



# ORDINANCE 16-2006

## **AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS – ADDING AN ATLANTIC HIGHLANDS AFFORDABLE HOUSING ZONE**

WHEREAS, the Borough of Atlantic Highlands has a judicially determined constitutional obligation to provide a realistic opportunity to allow the construction of housing affordable to low and moderate income households; and

WHEREAS, the Borough of Atlantic Highlands has adopted and approved a Housing Element and Fair Share Plan dated December 20, 2005 revised on August, 2006 and is diligently seeking substantive certification from the Council on Affordable Housing (COAH) for its cumulative 1987-2014 affordable housing obligation; and

WHEREAS, the Borough of Atlantic Highlands desires to incorporate draft ordinances into and be made part of said Housing Element and Fair Share Plan; and

WHEREAS, this ordinance is being enacted to implement the 2006 Housing Element and Fair Share Plan of the Borough of Atlantic Highlands.

### Section 1 Purpose

- A. The AH zone is intended to fulfill the mandates of the Mount Laurel II Supreme Court decision and comply with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).
- B. The AH zone is intended to provide the opportunity to construct affordable housing within the Borough of Atlantic Highlands.

### Section 2 Use Regulations

- A. Permitted Principal Use:
  - 1. Two-Family attached housing;

B. Permitted Accessory Uses:

1. Off- street driveways and parking facilities,
2. Retaining walls and fences.
3. Additional customary accessory structures and uses are permitted if they serve, and are incidental to, the primary permitted use.

Section 3 Bulk Requirements

A. Two- Family Developments in the AH zone shall comply with each of the following requirements:

- |                             |                   |
|-----------------------------|-------------------|
| 1. Minimum Lot Area         | 6,000 square feet |
| 2. Minimum Lot Width        | 30 feet           |
| 3. Minimum Yard Dimensions: |                   |
| Front                       | 20 feet           |
| Side (One)                  | 5 feet            |
| Side (Combined)             | 10 feet           |
| Rear                        | 20 feet           |
| 4. Maximum Building Height  | 3 sty./40 ft.     |
| 5. On-Site Parking          | Conform to RSIS   |

Section 4 Supplemental Development Regulations

- A. All dwelling units in the AH zone shall at all times be affordable to either low or moderate-income households. In accordance with COAH regulations no less than 50% of the total number of affordable dwelling units in the AH zone shall be affordable to low income households.
- B. All affordable housing units shall be affirmatively marketed throughout the housing region comprising Mercer, Monmouth, and Ocean Counties in accordance with current applicable COAH rules and regulations and at all times be occupied by a certified low or moderate income household.
- C. All affordable housing units constructed herein shall be deed restricted for a period of years in accordance with current applicable COAH rules and regulations.
- D. All affordable housing units shall at all times comply with applicable COAH uniform affordability controls.

- E. No less than 25% of the dwelling units in the AH zone shall be renter occupied. Nothing in this amendment is intended to prohibit more than 25% of the units from being renter occupied.
- F. COAH requirements concerning bedroom distribution shall be satisfied on a zone wide basis.
- G. A developer of a through lot in this zone has the option of determining which lot line shall be designated and function as the frontage. The lot line opposite the designated frontage line shall be considered a rear lot line. Driveway access to and from either street shall be permitted.

#### Section 5

The zoning map of the Borough of Atlantic Highlands, shall be and is hereby amended and revised to add thereto the AH Affordable Housing Zone, and to designate and fix the boundaries of said zone to include the following properties:

- Block 62 Lot 4 (Simpson Ave.)
- Block 136 Lot 1 (21 Leonard Ave.)
- Block 136 Lot 2 (25 Leonard Ave.)
- Block 124 Lots 1 and 2 (13 Leonard Ave.)

#### Section 6

This ordinance shall take effect immediately upon passage and publication as required by law.

#### Section 7

All Ordinances of the Borough of Atlantic Highlands, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

#### Section 8

If any 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.

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, 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 meeting held August 16, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

---

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED September 20, 2006

After a Public Hearing and Second Reading, Councilmember Ladiana moved for Final Adoption of this Ordinance. It was seconded by Councilmember Spatola and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

I, Dwayne M. Harris, 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 meeting held September 20, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of September 2006.

---

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: September 25, 2006

---

Peter E. Donoghue, Mayor