

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2018-09**

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 A SPECIAL ECONOMIC DEVELOPMENT/AFFORDABLE HOUSING (SED/AH) OVERLAY ZONE UPON CERTAIN LAND WITHIN THE SED-20 ZONING DISTRICT, TO PERMIT THE DEVELOPMENT OF CERTAIN RESIDENTIAL AND COMMERCIAL USES, SUBJECT TO 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, 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 Special

Economic Development/Affordable Housing Zone (SED/AH) 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 to add thereto the following subsection:

“J. Special Economic Development/Affordable Housing Zone (SED/AH).

The purpose of the Special Economic Development/Affordable Housing Zone is to provide for the development of an appropriate mix of commercial uses together with an assisted living residence and a multi-family inclusionary development designed to assist the Township in satisfying its Third Round fair share housing obligation.

- (1) Applicability: The Special Economic Development/Affordable Housing Overlay Zone shall be applied to the following properties shown on the official Tax Map of the Township: Block 7232, Lots 1.02, 1.03, 2.04 and 3.
 - (a) The SED/AH zone shall include a variety of non-residential uses and activities intended to create an attractive mixed-use development within the community. To achieve this goal, the SED/AH zone shall require the multi-family inclusionary development to be part of any development application for any permitted use that does not contain affordable housing.
 - (b) The development of an assisted living residence shall provide low and moderate income beds and, therefore, may be developed independently from the multi-family inclusionary development.
 - (c) The payment of a development fee shall not qualify a development application as a development maintaining an affordable housing component.
 - (d) The Official Zoning Map of the Township of Manalapan is hereby amended in accordance with the foregoing and is incorporated by reference. The provisions and requirements of the SED/AH Overlay Zone shall supersede the provisions and restrictions of the underlying SED-20 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 Special Economic Development/Affordable Housing Overlay Zone shall govern.

(2) Permitted Principal Uses. The permitted uses in the Special Economic Development/Affordable Housing Zone shall be as follows:

- (a) Business and professional offices, including medical offices.
- (b) Banks, including drive-through facilities, and financial institutions.
- (c) Retail sales and services.
- (d) Personal services.
- (e) Pharmacies, including drive through facilities.
- (f) Restaurants, Category one, two and three, including drive-through restaurants.
- (g) Community and municipal facilities.
- (h) Assisted living residence not to exceed 120 beds.
- (i) Multi-family inclusionary development, to include a combination of market rate townhouses and affordable residences within multi-family buildings; provided that a minimum of thirty percent (30%) of the total number of units shall be set aside for low and moderate income households.
- (j) Fitness/health clubs.

(3) Permitted accessory uses.

- (a) Off-street parking facilities.
- (b) Other uses which are customarily incidental to a permitted principal use.
- (c) Recreation area(s) and recreation facilities and buildings for the common use and enjoyment of residents of a multi-family inclusionary development, including, but not limited, to clubhouses, tennis courts, swimming pools, walking trails, and other active and passive open space(s).

- (d) Signs.
- (e) Gatehouse.
- (f) Public utilities.
- (g) Essential services.
- (h) Outdoor dining associated with permitted restaurant uses subject to the requirements of Chapter 157, Outdoor Dining.

(4) Bulk, area and building requirements are as follows:

(a) Minimum lot size.

- [1] Assisted living residence: 6 acres
- [2] Multi-family inclusionary development: 40 acres
- [3] All other permitted principal uses: 2 acres

Minimum lot frontage.

- [1] Assisted living residence: 500 feet
- [2] Multi-family inclusionary development: 250 feet
- [3] All other permitted principal uses: 200 feet

(c) Minimum lot depth.

- [1] Assisted living residence: 500 feet
- [2] Multi-family inclusionary development: 1,000 feet
- [3] All other permitted principal uses: 300 feet

(d) Minimum front yard setback.

- [1] Assisted living residence: 100 feet
- [2] Multi-family inclusionary development: 100 feet
- [3] All other permitted principal uses: 100 feet

(e) Minimum one side yard setback.

- [1] Assisted living residence: 15 feet
- [2] Multi-family inclusionary development: 45 feet

[3] All other permitted principal uses: 15 feet

(f) Minimum both side yard setback.

[1] Assisted living residence: 50 feet

[2] Multi-family inclusionary development: 90 feet

[3] All other permitted principal uses: 50 feet

(g) Minimum rear yard setback.

[1] Assisted living residence: 50 feet

[2] Multi-family inclusionary development: 50 feet

[3] All other permitted principal uses: 50 feet

(h) Maximum building height.

[1] Assisted living residence: 50 feet

[2] Multi-family inclusionary development: 45 feet, 3 stories

[3] All other permitted principal uses: 50 feet

(i) Maximum building coverage.

[1] Assisted living residence: 25%

[2] Multi-family inclusionary development: 15%

[3] All other permitted principal uses: 15%

(j) Maximum floor area ratio.

[1] Assisted living residence: None

[2] Multi-family inclusionary development: None

[3] All other permitted principal uses: 0.6

(k) Maximum lot coverage.

[1] Assisted living residence: 40%

[2] Multi-family inclusionary development: 30%

[3] All other permitted principal uses: 60%

(l) Minimum parking setback from street.

[1] Assisted living residence: 35 feet

[2] Multi-family inclusionary development: 100 feet

[3] All other permitted principal uses: 35 feet

(m) Minimum parking setback from side lot line.

[1] Assisted living residence: 40 feet

[2] Multi-family inclusionary development: 30 feet

[3] All other permitted principal uses: 15 feet

(n) Minimum parking setback from rear lot line.

[1] Assisted living residence: 50 feet

[2] Multi-family inclusionary development: 50 feet

[3] All other permitted principal uses: 50 feet

(5) Buffer requirements. A minimum 100 foot buffer shall be provided where a use other than a multi-family inclusionary development adjoins a residential zone district. Where a multi-family inclusionary development adjoins a residential zone district a minimum 30 foot buffer shall be provided and such requirement shall supersede the buffer standards set forth under §95-5.6D (Route 33 Overlay Zone), except that where the development adjoins any golf course lands associated with a developed residential community, the buffer may be reduced to no less than 20 feet, provided that the reduced buffer area is landscaped as deemed appropriate by the Planning Board.

(6) Off-street parking requirements.

(a) Multi-family inclusionary development: in accordance with the requirements of the New Jersey Residential Site Improvement Standard (RSIS).

(b) Assisted living residence: 0.5 spaces per bed.

(c) Restaurants, including drive-through restaurants: 1 space per 2 ½ seats.

(d) Medical offices: 1 space per 150 square feet of gross floor area.

(e) All other permitted principal uses: 1 space per 200 square feet of gross floor area.

(7) Miscellaneous requirements.

- (a) All roadways within the mixed use multi-family inclusionary development shall remain private and are the sole responsibility of the Homeowners Association.
- (b) Multiple buildings on a lot shall be permitted.
- (c) Access from a multi-family inclusionary development to a public street may be provided via a shared driveway located on a lot to be developed for any other permitted principal use provided it is built in accordance with specifications acceptable to the Township Engineer and provided further that the right to such access is established with a perpetual easement recorded in the Monmouth County Clerk's office or as otherwise provided by law
- (d) The standards set forth under §95-5.6B (Flood Hazard Overlay District) shall apply, except that road crossings permitted by NJDEP shall be allowed within regulated areas.
- (e) The following provisions set forth in Chapter 95 shall not apply to development in the SED/AH Zone: §95-8.3, §95-6.10, §95-7.34, §95-7.40, §95-8.9 and §95-8.12.

(8) Additional standards for multi-family inclusionary development.

- (a) The maximum gross density shall not exceed 3.5 dwelling units per acre.
- (b) There shall be no more than 18 dwelling units in any multi-family building.
- (c) No townhouse unit shall have fewer than two exposures.
- (d) There shall be no more than 8 dwelling units in any townhouse building.
- (e) No residential building shall have a length in excess of 200 feet.
- (f) Minimum distance between buildings:

[1] Front to front: 75 feet

[2] Rear to rear: 50 feet

[3] End to end: 30 feet

- (g) Minimum building setback to internal roadway: 15 feet exclusive of front steps, stoops or overhangs which shall be no closer than 10 feet to an internal roadway.
 - (h) Minimum distance between building and parking area: 10 feet.
 - (i) The provision of low- and moderate-income units shall be subject to the rules and regulations of the New Jersey Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC).
- (9) The following sign regulations shall apply and shall supersede the sign standards set forth under §95-5.6D.(9):
- (a) Multi-family inclusionary development shall adhere to the requirements set forth in §95.8.7H.(1)(f).
 - (b) All other permitted principal uses shall adhere to the requirements set forth in §95.8.7H(4) for the C-3 Zone District.”

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.

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 July 11, 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, August 22, 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 August 22, 2018.

REGINA PRETEROTI, RMC
Municipal Clerk