

## **ORDINANCE 2005-10**

**AN ORDINANCE AMENDING SECTION 188 (LAND USE, AND DEVELOPMENT) SECTION 139 (DEVELOPMENT FEES) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.**

**WHEREAS**, The Township of Hillsborough has received a Judgment of Repose with respect to it's affordable housing obligations as a result of the settlement of litigation; and

**WHEREAS**, the Township of Hillsborough subsequently adopted a Housing Element and Fair Share Plan on August 1, 2002 reflecting the terms of the Judgment of Repose and associated settlement agreements; and

**WHEREAS**, the Township of Hillsborough adopted an Affordable Housing Ordinance containing the implementation for the Housing Element and Fair Share Plan on December 18, 2002; and

**WHEREAS**, the Township of Hillsborough sent the appropriate documentation to the New Jersey Council on Affordable Housing (COAH) which reviewed these documents and approved the Development Fees Ordinance for the Township of Hillsborough; and

**WHEREAS**, COAH subsequently revised the rules and regulations governing affordable housing to provide for an increase in the amount of development fees that can be charged under Round 3 of the affordable housing rules; and

**WHEREAS**, the Township of Hillsborough desires to amend the development fees to comply with the new COAH requirements.

**NOW, THEREFORE, 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, Section 139 of the Municipal Code of the Township of Hillsborough shall be amended as follows:

188-139. Development fees

A. Development.

- (1) Residential development.
- (a) All residential development within the Township including that which occurs in the MZ, RA, AG, RS, R, R1, CR, AH, RCA, TC and PD residential zoning districts shall pay a fee of ~~.05%~~ 1% of the equalized assessed value, provided that the residential development is not exempt from the collection of development fees in accordance with the provisions specified in Subsection B of this section hereinbelow. Residential development, which may occur in any nonresidential zoning district (by way of example only and not limitation: as a result of zoning variance) is specifically included within these development fee provisions. This Subsection A(1)(a) applies provided there is no increase in density permitted.
- (2) Nonresidential development. Nonresidential development fees shall be ~~1%~~ 2% of the equalized assessed value for nonresidential development.

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

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

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Kevin P. Davis, RMC, Township Clerk   Robert C. Wagner, Mayor

***Introduced:***

***Published:***

***Public Hearing:***

***Adopted:***

***Published:***