

ORDINANCE NO. 2009-46

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.2, "DESCRIPTION OF DISTRICTS"
SECTION 10.21, "REGULATIONS CONTROLLING AFFORDABLE HOUSING OVERLAY
DISTRICT ONE (AH-1 ZONE)"**

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 25-10.2, "Description of Districts" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.2 Description of Districts.

a. The Borough of Red Bank is hereby divided into districts as follows:

Name of Zone District	Map Designation	Regulations in Section
<i>[“Class A Residence” through “Industrial” Zones ... No Change]</i>		
Affordable Housing Overlay Zone	AH	25-10.20
<u>Affordable Housing Overlay Zone One</u>	<u>AH-1</u>	<u>25-10.21</u>

SECTION TWO: New Subsection 25-10.21, "Regulations Controlling Affordable Housing Overlay District One" is hereby established as follows (*This section consists of entirely new material, therefore use of underlined text is omitted for ease of reading*):

25-10.21 Regulations Controlling Affordable Housing Overlay District One.

a. *Purpose.* The purpose of the Affordable Housing Overlay District One is to establish an area for capturing the Borough's unmet need from its prior First and Second Round Fair Share Affordable Housing obligations, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH").

b. *Applicability.*

1. Affordable Housing Overlay District One shall be applied to the areas of residential development identified at page eighteen of the Borough's Housing Element and Fair Share Plan, dated April 10, 1995 which was incorporated in its Master Plan and entitled, "Residential Redevelopment Strategy." These areas are depicted in greater detail in the areas designated as Residential Redevelopment Areas in the map entitled, "Proposed Overlay Zone, AH-1, Affordable Housing-1 Overlay Zone", prepared by T&M Associates and dated September 2, 2009, which is hereby incorporated by reference.
2. The Official Zoning Map of the Borough of Red Bank is hereby amended in accordance with the foregoing and is further incorporated by reference.

c. *Affordable Housing Set Aside.* A twenty percent (20%) set aside for affordable housing with a minimum density of six units per acre for all development applications consisting of five (5) or more residential units within the areas describe in sub-section (b), above, is required.

d. *Compliance with Other Regulations and Ordinances.*

1. All other development regulations applicable to the underlying zones for each property located within Affordable Housing Overlay District One shall remain in full force and effect unless in conflict with this Section.
2. All affordable units constructed within this overlay zone shall also comply

with Chapter 11B of this Code.

SECTION THREE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FOUR: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FIVE: This Ordinance shall take effect immediately upon the following:

- a. Amendment of Official Zoning Map of the Borough of Red Bank in accordance with §25-10.1(4) of the Revised General Ordinances of the Borough of Red Bank and its filing with the Monmouth County Planning Board; and
- b. Approval by the New Jersey Council on Affordable Housing together with the dissolution of the Scarce Resource Restraints imposed upon the Borough in accordance with the terms and conditions of the Council's resolution dated, December 10, 2008.

First Reading: September 8, 2009

Final Reading: September 28, 2009