

ORDINANCE NO. 05-2024

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 30 OF THE
LAND DEVELOPMENT ORDINANCES OF THE
BOROUGH OF ROSELAND, SECTION 30-1101 ENTITLED
“AFFORDABLE HOUSING MANDATORY SET-ASIDE”

WHEREAS, Section 30-1101 of the Land Development Ordinances of the Borough of Roseland entitled “Affordable Housing Mandatory Set-Aside” currently requires a set aside rate of 15% for rental affordable units; and

WHEREAS, Mayor and Council of the Borough of Roseland to increase the mandatory set aside rate for rental affordable units to 20%;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Subsection 2-24.4 of the Revised General Ordinances of the Borough of Roseland entitled “The Appropriate Authority and the Police Committee” shall be amended to read as follows:

SECTION I

That Section 30-1101 entitled “Affordable Housing Mandatory Set-Aside” shall be amended by adding the following **thus** and deleting the following **thus**:

§ 30-1101 **AFFORDABLE HOUSING MANDATORY SET-ASIDE.**

30-1101.1 **Purpose and Scope.**

- a. This Section **30-1101** amends the Borough's land use ordinances by establishing regulations to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough, the Borough's Planning Board, or the Borough's Zoning Board of Adjustment that results in multifamily residential development of five dwelling units or more produces affordable housing at a set-aside rate of 20% for for-sale affordable units and at a set-aside rate of ~~15%~~ **20%** for rental affordable units, in accordance with the Borough's Third Round Housing Element and Fair Share Plan, consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center ("FSHC") regarding compliance with the Borough's affordable housing obligations. This Section **30-1101** will not apply to the Borough's B-1 Business District Overlay Zone, as said zone already has affordable housing set-aside requirements.

30-1101.2 Affordable Housing Mandatory Set-Aside Requirement.

- a. If the Borough or the Borough's Planning Board or Zoning Board of Adjustment permits the construction of multifamily or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough's Planning Board or Zoning Board shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households.
- b. This requirement shall apply beginning with the effective date the Ordinance creating this section was adopted to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Planning Board or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.
- c. For any such development for which the Borough's land use ordinances (e.g., zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date the ordinance creating this section was adopted, this requirement shall only apply if the Borough, the Borough's Planning Board, or the Borough's Zoning Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date the ordinance creating this section was adopted.
- d. Nothing in this section precludes the Borough, the Borough's Planning Board, or the Borough's Zoning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For all inclusionary projects, the appropriate set-aside percentage will be 20% for all for-sale projects and ~~15%~~ 20% for all rental projects.
- f. 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.
- g. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with FSHC, which was executed by the Borough on November 7, 2019, or in the Borough's 2020 Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein. As such, this section will not apply to the Borough's B-1 Business District Overlay Zone, as said zone already has affordable housing set-aside requirements.
- h. Furthermore, this section shall not apply to developments containing four or less dwelling units.
- i. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- j. 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 number of dwelling units is five or more.

- k. All inclusionary projects created under this section must comply with the affordable housing requirements in § 30-1102 through § 30-1122.

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 inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: March 19, 2024

Motion to Introduce by: Councilwoman Perrotti

Motion Seconded by: Councilman Bardi

Introduction Approved: 5-0 Voice Vote (Trillo absent)

DATE OF ADOPTION: April 23, 2024

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi	X		X				
Councilman Biront			X				
Councilwoman Fishman							X
Councilman Goldstein							X
Councilwoman Perrotti		X	X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			4	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 23rd day of April, 2024.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: May 2, 2024, The Progress

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