

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING AN OVERLAY ZONING DISTRICT FOR INCLUSIONARY HOUSING

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., requires municipalities to provide a realistic opportunity for the creation of affordable housing to meet their fair share obligations; and

WHEREAS, the Borough of Ship Bottom (the “Borough”) has adopted a Housing Element and Fair Share Plan, and had previously filed a declaratory judgment action with the Affordable Housing Dispute Resolution Program within the Superior Court of New Jersey, docketed as OCN-L-322-15, which yielded a mediation agreement between the Borough and Fair Share Housing Center; and

WHEREAS, the Borough Council proposes that, in furtherance of its constitutional duty to provide realistic opportunities for the development of low- and moderate-income households, that incentivizes redevelopment in the central business district of the Borough in a manner to encourage the development of multi-family, inclusionary housing along with ground-floor retail, commercial, and other uses;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, a majority of the full authorized membership thereof affirmatively concurring, that:

SECTION 1. Chapter 16.12 of the Borough Code of the Borough of Ship Bottom, is hereby amended to add the following new zoning overlay district:

Section 16.48.020 “Affordable Housing Overlay in General Commercial District”

SECTION 2. Section 16.48.020 is hereby created in the Borough Code of the Borough of Ship Bottom, reading as follows:

Section 16.48.020. Affordable Housing Overlay in General Commercial District.

- (a) Purpose. The Affordable Housing Overlay is proposed to create a realistic opportunity for the development of affordable housing by incentivizing redevelopment options in the business district.
- (b) Included Parcels.
 - 1. The Affordable Housing Overlay includes three identified lots in the mediation agreement between the Borough and Fair Share Housing Center.
 - 2. The following parcels are included in the Affordable Housing Overlay: Block 68, Lot 1; Block 108, Lot 1; and Block 96, Lot 1.02. A map of the proposed overlay zones is annexed hereto as Exhibit A.
- (c) Principal Permitted Uses. Within the Overlay, the following principal permitted uses are permitted:
 - 1. Multi-Family Residential, at a density no more than 24 dwelling units/acre.
 - 2. All uses permitted within the General Commercial District are permitted as part of a mixed-use building on the ground floor, with multi-family residential on the upper floors at a density no more than 24 dwelling units/acre.
- (d) Accessory Uses.
 - 1. Off-street parking facilities in conformance with the Residential Site Improvement Standards, N.J.A.C 5:21.
 - 2. Signs.
 - 3. Fences, walls, pools, recreational facilities, common walkways, sitting areas, gardens, and stormwater management facilities.
 - 4. Other uses customarily incidental and accessory to a proposed mixed-use or multi-family development.
- (e) Design and Bulk Standards. The design and bulk standards of the General Commercial District shall otherwise apply.

- (f) Affordable Housing Requirements. All inclusionary developments shall conform to the standards of the Borough's affordable housing standards, including compliance with all standards and requirements of the Fair Housing Act and the Uniform Housing Affordability Controls.

SECTION 3. Inconsistent Ordinances.

To the extent any existing provisions of the Borough Code are inconsistent with the foregoing, same are hereby repealed based upon such inconsistency, and the provisions of this Ordinance shall remain in full effect.

SECTION 4. Severability

If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, such invalidity shall not affect the remaining portions of this ordinance.

SECTION 5. Effective Date

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, April 28, 2026, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on May 26, 2026, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy Correnti, RMC
Municipal Clerk