

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE NO. 2011-10**

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER XVI,
LAND DEVELOPMENT ORDINANCE AND ORDINANCE NO.
2010-4, TOWNSHIP OF EDGEWATER PARK, BURLINGTON
COUNTY, NEW JERSEY

WHEREAS, the Township of Edgewater Park was engaged in litigation in the New Jersey Superior Court regarding zoning standards calling for a 6-acre minimum lot size, and it is evident that the 6-acre minimum is not appropriate and that revised zoning standards must be established, and;

WHEREAS, On August 3, 2011 a Fairness Hearing was held in Burlington County Superior Court for the case captioned In the Matter of the Application of the Township of Edgewater Park and the purpose of the Hearing was for the Court to determine whether Edgewater Park's third round declaratory judgment action should be dismissed with the Township being granted immunity and repose against exclusionary zoning challenges and builder's remedy suits until there are new third round rules established by regulation, statute or decision of a court with appropriate jurisdiction.

WHEREAS, On August 3, 2011 the case was dismissed without prejudice with the Township of Edgewater Park ordered to meet certain requirements.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey as follows:

SECTION 1: § 16-82.9 R-LD Residential, Low-Density District is hereby modified as follows:

§ 16-82.9.1 R-7 Residential, Low-Density District.

(e) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing ("COAH" regulations at N.J.A.C. 5:97 *et seq.* and the

Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

Both Tracts should be developed together as one inclusionary development with 20% of the total permitted units (87 total units) to be provided as affordable, non-senior units (17 affordable units). The phasing requirements as set forth in the Township's fair share ordinance shall pertain to both tracts so that they are treated as one. Specifically, before 25% + 1 of the total number of approved market rate units on both tracts are constructed, the developer must have completed as least 10% of the total affordable units, etc."

SECTION 2: § 16-82.21 R-8 Single-Family Residential District.

(D) Council on Affordable Housing

- (1) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing ("COAH" regulations at N.J.A.C. 5:97 *et seq.* and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

Both Tracts should be developed together as one inclusionary development with 20% of the total permitted units (87 total units) to be provided as affordable, non-senior units (17 affordable units). The phasing requirements as set forth in the Township's fair share ordinance shall pertain to both tracts so that they are treated as one. Specifically, before 25% + 1 of the total number of approved market rate units on both tracts are constructed, the developer must have completed as least 10% of the total affordable units, etc."

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on October 18, 2011. This ordinance will be consider for adoption of final reading and public hearing to be held on December 6, 2011, at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. 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 to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,
Municipal Clerk/Administrator