

ORDINANCE 6-26

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 245, "LAND USE", TO REPEAL AND REPLACE ARTICLE VII WHICH SHALL BE ENTITLED "SITE SPECIFIC AFFORDABLE HOUSING ZONING" AND INCLUDE SECTION 245-76 WHICH SHALL BE ENTITLED "MIDDLE HOUSING OVERLAY ZONE"

BE IT ORDAINED by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Brick is hereby amended so as to repeal existing Article VII entitled "Affordable Housing Based on Growth Share" and replace with a new Article VII which shall be entitled "Site Specific Affordable Housing Zoning" and which shall read as follows:

§ 245-75. Legislative Intent. The purpose of this Article is to adopt site-specific zoning standards for the implementation of the Township of Brick's Fourth Round Housing Element and Fair Share Plan.

§ 245-76. Middle Housing Overlay Zone

A. Purpose.

1. The Middle Housing Overlay Zone addresses two planning goals;
 - a. The redevelopment of smaller lot, non-conforming uses that have the potential to create small-scale multi-family developments where there is potential for affordable unit creation. Most lots in zone are contiguous creating potential for assemblage and opportunity for affordable housing unit construction on highway frontages (MHOZ-A); and
 - b. The creation of Inclusionary multi-family affordable housing developments where the larger scale building types in the Middle Housing Overlay Zone have potential for redevelopment to create realistic opportunities for affordable housing unit creation (MHOZ-I).
2. Quality of life is directly tied to proximity to jobs, education, amenities, recreation, family and friends. Additionally, the quality of life in the Township of Brick is related to the character of the community. Brick is a collection of small to large-scale neighborhoods. The MHOZ overlay zone identifies areas where multi-family housing exists in a substandard form and placement. The areas are where nonconforming residential multifamily structures are poorly designed, have inefficient layouts, and otherwise would be eligible for the New Jersey Housing and Redevelopment Law designated as an area in need of redevelopment. This ordinance focuses on the building form and arrangement. Five-story high, monolithic apartment buildings are not consistent with the character of the community in Brick. The ordinance is designed to encourage redevelopment in areas where people already live in substandard conditions, so that middle housing units can be constructed in medium density, attainable, housing developments, intertwined with neighborhood, serving commercial amenities and uses. The middle

housing overlay zone will potentially generate enough housing to produce the 25% of the unmet need.

3. The purpose and scope of the Township of Brick Middle Housing Overlay Zone (MHOZ) is to create optional zoning opportunities for property owners to invest in the development of housing that is attainable in established transportation corridors with easy access to jobs, education and amenities.
 4. This ordinance provides property owners with flexibility in design, with parameters that are intended to keep the suburban, medium density character of the community to redesign neighborhoods. Middle-housing type developments including, cottage, bungalow and garden apartments do reflect the residential character of the neighborhoods in the Township and are the basis of the MHOZ.
- B. Establishment of Overlay. The Middle Overlay Zone standards are applied to the properties set forth on Attachment 7.
- C. Affordable Housing Set Aside. The Middle Overlay Zone requires a minimum set aside of 20% of units to be available to low- and moderate-income units for any single-family or multi-family residential development consisting of five dwelling units or more.
- D. Permitted Uses. The uses set forth below shall be permitted as a development alternative to the underlying zoning uses allowed by this Chapter, but shall not replace the underlying zoning district.
- a. All uses permitted in underlying zones.
 - b. Multi-family housing is permitted on lots of one acre or more.
 - c. Single-family or duplex housing is permitted on lots of less than one acre.
 - d. Density of no more than 10 du/acre on lots over an acre and no more.
 - e. Carriage Houses, Bungalows, Cottages, Detached Compact Houses, Duplex, Townhouse/Rowhouse, Garden Apartments/Stacked Flats, Multi-plex (10 units max), Live/Work Buildings.
 - f. Accessory dwellings.
- E. Definitions of Building Types.
1. Accessory Dwelling: A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.¹ Accessory garages are permitted to have dwelling unit but must not be more than 1 ½ stories. Accessory dwelling units may be integrated into principal structure but must be smaller in size and have an independent means of access from the principal dwelling access.
 2. Bungalow: A small, detached building type that is one story with a porch or veranda. Bungalows can be on individual lots or more than one unit may be allowed on one lot, however, a density of no more than 10 dwelling units per acre are permitted on lots of less than one acre or more.

3. Carriage House: A carriage house is an accessory building type that is to be located at the rear of a lot. It provides a small residential unit, home office or other small service commercial use (not retail) that can be located above a garage or at ground level. Carriage houses may only be allowed on lots where the main building is a residential use of a Detached Compact House, Duplex, Townhouse/Rowhouse or Multi-Plex. Carriage houses shall not be taller or have a larger footprint than the main building/s on the lot.
4. Cottage Court: A small, detached dwelling unit of one or one- and one-half story. Minimum square footage of 400 square feet; maximum square footage of 1,000 square feet. A series of small, detached structures (no more than 6) providing multiple units arranged to define a shared court that is perpendicular to the street. The shared court takes the place of a private yard. Density of no more than 10 du/acre on lots of an acre or more.
5. Detached Compact House: A small detached residential structure that incorporates one-unit for a single-family occupancy. Main body width of the house – 36' wide maximum. Density of no more than 6 du/acre on lots under an acre and no more than 8 du/acre on lots over an acre in size.
6. Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall (demising wall) extending from basement to roof.¹ Maximum building width and depth is 48'. Minimum dwelling width within the building is 18'. This permitted building type is designed with the appearance of a medium scale single-family home but provides two living units per building.
7. Townhouse/Rowhouse: A small to medium attached structure with no more than five (5) dwelling units per building. These units are placed side-by-side. Main body of the building must measure 18' minimum width per Town/Rowhouse and 36' maximum per Town/Rowhouse. Density of no more than 10 du/acre on lots of an acre or more.
8. Compact Garden Apartment/Stacked Flats: One or more two-story, multi family structures, with access through individual entrances. Dwelling units can be located back-to-back, adjacent and one on top of another.¹ No more than 6 dwelling units per building.
9. Multi-Plex: A small-medium structure that consists of 5-10 side-by-side and/or stacked dwelling units typically with one shared entry or individual entries along the front. This has the appearance of a medium sized single-family dwelling. Main body of the building shall have a maximum width of 48' and depth of 48' maximum
10. Live/Work: A small-medium building type attached or detached structure that consists of up to four dwelling units above or behind a flexible ground floor space that can be used for residential, service, office or retail use permitted in the underlying zone. The nonresidential uses shall front on a county or state highway corridor. Main building body width of 18' minimum and 36' maximum.

F. MHOZ Bulk and Building Standards. Set forth on Attachment 6.

SECTION 2. Zone Map. The Official Zoning Map the Township of Brick is hereby amended to add the zoning designation of the properties set forth in Attachment 7 to Middle Housing Overlay Zone (MHOZ) Zone

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

PASSED: February 24, 2026
ADOPTED: March 10, 2026

SIGNED: _____
LISA CRATE
MAYOR

STEVE FEINMAN
COUNCIL PRESIDENT

ATTEST: _____
LYNNETTE A. IANNARONE
TOWNSHIP CLERK