

**TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY, NEW JERSEY**

**PUBLIC NOTICE
PENDING ORDINANCE NO. 26-966**

AN ORDINANCE AMENDING CHAPTER 268, ZONING, OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, AND STATE OF NEW JERSEY, TO EXPAND THE MULTI-FAMILY AFFORDABLE HOUSING INCLUSIONARY OVERLAY ZONE IN CONFORMANCE WITH THE TOWNSHIP'S FOURTH ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

WHEREAS, Cedar Grove Township intends to maintain full compliance with all requirements of the Fair Housing Act, as amended; and

WHEREAS, The Township Planning Board has adopted a Fourth Round Housing Plan Element and Fair Share Plan to address compliance with all affordable housing requirements; and

WHEREAS, Said Fourth Round Housing Plan Element and Fair Share Plan recommended that certain properties are suitable for development with inclusionary affordable housing; and

WHEREAS, To implement the recommendations of the Fourth Round Housing Plan Element and Fair Share Plan and ensure compliance with affordable housing obligations, it is necessary to amend the Township's zoning ordinance at Chapter 268, Section 4, entitled Zoning Map to expand the Multi-Family Affordable Housing Inclusionary Overlay (MF-AH-IO) zoning district to encompass the properties identified in the Plan; and

WHEREAS, The affordable housing requirements of the MF-AH-IO overlay zoning district shall also be amended to be consistent with the adopted Housing Plan Element and Fair Share Plan; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that Chapter 268 of the Township code is hereby be amended, supplemented, and revised, to amend and expand the MF-AH-IO zoning district to incorporate the recommendations of the Township's adopted Fourth Round Housing Plan Element and Fair Share Plan in furtherance of the Township's affordable housing obligations, as follows:

SECTION 1. The Zoning Map at Section 268-4 of the Township Code shall be amended to include the following parcels within the MF-AH-IO zoning district:

Block	Lot(s)
30	5

195	18
300	80, 83
201	251
340	116, 131, 141, 161

SECTION 2. The zoning ordinance at Section 268-32.2 of the Township Code shall be amended as follows:

§268-32.2 Multifamily Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone.

The Multifamily Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone adds an inclusionary residential development option in addition to the underlying nonresidential zoning that permits townhouse development at a gross density of ~~10~~ 14 dwelling units per acre including a 20% affordable housing set-aside; and Multifamily apartments at a gross density of 14 dwelling units per acre including a ~~15%~~ 20% affordable housing set-aside ~~if the affordable housing units will be for rent or a 20% affordable housing set-aside if the affordable units will be for sale.~~ Affordable housing shall be provided in accordance with the requirements of the New Jersey Fair Housing Act and N.J.A.C. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (UHAC).

A. Permitted principal uses.

- (1) Multifamily apartment buildings, including affordable housing as prescribed above.
- (2) Attached townhouses, including affordable housing as prescribed above.
- (3) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, each in accordance with N.J.S.A. 40:55D-66.1.
- (4) Uses permitted and developed in accordance with the existing underlying zoning that are in existence as of the date of adoption of this section, which uses shall be permitted to continue and/or expand in accordance with the provisions of underlying zoning without the need for an application for use variance approval from the Zoning Board of Adjustment as a nonpermitted use, provided that no existing nonresidential use, even if permitted and conforming to the zoning as of the date of adoption of this section, shall be permitted to expand beyond the limits of the tax lot(s) upon which such use is located as of the date of adoption of this section.

B. Permitted accessory uses.

- (1) Customary accessory structures, buildings and uses, provided that such are incidental to that of the principal building and use, subject to the provisions of § 268-10 and applicable requirements of this section.
- (2) Private recreational facilities for the exclusive use of residents, such as swimming pools, tennis courts, and playgrounds, and customary accessory buildings shall include such buildings as clubhouses, storage buildings, or garages, subject to the provisions of § 268-10 and applicable requirements of this section.
- (3) Signs as permitted in Article V.
- (4) Driveways and off-street parking as provided in Article VI.

(5) Family day-care homes as regulated in N.J.S.A. 40:55D-66.5b.

C. Area, yard, bulk, parking and open space requirements. All residential development within the Multifamily Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone shall conform in all respects to § 268-25, MF Multifamily Zone, Subsection C.

D. Affordable housing requirements/very-low-, low- and moderate-income units.

(1) Except as specifically provided in Subsection D(3) below, affordable units shall conform to the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), ~~the "Round 2" regulations adopted by the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1.1 et seq.~~, [1] the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., all other relevant statutes, regulations, and policies and the Cedar Grove Township Third Round Affordable Housing Ordinance.

(2) Affordability average; bedroom distribution. Affordable units shall be provided in accordance with N.J.S.A. ~~5:80-26.4~~ 5:80-26.3, Affordability average; bedroom distribution,

(3) Very-low-, low- and moderate-income housing shall be constructed and rented in accordance with the New Jersey Fair Housing Act and Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq, and with Chapter 80 "Affordable Housing" of the Township Code. ~~including standards for the split between very low-, low- and moderate-income housing, except that, consistent with N.J.S.A. 52:27D-329.1, at least 13% of the affordable units shall be very low-income units, i.e., affordable to households earning 30% or less of the regional median household income by household size; and at least 37% of the affordable units shall be low-income units. The balance of the affordable units shall be moderate-income units.~~

(4) Affordable units shall be affirmatively marketed in accordance with the affirmative marketing provisions identified at N.J.A.C. ~~5:80-26.15.~~ 5:80-26.16

(5) Controls on affordability. There shall be an income control period pursuant to ~~N.J.A.C. 5:80-26.11 of at least 30 years~~ N.J.A.C. 5:80-26.12 of at least 40 years for all affordable rental units, or 30 years for all for sale units and thereafter until Cedar Grove takes action to release the controls on affordability.

(a) The applicant shall submit a copy of the draft deed restriction to be placed on affordable units at the time of application for site plan approval for Planning Board Attorney review and approval prior to the Planning Board granting preliminary site plan approval.

(b) Affordability controls shall be established in the form of a deed restriction, which shall be approved by the Planning Board Attorney and recorded with the County Clerk and filed with Cedar Grove Municipal Clerk and the Cedar Grove municipal housing liaison.

(6) Affordable units shall be administered by a qualified administrative agent in accordance with the administrative procedures for affordable units identified in the UHAC. The developer shall be responsible for the cost for all aspects of administering the affordable units, including but not limited to affirmative marketing, income qualification, tenant placement/purchaser selection, maintenance of controls, etc.

SECTION 3. All other provisions of Chapter 268 of the Code of the Township of Cedar Grove shall remain unchanged.

SECTION 4. Pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, after introduction of this Ordinance, it shall be referred to the Township of Cedar Grove Planning Board for the review required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., prior to the hearing on adoption of this Ordinance.

SECTION 5: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7: Codification. This Ordinance shall be a part of the Code of the Township of Cedar Grove as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Cedar Grove in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 8. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

The foregoing ordinance was introduced at a regular meeting of the Township Council of the Township of Cedar Grove, Essex County, held in the Municipal Building on February 2, 2026. This ordinance will come up for final consideration after final reading and a Public Hearing on same at the regular public meeting of the Township Council on March 2, 2026 at 7:00 P.M.

Dale A. Forde
Township Clerk