

**BOROUGH OF SADDLE RIVER  
BERGEN COUNTY, NEW JERSEY**

**ORDINANCE NO. 19-964-C**

**AN ORDINANCE ADDING SECTION 65-17 TO THE SADDLE RIVER  
BOROUGH CODE, WHICH WILL BE ENTITLED “AFFORDABLE  
HOUSING MANDATORY SET-ASIDE”**

**INTERPRETIVE STATEMENT**

This Ordinance amends the Borough land use ordinances by establishing new regulations to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or a Borough land use board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of 20% for for-sale units and 15% for rental units; as will be set forth in the Borough Code in connection with the Borough’s Third Round Housing Element and Fair Share Plan

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Saddle River, County of Bergen, State of New Jersey, as follows:

**Section 1.** Chapter 65-Article-17 of the Code of the Borough of Saddle River Entitled “Affordable Housing Mandatory Set-Aside” is hereby created and established to read as follows:

**§65-17. Affordable housing mandatory set-aside.**

- a. Purpose. This Ordinance is intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or a Borough land use Board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty percent (20%) for affordable for-sale units and at a set-aside rate of fifteen percent (15%) for affordable rental units. This Ordinance shall apply except where inconsistent with applicable law.
- b. Mandatory Set-Aside Requirement.
  1. If the Borough or a Borough land use board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the reviewing Borough land use board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
  2. This requirement shall apply beginning with the effective date of this Ordinance to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the reviewing Borough land use board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.


3. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Ordinance, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance.
4. Nothing in this section precludes the Borough or the reviewing Borough 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.
5. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is twenty percent (20%); for projects in which the low and moderate-income units are to be offered for rent, the appropriate set-aside percentage is fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
6. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
7. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's 2018 Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
8. Furthermore, this requirement shall not apply to developments containing four (4) or less dwelling units.
9. 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.
10. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
11. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Regulations at Chapter 65 of the Borough Code and the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time.

**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 Borough of Saddle River, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Saddle River are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.**  
This ordinance shall take effect upon its passage, publication, filing with the County of Bergen, and entry of final judgement of compliance and repose.

  
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Joy Convertini, Clerk

  
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Hon. Albert J. Kurpis, Mayor

Introduced: January 22, 2019  
Adopted: February 25, 2019