

ORDINANCE No. 2026-02

AN ORDINANCE ESTABLISHING AFFORDABLE HOUSING INCLUSIONARY MID-RISE FAMILY APARTMENT OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on June 11, 2025, the Borough Planning Board adopted the Housing Element and Fair Share Plan pursuant to Resolution No. 2025-13; and

WHEREAS, pursuant to the June 2025 Housing Element and Fair Share Plan the Borough has identified part of one (1) parcel (Block 151, Lot 1.01) containing 3.85 acres of property which is projected to be suitable for redevelopment; and

WHEREAS, the Borough has agreed to create a zoning overlay to provide a realistic development potential for this parcel to provide inclusionary housing opportunities; and

WHEREAS, the Affordable Housing Inclusionary Mid-rise Family Apartment Overlay Zone shall permit 40 du/acre inclusionary multifamily apartments with a required 15% set-aside on Block 151, Lot 1.01; and

WHEREAS, Block 151, Lot 1.01 is located adjacent to the recreation complex; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone shall permit a maximum building height of six (6) stories with ground floor parking permitted and five (5) residential stories above the parking shall be permitted; and

WHEREAS, the Affordable Housing Inclusionary Family Apartment Overlay Zone is located in underlying PR Planned Retail District; and

WHEREAS, unless specifically superseded by this Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone, all standards that are in the PR Planned Retail District Section 113-389 shall be complied with; and

WHEREAS, pursuant to Resolution No. ___-___, the Borough Council authorized to transmit the same to the Planning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning Board deems appropriate in accordance with N.J.S.A. 40A:12-7; and

WHEREAS, the Borough Council has reviewed and considered the recommendations of the Planning Board regarding the proposed Affordable Housing Inclusionary Apartment Overlay Zone.

BE IT ORDAINED by the Mayor and Commissioners of the Borough of Audubon, Camden County, New Jersey, that Article VII. Zoning Regulations of the Code of the Borough of Audubon is hereby amended to include provisions addressing Audubon'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. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

Section 1: Add Sec. 113.391 IFMAO Inclusionary Family Mid-rise Apartment Overlay Zone to Article VII

(1) Use regulations. Inclusionary Family Mid-rise Apartment consisting of 40 du/acre with a required 15% set-aside on Block 151, Lot 1.01.

1. A maximum of six (6) stories with ground floor parking permitted and five (5) residential stories above the parking shall be permitted.
2. Unless specifically superseded by this Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone, all standards that are in the PR Planned Retail District Section 113-389 shall be complied with.

NOW, THEREFORE, BE IT ORDAINED, BY THE AUDUBON BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is hereby adopted.

The Affordable Housing Inclusionary Family Mid-rise Apartment Overlay Zone is consistent with the Borough of Audubon's Master Plan or is designed to effectuate the Master Plan.

The Affordable Housing Inclusionary Family Apartment Overlay Zone shall constitute an overlay of existing zoning and the Official Zoning Map is hereby amended to reflect the overlay zone set forth herein.

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance except so far as the provision so declared invalid shall be severable from the remainder of the portion thereof.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon adoption and publication according to law.

ATTEST:

BOROUGH OF AUDUBON

Danielle Ingves, R.M.C.
Municipal Clerk

Robert Jakubowski, Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call:

RECORDED VOTE	AYE	NAY	ABSTAIN	ABSENT
Mayor Jakubowski				
Commissioner Wendell				
Commissioner Alemi				

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

RECORDED VOTE	AYE	NAY	ABSTAIN	ABSENT
Mayor Jakubowski				
Commissioner Wendell				
Commissioner Alemi				

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Commissioners at a meeting held on March 12, 2026.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk

NOTICE:

BOROUGH OF AUDUBON

Robert Jakubowski, Mayor

ATTEST: _____
Danielle Ingves, RMC, Borough Clerk

The foregoing Ordinance was adopted on final reading and public hearing at a meeting held by the Board of Commissioners on March 12, 2026.

Danielle Ingves, Municipal Clerk

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Audubon held in the Municipal Building on the 17 day of February 2026, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the 12 day of March 2026, at 5:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Danielle Ingves, R.M.C., C.M.R.
Municipal Clerk