

CITY OF PASSAIC
ORDINANCE NO. 2436-24

ORDINANCE AMENDING CHAPTER 317, "ZONING", ARTICLE VIII "SITE PLAN APPROVAL", ADDING SECTION 317-30 "AFFORDABLE HOUSING MANDATORY SET-ASIDE"

WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the City Code of the City of Passaic, Chapter 317, "Zoning," Article VIII "Site Plan Approval" adding Section 317-30 "Affordable Housing Mandatory Set-Aside" setting forth that any site of a multifamily residential or mixed use development of five (5) residential dwelling units or more that receives a site plan approval by the City of Passaic Planning Board or Zoning Board of Adjustment will produce affordable housing units at a set-aside rate of 20% of for sale units and 15% for rental units; and

WHEREAS, Mayor Hector C. Lora wishes to amend the zoning ordinance for the creation of additional affordable housing opportunities in all multifamily developments of five (5) dwelling units or more; and

WHEREAS, the lack of affordable units throughout the nation has led to the displacement of many families; and

WHEREAS, Mayor Hector C. Lora wishes to address the growing need for affordable units within the City; and

WHEREAS, expanded housing options improve quality of life day to day and increases accessibility for economic opportunities; and

WHEREAS, the Planning Board has transmitted its report of recommendations regarding the zoning ordinance amendments to the Governing Body pursuant to N.J.S.A. 40:55D-26; and

NOW THEREFORE, IT IS ORDAINED that the City Council of the City of Passaic hereby accepts the ordinance amendment below for Chapter 317, "Zoning," Article VIII "Site Plan Approval" adding Section 317-30 "Affordable Housing Mandatory Set-Aside" is hereby amended as follows:

SECTION 1

317-30 Affordable Housing Mandatory Set-Aside.

- A. This section is intended to ensure that any property that benefits from a site plan approval by the City of Passaic Planning Board or Zoning Board of Adjustment that results in a multifamily residential or mixed use development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty percent (20%) for affordable for-sale units and at a set-aside rate of fifteen percent (15%) for affordable rental units.
- B. Mandatory Set-Aside Requirements:
 - (1) Any multifamily or single family attached residential development, including the residential portion of a mixed-use project, that is approved to contain five (5) or more new dwelling units as a result of a site plan approval by the City of Passaic Planning Board or Zoning Board of Adjustment shall be required to set aside twenty percent (20%) of for-sale units and fifteen percent (15%) for projects in which the low and moderate income units are to be offered for rent. Where a set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
 - (2) In the event that there is more than one affordable unit, the developer shall provide a mix of bedroom unit types among the affordable units in conjunction with the following bedroom distribution:

- a) No more than 20% of affordable dwelling units within one building shall consist of one-bedroom units and studios;
 - b) At least 30% of all affordable dwelling units are two-bedroom units;
 - c) At least 20% of all affordable dwelling units are three-bedroom units unless the market rate component of the project does not include three bedroom units; and
 - d) The remainder of the affordable dwelling units, if any, may be allocated at the discretion of the applicant
- (3) The maximum income limits for the affordable units are as established annually by the U.S. Department of Housing and Urban Development (HUD).
 - (4) The Maximum rental limits are as established annually by the U.S. Department of Housing and Urban Development (HUD).
 - (5) A 20 year deed restriction must be placed on each affordable unit
 - (6) This section does not apply to developments containing four (4) dwelling units or less.
 - (7) This section does not apply to any sites for which standards have been established by an adopted redevelopment plan.
 - (8) Applicants can receive up to a 20% density bonus for affordable units created above the mandatory minimum established by this section
 - (9) 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 in an area in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
 - (10) All site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

INTRODUCED BY COUNCILPERSON: Maritza Colon-Montanez

SECONDED BY COUNCILPERSON: Thania Melo

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
COLON-MONTANEZ, M.	x			
GARCIA, J.	x			
MELO, T.	x			
LOVE, T.	x			
MUNK, C.	x			
SCHAER, G.	x			
SCHWARTZ, D	x			

Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on **February 20, 2024**

Adopted on the second and final reading after the hearing on **March 19, 2024**.

APPROVED: Hector C. Lora Date 3/22/2024
 Hector C. Lora, Mayor

Gary S. Schaer, Council President



Weatherly Frias, Deputy City Clerk

