

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2019-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 95, “DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING DISTRICT REGULATIONS,” SECTION 95-5.6I., “SPECIAL ECONOMIC DEVELOPMENT/AFFORDABLE HOUSING ZONE (SED/AH).”

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

SECTION I. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, Section 95-5.6I., “Special Economic Development/Affordable Housing Zone (SED/AH)” be and the same is hereby amended and supplemented to read, in full, as follows:

“I. Special Economic Development/Affordable Housing Zone (SED/AH).

The purpose of the Special Economic Development/Affordable Housing Zone is to provide for the development of an appropriate mix of commercial uses together with an assisted living residence and a multifamily inclusionary development designed to assist the Township in satisfying its Third Round fair share housing obligation.

- (1)** Applicability: The Special Economic Development/Affordable Housing Overlay Zone shall be applied to the following properties shown on the official Tax Map of the Township: Block 7232, Lots 1.02, 1.03, 2.04 and 3.
 - (a)** The SED/AH Zone shall include a variety of nonresidential uses and activities intended to create an attractive mixed-use development within the community. To achieve this goal, the SED/AH Zone shall require the multifamily inclusionary development to be part of any development application for any permitted use that does not contain affordable housing.
 - (b)** The development of an assisted living residence shall provide low- and moderate-income beds and, therefore, may be developed independently from the multifamily inclusionary development.
 - (c)** The payment of a development fee shall not qualify a development application as a development maintaining an affordable housing component.

(d) The Official Zoning Map of the Township of Manalapan is hereby amended in accordance with the foregoing and is incorporated by reference. The provisions and requirements of the SED/AH Overlay Zone shall supersede the provisions and restrictions of the underlying SED-20 Zone District except where otherwise noted. 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 the uses permitted herein, the provisions of the Special Economic Development/Affordable Housing Overlay Zone shall govern.

(2) Permitted principal uses. The permitted uses in the Special Economic Development/Affordable Housing Zone shall be as follows:

(a) Business and professional offices, including medical offices.

(b) Banks, including drive-through facilities, and financial institutions.

(c) Retail sales and services.

(d) Personal services.

(e) Pharmacies, including drive-through facilities.

(f) Restaurants, Category One, Two and Three, including drive-through restaurants.

(g) Community and municipal facilities.

(h) Assisted living residence not to exceed 120 beds.

(i) Multifamily inclusionary development, to include a combination of market-rate townhouses and affordable residences within multifamily buildings; provided that a minimum of 30% of the total number of units shall be set aside for low- and moderate-income households.

(j) Fitness/health clubs.

(3) Permitted accessory uses.

(a) Off-street parking facilities.

(b) Other uses which are customarily incidental to a permitted principal use.

(c) Recreation area(s) and recreation facilities and buildings for the common use and enjoyment of residents of a multifamily inclusionary development, including, but not limited to, clubhouses, tennis courts, swimming pools, walking trails, and other active and passive open space(s).

(d) Signs.

(e) Gatehouse.

- (f) Public utilities.
- (g) Essential services.
- (h) Outdoor dining associated with permitted restaurant uses subject to the requirements of Chapter **157**, Outdoor Dining.

(4) Bulk, area and building requirements are as follows:

(a) Minimum lot size.

- [1] Assisted living residence: six acres.
- [2] Multifamily inclusionary development: 40 acres.
- [3] All other permitted principal uses: two acres.

(b) Minimum lot frontage.

- [1] Assisted living residence: 500 feet.
- [2] Multifamily inclusionary development: 250 feet.
- [3] All other permitted principal uses: 200 feet.

(c) Minimum lot depth.

- [1] Assisted living residence: 500 feet.
- [2] Multifamily inclusionary development: 1,000 feet.
- [3] All other permitted principal uses: 300 feet.

(d) Minimum front yard setback.

- [1] Assisted living residence: 100 feet.
- [2] Multifamily inclusionary development: 100 feet.
- [3] All other permitted principal uses: 100 feet along Route 33 and 60 feet along Woodward Road.

(e) Minimum one side yard setback.

- [1] Assisted living residence: 15 feet.

[2] Multifamily inclusionary development: 45 feet, except that where a building adjoins Block 7232, Lots 2.04 and 2.06 the setback may be reduced to no less than 15 feet.

[3] All other permitted principal uses: 15 feet.

(f) Minimum both side yard setback.

[1] Assisted living residence: 50 feet.

[2] Multi-family inclusionary development: ~~90~~ 60 feet.

[3] All other permitted principal uses: 50 feet.

(g) Minimum rear yard setback.

[1] Assisted living residence: 50 feet.

[2] Multifamily inclusionary development: 50 feet.

[3] All other permitted principal uses: 50 feet.

(h) Maximum building height.

[1] Assisted living residence: 50 feet.

[2] Multifamily inclusionary development: 45 feet, three stories.

[3] All other permitted principal uses: 50 feet.

(i) Maximum building coverage.

[1] Assisted living residence: 25%.

[2] Multifamily inclusionary development: 15%.

[3] All other permitted principal uses: 15%.

(j) Maximum floor area ratio.

[1] Assisted living residence: None.

[2] Multifamily inclusionary development: None.

[3] All other permitted principal uses: 0.6.

(k) Maximum lot coverage.

[1] Assisted living residence: 40%.

[2] Multifamily inclusionary development: 30%.

[3] All other permitted principal uses: 60%.

(l) Minimum parking setback from street.

[1] Assisted living residence: 35 feet.

[2] Multifamily inclusionary development: 100 feet.

[3] All other permitted principal uses: 35 feet, along Route 33 and 10 feet along Woodward Road.

(m) Minimum parking setback from side lot line.

[1] Assisted living residence: 40 feet.

[2] Multifamily inclusionary development: ~~30~~ 25 feet.

[3] All other permitted principal uses: 15 feet.

(n) Minimum parking setback from rear lot line.

[1] Assisted living residence: 50 feet.

[2] Multifamily inclusionary development: 50 feet.

[3] All other permitted principal uses: 50 feet.

- (5)** Buffer requirements. A minimum one-hundred-foot buffer shall be provided where a use other than a multifamily inclusionary development adjoins a residential zone district. Where a multifamily inclusionary development adjoins a residential zone district, a minimum thirty-foot buffer shall be provided and such requirement shall supersede the buffer standards set forth under § **95-5.6D** (Route 33 Overlay Zone), except that where the development adjoins any golf course lands associated with a developed residential

community, the buffer may be reduced to no less than 20 feet, provided that the reduced buffer area is landscaped as deemed appropriate by the Planning Board.

(6) Off-street parking requirements.

- (a)** Multifamily inclusionary development: in accordance with the requirements of the New Jersey Residential Site Improvement Standard (RSIS).
- (b)** Assisted living residence: 0.5 spaces per bed.
- (c)** Restaurants, including drive-through restaurants: one space per 2 1/2 seats.
- (d)** Medical offices: one space per 150 square feet of gross floor area.
- (e)** All other permitted principal uses: one space per 200 square feet of gross floor area.

(7) Miscellaneous requirements.

- (a)** All roadways within the mixed-use multifamily inclusionary development shall remain private and are the sole responsibility of the homeowners' association.
- (b)** Multiple buildings on a lot shall be permitted.
- (c)** Access from a multifamily inclusionary development to a public street may be provided via a shared driveway located on a lot to be developed for any other permitted principal use provided it is built in accordance with specifications acceptable to the Township Engineer and provided further that the right to such access is established with a perpetual easement recorded in the Monmouth County Clerk's office or as otherwise provided by law.
- (d)** The standards set forth under § **95-5.6B** (Flood Hazard Overlay District) shall apply, except that road crossings permitted by NJDEP shall be allowed within regulated areas.
- (e)** The following provisions set forth in Chapter **95** shall not apply to development in the SED/AH Zone: §§ **95-8.3**, 95-6.10, 95-7.34, 95-7.40, 95-8.9 and 95-8.12.

(8) Additional standards for multifamily inclusionary development.

- (a)** The maximum gross density shall not exceed ~~3.5~~ 3.65 dwelling units per acre.
- (b)** There shall be no more than 18 dwelling units in any multifamily building.
- (c)** No townhouse unit shall have fewer than two exposures.
- (d)** There shall be no more than eight dwelling units in any townhouse building.
- (e)** No residential building shall have a length in excess of 200 feet.

(f) Minimum distance between buildings:

[1] Front to front: 75 feet.

[2] Rear to rear: ~~50~~ 40 feet.

[3] End to end: 30 feet.

(g) Minimum building setback to internal roadway: 15 feet exclusive of front steps, stoops or overhangs which shall be no closer than 10 feet to an internal roadway.

(h) Minimum distance between building and parking area: 10 feet.

(i) The provision of low- and moderate-income units shall be subject to the rules and regulations of the New Jersey Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC).

(9) The following sign regulations shall apply and shall supersede the sign standards set forth under § 95-5.6D(9):

(a) Multifamily inclusionary development shall adhere to the requirements set forth in § 95.8.7H(1)(f).

(b) All other permitted principal uses shall adhere to the requirements set forth in § 95.8.7H(4) for the C-3 Zone District.”

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

SECTION III: 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 IV: This Ordinance shall take effect immediately upon its passage and publication according to law and upon 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 16, 2019 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, November 13, 2019 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 November 13, 2019.

REGINA PRETEROTI, RMC
Municipal Clerk