

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-02

Title: **AN ORDINANCE AMENDING CHAPTER 400, LAND DEVELOPMENT, ARTICLE XII, AFFORDABLE HOUSING REGULATIONS, OF THE CODE OF THE TOWNSHIP OF LOWER TO ESTABLISH A MANDATORY AFFORDABLE HOUSING SET-ASIDE**

**WHEREAS**, the Township of Lower is in the process of preparing a Housing Element and Fair Share Plan which outlines the manner in which it will comply with its affordable housing obligation; and

**WHEREAS**, in an effort to ensure that affordable housing is provided within the Township of Lower, the Township is establishing a mandatory set aside requiring that twenty percent (20%) of lots or units within any development consisting of five (5) or more new dwelling units be set aside for affordable housing purposes.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 400, Land Development, Article XII, Affordable Housing Regulations, Subsection 109.1, Mandatory Affordable Housing Set-Aside, of the Code of the Township of Lower, be and hereby is established as follows:

**Section 1.** Chapter 400, Land Development, Article XII, Affordable Housing Regulations, Subsection 109.1, Mandatory Affordable Housing Set-Aside, is hereby added as follows:

**109.1 Mandatory Affordable Housing Set-Aside**

- A. Except as otherwise regulated in this chapter, any development application proposing five (5) or more new dwelling units shall be required to set aside twenty percent (20%) of said lots or units for affordable housing.
- B. This requirement shall apply for all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan.
- C. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation the part of the Township of Lower to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

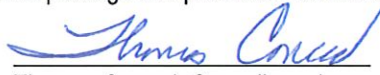
**Section 4.** This Ordinance shall become effective 20 days after final passage and publication according to law.

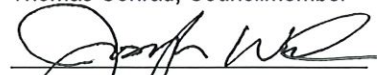
First Reading: January 2, 2025

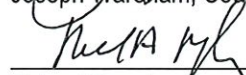
Adopted: Jan 22, 2025

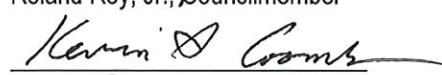
Attest:

Julie A Picard, Township Clerk

  
Thomas Conrad, Councilmember

  
Joseph Wareham, Councilmember

  
Roland Roy, Jr., Councilmember

  
Kevin Coombs, Deputy Mayor

  
Frank Sippel, Mayor