BOROUGH OF UNION BEACH
MONMOUTH COUNTY, NEW JERSEY
PUBLIC NOTICE

The Following was introduced and passed upon first reading at a meeting of the governing body of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, on February 26, 2026. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 650 Poole Avenue, Union Beach on March 19, 2026 at 7:00 p.m.

ORDINANCE NO. 2026-372

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 13 LAND USE AND DEVELOPMENT REGULATIONS, SECTION 10 ZONING DISTRICT REGULATIONS

WHEREAS, the Borough of Union Beach adopted a Fourth Round Housing Element and Fair Share Plan on or about June 25, 2025, in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (P.L. 2024, c.2) and N.J.A.C. 5:99; and,

WHEREAS, the Borough must amend sections of Chapter 13, Section 10, to account for the changes necessary to reflect those changes called for by the Borough's Housing Element and Fair Share Plan in furtherance of its affordable housing obligations under law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, that the following sections of Chapter 13, Land Use and Development Regulations, Section 10, Zoning District Regulations, are to be amended as set forth below.

Note to Codifier**:* All additions are reflected below in ***bold italics with underlines. All deletions are reflected below in ***bold italics with strikeouts.***

SECTION 1. Chapter 13, Section 10.5 entitled "B-1 Neighborhood Commercial Zone" shall be amended to reflect the changes needed to the section entitled "Permitted Uses"as it relates to the standards for "Apartments over ground level retail sales and services uses" to note that second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of three bedrooms as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.5. B-1 Neighborhood Commercial Zone. [Ord. No. 324, § 10.5; Ord. No. 2005-55;Ord. No. 2006-81; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 8]

a. Permitted Uses.

[. . . .]

12. Apartments over ground level retail sales and services uses, subject to the following standards:

[. . . .]

(d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ***two three*** bedrooms.

[*please note there were no changes for 12(a) to 12(c), 12(e)-12(f)]*

SECTION 2. Chapter 13, Section 10.5 entitled "B-1 Neighborhood Commercial Zone" shall be amended to incorporate a new subsection (g) entitled "Affordable Housing Compliance" as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.5. B-1 Neighborhood Commercial Zone. [Ord. No. 324, § 10.5; Ord. No. 2005-55;Ord. No. 2006-81; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 8]

a. Permitted Uses.

[. . . .]

(g) Affordable Housing Compliance

1. ***All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing with a minimum of one (1) affordable unit generated.***
2. ***All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.***

[. . . .]

SECTION 3. Chapter 13, Section 10.6 entitled "B-2 Highway Business Zone" shall be amended to reflect the changes needed to the section entitled "Permitted Uses"as it relates to the standards for "Apartments over ground level retail sales and services uses" to note that second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of three bedrooms as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.6. B-2 Highway Business Zone. [Ord. No. 324, § 10.6; Ord. No. 2005-55; Ord. No.2006-81; Ord. No. 2009-133; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 9]

a. Permitted Uses.

[. . . .]

12. Apartments over ground level retail sales and services uses, subject to the following standards:

[. . . .]

(d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ***two three*** bedrooms.

[*please note there were no changes for 12(a) to 12(c), 12(e)-12(f)]*

SECTION 4. Chapter 13, Section 10.6 entitled "B-2 Highway Business Zone" shall be amended to incorporate a new subsection (g) entitled "Affordable Housing Compliance" as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.6. B-2 Highway Business Zone. [Ord. No. 324, § 10.6; Ord. No. 2005-55; Ord. No.2006-81; Ord. No. 2009-133; Ord. No. 2009-150, § 3; Ord. No. 2016-244 § 9]

a. Permitted Uses.

[. . . .]

(g) Affordable Housing Compliance

3. All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing with a minimum of one (1) affordable unit generated.

4. All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.

[. . . .]

SECTION 5. Chapter 13, Section 10.10 entitled "B-3 Downtown Gateway Zone" shall be amended to reflect the changes needed to the section entitled "Permitted Uses"as it relates to the standards for "Apartments over ground level retail sales and services uses" to note that second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of three bedrooms as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.10. B-3 Downtown Gateway Zone. [Ord. No. 556, § IV; Ord. No. 2009-150, § 3; Ord.

No. 2016-244 § 10]

a. Permitted Uses.

12. Apartments over ground level retail sales and services uses, subject to the following standards:

[. . . .]

(d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ***two three*** bedrooms.

[*please note there were no changes for 12(a) to 12(c), 12(e)-12(f)]*

SECTION 6. Chapter 13, Section 10.10 entitled "B-3 Downtown Gateway Zone" shall be amended to incorporate a new subsection (g) entitled "Affordable Housing Compliance" as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.10. B-3 Downtown Gateway Zone. [Ord. No. 556, § IV; Ord. No. 2009-150, § 3; Ord.

No. 2016-244 § 10]

a. Permitted Uses.

(g) Affordable Housing Compliance

5. All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing with a minimum of one (1) affordable unit generated.

6. All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.

[. . . .]

SECTION 7. Chapter 13, Section 10.20 entitled "B-1A Neighborhood Commercial-Transition Zone" shall be amended to reflect the changes needed to the section entitled "Permitted Uses"as it relates to the standards for "Apartments over ground level retail sales and services uses" to note that second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of three bedrooms as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.20. B-1A Neighborhood Commercial-Transition Zone. [Ord. No. 2016-244 § 18]

a. Permitted Uses.

12. Apartments over ground level retail sales and services uses, subject to the following standards:

[. . . .]

(d) Second story dwellings shall contain at least one bedroom as a separate room and be limited to a maximum of ***two <u>three</u>*** bedrooms.

[*please note there were no changes for 12(a) to 12(c), 12(e)-12(f)]*

<u>SECTION 8</u>. Chapter 13, Section 10.20 entitled "B-1A Neighborhood Commercial-Transition Zone" shall be amended to incorporate a new subsection (g) entitled "Affordable Housing Compliance" as stated below:

§13-10 ZONING DISTRICT REGULATIONS

§ 13-10.20. B-1A Neighborhood Commercial-Transition Zone. [Ord. No. 2016-244 § 18]

a. Permitted Uses.

<u>(g) Affordable Housing Compliance</u>

7. All proposed residential dwellings are required to have a mandatory 20% set-aside for affordable housing with a minimum of one (1) affordable unit generated.

8. All affordable housing units generated shall be in compliance with UHAC requirements, including, but not limited to, size and bedroom distribution.

[. . . .]

<u>SECTION 9. CODIFICATION.</u>

The Borough Clerk and Borough Attorney are authorized to renumber and codify the provisions of this Ordinance within Chapter 14 of the Borough Code, as needed, and to make such typographical, formatting, and cross-reference corrections as may be necessary.

<u>SECTION 10. REPEALER</u>

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

<u>SECTION 11. SEVERABILITY</u>

If any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

<u>SECTION 12. EFFECTIVE DATE</u>

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

Ordinance No. 2026-372 was introduced on First Reading by Councilwoman Woodruff and seconded by Councilman Riccardi and approved by the Roll Call Vote.