

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", SECTION 95-5.6, "OVERLAY DISTRICTS", PROVIDING FOR THE ESTABLISHMENT OF A MIXED USE OVERLAY ZONE TO PERMIT RESIDENTIAL AND COMMERCIAL USES IN THE VILLAGE COMMERCIAL ZONE DISTRICT LOCATED ON STATE HIGHWAY 33 AND MILLHURST ROAD.

BE IT ORDAINED by the Township of Manalapan, County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-5.6, "Overlay Districts", be and the same is hereby amended and supplemented to add thereto the following subsection creating a mixed use overlay zone in the Village Commercial Zone District"

§ 95-5.6 – Overlay Districts

"F. Mixed-Use Overlay Zone. The purpose of the Mixed-Use Overlay Zone is to facilitate the development of distinctive, mixed-use development that offers a variety of non-residential uses, combined with a mix of market-rate and affordable multi-family housing. The provisions of the Mixed Use Overlay Zone shall be applied only to the Village Commercial zone district as shown on attached Figure One. The Township of Manalapan Zoning Map is hereby amended in accordance with the foregoing and is incorporated by reference.

Within the Mixed-Use Overlay Zone, the following standards and requirements shall supersede the provisions of the underlying zoning relating to the use, bulk and design standards for the area governed herein:

- 1) Minimum tract area: 115 acres.
- 2) Permitted uses. The following uses shall be permitted:

- a) Multi-family residential dwellings located above the ground floor level, which shall contain commercial uses.
- b) Hotels, which shall contain a minimum of 100 guest rooms, and which may contain ancillary restaurant, meeting, banquet, fitness and other guest service facilities.
- c) Conference and exhibition centers, provided that: no outdoor activities are permitted; and, an area that is in addition to and separate from the required off-street parking is provided for the temporary storage of motor vehicles and trailers during each event.
- d) Medical research facilities.
- e) Urgent care facilities with a maximum of ten (10) examination rooms.
- f) Outpatient surgery centers designed to accommodate a maximum of ten (10) patients at a given time.
- g) Fitness/health clubs.
- h) Retail and personal service uses permitted in commercial shopping centers and neighborhood shopping centers, provided that: there shall be no outdoor display of merchandise associated with any retail use; and, no retail use (i.e., unit, tenant space) shall contain more than 25,000 square feet of gross floor area, except that food stores may contain a maximum of 100,000 square feet of gross floor area.
- i) Pharmacies, including drive-through facilities.
- j) Banks, including drive-through facilities, and fiduciary institutions.
- k) Restaurants, Category One, Two and Three.
- l) Professional, business and medical offices.
- m) Gasoline filling stations with convenience stores, provided that: no direct access to or from a state or county road is provided; convenience stores contain no more than 3,500 square feet of gross floor area; one (1) parking space is provided for each 100 square feet of gross floor area in the

convenience store; and, the location and access to the convenience store does not impede or interfere with vehicular and pedestrian circulation to and from the filling station pumps.

- n) Municipal facilities operated by Manalapan Township.
 - o) Post office, library and similar public buildings.
 - p) Commuter parking areas.
 - q) Child care centers and adult day-care facilities.
- 3) Accessory uses. The following accessory uses shall be permitted:
- a) Outdoor public amphitheaters, the location and seating capacity of which shall be determined by the planning board as part of a general development plan approval.
 - b) Outdoor dining associated with permitted restaurant uses.
 - c) Recreation facilities and clubhouse designed for use by residents of on-tract multi-family residential dwellings (e.g., dog parks, pocket parks).
 - d) Bus stops associated with commuter parking areas.
- 4) Residential use requirements. The following standards shall apply to multi-family residential dwellings provided in accordance with this subsection:
- a) A maximum of six hundred (600) market-rate dwelling units shall be permitted. A maximum of one hundred twenty (120) special needs affordable dwelling units shall be permitted.
 - b) The affordable special needs dwelling units shall be provided in an amount equal to 20 percent of the market rate units approved and shall be affordable to low- and moderate-income households, with at least 50 percent of said dwelling units affordable to low-income households and the remainder affordable to moderate-income households.
 - c) Market-rate dwelling units may contain a maximum of two bedrooms. No more than half of said units may contain two

bedrooms.

- d) Affordable dwelling units must comply with all applicable regulations, including, but not limited to, the bedroom distribution requirements of N.J.A.C. 5:80-26.3
 - e) Recreation facilities designed for use by residents of on-tract multi-family residential dwellings must be provided.
- 5) Maximum floor area ratio: 0.38. For purposes of this section, the definition of floor area shall be governed by § 95-2.4.
 - 6) Maximum lot coverage: 75 percent.
 - 7) Maximum building coverage: 20 percent.
 - 8) Maximum building height:
 - 9) Mixed use buildings and all other non-retail buildings-Four (4) stories;
 - a) Retail buildings- one (1) story;
 - b) Accessory structures- one (1) story.
 - 10) All parking areas, loading areas and detention basins shall be set back a minimum of: 50 feet from the N.J.S.H. 33 and Millhurst Road rights-of-way; and, 75 feet from adjacent residential uses.
 - 11) All buildings shall be set back a minimum of: 100 feet from the N.J.S.H. 33 and Millhurst Road rights-of-way; 250 feet from adjacent residential uses; and 40 feet from an internal dedicated public street.
 - 12) Commuter parking requirement. A commuter parking area and associated bus stop(s) provided in accordance with this subsection shall be provided. The number of parking spaces within said commuter parking lot shall be determined by the Planning Board during site plan review and may be phased in accordance with the overall phasing plan.
 - 13) A curb shall be provided along the property frontage at the edge of the roadway as part of any application.
 - 14) Retention basins may be permitted within required front yard areas, provided that such basins are designed to serve as aesthetic

landscape features that will maintain or accentuate the visual continuity of the landscaped area.

- 15) Parking and loading areas, holding areas for solid waste and recyclables, mechanical equipment and similar features shall be screened from view from N.J.S.H 33 and Millhurst Road.
- 16) Portions of the total tract area, exclusive of public road rights-of-way, shall be dedicated to public or semi-public uses, including, but not limited to, open space and outdoor recreation areas, walking trails; and outdoor amphitheaters.
- 17) Any application for a general development plan approval shall include a traffic access and impact study in accordance with the provisions of § 95-8.8. D.
- 18) All signage shall be provided in accordance with the requirements of § 95-8.7. with the following exceptions/modifications:
 - (a) A total of three (3) freestanding signs are permitted consisting of one (1) pylon site sign not exceeding 400 square feet in area and maximum of twenty-five (25) feet in height; and two (2) monument signs; one (1) at each tract entrance, a maximum six (6) feet in height.
 - (b) An overall tract sign package shall be submitted with the general development plan application and will govern all signage in the proposed development.
- 19) All buildings shall be constructed in accordance with an overall unified architectural plan and shall conform to the requirements of § 95-8.6. (Architectural and building design requirements.)
- 20) Off-street parking shall be provided in accordance with the applicable requirements of Article IX of this chapter for each non-residential use and in accordance with RSIS for residential uses, unless otherwise specified herein; provided, however, that the number of required off-street parking spaces for non-residential uses may be reduced based upon a shared parking analysis, subject to the approval of the planning board. A minimum of one (1) off street parking space shall be reserved for each market rate housing unit and a minimum of one-half (0.5) parking space shall be reserved for each special needs affordable residential unit.
- 21) Any development in the Mixed Use Overlay Zone shall be initiated

by an application to the planning board for general development plan approval that complies with all of the requirements of § 95-12.4, "General development plan contents". Applications for site plan approval may be subsequently submitted for each phase of the approved general development plan.

- 22) Any general development plan application shall include a circulation plan for pedestrians and vehicles as well as a detailed traffic study concerning the off site improvements to the existing transportation system required as a result of the proposed development.
- 23) Any general development plan application shall include a phasing plan. The intent of any construction phasing is to maintain a balance of commercial uses and residential units. The project phasing shall provide a minimum ratio of commercial building area to residential units of 500 commercial square feet per residential unit, not including the affordable housing units. The Planning Board shall have the discretion to amend the phasing plan as necessary. The phasing and required completion dates for the affordable housing units shall be in accordance with all applicable affordable housing regulations.
- 24) The general development plan shall provide for a municipal development agreement between the developer and the Township to address the proposed development, including provisions relating to the construction of all on-site; off-site; and off-tract improvements by the developer. Such development agreement shall be recorded in the office of the Monmouth County Clerk so as to bind the developer and all successors in title.
- 25) Technical subdivisions.
 - a) It is acknowledged that a commercial project to be developed pursuant to this chapter may be of such a size or type so as to make sectionalization by subdivision and the use of different forms of ownership a practical necessity. Therefore a technical subdivision for such a project may be required for marketing or financing purposes.
 - b) An application for technical subdivision approval may be submitted with an application for approval of a nonresidential site plan, or subsequent to the issuance of

such an approval.

- c) Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required, subject to the following conditions:
 - (i) The purpose of the application is to create a new lot for the purpose of financing or transfer of ownership within a development which is, or has been, the subject of site plan approval.
 - (ii) A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.
 - (iii) A technical subdivision must not reduce, limit or modify parking or access to parking.
 - (iv) If a technical subdivision includes the division of parking or other common areas or facilities, the subdivision shall be conditioned upon appropriate easements for parking, access, drainage and/or utilities where necessary."

SECTION TWO: Any ordinances 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 Code of the Township of Manalapan are ratified and remain in full force and effect.

SECTION THREE: If any provision 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.

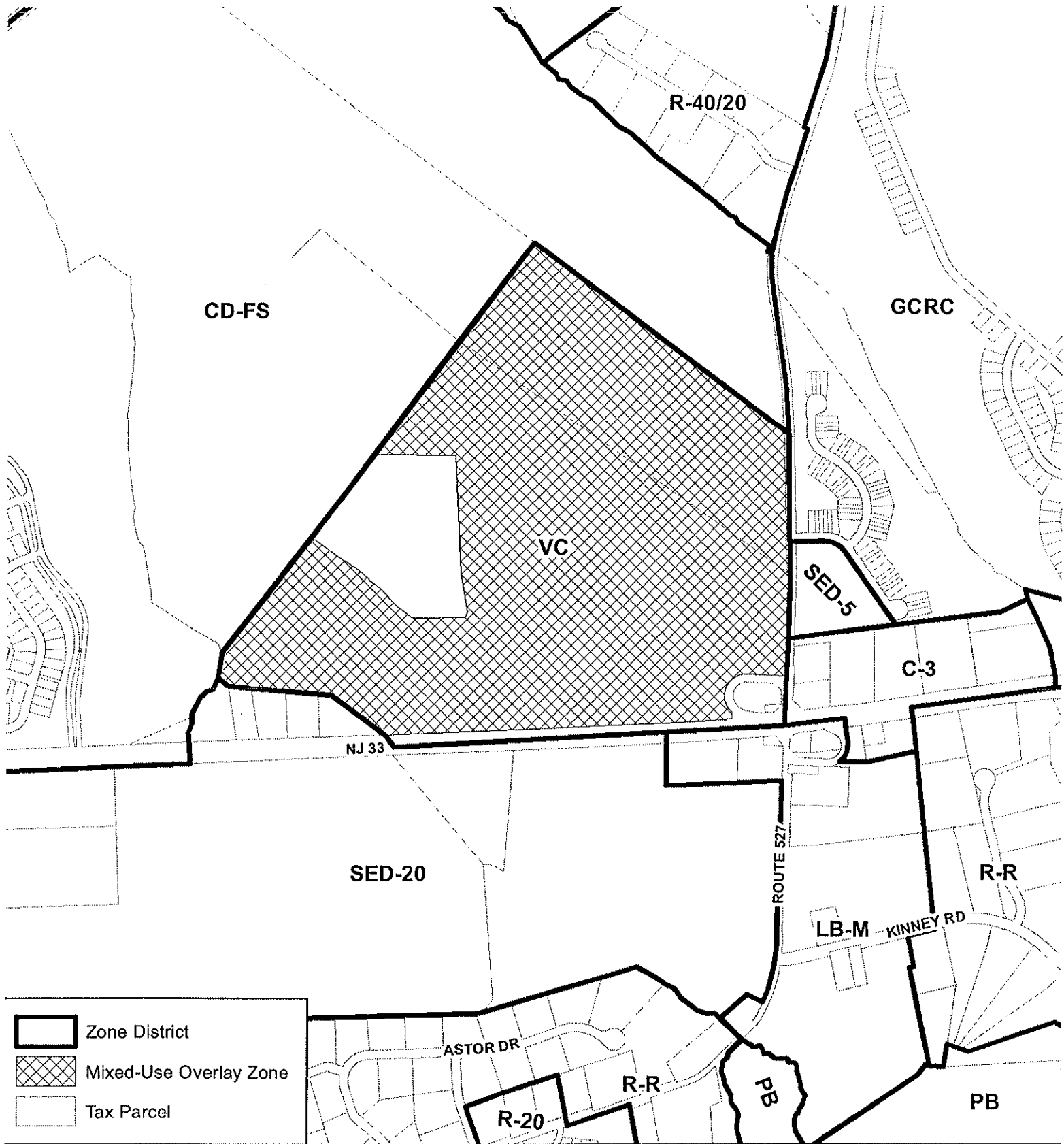
SECTION FOUR: This Ordinance shall take effect immediately upon final passage and publication according to law and its filing with the Monmouth County Planning Board.

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 [October 14, 2015](#) 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 [Tuesday, November 10, 2015](#) 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 [November 10, 2015](#).

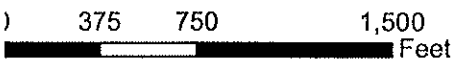
REGINA PRETEROTI, RMC
Municipal Clerk



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|--|------------------------|
| | Zone District |
| | Mixed-Use Overlay Zone |
| | Tax Parcel |



11 Tindall Road
 Middletown, NJ 07748-2792
 Phone: 732-671-6400
 Fax: 732-671-7365



Proposed Mixed-Use Overlay Zone Manalapan Township Monmouth County, New Jersey