



Asbury Park, New Jersey
ORDINANCE NO. 2020-10

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ASBURY PARK TO AMEND ARTICLE VIII REDEVELOPMENT PLANS, SECTION 30-110.4 SPRINGWOOD AVENUE REDEVELOPMENT PLAN, CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE CITY'S ADOPTED 2019 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board adopted a Master Plan & Master Plan Reexamination Report in December 2017 that includes Housing Objectives and recommendations;

WHEREAS, the Master Plan & Master Plan Reexamination Report recommended identification of inclusionary zoning opportunities, ensuring affordable housing units and projects are consistent with State standards, and adoption of a housing element and fair share plan;

WHEREAS, the Planning Board adopted a Third Round Housing Element and Fair Share Plan in February 2019 that recommended amendments to the City's Land Development Regulations intended to promote and incentivize the creation of affordable housing units in inclusionary development;

WHEREAS, the Third Round Housing Element and Fair Share Plan recommended amending the Springwood Avenue Redevelopment Plan to replace the "growth share" requirements with inclusionary housing requirements consistent with N.J.A.C. 5:93, the substantive rules of the Council on Affordable Housing;

WHEREAS, the amended Redevelopment Plan standards herein are consistent with the 2019 Housing Element and Fair Share Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Asbury Park, Monmouth County, New Jersey, that the Springwood Avenue Redevelopment Plan is hereby amended to provide new inclusionary housing standards as follows:

SECTION 1. Amend Section 30-110.4 Springwood Avenue Redevelopment Plan as follows:

Additions are shown as **thus**; deletions shown as ~~thus~~

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Ordinance No. 2020-10, adopted 4-22-2020. Amends the affordable housing requirements in the Springwood Avenue Redevelopment Plan.

SECTION 2. Amend the 2018 Amended Springwood Avenue Redevelopment Plan, Affordable

Housing, Development Standards, page 36:

Additions are shown as **thus**; deletions shown as **~~thus~~**

...

Affordable housing units must reflect the economic realities of the City's lower-income populations and the City's median household income. At least 20% of new residential units are required to be sold or rented at levels affordable to low and moderate income households. Payments in-lieu of providing affordable housing on-site are not permitted when the development includes residential units. **Nonresidential development shall be subject to the statewide nonresidential development fee, consistent with § 88-5 of the City Code.**

Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80- 26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).

~~In mixed-use projects, non-residential development shall provide one (1) affordable housing unit on-site for every 25 jobs created by new or expanded non-residential development. In mixed-use developments where the non-residential development creates less than twenty five (25) jobs based on the COAH rules, at least one affordable unit will be constructed on-site to satisfy the non-residential affordable housing obligation. Determination of the number of jobs created shall be based on the new or expanded gross floor area in the development and the conversion factors, by use group, published by COAH as Appendix E in N.J.A.C. 5:94-1 et. seq.~~

~~Where the proposed development contains exclusively non-residential use, and the identified redeveloper is not constructing residential units elsewhere in the Springwood Avenue Redevelopment Area, the redeveloper may provide the required affordable units in a location outside of the Area in a location reasonably comparable to the development as approved by the City. Alternatively, the redeveloper may provide a payment-in-lieu of constructing the required affordable units, which payment shall represent the subsidy required to make market housing units affordable. Exempted from this provision shall be the following types of development which do not constitute a portion of the state or housing region's tax ratable wealth: educational, cultural and outdoor recreational facilities; quasi-public uses such as churches, clubs, lodges or similar uses; and public uses.~~

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Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the City of Asbury Park declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

Section 5. Repealer.

All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-10 which was finally adopted by the City Council at a meeting held on the 22nd day of April, 2020


 MELODY HARTSGROVE
 CITY CLERK

✓ Vote Record - Ordinance 2020-10						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Introduced						
	Eileen Chapman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yvonne Clayton	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jesse Kendle	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Amy Quinn	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Moor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>