ORDINANCE NO. 2020-15

AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "DEVELOPMENT REGULATIONS" AND MORE PARTICULARLY SECTION102-85 A-4, MIXED HOUSING DISTRICT

WHEREAS, the Colts Neck Township Committee desires to amend and supplement Section 102-85, A-4, Mixed Housing District to provide for the construction of an inclusionary development designed to assist the Township in satisfying its fair share housing obligation through construction of affordable units set aside for low and moderate income households pursuant to the Mount Laurel doctrine and laws of New Jersey; and

WHEREAS, the A-4, Mixed Housing District includes, in part, Block 42, Lots 3 and 4 as identified on the Colts Neck Township Tax Map; and

WHEREAS, the Colts Neck Township Committee desires to amend the A-4, Mixed Housing District pursuant to a Settlement of Litigation Agreement between Countryside Developers, Inc. and Colts Neck Township dated _____, 2020 in the case captioned In the Matter of the Application of the Township of Colts Neck docketed at MON-L-2234-15.

NOW, THEREFORE, BE IT ORDAINED, by the Colts Neck Township Committee, County of Monmouth, State of New Jersey that Chapter 102 of the Code of Colts Neck Township entitled "Development Regulations" subsection 102-84 "A-4, Mixed Housing District" be amended and supplemented in the following parts only (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION I: That Section 102-85E(4) Bulk and Design Requirements be amended and supplemented in the following parts only

Type	Patios, Atriums and Townhouses, Duplexes and Quadplexes[7] (See §102-98	Garden Apartments (see §102-98)	Detached Single-Family Dwellings[7]
Perimeter Setback	50 feet[12]	85 feet	50 feet
Minimum Side yard[6], [8]	~~20 feet~~ 15 feet	~~20 feet~~ 15 feet	5 feet [10]

Notes:

12 Tract perimeter setback of 50 maybe reduced to 35 feet along the Colts Neck side of the Howell Township municipal boundary as long as the remaining 15 feet is provided by a buffer easement dedicated to Colts Neck Township along the Howell Township side of the boundary. The grantor, its successors and assigns reserve a 24 foot access easement and a 15 foot utility right-of-way easement across the 15 foot buffer easement in Howell Township

SECTION II Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and

filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 12th day of August, 2020. A public hearing will be held on September 9, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	August 12, 2020					September 9, 2020				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto										
Deputy Mayor Viola										
Bartolomeo										
Fitzpatrick										
Orgo										
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent										

A4Amendment2020

ORDINANCE NO. 2020-16

AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REPEALING CHAPTER 102, ARTICLE VI, SECTION 102-46.6 "AFFORDABLE HOUSING GROWTH SHARE" AND ESTABLISHING A NEW SECTION 102-46.6 ENTITLED "AFFORDABLE HOUSING GROWTH SHARE - GRANDFATHER" OF THE CODE OF THE TOWNSHIP OF COLTS NECK

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the New Jersey Council on Affordable Housing (COAH) adopted Third Round Rules (N.J.A.C. 5:97-1.1 et. seq.) addressing municipal affordable housing obligations from 2004 to 2008 on June 2, 2008 which employed a growth share methodology; and

WHEREAS, on December 10, 2008, the Colts Neck Township Committee adopted Ordinance 2008-17 establishing an affordable housing growth share policy in accordance with COAH's Third Round Substantive Rules; and

WHEREAS, on October 18, 2010 the New Jersey Appellate Division remanded to COAH for adoption of Third Round Rules using the methodology for determining prospective need similar to those methodologies used in prior rounds; and

WHEREAS, on March 14, 2014 the New Jersey Supreme Court affirmed the Appellate Division's decision regarding the Third Round Rules and ordered COAH to adopt new rules by October 22, 2014; and

WHEREAS, COAH failed to adopt new Third Round Rules and on March 10, 2015 the Supreme Court stripped COAH from its power in the affordable housing process and transferred enforcement of the Fair Housing Act from COAH to the New Jersey Superior Courts; and

WHEREAS, on June 8, 2015 Colts Neck Township filed a Complaint for Declaratory Judgment Action and Order to Show Cause seeking injunctive relief for temporary immunity from builder's remedy litigation and approval of an Affordable Housing Plan in accordance with the Fair Housing Act; and

WHERAS, In August 2020 Honorable Linda Grasso Jones entered an Order of Fairness and Preliminary Mount Laurel Compliance resolving the Township's Declaratory Judgment Action (DOCKET No. MON-L-2234-15); and

WHEREAS, the Township Committee of Colts Neck Township desires to rescind all growth share policies invalidated by the Supreme Court and promulgate new affordable housing policies advancing the order of fairness and Preliminary Mount Laurel Compliance dated August 2020.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Colts Neck in the County of Monmouth, State of New Jersey as follow (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION I: That Section 102-46.6 Affordable housing growth share is hereby repealed.

SECTION II: That new Section 102-46.6 "Affordable housing growth share - grandfather" is hereby established as follows:

A. Purpose. The purpose of the Affordable housing growth share-grandfather is to establish reduced lot size, lot frontage, lot width and side setback requirements for the two developments [PB704 (Block 10, Lots 2 & 2.01) and PB719 (Block 39, Lot 11.01)] approved under the affordable housing growth share ordinance and to prevent these developments from becoming nonconforming.

B. For Planning Board Applications PB704 (Block 10, new Lots 2.03, 2.04, 2.05, 2.06, 2.07, 2.08 and 2.09) and PB719 (Block 39, new Lots 11.03, 11.04, 11.05, 11.06, 11.07, 11.08 and 11.09) the minimum lot size, lot frontage, lot width and side setback shall be as follows:

1. The minimum lot size, lot frontage and lot width shall be 75% of the applicable minimum zoning requirement for the zoning district.

2. The minimum side setback shall be 40 feet.

C. All other provisions of the applicable zone district which have not been specifically modified in this subsection shall apply. This includes, but not limited to, all of these standards in Section 102-87, schedule of limitations and requirements applicable to each zone along with the notes and schedules contained therein.

SECTION III: That Article VII, "Zoning Requirements" §102-84 through 102-86 are hereby amended and supplemented in the following parts only:

102-84. A-1 and A-2 Agricultural Residential Districts; A-3 Village Residential District.

B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(9) Affordable housing ~~units~~ growth share-grandfather subject to §102-46.6

102-85. A-4 Mixed Housing District.

B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(5) ~~Affordable housing units subject to §102-46.6~~ [Reserved for future use]

102-85.2. A-6 Residential District

B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:
(7) ~~Affordable housing units subject to §102-46.6~~ [Reserved for future use]

102-85 AG Agricultural District

B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(8) Affordable housing ~~units~~ growth share-grandfather subject to §102-46.6

SECTION IV Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION V Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION VI Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VII This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 12th day of August, 2020. A public hearing will be held on September 9, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	August 12, 2020					September 9, 2020				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto										
Deputy Mayor Viola										
Bartolomeo										
Fitzpatrick										
Orgo										
M - Moved S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent			

AffordableHousingGrowthShareGrandfather2020

ORDINANCE # 2020-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF COLTS NECK TOWNSHIP, ARTICLE VIII, "ZONING REQUIREMENTS," "PART 4. ZONING AND DESIGN REQUIREMENTS FOR RESIDENTIAL DISTRICTS," SECTION 102-85.2, "A-6 RESIDENTIAL DISTRICT"

WHEREAS, the Township Committee of Colts Neck Township desires to amend and supplement the Township of Colts Neck Zoning Code to provide for the construction of an inclusionary residential development designed to assist the Township in satisfying its fair share housing obligation through construction of affordable units set aside for low- and moderate-income households, pursuant to the *Mount Laurel* doctrine and the laws of New Jersey; and

WHEREAS, the A-6 Zone is comprised of the property identified as Lots 11, 12, 13 and 14, within Block 22, on the Colts Neck Township Tax Map; and

WHEREAS, the Township Committee of the Township of Colts Neck desires to adopt this Ordinance pursuant to a settlement agreement between Colts Neck Building Associates, LLC, and the Township, dated March 19, 2020, in the case captioned *In the Matter of the Application of the Township of Colts Neck* docketed at MON-L-2234-15.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, that the Code of the Township of Colts Neck is supplemented at Chapter 102, "Development Regulations," Article VIII, "Zoning Requirements," "Part 4. Zoning and Design Requirements for Residential Districts," Section 102-85.2, "A-6 Residential District."

SECTION 1. Chapter 102, "Development Regulations," Article VIII, "Zoning Requirements," Section 102-85.2, "A-6 Residential District," shall be amended and supplemented as follows:

A. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(1) Multi-family residential buildings, with market rate and multi-family rental affordable housing units. A twenty percent (20%) set-aside of multi-family rental affordable housing units shall be provided in accordance with Section 102-97.1 of the Township Code.

(2) Agricultural uses.

(3) Conservation areas and open space.

B. Permitted accessory uses.

(1) Off-street parking facilities and parking lots.

(2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.

(3) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, enclosed dog park/run area, and other similar uses.

(4) Patios, decks, terraces, and balconies.

(5) Fences and walls. See §102-57 and §102-73 for requirements.

(6) Maintenance building accessory to the multi-family buildings, and pump station maintenance building, not to exceed 1,500 s.f. of coverage and 25 feet in height.

(7) Satellite dishes and solar energy panels mounted at ground level, which shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper

screening after two growing seasons. These location requirements do not apply to solar energy panels that are mounted flush, or nearly flush, with building sides or roofs.

(8) Antennae. See §102-49 for requirements.

(10) Bike racks

(12)Signs.

(13) Site lighting. The arrangement of exterior lighting shall adequately and safely illuminate parking areas, internal roadways, and walkways.

(14) Other uses which are customarily incidental to a permitted principal use.

(15) Temporary construction and sales trailers. See §102-80 for requirements.

(16) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, junction boxes, and the like. Existing stormwater management basins and facilities may be utilized in new development.

(17) Emergency generators.

(18) Barns and accessory buildings to farms. See §102-84 for requirements

C. Maximum gross density. Notwithstanding the requirements set forth in §102-98H and §102-85.2E setting forth the maximum permitted gross density of residential development, the maximum number of residential units permitted within multi-family buildings is 360 units, or equivalent to a gross density not to exceed 9.5 units per gross acre.

D. Affordable Housing. Not less than 20% of the total units developed on the site shall be affordable housing rental units. All affordable units shall be integrated into the market rate dwelling units with no more than 10 affordable units per building. If the multi-family rental dwelling units are subject to a condominium form of ownership, affordable units may be owned and managed by an affordable housing developer. The affordable units shall comply with the applicable regulations of the New Jersey Council on Affordable Housing, including the Uninform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all other applicable law, including a requirement that thirteen percent (13%) of all affordable units within each bedroom distribution are available to very low income households, and the affordable rental units shall be deed restricted for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit, unless and until the Township decides, in its sole discretion, to release the controls on affordability.

E. Bulk, area, and building requirements. Multi-family dwelling units in the A-6 Zone shall be subject to the following requirements. Agricultural uses are subject to the standards of the A-1 Agricultural and Residential District requirements of §102-84.

Requirements for Multi-family Dwellings	**Standard**
Minimum lot area (acres)	35 acres
Minimum building setback from front Route 537 frontage *	75 feet
Minimum building setback from internal roads, aisles, and parking areas	10 feet
Minimum distance between buildings**	35 feet
Minimum side yard setback	20 feet

Minimum rear yard setback	0 feet where it abuts a riparian zone, otherwise 25 feet
Maximum building height***	50 feet
Maximum clubhouse height***	30 feet
Maximum maintenance building height***	25 feet
Maximum building length along longest side	145 feet
Maximum building coverage	20%
Maximum lot coverage	40%
Minimum open space	50%

*Setbacks are calculated from property line, and may overlap with buffers or setbacks required by any county or state agency.

** Patios, balconies, awnings, stairways servicing buildings are not included in the calculation of minimum distance between buildings, but a minimum separation of 11 feet between buildings including patios shall be maintained and a minimum separation of 15 feet between buildings including balconies, awnings, and stairways shall be maintained.

***Building height is measured from the finished development grade to the highest point of a roof.

F. Site access, off-street parking, and loading requirements.

(1) Two site access driveways shall be permitted from County Route 537 to the site. Notwithstanding the provisions of §102-77H, a development in the A-6 Zone shall be permitted street intersections with the same side of an existing street at intervals of a minimum of 500 feet between center lines of the new streets.

(2) The number of parking spaces shall be consistent with the requirements of N.J.A.C. 5:21-1.1 *et seq.* known as the Residential Site Improvements Standards.

(3) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 800 square feet of gross floor area. Shared parking between a club house or amenity space and residential units may be approved by the Planning Board or Zoning Board of Adjustment.

(4) No Loading spaces are required.

(5) Notwithstanding the requirements set forth in Section 102-119G, aisles providing access to parking spaces shall be twenty-four (24) feet in width.

(6) Parking spaces and parking areas shall be setback a minimum of 75 feet from the property boundary along the Route 537 frontage, and 0 feet from riparian zone buffers, and 15 feet in all other yards.

(7) Parking space dimensions shall be 9 feet by 18 feet.

(8) Notwithstanding the provisions of §102-71A, shade trees shall be planted 10 feet from the curb line.

(9) Notwithstanding the requirements set forth in §102-119A(2), no landscape islands shall be required in the parking areas.

(10) Notwithstanding the provisions of §102-99B, a wall may be substituted in lieu of screen planting, except along Route 537.

(11) The main loop road servicing the development shall have a pavement width of 28 feet.

G. Landscape buffer. Along the Route 537 frontage a seventy-five (75) foot landscaped buffer shall be provided. The buffer shall be calculated from the property line, and may overlap with any county or state buffers. The landscaped buffer shall be planted with an all-season screen consisting of groups of evergreen and deciduous trees staggered in double rows 15 feet on center. Evergreen tree groups shall consist of three to seven evergreen trees (minimum of six feet in height at planting). Deciduous tree groups shall consist of one canopy tree (minimum of 11 feet in height and 2 ½ inches in caliper at planting), and three ornamental trees (minimum of six feet in height, 1 ¾ inches caliper at planting.) A project identification sign is permitted within the landscaped buffer.

H. Signs.

(1) One monument or freestanding project identification sign at each side of any site entrance along the Route 537 frontage in accordance with the following standards:

i. Signs shall be non-illuminated or externally illuminated.

ii. Signs shall be landscaped and may identify the community project name, developer, and logo.

iii. The maximum sign area containing text and logos shall not exceed 25 square feet for each side of the sign if two-sided.

iv. The maximum sign height, including the structure and sign area, shall not exceed 8 feet above proposed finished grade.

v. The minimum sign setback shall be 10 feet from the public right-of-way.

(2) One (1) wall mounted building identification sign is permitted for each face of a building abutting an internal roadway or parking area. The wall mounted sign shall have a maximum height of 12 feet and a maximum area of 8 s.f. Wall mounted signs may be externally illuminated.

(3) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. At entrances to these areas, two signs shall be permitted stating the name of the area or facility, as applicable, and no other advertising material. No sign shall exceed 4 square feet in area and 4.5 feet in height.

(4) Street number designation, name plates, lawn signs, postal boxes, on-site directional and parking signs, and signs posting property as "private property," "no hunting," or similar purposes are permitted but shall not exceed an area of two square feet per sign.

(5) Real estate signs and flag signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along public streets and intersections, provided that such signs are located outside of any sight triangle easements, do not interfere with vehicle sight lines. Such signs shall comply with the following requirements:

i. There shall be no more than 5 real estate signs and 10 flag signs per property being advertised, however, there shall be no more than 5 real estate signs and 10 flag signs along County Route 537.

ii. Signs shall be freestanding and non-illuminated, and may be two sided.

iii. Real estate signs shall not exceed 25 square feet in area, per side, and 8 feet in height above the ground.

iv. Flag signs shall not exceed 60 square feet of area, per side, and shall not exceed 20 feet in height above the ground.

v. The text per each sign shall include the community project name, developer name, logo, and advertising and informational text.

(6) Except as provided for herein, all signs shall be in accordance with the requirements of § 102-106.

(7) Seasonal decorations are permitted in accordance with the requirements of § 102-106C.

(8) Monument and freestanding signs shall be located outside of any sight triangle easements.

I. Refuse and recyclable material storage. Every multi-family building shall provide a storage area to accommodate refuse and recyclable materials. The area shall be screened from view and enclosed by fencing;, plantings; or other materials that are contextual with the architectural design of the development.

J. Yards.

(1) Notwithstanding the requirements set forth in §102-83C, there is no requirement to provide a yard area for any building.

K. Phased development.

(1) Phased development plans may be considered for residential development projects that include a minimum of 300 residential units and a land area of 35 acres or greater.

SECTION 2. Remainder. Except as hereby amended and supplemented, all other parts of Chapter 102 of the Code of the Township of Colts Neck shall remain in full force and effect.

SECTION 3. Referral to Planning Board. Upon introduction, this Ordinance shall be referred to the Planning Board of the Township of Colts Neck for its review and comment.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 5. Severability. If any Section, part of any Section or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Committee of the Township of Colts Neck declares that it would have passed the Ordinance and each Section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 12th day of August, 2020. A public hearing will be held on September 9, 2020, 7:30 p.m. Town Hall, 124 Cedar Drive.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	August 12, 2020					September 9, 2020				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
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Final CNBA Ordinance for Adoption (8-12-20)