

ORDINANCE 2026-03-826

AN ORDINANCE OF THE BOROUGH OF PINE BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 175 TITLED “ZONING AND SUBDIVISION” TO ADD A DEFINITION OF MIXED USE UNDER ARTICLE I AND TO ADD A MIXED USE OVERLAY ZONE TO THE EXISTING B-1 BUSINESS HIGHWAY DISTRICT UNDER ARTICLE X

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, pursuant to the Amended FHA, the Borough filed its Housing Element and Fair Share Plan (“HEFSP”) approved by the Borough of Pine Beach Land Use Board per Resolution 2025-82; and

WHEREAS, on August 29, 2025, Fair Share Housing Center (“FSHC”) objected to the Borough’s HEFSP; and

WHEREAS, the Borough of Pine Beach entered into a settlement agreement with the Fair Share Housing Center on December 22, 2025; and

WHEREAS, the aforementioned settlement agreement stipulates that the Borough of Pine Beach shall add a new overlay zone within the B-1 Highway Business zone district that allows for a “Mixed-Use” combination of uses where commercial, cultural or entertainment exists on the ground floor and the floors above are utilized for residential apartments; and

WHEREAS, the mixed-use zone will also require a minimum of 20% of all new residential units in a mixed-use project to be designated as Affordable Units; and

WHEREAS, it is necessary to amend Article X “Zone District Regulations” to add a mixed use overlay zone to achieve consistency with the executed settlement agreement; and

BE IT ORDAINED, by the Mayor and Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, that the Borough of Pine Beach Code is hereby amended as follows (**bolded underline** indicates addition, ~~striketrough~~ indicates deletion):

SECTION 1. Section 175-6 of the Pine Beach Borough Code shall be amended to add the term “Mixed Use”.

Section 175-6 Definitions and word usage.

Mixed-Use

A combination of uses where commercial, cultural, or entertainment exists on the ground floor and the floors above are utilized for residential apartment buildings.

SECTION 2. Article X “Zone District Regulations” of the Pine Beach Borough Code is hereby amended to add a mixed use overlay zone:

Article X Zone District Regulations

§ 175-58 R-150 Low-Density Residential District.

§ 175-59 Medium Low-Density and Medium-Density Residential Districts.

§ 175-59.1 R-120 Medium Low-Density Residential District.

§ 175-59.2 R-75 Medium-Density Residential District.

§ 175-60 R-2 Redevelopment District.

§ 175-61 B-1 Business Highway District.

§ 175-61.1 B-1 Business Highway Mixed Use Overlay District.

§ 175-62 Floodplain areas.

SECTION 3. § 175-61.1 B-1 Business Highway Mixed Use Overlay District of the Pine Beach Borough Code is hereby added:

§ 175-61.1

A. Conditional principal uses in the B-1 Business Highway Mixed Use Overlay District shall be as follows:

(1) Mixed-Uses:

Minimum Lot Area (Square Feet)	15,800 sq. ft.
Maximum Density (DU per acre)	18 units per acre
Min. Lot Width	100 ft.
Min. Lot Depth	100 ft.
Min. Front Yard Setback	10 ft.
Min. Side Yard Setback	10 ft.
Min. Rear Yard Setback	10 ft.
Max. Lot Coverage	35%
Max. Height (Feet)	45 feet
Max. Height (Stories)	3 stories
Min. Residential Unit Total Size	600 square feet
Min. Setback from Internal Streets	10 ft.
Min. Width per Residential Unit	20 ft.
Max. Units per Structure	30 units
Max. Bldg. Length	250 ft.
Min. Outside Access Points	2
Min. Affordable Set-Aside	20%

NOTE 1: A 10-foot buffer along all sides and rear property lines shall be established for any apartment building abutting any use group.

NOTE 2: All exterior trash receptacles shall be conveniently located and conform to all local and county rules and regulations regarding recycling.

NOTE 3: Any Mixed-Use project shall include a minimum set-aside of twenty percent (20%) affordable units. The units shall be integrated with market-rate units. Affordable units are regulated

by Chapter 48 of the Pine Beach Borough Code and applicable rules and regulations of the State of New Jersey and Court requirements.

SECTION 4. This Ordinance shall be subject to review and recommendation by the Pine Beach Borough Land Use Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A 40:55D-62.1.

SECTION 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 6. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 7. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Ocean County Planning Board.

Introduced: March 3, 2026

Council	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Keesling</i>			X			
<i>Councilwoman McGee</i>		X	X			
<i>Councilman Newman</i>			X			
<i>Councilman Polhemus</i>	X		X			
<i>Councilman Saxton</i>			X			
<i>Council President Wieck</i>			X			

Public Hearing: March 13, 2026

Council	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Keesling</i>					X	
<i>Councilwoman McGee</i>			X			
<i>Councilman Newman</i>			X			
<i>Councilman Polhemus</i>	X		X			
<i>Councilman Saxton</i>		X	X			
<i>Council President Wieck</i>			X			

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced by the Borough Council of the Borough of Pine Beach at a meeting held on **March 3, 2026** and will be considered for final adoption and passage at a meeting held by the Mayor and Council on **March 13, 2026 at 6:30 p.m.**, at the Borough Hall, located at 599 Pennsylvania Ave., Pine Beach, New Jersey, 08741. At that time any interested person may have come forward and be heard regarding the proposed adoption of this Ordinance.


Hannah L. Jacobus
Municipal Clerk