

BOROUGH OF BRADLEY BEACH

ORDINANCE 2026-1

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BRADLEY BEACH, CHAPTER 450 ENTITLED “ZONING” TO ESTABLISH A NEW ZONE ENTITLED AFFORDABLE HOUSING - 4 (AH-4) ZONE.

WHEREAS, the Borough Council of the Borough of Bradley Beach has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Zoning Regulations, to create an Affordable Housing Zone entitled “Affordable Housing- 4 (AH-4) Overly Zone”, (MS-CD) in the County of Monmouth and State of New Jersey, finds as follows:

WHEREAS, The Borough of Bradley Beach has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances.

WHEREAS, The Borough has determined that enacting a Zoning District to enable an inclusionary development on Block 32, Lots 17.01(formally Block 32, Lots 17 and 18 as identified on the Borough of Bradley Beach tax maps).

NOW THEREFORE BE IT ORDANIED by the Governing Body of the Borough of Bradley Beach that Chapter 450 of the Borough Code of the Borough of Bradley Beach, be and are hereby amends Chapter 450 - 5 to include the Affordable Housing - 4 (AH-4) Zone in the Zoning Districts within the Borough and establish Chapter 450-32 which establishes the zoning district standards as follows:

SECTION 1. Purpose. The purpose of this ordinance is to establish an Affordable Housing – 4 (AH-4) that creates inclusionary zoning on Block 32, Lots 17.01 (formally Block 32, Lots 17 and 18 as identified on the Borough of Bradley beach tax maps) to allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing (“COAH”) prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Third-Round affordable housing obligation.

SECTION 2. A new section entitled “Affordable Housing – 4 (AH-4) Zone” is hereby established as follows:

Affordable Housing – 4 (AH-4) Zone

- A. Purpose: The purpose of the Affordable Housing – 4 (AH-4) Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs,

with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act, and the Housing Element and Fair Share Plan of the Borough of Bradley Beach..

B. Principal Permitted Uses:

- a. Affordable housing development for sale or rental housing may include the following uses total number of units 24 total units; 4 low- and moderate-income units:
 - i. Mixed Use Buildings that include commercial, restaurant, retail or office space on the ground floor and residential development on the second, third and fourth floors. (A minimum of 450 square feet for each commercial space);
- b. Permitted Accessory Uses: Uses that are customary and incidental to multi-family housing, including, but not limited to:
 - 1. Parking
 - 2. Garages
 - 3. Signs
 - 4. Fences
 - 5. Trash Enclosures
 - 6. Temporary construction trailers
 - 7. Utility pump stations, transformers, switches and meter facilities to support the development
 - 8. HVAC units
 - 9. Generators
- c. Bulk regulations: Pursuant to this ordinance for purposes of this Ordinance, Seventh Avenue (Route 71) shall be considered the front yard and any intersecting street shall be considered the side yard

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| 1. Minimum Lot Area (Square Feet) | 15,000 |
| 2. Minimum Lot Frontage (Feet) | 50 |
| 3. Minimum Lot Depth (Feet) | 100 |
| 4. Minimum Front Yard Setback (Feet) | 0 |
| 5. Minimum Side Yard Setback | 0 |
| 6. Minimum Rear Yard Setback (Feet) | 10 |
| 7. Maximum Height (Stories/Feet) | 4/48 |
| 8. Maximum Building Coverage (Percent) | 90 |
| 9. Maximum Improved Lot Coverage (Percent) | 100 |

- d. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows may extend into the building set-back provided they shall be set-back a minimum of 0' from all property lines.

e. Area, Yard and Bulk Requirements for Accessory Structures (excluding parking) & Uses. No accessory structures shall be permitted in the front yard set-back.

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| 1. Minimum Side Yard Set-back (Feet) | 0 |
| 2. Minimum Rear Yard Setback (Feet) | 0 |
| 3. Minimum Distance Between Accessory and Principal Structures (Feet) | 0 |
| 4. Maximum Height (Stories/Feet) | 1/15 |

f. Parking

1. Commercial uses - 0 spaces
2. Residential uses - 1.5 spaces

g. Drive Aisle:

1. Drive Aisle width shall be a minimum of 23 feet.

h. Loading:

1. No loading zone is required.

C. Affordable housing requirement: Four low- and moderate income housing units shall be required. All affordable housing developments shall conform to the standards found in the Borough of Bradley Beach's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.

D. REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

E. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

F. SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

G. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

Erica Kostyz
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: January 1, 2026

Date of Hearing and Adoption: January 20, 2026