

**BOROUGH OF BRADLEY BEACH**

**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**ORDINANCE 2026-9**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 450 (“ZONING”), ARTICLE V (“ZONE REGULATIONS”), AND AMENDING CHAPTER 451, ARTICLE XI, OF THE BOROUGH CODE OF THE BOROUGH OF BRADLEY BEACH TO CONSOLIDATE AND CODIFY AFFORDABLE HOUSING OVERLAY ZONES AH-1 THROUGH AH-5, INCLUDING RELOCATION OF AH-4.**

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 zoning regulations in order to establish, consolidate, and codify inclusionary Affordable Housing Overlay Zones; and

WHEREAS, the Borough of Bradley Beach has sought, to the best of its ability as a built-out municipality with limited vacant land, to meet the intent and spirit of the Affordable Housing process by preparing and adopting a Housing Element and Fair Share Plan, participating in court-led settlement proceedings, and reviewing its land use ordinances; and

WHEREAS, the Borough is subject to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and its constitutional obligation to provide a realistic opportunity for the construction of its fair share of low- and moderate-income housing; and

WHEREAS, the Borough has adopted a Housing Element and Fair Share Plan addressing its affordable housing obligation; and

WHEREAS, the Borough Council has determined that establishment of targeted inclusionary overlay zoning districts in proximity to public transit and mixed-use commercial corridors will enable redevelopment with mandatory affordable housing set-asides; and

WHEREAS, the Borough previously adopted the Affordable Housing-4 (AH-4) Overlay Zone within Chapter 450, and the Borough Council finds that relocating and codifying AH-4 within Chapter 450 in numerical sequence with AH-1 through AH-5, will improve clarity and administrative consistency while preserving its substantive standards; and

WHEREAS, Chapter 451, Article XI §§ 451-17 and 451-18 are now defunct as a result of consolidation of Affordable Housing Overlay Zones within Chapter 450 and are hereby deleted; and

WHEREAS, the Borough Council finds that this consolidation and codification advances the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), including promoting the general welfare and providing sufficient space in appropriate locations for residential uses according to population needs; and

WHEREAS, the Borough Council has determined that it is in the best interests of the public health, safety, and welfare to amend Chapters 450 and 451 as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:**

SECTION 1. AMENDMENT TO CHAPTER 451, ARTICLE XI.

§ 451-17 Geographic parameters and § 451-18 Affordable housing requirements are hereby deleted in their entirety.

SECTION 2. AMENDMENT TO CHAPTER 450, ARTICLE V (“ZONE REGULATIONS”).

AMENDMENT TO CHAPTER 450, ARTICLE V.

Chapter 450, Article V, “Zone Regulations” is hereby amended and supplemented to read as follows:

§ 450-32 Affordable Housing Overlay Zones Purpose.

This affordable housing overlay zones section is enacted to create realistic opportunities for the construction of low- and moderate-income housing in the Borough of Bradley Beach.

This Article establishes and codifies Affordable Housing Overlay Zones AH-1, AH-2, AH-3, AH-4, and AH-5 consistent with the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), applicable court directives, prior round COAH regulations, UHAC, and the Borough’s Housing Element and Fair Share Plan.

§ 450-33 Affordable Housing Overlay Zones Supplements Existing.

Each Overlay Zone established herein supplements the regulations of the underlying zoning district. Where the provisions of an Overlay Zone impose standards that differ

from those of the underlying district, the Overlay Zone standards shall control.

§ 450-34 AH-1 Affordable Housing Overlay Zone.

A. Geographic Parameters.

The AH-1 Overlay Zone shall apply exclusively to the following tax parcels located within the existing GB-W General Business West Zone:

Block 6, Lots 1 and 2.01; Block 89, Lot 1.01; and Block 83, Lots 1 and 11 through 15.

B. Principal Permitted Uses.

Principal permitted uses shall include all permitted and conditional uses in the underlying zoning district and shall additionally permit inclusionary affordable housing development.

Affordable housing development may include mixed-use buildings with commercial, restaurant, retail, or office space on the ground floor and residential development on upper floors; and/or multifamily residential development; together with customary accessory uses.

C. Affordable Housing Requirement.

A mandatory affordable housing set-aside of twenty percent (20%) of the total dwelling units shall be required, with a minimum of one (1) affordable unit. Any fractional unit shall be rounded up.

Required low- and moderate-income housing units shall be constructed on site.

D. Bulk and Design Standards.

Minimum Lot Frontage: 50 feet

Minimum Lot Depth: 100 feet

Minimum Front Yard Setback (Main Street frontage): 0 feet

Minimum Front Yard Setback (no Main Street frontage): 10 feet

Minimum Side Yard Setback: 0 feet

Minimum Rear Yard Setback: 5 feet

Maximum Height: 3 stories / 40 feet

Maximum Building Coverage: 90%

Maximum Improved Lot Coverage: 100%

Maximum Permitted Density: 30 units per acre

Projections from buildings may extend into required setbacks provided they remain a minimum of five (5) feet from all property lines.

A five-foot landscaped buffer shall be provided along all property lines abutting a

residential use.

E. Accessory Structures.

No accessory structures shall be permitted in the front yard setback.

Minimum Side Yard Setback: 5 feet

Minimum Rear Yard Setback: 5 feet

Maximum Height: 1 story / 15 feet

F. Parking.

Commercial uses: As required by ordinance.

Residential uses: Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.

§ 450-35 AH-2 Affordable Housing Overlay Zone.

A. Geographic Parameters.

Block 32, Lots 1 through 5; and Block 82, Lots 6 through 11, 12.01, 14.01, 15.01, and 17 through 19.

B. Principal Permitted Uses.

Same as AH-1.

C. Affordable Housing Requirement.

Twenty percent (20%) mandatory set-aside; minimum one (1) affordable unit; fractional units rounded up; constructed on site.

D. Bulk and Design Standards.

Minimum Lot Frontage: 50 feet

Minimum Lot Depth: 100 feet

Minimum Front Yard Setback (Main Street frontage): 0 feet

Minimum Front Yard Setback (no Main Street frontage): 10 feet

Minimum Side Yard Setback: 0 feet

Minimum Rear Yard Setback: 5 feet

Maximum Height: 4 stories / 48 feet

Maximum Building Coverage: 90%

Maximum Improved Lot Coverage: 100%

Maximum Permitted Density: 30 units per acre

E. Accessory Structures.

Same as AH-1.

F. Parking.

Commercial uses: As required by ordinance.

Residential uses: RSIS.

§ 450-36 AH-3 Affordable Housing Overlay Zone.

A. Geographic Parameters.

All property located within the GB-W General Business West Zone west of Main Street to the municipal boundary along the New Jersey Transit rail corridor.

B. Principal Permitted Uses.

Same as AH-1.

C. Affordable Housing Requirement.

Twenty percent (20%) set-aside; minimum one (1) affordable unit; fractional units rounded up; constructed on site.

D. Bulk and Design Standards.

Same as AH-2, except that where a parcel has no frontage on Main Street, the minimum front yard setback shall be 10 feet.

E. Accessory Structures.

Same as AH-1.

F. Parking.

Commercial uses: As required by ordinance.

Residential uses: RSIS.

§ 450-37 AH-4 Affordable Housing Overlay Zone.

A. Geographic Parameters.

Block 32, Lot 17.01.

B. Purpose.

To permit an inclusionary mixed-use development providing a realistic opportunity for affordable housing consistent with the Fair Housing Act and the Borough's Housing Element and Fair Share Plan.

C. Principal Permitted Use.

Inclusionary mixed-use development consisting of a maximum of twenty-four (24)

dwelling units, including four (4) low- and moderate-income affordable units, with commercial space on the ground floor and residential units above.

D. Affordable Housing Requirement.

Four (4) affordable units required within a maximum of twenty-four (24) total dwelling units.

E. Bulk and Design Standards.

Minimum Lot Area: 15,000 square feet

Minimum Lot Frontage: 50 feet

Minimum Lot Depth: 100 feet

Minimum Front Yard Setback: 0 feet

Minimum Side Yard Setback: 0 feet

Minimum Rear Yard Setback: 10 feet

Maximum Height: 4 stories / 48 feet

Maximum Building Coverage: 90%

Maximum Improved Lot Coverage: 100%

F. Parking.

Commercial uses: 0 spaces.

Residential uses: 1.5 spaces per unit.

Drive aisle width: 23 feet.

§ 450-38 AH-5 Affordable Housing Overlay Zone.

A. Geographic Parameters.

Block 45, Lots 1.01, 2, 3.01, and 5 through 10.

B. Principal Permitted Uses.

Same as AH-1.

C. Affordable Housing Requirement.

Twenty percent (20%) set-aside; minimum one (1) affordable unit; fractional units rounded up; constructed on site.

D. Bulk and Design Standards.

Same as AH-2.

E. Accessory Structures.

Same as AH-1.

F. Parking.

Commercial uses: As required by ordinance.

Residential uses: RSIS.

### SECTION 3. REPEALER.

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

### SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

### SECTION 5. EFFECTIVE DATE.

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

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Erica Kostyz, RMC, CMR  
Municipal Clerk

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Alan Gubitosi  
Mayor

Introduced: February 17, 2026

Date of Hearing and Adoption: