

ORDINANCE NO. 3509-19

AN ORDINANCE AMENDING CHAPTER 51, SECTION 59, ENTITLED "AFFORDABLE HOUSING REQUIREMENTS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 51, Section 59, entitled "Affordable housing requirements" of the Code of the Borough of Rutherford shall be amended and that those portions of the Ordinance set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

§ 51-59 Affordable housing requirements.

A. In order to provide the Borough of Rutherford's fair share of affordable housing, all developments within the Borough of Rutherford shall be governed by the following ratio requirements for the provision of affordable housing:

~~(1) Residential development requirements. All residential development proposing the creation of three or more new residential units in any zoning district shall be required to provide affordable housing at the ratio of at least one affordable unit for every five proposed new market rate units. If the application of this ratio results in less than a whole number, then the developer shall be required to contribute the fractional amount as a development fee, consistent with the Borough of Rutherford ordinance or as an additional affordable housing unit. For the purposes of this article, "residential development" shall include newly constructed market-rate residential units as well as new market-rate residential units created from the conversion of a nonresidential building to residential unit(s) requiring the issuance of a certificate of occupancy.~~

(1) Residential development requirements:

(a) All residential development proposing the creation of five (5) or more new residential units in any zoning district shall be required to provide affordable housing at the following ratio:

[1] For rental housing, at least fifteen (15%) percent of all units in the development shall be affordable units; and

[2] For "for sale" units, at least twenty (20%) of all units in the development shall be affordable units.

(b) If the application of either of the foregoing results in less than a whole number, then the developer shall be required to contribute the fractional amount as a development fee, consistent with the Borough of Rutherford ordinance or as an additional affordable housing unit. For the purposes of this article, "residential development" shall include newly constructed market-rate residential units as well as new market-rate residential units created from the conversion of a nonresidential building to residential unit(s) requiring the issuance of a certificate of occupancy.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Joseph DeSalvo Jr.

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held [on August 12, 2019](#).

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk