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
Mayor Rizzuto		X								
Deputy Mayor Viola	M	X								
Bartolomeo	S	X								
Fitzpatrick		X								
Orgo					X					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent										

Final CNBA Ordinance for Adoption (8-12-20)