

TOWNSHIP OF MANALAPAN

**ORDINANCE NO. 2023-13
AS AMENDED**

**AN ORDINANCE AMENDING CHAPTER 95, "DEVELOPMENT
REGULATIONS", ARTICLE V, "ZONING DISTRICT
REGULATIONS", SUBSECTION 95-5.6N,"
"AH-AP AFFORDABLE HOUSING OVERLAY DISTRICT," OF
THE CODE OF THE TOWNSHIP OF MANALAPAN.**

WHEREAS, the Township Committee on July 8, 2020 adopted Ordinance 2020-15 amending Chapter 95, "Development Regulations" of the Code of the Township of Manalapan to establish the AH-AP 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, changes are required to subsection 95-5.6N "AH-AP Affordable Housing Overlay District," in order to conform to the terms of the Settlement Agreement pertaining to the proposed development and to be consistent with the project proposed;

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, subsection 95-5.6N "AH-AP Affordable Housing Overlay Zone", subparagraph 95-5.6N(4) "Overall tract and open space requirements", is hereby amended and supplemented to add thereto the following:

“(j) The provisions of Section 95-5.6(D)(6) shall apply except that where any portion of the 35-foot greenbelt along Route 33 is subject to an easement for underground utilities, the specific landscaping and/or berming requirements referenced herein shall not apply. However, in no event shall any such easement area be used for other than open space purposes as defined herein. Retaining walls shall be allowed in the 35-foot greenbelt”

“(k) Sidewalks shall not be required along Route 33 or Sawgrass Drive”

SECTION II. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N “AH-AP Affordable Housing Overlay Zone”, subparagraph 95-5.6N(3), “Permitted accessory uses and structures” be and is hereby amended and supplemented to add thereto the following:

“(m) Commercial deliveries, services, maintenance and access related to the operation of adjoining golf course facilities and the adjacent water tower. An access drive to such facilities may be provided on a separate lot located with the residential portion of the tract provided that said lot has a minimum frontage and width of 30 feet and a minimum depth of 100 feet.”

SECTION III. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N “AH-AP Affordable Housing Overlay Zone”, subparagraph 95-5.6N(4)(e)[1] be and is hereby amended and supplemented to read, in full, as follows:

“[1] Pedestrian trails, sidewalks, cart paths, signs, retaining walls, fences, underground utilities, above ground transformers with secondary enclosures and landscaped areas are permitted in all buffer areas.”

SECTION IV. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N “AH-AP Affordable Housing Overlay

Zone”, subparagraph 95-5.6N(5)(f)[4] be and is hereby amended and supplemented to read, in full, as follows:

“[4] Maximum building height: 35-feet except where a front “garage under” is proposed and where the natural contour of the land measured 10-feet from the foundation exceeds the natural contour at the foundation by a minimum of 2%, the proposed lot grade immediately adjacent to the front wall shall not be used to determine average lot grade.”

SECTION V. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N “AH-AP Affordable Housing Overlay Zone”, subparagraph 95-5.6N(12)(a) be and is hereby amended and supplemented to read, in full, as follows:

“(a) The following provisions shall not apply to the AH-AP District: §§ 95-6.10, 95-8.3, 95-8.5(B)(1), 95-8.5(D)(2), 95-8.9 and 222-22 through 222-28.”

SECTION VI. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N “AH-AP Affordable Housing Overlay Zone”, subparagraph 95-5.6N(5), “Bulk standards, single-family detached residences” be and is hereby amended and supplemented to add thereto the following:

“(h) Driveway: No part of any driveway shall be located within 5 feet of a side property line. The maximum driveway slope shall be 8%.”

SECTION VII. Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, subsection 95-5.6N, “AH-AP Affordable Housing Overlay Zone”, be and is hereby amended and supplemented to add thereto a new paragraph 95-5.6N.(3A), to read, in full, as follows:

“(3A) Permitted conditional uses.

- a. Flex space in accordance with section 95-6.23; except that subsection 95-6.23B. shall not apply. The indoor storage of motor vehicles shall be a permitted use of flex space."

SECTION VIII. Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, subsection 95-5.6N, "AH-AP Affordable Housing Overlay Zone", be and is hereby amended and supplemented to change the title of paragraph 95-5.6N.(8) "Bulk standards for commercial and retail.", to read, in full, as follows:

"(8) Bulk standards for commercial, retail and flex space."

SECTION IX. Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, subsection 95-5.6N, "AH-AP Affordable Housing Overlay Zone", paragraph 95-5.6N(8)," Bulk standards for commercial, retail and flex space." be and is hereby amended and supplemented to add thereto the following subparagraph:

"(i) Should any bulk standard herein conflict with any standard for flex space contained in section 95-6.23, the standards in section 95-6.23, except subsection 95-6.23B., shall control."

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

SECTION XI. 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 XII. This Ordinance shall take effect immediately upon final 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 August 9, 2023, amended on September 27, 2023 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 October 11, 2023 at the Municipal Complex, 120 Route 522 and Taylors Mill 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 October 11, 2023.

SHARI ROSE, RMC
Municipal Clerk