

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2285-19**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING) OF THE BOROUGH OF
MANASQUAN CODE TO ESTABLISH AN AH-O
AFFORDABLE HOUSING OVERLAY ZONE IN THE
BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

The Borough Council of Manasquan, in the County of Monmouth and State of New Jersey, finds as follows:

WHEREAS, The Borough of Manasquan has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Third Round Affordable Housing process by drafting an updated affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances.

WHEREAS, The Borough has determined that enacting an overlay zone that requires developers to set aside a portion of constructed housing units, which extends over portions of the Borough's major thoroughfares, would be a method for ensuring the provision of affordable housing as parcels redevelop.

NOW THEREFORE BE IT ORDNANIED AS FOLLOWS:

SECTION 1. Purpose. The purpose of this ordinance is to establish an Affordable Housing Overlay Zoning Ordinance that places an overlay zone over specific areas of the Borough. Given the built-out nature of the Borough, an effective affordable housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This ordinance would ensure that residential affordable housing developments accompany major development on tax lots included in the overlay zone. The specific areas included are the portions of the Borough that can realistically accommodate affordable housing development, which are in proximity to public transit and the Borough's main mixed-use commercial thoroughfares.

The ordinance includes most parcels fronting on State Route 71 between Judas Creek to the north and the Borough's Border with Brielle to the south. It also includes a portion of Main Street from the intersection of Broad and south Streets to Taylor Avenue in the east. The list of specific tax lots included, as well as a map of the area, are appended to the end of this ordinance.

The affordable housing overlay zone will regulate said developments through bulk and design standards. However, the Borough's underlying zoning will still be in effect. This will allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing ("COAH") prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Third Round affordable housing obligations.

SECTION 2. A new section entitled "Affordable Housing Overlay Zoning Provisions" is hereby established as follows:

Affordable Housing Overlay Zoning Provisions

- A. Purpose: The purpose of the Affordable Housing Overlay Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, in conformance with the requirements of the Court, the Fair Housing Act, and the Housing Element and Fair Share Plan of Manasquan Borough. Permitted and

conditional uses within the designated Overlay Zone shall include all permitted and conditional uses in the underlying zoning district in which the Overlay Zone is located and allow for affordable housing development within the provisions of this section.

- B. Affordable Housing Overlay Zone: Tax lots with frontage on portions of Route 71 and Main Street within the Borough of Manasquan will be included in the overlay zone and allow for affordable housing development with no affect to any existing zoning district regulations or standards. A map is attached to this ordinance that delineates the overlay zone. Additionally, a list of all tax lots to be included in the Affordable Housing Overlay Zone is provided below.
- C. Density: The maximum density permitted for all affordable housing development in the overlay zone fronting on Main Street is fourteen (14) units per acre. The maximum density permitted for all affordable housing development in the overlay zone fronting on Route 71 is ten (10) units per acre.
- D. Principal Permitted Uses:
 - a. All uses permitted within the underlying zoning district in which the overlay zone is located.
 - b. Affordable housing development for sale or rental housing may include the following uses:
 - i. Mixed Uses with ground floor retail;
 - ii. Townhouses;
 - iii. Age-Restricted Units, however, age-restricted units shall be permitted to satisfy up to twenty five percent (25%) of the Borough's Unmet Need. Any age-restricted units beyond twenty five percent (25%) of the Borough's Unmet Need shall not be permitted to count as an affordable housing credit against Unmet Need for the Third Round, but may count towards future affordable housing obligations, should future laws or Court Orders so permit;
 - iv. Supportive and Special Needs Housing; and
 - v. Multiple family residential buildings with five (5) or more units.
 - c. Accessory Uses:
 - i. Off-street parking facilities in conformance with RSIS standards;
 - ii. Signs in accordance with the ordinance requirements;
 - iii. Fences, walls, and other accessory uses of the underlying zoning in accordance with the Borough Zoning Ordinance;
 - d. Common facilities and amenities serving residents of multifamily developments including swimming pools or other on-site recreational facilities, common walkways, sitting areas and gardens, and other similar accessory uses.
 - e. Affordable Housing Requirements: All affordable housing developments within the overlay zone, for projects consisting of five (5) or more units only, shall provide a minimum of twenty percent (20%) affordable housing units for very low, low- and moderate-income households in accordance with Manasquan Borough affordable housing requirements. All affordable housing developments shall conform to the standards and requirements found in the Borough of Manasquan's Affordable Housing Ordinance (Chapter 35-36), including provisions for affordability, very low income units, and UHAC standards.
- E. 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.

F. **INCONSISTENT ORDINANCES.** All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

G. **SEVERABILITY.** If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

H. **EFFECTIVE DATE.** This Ordinance shall take effect upon its passage and publication according to law.

SECTION 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Manasquan, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Manasquan are hereby ratified and confirmed, except where inconsistent with the terms hereof.

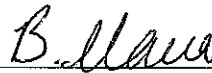
SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Manasquan for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 6. Upon final adoption, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 7. This ordinance shall become effective following its final passage and publication according to law.

NOTICE

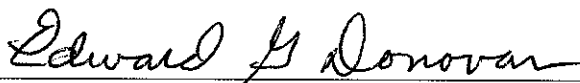
PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2285-19 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 4th day of March 2019, and read for the first time. The said Ordinance is going to be considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 18th day of March 2019. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.



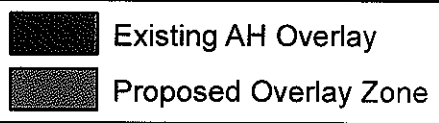
BARBARA ILARIA, RMC, CMC
Municipal Clerk

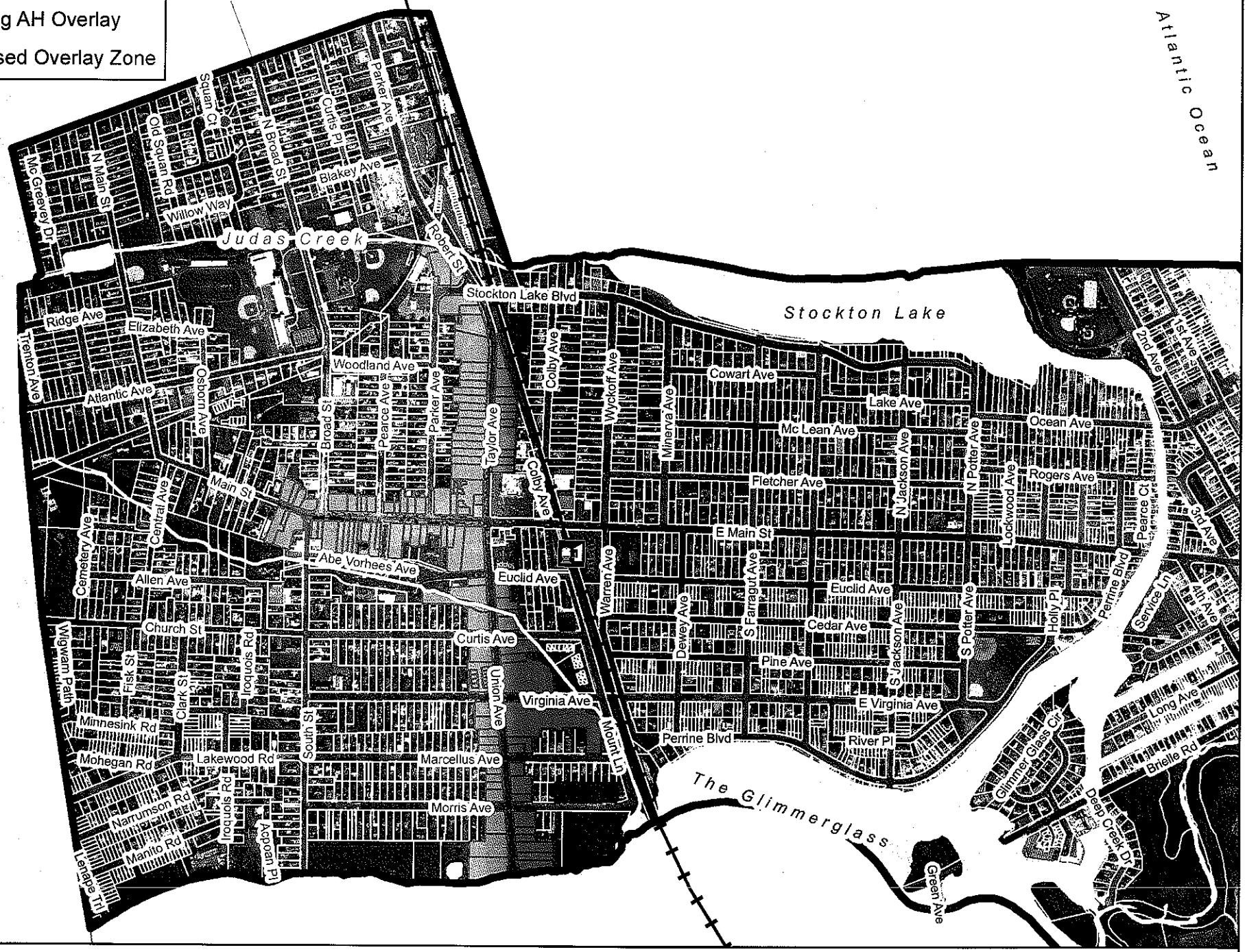
Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: March 4, 2019
Approved on Second Reading and Final Hearing: March 18, 2019



Edward Donovan
Mayor


 Existing AH Overlay
 Proposed Overlay Zone



LEON S. AVAKIAN, Inc.
 Consulting Engineers
 Created Mar-19-2018

Proposed Affordable Housing Overlay Zone

Borough of Manasquan
 Monmouth County, New Jersey

Source: parcels NJGIN, Waterbodies 2002 NHD

