

**ORDINANCE 2006-52**

**AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH TO REVISE THE AFFORDABLE HOUSING DEVELOPMENT FEE REQUIREMENTS**

**BE IT ORDAINED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

**Section 1:** Chapter 188 (Development Regulations), Section 139 (affordable Housing Development Fees) of the Hillsborough Municipal Code shall be amended as follows:

188.139 Development Fees

A. Development.

(1) Residential Development.

(a) Where the required affordable housing under the Round 3 growth share requirements can not be built by the developer of a residential development on any property located in the nonresidential zones in the Township, including that which occurs in the HOO, O2, O5, ED, OLC, C1, I1, I2, I3, GI, M, Q, PR and OS-CL Zone Districts, the developer shall pay a fee of 1% of the equalized assessed value.

(2) Non residential Development.

(a) Where the required affordable housing under the Round 3 growth share requirements can not be built by the developer of a nonresidential development on any property located in the nonresidential zones in the Township, including that which occurs in the HOO, O2, O5, ED, OLC, C1, I1, I2, I3, GI, M, Q, PR and OS-CL Zone Districts, the developer shall pay a fee of 2% of the equalized assessed value.

B. Eligible exactions, ineligible exactions and exemptions.

(1) All residential development within an inclusionary development shall be exempt from paying development fees.

- (2) All development that has been determined to be at a location where growth share requirements apply shall be exempt from paying development fees.
- (3) All development that has received preliminary or final approval prior to the effective date of the original ordinance establishing development fees, which has been determined to be December 18, 2002, shall be exempt from paying development fees.

C-H....To remain as presently exists.

**Section 2:** This ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

\_\_\_\_\_  
Kevin P. Davis, RMC, Township Clerk

\_\_\_\_\_  
Carl Suraci, Mayor

*Introduced:* 11/28/06  
*Published:* 12/7/06  
*Public Hearing:* 12/19/06  
*Adoption:* 12/19/06  
*Published:* 12/28/06