

ORDINANCE #2023-10

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON
AND STATE OF NEW JERSEY AMENDING SECTION 27, “DEVELOPMENT
FEES FOR AFFORDABLE HOUSING” OF CHAPTER 30, “LAND USE” OF THE
CODE OF THE TOWNSHIP OF UNION TO ADDRESS THE REQUIREMENTS
OF THE NJ SUPERIOR COURT**

Section I. Section 30-27, “Residential Development Fees” of Chapter 30, “Land Use” is hereby amended to read as follows (additions are shown as thus; deletions are shown as ~~thus~~);

§30-27.4 Residential Development Fees.

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- b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development
 - 1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - 2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - 3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
 - 4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. This shall include but is not limited to converting unfinished space to livable space (such as finished basements or enclosing a porch). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - 5. **Structures, such as but not limited to decks, patios, and sheds, which are 400 square feet or less in size shall be exempt from paying a development fee.**

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 All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III. 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.

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

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, held on August 16, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of the municipal building, 140 Perryville Road Hampton, New Jersey 08827 on September 20, 2023 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Ella M. Ruta, RMC, Municipal Clerk