

## ORDINANCE NO. 18-2018

### AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF ABERDEEN, ENTITLED "LAND DEVELOPMENT"

**BE IT ORDAINED**, by the governing body of the Township of Aberdeen, County of Monmouth, State of New Jersey, as follows:

**SECTION 1.** The Zoning Map of the Township of Aberdeen is hereby amended to establish the boundaries of the "Inclusionary Development District A" zoning district such that existing Block 197, Lot 3.01 shall be located in and shall be permitted to be developed in accordance with the "Inclusionary Development District A" zoning district requirements set forth herein.

**SECTION 2.** Existing Section 25-3.1 of the Code of the Township of Aberdeen, entitled "Zoning Districts" is hereby emended and supplemented as follows (new text in **bold and underline**, text to be deleted in ~~bold and stricken~~).

#### 25-3.1 — Zoning Districts.

For the purpose of this Chapter, the Township of Aberdeen is hereby divided into **seventeen (17) eighteen (18)** zoning districts as follows:

##### *Symbol*

|                     |  |
|---------------------|--|
| CR                  | Conservation/Recreation  |
| RA                  | Agriculture & Very Low Density Residential Single-Family Residential |
| R-100               | Single-Family Residential  |
| R-75                | Single-Family Residential  |
| R-70                | Single-Family Residential  |
| R-60                | Single-Family Residential  |
| R-50                | Single-Family Residential  |
| PC                  | Planned Community Single-Family Residential                          |
| APT/TH              | Apartment/Townhouse Multiple-Family Residential                      |
| ARAH                | Age-Restricted Affordable Housing                                    |
| <b><u>IDD-A</u></b> | <b><u>Inclusionary Development District A</u></b>                    |
| OR                  | Office Residential   |
| NC                  | Neighborhood Commercial  |
| HC                  | Highway Commercial   |
| RC                  | Regional Commercial  |
| RO                  | Research/Office  |
| MFG                 | Manufacturing  |
| LI                  | Light Industrial   |

In addition to the designated zoning districts, the following "Redevelopment Zones" are established and are indicated on the Zoning Map:

- a. The "PACRP" Planned Adult Community Redevelopment Plan redevelopment is permitted where indicated on the Zoning Map as an overlay zone on certain lands in the "RA" Agriculture & Very Low Density Residential Single-Family Residential and the "R-100" Single-Family Residential zoning districts.
- b. Luxury apartments are permitted where indicated on the Zoning Map within the "LI" Limited Industrial zoning district in Section I of the Train Station Redevelopment Area.
- c. "IH" Inclusionary Housing redevelopments are permitted where indicated on the Zoning Map as overlay zones, one as an overlay zone along County Road on certain lands in the "LI" Limited Industrial and "CR" Conservation/Recreation zoning districts, and the other as an overlay zone along Route 35 on certain lands in the "HC" Highway Commercial zoning district.
- d. "The Glassworks" mixed-use inclusionary redevelopment is permitted where indicated on the Zoning Map along Cliffwood Avenue.
- e. A mixed-use inclusionary redevelopment is permitted where indicated on the Zoning Map on certain lands in the "LI" Limited Industrial zoning district along Atlantic Avenue in Section II of the Train Station Redevelopment Area.

**SECTION 3.** Existing Section 25-3.2 of the Code of the Township of Aberdeen, entitled "Zoning Map" is hereby emended and supplemented as follows (new text in **bold and underline**).

#### 25-3.2 — Zoning Map.

The boundaries of the zoning districts within Aberdeen Township and the outbound areas of the "Redevelopment Zones" are established on the "Zoning Map," dated August 1, 2012. (The Zoning Map may be found on file in the Township offices.)

- a. Zoning Map Amendments. (Beginning with Supplement No. 5, Zoning Map amendments will be listed as follows.)
  1. Ord. No. 8-2014. Approves the Freneau Redevelopment Plan and amends the Zoning Map to include Block 151-Lots 1, 2, 3 and 4 and Block 149-Lot 1. (Ord. No. 8-2014.)
  2. Ord. No. 12-2015. The Commerce and Transportation Center in the Aberdeen/Matawan Train Station is amended to remove Block 263, Lot 1

(Aberdeen Township) and Block 3, Lot 1 (Aberdeen Township) from the Redevelopment Area due to the Recreation and Open Space restrictions which shall be open to all residents of Aberdeen Township. (Ord. No. 12-2015.)

**3. Ord. No. 18-2018. Creates the “IDD-A” Inclusionary Development District A and amends the Zoning Map to include Block 197, Lot 3.01 in same. (Ord. No. 18-2018.)**

**SECTION 4.** The Code of the Township of Aberdeen is hereby amended and supplemented to include new Section 25-4.18, which shall be entitled “Inclusionary Development District A” as follows:

**25-4.18 — “Inclusionary Development District A”**

- a. *Purpose.* The purpose of the “Inclusionary Development District A” zoning district is to provide an opportunity for the creation of an inclusionary housing development in accordance with the Housing Plan Element and Fair Share Plan, which was adopted on June 6, 2018, and applicable statutory requirements.
- b. *Principal Permitted Uses on the Land and in Buildings.*
  1. Apartment dwelling units.
  2. Townhouse dwelling units.
- c. *Accessory Uses Permitted.*
  1. Off-street parking and private garages.
  2. Mailboxes, lamp posts, flagpoles, driveways, paths and sidewalks.
  3. Fences, walls and retaining walls.
  4. Signage, as permitted in this section.
  5. Solid waste and recycling enclosures.
  6. Patios, terraces and decks attached to principal structures in accordance with an approved site plan.
  7. Recreation center for the exclusive use of residents of a development and their guests, the design of which shall complement the design of the principal buildings.

8. Outdoor recreation facilities, such as tennis and basketball courts, tot-lots and similar facilities.
9. Gazebos.
10. Benches.
11. Stormwater management basins and facilities, including structures for collection, treatment and discharge.
12. Essential services.
13. Common areas, open space and conservation areas.

d. *Size of the Tract.* The minimum tract size shall be nine and one-half (9.5) acres.

e. *Density and Number of Dwelling Units.* The tract shall be developed at an overall density not exceeding eight (8) dwelling units per acre, rounded to the nearest whole number, and subject to the following additional limitations and requirements:

1. No less than twenty (20) percent or sixteen (16) of the total number of units constructed, whichever is greater, shall be apartment dwelling units.
  - (a) In computing the required number of apartment dwelling units, the requirement shall be rounded to the nearest whole number such that: any portion of a unit less than one-half (0.5) unit shall not be considered and, thus, rounded down; and, any portion of a unit that is greater than or equal to one-half (0.5) unit shall be considered and, thus, rounded up.

f. *Affordable Housing Requirements.* All apartment dwelling units shall be “very low”, “low” and moderate” income affordable units in accordance with all applicable statutory requirements (e.g.: N.J.A.C 5:97 et seq.; N.J.A.C. 5:80 et seq.) and the following additional limitations and requirements:

1. No more than fifty (50) percent, rounded down to the nearest whole number, shall be “moderate” income units.
2. No less than thirteen (13) percent, rounded up to the nearest whole number, shall be “very low” income units.

g. *Building Design Requirements.*

1. Each building shall not exceed two and one-half (2.5) stories and thirty-five (35) feet in height measured from grade to the highest building ridge.

2. All buildings shall be totally covered by a true and complete gable, hip, gambrel or mansard roof, provided, however, that where roof mounted equipment is proposed for the operation of the building, a façade roof treatment exhibiting the appearance of such pitched roofs may be permitted and approved by the Planning Board during site plan review.
3. All portions of all buildings shall be provided both heat alarms and smoke alarms and, except for any outside balconies and attics, all interior areas of all buildings shall have a "wet" fire suppression sprinkler system.
4. Only the following structures may be erected above the actual height of a building, and such structures shall not exceed more than ten (10) feet above the actual height of the building:
  - (a) Penthouses or other roof structures for the housing of stairways.
  - (b) Spires, cupolas, chimneys and similar architectural structures associated with the building and its design.
5. All buildings shall be set back at least fifty (50) feet from all existing street right-of-way lines, thirty (30) feet from property lines abutting non-residential properties, and fifty (50) feet from property lines abutting existing residential properties.
  - (a) For the purposes of this section, decks attached to buildings shall not be considered to be part of the building and shall be exempt from the setback requirements specified above. Decks shall be set back a minimum of twenty-four (24) feet from property lines abutting non-residential properties, and forty-four (44) feet from property lines abutting existing residential properties.
6. No building shall be closer than twenty-six (26) feet to any proposed right-of-way or access road on the development tract that links to an existing right-of-way.
7. Buildings containing residential apartment dwelling units shall contain no more than sixteen (16) such units.
8. Buildings containing townhouse dwelling units shall contain no more than ten (10) such units.
9. Maximum building coverage shall be limited to twenty-five (25) percent of the total tract area.

10. The bedroom distribution of townhouse units shall be: twenty (20) percent one-bedroom units; forty (40) percent two-bedroom units; and, forty (40) percent three-bedroom units.

h. *Parking Requirements.*

1. Off-street parking shall be provided in accordance with the requirements of the "Residential Site Improvement Standards" (i.e., N.J.A.C. 5:21 et seq.).
2. All parking areas and driveways shall be set back at least fifteen (15) feet from all property lines abutting existing residential properties.
3. All parking areas shall be set back at least ten (10) feet from all buildings.
4. All parking areas and drivelines shall be set back at least fifteen (15) feet from all property lines abutting non-residential properties, except that cul-de-sacs and similar areas may be set back up to five (5) feet from abutting non-residential properties.

i. *Permitted Signs.*

1. Each development shall be permitted one (1) ground-mounted, monument-type sign identifying the name of the development at each public street access to the development. Each such sign shall not exceed ten (10) feet in height, shall be set back at least fifteen (15) feet from all street and property lines, and shall not exceed an area of fifty (50) square feet.
2. Additionally, information and directional signs, each not more than three (3) feet in height and ten (10) square feet in area, shall be permitted, where appropriate and as approved by the Planning Board, in order to guide traffic to its intended destination in a safe and convenient manner.

j. *Lighting Requirements.*

1. Lighting shall be minimal for security and safety purposes, and a point-by-point lighting plan shall be submitted indicating the location of the lighting fixtures, the direction of illumination, the wattage and footcandle levels of illumination for each fixture, and the details of the lighting poles and the luminaries.
2. The lighting is to be provided by fixtures with a mounting height not higher than twenty-five (25) feet, measured from the ground level to the centerline of the light source.

3. The lighting fixtures are to include non-glare lights with recessed lenses focused downward and with "cut-off" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead skyglow.
4. The light intensity provided at ground level shall be indicated in footcandles on the submitted plans and shall average not less than five-tenths (0.5) footcandles at intersections and three-tenths (0.3) footcandles elsewhere in the area to be illuminated and shall average not more than one (1.0) footcandle throughout the area to be illuminated.

k. *Landscaping Requirements.*

1. Landscaping shall be conceived as a total pattern throughout the tract, integrating the various elements of the architectural design of the buildings and creating an aesthetically pleasing environment.
2. The landscaping shall include shade trees, decorative flowering trees, evergreen trees, shrubs and hedges, ground cover, perennials and annuals, and may include other materials such as rocks, sculpture, art, walls, fences and decorative brick or paving materials.
3. The dollar amount expenditure for the landscaping shall not be less than the equivalent expenditure for the planting of at least twelve (12) shade trees per gross acre of the tract not covered by buildings and other impervious surfaces, and sufficient information shall be provided to the Planning Board to confirm this requirement.
4. The minimum size of new plants at the time of planting shall be as follows:
  - (a) Shade trees shall have a minimum caliper of two and one-half (2.5) inches, measured six (6) inches from ground level, and shall have a standing height of at least ten (10) feet and shall be also balled and burlapped.
  - (b) Decorative flowering trees shall have a minimum caliper of one and one-quarter (1.25) inches, measured six (6) inches from ground level, and shall have a standing height of at least six (6) feet and shall also be balled and burlapped. Decorative flowering trees shall be well branched, with the branches starting not less than three (3) feet above the crown of the root system.
  - (c) Evergreen trees shall be at least six (6) feet in height at time of planting and shall be balled and burlapped.

- (d) Shrubs and hedges shall be at least eighteen (18) to twenty-four (24) inches at the time of planting, depending upon and appropriate to the species of plant.
- 5. All plants shall be installed in accordance with the American Nurserymen Guide, latest edition.
- 6. All plant material shall be guaranteed for at least two (2) years and a written copy of the guarantee executed between the developer and the nursery or landscape architect installing the plantings shall be reviewed by the attorney for the Planning Board prior to the Board granting any final approval.

I. *Recycling Requirements.*

- 1. An indoor or outdoor recycling area for the collection and storage of recyclable materials generated by the apartment dwelling units shall be provided as follows:
  - (a) The dimension of the recycling area shall be sufficient to accommodate recycling bins or containers that are of adequate size and number, and that are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c.102 (N.J.S.A. 13:1E-99.13), as amended.
  - (b) The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials preferably near, but clearly separated from, a solid waste container.
  - (c) The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
  - (d) The recycling area, and the bins or containers placed therein, shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area,

shall be equipped with a lid, or otherwise covered so as to keep the paper or cardboard dry.

- (e) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- (f) Landscaping and fencing, at least six (6) feet in height, shall be provided around any outdoor recycling area and shall be provided in an aesthetically pleasing manner.
- (g) The separation, storage, collection and recovery of recyclable materials shall be in accordance with Sections 16-4 and 16-5 of Chapter XVI, Public Works, of the Revised General Ordinances of the Township of Aberdeen.

m. *Additional Requirements.*

- 1. All developments shall be served by both public water and public sewerage facilities, access to which shall be provided at the expense of the developer.
- 2. All developments shall provide onsite recreational amenities for the exclusive use of residents and their guests. The area devoted to such amenities shall be at least 10,000 square feet.
- 3. There shall be a maintenance service available to residents of the apartment dwelling units, and all residents of such units shall be provided with a telephone number to receive emergency maintenance services at all times; the telephone number shall also be provided to the Aberdeen Township Police Department and Aberdeen Township Manager.
- 4. All utilities shall be installed underground.
- 5. The developer shall establish and convey appropriate utility easements to the appropriate utility service provider.
- 6. All provisions within Section 25-5 of this "Land Development Ordinance" regulating "Improvements and Design Standards" that are not inconsistent with the provisions specified hereinabove shall govern the design and construction of all developments.
- 7. All developments shall require preliminary and final major site plan approval in accordance with the procedures and requirements specified in Section 25-8.4 and Section 25-8.5 of this "Land Development Ordinance".

**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.