

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION,  
STATE OF NEW JERSEY

ORDINANCE: O-2026-02-R

ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, STATE OF NEW  
JERSEY, AMENDING SECTION 184-119K OF THE BOROUGH CODE  
TO CHANGE THE REQUIRED AFFORDABLE SET-ASIDE IN THE COMMERCIAL CORRIDOR  
(CC) DISTRICT

**Amendment to Zoning Ordinance Section 184-119K**

Intent and purpose. It is the intent and purpose of this Zoning Ordinance Amendment to increase the minimum requirement of affordable housing rental units within the Commercial Corridor District within the Borough and to satisfy a portion of Fanwood's Round 4 unmet need affordable housing obligation.

Note: Language that is strikethrough is proposed to be removed, and language that is bolded and underlined is proposed to be added.

- K. South Avenue Affordable Housing Overlay District. Within each of the Commercial Corridor Districts (CC-E, CC-C, and CC-W), the development of new mixed-use buildings (residential over commercial) with residential on the second or third floors or the conversion of existing buildings into mixed-use buildings with residential on the second or third floors, or any multifamily residential development will be permitted so long as the following conditions are met:
- (1) A minimum of ~~15%~~ **20%** of all residential units must be affordable units, regardless of whether the affordable units are rental or for-sale units.
  - (2) At least 50% of the affordable units shall be low-income units; if only one affordable unit is created in a project, the unit shall be a low-income unit.
  - (3) The units designated as low- or moderate-income units may be rented or sold only to low- or moderate-income households at the time of the initial occupancy.
  - (4) All applicable bulk requirements for development shall be met, including relevant coverage standards and parking.
  - (5) Building height shall be limited to three stories in the CC-W and CC-E Districts. Building height shall be limited to 3.5 stories in the CC-C District.
  - (6) The ground floor of the building shall contain only nonresidential uses in the CC-C District.
  - (7) The units must be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.

- (8) Affordability controls shall be maintained for a minimum of 30 years.
- (9) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority.
- (10) All affordable units shall be subject to the provisions of the Borough's Affordable Housing Ordinance.[1]

[1] Editor's Note: See Ch. 105, Affordable Housing.

### **Repealer**

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

### **Severability**

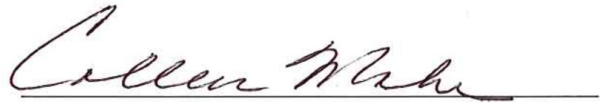
If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

### **Effective Date**

This ordinance shall take effect upon its passage and publication, as required by law.

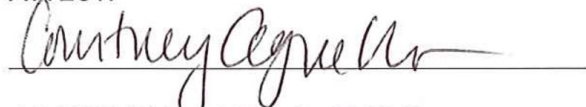
Introduced: February 17, 2026

Adopted: March 2, 2026



COLLEEN MAHR, MAYOR

ATTEST:



COURTNEY AGNELLO, CLERK

O-2025-02-R

<b>INTRODUCTION DATE:</b>	February 17, 2026	<b>ADOPTION DATE:</b>	March 2, 2026
<b>MOTION:</b>	Anthony Carter	<b>MOTION:</b>	Gina Berry
<b>SECOND:</b>	Jeffrey Banks	<b>SECOND:</b>	Erin McElroy Barker
<b>YES:</b>	Gina Berry, Jeffrey Banks, Anthony Carter, Erin McElroy Barker, Katherine Mitchell, Patricia Walsh	<b>YES:</b>	Gina Berry, Erin McElroy Barker, Katherine Mitchell, Patricia Walsh
<b>NO:</b>	None	<b>NO:</b>	None
<b>ABSTAIN:</b>	None	<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None	<b>ABSENT:</b>	Jeffrey Banks, Anthony Carter
<b>PUBLISHED:</b>	February 19, 2026	<b>PUBLISHED:</b>	March 5, 2026