

BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY

ORDINANCE 2019-19

AN ORDINANCE OF THE BOROUGH OF RED BANK TO AMEND THE BOROUGH’S PLANNING AND DEVELOPMENT REGULATIONS CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF RED BANK AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Red Bank that Chapter 490, Planning and Development Regulations, of the Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**SECTION 1.** §490-153, Article X, AH-1 Affordable Housing Overlay District One, is hereby deleted:

~~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 18 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[1] 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 set aside for affordable housing with a minimum density of six units per acre for all development applications consisting of five or more residential units within the areas described in Subsection B of this section 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 XIA, Low and Moderate Income Housing, of the 1987 Revised General Ordinances of the Borough of Red Bank.~~

§490-153 Reserved.

**SECTION 2.**

A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey statutes.

**SECTION 3.**

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 4.**

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 5. Effective Date**

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

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Second	X			
Councilwoman Triggiano		X			
Councilman Ballard	Motion	X			
Councilman Yngstrom		X			
Councilman Zipprich					X
Councilwoman Horgan		X			

First Reading/Introduction: April 10, 2019

Public Hearing/Adoption: April 24, 2019

Adopted: April 24, 2019

Pamela Borghi, Municipal Clerk

Pasquale Menna, Mayor