

ORDINANCE 35-2015

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CERTAIN AFFORDABLE HOUSING PROVISIONS OF CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE"

STATEMENT OF PURPOSE: The purpose of this ordinance is to require a 20% minimum inclusionary affordable housing obligation, in all zoning districts, for all residential projects with five or more units, and a payment in lieu for any partial units. Due to the lack of available land within the Borough for stand-alone affordable housing projects, the Borough believes its commitment to affordable housing is best advanced by requiring inclusionary affordable housing development as set forth in this Ordinance, and by requiring all affordable housing units to remain affordable for a period of not less than 30 years.

WHEREAS, the Madison Borough Planning Board has reviewed the Land Development Ordinance of the Borough of Madison and recommends that the Borough Council consider amending and supplementing that Ordinance to require a 20% minimum inclusionary affordable housing obligation for all residential projects with five or more units, and a payment in lieu for any partial units consistent with the regulations of the New Jersey Council on Affordable Housing ("COAH") as now in effect or hereafter amended (the "COAH Regulations"); and

WHEREAS, the Planning Board recommends to the Borough Council the adoption of these amendments and supplements to the Land Development Ordinance and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full authorized membership of the governing body has been received in recognition of the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: Section 195-48 of Chapter 195 of the Madison Borough Code entitled "Affordable Housing Growth Share Requirements" shall be amended and supplemented to read as follows:

§195-48. Affordable Housing Inclusionary Development Requirements

A. Purpose. The purpose of this **§ 195-48** is to require all new developments to include a minimum 20% inclusionary set aside for affordable housing.

B. Applicability. The provisions of this **§ 195-48** shall apply to all new development activity in the Borough of Madison regardless of whether the development

requires approval by the Planning Board or Board of Adjustment, except as expressly exempted herein.

C. Exemptions. The provisions of this **§ 195-48** shall not apply to the following development activities:

(1) thru (6) No change.

(7) (New section added) Any redevelopment project which, prior to the date of this Ordinance:

(a) is being proposed by a redeveloper that has been designated by the Borough of Madison for such project; and

(b) the Redevelopment Agreement between the Borough of Madison and the designated redeveloper provides for a monetary contribution for affordable housing.

D. Residential development. All new residential developments in all zones, except as exempted above, shall be subject to the following affordable housing requirements:

(1) In the case of residential development in any zoning district involving the creation and/or development and/or addition of five or more market rate dwelling units and/or single-family building lots, at least twenty percent (20%) of all dwelling units and/or single family building lots must be an affordable housing unit. Any fractional affordable housing requirement may be addressed by a payment in lieu pursuant to **§ 195-48D(2)**. The required affordable housing unit(s) shall be constructed on-site, unless the Borough approves a proposal involving the provision of affordable housing elsewhere within the Borough of Madison. Construction of the affordable housing unit(s) shall be subject to the standards and requirements in **§ 195-48F**. Affordable housing units constructed as part of an inclusionary development under this section shall be subject to the affordable housing policies, procedures and administration provisions of **§ 195-47**.

(2) In the case of residential development involving the creation of fewer than five dwelling units and/or single-family building lots, the developer shall be required to make a payment in lieu of providing affordable housing, which shall be placed in the payment-in-lieu fund governed by **§ 195-48I**. The amount of the required payment shall be consistent with COAH Regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. The minimum payment amount shall be calculated based on \$182,750 multiplied by the fractional affordable housing requirement as calculated to two decimal points.

~~(3) The Planning Board may on application waive the requirement in **§ 195-**~~

~~48D(1)~~ for affordable housing to be provided on-site and authorize a payment in lieu pursuant to ~~§ 195-48D(2)~~. (This subsection (3) to be deleted).

(E) thru (I) No Change.

SECTION 2: **§ 195-47** of Chapter 195 of the Madison Borough Code entitled “Affordable housing policies, procedures and administration” shall be amended and supplemented to increase the length of affordability controls, as follows:

In subsections D, 0(1), P(2)(a)[1], and P(5)(a)[1], the words “20 years” shall be replaced by the words “30 years”.

SECTION 3: This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

SECTION 4: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED
May 27, 2015

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: May 11, 2015

Published, Madison Eagle: May 14, 2015

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