

**BOROUGH OF SPRING LAKE
COUNTY OF MONMOUTH**

ORDINANCE NO. 2019-001

AN ORDINANCE AMENDING CHAPTER 225 ENTITLED "LAND DEVELOPMENT" ARTICLES III ENTITLED "ZONING DISTRICTS AND ZONING MAP" AND ARTICLE IV ENTITLED "DISTRICT REGULATIONS" OF THE GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE CREATING THE MIXED-USE AFFORDABLE HOUSING OVERLAY ("MUAHO") ZONE IN THE GC GENERAL COMMERCIAL ZONE AND A PORTION OF THE RC RETAIL COMMERCIAL ZONE

WHEREAS, the Borough of Spring Lake ("Borough") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Spring Lake, Docket No. MON-L-2537-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about February 13, 2018 establishing the Borough's Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on September 18, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing overlay zone ordinance to provide for the opportunity to address the unmet need component of the Borough's affordable housing plan; and

WHEREAS, the Borough Council find it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Spring Lake, County of Monmouth, and State of New Jersey that Chapter 225 Articles III and IV are hereby amended as follows (*new text is double underlined, text to be deleted is ~~struck through~~*):

SECTION 1

Chapter 225 (Land Development), Article III (Zoning Districts and Zoning Map) shall be amended to include a new zoning district as follows:

Section 225-8 Zoning Districts

“MUAHOZ” Mixed-Use Affordable Housing Overlay Zone

SECTION 2

Chapter 225 (Land Development), Article III, (Zoning Districts and Zoning Map) shall be amended as include a new section as follows:

Section 225-9 A (3)

The boundaries of the MUAHOZ-Mixed Use Affordable Housing Overlay Zone shall include the GC - General Commercial Zone and that portion of the RC – Retail Commercial Zone along Morris Avenue between Third Avenue and Fourth Avenue, excluding properties fronting on Third Avenue, as further shown on a map entitled Mixed-Use Affordable Housing Overlay Zone prepared by JDM Planning Associates, LLC dated 10-25-18.”

SECTION 3

Chapter 225 (Land Development) Article IV, (“District Regulations”) shall be amended to include a new section 14.3 as follows:

225-14.3. Mixed-Use Affordable Housing Overlay Zone

- A. Within the Mixed-Use Affordable Housing Overlay Zone, mixed use buildings, as further defined in this section, shall be a permitted conditional use subject to the standards set forth in subsection C. below.
- B. As used herein a mixed-use building shall be a building with a ground floor story consisting of a non-residential principal use or uses otherwise permitted in the underlying zone and a minimum of one, but no more than two stories, of residential use over the first-floor non-residential use(s).
- C. Mixed-use buildings in the MUAHOZ zone shall meet the following standards:
 1. A minimum of twenty percent of the dwelling units in a mixed-use building shall be very-low, low, and /or moderate-income units and no mixed-use building shall have less than one very-low, low, or moderate-income unit.
 2. On-site/off-street parking shall be provided in conformance with the requirements of the New Jersey Residential Site Improvement Standards for all residential units in the mixed-use building.
 3. The maximum height of the mixed-use building shall be thirty-five feet.
- D. Except as provided in subsection C. above, the zoning requirements for the underlying zone shall apply to mixed-use buildings.

SECTION 4

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

SECTION 5

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6

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

INTRODUCED: February 12, 2019

ADOPTED: February 26, 2019

APPROVED:


JENNIFER NAUGHTON, Mayor

Attest:


DINA M. ZAHORSKY, BOROUGH CLERK

Mixed-Use Affordable Housing Overlay Zone
Spring Lake Borough, Monmouth County, NJ

