

**ORDINANCE 17-2018**

**AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF ABERDEEN, ENTITLED "LAND DEVELOPMENT" SECTION 25-4 ENTITLED "DISTRICT REGULATIONS", OF THE TOWNSHIP OF ABERDEEN LAND DEVELOPMENT ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF ABERDEEN**

**WHEREAS**, the Aberdeen Township Planning Board adopted the Aberdeen Housing Plan Element and Fair Share Plan on June 6, 2018, and the Aberdeen Township Council endorsed same on June 7, 2018;

**WHEREAS**, the Aberdeen Housing Plan Element and Fair Share Plan, as adopted on June 6, 2018, recommends the establishment of mixed-use affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the Aberdeen Housing Plan Element and Fair Share Plan;

**WHEREAS**, it has become necessary to amend Section 25-4, entitled "District Regulations," of the Township of Aberdeen Land Development Ordinance, and adopt this new ordinance to implement and incorporate the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

**WHEREAS**, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units and sets forth the administrative mechanisms necessary to implement the Township's revised Housing Element and Fair Share Plan.

**BE IT ORDAINED**, by the Township Council of the Township of Aberdeen in the County of Monmouth and State of New Jersey as follows:

**SECTION 1.** Section 25-4, entitled “District Regulations,” of the Township of Aberdeen Land Development Ordinance is hereby amended to add a new Section 25-4.17 as follows:

**Section 25-4.17: AHO-1 Affordable Housing Overlay Districts**

**A. Purpose.** The purpose of the AHO-1 Affordable Housing Overlay Districts is to provide development that contributes to the Township of Aberdeen’s municipal affordable housing obligation.

There is hereby established the AHO-1 Affordable Housing Overlay District. The AHO-1 Affordable Housing Overlay District shall consist of:

- 1) The entire NC (Neighborhood Commercial) zone located along Lower Main Street identified as Site A on the Affordable Housing Sites Plan of the Housing Element and Fair Share Plan prepared by T&M Associates, dated May 23, 2018.
- 2) Block 155 Lots 2, 3, 4 and 5 – Residential Properties adjacent to Glassworks identified as Site C on the Affordable Housing Sites Plan of the Housing Element and Fair Share Plan prepared by T&M Associates, dated May 23, 2018.
- 3) Block 231 Lots 2, 3 and 4 – Commercial site along Route 35 identified as Site D on the Affordable Housing Sites Plan of the Housing Element and Fair Share Plan prepared by T&M Associates dated May 23, 2018.

**B. Permitted Uses**

- (1) Mixed-use buildings, subject to the following conditions and requirements:
  - (a) A “mixed-use building” shall be defined as: a building of two or more stories with a minimum of the ground floor consisting of exclusively non-residential uses, with the exception of residential entrances and/or lobby areas, and a minimum of one floor of residential uses over one or more floors of permitted non-residential uses. For purposes of this definition, non-residential uses shall include: retail and personal sales, service uses, office, storage and equipment facilities, community rooms and off-street parking.
  - (b) Residential apartments above non-residential uses may be permitted in any structure containing a nonresidential use that is permitted pursuant to Section 25-4.5 NC Neighborhood Commercial Zone except that restaurants, bars, and taverns, and drive-in facilities shall not be permitted.:
  - (c) The residential use shall be located on the second floor and higher; and,
  - (d) The entrance for the residential use shall be separate from that of the non-residential use.

**C. Development Standards for Site A (NC Zone Along Lower Main Street)**

- (1) Maximum Permitted Building Height: Three (3) stories or 45 feet
- (2) Maximum Residential Density: 16 dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent

- (4) Minimum Principal Building Front Yard Setback: 10 feet
- (5) Minimum Principal Building Side Yard Setback: 10 feet
- (6) Minimum Principal Building Rear Yard Setback: 20 feet
- (7) Off Street Parking Requirements
  - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.
  - (b) The required number of off-street parking spaces may be reduced as established below:
    - [1] The required number of spaces may be reduced by one (1) space for each on-street parking space immediately adjacent to the lot line of the property with a mixed-use building.
    - [2] The required number of spaces for a commercial or personal service establishment portion of a mixed-use development may be reduced to three (3) spaces for each 1,000 square feet of floor area.
  - (c) All other parking requirements shall comply with the "Residential Site Improvement Standards" (RSIS) and:
    - [1] Off street parking shall be provided at the minimum ratio of one (1.0) space per apartment unit.
    - [2] Parking spaces shall be nine feet by eighteen feet (9'x18') in size.
    - [3] All parking areas and driveways shall be set back at least ten (10') feet from all property lines.
- (8) All other applicable development standards not referenced herein shall be met in accordance with Section 25-4.5.

**D. Development Standards for Site C (Block 155 Lots 2, 3, 4 and 5)**

- (1) Maximum Permitted Building Height: Three (3) stories or 45 feet
- (2) Maximum Residential Density: 16 dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent
- (4) Principal Buildings:
  - (a) Minimum front yard setback: 30 feet
  - (b) Minimum side yard setback: 20 feet
  - (c) Minimum rear yard setback: 20 feet
  - (d) Minimum distance from off-street parking areas: 15 feet
- (5) Minimum Tract Size: 2 acres
- (6) Off Street Parking Requirements
  - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.
  - (b) All other parking requirements shall comply with the "Residential Site Improvement Standards" (RSIS) and:

- [1] Off street parking shall be provided at the minimum ratio of one (1.0) space per apartment unit.
  - [2] Parking spaces shall be nine feet by eighteen feet (9'x18') in size.
  - [3] All parking areas and driveways shall be set back at least ten (10') feet from all property lines.
- (7) All other applicable development standards not referenced herein shall be met in accordance with Section 25-4.5.

**E. Development Standards for Site D (Block 231 Lots 2, 3 and 4)**

- (1) Maximum Permitted Building Height: Four (4) stories or 60 feet
- (2) Maximum Residential Density: 16 dwelling units per acre
- (3) Maximum Impervious Surface Coverage: 80 percent
- (4) Principal Buildings:
  - (a) Minimum front yard setback: 50 feet
  - (b) Minimum side yard setback: 20 feet
  - (c) Minimum rear yard setback: 30 feet
  - (d) Minimum distance between principal buildings: 30 feet
  - (e) Minimum distance from off-street parking areas: 15 feet
- (5) Minimum Tract Size: 5 acres total tract area
- (6) Off Street Parking Requirements
  - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses.
  - (b) All other parking requirements shall comply with the "Residential Site Improvement Standards" (RSIS) and:
    - [1] Off street parking shall be provided at the minimum ratio of one (1.0) space per apartment unit.
    - [2] Parking spaces shall be nine feet by eighteen feet (9'x18') in size.
    - [3] All parking areas and driveways shall be set back at least ten (10') feet from all property lines.
- (7) All other applicable development standards not referenced herein shall be met in accordance with Section 25-4.5.

**F. Affordable Housing Requirements**

- (1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be affordable to very low, low, and moderate-income households.
- (2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.
- (3) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households.

- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township's Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years and thereafter until the Township of Aberdeen takes action to release the affordability controls.
- (6) Rental increases shall be in accordance with percentages set forth in Section 25-6.7: Affordable Housing.
- (7) All affordable units shall be subject to the provisions of 25-6.7: Affordable Housing.

**SECTION 2.** Section 25-4, entitled "District Regulations," of the Township of Aberdeen Land Development Ordinance is hereby amended to add a new Section 25-4.18 as follows:

**Section 25-4.18: AHO-2 Affordable Housing Overlay District**

**A. Purpose.** The purpose of the AHO-2 Affordable Housing Overlay District is to provide development that contributes to the Township of Aberdeen's municipal affordable housing obligation.

There is hereby established the AHO-2 Affordable Housing Overlay District, which shall consist of the area as shown on the Township of Aberdeen's Tax Map as:

- (1) Block 11 Lots 1 and 2 – Industrial site along Lloyd Road and the Garden State Parkway – identified as Site B on the Affordable Housing Sites Plan of the Housing Element and Fair Share Plan prepared by T&M Associates dated May 23, 2018.
- (2) Block 12 Lot 7.01 – Office property along Line Road identified as Site E on the Affordable Housing Sites Plan of the Housing Element and Fair Share Plan prepared by T&M Associates dated May 23, 2018.

**B. Permitted Uses**

(1) Principal Uses

- (a) Multi-Family Housing. Multi-family residential apartments or townhouses may be permitted to provide areas where additional multi-family development can take place.

(2) Accessory Uses:

- (a) Community clubhouse building
- (b) Swimming pools
- (c) Common open space and public gathering areas
- (d) Tot lots
- (e) Maintenance facilities/sheds/garages
- (f) Signs
- (g) Fences, hedges, walls, and decorative landscape features
- (h) Solid waste and recycling facilities to support the development

- (i) Other customary accessory uses and structures that are clearly incidental to the principal structures and uses

**C. Development Standards for Site B (Block 11, Lots 1 and 2)**

- (1) Maximum Permitted Building Height: Three (3) stories or 38 feet
- (2) Maximum Building Coverage: 30 percent of the net lot area (the developable portions of the lot(s))
- (3) Maximum Residential Density: 16 dwelling units per acre
- (4) Principal Buildings:
  - (a) Minimum front yard setback: 30 feet
  - (b) Minimum side yard setback: 20 feet
  - (c) Minimum rear yard setback: 30 feet
  - (d) Minimum distance between principal buildings: 30 feet
  - (e) Minimum distance from off-street parking areas: 15 feet
- (5) Accessory Buildings:
  - (a) Minimum side yard setback: 20 feet
  - (b) Minimum rear yard setback: 30 feet
  - (c) Minimum distance to other buildings: 15 feet
- (6) Minimum Tract Sizes: 5 acres
- (7) Off Street Parking Requirements – the off-street parking requirements shall be as set forth in the Residential Site Improvement Standards (“RSIS”).
  - (a) Off Street Parking Minimum Setback – 10 feet from any lot line
  - (b) All other off-street parking requirements not referenced herein shall be met in accordance with Section 25-5.12 of this chapter.
- (8) All other applicable development standards not referenced herein shall be met in accordance with Section 25-5 Improvements and Design Standards, with the exception of Section 25-5.5 Buffers, which shall not apply.

**D. Development Standards for Site E (Block 12, Lot 7.01)**

- (1) Maximum Permitted Building Height: Three (3) stories or 38 feet
- (2) Maximum Building Coverage: 30 percent of the net lot area (the developable portions of the lot(s))
- (3) Maximum Residential Density: 12 dwelling units per acre
- (4) Principal Buildings:
  - (a) Minimum front yard setback: 30 feet
  - (b) Minimum side yard setback: 20 feet
  - (c) Minimum rear yard setback: 30 feet
  - (d) Minimum distance between principal buildings: 30 feet
  - (e) Minimum distance from off-street parking areas: 15 feet
- (5) Accessory Buildings:

- (a) Minimum side yard setback: 20 feet
- (b) Minimum rear yard setback: 30 feet
- (c) Minimum distance to other buildings: 15 feet
- (6) Off Street Parking Requirements – the off-street parking requirements shall be as set forth in the Residential Site Improvement Standards (“RSIS”).
  - (a) Off Street Parking Minimum Setback – 10 feet from any lot line
  - (b) All other off-street parking requirements not referenced herein shall be met in accordance with Section 25-5.12 of this chapter.
- (7) All other applicable development standards not referenced herein shall be met in accordance with Section 25-5 Improvements and Design Standards, with the exception of Section 25-5.5 Buffers, which shall not apply.

**E. Affordable Housing Requirements**

- (1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be affordable to very low, low, and moderate-income households.
- (2) At least 50 percent of the affordable units shall be affordable to very low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.
- (3) The units designated as very low, low, or moderate-income units may be rented or sold only to very low, low, or moderate-income households.
- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township’s Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years and thereafter until the Township of Aberdeen takes action to release the affordability controls.
- (6) Rental increases shall be in accordance with percentages set forth in Section 25-6.7: Affordable Housing.
- (7) All affordable units shall be subject to the provisions of Section 25-6.7: Affordable Housing.

**SECTION 3.** Article IV: Establishment of Zones and Zoning Map, Sections 25-3.1 and 25-3.2 are hereby amended to include the affordable housing overlay zones referenced herein.

**SECTION 4.** This Ordinance shall be subject to review and recommendation by the Township of Aberdeen Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A 40:55D-62.1.

**SECTION 5.** All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

**SECTION 6.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**SECTION 7.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Monmouth County Planning Board.

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Approved

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Karen Ventura, Clerk  
Township of Aberdeen

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Fred Tagliarini, Mayor  
Township of Aberdeen