTION 3. All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause if this Ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. This Ordinance shall take effect twenty (20) days after the final adoption, publication and the filing of this Ordinance with the Mercer County Planning Board, all in accordance with law.

ATTEST:



KELLY LETTERA
Acting Municipal Clerk



JANICE S. MIRONOV
Mayor

Introduced: April 18, 2017

Adopted: May 2, 2017

Effective: May 25, 2017