

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 20-17

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,
COUNTY OF BERGEN, AND STATE OF NEW JERSEY,
AMENDING CHAPTER 540, ENTITLED "LAND
DEVELOPMENT" AMENDING THE TOWNSHIP'S
MANDATORY AFFORDABLE HOUSING SET-ASIDE
REQUIREMENT ON NEW MULTI-FAMILY RESIDENTIAL
DEVELOPMENT**

WHEREAS, the Washington Township Planning Board adopted the Washington Township Housing Element and Fair Share Plan on July 26, 2017; and

WHEREAS, the Township Council of the Township of Washington endorsed the Washington Township Housing Element and Fair Share Plan on August 7, 2017; and

WHEREAS, pursuant to Township's settlement with the Fair Share Housing Center and the adopted Housing Plan Element and Fair Share Plan, the Township of Washington adopted a mandatory affordable housing set aside requirement for all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density of the site, a rezoning permitting multi-family residential housing where none are permitted or new or amended redevelopment plan; and

WHEREAS, pursuant to the recommendation of the Court-appointed Planning Master assigned to the Township's case, the Township wishes to amend its Mandatory Affordable Housing Set Aside ordinance to clarify that this requirement does not give any developer the right to any rezoning, variance or other relief, or establish an obligation on the part of Washington Township to grant such rezoning, variance or other relief.

NOW, THEREFORE, BE IT ORDAINED by the Township of Washington, County of Bergen, State of New Jersey as follows:

SECTION 1. Chapter 540, of the Township Code is hereby amended to add a new Section 120 in in Article XXII, Mandatory Affordable Housing Set-Aside, as follows (New language is shown in bold/underline text):

Article XXII, Mandatory Affordable Housing Set-Aside

§540-108 Purpose.

Unless otherwise required by existing zoning or an adopted redevelopment plan, all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance

increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new or revised redevelopment plan shall be required to provide an affordable housing set-aside as follows:

- (1) Required affordable housing units shall be equal to 20% of the number of housing units proposed in the application for units offered for sale.
- (2) Required affordable housing units shall be equal to 15% of the number of housing units proposed in the application for units offered for rent.

§540-119 Providing affordable housing units.

Affordable housing units may be provided on-site or off-site within the Township and are subject to the provisions of the Township's Affordable Housing Ordinance.

§540-120 Rights to rezoning, variance or other relief.

This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Washington Township to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

SECTION 2. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 3. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.


SECTION 4. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

ATTEST:

APPROVED:
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WASHINGTON


Susan Witkowski,
Township Clerk



Stacey Feeney
Council President

Introduction Date: November 9, 2020

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Cascio	Cascio	Cascio				X	
Cumming	Cumming	Cumming	X				
DeSena	DeSena	DeSena		X			
Feeney	Feeney	Feeney	X				
Morgan	Morgan	Morgan	X				

ATTEST:

APPROVED:
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WASHINGTON


Susan Witkowski,
Township Clerk


Stacey Feeney
Council President

Adoption Date: December 21, 2020

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Cascio	Cascio	Cascio	X				
Cumming	Cumming	Cumming	X				
DeSena	DeSena	DeSena	X				
Feeney	Feeney	Feeney	X				
Morgan	Morgan	Morgan	X				