



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 016-2018

An Ordinance Amending Chapter 150 (Development Regulations) In The Atlantic Highlands Borough Code, To Implement Certain Provisions Of The Borough's Housing Element And Fair Share Plan

INTERPRETIVE STATEMENT

This Ordinance amends the Borough's Schedule of Uses in the Borough's code to ensure that multi-family housing is allowed in the OR zone via allowing mixed-use Commercial/Residential in said zone. This Ordinance also modifies the language in Chapter 150, Section 30.G of the Borough's code to ensure (1) that any site within the OR Zone is required to provide affordable housing to very-low, low and moderate-income households for any multi-family residential/mixed-use development at a set aside of twenty percent (20%), as was already required in the CBD, HBD, HB, OR, R-TH or MR-1 zones, (2) that proper bedroom mixes are required for affordable units and (3) that all affordable units are developed in accordance with the Uniform Housing Affordability Controls ("UHAC"), except that the Borough has to ensure that thirteen percent (13%) of the affordable units constructed in the Borough are affordable to very low income households.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter 150, Article V Zoning District Regulations, shall be amended as follows:

Section 150-29A(3) Schedule of Uses, Exhibit 5-4, shall be amended to permit Mixed-Use Commercial/Residential as a Permitted Conditional Use within the O-R Zone.

Section 2. Chapter 150, Article V Zoning District Regulations, Section 150-30.G. shall be deleted in its entirety and replaced to read as follows:

All new residential development or mixed commercial and residential development producing five or more residential units in the CBD, HBD, HB, OR, R-TH, or MR-1 zones shall be required to provide a minimum of twenty percent (20%) of all dwelling units to be affordable for very-low, low and moderate-income households. As to bedroom mixes, at least twenty percent (20%) of all low and moderate-income units shall be three-bedroom units, at least thirty percent (30%) of all low and moderate-income units shall be two-bedroom units, and the combined number of efficiency and one-bedroom units shall be no greater than twenty percent (20%) of the total low and moderate-income units. The remainder, if any, may be allocated at the discretion of the developer. All affordable housing units shall be developed pursuant to Section 105 of Chapter 150 of the Borough Code, and shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of ten percent (10%) of affordable units in rental projects being required to be affordable to households earning at or below thirty-five percent (35%) of the regional median income, thirteen percent (13%) of affordable units in such projects is required to be affordable to households earning at or below thirty percent (30%) of the regional median income.

Section 3. 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 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Atlantic Highlands, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Atlantic Highlands are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Monmouth County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Atlantic Highlands for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 7. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 8. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 12th day of September 2018.

Motion: Introduce Ordinance 16-2018, **Moved by** Councilman Lero, **Seconded by** Councilman Crowley

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilman Boracchia, Councilman Crowley, Councilman Fligor, Councilwoman Hohenleitner, Councilman Lero

No: None

Abstain: None

Absent: Councilman Delloso

Public Hearing and Possible Adoption will be held on September 26, 2018 at 7:00pm

I, Michelle Clark, Acting Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held September 12, 2018. WITNESS my hand this 13th day of July 2018.



Michelle Clark
Acting Municipal Clerk

