

ORDINANCE 2026-07

AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF SEASIDE HEIGHTS, SO AS TO AMEND CHAPTER 246, ENTITLED "ZONING AND LAND USE"

WHEREAS, the Borough of Seaside Heights will satisfy its affordable housing obligation in accordance with Mount Laurel IV regulations, the most recently adopted Housing Plan Element & Fair Share Plan; and

WHEREAS, prior to the most recent Borough of Seaside Heights Housing Plan Element & Fair Share Plan, in 2025 the State of New Jersey provided a framework for municipalities to achieve constitutional compliance with regard to creating a realistic opportunity for producing a fair share of affordable housing for the Fourth Round; and

WHEREAS, N.J.S.A. 4:55D-62 provides the governing body with the power to create zoning districts and related requirements to effectuate the Housing Plan Element and Fair Share Plan; and

WHEREAS, the Borough Council recognizes the importance of providing a realistic opportunity to produce its fair share obligation for the Fourth Round and to allow for the opportunity of housing choices within the Borough; and

WHEREAS, the most recently adopted Housing Plan Element & Fair Share Plan and settlement agreement between the Borough of Seaside Heights and Fair Share Housing Center includes inclusionary developments to provide the Borough with low and moderate income affordable units.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Seaside Heights, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Seaside Heights is hereby amended and supplemented so as to amend Chapter 246 entitled "Zoning and Land Use," so as to add a new section § 246-42.2 which shall be entitled "Multi-Family Inclusionary Overlay Zone-1" which shall read as follows:

§246-46.2 MFIZ-I (Multi Family Inclusionary Overlay Zone-I)

- A. Multi Family Inclusionary Overlay Zone (MFIZ-I) District Overlay. The purpose of the MFIZ-I Zone is to implement the Borough Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary mixed-use residential developments that incorporate an appropriate affordable housing set-aside to address the unmet need of the Fourth Round obligation of the Borough for the period 2025-2035. The MFIZ-IV

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district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.

- B. Applicability. The MFIZ-I District shall be applied to those properties identified in the table below as shown in the Borough Tax Map. The Official Zoning Map of the Borough of Seaside Heights is hereby amended in accordance with the foregoing and is incorporated by reference. For the purpose of permitting the development of an inclusionary development the provisions and requirements of the MFIZ-I Zone shall supersede the provisions and restrictions of the underlying zone districts, when applied. In the event of a conflict between the provisions of this section and other sections of the Borough development regulations with respect to the development of affordable housing, the provisions of the MFIZ-I Zone shall govern.

Block	Lots
42	1

- C. Principal Permitted Use in the MFIZ- I Affordable Housing Overlay Zone shall be inclusionary mixed-use developments with multifamily affordable housing, provided that 20% of the housing units are set aside as dwelling units affordable to very low, low, or moderate income households:

- (1) Retail
- (2) Multi-Family Units (not permitted on ground floor)

- D. Accessory Uses. The following shall be permitted:

- (1).Open space area(s);
- (2).Off-street parking facilities including driveways;\
- (3).Fences in accordance with the applicable Borough standards;
- (4).Signs in accordance with the standards in the Borough Code;
- (5).Sidewalks in accordance the Borough Code; and
- (6).Other uses which are customarily incidental and subordinate to the principal use.

- E. Maximum density of multifamily affordable housing development shall be 20 du/ac

- F. Bulk, area, and building requirements. The following requirements shall apply for all permitted uses:

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<i>Residential District</i>	<i>Permitted/Required</i>
Minimum Lot Area	79,000 sq ft
Minimum Lot Width	100 feet
Minimum Building Setbacks	
Front Yard	5
Side Yard	5/15
Rear Yard	20
Maximum Lot Coverage (Building)	80%
Maximum Impervious Coverage	90%
Maximum Building Height	4 stories / 50 feet

G. Parking: The following shall be met:

- (1) Multifamily units parking shall be provided per RSIS Standards.
- (2) Retail business uses shall supply parking at one parking space per 500 square feet of gross floor area.

H. Affordable Housing Obligation:

- (1). 20% of the total number of units shall be affordable units.
- (2). Income Distribution
 - (a) A minimum of 50% of the affordable dwelling units shall be set aside for low-income households earning less than 50% of the area's median income.
 - (b) A maximum of 50% of the affordable dwelling units shall be set aside for moderate- i n c o m e households earning between 50% and 80% of the area's median income.
- (3). Bedroom Distribution
 - (a) Two-bedroom and/or three-bedroom units must compose 50% of all affordable units.
 - (b) No more than 20% of affordable units may be one-bedroom units.
 - (c) At least 30% of affordable units must be two-bedroom units.
 - (d) At least 20% of affordable units must be three-bedroom units.
 - (e) The remainder of the affordable units may be allocated at the discretion of the developer.
- (4). Affordable Housing Units shall be developed in accordance with the prevailing UHAC requirements.

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I. Building Design Standards

- (1). Buildings shall be designed to complement and enhance the context of the surrounding areas.
- (2). Large blank or featureless walls shall be avoided.
- (3). Blank or featureless walls are prohibited. No buildings shall have a wall with an uninterrupted length of more than 30 feet without including any change in the vertical plane of the façade.
- (4). Buildings shall be designed using a color palette that complements the architectural context of the surrounding area.
- (5). Primary exterior building materials shall be a mix of brick or brick veneer, stone, cultured stone, stucco, natural wood, composite wood, metal, glass, vinyl, or similarly durable materials.
- (6). A three-dimensional rendering and a colored elevation rendering shall be submitted as part of site plan application. Rendering shall provide a depiction of the proposed building demonstrating several key features such as architecture, proposed color palette, examples of terrace amenities, etc.
- (7). All mechanical equipment and rooftop appurtenances shall be screened from public view.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Seaside Heights held on the **18th** day of **March, 2026**, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the **1st** day of **April, 2026** at 5:00 p.m., in the Municipal Court Room located above the firehouse at the George E. Tompkins Municipal Complex, 116 Sherman Avenue (a/k/a 901 Boulevard), Seaside Heights,

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New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



DIANE STABLEY, RMC

Borough Clerk, Borough of Seaside Heights

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