

**AN ORDINANCE OF THE TOWNSHIP OF DEPTFORD
IN GLOUCESTER COUNTY, NEW JERSEY,
REVISING AN AFFORDABLE HOUSING
SETASIDE IN RESIDENTIAL DISTRICTS OF THE
MUNICIPALITY IN ACCORDANCE WITH THE
THIRD ROUND RULES OF COAH**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in this State (*N.J.S.A. 52:27D-304(a)*); and

WHEREAS, the Township of Deptford desires to implement policies promulgated and adopted by COAH in its Third Round Substantive Rules, effective June 2, 2008, in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through the third housing cycle which extends from 2000 to 2018 pursuant to *N.J.A.C. 5:96 et seq.* and *N.J.A.C. 5:97 et seq.*;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Deptford, County of Gloucester, New Jersey, that:

Section 1. §8, the R-40 Low Density Residential District, is hereby amended to modify or add the following provisions:

§8.B.1.c. Affordable housing. A developer may set aside a minimum of fifteen percent (15%) of the total number of dwellings within any R-40 district to be affordable to low and moderate income households in accordance with §38, excepting congregate care housing and assisted living uses. As compensation, the developer may develop such housing on smaller lots utilizing single family semi-detached dwellings for such affordable unit and thereby gain additional lots for unsubsidized housing. Developers not utilizing such an option shall pay an affordable housing development impact fee in accordance with §38.1. Fractions of units shall be addressed through the provisions of §38.2.

Section 2. Continuation, All Ordinances. In all other respects the Deptford Township Code of Ordinances, as amended and supplemented, shall remain in full force and effect.

Section 3. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect twenty (20) days after final passage and publication pursuant to *N.J.S.A.* 40:69A-181 and notice to the Gloucester County Planning Board within thirty (30) days pursuant to *N.J.S.A.* 40:55D-15b.

TOWNSHIP OF DEPTFORD

PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The above Amended Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the 12th day of January, 2009 and will be taken up for final consideration and passage at the Regular Meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey, Gloucester County, on the 2nd day of February, 2009 at 7:00 P.M. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.

DINA L. ZAWADSKI, TOWNSHIP CLERK

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.1.09				
Medany						
Love						
DiMarco						
Hufnell						
Schocklin						
Scott						
Tenaglia						