

**TOWNSHIP OF MANALAPAN
COUNTY OF MONMOUTH**

ORDINANCE NO. 2020-15

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 AN AFFORDABLE HOUSING OVERLAY ZONE UPON BLOCK 7200, LOT 3.02 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, 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) (“Mt. Laurel IV”) 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;

WHEREAS, the Township of Manalapan (the “Township”) filed a declaratory judgment action following the decision in Mt. Laurel IV 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, which is currently pending in the Superior Court of New Jersey, Monmouth County (the "Action"), and American Properties at Manalapan, LLC (“AP”) is an interested party in the Action (each a "Party", and collectively, the "Parties"); and

WHEREAS AP is the contract purchaser of property that consists of a total of approximately 24.46 acres along Route 33 (the “**Property**”) identified on the Township tax maps as Block 7200, Lot 3.02; and it proposes to construct an inclusionary residential development with one hundred twenty-nine(129) total dwelling units, which shall include up to 100 market rate for sale single family units and 29 affordable for-sale multi-family housing units, and up to 19,000 square feet of commercial space on the Property (the “**AP Project**”).

WHEREAS, AP and the Township of Manalapan have entered into a Developer’s Agreement for purposes of identifying the standards of development for the Project on the Property; 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-American Properties (AH-AP) zone is hereby established and applies to certain lands designated on the tax map of the Township of Manalapan as Block 7200, Lot 3.02.

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:

95-5.6N AH-AP Affordable Housing Overlay District

A. Purpose

The purpose of the Mixed Use Affordable Housing Zone (MUAH Zone) is to permit a mixed use inclusionary development along the frontage of Route 33. The Zone is to permit up to 129 housing units. The Zone also permits non-residential development. The affordable rental units shall comply with New Jersey’s Uniform Affordable Housing Control Standards (UHAC).

B. Principal Permitted Uses and Structures

The following uses are permitted in the MUAH Zone:

- (1) Single-family detached housing
- (2) Townhouses
- (3) Multi-family housing for affordable units
- (4) Business and Professional offices, including medical offices
- (5) Banks, including drive-through facilities and financial institutions
- (6) Retail sales and services
- (7) Neighborhood shopping center
- (8) Personal services
- (9) Pharmacies, including drive-through facilities
- (10) Restaurants, Category one, two and three, including drive-through restaurants

C. Permitted Accessory Uses and Structures

- (1) Off-street parking facilities.
- (2) Other uses which are customarily incidental to a permitted principal use.
- (3) Recreation areas and recreation facilities and building for the common use and enjoyment of residents, including but not limited to clubhouses, tennis courts, swimming pools, walking trails, dog park and other active and passive open spaces.
- (4) Fences and walls
- (5) Patios, balconies and decks

- (6) Pump stations
- (7) Stormwater facilities.
- (8) Signs
- (9) Gatehouse
- (10) Public utilities
- (11) Essential Services
- (12) Outdoor dining associated with permitted restaurant uses subject to the requirements of Chapter 157, Outdoor Dining.

D. Overall Tract and Open Space Requirements.

- (1) It is recognized that the Overall Tract may be subdivided for residential and commercial uses. These standards shall apply to the Overall Tract. If there are subdivided lots within the Overall Tract, there may be easements for vehicular and pedestrian access and circulation, shared parking and storm water management facilities for the Overall Tract to permit the development of the MUAH Zone as a comprehensive development.
- (2) The maximum number of dwelling units to be developed within the MUAH Zone District shall not exceed 129 units of which twenty-two (22%) percent shall be set aside for low- and moderate-income households.
- (3) Minimum Overall Tract Size is 20 acres
- (4) The minimum open space standard shall be 20 percent of the gross Overall Tract.
- (5) Tract Buffer – 20 ft. The following encroachments into the Overall Tract buffers are permitted:
 - a. Pedestrian trails, sidewalks, signs, retaining walls, and landscaped areas are permitted in all buffer areas.
 - b. Stormwater basins and facilities and other utilities
 - c. Driveways and parking areas.
 - e. Emergency access if required by Township
- (6) Distance between single family detached lot lines and multi-family structures- 30 ft
- (7) Multiple principal buildings on a lot shall be permitted on lots with nonresidential uses, and residential uses with townhomes or multi-family buildings. The affordable housing units shall be on a separate subdivided lot within multifamily buildings.
- (8) Access from an 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 permitted by law.
- (9) All roadways, sewer mains and water mains within the inclusionary development shall be public and are the sole responsibility of the Township.

E. Bulk Standards Single Family Detached Residences

(1)	Minimum lot size.	5,000 sq. ft.
(2)	Minimum lot frontage.	50 ft. ¹
(3)	Minimum lot depth.	100 ft.
(4)	Maximum impervious lot coverage.	60%
(5)	Maximum building coverage.	45%
(6)	Principal structure	
	a) Minimum front yard set-back	25 ft.
	b) Minimum side setback one side/both sides.	5 ft. / 10 ft.
	c) Minimum rear yard set-back.	20 ft.
	d) Maximum building height.	35 ft.
(7)	Accessory structure	
	a) Minimum side setback.	5 ft.
	b) Minimum rear yard set-back.	5 ft.
	c) Maximum building height.	15 ft.

F. Bulk Standards for Townhouse Residences

(1)	Standards applicable to overall townhouse development tract	
	a) Maximum impervious lot coverage	60%
	b) Maximum building coverage	40%
(2)	Minimum lot size.	2,400 sq. ft.
(3)	Minimum lot frontage.	24 ft.
(4)	Minimum lot depth.	100 ft.
(5)	Maximum impervious lot coverage	80%
(6)	Maximum building coverage	65%
(7)	Principal structure standards	
	a) Minimum front yard set-back	20 ft.
	b) Minimum side setback one side	0 ft.
	c) Minimum rear yard set-back.	10 ft.

¹ Measured at setback line rather than at right of way line.

- d) Maximum building height. 35 ft.
- e) Minimum distance between townhouse buildings
 - i. Front to Front: 74 ft.
 - ii. Rear to rear: 45 ft.
 - iii. End to end: 30 ft.
- f) Maximum building length 200 ft.
- g) Minimum setback from Route 33 50 ft.
- h) Minimum distance between a building and internal street 15 ft. exclusive of front steps, stoops or overhangs which shall be no closer than 10 ft. to an internal street
- i) Minimum distance between a building and parking area 10 ft.

(8) Other standards

- a) A townhouse unit shall have at least two exposures.
- b) Maximum of 8 townhouse units per building.
- c) Nothing herein shall limit developer's discretion as to the form of ownership, including but not limited to fee simple and condominium.

G. Bulk Standards Multi-Family Residences

- (1) Minimum lot size. 40,000 sq. ft.
- (2) Maximum impervious lot coverage. 65%
- (3) Maximum building coverage. 35%
- (4) Principal structures
 - a) Minimum set-back from Route 33 50 ft.
 - b) Minimum front yard set-back 25 ft.
 - c) Minimum side setback one side/both sides. 5 ft. / 10 ft.
 - d) Minimum rear yard set-back. 20 ft.
 - e) Maximum building height. 45 ft., 3 stories
 - f) Minimum setback to parking areas 10 ft.
- (5) Multi-family units may be provided in one or more structures on the same lot.

H. Bulk Standards Commercial & Retail

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| (1) | Minimum tract size. | 80,000 sq. ft. |
| (2) | Minimum lot size | 40,000 sq. ft. |
| (3) | Minimum lot frontage (Route 33) | 150 ft. |
| (4) | Maximum impervious lot coverage. | 70% |
| (5) | Maximum building coverage. | 35% |
| (6) | Principal structure | |
| | a) Minimum front yard set-back | 25 ft. |
| | b) Minimum side setback one side/both sides.
wall | 5 ft. / 10 ft., 0 ft. for common |
| | c) Minimum rear yard set-back. | 20 ft. |
| | d) Maximum building height. | 50 ft. |
| | e) Maximum ground floor area. | 19,000 sq. ft. |
| | f) Minimum setback to parking area | 5 ft. |
| (7) | All principal nonresidential structures shall be setback a minimum of 30 ft. from any principal residential structure. This standard shall not apply to pre-existing non-conforming structures which remain on the site. | |
| (8) | The commercial uses shall be allowed to satisfy parking standards through parking agreements with adjacent commercial lots. | |

I. Inclusionary Development Standards

1. The permitted single family detached homes and/or townhomes, and the multi-family affordable housing units shall be considered an inclusionary development and the construction of affordable housing shall be phased pursuant to COAH and UHAC (Uniform Housing Affordability Control) standards. The nonresidential development may be phased. The affordable housing shall comply with all UHAC standards and shall be affirmatively marketed throughout the Region 4 by an administrative agent (as describe in the UHAC regulations). Pursuant to N.J.S.A. 52:27D-329.1, thirteen (13) percent of the affordable units of each bedroom type shall be affordable to very low income households earning 30 percent of median income. Thirty-seven percent of the affordable units shall be affordable to low income households. Up to 50 percent of the affordable units shall be affordable to moderate income households.
2. Affordable rental units shall have a minimum gross floor area requirement as follows: (1) 1 bedroom: 800 square feet; (2) 2 bedrooms: 900 square feet; and (3) 3 bedrooms: 1200 square feet.
3. The affordable units shall be governed by a minimum 30-year deed restriction.
4. The affordable housing units shall not be age-restricted.
5. The market rate housing and the affordable housing shall be exempt from development fees.

J. Off-street Parking and Loading Requirements.

- (1) Residential units shall comply with the New Jersey Residential Site Improvement Standards (RSIS).
- (2) All other principal uses – See Section 95-95-9.2(B)

K. Signs.

The following sign regulations shall apply and shall supersede the sign standards set forth under Section 95.5.6D.(9)

- (1) Residential inclusionary development shall adhere to the requirements set forth in Section 95.8.7H(1)(f), with the exception that the inclusionary development may have an eight (8) foot by (5) foot main entry, monument sign of 40 square feet provided that the ground sign: (1) is not internally illuminated; (2) is located outside of the sight triangle; (3) is setback a minimum of 5 feet from the right-of-way; and (4) includes no other advertising other than the name of the development.
- (2) All other permitted principal uses shall adhere to the requirements set forth in Section 95-8.7H(4) for the C-3 Zone District.

L. Inapplicable and Conflicting Standards

- (1) The following provisions shall not apply to the MUAH Zone: 95-6.10, 95-8.3, 95-8.9, 222-22 thru 222- 28.
- (2) Whenever a standard in the MUAH Zone conflicts with another standard in the municipal land development ordinance, the MUAH Zone standard shall prevail.

Section II. All Manalapan Township existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.

Section III. In the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

Section IV. This Ordinance shall not be effective until approved in accordance with applicable New Jersey 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 [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