

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF KEYPORT TO CREATE SECTION 21-1-15.21 ENTITLED “MANDATORY AFFORDABLE SET-ASIDE” TO ADDRESS THE BOROUGH’S COMPLIANCE WITH ITS AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough Council of the Borough of Keyport, Monmouth County, New Jersey, based upon the recommendations of the Borough’s professionals, desires to amend Chapter 25 of the Code of the Borough of Keyport to create Section 25-1-15.21, entitled “Mandatory Affordable Set-Aside” to include provisions addressing the Borough’s constitutional obligation to provide for its fair share of low-and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, the Keyport Borough Planning Board has prepared a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., and

WHEREAS, this Ordinance implements and incorporates the prepared Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

NOW THEREFORE, BE IT ORDAINED that Chapter 25 Section 25-1-15.21, entitled “Mandatory Affordable Set-Aside,” of the Code of the Borough of Keyport is hereby created to read as follows:

§25-1-15.21 Mandatory Affordable Set-Aside.

All multi-family developments producing 5 or more units shall have a required affordable housing set-aside of 20% for all projects. All affordable units created under this section shall be developed in accordance with the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 et. seq. as amended and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. as amended. This standard shall apply to all multi-family developments that apply for site plan approval after the date of adoption of this ordinance, including any future redevelopment or rehabilitation areas designated within the Borough pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12a-1 et. seq.

BE IT FURTHER ORDAINED copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Borough Clerk.

BE IT FURTHER ORDAINED this ordinance shall take effect upon final passage and publication according to law.

BE IT FURTHER ORDAINED the Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A.

40:550-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:550-16 and with the Borough Tax Assessor.

BE IT FURTHER ORDAINED all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

Introduced: February 17, 2026

Public Hearing: March 3, 2026

Adopted:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport