

ORDINANCE O-4-2026

AN ORDINANCE AMENDING CHAPTER 40. AFFORDABLE HOUSING TO INCLUDE A MANDATORY SET-ASIDE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Committee of the Township of Elk, Gloucester County, New Jersey, that the Amended Aura III Redevelopment Plan of the Township of Elk is hereby amended to include provisions addressing Elk's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, on June 18, 2025, the Township Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-08; and

WHEREAS, on March 2, 2026, the Township Planning Board adopted the Amended Housing Element and Fair Share Plan pursuant to Resolution No. 2026-08 and

WHEREAS, the Township has agreed to amend Chapter 40. Affordable Housing to include a Township wide mandatory affordable housing set-aside to provide a realistic development potential for inclusionary housing opportunities; and

WHEREAS, the Mayor and Township Committee of the Township of Elk has determined that in light of the foregoing it is in the best interest of the Township to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the Township and health, safety and welfare of its residents and visitors;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Elk , County of Gloucester and State of New Jersey that:

Section 1. Amend Chapter 40. Affordable Housing §40.3 Applicability by repealing existing item C. in its entirety and replacing same with the following:

C. Any property in the Township of Elk that is currently zoned for residential use or subsequently receives a zoning change, use variance approval, or a redevelopment plan to permit residential development shall provide an affordable housing set-aside of 20%. This affordable housing set-aside shall apply to all residential developments of 5 units or more. No property shall be subdivided so to avoid compliance with this requirement. Any residential development of 4 units or less units shall provide an affordable housing development fee in accordance with Article II Mandatory Development Fees. Moreover, this provision governs municipal actions only and shall not entitle any property owner or developer to such action by the Township. All affordable units created pursuant to this subsection shall be governed by the provisions of this chapter. This shall apply to all residential developments unless the affordable housing requirements of a residential development is otherwise prescribed by the most recent adopted Housing Element and Fair Share Plan.

Section 2. It is hereby found and determined that the Ordinance conforms to the Master Plan of the Township of Elk.

Section 3. It is hereby found and determined that the Ordinance gives due consideration to the provision of appropriate allowable uses within the areas within the Township with special consideration for the health, safety and welfare of the residents of the areas and the Township of Elk.

Section 4. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with law.

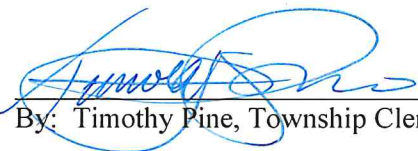
Section 6. Effective Date. This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Gloucester County Planning Board in accordance with N.J.S.A. 40:55D-16

Adopted on second and final reading on March 5th, 2026.

Township of Elk


By: James Rambo, Mayor

ATTEST:


By: Timothy Pine, Township Clerk

INTRODUCTION ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Cammarata	✓			
Cowan	✓			
Lucas	✓			
Sammons	✓			
Rambo	✓			

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Elk held in the Municipal Building on the 17th day of February 2026, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the 5th day of March 2026, at 7 P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.


Timothy Pine
Municipal Clerk

FINAL ADOPTION ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Cammarata				✓
Cowan	✓			
Lucas	✓			
Sammons	✓			
Rambo	✓			