



Asbury Park, New Jersey
ORDINANCE NO. 2020-11

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ASBURY PARK TO AMEND ARTICLE VI ZONING, SECTION 30-70.6 (R3) MEDIUM DENSITY MULTIFAMILY RESIDENTIAL ZONE, AND TO CREATE A NEW “DEAL LAKE DRIVE INCLUSIONARY HOUSING OVERLAY DISTRICT” CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE CITY’S ADOPTED 2019 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board adopted a Master Plan & Master Plan Reexamination Report in December 2017 that includes Housing Objectives and recommendations;

WHEREAS, the Master Plan & Master Plan Reexamination Report recommended identification of inclusionary zoning opportunities, ensuring affordable housing units and projects are consistent with State standards, and adoption of a housing element and fair share plan;

WHEREAS, the Planning Board adopted a Third Round Housing Element and Fair Share Plan in February 2019 that recommended amendments to the City’s Land Development Regulations intended to promote and incentivize the creation of affordable housing units in inclusionary development;

WHEREAS, the Third Round Housing Element and Fair Share Plan recommended amending a portion of the R3 District along Deal Lake Drive to create a new overlay zoning district that incentivizes inclusionary housing consistent with N.J.A.C. 5:93, the substantive rules of the Council on Affordable Housing;

WHEREAS, the portion of the R3 District along Deal Lake Drive recommended for change include Block 3703, Lots 1, 2, 3 portion of Lot 5; Block 3704, Lots portion of 1, 2; Block 3705, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14;

WHEREAS, the overlay district standards herein are consistent with the 2019 Housing Element and Fair Share Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Asbury Park, Monmouth County, New Jersey, that the Deal Lake Drive Inclusionary Housing Overlay is hereby created for a portion of the R3 District along Deal Lake Drive, and the code of the City of Asbury Park is hereby amended, as follows:

SECTION 1. Amend Section 30- 66.1 Designation of Zoning Districts as follows:

Additions are shown as **thus**; deletions shown as **~~thus~~**

...

Deal Lake Drive Inclusionary Housing Overlay

SECTION 2. Amend Section 30-66.2A Zoning Map Amendments as follows:

Additions are shown as **thus**; deletions shown as **~~thus~~**

...

b. Deal Lake Drive Inclusionary Housing Overlay District.

- 1. The City has updated the Zoning Map to add the Deal Lake Drive Inclusionary Housing Overlay District.**
- 2. The areas added were based upon Ordinance 2010-16-adopted 4-30-2020.**
- 3. The specific changes to the Zoning Map are as follows:**
 - (a) The Deal Lake Drive Inclusionary Housing Overlay District boundary has been added to Block 3703, Lots 1, 2, 3, 5; Block 3704, Lots 1, 2, 6, Block 3705, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14;**

...

SECTION 3. Amend Section 30-70.6 (R3) - Medium Density Multifamily Residential Zone as follows:

Additions are shown as **thus**; deletions shown as **~~thus~~**

...

c. Permitted Conditional Uses. Pursuant to § 30-76.3 of this chapter:

1. Major home occupations.
2. Funeral homes and houses of worship.
3. Attached single-family residential developments of tracts of at least twenty-two thousand (22,000) square feet and a maximum residential density of ten (10) dwelling units per acre.
- 4. ~~Mid-rise multifamily residential buildings on tracts of twenty thousand (20,000) square feet or greater and a maximum height of five (5) stories and sixty (60) feet with common hallways accessible to not more than five (5) dwelling units per hallway and a maximum residential density of fifty (50) dwelling units per acre at a floor area ratio of 2.0.~~**

...

SECTION 4. Add Section 30-70.7 Deal Lake Drive Inclusionary Housing Overlay District as follows:

- a. Purpose. The following provides for alternative zoning via overlay zoning that is applicable when five or more new units are created.**
- b. Permitted Principal Uses.**
 - 1. Multi-family Dwellings with a 20% set-aside of low and moderate income**

housing.

c. Permitted Accessory Uses.

1. Accessory buildings.
2. Private recreational facilities and common open space.
3. Off-street parking facilities, including garages and/or structured parking
4. Minor home occupations.
5. Uses which are customary and incidental to the principal use.

d. Permitted Conditional Uses.

1. None.

e. Off-street Parking Requirements

1. Parking shall be provided pursuant to Section 30-59.5. with the exception that parking shall not be required for low, moderate and middle income units.

f. Affordable Housing Requirement

1. Additional density of five (5) units per acre shall be provided where 8% or more of new residential units are reserved for middle income housing and where 20% or more of new residential units are reserved for low and moderate income housing. The set-aside requirement for low and moderate income housing units shall be required whenever five (5) or more new residential units are created, even if middle income units are provided.
2. Affordable housing units shall comply with the City's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80- 26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).

g. Bulk Standards and Site Design.

1. Minimum Lot Size: Lot size existing as of the effective date of this Ordinance
2. Minimum Lot Width: 20 feet
3. Minimum Front Yard: 30 feet
4. Maximum Front Yard: 50 feet
5. Minimum Side Yard: 10 feet
6. Minimum Rear Yard: 30 feet
7. Minimum Density: 30 du/ac
8. Maximum Density: 60 du/ac
9. Maximum FAR: 1.7

10. Maximum Building Cover: 50%
11. Maximum Lot Cover: 80%
12. Maximum Principal Building Height: 8 st. 90 ft.
13. Maximum Accessory Building Height: 15 feet
14. Parking shall not be located between a building and a public street.
15. A planted buffer strip of not less than 5 feet in width or a solid fence shall be provided along each side or rear property line that abuts a one (1) or two (2) family residence.

h. Building Design.

1. Structured parking that is visible to a public street shall not exceed one story (parking level). Structured parking shall be screened by structural elements that are compatible with the materials and design of the front and side building facades.
2. Building materials and architectural details shall be consistent on all sides of each building.
3. Multiple principal buildings shall be permitted on a lot.
4. Maximum building length: 200 feet.
5. Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
6. Building facades shall be finished in stone veneer, stucco, brick, fiber cement panel and/or cast stone. Metal shall be used only for minor accentuation of other elements of the facade.
7. Building entrances shall be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
8. Pedestrian friendly building design and on-site site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Deal Lake Drive.
9. Roof design:
 - (a) Roof shape, color, and texture shall be coordinated with the exterior materials of the building's facade.
 - (b) Roof design shall minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (c) Rooftop equipment such as mechanical units, vents, and flues shall be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be

constructed of the same or complementary material as the building.

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 governing body of the City of Asbury Park declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 6. Repealer.

All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2020-11 which was finally adopted by the City Council at a meeting held on the 22nd day of April, 2020


MELODY HARTSGROVE
CITY CLERK

✓ Vote Record - Ordinance 2020-11		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted					
<input type="checkbox"/> Adopted as Amended					
<input type="checkbox"/> Defeated	Eileen Chapman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yvonne Clayton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Jesse Kendle	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Introduced	Amy Quinn	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Moor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>