

LEGAL NOTICE

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MUNICIPAL ORDINANCES**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the following Ordinance was submitted in writing at a Meeting of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, held on **September 3, 2019** introduced and passed on first reading and the governing body will further consider the same for second reading and final passage thereof at a Meeting to be held on **October 1, 2019** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township at which time and place a Public Hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning same. A copy of this ordinance has been posted on the Bulletin Board in the Municipal Building. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

KHALED MADIN
Township Clerk

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2019:63

**AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED "ZONING" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS TO ESTABLISH MANDATORY
AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS**

INTERPRETIVE STATEMENT

This Ordinance amends the Township land use ordinances by establishing new regulations to ensure that any site that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Township or a Township land use board that results in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of 20% for for-sale and rental units; which regulations will be set forth in the Township Code in connection with the Township's Third Round Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center regarding compliance with the Township's affordable housing obligations.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that amendments set forth below are made to the Revised General Ordinances of the Township of Parsippany-Troy Hills, Chapter 430 entitled "Land Use and Development Regulations."

Section 1. Add a new Chapter XLXX titled “Mandatory Set-Aside Ordinance” and include the following:

§430-436 Affordable housing set-aside requirements.

- A. Purpose. This section is intended to ensure that any site that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Township or a Township land use board that results in in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of twenty percent (20%) for affordable for-sale and affordable rental units. This section shall apply except where inconsistent with applicable law.
- B. Mandatory Set-Aside Requirement.
- (1) Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved to contain five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Township or a Township land use board shall be required to set aside a minimum percentage of units for affordable housing.
 - (2) For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (20%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
 - (3) Nothing in this section precludes the Township or a Township land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
 - (4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

- (5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
- (6) If the Township's Settlement Agreement with Fair Share Housing Center ("FSHC") dated April 11, 2019, or the Township's 2019 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
- (7) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings by five (5) or more.
- (8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- (9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (10) All affordable units to be produced pursuant to this section shall comply with the Township's Affordable Housing Ordinance at Article XLXIX of the Township Code and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable order of the Court, including a Judgment of Compliance and Repose Order.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Parsippany-Troy Hills, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Parsippany-Troy Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Parsippany-Troy Hills for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.