

**ORDINANCE NO. 06-2026**

**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 130, "LAND USE" OF THE CODE OF THE BOROUGH OF SEA BRIGHT, AMENDING THE RESIDENTIAL OVERLAY ZONE FOR BLOCK 19, LOTS 2, 2.01 AND 3**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of SEA BRIGHT; and

**WHEREAS**, the DCA Report calculated Sea Bright's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 0 units and a Fourth Round Prospective Need (New Construction) Obligation of 46 affordable housing units with a cumulative Prior Round, Third Round and Fourth Round Prospective Need obligation of 234 affordable housing units; and

**WHEREAS**, the Borough of Sea Bright (the "Borough" or "Sea Bright") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action bearing the caption, In the Matter of the Borough of Sea Bright. Superior Court of New Jersey, Law Division, Docket No. MON-L-297-25 on January 21, 2025; and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Plan on June 12, 2025 (the "HEFSP"); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 31, 2025; and

**WHEREAS**, the Borough having entered into a Consent Order with Fair Share Housing Center which requires the Borough to adopt Fourth Round implementing ordinances in conformance with current statutes and regulation; and

**WHEREAS**, the Borough Council of the Borough of Sea Bright believes it is in the best interest of the Borough to adopt the Fourth Round implementing ordinances in order to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 2035.

**NOW THEREFORE BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

**SECTION ONE:** Chapter 130 “Land Use” of the Code of the Borough of Sea Bright, Article VII, “Area, Bulk and Use Requirements”, be and the same is hereby amended and supplemented by the addition thereto of the following section:

“130-42.1. Lots included in the RO Residential Overlay Zones.

The following lots, located on East Ocean Avenue between East Surf Street and East Center Street and the same are hereby included in the RO Residential Overlay Zone:

Lot 3, Block 19 (commonly known as the “Mad Hatter” property)

Lot 2, Block 19

Lot 2.01, Block 19 (vacant properties located between lot 3 and the Community Center)”

**SECTION TWO:** Chapter 130, “Land Use, of the Code of the Borough of Sea Bright, Article VII, “Area, Bulk and Use Requirements”, Section 130-38 “Uses permitted”, subsection 130-38C, “Use regulations”, be and the same is hereby amended and supplemented by the addition thereto of the following subsection 130-38C(9):

“(9) Use regulations in the RO Residential Overlay Zone:

(a) Permitted primary uses

[1] Class I, residential use:

[2] Multi-Family Residential use in multistory buildings, located above any of the permitted uses as identified within the RO Zoning District Regulations. Multi-family residential uses require a twenty (20%) set aside for low- and moderate-income households.

**SECTION THREE.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR.** Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

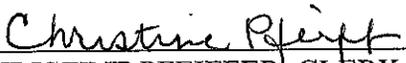
**SECTION FIVE.** This Ordinance shall take effect upon its passage and publication according to law.

**I HEREBY CERTIFY** this the be a true correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on February 17, 2026 and will be further considered after a Public Hearing held on March 11, 2026 in the Municipal Building at 1097 Ocean Avenue at 7:00 pm.

INTRODUCED: February 17, 2026  
PUBLIC HEARING: March 11, 2026  
ADOPTED: March 11, 2026

Witness:

**BOROUGH OF SEA BRIGHT**

  
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CHRISTINE PFEIFFER, CLERK

  
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BRIAN P. KELLY, Mayor