

BOROUGH OF KENILWORTH

ORDINANCE NO. 2016-07

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 'LAND USE ORDINANCE' OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY ENTITLED LAND DEVELOPMENT

Article 23 Zone District Regulations

§ 225 - 339 Affordable Housing Overlay Zone

A. PURPOSE

The purpose of this zone district is to provide a realistic opportunity for the construction of low and moderate income housing as land becomes available for development and redevelopment in the Borough of Kenilworth, thereby addressing some of the constitutional housing obligations of the Borough under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing ("COAH"), N.J.A.C. 5:94, and the Mount Laurel doctrine.


B. SCOPE OF APPLICABILITY

This overlay zone shall apply to all of the land area, excluding lands in Zone Districts G, P, CE, and CS, of the Borough of Kenilworth.

C. LOW AND MODERATE INCOME HOUSING REQUIREMENTS

Neither the Planning Board, nor the Board of Adjustment, nor the Borough Council on an appeal of a final decision of the Board of Adjustment, nor the Borough Council in adopting and implementing a redevelopment plan shall approve a development application in any zone district or area in need of redevelopment or rehabilitation for a residential development or a mixed use development with four (4) or more dwelling units, unless twenty (20%) percent of the total number of dwelling units developed at the same site of the development application are set-aside and sold or rented to low and moderate income households, as defined by COAH in accordance with applicable COAH rules, currently codified at N.J.A.C. 5:94, as may be amended from time to time. Alternatively, at the discretion of the approving agency, up to fifty (50%) percent of the required number of affordable units may be developed off site, according to a schedule and strategy acceptable to the approving agency. All fractional obligations shall be rounded to the closest whole number. Any deviation from these requirements shall be at the sole discretion of the approving agency.


Anthony DeLuca, Jr., Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				KAY CECERI		✓	✓			
✓		✓				LAWRENCE CLEMENTI	✓		✓			
					✓	PETER CORVELLI			✓			
		✓				GERRY LAUDATI			✓			
		✓				NICHOLAS MASCARO						✓
		✓				SCOTT PENTZ			✓			
Introduced: July 13, 2016						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: September 28, 2016												
						 Laura Reinertsen, Borough Clerk						