

TOWNSHIP OF MANALAPAN
ORDINANCE 2020-17

AN ORDINANCE AMENDING ORDINANCE 2020-07 PROVIDING FOR MULTI-FAMILY HOUSING WITH AN INCLUSIONARY SET-ASIDE OF AFFORDABLE HOUSING TO BE DEVELOPED IN THE NEWLY CREATED AH-DIOCESE AFFORDABLE HOUSING OVERLAY ZONE

WHEREAS, the Township Committee on June 10, 2020 adopted Ordinance 2020-07 amending Chapter 95, "Development Regulations" of the Code of the Township of Manalapan to establish the AH-Diocese Affordable Housing Overlay District in furtherance of its obligation to provide an opportunity to produce its fair share obligation of affordable housing for the Third Round and to allow for the opportunity of housing choices within the Township; and

WHEREAS, certain technical changes to the provisions of Section 95-5.6K, "AH-Diocese Affordable Housing Overlay Zone" are required to conform to applicable regulations and the terms of the Settlement Agreement pertaining to the Project;

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

SECTION I. Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-5.6K, "AH-Diocese Affordable Housing Overlay Zone" (AH-Diocese) is hereby amended and supplemented to delete therefrom subparagraphs 95-5.6K (7) (e) (f) (g) and to substitute therefor the following:

“(e) Pursuant to N.J.A.C. 5:80-26.1 (“UHAC”), UHAC does not apply to units qualifying for the Federal Low-Income Housing Tax Credit under Section 42 of the Internal Revenue Code. However, the affordable rental units shall comply with subsections (f) (j) and (i) below, as applicable. In addition, the affordable rental units shall have an Affordability Average as defined in UHAC, which is no more than 52 percent of median income.

(f) Pursuant to N.J.S.A. 52:27D-329.1, thirteen percent (13%) of the affordable housing units of each bedroom type shall be reserved as very low-income housing units, as such term is defined in N.J.S.A. 52:27D-304 and the UHAC, with half of such units being available to families. Thirty-seven percent (37%) of the affordable housing units of each bedroom type shall be available as low-income housing units and fifty percent of the affordable housing units shall be available as moderate-income housing units, as such terms are defined in N.J.S.A. 52:27D-304 and the UHAC.

(g) The Diocese or its successor-in-interest shall develop the Property in accordance with the following phasing schedule: one hundred (100%) percent of the affordable units shall be completed (a

newly constructed unit is considered complete when the certificate of occupancy is issued) upon the completion of fifty (50%) percent of the market rate for sale units. By way of example, if site plan approval should be granted for 320 dwelling units, 96 affordable units shall be completed upon the completion of 112 market rate for sale units.”

SECTION II. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, Section 95-5.6K, “AH-Dioocese Affordable Housing Overlay Zone” (AH-Dioocese) is hereby amended and supplemented to renumber subparagraphs 95-5.6K (7) (h) through (o) as subparagraphs (i) through (p).

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

SECTION IV. 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 V. 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 8, 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 22, 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 22, 2020](#).

SHARI ROSE, RMC
Deputy Municipal Clerk