

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: _____

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
ACCEPTING THE RECOMMENDATIONS OF THE PLANNING BOARD
AND FURTHER AMENDING CHAPTER 108
OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED,
“LAND DEVELOPMENT”

WHEREAS, JSM at Route 33, LLC (“JSM”) submitted a Preliminary Site Plan Application to the Planning Board of the Township of Monroe (“Planning Board”) seeking approval to develop approximately 368.28 acres of unimproved property located within the Affordable Housing Mixed Use Development-Highway Development (“AHMUD/HD”) zone of Monroe Township; and

WHEREAS, the Planning Board denied JSM’s application without prejudice, resulting in JSM commencing a lawsuit against the Township of Monroe (“Monroe”) and The Planning Board of the Township of Monroe (“Planning Board”) entitled JSM at Route 33, LLC v. The Township of Monroe and the Planning Board of the Township of Monroe; and

WHEREAS, the Township Council, at its meeting held on July 7, 2014, passed Resolution No. R-7-2014-171 consenting to the settlement of the lawsuit, subject to the approval of the Planning Board; and

WHEREAS, Resolution No. R-7-2014-171 with attached Settlement was referred to the Planning Board for consideration at the July 24, 2014 Planning Board Meeting; and

WHEREAS, the Monroe Township Planning Board, upon recommendation of the Board Planner, passed a Resolution at its July 24, 2014 meeting, recommending that the Chapter 108 Land Development Ordinance be amended in accordance with the Settlement Agreement between the Township of Monroe, the Monroe Township Planning Board and JSM at Route 33, LLC; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 108 of the Monroe Township Land Use Ordinance be amended as follows:

SECTION 1.

§ 108-6.7. R-3A Residential-Agricultural District.

The following regulations shall apply in the R-3A Residential-Agricultural District.

J. VC-1 Village Center Overlay.

(4) Permitted principal uses.

(b) Residential dwellings. Townhouse and multi-family dwellings in individual complexes separate from non-residential land uses; affordable housing units over non-residential uses that are on the ground floor within mixed-use buildings located in the “downtown” area; and affordable housing units in one hundred percent (100%) affordable housing buildings. A set aside of at least **twelve and one-half percent (12.5%)** of all residential dwellings shall be provided as affordable housing as defined by the State of New Jersey in order for residential dwellings to be part of any development;

(6) Permitted intensities of development.

(a) Maximum residential density of four (4) dwelling units per acre, with a requirement of at least **twelve and one-half percent (12.5%)** set aside for affordable housing as defined by New Jersey State law, shall be permitted.

- (h) Construction phasing for maximum market rate residential dwelling units completed and minimum total square footage of non-residential space completed shall be provided as follows:

<u>Maximum Market Rate Dwelling Units Completed</u>	<u>Minimum Total Square Footage of Non-Residential Space Completed</u>
200	25,000
142 additional/	15,000 additional/
342 cumulative	40,000 cumulative

Completed dwelling units and completed non-residential space mean certificates of occupancy (COs) have been issued for the dwelling units and non-residential space. Building permits and COs shall be issued for the first two hundred market rate dwelling units but no additional COs shall be issued for market rate dwelling units until a CO has been issued for 25,000 square feet of non-residential space (shell only, fit-out when tenants are identified). Upon receipt of a CO for the first 25,000 square feet of non-residential space, the applicant shall be permitted to apply for COs for up to an additional 142 market rate dwelling units. Upon receipt of the CO for the one hundred forty second (142nd) market rate dwelling unit, the applicant shall not obtain further COs for additional market rate dwelling units until it has received a CO for an additional 15,000 square feet of non-residential space (shell only, fit-out when tenants are identified). After receipt of COs for a total of 40,000 square feet of non-residential space, there shall be no further restriction on the completion of market rate dwelling units related to the completion of non-residential space.

§ 108-6.18. H-D Highway Development District.

The following regulations shall apply in the H-D Highway Development District.

- J. AHMUD/HD Affordable Housing Mixed Used Development / Highway Development Overlay Zone.
- (2) The AHMUD / HD Affordable Housing Mixed Use Development / Highway Development Overlay Zone shall apply to the following parcels of land only:
- Block 6, Lots 12.05, **12.06, 13.01, 14.01**, 15.01, 16.01, **17.01, 18.01, 19.03, 19.04, 20.01, 21.03, 21.04, 22.01**, 23.01, **24.01, 25.01, 26.01, 27.01, 28.01** and **29.02**
- (13) Inclusionary housing development.
- (a) The following residential dwellings shall be provided:
- [1] Market rate condominium flats and townhouses.
- [2] Affordable age restricted rental flats, which may be developed as multi-family dwellings and/or over commercial and office uses that are on the first floor on the condition that separate entrances to the affordable housing dwelling units are provided.
- (b) The total number and percentage of market rate and affordable housing dwelling units permitted in this zone shall be permitted in this zone shall be:

Description	Number of Dwelling Units	Percentage %
Market Rate Units	618	82.5
Affordable Units	<u>131</u>	<u>17.5</u>
Total	749	100.0

(i) **DELETE IN ITS ENTIRETY**

(l) **DELETE IN ITS ENTIRETY**

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED as aforesaid.

GERALD W. TAMBURRO, Council President

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on August 4, 2014. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held at 7:00 p.m. on September 3, 2014 in the Municipal Complex, 1 Municipal Plaza, Monroe Twp., New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

SHARON DOERFLER, Township Clerk

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

RICHARD PUCCI, Mayor

Date Signed _____