

ORDINANCE NO. 2017 - 01

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.

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, 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 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:

- “G. 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 single family age-restricted market-rate housing and special needs affordable housing. The provisions of the Mixed Use Overlay Zone shall be applied only to the Village Commercial zone district as shown on the attached “Land Use Map, Block 66.01 – Lot 8.01”. 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) Permitted uses. The following uses shall be permitted:
 - a) Detached single family dwellings consisting of age-restricted residential development that qualifies as “55 and over housing” within the meaning of the Fair Housing Act. There is a mandatory minimum affordable set-aside of fifteen percent (15%) for special needs affordable housing based on the total number of residential units.
 - b) Special needs affordable residential multifamily dwelling units. The special needs affordable housing units shall be reserved for “special needs”, 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 to moderate-income households. Units shall be developed and rented in accordance with the applicable COAH and Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. Seq. Dwelling units to serve as special needs housing shall be located in multifamily buildings and provide supportive services for individuals with special needs who can benefit from housing with services. Special Needs Affordable Housing shall be provided in a minimum amount equal to 15% of the total number of residential units; provided, however, that no less than 50 units and no more than 70 units shall be constructed.
 - c) Hotels, which shall contain a minimum of 100 guest rooms, and which may contain ancillary restaurant, meeting, banquet,

- fitness and other guest service facilities.
 - 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 stores.
 - i) Personal services.
 - j) Supermarkets.
 - k) Indoor athletic, exercise or recreation facilities subject to provisions of § 95-6.17.
 - l) Pharmacies, including drive-through facilities.
 - m) Funeral Homes.
 - n) Banks, including drive-through facilities, and fiduciary institutions.
 - o) Restaurants, Category One, Two and Three.
 - p) Professional, business and medical offices.
 - q) 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 pedestrian circulation to and from the filling station pumps.
 - r) Municipal facilities operated by Manalapan Township.
 - s) Post office, library and similar public buildings.
 - t) Child care centers and adult day-care facilities.
- 2) Accessory uses. The following accessory uses shall be permitted:
- a) Outdoor dining associated with permitted restaurant uses subject to the requirements of Chapter 157, Outdoor Dining.
 - b) Recreation facilities and clubhouse designed for use by residents of on-tract residential dwellings.
 - c) Off-street parking facilities.
 - d) Signs.
 - e) Public Utilities.
 - f) Gatehouse.
 - g) Essential Services.
 - h) Other uses which are customarily incidental and accessory to the principal uses.

- 3) Bulk, Area, and Building Requirements are as follows:
 - a) Tract Requirements
 - (i) The minimum tract area for a mixed use project is 115 acres.
 - (ii) The maximum tract area for age-restricted residential development is 96 acres.
 - (iii) The minimum tract area for special needs affordable housing is 3 acres. Vehicular Access is limited to Millhurst Road.
 - (iv) The minimum tract area for commercial development is 20 acres.
 - b) Density, Number of Units.
 - (i) The maximum permitted number of detached single family age-restricted residential units shall be 280 units.
 - (ii) The minimum number of special needs affordable housing units shall be 15% of the total number of residential units or fifty (50), whichever is greater.
 - (iii) The maximum number of special needs affordable housing units shall be seventy (70).
 - c) Buffers. Buffers conforming to Chapter 95-8.5 D. (1) & (4) will be provided as follows:
 - (i) Tract Boundary - 50 feet
 - (ii) Millhurst Road - None
 - (iii) State Highway Route 33 - In accordance with the requirements of the Route 33 Overlay Zone (§95-5.6).
 - (iv) Multifamily use to single family housing use - 30 feet
 - (v) Commercial use to single family housing use - 30 feet
 - (vi) Commercial use to multifamily use - 30 feet
 - d) Signs.
 - (i) All signage shall be provided in accordance with the requirements of §95.8.7. with the following exception/modifications:
 - 1) A total of five (5) signs are permitted consisting of one (1) ground sign not exceeding 200 square feet in area which may be electronic, having a maximum height of 30 feet to be located along Route 33, one (1) ground sign not exceeding 100 square feet in area, which may be electronic having a maximum height of 22 feet to be located along Millhurst Road; two (2) non-illuminated Type A signs for the age-restricted residential development; one (1) at each tract

entrance, a maximum six (6) feet in height with ground clearance of not less than 2 ½ feet, and maximum sign area of 60 square feet each and one (1) non-illuminated Type A signs for the special needs affordable housing development, a maximum six (6) feet in height and maximum sign area of 32 square feet, with ground clearance of not less than 2 ½ feet.

2) The minimum front setback for all signs is 20 feet

e) Age-restricted housing lot and building requirements.

	<i>Interior Lot</i>	<i>Corner Lot</i>
Minimum Lot Area	5,000 sq. ft.	5,500 sq. ft.
Minimum Lot Frontage	50 ft.*	50 ft.
Minimum Lot Width	50 ft.	60 ft.
Minimum Lot Depth	110 ft.	110 ft.
Minimum Front Yard Setback	10 ft. dwelling, 20 ft. garage**	
Minimum One Side Yard Setback	5 ft.	
Minimum Both Side Yard Setback	10 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	60%	
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.

(f) Affordable multi-family residential dwelling units.

Maximum Number of Dwelling Units =	70
Minimum Front Yard Setback	100 ft.
Minimum One Side Yard Setback	25 ft.
Minimum Both Side Yard Setback	75 ft.
Minimum Rear Yard Setback	40 ft.
Maximum Principal Building Height	35 ft./2.5 Stories
Minimum Distance between buildings	30 ft.
Minimum Perimeter Buffer	50 ft.

(g) Commercial Development.

Minimum Floor Area (Total of All Uses)	50,000 square feet.
Maximum Floor Area Ratio	0.75

Maximum Building Lot Coverage	20%
Minimum Front Yard Setback	
Route 33	120 feet
Millhurst Road	100 feet
Minimum Parking Setback	
Route 33	50 feet
Millhurst Road	50 feet
Residential Tract Boundary	60 feet
Maximum Principal Building Height	50 feet
Maximum Accessory Building Height	30 Feet
Minimum Perimeter Buffer	50 feet
Minimum Open Space/Recreation	15%

- 4) Site Improvements Standards – Age Restricted Housing
 - 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) All residential development(s) shall be planned and designed to meet the New Jersey Residential Site Improvement Standards (N.J.A.C.5:21 et seq.).
 - c) Phasing of construction and roadway improvements shall follow a logical progression concurrent with sales and construction progress of development.
 - d) 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.
 - e) 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).
 - f) As part of final approval, the development shall provide a municipal services agreement with the Township for the contribution by that Township for maintenance, snow plowing, refuse removal and lighting in accordance with the municipal policies in effect at the time of approval.
 - g) 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 garage shall be prohibited by the by-laws and regulations of the established homeowners’ association.

- h) 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 restriction 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 recreation purposes.
- i) Any senior housing development 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:
- j) 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.
- k) Outdoor recreation facilities, including swimming pools and at least one other outdoor activity (i.e., tennis, bocce, etc.) shall be provided.
- l) 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 accepted 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.
- m) All recreational buildings and facilities shall be subordinate to the residential character of the community, and no advertising or commercial enterprise shall be permitted.

- n) 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 shall be member of the homeowners' association.
- 5) General Design Standards, Commercial Development; Special Needs Housing
- a) Any application for a Subdivision or Site Plan approval shall include a traffic access and impact study in accordance with the provisions of §95.8.8.D.
 - b) 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.
 - c) 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.)
 - d) The phasing and required completion dates for the special needs affordable housing units shall be in accordance with all applicable affordable housing regulations.
 - e) Any application for a Site Plan Approval must comply with the Route 33 Overlay Zone requirements contained in §95-5.6.D with the exception of the sign requirements in §95-5.6.D(9)(a) which are superseded by the sign requirements contained in this ordinance.
 - f) Retention basins may be permitted within required front yard areas in the commercial area; provided that such basins are designed to serve as aesthetic landscape features that will maintain or accentuate the visual continuity of the landscaped area.
- 6) Technical Subdivision
- a) It is acknowledged that a project to be developed pursuant to this subsection 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.
- (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 February 22, 2017 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, March 8, 2017 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 February 22, 2017.

REGINA PRETEROTI, RMC
Municipal Clerk