

ORDINANCE NO. 2009-19

**ORDINANCE OF THE TOWNSHIP OF MANALAPAN,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER 95 (DEVELOPMENT REGULATIONS),
SECTIONS 5.2 (DESCRIPTION OF DISTRICTS)
AND 5.6 (OVERLAY DISTRICTS)**

BE IT ORDAINED by the Township Committee of the Township of Manalapan that Chapter 95 (Development Regulations) of the Code of the Township of Manalapan, Monmouth County is hereby amended and supplemented as follows:

SECTION ONE: Section 95-5.2 (Description of Districts) is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

95-5.2 Description of Districts.

- A. The Township of Manalapan is hereby divided into zone districts as follows:

Suburban Residential Zones through Public Zones

→ NO CHANGE

Zone Overlay Areas

Airport Safety Overlay Zone

Flood Hazard Area

Freehold Road-Tennent Road Landmark Corridor

Route 33 Overlay Zone

Affordable Housing Overlay Zone-1 (AH-1)

SECTION TWO: New Subsection 95-5.6.E (Affordable Housing Overlay Zone-1 (AH-1)) is hereby established as follows:

95-5.6.E. Affordable Housing Overlay Zone-1 (AH-1). The purpose of the Affordable Housing Overlay Zone-1 is to implement the recommendations of the Township Master Plan Housing Element and Fair Share Plan for the development of one or more municipally sponsored 100% affordable housing developments to address the third round housing obligation of the Township for the period of 2004 to 2018. The AH-1 overlay provides for the development of affordable housing for very low, low, and moderate income housing, in a suitable location in conformance with the requirements of the New Jersey Council on Affordable Housing (COAH).

- (1) Applicability. The Affordable Housing Overlay Zone-1 shall be applied to Block 47, Lot 17 which is shown on the official tax map of the Township. The Official Zoning Map of the Township of

Manalapan is hereby amended in accordance with the foregoing and is incorporated by reference. The Affordable Housing Overlay Zone-1 shall be permitted to be developed by a Township approved affordable housing developer for affordable housing in accordance with these provisions. For the purpose of permitting the development of a municipally sponsored 100% affordable housing development, the provisions and requirements of the Affordable Housing Overlay Zone-1 shall supersede the provisions and restrictions of the underlying single family zone district. 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 multi-family housing, the provisions of the Affordable Housing Overlay Zone-1 shall govern.

- (2) *Minimum Tract Size.* The Affordable Housing Overlay Zone-1 shall require a minimum tract size of twenty (20) acres for development.
- (3) *Principal Permitted Uses.* The permitted use of the Affordable Housing Overlay Zone-1 shall be the residential development of multi-family buildings. All dwelling units within the development shall be affordable rental units and all units shall be developed and marketed in accordance with COAH rules and regulations.
- (4) *Accessory Uses.* The following shall be permitted:
 - a. *Off-street parking facilities.*

- b. Fences in accordance with the standards of Section 95-7.24.
- c. Recreation areas, recreational facilities, and buildings for the common use and enjoyment of residents of the Affordable Housing Overlay Zone-1 such as, but not limited to: community centers; clubhouses; tennis courts; tot-lots; playgrounds; swimming pools; trails; putting greens; and, passive open space.
- d. Minor signs and Type A signs.
- e. Other uses which are customarily incidental and accessory to the principal use.

(5) Required Uses. The following shall be required:

- a. One playground.
- b. One community center and leasing office.

(6) Bulk, Area and Building Requirements. The following requirements shall apply:

- a. Maximum lot coverage (buildings): 20 percent.
- b. Maximum building height: 48 feet (3 stories).
- c. Minimum unoccupied open space: 60 percent.
 - i. Wetlands, floodplains, and statutory buffers shall be considered unoccupied open space.
- d. Minimum gross habitable floor area:
 - i. One-bedroom units: 700 square feet.
 - ii. Two-bedroom units: 900 square feet.
 - iii. Three-bedroom units: 1,100 square feet.

- e. Setback from Wood Avenue (County Route 522): 75 feet.
 - f. Setback from internal streets: 50 feet.
 - g. Setback from property lines other than Wood Avenue (County Route 522): 100 feet.
 - h. Minimum distance between principal buildings:
 - i. Front façade to front façade: 75 feet.
 - ii. Side façade to side façade: 35 feet.
 - iii. Rear façade to rear façade: An average of 40 feet but no less than 35 feet.
 - i. Maximum building length: 145 feet.
 - j. Minimum distance between principal buildings and Internal Drives: 20 feet.
 - k. Minimum distance between principal buildings and parking areas: 20 feet.
 - l. Maximum number of dwelling units within a building: 14.
- (7) Bedrooms Per Unit. The number of bedrooms per unit and the bedroom distribution shall be in accordance with COAH regulations.
- a. No dwelling shall have more than three (3) bedrooms.
 - b. No more than thirty-three (33), or 30%, of the dwelling units shall be three bedroom units.
 - c. At least twenty-one (21), or 19%, of the dwelling units shall be one bedroom units.
- (8) Density Requirements. Not more than 110 dwelling units shall be permitted within the Affordable Housing Overlay Zone-1.
- (9) Site Improvement Standards.

- a. The residential development shall be served by sanitary sewers and by public water service.
- b. The residential development shall be planned and designed to meet the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
- c. Adequate provision shall be made for the location and placement and screening of areas for the holding and collection of solid waste and recyclable materials.
- d. Adequate provision shall be made for exterior lighting.
- e. Adequate landscaping shall be provided, but the requirements of §95-8.5 shall be applied only as guidelines in order facilitate a 100% affordable housing development.
- f. Off-street parking shall be provided for the community center. At least one parking space per 342 square feet of building floor area shall be provided.

(10) Income Restrictions.

- a. All units must be affordable to very low, low, or moderate income households and subject to affordability and occupancy controls in accordance with the rules and regulations of the Council on Affordable Housing.
- b. At least fourteen (14) of the total number of units shall be affordable to very low income households, as defined by the

Council on Affordable Housing.

c. At least fifty (50) percent of the total number of units shall be affordable to low income households, as defined by the Council on Affordable Housing. For the purpose of this regulation, all units that are affordable to very low income households shall also be considered to be affordable to low income households.

(11) Replacement Trees. In order to facilitate the development of housing that is affordable to very low, low, and moderate income households, the standards of Section 222-26 are waived when the development fully complies with the requirements of AH-1 Zone overlay.

(12) Open Space Design Requirements. In order to facilitate the development of housing that is affordable to very low, low, and moderate income households, the standards of sections 95-8.9(A), 95-8.9(C), 95-8.9(D)1, and 95-8.9(D)2 are waived when the development fully complies with the requirements of the AH-1 Zone overlay.

(13) Marketing. All dwelling units shall be affirmatively marketed in accordance with the Council on Affordable Housing regulations. All rental units shall be rented in accordance with the Council on Affordable Housing regulations.

- (14) Accessibility. All applicable regulations of the Council on Affordable Housing shall apply.
- (15) Management. The affordable housing developer shall provide a plan acceptable to the Township for the management and maintenance of the residential development.
- (16) Application Fees. The application fees required by Section 95-3.14 shall be paid by the applicant for the 100% affordable housing development, except for those fees that are specifically waived by the Township Committee prior to submission of the application.

SECTION THREE: The Official Zoning Map of the Township of Manalapan is hereby revised to establish the Affordable Housing Overlay Zone-1 (AH-1) which shall apply to Block 47 Lot 17 as shown on the official tax map of the Township and which is shown on the attached map entitled Zoning Map Amendment: Affordable Housing Overlay Zone-1, Block 47, Lot 17 Township of Manalapan, Monmouth County New Jersey and dated September 3, 2009

SECTION FOUR: Any ordinances or portions thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency. All other provisions of Code of the Township of Manalapan are ratified and remain in full force and effect.

SECTION FIVE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect 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 SIX: 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 [September 9, 2009](#). This Ordinance 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 [November 10, 2009](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 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 with Attachment 1 (Proposed Revisions to the Official Zoning Map) 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.twp.manalapan.nj.us under Agenda posted for the Township Committee meeting of [November 10, 2009](#).

ROSE ANN WEEDEN, Municipal Clerk