

**BOROUGH OF LEONIA
ORDINANCE # 2020-17**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 290 OF THE
GENERAL CODE OF THE BOROUGH OF LEONIA ENTITLED "ZONING"
TO CREATE A MANDATORY AFFORDABLE HOUSING SET-ASIDE.**

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter 290, Article XIII General Regulations, Section 2900-43 provisions applicable to all districts of the Code of the Borough of Leonia, "Zoning", be and is hereby supplemented to include a provision entitled "Mandatory Affordable Housing Set-aside" as follows:

290-43.2 Mandatory Affordable Housing Set-aside

- A. All multifamily residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, over and above that which is currently permitted, whether permitted by a zoning amendment, a use variance granted by the Zoning Board, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, shall require that an appropriate percentage of the residential units be set aside for very-low, low and moderate income households.
- B. 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 of five or more.
- C. For inclusionary projects in which the affordable units are to be offered for sale, the set-aside percentage should be 20 percent; for projects which the affordable units are to be offered for rent, the set-aside percentage should be 15 percent.
- D. The developer shall provide that half of the affordable units constructed be reserved for low-income households and that the remaining half be reserved for moderate-income households. At least 13 percent of all restricted units shall be very-low income units (affordable to a household earning 30 percent or less of median income). The very-low income units shall be counted as part of the required number of low-income units within the development.
- E. Subdivision and site plan approval shall be denied by the Board unless the developer complies with the requirements to provide very-low, low and moderate income housing pursuant to the provisions of this section. A property shall not be

permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.

F. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of redevelopment plan or amended redevelopment plan in area in need of redevelopment or rehabilitation or for approval of any particular proposed project.

G. In the event that the inclusionary set-aside percentage (15% or 20%) of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

Section 2.

All other provisions of Chapter 290, "Zoning" of the Code of the Borough of Leonia are hereby ratified and confirmed.


Section 3. Severability

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Effect

This Ordinance will take effect upon publication as required by law.

	Motion	Second	Yes	No	Abstain	Absent
Fusco			✓			
Davis	✓		✓			
Flaim			✓			
Grandelis			✓			
Terrell		✓	✓			
Ziegler			✓			
Mayor Zeigler	---	---				



 Judah Zeigler, Mayor

ATTEST:


 Anne Dodd, RMC
 Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-17 adopted by the Governing Body of the Borough of Leonia on July 20, 2020.



Anne Dodd, RMC
Borough Clerk