

ORDINANCE NO. O-17-1
TOWNSHIP MEETING DATE: January 10, 2017

**AN ORDINANCE AMENDING CHAPTER 190, LAND USE, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

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

I

PURPOSES: The purposes of this Ordinance are to amend Chapter 190, Land Use:

- 1) To create a Planned Adult Community-Affordable Housing Overlay Zone (PAC-AHO) for Block 69.01 Lot 23 as shown on Tax Map Sheet 20 containing 7.35 acres located on the south side of New Jersey State Highway Business Route 33 west of Cardigan Bay Road and the Freehold Hebrew Benefit Society Cemetery to provide a realistic opportunity for the construction of rental apartment housing for seniors of low and moderate incomes as required by the New Jersey Supreme Court in Southern Burlington County NAACP v. Twp. of Mt. Laurel, 92 N.J. 158 (1983) (Mount Laurel II) and by the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:27D-301 et seq.).
- 2) To add the Planned Adult Community-Affordable Housing Overlay (PAC-AHO) Zone to the list of zones (§190- 97 Zones) and to the Zoning Map (§190- 99 Zoning Map Amendments)
- 3) To create zoning requirements for the Planned Adult Community-Affordable Housing Overlay (PAC-AHO) Zone as new section §190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO)

Note: Additions are underlined and new sections are so noted.

II

Article XI, Zones and Schedule of Requirements, § 190-99 Zoning Map Amendments, the Zoning Map (Schedule B) is hereby amended to include Block 69.01 Lot 23 as “PAC-AHO” as depicted on a map dated January 5, 2017 prepared by Thomas Planning Associates, LLC attached hereto and made a part hereof and to add the Ordinance amendment number and adoption date, following adoption, as follows:

Ordinance Date

0-17-_____/_____/_____/ 2017

III

Chapter 190, Land Use, Article XIII, Zone Regulations, is hereby amended to add a new section, § 190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO), as follows:

§ 190-140.4 Planned Adult Community-Affordable Housing Overlay (PAC-AHO)

Purpose: The Planned Adult Community-Affordable Housing Overlay Zone is designed to permit a planned adult, age-restricted, affordable housing development consisting of multi-family housing units as an affordable housing development option on Lot 23 in Block 69.01, subject to the following standards and requirements:

A. Permitted Uses.

(1) All uses permitted in the R-80 Zone.

(2) Multi-Family Age Restricted Affordable Rental Housing for those persons 55 years of age or older as permitted by the Federal Fair Housing Act of 1968 and Housing for Older Persons Act of 1995. Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607. Multi-family units shall be subject to the following development provisions:

(a) The minimum gross tract area for a planned adult affordable housing community shall be seven (7) acres.

(b) The maximum gross density shall be ten (10) dwelling units per acre.

(c) Minimum Lot and Yard Dimensions:

[1] Width at building line: 100 feet

[2] Minimum Yard Depths

[a] Principal Buildings

[i] Front Yard: 100 feet

[ii] Side Yard: 30 feet

[iii] Rear Yard: 10 feet

[b] Accessory Buildings

[i] Front Yard: 100 feet

[ii] Side Yard: 30 feet

[iii] Rear Yard: 30 feet

[c] Minimum Frontage: 100 feet

(d) Maximum Lot Coverage

[1] All buildings: 25 percent

[2] Accessory Buildings: 5 percent

[3] All impervious surfaces: 40 percent. For purposes of this subsection, lot coverage shall be computed on the basis of all buildings and paving over the gross acreage of the lot.

(e) Maximum Floor Area Ratio: 0.60

(f) Maximum Building Height

[1] Feet: 50

[2] Stories: 3

(g) Setback requirements to roadways and parking areas.

[1] Building to interior roadways: 15 feet.

[2] Building to parking area: 10 feet.

[3] Building to public exterior roadway: 50 feet.

[4] Building to perimeter tract boundary: 30 feet minimum.

(h) Off-street parking requirements.

[1] Off-street parking shall be provided in spaces measuring not less than 18 feet by nine feet for perpendicular parking stalls in accordance with N.J.A.C. 5:21, Residential Site Improvement Standards. Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.

[2] As senior rental apartments are not a specific type listed within N.J.A.C. 5:21, Residential Site Improvement Standards ("RSIS") and as Table 4.4 (Parking Requirements) of the RSIS permits parking requirements which are commensurate with similar uses to be used, a minimum standard of one (1) parking spaces per unit shall be required.

- [3] No structure or portion of a structure constructed as a private garage or storage area shall be converted into living area or shall be included in the calculation of the number of parking spaces as described herein.
- (i) Signage. The setback for Identification Signs shall be 10 feet from the property line and said Identification Signs may be double-sided meaning the permissible square footage of signage shall be permitted for each side of the sign. Signage must be outside the sight triangle area as determined utilizing AASHTO guidelines.
 - (j) Open space and recreational area requirement. Not less than the 30% of the project site shall be devoted to private passive open space as defined in this chapter. Senior rental projects shall provide indoor common meeting rooms, exercise rooms and outside seating areas for the residents of the project.
 - (k) A resident superintendent, although allowed, shall not be required for the development.
 - (l) Apartments shall conform with New Jersey Housing Mortgage Finance Agency guidelines for closet and cabinet space.
 - (m) The development shall be serviced by public water supply and public sanitary sewer facilities.
 - (n) The development shall have primary access and egress in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

B. Permitted accessory uses.

- (1) On site offices for leasing, management and maintenance operations
- (2) Essential utilities.
- (3) Outdoor gathering and sitting areas, such as gazebos.
- (4) Maintenance and equipment sheds.
- (5) Fences in accordance with § 190-165.
- (6) Signs in accordance with § 190-178, as modified herein.
- (7) Outdoor waste collection and recycling areas enclosed and constructed of materials similar to the facade of the building.
- (8) Services for residents including computer room, library, indoor common meeting rooms, exercise rooms, outside seating areas, office for visiting physician/professional and similar types of facilities and services.

C. Low and moderate income housing requirements

- (1) At least one-half (50%) of all units shall be affordable to low-income households; and
- (2) At least one-half (50%) of all units shall be affordable to moderate-income households.

D. Bedroom Distribution.

- (1) Not more than 20% of all units shall be 2 bedroom units.
- (2) The remaining units shall be 1 bedroom units.

E. Other requirements. All housing units shall be age restricted, to those persons 55 years of age or older as permitted by the Federal Fair Housing Act and the Housing for Older Persons Act of 1995 (HOPA). All development shall comply with the New Jersey Uniform Housing Affordability Controls at N.J.A.C.5:80-26.1 et seq.; the applicable Affordable Housing requirements of the New Jersey Housing and Mortgage Finance Agency and Section 42 of the Low Income Housing Tax Credit regulations, provided, however, that all units shall be deemed restricted as age restricted affordable housing for a period not less than 30 years.

F. Notwithstanding the existing Township Ordinances regarding site plan submissions and submission requirements, applications for site plan approval in the Planned Development – Affordable Housing Overlay Zone shall be permitted to submit the following items as a condition of Final Site Plan Submission rather than as part of the Preliminary Site Plan Submission.

(1) Providing exterior material sample board for proposed buildings.

(2) Environmental Impact Statement for projects in this Zone shall be deemed satisfied by a summary letter from an environmental engineer detailing the general environmental conditions of the property, provided a valid Wetlands Letter of Interpretation from the New Jersey Department of Environmental Protection is submitted along with either a Preliminary Assessment or Phase 1.

(3) Application for Sign Permit.

(4) Proof of application to the Monmouth County Planning Board.

(5) Proof of application to Freehold Soil Conservation District

(6) Proof of application to the New Jersey Department of Transportation.

(7) Proof of application to the New Jersey Department of Environmental Protection for either Stream Encroachment Permit or Letter of Interpretation.

(8) Tree Save and Tree Clearing Plan per Section 336-10. However, a Heritage Tree survey will be required as part of any preliminary application.

(9) Proof of application to the Freehold Township Historic Preservation Committee.

(10) Off Site Drainage and Utility Plans.

(11) Center line profiles of streets bordering the site, if required by the Township engineer.

(12) Full Soil Boring Logs. Test pits shall be sufficient for Preliminary applications.

(13) Landscape Plans. Applicants shall be required to provide preliminary landscaping plans as part of any preliminary application, which shall include the various species and the general planting locations, however the full Landscape Plans including final plant counts shall not be required until submission of the Final Site Plan Application.

(14) Tree Removal Permit. While projects for Low and Moderate Income Senior Rental Apartments shall be required to provide and apply for Tree Removal Permits as part of their Final Submission, it is agreed to the nature of those developments, said projects shall be limited to a permit fee of \$500 and not be required to make any restitution or repayments for the value of trees being removed, except as to Heritage Trees for which there will be a cap of \$30,000.

G. Governmental Subsidies. The Township shall take such steps as are, in its reasonable opinion, reasonably necessary to assist the developer in obtaining state and/or federal subsidies for low- and moderate-income housing when such subsidies are sought by the applicant as a means to provide such housing. Nothing herein shall require the Township to expend any funds, other than funds it would typically incur in its ordinary course of business, to promote, support or provide any subsidies.

H. Elimination of Cost Generating Features. It is further acknowledged that Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost-generating features from municipal land use ordinances. Accordingly, Freehold Township will eliminate development standards that are not essential in its reasonable opinion to protect the public welfare and to reasonably expedite or fast-track municipal approvals/denials on certain affordable housing developments.”

IV

Chapter 190, Land Use, Article XI, § 190-101 Schedule C, Schedule of Area, Yard and Bulk Requirements, is hereby amended to add a new line under the heading “RESIDENTIAL” following the line entitled PAC-4 as follows: “PAC-AHO (See § 190-140.4, Planned Adult Community-Affordable Housing Overlay.)”

V

Notice shall be given in accordance with N.J. S. A 40: 55D- 62. 1 at least 10 days prior to the hearing by the Township Clerk to the owners of all real property as shown on the current tax duplicates, located within 200 feet in all directions of Block 69.01, Lot 23 including a map delineating the proposed boundaries of the Affordable Housing Overlay Zone which is the subject of the hearing. Notice shall be given by mailing a copy thereof by verified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.

VI

The Clerk shall execute affidavits of proof of service of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the proposed zoning amendment.

VII

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

VIII

If any section, paragraph, sentence, clause or phrase of this ordinance shall be held to be invalid, such decision shall not invalidate any remaining portion of this ordinance.

IX

The ordinance shall take effect immediately upon passage, publication according to law, filing with the Monmouth County Planning Board.

X

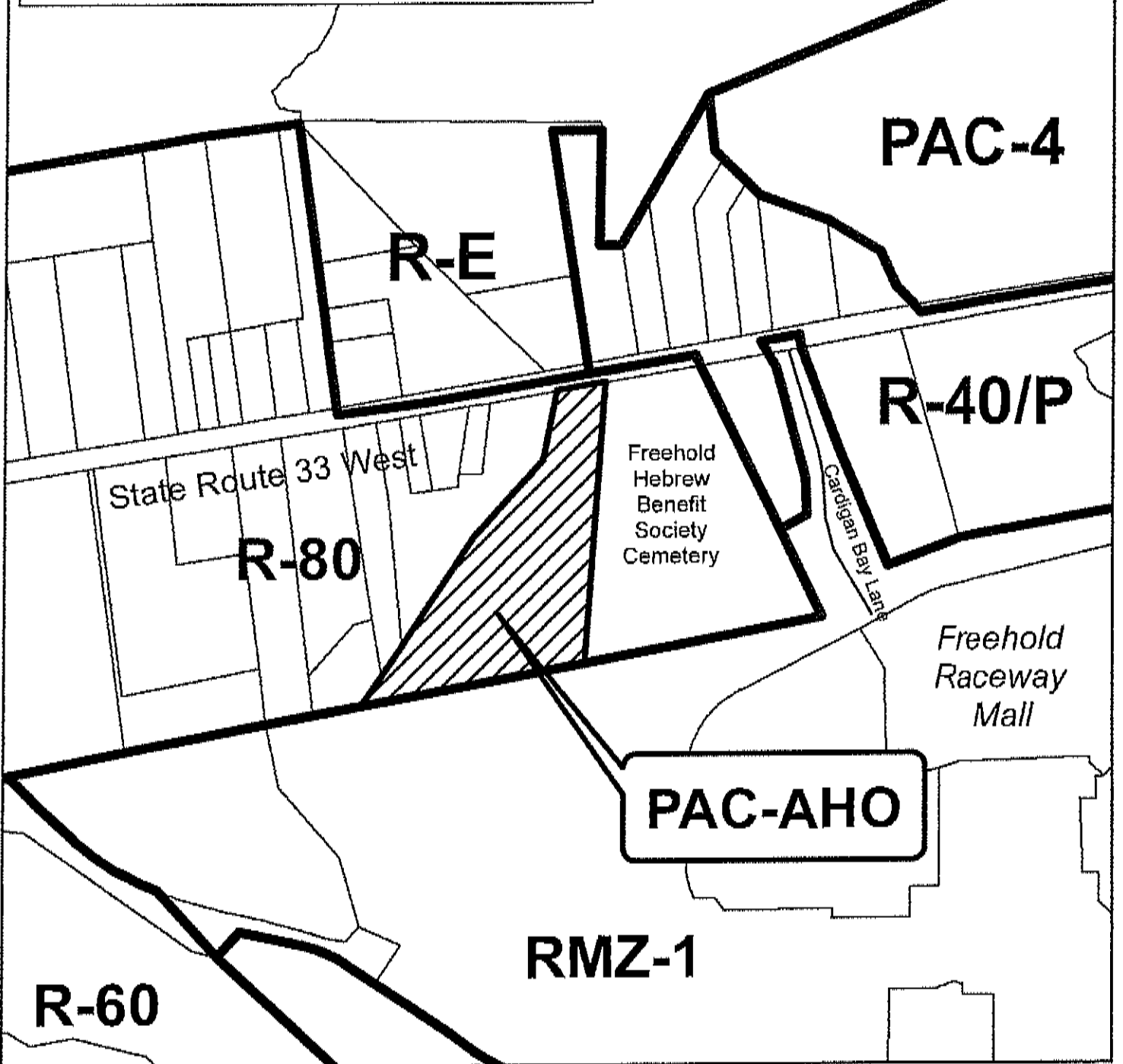
Copies of this ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Municipal Attorney, Township Engineer, Township Planners, Zoning Officer, Construction Official, Special Housing Counsel and the Court Appointed Special Master.

STATEMENT FOR PUBLICATION



The purposes of this Ordinance are: (1) to amend Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements, to permit the development of multi-family, age restricted affordable rental housing units on Lot 23 in Block 69.01 as depicted Tax Map 20 consisting of approximately 7.35 acres N.J.S.H. 33 west of Cardigan Bay Lane and the Freehold Hebrew Benefit Society Cemetery as an Affordable Housing Overlay Zone; (2). To amend the Township Zoning Map to designate Block 69.01 Lot 23 as a PAC-AHO Planned Adult Community-Affordable Housing Overlay Zone and (3) To establish site development standards and affordable housing requirements for the PAC-AHO Zone including limiting the height of a multi-family structure to 50 feet and three (3) stories and the number of multi-family, affordable housing units shall be limited to no more than 73 housing units.



FREEHOLD TOWNSHIP
Monmouth County, New Jersey



ZONING REVISION
Block 69.01, Lot 23
(PAC-AHO) Planned Adult Community -
Affordable Housing Overlay
N.J. Route 33

-  Rezoning Property
 -  Existing Zoning
- Last revised 0-16-10 (8/9/16)



Prepared: January 5, 2017

THOMAS PLANNING ASSOCIATES, LLC
Professional Planning and GIS Consultants
EEO, Equal Opportunity
Race, N.J. 08776-0000

Thomas A. Thomas, P.E.
Tel: 732.223.1111
Fax: 732.223.1111
taylor@tplan.com

T. Adam Thomas, P.E., AICP
Tel: 732.223.1111
Fax: 732.223.1111
adam@tplan.com