

ORDINANCE NO. 2017 – 07

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “LAND USE AND DEVELOPMENT”

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Zoning Map of the Township of Little Egg Harbor is hereby amended to establish the boundaries of the AHZ (Affordable Housing) Zone such that the following properties shall be located in and permitted to be developed in accordance with the AHZ (Affordable Housing) Zone requirements and standards set forth herein;

- a. Block 325, Lots 4.01, 4.02 and 4.03
- b. Block 325.20, Lot 11

The zoning of the properties that was in place at the time of the adoption of this ordinance shall be entirely replaced by the AHZ (Affordable Housing) Zone.

SECTION 2. The Zoning Map of the Township of Little Egg Harbor is hereby amended to establish the boundaries of the MUAHZ (Mixed Use Affordable Housing) Zone such that the following properties shall be located in and permitted to be developed in accordance with the MUAHZ (Mixed Use Affordable Housing) Zone requirements and standards set forth herein;

- a. Block 283, Lot 2
- b. Block 284, Lot 2
- c. Block 286, Lot 1
- d. Block 207, Lots 2 & 3

The zoning of the properties that was in place at the time of the adoption of this ordinance shall be entirely replaced by the MUAHZ (Mixed Use Affordable Housing) Zone.

SECTION 3. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-4.1. entitled “Designation of zoning districts” to establish new zone districts entitled “AHZ (Affordable Housing) Zone” and “MUAHZ (Mixed Use Affordable Housing) Zone”.

SECTION 4. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to add new §15-4.24.4, which shall be entitled "AHZ (Affordable Housing) Zone" and which shall read as follows:

- A. Purpose. The purpose of the AHZ (Affordable Housing) Zone is to permit the development of planned multifamily housing with inclusionary low- and moderate-income housing units on parcels of land that are designated for such use within the Little Egg Harbor Township Housing Element and Fair Share Plan. Development within the AHZ (Affordable Housing) Zone shall permit multifamily housing to be constructed. Multifamily residential uses developed within this zone shall include affordable housing units for low- and moderate-income households in order to better promote the general welfare and to create a realistic opportunity for the construction of low- and moderate-income housing in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.
- B. Permitted uses. In the AHZ (Affordable Housing) Zone, buildings may be erected or used and the lot may be used or occupied for the following purposes:
- 1) Multifamily developments;
- C. Permitted accessory uses. The following shall be permitted as accessory uses:
- 1) Off-street parking and private garages;
 - 2) Mailboxes, lamp posts, flagpoles, driveways, paths, and sidewalks;
 - 3) Fences, walls, and retaining walls, subject to the provisions of this chapter;
 - 4) Signs subject to the provisions of this chapter;
 - 5) Home occupations, subject to the provisions of this chapter
 - 6) Solid waste and recycling enclosures;
 - 7) Patios, terraces, and decks attached to principal structures in accordance with the approved site plan for the development;
 - 8) Recreation center for residents of a development of multifamily residential and their guests, whose building design shall complement the design of the principal buildings, and may include a swimming pool, tot-lots, gazebos, benches, etc.;
 - 9) Maintenance-storage building with a maximum floor area of 600 square feet, a maximum height of 18 feet, and a minimum twenty-five-foot setback from a public street, and whose design shall complement the design of the principal buildings;
 - 10) Stormwater management basins and facilities, including structures for collection, water quality treatment, and/or discharge;
 - 11) Essential services;
 - 12) Open space and conservation areas;
 - 13) One double-sided, ground-mounted development identification sign at a location approved by the Planning Board (maximum dimensions four feet by six feet), landscaped at base.
 - 14) Temporary sales office incidental to the initial project development;
 - 15) One temporary construction trailer incidental to construction work, provided it is removed upon completion or abandonment of the construction work

D. Maximum Units per Tract. The maximum number of units per development tract shall not exceed 125, regardless of tract size.

E. Area and bulk standards. The following standards shall be applicable to the AHZ (Affordable Housing) Zone:

F. Requirements for Multifamily Affordable Housing Units	Standard
H. Minimum tract area	11 acres
Z. Minimum lot width	150 feet
3. Minimum lot depth	250 feet
A. Minimum building setback from tract boundary	25 feet
5. Minimum residential building setback from a state highway	100 feet
f. 6. Minimum building setback from a county road or municipal street	30 feet
r. 7. Minimum building setback from a residential zone	100 feet
a. 8. Minimum building setback from residential access, internal, private street	20 feet
19. Minimum building setback from common parking areas (not applicable to visitor spaces in a common driveway)	10 feet
10. Minimum distance between building fronts	30 feet
H. 11. Minimum distance between building rears	25 feet
o. 12. Minimum distance between building fronts and sides	30 feet
u. 13. Minimum distance between building rears and sides	25 feet
s. 14. Maximum building height	3 stories and 50 feet
i. 15. Maximum building coverage of lot	25%
n. 16. Maximum impervious coverage of lot	60%
g. 17. Minimum lot frontage on public street	200 feet
18. Minimum setback from garage units to rear	25
o.	

AHZ (Affordable Housing) Zone building design standards.

- 1) Each dwelling unit shall contain a minimum of 300 cubic feet of storage area, which may be included within the confines of the garage, basement or cellar. Where provided within a garage, the storage space shall in be in addition to the space required for a vehicle.
- 2) The homeowners' association documents shall prohibit the conversion of garages to any other use.

- 3) Each multifamily residential unit shall be constructed with, and shall maintain, a private outdoor space that may be designed as a deck, balcony, terrace or patio.
 - 4) Roads, common driveways, and parking areas within a multifamily/affordable housing development shall be private and maintained by a private association to be established by the developer. The Township shall have no responsibility to maintain, or contribute to the maintenance of, roads, common driveways and parking areas.
 - 5) Prior to final approval of a multifamily/affordable housing dwelling project, the developer shall provide a municipal services agreement with the Township for the contribution by the Township for trash collection, snow plowing, and lighting.
- G. Buffer. A minimum twenty-foot-wide setback from the development tract boundary (except areas fronting on a public street) shall be a landscaped buffer with shrubs and trees. This buffer may include earth mounds. The buffer may be included within any required building setback. Easements for utilities may be included within this buffer. Driveways and roads to provide access to and from the site may be included within this buffer.
- H. Screening. Along property lines adjacent to existing nonresidential land uses, appropriate visual screening shall be provided, consisting of decorative fencing and vegetation.
- I. Landscaping. The development in the AHZ (Affordable Housing) Zone shall include building foundation plantings, clusters of plantings in strategic areas, shade trees along roadways, sidewalks, and pedestrian paths, and preservation of existing vegetation, where feasible.
- J. Common open space and recreation facilities.
- 1) A minimum of 35% of the tract area shall be reserved for conservation, recreation, and other common open space uses.
 - 2) The common open space may include wetlands, wetlands transition areas, required buffer areas, and landscaped stormwater management facilities.
 - 3) Portions of the common open space may be developed for recreation facilities, including picnic areas, swimming pool, tot lots and paths.
 - 4) All the housing units will be established as ownership units, and all common open space and any common recreation facilities shall be owned and maintained by a homeowners' association in accordance with the applicable provisions of N.J.S.A. 40:550-43.
- K. Homeowners' association, covenants, and easements. All proposed restrictive covenants, articles of incorporation or other documents concerning the creation of a homeowners' association for the ownership and maintenance of common land and/or facilities shall be submitted to the municipality and approved by the Township Attorney prior to preliminary approval or as determined by the Planning Board of any proposed subdivision or any proposed site plan.
- L. Streets, parking, sidewalks, water supply, fire hydrants, sanitary sewers, drainage, and stormwater management standards:

- 1) As required by the New Jersey Department of Community Affairs Residential Site Improvement Standards ("RSIS") at N.J.A.C. 5:21.
- 2) Private streets. All streets in an AHZ (Affordable Housing) Zone development shall be private streets.

M. Street lights.

- 1) All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions in accordance with this chapter.
- 2) All exterior lighting shall be arranged so as to reflect away from all adjoining premises.

N. Utilities.

- 1) Development within an AHZ (Affordable Housing) Zone shall be served by public water and public sanitary sewer, which shall be installed by and at the expense of the developer.
- 2) All utilities shall be installed underground.
- 3) The developer shall establish and convey appropriate utility easements to the appropriate utility service provider.

O. Low- and moderate-income housing obligation.

- 1) Any residential development in the AHZ (Affordable Housing) Zone shall be an inclusionary development, and the developer shall provide a minimum of one affordable dwelling unit for every five market-rate housing units (i.e., 20%).
- 2) In computing the low- and moderate-income housing obligation, any portion of a unit less than or equal to 0.50 shall not be considered and any portion of the unit greater than 0.50 shall be rounded up to the nearest whole number.

SECTION 5. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to add new §15-4.24.5 which shall be entitled "MUAHZ (Mixed Use Affordable Housing) Zone" and which shall read as follows:

- A. Purpose. The purpose of the MUAHZ (Mixed Use Affordable Housing) Zone is to require the development of a mixed residential and commercial development with affordable housing as permitted and per the requirements of the MUAHZ (Mixed Use Affordable Housing) Zone.
- B. Development of a project in the MUAHZ requires the submission of an overall development plan.
- C. All developments within the MUAHZ shall provide a 20% affordable housing set-aside.
- D. The mixed residential and commercial development may include the following building types:
 - 1) Detached single-family dwellings units in the area that is located more than 450 feet from the US Route 9 right-of-way in accordance with the requirements of Paragraph F below.

- 2) Multifamily development in the area that is located more than 450 feet from the US Route 9 right-of-way, when such development is developed accordance with the requirements of the AHZ (Affordable Housing) Zone.
 - 3) In the area that is located within 450 feet from the US Route 9 right-of-way, uses permitted in the GB zone in accordance with the area, bulk, yard and other requirements of the GB zone.
 - 4) Essential services.
- E. Permitted accessory uses of buildings and structures are as follows:
- 1) Fences and walls subject to the provisions of Subsection 15-12.17.
 - 2) Off-street parking.
 - 3) Private residential swimming pools
 - 4) Satellite dish antennas subject to the provisions of Subsection 15-5.2.
 - 5) Sheds, garden or tool storage units.
 - 6) Home occupations subject to the provisions of 15-5.13
 - 7) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use and building.
- F. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:
- 1) Public utilities.
 - 2) Home professional office.
- G. Permitted accessory uses of buildings and structures are as follows:
- 1) As permitted in the R-75 (Residential) zone.
- H. Area, yard and building requirements:
- 1) Minimum tract size: 80 acres.
 - 2) Minimum lot area: 7,000 square feet.
 - 3) Minimum lot width: 70 feet.
 - 4) Minimum lot depth: 100 feet.
 - 5) Minimum front yard setback: 20 feet.
 - 6) Minimum side yard setback: 5 feet.
 - 7) Minimum combined side yard setback: 15 feet.
 - 8) Minimum rear yard setback: 20 feet.
 - 9) Minimum accessory building side and rear yard setback: 5 feet.
 - 10) Maximum building height: 35 feet.
 - 11) Maximum percent building coverage: 30 percent.
 - 12) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet.
- I. Maximum Residential Units per Tract. A maximum of 375 units per tracts is permitted, whether comprised of detached single-family or multifamily dwelling units. The following additional requirements apply:
- 1) Within the maximum of 375 units, a total of 75 affordable units is required.

- 2) Within the maximum of 375 units, a maximum of 300 multifamily dwelling units is permitted.
- J. Affordable housing requirements. Residential development in the MUAHZ (Mixed Use Affordable Housing) Zone shall generate an affordable housing obligation. The minimum obligation shall be 75 affordable housing units. The affordable units shall be constructed and/or occupied in accordance with the phasing requirements and bedroom mix requirements and all other applicable requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and local ordinances. Any approval of a mixed-use development shall be subject to a developer's agreement between the developer and the Township. Such developer's agreement shall include a project-specific affordable housing plan demonstrating the ability to satisfy the affordable housing obligation of the developer, as set forth in this section. Satisfaction of the developer's affordable housing obligation shall be contingent upon approval of the crediting for same by the court.”
- K. Commercial Development Linked to Residential Development
- 1) The timing of the construction and occupancy of commercial development permitted in a Mixed Use Affordable Housing Zone development shall be determined by the number of residential units approved;
 - 2) Commercial development as defined herein shall mean the gross floor area of a building or buildings, or portions thereof, within the Mixed Affordable Housing Zone used for non-residential, non-tax exempt purposes;
 - 3) Except as otherwise excluded or limited herein, the developer of the Mixed Use Affordable Housing Zone shall be permitted to develop five hundred (500) square feet of qualifying commercial development for every one (1) dwelling unit approved up to the maximum of 375 dwelling units after which there shall be no restriction on the amount of commercial development except as otherwise limited pursuant to the bulk standards of the zone.
 - 4) The total amount of commercial development within the Mixed Use Affordable Housing Zone shall be determined at the time of the grant of preliminary site approval by the Planning Board based upon the amount of qualifying residential development approved as part of the same preliminary site plan approval;

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

April 13, 2017

MOTION TO INTRODUCE: Stevens SECOND: Kehm

Crea: yes Gormley: yes Kehm: yes Schlick: yes Stevens: yes

May 11, 2017

MOTION TO ADOPT: SECOND:

Crea: _____ Gormley: _____ Kehm: _____ Schlick: _____ Stevens: _____

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 13th day of April, 2017, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 11th day of May, 2017, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Diana K. McCracken, RMC
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Township Clerk
Township of Little Egg Harbor