

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2020-13**

**AN ORDINANCE AMENDING CHAPTER 95 (DEVELOPMENT REGULATIONS),
ARTICLE V, ZONING DISTRICT REGULATIONS, CREATING A NEW SECTION OF
THE CODE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH,
AND STATE OF NEW JERSEY, SECTION 95-5.6L, ESTABLISHING AN
AFFORDABLE HOUSING OVERLAY ZONE UPON CERTAIN LAND PROVIDING
FOR MULTI-FAMILY HOUSING WITH AN INCLUSIONARY SET-ASIDE OF
AFFORDABLE HOUSING TO BE DEVELOPED SUBJECT TO CERTAIN
CONDITIONS AND REQUIREMENTS**

WHEREAS, the Township filed a declaratory judgment action captioned In the Matter of the Application of the Township of Manalapan, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2518-15 (the “Mt. Laurel Litigation”) following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Township of Manalapan, were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mt. Laurel* obligations in order to maintain immunity from builder’s remedy litigation; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center which included as part of its compliance plan an inclusionary project with a thirty percent set aside for the property designated on the Township Tax Map as Block 7, Lots 14.03, and 15.01, (the “Subject Property”), which will allow for up to 117 market rate units and 51 affordable housing units available to low, very-low and moderate income households (the “Project”); and

WHEREAS, the Settlement Agreement with Fair Share Housing Center, the Developer’s Agreement with the developer of the Subject Property and the Court Order approving the Settlement Agreement requires the Township to rezone the Subject Property to allow for the development of the Project to assist the Township in meeting its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Township Committee believes it is in the best interest of the Township to abide by its obligations under the Settlement Agreement with Fair Share Housing Center, the Developer’s Agreement; and the Court Order approving the Settlement Agreement; and

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, that the Affordable Housing – SF Overlay Zone (AH-SF) is hereby established and applied to certain lands along Block 7, Lots 14.01 and 15.03, as follows:

SECTION I. Chapter 95, “Development Regulations,” Article V, ”Zoning District Regulations,” of the Code of the Township of Manalapan, be and the same is hereby amended and supplemented to add thereto the following subsection:

95-5.6L AH-SF Affordable Housing Overlay District

(1) Purpose. The purpose of the AH-SF Affordable Housing Overlay District (the “AH-SF Zone”) is to provide for: (1) the construction of an inclusionary residential development designed to assist the Township in satisfying its fair share housing obligation through construction of affordable units set aside for low and moderate income households. The AH-SF Zone is comprised of the property identified as Lots 14.03, and 15.01, Block 7 on the Manalapan Township Tax Map. This Ordinance is adopted pursuant to a developer’s agreement between Sea-Franklin Associates, Inc. and Manalapan Township dated December 18, 2019, and pursuant to the litigation captioned *In the Matter of the Application of the Manalapan Township*, docketed at MON-L-2518-15.

(2) Permitted principal uses.

Residential dwellings within multi-family buildings. Thirty percent (30%) of the total number of units shall be set aside as non-age restricted rental units affordable to very low, low, and moderate income families and individuals.

(3) Permitted accessory uses.

- (a) Off-street parking facilities and surface parking lots.
- (b) Common facilities and amenities including: tot lots, clubhouse, community manager’s office, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, maintenance building, common walkways, gazebos, sitting areas, picnic areas and gardens, enclosed dog park/run area, and other similar uses.
- (c) Patios, decks, terraces, and balconies.
- (d) Fences and walls
- (e) Monument walls, with or without signage, at any entrance to a residential or commercial site.
- (f) Solid waste and recycling areas.
- (g) Signs.
- (h) Site lighting.
- (i) Other uses which are customarily incidental to a permitted principal use.
- (j) Temporary construction and sales trailers.

(k) Public and private utility structures.

(4) Maximum number of units. The maximum number of residential units permitted is 168. Thirty percent (30%) of the total number of units shall be set aside as non-age restricted rental units affordable to very low, low, and moderate income families and individuals.

(5) Bulk, area, and building requirements.

- a. Maximum lot coverage. 60%
- b. Maximum building coverage. 20%
- c. Multi-family building height. 45 ft.
- d. Principal building setbacks from property boundary.
 - i. Front yard. 60 ft.
 - ii. Rear yard. 40 ft.
 - iii. Side yard. 60 ft.
- e. Maximum building length 215 ft.
- f. Principal building to building setback. 40 ft.
- g. Clubhouse building standards.
 - i. Clubhouse building to principal building setback. 20 ft.
 - ii. Building height. 30 ft.
 - iii. Front yard setback. 60 ft.

(6) Site access, off-street parking, and loading standards.

- a. Two site access driveways shall be permitted from Franklin Lane.
- b. The number and size of parking spaces shall be consistent with the requirements of N.J.A.C. 5:21-1.1 et seq. known as the Residential Site Improvements Standards.
- c. The number of parking spaces required for a club house or amenity space shall be 1 parking space per 800 square feet of gross floor area. Shared parking between a club house or amenity space and residential units is permitted.
- d. No loading spaces are required.
- e. Parking spaces and parking area setbacks:
 - i. Front yard. 15 ft.*
 - ii. Side yard. 10 ft.
 - iii. Rear yard. 20 ft.

*a setback of 9 ft. to parking is permitted from any irregular jog in of the property boundary along the Franklin Lane frontage.

- f. Parking space dimensions shall be 9 feet by 18 feet.
 - g. Landscape islands are not required in parking areas.
- (7) Design Standards.
- a. A maximum of 36 units shall be permitted in any one multi-family building.
 - b. Solid waste and recycling areas. No setback from the parking area, or from any yard is required. The area shall be screened from view by either an enclosed by six (6) foot chain link fence with vinyl strips, or block, and shall have gated access.
 - c. Site lighting. The arrangement of exterior lighting shall adequately and safely illuminate parking areas, internal roadways, and walkways, and prevent glare to adjoining residential areas.
 - d. Landscape Buffer. A landscaped buffer of 10 ft. shall be provided along all side and rear lot lines, except that tract boundaries with wetlands buffers are exempt from any buffering requirements. Along the Franklin Lane frontage shade trees shall be provided separated 50 ft. on center.
 - e. Open space. Open space of 60 s.f. per residential unit shall be provided, and such areas shall include all wetlands, detention and retention basins, and all active or passive recreation improvements, but excluding a clubhouse. The standards of Section 95-8.9 do not apply in this zone.
 - f. Recreation. Recreation area of 40 s.f. per residential unit shall be provided and the developer's obligation may be met by one or a combination of the following: community recreational facilities, pool, patio, clubhouse, playground, walking trails, and any other active or passive recreation improvements. The standards of Section 95-8.9 do not apply in this zone.
 - g. Relief from design standards shall be considered exceptions pursuant to N.J.S.A. 40:55D-51 (b) and not a variance.
- (8) Signs.
- (a) Externally or internally illuminated project monument identification signs at each access drive, with a maximum height of 8 ft., and a maximum area of 100 and setback 15 ft. from the property boundary.
 - (b) Ground mounted directional and wayfinding signage with a maximum height of 7 ft., and a maximum area of 5 s.f.
 - (c) Temporary signage, including freestanding ground signs, flag signs, banner signs, or other signs advertising the availability of the residential units and/or directing the public to the development. Signs may be two sided. Ground signs shall not exceed 25 s.f. in area, per side, and 8 feet in height above the ground. Flag signs shall not exceed 60 s.f. in area, per side, and shall not exceed 22 feet in height above the ground. Banner signs may span the width of temporary fencing or the building it is mounted on. The text per each sign may include the community project name, developer name, logos, and advertising and

informational text. Temporary signage is permitted until the development reaches 95% occupancy.

- (d) Supporting elements, posts, and architectural features are not included in sign area.
- (e) Any signage otherwise permitted in a residential district.

(9) Affordable Housing.

(a) Thirty percent (30%) of the total number of units shall be set aside as non-age restricted rental units affordable to very low, low, and moderate income families and individuals. The affordable units can be located in a single building to allow for efficient management and operation. The affordable units shall comply with the applicable regulations of the New Jersey Council on Affordable Housing, including the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all other applicable law, including a requirement that thirteen percent (13%) of all affordable units within each bedroom distribution are available to very low income households, and the affordable rental units shall be deed restricted for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit, unless and until the Township releases the controls on affordability.

(b) All affordable units shall be affirmatively marketed in conformance with the UHAC, N.J.A.C. 5:80-26.15, or any successor regulation. All affordable units shall be subject to the bedroom distribution required by the UHAC, N.J.A.C. 5:80-26.3, or any successor regulation. All new construction affordable housing units shall be adaptable in conformance with N.J.S.A. 52:27D-311a-311b, P.L. 2005, c. 350 and all other applicable laws.

(10) Miscellaneous provisions.

- (b) Development may be phased, subject to compliance with N.J.A.C. 5:93-5.6(d).
- (c) Wherever a standard in this ordinance conflicts with a standard in the land development ordinance, the standard herein shall apply.
- (d) Residential units shall be exempt from the square footage requirements of Section 95-8.6(c)15.
- (e) The standards of Section 95-7.44 do not apply in this zone.

SECTION II. Any Ordinance or portions thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. 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 or impair 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 IV. 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 [June 10, 2020](#) 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, [July 8, 2020](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 7:30 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 [July 8, 2020](#).

SHARI ROSE, RMC
Deputy Municipal Clerk