

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2018-06**

AN ORDINANCE AMENDING CHAPTER 95 (DEVELOPMENT REGULATIONS), ARTICLE V, ZONING DISTRICT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO ESTABLISH AN ASSISTED LIVING OVERLAY ZONE UPON CERTAIN LAND WITHIN THE C-3 (GENERAL COMMERCIAL) ZONING DISTRICT, PROVIDING FOR THE DEVELOPMENT OF CERTAIN ALTERNATIVE LIVING ARRANGEMENTS SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS

WHEREAS, the statutes of the State of New Jersey, N.J.S.A. 40:55D-89, require municipalities, through the local planning board, to reexamine municipal master plans “at least” every ten years; and

WHEREAS, the latest Master Plan Reexamination Report for the Township was adopted on July 16, 2009; and

WHEREAS, the Township Planning Board regularly studies the Township Master Plan and has adopted several amendments to the Master Plan since the adoption of the 2009 Master Plan Reexamination Report; and

WHEREAS, the most recent amendment to the Township Master Plan, prepared on January 26, 2012, recommended the expansion of permitted uses within the C-3 zone districts to help the Township progress toward its long term development objectives; and

WHEREAS, since the most recent amendment to the Township Master Plan, the Supreme Court of the State of New Jersey, in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) provided a framework for achieving constitutional compliance with regard to creating a realistic opportunity for producing a fair share of affordable housing for the Third Round; and

WHEREAS, N.J.S.A. 40:55D-62 provides the governing body with the power to create zoning districts and related requirements to effectuate the Township Master Plan and Housing Plan Element and Fair Share Plan; and

WHEREAS, the Township Committee recognizes the importance of providing a realistic opportunity to produce its fair share obligation for the Third Round and to allow for the

opportunity of housing choices within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, that the Assisted Living Overlay Zone (AL-O) is hereby established and applied to certain lands along State Highway 33 as follows:

SECTION ONE. Chapter 95 entitled "Development Regulations" of the Township Code of the Township of Manalapan, Section 95-5.6., entitled Overlay Districts is hereby amended and supplemented as follows:

"H. Assisted Living Overlay Zone (AL-O). The purpose of the Assisted Living Overlay Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop certain facilities that qualify as alternative living arrangements pursuant to N.J.A.C. 5:93-1.1 et seq. Such facilities are intended in part to address the Third Round obligation of the Township for the period 2015-2025. The AL-O overlay provides for the development of certain alternative living arrangements for very-low, low- and moderate-income individuals in a suitable location.

(1) Applicability. The Assisted Living Overlay Zone shall be applied to the following properties as shown on the Official Tax Map of the Township:

Block 73, Lots 4, 6 and 7

Block 74, Lots 7 and 8

Block 75, Lots 3, 4, 5, 7 and 8

(2) The Official Zoning Map of the Township of Manalapan is hereby amended in accordance with the foregoing and is incorporated by reference. For the purpose of permitting the development of certain facilities that qualify as alternative living arrangements, the provisions and requirements of the Assisted Living Overlay Zone shall supersede the provisions and restrictions of the underlying General Commercial (C-3) zone district except where otherwise noted. In the event of a conflict between the provisions of this section and other sections of the Township development regulations with respect to the development of the uses permitted herein, the provisions of the Assisted Living Overlay Zone shall govern.

(3) Principal Permitted Uses. The permitted uses in the Assisted Living Overlay Zone shall be as follows:

- (a) Residential health care facilities as regulated by the New Jersey Department of Health.
 - (b) Group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services.
- (4) Accessory Uses. The following accessory uses or structures shall be permitted:
- (a) Skilled nursing care for residents.
 - (b) Off-street parking facilities.
 - (c) Signs in accordance with the standards of §95-5.6 and §95-8.7.
 - (d) Fences in accordance with the standards of §95-7.24.
 - (e) Drainage facilities.
 - (f) Other uses which are customarily incidental and accessory to the principal use.
- (5) Bulk, area, and building requirements. The bulk, yard and building requirements of the C-3 General Commercial zone district shall apply to the Assisted Living Overlay District except as superseded herein. The provisions of the Route 33 Overlay Zone shall also apply to the Assisted Living Overlay District., except as specifically modified herein. Development within the Assisted Living Overlay District shall also comply with the following requirements:
- (a) A maximum of two (2) principal buildings shall be permitted.
 - (b) Principal buildings shall contain a minimum of 12,000 square feet of gross floor area.
 - (c) The aggregate gross floor area of all principal buildings shall not exceed 85,000 square feet of gross floor area.
- (6) Off-street parking requirements. Off-street parking shall be provided in accordance with the standards governing nursing homes contained in §95-9.2.B.
- (7) Affordable housing requirements. A project(s) developed under the provisions of the Assisted Living Overlay Zone shall provide for the development of affordable housing that is eligible for credit as an alternative living arrangement pursuant to the provisions of N.J.A.C. 5:93-1.1 et seq.

- (a) The unit of credit for affordable housing developed under the Assisted Living Overlay District shall be the bedroom.
- (b) An affordable housing set-aside equal to 55 units or 20 percent of all units, whichever is greater, shall be provided. Those units created pursuant to the required set-aside shall be affordable to very-low-, low- or moderate-income individuals and shall be subject to the affordability and occupancy controls contained in N.J.A.C. 5:93 and the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq.
- (c) A minimum of 13 percent of all affordable units shall be affordable to very-low-income individuals as defined in the *Guide to Affordable Housing in New Jersey*, published by the Division of Codes & Standards in the New Jersey Department of Community Affairs.

(8) Site Improvement Standards.

- (a) Any proposed development shall be served by public water and sewer. The phasing of utility improvements, if necessary, shall be subject to the review and approval of the Planning Board.
- (b) Phasing of construction shall follow a logical progression concurrent with construction progress of the development.
- (c) All roadways, parking areas, and landscaped islands located within the Overlay Zone shall be private and maintained by the property owner or facility operator.
- (d) The development(s) shall provide for stormwater management in accordance with all applicable regulations. Stormwater management basins shall be owned and maintained by the property owner or facility operator. The phasing of stormwater management improvements, if necessary, shall be subject to the review and approval of the Planning Board and shall be completed in a manner that services the development areas as construction progresses.
- (e) The development(s) shall maintain at least 30 percent of the property as open space and recreation areas, inclusive of wetlands, wetlands transition areas, floodplains, and steep slopes.

[1] Lands dedicated for open spaces shall include, wherever feasible, natural features such as streams, brooks, wooded

areas, steep slopes and other natural features of scenic and conservation value. The developer shall plant trees or make complete similar landscaping improvements subject to the review and approval of the Planning Board to ensure the attractiveness and suitability of the area as open space.”

SECTION TWO. Any ordinance or portions thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency. All other provisions of the Code of the Township of Manalapan are ratified and remain in full force and effect.

SECTION THREE. If any portion of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR. This Ordinance shall take effect immediately upon final passage and publication according to law and its filing with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on May 9, 2018 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on Wednesday, May 23, 2018 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk’s Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of May 23, 2018.

REGINA PRETEROTI, RMC
Municipal Clerk