

TOWNSHIP OF HAINESPORT

ORDINANCE NO. 2024-2

AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT AMENDING CHAPTER 44 OF THE CODE OF THE TOWNSHIP OF HAINESPORT ENTITLED “AFFORDABLE HOUSING” TO ESTABLISH A MANDATORY SET-ASIDE PROVISION

WHEREAS, the Township of Hainesport wishes to amend certain provisions of Chapter 44 of the Code of the Township of Hainesport entitled “Affordable Housing” to facilitate the production of low and moderate housing pursuant to Third Round Affordable Housing proceedings in the Law Division of the Superior Court captioned: In the Application of the Township of Hainesport, a Municipal Corporation of the State of New Jersey, Docket No. BUR-L-000392-23 (Mount Laurel); and

WHEREAS, the purpose of this Ordinance is to accomplish the foregoing.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey that Chapter 44 of the Code of the Township of Hainesport entitled “Affordable Housing” be amended, modified and supplemented as follows:

SECTION I.

NEW SECTION. Section 44-35 “Affordable Housing” is hereby added:

Section 44-35. Mandatory Affordable Housing Set-Aside in Future Rezonings or the Grant of Variances Authorizing Multi-Family Housing.

- a. Pursuant to the Township’s obligations in its Third Round affordable housing proceedings captioned: In the Application of the Township of Hainesport, a Municipal Corporation of the State of New Jersey, Docket No. BUR-L-000392-23 (Mount Laurel), if the Township or its Joint Land Use Board permit, either through (1) future rezonings or the grant of variances, (2) multi-family or single family attached development that is “approvable” and “developable” as defined in N.J.A.C. 5:93-1, et seq. at a gross density of six (6) units to the acre or more, or (3) permits an increase in the already permitted density of a multi-family or single

family attached zone or development resulting in five (5) or more net new dwelling units on the property, the Township and/or its Land Use Board shall require that an appropriate percentage of the residential units shall be set-aside for low and moderate income households in accordance with N.J.A.C. 5:93-1, *et seq.* This requirement shall apply 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 net new residential units, whether permitted by a zoning amendment, a variance granted by the Township's Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Nothing herein precludes the Township from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to the provisions hereof consistent with N.J.S.A. 52:27D-311(h) and other applicable law. Consistent with N.J.A.C. 5:93-1, *et seq.*, for inclusionary projects in which low and moderate income units are to be offered for "sale", the appropriate set-aside percentage is twenty percent (20%); for inclusionary projects for which the low and moderate income units are to be offered for "rent", the appropriate set-aside percentage is fifteen percent (15%). 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 requirement does not apply to any sites or specific zones otherwise identified in judicially approved Settlement Agreements under Docket No. BUR-L-000392-23 (Mount Laurel) or the Township's judicially approved Third Round Housing Element and Fair Share Plan (collectively "Compliance Plan"), for which density and set-aside standards shall be governed by the specific standards set forth therein. A property shall not be permitted to be subdivided so as to avoid meeting the above affordable housing requirement.

SECTION II. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION III. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law and the filing of same with the Burlington County Planning Board pursuant to N.J.S.A. 40:55D-16.

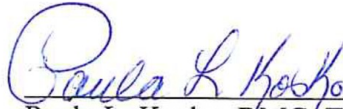
NOTICE OF PUBLIC HEARING

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2024-2**

**AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT AMENDING CHAPTER 44
OF THE CODE OF THE TOWNSHIP OF HAINESPORT ENTITLED “AFFORDABLE
HOUSING” TO ESTABLISH A MANDATORY SET-ASIDE PROVISION**

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on January 30, 2024. It will be further considered for passage after a public hearing at the regular meeting to be held on February 13, 2024 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 6:30 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: January 30, 2024



Paula L. Kosko, RMC, Township Clerk
Township Administrator

	Motion	Second	Yes	No	Abstain	Absent
Evans			X			
Montgomery	X		X			
Clauss						X
Tordy		X	X			
Gilmore			X			

NOTICE OF FINAL PASSAGE

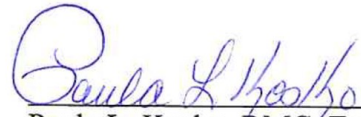
**HAINESPORT TOWNSHIP
ORDINANCE NO. 2024-2**

**AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT AMENDING CHAPTER 44
OF THE CODE OF THE TOWNSHIP OF HAINESPORT ENTITLED "AFFORDABLE
HOUSING" TO ESTABLISH A MANDATORY SET-ASIDE PROVISION**

Notice is hereby given that Ordinance No. 2024-2 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on February 13, 2024. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: February 13, 2024




Paula L. Kosko, RMC, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: Feb 13, 2024



LEILA GILMORE
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Evans			X			
Montgomery						X
Clauss	X		X			
Tordy		X	X			
Gilmore			X			

Introduced: January 30, 2024
First Publication: February 4, 2024
Adoption: February 13, 2024
Final Publication: February 18, 2024