

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2016-06**

**AN ORDINANCE AMENDING CHAPTER 95 (DEVELOPMENT REGULATIONS),
ARTICLE V, ZONING DISTRICT REGULATIONS, OF THE CODE OF THE
TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, AND STATE OF NEW
JERSEY TO ESTABLISH A SENIOR HOUSING OVERLAY ZONE UPON CERTAIN
LAND WITHIN THE SED-20 (SPECIAL ECONOMIC DEVELOPMENT) ZONING
DISTRICT, PROVIDING FOR AGE-RESTRICTED HOUSING TO BE DEVELOPED
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 Township 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 conditional uses within the SED 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 a Senior Housing Overlay Zone (SH-O) is hereby established and applied to certain lands along State Highway 33 as follows:

SECTION 1. 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:

F. Senior Housing Overlay Zone (SH-O). The purpose of the Senior Housing Overlay Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop an age-restricted residential development that incorporates an appropriate affordable housing set-aside or results in the development of an accompanying one-hundred-percent affordable housing development to address the Third Round obligation of the Township for the period 2015-2025. The SH-O overlay provides for the development of affordable housing for very-low, low- and moderate-income housing in a suitable location.

(1) Applicability. The Senior Housing Overlay Zone shall be applied to Block 72, Lot 6.01, which is shown on the Official Tax Map of the Township. 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 an age-restricted inclusionary development or combination market-rate age-restricted development and municipally sponsored one-hundred-percent-affordable housing development, the provisions and requirements of the Senior Housing Overlay Zone shall supersede the provisions and restrictions of the underlying Special Economic Development (SED) zone district. 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 age-restricted and affordable housing, the provisions of the Senior Housing Overlay Zone shall govern.

(2) Minimum Tract Size.

(a) Inclusionary Age-Restricted Development. 100 acres.

(b) Market-rate Age-Restricted Development and 100-percent-affordable development.

[1] Market Rate portion: 80 acres.

[2] 100-percent-affordable portion: 14 acres

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

(a) Age-restricted inclusionary residential development that qualifies as “55 and over housing” within the meaning of the Federal Fair Housing Act. Such age-restricted residential development shall be limited to single-family dwellings, with a mandatory minimum affordable set-aside of fifteen percent (15%) for rental units and twenty percent (20%) for for-sale units in lieu of an affordable set aside, a dedication of land may be made in accordance with Subsection (3)(c) herein;

(b) Market rate, age-restricted residential development; provided, however, that a dedication of land is made to the Township pursuant to subsection (3) (c) herein.

(c) One-hundred-percent affordable multi-family development, provided that a minimum of fourteen (14) acres of land is dedicated to the Township for said housing development.

(4) Accessory Uses. The following shall be permitted:

- (a) Recreation area(s) and recreation facilities and buildings for the common use and enjoyment of residents of the development including, but not limited to clubhouses, tennis courts, swimming pools, walking trails, putting greens, passive open space, or other community element deemed by the Planning Board to be consistent with the above.
 - (b) Off-street parking facilities.
 - (c) Fences in accordance with the standards of §95-7.24
 - (d) Minor signs and Type A signs.
 - (e) Other uses which are customarily incidental and accessory to the principal use.
- (5) Maximum Density.
- (a) Age-restricted residential development. 2.0 dwelling units per gross acre.
 - (b) Multifamily affordable housing development. 13.0 dwelling units per gross acre.
- (6) Bulk, area, and building requirements. The following requirements shall apply:
- (a) Maximum tract-wide impervious coverage. 35 percent.
 - (b) Age-restricted residential development.

	Interior Lot	Corner Lot
Minimum Lot Area	6,000 sq. ft.	6,500 sq. ft.
Minimum Lot Frontage	50 ft.*	50 ft.
Minimum Lot Width	50 ft.	60 ft.
Minimum Lot Depth	120 ft.	120 ft.
Minimum Front Yard Setback	10 ft. dwelling, 20 ft. garage**	
Minimum One Side Yard Setback	6.5 ft.	
Minimum Both Side Yard Setback	13 ft.	
Minimum Rear Yard Setback	20 ft.^	
Minimum Accessory Structure Side Yard Setback	5 ft.	
Minimum Accessory Structure Rear Yard Setback	5 ft.	
Maximum Impervious Coverage	65%	
Maximum Building Coverage	55%	
Maximum Principal Building Height	35 ft./2.5 Stories	
Minimum Perimeter Buffer	50 ft.^^	

* A frontage of 35 feet is permitted along the street line with a curve alignment having an outside radius of less than 500 feet. The minimum frontage will be maintained along the front setback line.

**Measured from the garage door to the street right-of-way

^Patios or decks with a surface no higher than the elevation of the first floor may encroach up to 10 feet into the rear yard setback

^^Measured from the tract boundary to the lot line of single-family dwellings.

(7) Site Improvement Standards.

- (a) The proposed development(s) 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) The proposed development(s) shall be planned and designed to meet the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
- [1] Phasing of construction of circulation improvements shall follow a logical progression concurrent with sales and construction progress of the development.
 - [2] All roadways, parking areas, and landscaped islands shall be private and maintained by a homeowners' association, except that access roads across lands dedicated to and accepted by the Township for public use may be public roads.
 - [3] The street lighting plan shall be designed to provide that any future lighting costs incurred by the Township shall be based upon the contribution fixtures rate and the agreement with the local utility and shall be reviewed and approved by the Township Engineer and the Township Attorney as provided in §95-9.3.C.(4).
 - [4] As part of final approval, the development shall provide a municipal services agreement with the Township for the contribution by the Township for maintenance, snow plowing, refuse removal and lighting in accordance with the municipal policies in effect at the time of approval.
 - [5] Each single-family detached dwelling shall be constructed with and shall maintain a two-car garage served by a driveway with a width of at least 20 feet and a length of at least 20 feet between the face of the garage door and the right-of-way. The conversion of such garages shall be prohibited by the by-laws and regulations of the established homeowners' association.
 - [6] Clubhouse parking for the age-restricted development, as required in accordance with §95-9.2.B., may be used for commuter parking for residents of the age-restricted development subject to restrictions or limitations described in the public offering statement (POS) for the community. The POS for the development shall disclose to potential homeowners that the parking lot may be used for commuter parking, however, the homeowners' association may limit the number of parking spaces available for commuters to reduce the potential impact on those who intend to use the clubhouse parking area for clubhouse and other related recreational purposes.
- (c) The development(s) shall provide for stormwater management in accordance with all applicable regulations. Stormwater management basins shall be owned and maintained by a homeowners' association to be established by the developer. Stormwater management facilities provided as part of a one-hundred-percent affordable development shall be maintained by a property management entity. 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.
- (d) The development(s) shall provide separate common open space, recreation areas and improvement for the benefits of each development's respective residents in accordance with the following:

- [1] Each development shall maintain at least 30 percent of the property as open space and recreation areas, inclusive of wetlands, wetlands transition areas, floodplains, steep slopes and lands dedicated to public use.
- [2] Any age-restricted affordable development developed under the provisions of the SH-O overlay shall include an active recreation area for the use and enjoyment of the residents of the development. The active recreation area shall be a minimum of 1.5 acres in area and shall, at a minimum, be developed to provide the following improvements and meet the following minimum requirements:
 - [a] A clubhouse/community center building with at least 20 square feet per home of floor area, including a multipurpose room and other indoor activity areas. The clubhouse/community center building shall be set back at least 50 feet from any street; at least 25 feet from any residential lot, and shall not exceed 2.5 stories or 40 feet in height. The building design shall be coordinated with the design of the single-family dwellings and the perimeter of the area shall be appropriately landscaped as required by the Planning Board. The clubhouse building shall be constructed, completed, and in receipt of a certificate of occupancy by the issuance of building permits for forty percent of the dwelling units within the development.
 - [b] Outdoor recreation facilities, including swimming pools and at least one other outdoor activity (i.e., tennis, bocce, etc.).
 - [c] Walking trails. Such walking trails shall be routed through or around a portion of the development to create the opportunity for walking, jogging, and pedestrian circulation. The trail shall be at least six (6) feet in width and shall be owned and maintained by the homeowners' association of the planned development unless dedicated to and accented by a public entity. The walking trails shall be completed by the issuance of building permits for 75 percent of the dwelling units within the development.
 - [d] Other appropriate active recreation facilities as approved by the Planning Board.
 - [e] All recreational buildings and facilities shall be subordinate to the residential character of the community, and no advertising or commercial enterprise shall be permitted.
- [3] The recreation facilities shall be owned and maintained by the appropriate homeowners' association or property management entity. All owners of single-family dwelling units within an age-restricted housing development developed under the provisions of the Senior Housing Overlay District shall be members of the homeowners' association.
- [4] 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.

- (e) Affordable housing requirements. Residential development projects developed under the provisions of the Senior Housing Overlay Zone shall provide for the development of affordable housing as outlined herein. Such affordable housing shall be provided through an affordable housing set-aside or through the dedication of a tract of land within 500 feet of Route 33 in accordance with the provisions herein. If a dedication is proposed, the developer shall be under no obligation to construct the affordable units, but rather is limited to subdividing and conveying to the Township such lands suitable for use as an affordable housing site.
- (f) Provision of land for public use. The Township shall have the right to accept the dedication of land for the purposes of providing affordable housing, and the developer shall dedicate such lands at the time of the first final subdivision or final site plan approval granted by the Township to the development.

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its passage and publication according to law.

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 13, 2016 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 August 10, 2016 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 10, 2016.

REGINA PRETEROTI, RMC
Municipal Clerk