

**TOWNSHIP OF WANTAGE
ORDINANCE #06-2026**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WANTAGE, CHAPTER 13, ZONING,
ADDING §13-24.24 MANDATORY SET-ASIDE**

WHEREAS, the Township of Wantage desires to amend and supplement the provisions of Chapter 13, Zoning to add §13-24.24 Mandatory Set-Aside.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Wantage, State of New Jersey as follows:

Section 1.

Chapter 13, Zoning shall be amended to add the following:

Section 13-24.24 - MANDATORY SET-ASIDE ORDINANCE

- (1) If the Township or Township 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 Township or the Township's Land Use Board shall require that a 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 Township's 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 Township'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 Township 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 paragraph precludes the Township or the Township's Land Use Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

- (5) For all inclusionary projects, with the low- and moderate-income units, the minimum set-aside is twenty (20) percent.
- (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) Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. 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.

Section 2.

All other parts, portions and provisions of Chapter 13 of the Township of Wantage Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 3.

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 4.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5.

Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Justin VanderGroef, Mayor
Township of Wantage

ATTEST:

Melissa Morales, Municipal Clerk
Township of Wantage