

BOROUGH OF GLEN ROCK
ORDINANCE # 1835

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN

**AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED “1978 ZONING
ORDINANCE” OF THE OF THE BOROUGH OF GLEN ROCK TO
ESTABLISH MANDATORY AFFORDABLE HOUSING SET-ASIDE
REQUIREMENTS**

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Glen Rock, County of Bergen, State of New Jersey, that amendments set forth below are made to the “1978 Zoning Ordinance” of the Borough of Glen Rock, Chapter 230 entitled “Zoning.”

Section 1. Add a new Section 230-139 entitled “Mandatory Set-Aside Ordinance” which shall include the following provisions:

§230-139. Affordable housing set-aside requirements.

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of twenty percent (20%) for affordable for-sale and fifteen percent (15%) if rental affordable units are created. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory Set-Aside Requirement.
 - (1) Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.
 - (2) For inclusionary projects for sale, or offered for rent, the minimum set-aside percentage shall be twenty (20%) percent for affordable ownership unit, fifteen (15%) if affordable rental units are created. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.

- (3) Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- (4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
- (6) If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated September 25, 2019, or the Municipality's 2019 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
- (7) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more.
- (8) 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 increase in the number of dwelling units is five (5) or greater.
- (9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (10) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXVI, Chapter 230-127 of the Zoning Ordinance of the Borough of Glen Rock and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Glen Rock, the provisions hereof shall be determined

to govern. All other parts, portions and provisions of the Code of the Borough of Glen Rock are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Glen Rock for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.

ATTEST:

APPROVED:
BOROUGH OF GLEN ROCK

Jacqueline Scalia, Borough Clerk

Kristine Morieko, Mayor

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN, STATE OF NEW JERSEY

Ordinance Procedure: # 1835
Date of Final Reading: December 9, 2020
Date of Introduction: November 9, 2020

Resolution No.: 268-20
Introduced by Council Member Unzaga
Seconded by Council Member Kreibich

**AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING
ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO ESTABLISH
MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS**

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member Martin - yes	Council Member Kreibich - yes
Council Member Barchetto - absent	Council Member Gilbreath - yes
Council Member Dill - yes	Council Member Unzaga - yes

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 9th day of December, 2020.

Jacqueline Scalia, Borough Clerk