

**BERNARDSVILLE BOROUGH
ORDINANCE 2016-#1731**

**AN ORDINANCE REGULATING AND ESTABLISHING STANDARDS FOR
AFFORDABLE HOUSING IN THE BOROUGH OF BERNARDSVILLE**

WHEREAS, Bernardsville is desirous of continuing to provide a realistic opportunity for the development of affordable housing,

WHEREAS, Bernardsville is in the process of preparing a new Housing Plan Element and Fair Share Plan,

WHEREAS, Bernardsville is presently working with the Somerset County Superior Court-Appointed Special Master to secure the judicial equivalent of substantive certification of a Housing Plan Element and Fair Share Plan,

WHEREAS, notwithstanding the above, it is prudent that Bernardsville provide affordable housing guidance, regulations and standards during this transition period to ensure that opportunities for affordable housing are not missed.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Borough of Bernardsville, County of Somerset, State of New Jersey, that Article 13 of the Borough Land Use Ordinance entitled "Affordable Housing" is hereby supplemented and amended as follows:

Section 1. Article 13 is amended to add Section 13-7:

Article 13-7 "Affordable Housing Set-Asides"

Any residential or mixed-use development, within the public sewer service area of the municipality, that produces five (5) or more housing units, shall be required to provide for affordable housing set-asides of at least 20 percent of the total housing units in "for-sale" developments and 15 percent of the total housing units in "rental" developments. When the application of the set-aside requirement results in a set-aside requirement that is not a whole number, the set-aside requirement shall be rounded up to the next whole number.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

/s/ _____
Sandra G. Jones, Borough Clerk

BY:/s/ _____
Kevin Sooy, Mayor

Introduction:

1st Publication:

Dates referred to Planning Board:

Response Received:

Public Hearing and Amendment:

Publication of Amendment:

Public Hearing and Adoption as Amended:

2nd Publication: