

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2012-11**

ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN, SECTIONS 95-2.4, "DEFINITIONS" 95-5.5 E, "LIMITED BUSINESS/ MILLHURST", 95-5.5 F. "LIMITED BUSINESS/SMITHBURG LB-S and LIMITED BUSINESS/WILSON AVENUE LB-W." AND AMENDING AND SUPPLEMENTING SECTIONS 5.3(PERMITTED AND PROHIBITED USES) AND SECTION 5.4 (PLANNED DEVELOPMENT AND VARIABLE LOT SIZE DEVELOPMENT STANDARDS) TO PERMIT PLANNED COMMERCIAL DEVELOPMENT AS A USE OF THE OP-10 OFFICE PARK DISTRICT

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: Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-2.4, "Definitions", be and is hereby amended and supplemented by the addition thereto of the following definitions: ([bracket] denote deletions, underlined text denote additions):

Data Center - A facility intended to house data and communication equipment such as servers for computers and data processing, off-site redundant data storage for corporations, and internet service firms.

Instructional and Vocational Uses - Facilities providing specialized education, training or instruction to groups or individuals such as art schools, tutoring services, dance schools, gymnastics, martial arts, language schools, music schools, drama schools, business schools, and substantially similar types of uses.

Fitness/Health Club - A facility such as a fitness center, gymnasium, health or athletic club, which provides training and/or equipment for aerobic exercise, running and jogging, game courts, and similar activities.

Flex Space - A building occupied by two (2) or more uses permitted in the zone and/or two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products provided such activities or materials create no hazard from fire or explosion, or produce toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent; warehousing establishments, wholesale trade establishments, and offices.

SECTION TWO: Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95.5, "Limited Business Districts Standards," subsection 95-5.5.E, "Limited Business/Millhurst," be and the same is hereby amended and supplemented by the following amendment to subparagraph E and the addition thereto of the following subparagraphs:

E. Limited Business/Millhurst. The Township Master Plan identifies Millhurst as a historic place of the early settlement of the Township. Consequently, the design standards of §95-8.4, Landmark design requirements, shall apply to applications for site plan approval in the Limited Business/Millhurst District. In addition to the uses listed in Subsection A, the following shall be permitted uses in the Limited Business/Millhurst District:

- (1) No Change
- (2) No Change

(3) A Category One restaurant, provided that such a use fronts on Sweetmans Lane (CR 527) or on NJSH 33. [is located at least four hundred (400) feet from a residential zone district.]

“(4) Data Centers.

(5) Retail Uses limited to thirty percent (30%) of the building area of all buildings on a site, and provided that all retail uses on a site shall front on Sweetmans Lane (CR 527).

(6) Instructional and Vocational Uses.

(7) Fitness/Health Club

SECTION THREE: Chapter 95, “Development Regulations”, of the Code of the Township of Manalapan, Section 95-5.5, “Limited Business Districts Standards,” subsection 95-5.5.F, “Limited Business/Smithburg LB-S and Limited Business/Wilson Avenue LB-W” be and the same is hereby amended and supplemented by the addition thereto of the following subparagraph:

(2) In addition to the uses listed in subparagraph A., the following shall be permitted uses in the Limited Business/Wilson Avenue (LB-W) District.

(a) Instructional and Vocational Uses.

(b) Data Centers.

(c) Fitness/Health Club

SECTION FOUR: Table 95-5 (Exhibit 5-4 Commercial, Industrial, and Office Districts Schedule of Permitted Uses 95 Attachment 5:3) shall be amended as follows:

The C-3 District shall be amended to include “Flex Space (note 10)”

SECTION FIVE: Table 95-5 (Exhibit 5-4 Commercial, Industrial, and Office Districts Schedule of Permitted Uses) Attachment 5:6 shall be amended as follows:

(10) Flex Space shall be permitted only on sites that front on Route 33.

SECTION SIX: Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-9.2B, "Off-street Parking", subsection (c), "Off-street Parking Requirements for Nonresidential Land Uses", be and the same is hereby amended and supplemented by the addition thereto of the following:

"Fitness/Health Club: 7 per 1,000 square feet GFA"

"Flex Space: Flex Space parking shall be determined by the total square footage of the individual components uses (office, warehouse, etc.) utilizing the Ordinance requirements for the specific components uses."

SECTION SEVEN: The Official Zoning Map of the Township of Manalapan is hereby revised to amend the boundary of the LB-M District as shown on the attached map as follows: The boundary between the LB-M District and the SED-20 District shall be amended to expand the LB-M District to include a portion of Block 78 Lot 6 and a portion of Block 78 Lot 5.01 that are fronting on the westerly side of Sweetmans Lane from the Manalapan Brook northerly to the intersection of Sweetmans Lane with Kinney Road as shown on the attached map labeled "Proposed LB-M Zone Expansion."

SECTION EIGHT: Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-5.3, "Permitted and prohibited uses", Exhibit 5-4, "Commercial, Industrial and Office Districts Schedule of Permitted Uses" is hereby amended and supplemented to identify Planned Commercial Development as a permitted use of the OP-10 Office Park Zone District (*see attached amendment to Exhibit 5-4*).

SECTION NINE: Chapter 95, “Development Regulations”, Section 95-5.4, “Planned development and variable lot size standards”, be and the same is hereby amended and supplemented to include a new section 95-5.4.O, “Planned commercial development in the OP-10 District”, which shall read, in full, as follows (*underlined text denote additions*):

“95-5.4.O. Planned commercial development in the OP-10 District.

A developer may choose planned commercial development with retail uses in the OP-10 Office Park District as an alternative to other permitted uses of the zone, subject to the following requirements:

(1) Minimum tract area and location. The minimum tract area required for development as a planned commercial development in the OP-10 District shall be thirty-five (35) contiguous acres. The tract shall front on N.J.S.H. 9 .

(2) Planning. A site plan for the development and operation of the entire tract proposed for use as a planned commercial development shall be submitted for Planning Board approval. The site plan shall show how the planned commercial development will be designed, developed, and operated as a single entity to satisfactorily address the requirements of the Township development regulations. The site plan shall include plans for utilities, landscaping, and stormwater management and other site plan information as required by the Township development regulations. The design of individual buildings shall be coordinated to address the requirements of §95-8.6, architectural and building design requirements.

(3) Maximum building floor area. The maximum permitted floor area within the planned commercial development shall be one hundred five thousand (105,000) square feet.

(a) The floor area of any building within the planned commercial development shall not exceed eighty-thousand (80,000) square feet.

(b) The floor area occupied by any one tenant of the planned commercial development shall not exceed fifty thousand (50,000) square feet.

(4) Permitted Uses. Any use permitted within the OP-10 Office Park District and/or within the C-1 Regional Commercial Shopping Center District shall be a permitted use within the planned commercial development.

(5) Required mix of uses. The planned commercial development shall provide for a mix of uses which shall include restaurant use and public use. The public use shall include areas for public access as off-street parking areas with a minimum of one hundred (100) parking spaces for shared municipal permit commuter parking during normal business hours, which may be utilized after 5 p.m. and on weekends and holidays for commercial parking. The mix of uses will be subject to site plan approval.

(6) Minimum open space. A minimum of forty-five percent (45%) of the planned commercial development shall be designed and maintained as open space. Open

space may include areas of freshwater wetlands and freshwater wetlands transition areas.

(7) Area, yard, and building requirements. The planned commercial development shall meet the requirements of the OP-10 District for area, yard, and building; buffers; and parking and loading setbacks, except as specified below.

(a) The dedicated areas for public off-street commuter parking shall not be subject to the minimum required setbacks and such designated commuter parking stalls shall be a minimum of nine feet in width. The Planning Board may approve a reduced setback for the public off-street commuter parking area as determined to be appropriate by the Board based upon Board review of the site plan for the design and operation of the entire tract.

(b) The applicant may provide an averaging plan to reduce the minimum yard provided for parking areas, loading areas, buildings, and structures provided that the minimum yard provided is not less than fifty (50) feet and further provided that any reduced yard areas and any areas planned to offset the reduction are approved by the Planning Board as part of the site plan for the planned commercial development.

(8) Signage. Signs permitted in the C-1 District and/or the OP-10 District shall be permitted within the planned commercial development. The site plan shall include a program for signs meeting the requirements of §95-8.7.I, planning requirements for

shopping centers, industrial parks, and office parks. The program for signs shall be subject to Planning Board review and approval.

(9) Circulation. The site plan shall include a circulation plan conforming to §95-8.8, circulation design requirements. The circulation plan shall be subject to Planning Board review and approval.

(10) Required findings for approval. Prior to approval of a planned commercial development in the OP-10 District, the Planning Board shall find the facts and conclusions required by §95-7.38 for planned developments.”

SECTION TEN: All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

SECTION ELEVEN: Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION TWELVE: This Ordinance shall take effect immediately upon its 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 [June 20, 2012](#) 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 [August 15, 2012](#) 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 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 [August 15, 2012](#).

Regina Preteroti, Municipal Clerk