

RESOLUTION # 2019-315

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2019-14


AN ORDINANCE AMENDING SECTION 220 "LAND USE AND DEVELOPMENT," ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO IMPLEMENT THE RECOMMENDATIONS OF THE TOWNSHIP MASTER PLAN REXAMINATION REPORT AND THE HOUSING ELEMENT AND FAIR SHARE PLAN

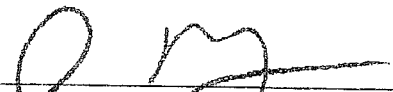
be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 12, 2019 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

OFFERED BY: MARDER AYES: 5

SECONDED BY: SCALEA NAYS: 0

  
ALIDA MANCO,  
MUNICIPAL CLERK  
11/14/2019

  
SCOTT METZGER,  
COUNCIL PRESIDENT

CERTIFICATION

I hereby certify the above to be a true and exact copy of a Resolution adopted by the Township Council of the Township of Marlboro at a meeting held on 11-14-2019

  
Township Clerk



ORDINANCE # 2019-14

AN ORDINANCE AMENDING SECTION 220 "LAND USE AND DEVELOPMENT,"  
ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO  
IMPLEMENT THE RECOMMENDATIONS OF THE TOWNSHIP MASTER PLAN  
REEXAMINATION REPORT AND THE HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in accordance with the provision of N.J.S.A. 40:55D-89, the Marlboro Planning Board is required every ten (10) years to prepare a periodic reexamination of the Township's master plan. A Reexamination Report consists of a review of previously adopted master plans, amendments and local development regulations to determine if the policy guidelines set forth therein are still applicable.

WHEREAS, the Township of Marlboro last adopted its Master Plan in 1997, with a 2012 Reexamination Report; and

WHEREAS, the Township of Marlboro has requested the Planning Board reexamine its master plan and development regulations in accordance with State statutes, specifically addressing the following:

- a. The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the Master Plan or land development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate

the redevelopment plans of the municipality; and,

WHEREAS, the Township of Marlboro Planning Board has completed its reexamination and has recommended and adopted Master Plan Reexamination Report and Updated Housing Element and Fair Share Plan, dated August 7, 2019; and,

WHEREAS, pursuant to NJSA 40:55D-62, the Township Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings, and structures thereon; and,

WHEREAS, the Marlboro Township Council has reviewed the Master Plan Reexamination Report and Updated Housing Element and wishes to implement the recommendations to create a new Zoning District to promote the preservation of open space and recreation areas for the enjoyment of the Township residents; and,

WHEREAS, the Marlboro Township Council has reviewed the Master Plan Reexamination Report and Updated Housing Element and wishes to implement the recommendations to create a new zoning district to provide public services, including utilities, government functions, schools, both public and private, and other related community facilities uses; and,

WHEREAS, the Marlboro Township Council has reviewed the Master Plan Reexamination Report and Updated Housing Element and wishes to implement the recommendations to include certain parcels within the Agricultural/Land Conservation Zoning District in order to minimize environmental impacts and protect the rural character of the Township; and,

WHEREAS, the Marlboro Township Council has reviewed the Master Plan Reexamination Report and Updated Housing Element and wishes to define industrial flex uses to promote development by modern industries and businesses; and,

WHEREAS, the Marlboro Township Council has reviewed the Master Plan Reexamination Report and Updated Housing Element and wishes to implement the recommendations to create a new Zoning District to promote generational housing for a variety of income levels, age groups, and household types in order to create a housing base that supports and retains the existing residents within the Township, as well as explore opportunities for veterans housing and support services within the Township in

order to allow Marlboro's veterans population to age in place in the community.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that SECTION 220 "Land Use and Development" Article III, of the Code of the Township of Marlboro is hereby amended to include the following:

*§220-XX "Recreation and Open Space (ROS) District."*

A new "Recreation and Open Space" district shall be created, and the Township's zoning map shall be amended so that the following properties shall be removed from the existing district within which they reside and placed into the new "Recreation and Open Space" district:

Recreation and Open Space (ROS) district:

Recreation & Open Space District			
Block	Lot	Type	Acreage
101	5	Open Space	1.3
101	7	Township Owned	0.7
101	13	Farm	0.8
101	14	Farm	2
101	15	Farm	2.8
101	16	Farm	5
101	17.01	Township Owned	0.1
101	17.06	Township Owned	10.4
102	1	Farm	4.9
102	2	Farm	4.8
103	2	TAX LIEN	2.9
103	11	TAX LIEN	3.2
105	1	Township Owned	0.1
105	4	Township Owned	0.1
106	1	TWP ROSI	1
107	14	Township Owned	0.1
107	15	Township Owned	0.1
108	1	Township Owned	0.5
108	2.01	Township Owned	0.1
108	5	Township Owned	0.1
108	18	Township Owned	0.1
111	5	Township Owned	1.4
111	15	TWP ROSI	3.1

Recreation & Open Space District			
Block	Lot	Type	Acreage
111	33	Park	8
118	31	Burial Ground	0.1
119	14	Farm	0.5
119	21	Township Owned	1.8
119	22	Township Owned	3.4
119	24	Township Owned	4.7
119	32.17	Township Owned	1.2
119.01	30	TWP ROSI	1
119.01	56	TWP ROSI	4.7
119.02	8	Township Owned	1
119.02	20	Township Owned	0.8
119.02	67	TWP ROSI	4.4
119.02	68.07	Township Owned	0.3
120	5	Township Owned	1.1
120	6	Township Owned	1.7
120	7	Township Owned	Included with Lot 6
120	8	Township Owned	Included with Lot 6
120	9	Township Owned	Included with Lot 6
120	21	TWP ROSI	0.2
120	22	TWP ROSI	0.5
120	23	Park	0.5
120	24	Park	5.5
120	25.02	Park	14.8
120	33	TWP ROSI	10.2
120	36	Township Owned	3.8
120.08	1	TWP ROSI	15.5
121	3	Park	1
124	3	Township Owned	0.2
127	11	TWP ROSI	10.4
131	4	Township Owned	0.1
132	12.02	TWP ROSI	33.9
132	46	Township Owned	0.9
139	11	TWP ROSI	5.8
139	31	TWP ROSI	20
143	1.01	Open Space	2
143.01	34	TWP ROSI	4.2
143.02	54	TWP ROSI	3.3

Recreation & Open Space District			
Block	Lot	Type	Acreage
143.02	92	TWP ROSI	2.3
143.02	104	TWP ROSI	5.2
143.02	125	TWP ROSI	11.9
143.05	72	TWP ROSI	8
143.05	74	TWP ROSI	2
143.05	77	TWP ROSI	2
143.05	78.26	TWP ROSI	0.5
143.08	1	Township Owned	0.5
143.08	9	TWP ROSI	20.1
146	1	TAX LIEN	0.9
146	3	Township Owned	6
146	4	TAX LIEN	27.9
146	12	Township Owned	2.2
146	19	Township Owned	0.9
146	44	Township Owned	1
146	47	Township Owned	9.6
146	48	Cemetery	25.4
146	49	TAX LIEN	9.6
147	6	Township Owned	6.6
147	7	Township Owned	4.1
147	32.01	Township Owned	2.5
147	32.26	Township Owned	3.7
147	38	Township Owned	1.8
147	39	Township Owned	0.8
148	10.06	Township Owned	4.2
148	10.26	Township Owned	1.8
148	30	TWP ROSI	20.2
149	19	Park	3.5
151	16	Park	1.9
153	10.05	Township Owned	11.1
153	14.01	Township Owned	0.6
153	15	Cemetery	53.7
153	20	Township Owned	0.1
153	23	TWP ROSI	6.6
153	37	Township Owned	0.9
153.02	1	Township Owned	2.3
154	1.31	TWP ROSI	43.3

Recreation & Open Space District			
Block	Lot	Type	Acreage
154	2.01	TWP ROSI	0.5
154	17.06	Open Space	13.9
154	21	TWP ROSI	29.4
155	4.01	Township Owned	2.5
155	4.17	Township Owned	29.8
155	13.03	Township Owned	43
155	16.01	TWP ROSI	35.8
155	16.02	TWP ROSI	5
155	19	Open Space	0.9
155	20.01	TWP ROSI	62.3
155	23	Open Space	0.5
156	3	Farm	79.9
157	19	Open Space	6.1
157	34.01	Farm	60.7
157	34.04	Farm	111.4
159	1.01	Township Owned	47
159	1.02	Township Owned	5.7
159	3.21	Township Owned	6.2
159	3.28	Township Owned	7
159	10.20	Township Owned	12.2
159	11	Park	411
159	14	Park	12.5
160	8	TWP ROSI	20.5
160	35	Township Owned	1.1
160	36.01	Township Owned	16.5
160	79	Township Owned	7.7
160.01	5.06	Township Owned	4.9
160.01	5.18	Township Owned	1.1
164	2	Park	1.8
168	12	Park	8.4
169	2	Cemetery	6.8
169	4	Open Space	5.3
169	26	Park	8.2
170	8.01	Farm	15.5
170	9	Farm	9.4
170	10	Farm	8.2
170	33	Open Space	4.2
170	34	Open Space	52.9
170	35	Cemetery	35.5



Recreation & Open Space District			
Block	Lot	Type	Acreage
171	36.09	Township Owned	8.8
171	43	TWP ROSI	14.4
171	50	TWP ROSI	21.5
171	52.02	Farm	30.5
171	72	Township Owned	0.6
171	98	Township Owned	3.2
171.02	25	Township Owned	1.5
171.02	35	Township Owned	0.9
172	30	Cemetery	68.4
172	31	Township Owned	3.6
172	32	Township Owned	132.5
172	48	Township Owned	50
173	1	Cemetery	57.3
176	65.06	Township Owned	0.6
176	67.03	TWP ROSI	0.5
176	67.20	TWP ROSI	15.3
176	86	TWP ROSI	0.9
176	109	TWP ROSI	4.8
176	128.02	TWP ROSI	2
176.02	1	TWP ROSI	10
176.02	50	TWP ROSI	8.8
176.06	6	TWP ROSI	0.6
176.06	22	TWP ROSI	5.1
178	1.00	Township Owned	0.1
180	6	Township Owned	29.6
180	14	Township Owned	64.5
180	20	Township Owned	0.8
180	34	Township Owned	0.5
180	43	TWP ROSI	9.7
184	19	State ROW	0.5
184	20	State ROW	Included with Lot 19
184	21	State ROW	Included with Lot 19
184	22	State ROW	Included with Lot 19
184	23	State ROW	Included with Lot 19
184	24	State ROW	Included with Lot 19

Recreation & Open Space District			
Block	Lot	Type	Acreage
184	25	State ROW	Included with Lot 19
184	26	State ROW	Included with Lot 19
184	27	Township Owned	2.2
184	65	Township Owned	2.7
184	72	Township Owned	16.2
184.01	17	Township Owned	1.4
187	1	TWP ROSI	2.3
189	1	TWP ROSI	6.6
193.02	49	Township Owned	2.9
193.02	53.11	Township Owned	0.6
193.02	54.18	TWP ROSI	15.1
193.02	54.33	Township Owned	1.7
193.02	66	Park	1
193.05	11	Township Owned	2.8
193.05	25	Township Owned	2.1
193.05	42	Township Owned	6.1
193.06	9	Township Owned	0.4
194	7	Cemetery	1.1
198	14	Township Owned	3.8
199	1	Township Owned	0.9
200	1	Township Owned	0.8
206	9	Township Owned	18.6
206	25	Township Owned	47.5
206	30	Township Owned	0.5
206.03	30	Township Owned	1.7
206.04	1	Township Owned	0.2
207	2	Open Space	3
207	13	Park	9.5
207	22.33	TWP ROSI	3.9
213	20	TWP ROSI	8.4
213	27	Park	13.9
213	39	Township Owned	1.1
213	49.02	Park	9.6
213.01	49.01	Park	1.4
214	40	Park	2
214	41	Cemetery	12.3
214	42	Park	0.3
214	43.01	Park	361

Recreation & Open Space District			
Block	Lot	Type	Acreage
214	43.02	Park	3.1
214	43.03	Park	16.5
214	44	TWP ROSI	1.3
214	46	Park	1.1
214	51.03	TWP ROSI	44.7
214.01	1	TWP ROSI	41.1
214.03	18	TWP ROSI	68.1
215	4	Park	1
225	190	TWP ROSI	7.2
225	191	Township Owned	8.5
225	229	Township Owned	0.2
251	24	Township Owned	0.1
252	1	TWP ROSI	3.7
253	1	TWP ROSI	?
253	12	TWP ROSI	21
253	35.01	Township Owned	5.2
253	36.02	Township Owned	64.6
253	36.03	Township Owned	20.1
255	8	TWP ROSI	Included with Lot 55
255	16	TWP ROSI	Included with Lot 55
255	24	TWP ROSI	5.5
255	55	TWP ROSI	37.4
255	56	TWP ROSI	19.2
267	36	Open Space	1.7
267	37	Open Space	8.1
267	41	TWP ROSI	5.3
267	42	TWP ROSI	10.8
268	25	Township Owned	0.2
268.04	1	Township Owned	1.3
268.04	30	Township Owned	2.1
268.05	16	Township Owned	0.7
268.07	1.01	Township Owned	0.1
268.07	2.13	Township Owned	4.3
269	16	Township Owned	1.8
269	20.01	TWP ROSI	12
270	15.09	TWP ROSI	9.7
270	15.43	TWP ROSI	20.1
270	15.49	TWP ROSI	5.1

Recreation & Open Space District			
Block	Lot	Type	Acreage
270	83.05	TWP ROSI	9.5
270	83.20	TWP ROSI	2.5
270	84	TWP ROSI	9.6
270	102	TWP ROSI	Included with Lot 84
270.01	5	TWP ROSI	2.7
292	1	State ROW	0.8
292	2	State ROW	1.1
293	1	State ROW	0.3
296	30	TWP ROSI	4
299	33	Open Space	12.9
299	47	TWP ROSI	19.1
299	65	Township Owned	0.1
299	114	Farm	22
299	115	Farm	34.8
300	63	Township Owned	0.6
300.01	14	Township Owned	0.9
306	1	Township Owned	1.4
312	1	TWP ROSI	9.4
312	14	TWP ROSI	Included with Lot 24
312	24	TWP ROSI	8.4
312	24	TWP ROSI	8.4
312	32	TWP ROSI	6.2
312	41	TWP ROSI	25.9
312	102	TWP ROSI	0.3
312	103	TWP ROSI	10.3
312	104	TWP ROSI	15.2
312	124	TWP ROSI	15
312	147	TWP ROSI	1.5
312	158.08	TWP ROSI	1.3
312	159	TWP ROSI	5.3
321	7	TWP ROSI	1.1
331	62.08	Township Owned	3
332	12.07	TWP ROSI	1.6
337	11	TWP ROSI	1.5
338	7	TWP ROSI	7.6
339	1	TWP ROSI	27.6
339	58	TWP ROSI	1.7
339	67	Township Owned	1.6

Recreation & Open Space District			
Block	Lot	Type	Acreage
339	89	TWP ROSI	3.7
339	112	Cemetery	2.6
342	1	State ROW	0.7
342	2	State ROW	Included with Lot 1
346	6	State ROW	1.7
346	7	State ROW	Included with Lot 6
346	8	State ROW	Included with Lot 6
346	9	State ROW	Included with Lot 6
347	1	State ROW	0.3
347	2	State ROW	Included with Lot 1
348	1	State ROW	2.1
348	3	State ROW	Included with Lot 1
348	4	State ROW	Included with Lot 1
349	1	State ROW	0.7
349	2	State ROW	Included with Lot 1
349	16	State ROW	Included with Lot 1
352	8	State ROW	0.6
353	5	State ROW	0.9
353	6	State ROW	Included with Lot 5
353	7	State ROW	Included with Lot 5
354	1	State ROW	0.7
354	2	State ROW	Included with Lot 1
354	3	State ROW	Included with Lot 1
354	4	State ROW	Included with Lot 1
355	9	State ROW	3.7
355	10	State ROW	Included with Lot 9
356	2	Park	2

Recreation & Open Space District			
Block	Lot	Type	Acreage
358	7	Park	2.4
360	5.01	Township Owned	1.4
360	25.23	Township Owned	4
360	25.29	TWP ROSI	1.6
360.02	18.26	Township Owned	57.5
362	16.11	Township Owned	0.6
363.01	5	Township Owned	0.5
363.02	21	Township Owned	0.2
363.02	22	Township Owned	0.6
363.02	24	Township Owned	0.1
363.02	25	Township Owned	0.3
363.02	26	Township Owned	0.3
363.02	27	Township Owned	0.2
363.02	28	Township Owned	0.2
371	31	TWP ROSI	22.6
371	80	Township Owned	7.5
371	82	Township Owned	0.5
371	294	TWP ROSI	7.9
389	1	TWP ROSI	22.7
390	18	TWP ROSI	16.5
392	27.08	TWP ROSI	1.7
392	28.10	Township Owned	1.7
392	35	TWP ROSI	19.7
392	38.06	TWP ROSI	1.1
407	14	TWP ROSI	8.7
408	1	State ROW	3
408	47	Township Owned	0.2
408	48	TWP ROSI	21.8
408	49	TWP ROSI	2.5
408	50	TWP ROSI	8
408	51	State ROW	3.1
408	52	State ROW	Included with Lot 51
408	53	State ROW	Included with Lot 51
408	54	State ROW	Included with Lot 51
408	55	State ROW	Included with Lot 51
408	56	State ROW	Included with

Recreation & Open Space District			
Block	Lot	Type	Acreage
			Lot 51
408	57	TWP ROSI	8
412	30	TWP ROSI	24
412	30	TWP ROSI	24
412	31	TWP ROSI	Included with Lot 30
412	32	TWP ROSI	44
412	107	TWP ROSI	8.9
412	141	TWP ROSI	8.1
412	165.10	Township Owned	0.1
412	308	TWP ROSI	33.1
412.01	1	TWP ROSI	8
413	24.04	Township Owned	8
413	38.06	Township Owned	1.8
415	1	State ROW	3.5
415	3	State ROW	Included with Lot 1
415	6	State ROW	Included with Lot 1
415	36	Park	7
415	37	Park	3.7
416	3.07	Township Owned	2.3
416	4	Park	3.3
417	1	Park	0.4
417	19.05	Township Owned	3
417	19.14	Township Owned	2.5
419	2	Park	0.1
419	4	State ROW	0.1
419	5	State ROW	Included with Lot 4
419	6	TAX LIEN	1
419	7	Township Owned	0.4
419	8	Township Owned	0.1
419.01	6	Township Owned	2.1
420	44.05	TWP ROSI	2.5
420.02	17	Township Owned	4.2
			Total : 3,995.0

; and

The following standards and regulations shall apply to all developments located within the Recreation and Open Space district:

*§220-XX "Recreation and Open Space (ROS) District."*

*A. Purpose*

*The intent of the Recreation and Open Space District is to maintain areas of open space in a bucolic rural setting within the Township, and to provide appropriate lands to meet the recreational needs of Township residents.*

*B. Permitted principal uses*

- 1) Public open space*
- 2) Public indoor and outdoor recreation facilities*
- 3) Private recreational facilities*
- 4) Public golf courses*
- 5) Cemeteries*
- 6) Essential services*

*C. Accessory uses*

- 1) Signs*
- 2) Fences*
- 3) Off-street parking*
- 4) Any use which is customarily incidental and subordinate to the principal use of the property.*

*D. Conditional uses*

- 1) Public utilities*

*E. Area, Yard, and Building requirements*

- 1) Any building shall be set back a minimum of 100 feet from any property line.*
- 2) Maximum building height shall be 2 stories or 35 feet.*
- 3) The maximum impervious coverage for the entire tract shall be 15 percent.; and*

*§220-XX "Community Facilities (CF) District."*

A new "Community Facilities" district shall be created, and the Township's zoning map shall be amended so that the following properties shall be removed from the existing



district within which they reside and placed into the new "Community Facilities" district:

Community Facilities (CF) district:

Community Facilities District			
Block	Lot	Facility	Acreage
103	13	SEWER DISPOSAL	1.1
119.01	57	PUMP STATION	0.2
120	34	FIRE HOUSE	3.4
132	19	WATER TANK	1.4
139	66.01	WATER TOWER	2.8
139	86.01	PUMPING STATION	0.3
143	1.03	PUMP STATION	1.2
143	11.02	Marlboro Memorial Middle School	26.8
147	32.27	PUMP STATION	0.2
151	8	FIRE HOUSE	1.8
153	38	Collier School	220.6
153	108	RADIO TOWER	0.3
157	11	MAINTENANCE BLDG.	3
157	13	VACANT LAND	5
159	3.33	PUMP STATION	0.4
160	36.02	PUMPING STATION	0.1
170	29	WELL	5.5
171	71	FILTERING PLANT	11.8
171.01	23	PUMP STATION	8.1
176	104	FIRE HOUSE	6.6
176.07	1	SEWER DISPOSAL	0.1
180	8	VACANT LAND	6.8
180	9	VACANT LAND	4.9
180	13	WATER TANK	6.6
180	83.02	PUMP STATION	0.9
206	28	Defino Elementary School	19.7
214	3.04	PUMP STATION	0.1
214.03	58	PUMP STATION	0.2
223	4	FIRE COMPANY PARKING	0.3
223	5	FIREHOUSE	0.2
223	6	PARKING FIRE CO	0.3
223	7	FIRE HOUSE	0.2
225	74	Marlboro Elementary School	18.7

Community Facilities District			
Block	Lot	Facility	Acreage
225	199	Marlboro High School	44.2
253	34	Marlboro Middle School, and fields	30.8
253	35.02	Library	4.1
253	37.01	Municipal Complex	17.6
253	38	Board of Ed Building	2
253	39	Bus Storage	4
255	68	VACANT LAND	0.3
270	59	VACANT LAND	6.8
299	20	PARKING AREA	7.3
299	160	Asher Holmes Elementary	30.4
299	177	Robertsville Elementary / Tennis Courts	2.9
305	181	PUMPING STATION	0.5
312	159	First Aid station	5.3
312	160	VACANT LAND	7.5
335	5	Schechter School	0.5
339	90	Dugan Elementary	21.4
360.02	15.01	PUMP STATION	0.2
360.02	18.63	PUMP STATION	0.3
415	32.02	PUMP STATION	0.2
		Total:	545.9

; and

The following standards and regulations shall apply to all developments located within the Community Facilities district:

*§220-XX "Community Facilities (CF) District."*

*A. Purpose*

*The intent of the Community Facilities District is to allow for adequate space to provide public services and related functions to the residents of the Township of Marlboro.*

*B. Permitted principal uses*

- 1) All public and quasi-public uses legally permitted in the Township of Marlboro may be permitted in the*
- 2) Libraries*
- 3) School facilities*

- 4) *Public utilities*
- 5) *Essential services*

*C. Accessory uses*

- 1) *Signs*
- 2) *Fences*
- 3) *Off-street parking*
- 4) *Any use which is customarily incidental and subordinate to the principal use of the property.*

*D. Conditional uses*

- 1) *Wireless communications facilities; and*

*§220-92 "Municipal Zone" Repeal*

The Township Land Use and Development Ordinance shall be amended to repeal in its entirety §220-92 "Municipal Zone", as this district is to be supplemented and replaced by the aforementioned Community Facilities District, and the Recreation and Open Space District, respectively.

*§220-93 "A/LC Agriculture/Land Conservation District." Amendment*

The Township zoning map shall be amended to place the following properties into the Agriculture / Land Conservation (A/LC) District of the Township zoning map:

Agriculture / Land Conservation District Rezone			
Block	Lot	Facility	Acreage
119	17	Farm	13.8
119	18	Farm	2.9
119	19	Farm	1.5
120	4	Farm	10.3
120	26	Farm	13.6
120	27	Farm	29.5
120	31	Farm	12.6
146	6	Vacant	8
146	7	Vacant	10.2
146	8	Vacant	124
146	29	Vacant	5.6
156	4	Open Space	1.7
168	3	Open Space	2
168	4	Open Space	7.1
170	8.02	Farm	17.9
171	4	Farm	18.8

Agriculture / Land Conservation District Rezone			
Block	Lot	Facility	Acreage
171	51	Farm	16.5
172	58	Open Space	22.6
172	59	Open Space	4.3
206	26	Farm	2
206	27	Farm	27
207	3	Farm	7.7
207	18	Farm	29
225	227	Farm	167.5
225	228	Farm	1.3
225	230	Farm	2.6
361	4	Vacant	6.6
364	1	Farm	27
364	2	Farm	15.9
414	1	Farm	0.5
414	2	Farm	7.5
415	24	Farm	11.2
415	27	Farm	18.3
415	30	Farm	1.1
415	32.01	Farm	15.7
415	34.01	Farm	6.1
419	3	Farm	12.5
419	11	Farm	6.2
		Total:	688.6

; and

In addition to the rezoning of the aforementioned parcels, the Agriculture/Land Conservation District, Section 220-93 of the Township's Land Use and Development Ordinance, shall be amended to allow for lots in existence prior to the adoption of this ordinance, which do not meet the current minimum lot area requirements, to be considered conforming lots.; and

Section 220-93 (Agriculture/Land Conservation district) of the Township's Land Use and Development Ordinance shall be amended to include the following additional language:

*§220-93.G Lots in existence prior to Ordinance XX  
Any lot in the A/LC district which was in existence prior to the adoption of Ordinance XX shall be considered a conforming lot in terms of the*

requirements for minimum lot area, frontage, width, and depth. All permitted uses in the A/LC district shall be permitted on these lots; and

*§220-4 "Definitions and Word Usage" Amendment*

The definitions found in Section 220-4 of the Township Code shall be amended to include the following new definition for "industrial flex use:"

*INDUSTRIAL FLEX USE*

The use of any premises, structure, building or part of a building or place as an INDUSTRIAL USE, which intended to provide flexibility in the use of its space, and may include multiple tenants in a single building, or may incorporate office space, commercial space, or may have multiple users accessing the same space at different time periods.; and

*§220-84 "Industrial-Office-Research District" Amendment*

Section 220-89.A shall be amended to include an industrial flex use as defined above as a permitted principal use in the Industrial-Office-Research (IOR) district; and

*§220-XX "Generational Housing Districts"*

The Township's list of zoning districts, and zoning map shall be amended to create and incorporate seven (7) new "Generational Housing" districts, and one (1) "Generational Housing" overlay district, and the following properties shall be rezoned into the seven (7) new "Generational Housing" districts, and one (1) "Generational Housing" overlay district, as follows:

Generational Housing 1 (GH-1) district (MDG/Bathgate)

GH 1 District	
Block	Lot
213.01	44

Generational Housing 2 (GH-2) district (EL at Marlboro)

GH 2 District	
Block	Lot
415	22

Generational Housing 3 (GH-3) district (Weitz/Pallu),

GH 3 District	
Block	Lot
146	25
	26

Generational Housing 4 (GH-4) (Weitz/Ashbel)

GH 4 District	
Block	Lot
119	16

Generational Housing 5 (GH-5) (M&M)

GH 5 District	
Block	Lot
122	27.04

Generational Housing 6 (GH-6) (Buckdale)

GH 6 District	
Block	Lot
335	6
	7
	8
	11

Generational Housing 7 (GH-7) (Wildflower/The Place at Marlboro)

GH 7 District	
Block	Lot
148	31
149	16

Generational Housing 8 Overlay (GH-8) (Marlboro Motor Lodge)

GH 8 Overlay District	
Block	Lot
270	14

; and

The following standards and regulations shall apply to all developments located within any of the Generational Housing districts:

§220-XX "Generational Housing Districts"

The following regulations shall apply to all development within any of the GH districts:

A. Purpose:

The intent of Generational Housing is to promote residential communities for multiple generations and household types while satisfying the Township's constitutional obligation to create realistic housing opportunities for all our residents. Generational Housing opportunities will be available to families just starting out, including children of Marlboro parents who currently worry about where their kids will live, and the entry level employees including police officers, teachers and other public employees who work in and serve our own Town but could never imagine finding a home here. Empty-nesters and seniors relying upon monthly Social Security checks who wish to remain in Marlboro need to have the opportunity to do so and should be able to come back home to live, work and raise a family. Generational Housing also recognizes that we have a collective duty to do more for those who have sacrificed on behalf of our country--veterans must have a chance to call Marlboro their home. Generational Housing is designed to meet these very real demands.

B. Veterans and first responders preference

- 1) For all affordable dwelling units, military veterans and first responders, to the extent permitted by law, shall be granted preferential status as applicants, as enumerated within the Township's Affordable Housing Ordinance, §70-21 of the Township Code (to be adopted concurrently with this ordinance).

C. Recreation requirements

- 1) All developments must provide active or passive recreation facilities at a ratio of 50 square feet per dwelling unit.

- 2) Recreational facilities shall be designed to accommodate users with disabilities, and be constructed in accordance with the Barrier Free Sub-code of the Uniform Construction Code of the State of New Jersey, and all other applicable codes and standards.

D. Affordable housing requirements

- 1) In inclusionary development, to the extent feasible, low and moderate income units shall be integrated into the design with market rate units.
- 2) In inclusionary developments, low and moderate income units shall have access to all of the same common elements and facilities as the market rate units.
- 3) All new construction of affordable dwelling units shall incorporate an even split between low and moderate income units. In the event that an even split results in a fraction of a dwelling unit, the additional dwelling unit shall be a low income unit.
- 4) The income limits and bedroom distribution for all affordable housing units shall be in accordance with the terms of the order of the Superior Court in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15, and in accordance with the Uniform Housing Affordability Controls (UHAC) found in N.J.A.C. 5:80-26.1 et seq.
- 5) In the event that any phasing of construction is proposed, the phasing shall be in accordance with applicable law, including applicable regulations promulgated by the State of New Jersey.
- 6) Affordable housing units may be located in one building, or in multiple buildings.

E. Other provisions

- 1) Each development within a GH district may contain a common clubhouse or community amenity facility for the use of its residents and their guests. Such clubhouse shall be permitted to have a maximum height of 2 stories, and 35 feet.
- 2) The roof of any clubhouse or community amenity facility may be utilized as additional community amenity space.



- 3) Monument walls with or without signage, with maximum height of 3 feet, shall be permitted at any entrance to a residential development, provided that the wall does not interfere with any required sight distances.
- 4) Patios, decks, terraces, or balconies may be permitted to encroach within any required rear or side yard setback, provided that no patio, deck, terrace, or balcony is set back less than 20 feet from any tract boundary.
- 5) All stormwater management basins or other facilities shall be managed and maintained by a homeowners association.

F. Circulation requirements

- 1) No right-of-way dedication of 75 feet as per §220-184.C of the Township's Land Use and Development Ordinance shall apply to any development within a Generational Housing (GH) district.
- 2) Residential development shall conform to applicable requirements of the Residential Site Improvement Standards.
- 3) Off-street parking shall be permitted within a front, side, or rear yard area.
- 4) All residential development projects that require 50 off-street parking spaces or more, shall provide for at minimum 2 of those off-street parking spaces to be reserved for electric vehicle charging stations. Individual attached garages and/or driveways that serve individual residential single-family dwellings, or individual townhouse dwellings, shall be exempt from this provision.
- 5) Where commercial uses are included in a development with multi-family residences, off-street parking may be shared by the commercial uses and the multi-family residences. A maximum of 20 parking spaces may be shared and considered to satisfy the off-street parking requirements for each use.
- 6) Any parking spaces which are proposed for shared usage, shall be located within 150 feet of the primary entrance of each use.

#### G. Design standards

- 1) The standards enumerated in this section shall supersede any and all design requirements found in §220-38 for any attached single-family residential, townhouse, or multi-family residential development in a GH district.
- 2) Buildings shall be oriented so that their primary entrance faces the public street or right-of-way, or an internal roadway. Primary entrances shall not face a side or rear yard area, except for end unit townhouse dwellings, where the primary entrance shall be permitted to face a side yard.
- 3) Blank or featureless walls shall be avoided.
- 4) Primary exterior building façade materials on a front façade shall be brick or brick veneer, stone, cultured stone, stucco, natural wood, composite wood, vinyl, metal, glass, or similarly durable materials. A minimum of 50 percent of the front building façade, excluding any windows, doors, or fenestration, shall be composed of these materials.
- 5) Buildings which have a horizontal width of greater than 80 feet, shall be designed to be separated into vertical segments.
- 6) No building shall have an uninterrupted horizontal width of greater than 40 feet without a change in the vertical plane of the façade. A step-back or projection with a minimum depth of 18 inches shall be provided.
- 7) Projection requirements may be satisfied by decks or patios.
- 8) Buildings with pitched roofs shall have eaves that overhang the building face by a minimum of 12 inches. Any building eave or roofline which extends from the face of the building may encroach into any required front, side, or rear yard setback by a maximum of 12 inches.
- 9) Buildings with flat roofs shall include a decorative cornice along the top of the front facing façade which projects at minimum an average of 8 inches from the face of the building.
- 10) Any accessory structure which will be visible from any street or public right-of-way, shall be designed to be consistent in appearance with the principal structure on the property.

- 11) Any outdoor storage area for garbage and recycling materials which is to serve more than one dwelling, or any garbage and recycling storage area for a non-residential use, shall be screened by a fence of at least 6 feet in height.
- 12) Attached single-family (townhouse) design standards:
  - a) There shall be a variety of design and architectural styles and setbacks for the purpose of presenting an aesthetically desirable effect over the entire townhouse development.
  - b) No more than four contiguous dwelling units within a structure may have the same front yard setback.
  - c) Variations in building setbacks shall be not less than 2 feet.
- 13) Non-residential design standards:
  - a) For any retail, restaurant, or commercial tenant space, a minimum of 50% of the building façade area at the ground level facing the public right of way, shall be transparent glazing.
  - b) For any retail, restaurant, or commercial space, the maximum height of the storefront sill above the sidewalk shall be 3 feet.
  - c) For any retail, restaurant, or commercial space on the ground level, a designated signage band shall be designed and incorporated into the building façade above the storefront area for each tenant space.
- 14) Sustainable Design Standards
  - a) Strategies that minimize the impact of development on the environment and enhance the health, safety, and well-being of residents by producing durable, low-maintenance, resource-efficient housing, while making optimum use of existing infrastructure and community services, shall be encouraged.
- 15) Any deviation from these design standards shall require design waiver relief and not variance relief from the appropriate Board.

§220-XX.1 "Generational Housing 1 District"

The following regulations shall apply to all development within the GH-1 district: (MDG/Bathgate)

A. Purpose:

The Generational Housing - 1 District is provided in accordance with the terms of the settlement agreement between the Township of Marlboro and Marlboro Development Group, and an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15, and with the terms of in Re: Marlboro Development Group v. Township of Marlboro, et al. Docket No. MON-L-3826-15.

B. Permitted principal uses

- 1) Attached single-family dwellings (townhouses) for market rate units
- 2) Multi-family dwellings containing affordable housing units
- 3) Commercial uses, as set forth below and detailed in Exhibit C to the above referenced settlement agreement.
  - a) Retail sales and services, including convenience stores
  - b) Personal service establishments
  - c) Business and professional offices
  - d) Medical and dental offices
  - e) Restaurants, including fast food
  - f) Banks and financial service institutions
  - g) Entertainment uses such as billiard hall or music venue
- 4) Mixed-use buildings of any combination of the above listed permitted uses. In any mixed use building, no residential uses shall be permitted on the ground floor.

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Drive-thru window service in connection with a permitted commercial use
- 6) Patios, decks, terraces, porches, or balconies
- 7) Solar panels
- 8) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 9) Dog runs

- 10) Public and/or private utilities
- 11) Temporary construction and sales trailers
- 12) Management or leasing offices associated with the development
- 13) Any use which is customarily incidental and subordinate to the principal use of the property

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be 105 total dwelling units within the district. Of the maximum of 105 total dwelling units within the district no more than 20 dwellings may be multi-family dwellings.
- 2) The minimum tract area for market-rate townhouse development shall be 10 acres.
- 3) The minimum tract area for stand-alone commercial development shall be 25,000 square feet.
- 4) The minimum tract area for any multi-family development or mixed use development shall be 20,000 square feet.
- 5) All non-residential uses, whether in a stand-alone building or in a mixed use building, shall be located within 275 feet of the Route 79 right-of-way.
- 6) A minimum of 8,000 square feet (gross floor area) of commercial space shall be provided within the district.
- 7) An additional 8,000 square feet (gross floor area) of commercial space shall be permitted, up to a maximum total of 16,000 square feet (gross floor area) of commercial space within the district.
- 8) All portions of a tract dedicated to market-rate townhouse construction shall be located a minimum of 200 feet from the Route 79 right-of-way.
- 9) Attached single family dwellings (townhouses):
  - a) Maximum building height - 3.5 stories / 40 feet
  - b) Maximum number of dwelling units per building - 6 units
  - c) Townhouse building setbacks:
    - [1] Side to side - 20 feet
    - [2] Side to front/back - 30 feet
    - [3] Back to back - 45 feet

- [4] From property boundary - 15 feet
- [5] From internal road or drive aisle - 15 feet
- 10) Multi-family dwellings and mixed use buildings:
  - a) Maximum building height - 3.5 stories / 40 feet
  - b) Building setbacks:
    - [1] From Route 79 - 25 feet
    - [2] From Stevenson Drive - 25 feet
    - [3] From all other boundaries - 8 feet
    - [4] From internal roads or drive aisle - 5 feet
    - [5] From other buildings - 25 feet
- 11) Commercial buildings:
  - a) Maximum building height - 3.5 stories / 40 feet
  - b) Building setbacks:
    - [1] From internal roads or drive aisle - 2 feet
    - [2] From Route 79 - 60 feet
    - [3] From all other property boundaries - 2 feet
    - [4] From drive-thru aisle - 0 feet
- 12) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet
  - c) Facilities for solid waste or recycling storage shall not require any setbacks from any parking area.
- 13) Parking area setbacks:
  - a) 10 feet from any adjacent property line
  - b) 0 feet from any internal subdivision line
  - c) 0 feet from a commercial building
  - d) 5 feet from a multi-family or mixed use building
  - e) 10 feet from an attached single-family (townhouse) dwelling
  - f) 0 feet from any internal drive aisle

F. Circulation requirements:

- 1) One site access driveway shall be provided from Route 79, which may be shared by all uses on the site.

- 2) One site access driveway shall be provided from Schanck Road which shall provide access only for townhouse residential uses.
- 3) A maximum of two access driveways may be provided on Stevenson Drive.
- 4) Off-street parking for any non-residential use shall be provided at a ratio of 1 space per 250 square feet of leasable floor area.
- 5) No designated loading space shall be required for any non-residential use within a building of less than 12,000 square feet in leasable area.

G. Signage requirements:

- 1) In connection with commercial uses, one externally or internally illuminated pylon project identification sign, with a maximum height of 25 feet and a maximum sign area of 170 square feet per side, and a minimum setback of 10 feet from Route 79, shall be permitted.
- 2) Within any commercial use, wall signage, or tenant signs shall be permitted for each tenant space. The total amount of signage shall not exceed 10 percent of the total façade area of the side of the building facing the public street. Wall mounted signage may be internally or externally illuminated.
- 3) Signage in connection with a drive-thru use may be permitted to have a maximum height of 9 feet, and a maximum sign area of 30 square feet. Drive-thru menu signage may be digital LED or static, and may be internally or externally illuminated. No more than two drive-thru signs shall be permitted.
- 4) Any structure housing affordable housing units shall be permitted one externally illuminated project sign with a maximum height of 6 feet, a maximum sign area of 50 square feet, and a minimum setback of 10 feet from Route 79.
- 5) For any residential townhouse development, externally illuminated project identification signs at both sides of a site access drive, with a maximum height of 10 feet, a maximum sign width of 20 feet, a maximum sign area of 50 square feet, and a minimum setback of 10 feet from any street or right-of-way, shall be permitted.

- 6) Masonry and supporting members for any project identification sign shall not be included in the calculation of signage area.
- 7) Directional or way-finding signage shall be permitted as necessary to guide vehicles or pedestrians safely through any development. Directional or way-finding signage shall have a maximum height of 7 feet, and a maximum sign area of 5 square feet.
- 8) Temporary advertising signs for residential development shall be permitted. Ground signs shall have a maximum height of 8 feet, and a maximum sign area of 25 square feet. Flag signs shall have a maximum height of 22 feet, and a maximum sign area of 60 square feet. Banner signs shall not exceed the width of the temporary construction fencing.
- 9) Any other signage permitted by §220-99 not specifically regulated in this section of the ordinance, shall be permitted in this district in accordance with those regulations.

H. Other provisions:

- 1) A minimum of 18.5 percent of the total number of dwelling units, or twenty (20) units if the site is developed at the maximum permitted density of 105 dwelling units, must be set aside as non-age restricted affordable rental units. Any calculation that results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- 2) A landscaped buffer with a minimum width of 20 feet shall be provided around all tract boundaries where the property abuts a residential use or zone. No buffer shall be required for any internal subdivision lines within the district.
- 3) Off-street parking and circulation facilities may encroach into a required landscaped buffer area, provided that the encroachment does not exceed more than 5 percent of the total area of the buffer, and that in no case is the buffer width reduced to less than 5 feet.
- 4) The residential components of any development project may incorporate a gated entrance for security purposes.



- 5) Belgium block curbing or straight curbs shall be permitted in residential developments.
- 6) The market rate townhouse units may be developed as zero lot line subdivision without additional setback requirements in fee simple ownership or in the condominium form of ownership.

§220-XX.2 "Generational Housing 2 District"

The following regulations shall apply to all development within the GH-2 district: (EL at Marlboro/Marlboro Parke)

A. Purpose

The Generational Housing - 2 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15, and with the terms of in Re: El at Marlboro 79 LLC v Township of Marlboro and the Planning Board of Marlboro. Docket No. MON-L-2974-15.

B. Permitted principal uses

- 1) Attached single-family dwellings (townhouses)
- 2) Multi-family dwellings

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Maintenance garage building
- 7) Solar panels
- 8) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 9) Dog runs
- 10) Public and/or private utilities
- 11) Temporary construction and sales trailers
- 12) Management and leasing offices associated with the development
- 13) Any use which is customarily incidental and subordinate to the principal use of the property

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be 280 total dwelling units within the district.
- 2) The minimum tract area for development shall be 25 acres.
- 3) The maximum impervious coverage for the entire tract shall be 65 percent
- 4) The maximum building coverage for the entire tract shall be 35 percent
- 5) The minimum distance between buildings shall be 20 feet
- 6) Overall tract building setbacks:
  - a) Front yard - 50 feet
  - b) Side yard - 40 feet
  - c) Rear yard - 50 feet
- 7) Overall building setbacks:
  - a) Front to front - 60 feet
  - b) Front to side - 40 feet
  - c) Side to side - 20 feet
  - d) Rear to rear - 50 feet
  - e) To any internal roadway or parking - 10 feet
- 8) Attached single family dwellings (townhouses):
  - a) Minimum lot area - 2,000 square feet
  - b) Minimum lot width - 22 feet
  - c) Minimum lot depth - 100 feet
  - d) Maximum building height - 3 stories / 40 feet
  - e) Maximum number of dwellings per building - 8 units
  - f) Townhouse building setbacks:
    - [1] Front yard - 20 feet
    - [2] Side yard (exterior wall) - 10 feet
    - [3] Side yard (interior wall) - 0 feet
    - [4] Rear yard - 15 feet
  - g) Maximum building coverage - 65 percent
  - h) Maximum lot coverage - 90 percent
- 9) Multi-family dwellings:
  - a) Maximum building height - 3 stories / 45 feet
- 10) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

[3] Tract boundary - 25 feet

F. Circulation requirements:

- 1) A boulevard street entry from Route 79 shall serve as the primary entrance driveway to any development.
- 2) A bikeway with a minimum width of 6.5 feet may be provided along the frontage of Route 79, and may be permitted to encroach within any front yard setback requirement.
- 3) All parking areas shall be setback a minimum of 25 feet from any tract boundary.
- 4) A sidewalk with a minimum width of 4 feet shall be provided on at least one side of every street.

G. Signage requirements:

- 1) A maximum of two monument signs shall be permitted at the entrance to a development along Route 79.
  - a) Monument signs shall be permitted to have a maximum height of 8 feet.
  - b) Monument signs shall be permitted to have a maximum sign area of 100 square feet.
  - c) Monument signs shall be setback a minimum of 10 feet from the Route 79 right-of-way, and shall not interfere with any required sight distances.
  - d) The structure of any monument sign shall be primarily composed of stone or brick.
- 2) One temporary non-illuminated, double sided advertising sign shall be permitted.
  - a) An advertising sign shall have a maximum height of 8 feet.
  - b) An advertising sign shall have a maximum sign area of 32 square feet.

H. Other provisions

- 1) A minimum of 20 percent of the total number of dwelling units, or fifty-six (56) dwelling units, whichever is greater, must be non-age restricted affordable rental units. Any calculation that results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.

- 2) A landscaped buffer with a minimum width of 25 feet shall be provided around all tract boundaries.
- 3) A minimum of 20% of the total tract area shall be set aside as conservation, recreation, or open space.
- 4) No more than half of the required open space or recreation set aside area shall be within wetlands, wetlands buffer areas, or 100-year floodplain areas, as determined by the most recent FEMA flood insurance rate maps.
- 5) Open space and recreation, both active and passive, may be satisfied by any walking paths throughout the community, all green lawn or landscaped areas outside of the building footprints, a tot lot, an outdoor pool, or a clubhouse.
- 6) Outdoor storage sheds for residential use shall be prohibited.
- 7) There shall be no bedroom limitations or requirements for any market-rate townhouse dwelling units.

§220-XX.3 "Generational Housing 3 District"

The following regulations shall apply to all development within the GH-3 district: (Weitz/Pallu)

A. Purpose

The Generational Housing - 3 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15, and with the terms of in Re: Ashbel Associates, LLC, et al. v. Township of Marlboro, et al. Docket No. MON-L-3069-15. In accordance with the court matters identified above, certain properties located at Block 267, Lots 36 and 37, and Block 299, Lot 33, are to be donated to the Township for the purposes of open space or other municipal non-housing use, in association with the development of any property located within the Generational Housing - 3 District. Those properties are being rezoned to the newly created Recreation and Open Space District as a part of this ordinance. In addition, three separate parcels which were party to this same court matters, known as Block 146 Lot 21, Block 146 Lot 23, and Block 207 Lot 5, are

not to be rezoned, and have specifically been excluded from consideration from any zoning actions described in this ordinance.

B. Permitted principal uses

- 1) Multi-family dwellings

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels
- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 8) Dog runs
- 9) Public and/or private utilities
- 10) Temporary construction and sales trailers
- 11) Management or leasing offices associated with the development
- 12) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 387 residential dwelling units within the district.
- 2) The minimum tract area for development shall be 10 acres.
- 3) The maximum impervious coverage for the entire tract shall be 65 percent
- 4) The maximum building coverage for the entire tract shall be 25 percent
- 5) Overall tract building setbacks:
  - a) Texas Road - 130 feet
  - b) Wooleytown Road - 75 feet
  - c) Side yard - 50 feet
  - d) Rear yard - 50 feet
  - e) Building to roadway - 15 feet
- 6) Multi-family dwellings:
  - a) Maximum number of dwelling units per building - 30 units

- b) Maximum building length - 220 feet
- c) Maximum building depth - 80 feet
- d) Maximum building height - 3 stories / 45 feet
- e) Minimum building separation
  - [1] Front to front - 60 feet
  - [2] Side to side - 40 feet
  - [3] Rear to rear - 50 feet
  - [4] Front to side/rear - 40 feet
  - [5] Deviations of up to 5 feet from any of these minimum building separation requirements may be permitted as de minimis.
- 7) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Circulation requirements:

- 1) A maximum of two (2) access driveways shall be permitted on Texas Road.
- 2) A maximum of one (1) access driveway shall be permitted on Wooleytown Road.
- 3) Parking setbacks:
  - a) Texas Road - 50 feet
  - b) Wooleytown Road - 20 feet
  - c) Buildings - 10 feet

G. Signage requirements:

- 1) A maximum of one entrance sign shall be permitted per access driveway.
  - a) Any entrance sign shall be a monument sign composed of a stone base.
  - b) The maximum permitted height of an entrance sign shall be 8 feet, on top of a stone base with a maximum height of 2 feet, for a maximum permitted total height of 10 feet.
  - c) The maximum permitted width of an entrance sign shall be 8 feet.
  - d) The maximum permitted width of a stone base shall be 10 feet.
  - e) The maximum permitted sign area of an entrance sign shall be 40 square feet, exclusive of any stone base or other structural supports.

- f) Any entrance sign shall be setback a minimum of 15 feet from a street right-of-way.
  - g) Any entrance sign shall be setback a minimum of 8 feet from any internal road or driveway.
  - h) Entrance signs shall be permitted to be internally or externally illuminated.
- 2) A maximum of two building identification wall signs shall be permitted per building.
- a) Building identification wall signs shall not exceed the height of the eave of the roof.
  - b) Building identification wall signs shall have a maximum permitted sign area of 6 square feet each.
  - c) Building identification wall signs shall be permitted to project from the face of the wall a maximum distance of 6 inches.
- 3) Directional signage shall be permitted as necessary for safe and efficient circulation on the site.
- a) Directional signage shall have a maximum sign height of 4 feet.
  - b) Directional signage shall have a maximum sign area of 15 square feet per side.
  - c) Directional signage shall be setback a minimum of 4 feet from any street or driveway.

#### H. Other provisions

- 1) A minimum of 20 percent of the total number of dwelling units, or seventy-eight (78) dwelling units, whichever is greater, must be non-age restricted affordable rental units. Any calculation which results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- 2) A landscaped buffer with a minimum width of 20 feet shall be provided along all tract boundaries.
- 3) The provisions of §220-43.G Tennis and Sports Courts, shall not apply unless such proposed uses are located within the tract boundaries.
- 4) Pools and other recreation features shall be permitted with a minimum setback of 20 feet from any residential dwelling, clubhouse, structure, or any other pool.

- 5) Drainage, utilities, driveways, and recreation facilities may be permitted to encroach within a required buffer area.

§220-XX.4 "Generational Housing 4 District"

The following regulations shall apply to all development within the GH-4 district: (Weitz/Ashbel)

A. Purpose

The Generational Housing - 4 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15, and with the terms of in Re: Ashbel Associates, LLC, et al. v. Township of Marlboro, et al. Docket No. MON-L-3069-15. In accordance with the court matters identified above,, certain properties located at Block 267, Lots 36 and 37, and Block 299, Lot 33, are to be donated to the Township for the purposes of open space or other municipal non-housing use, in association with the development of any property located within the Generational Housing - 3 District. Those properties are being rezoned to the newly created Recreation and Open Space District as a part of this ordinance. In addition, three separate parcels which were party to this same court matters, known as Block 146 Lot 21, Block 146 Lot 23, and Block 207 Lot 5, are not to be rezoned, and have specifically been excluded from consideration from any zoning actions described in this ordinance.

B. Permitted principal uses

- 1) Multi-family dwellings

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels
- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 8) Dog runs
- 9) Public and/or private utilities



- 10) Temporary construction and sales trailers
- 11) Management or leasing offices associated with the development
- 12) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 120 residential dwelling units.
- 2) The minimum tract area for development shall be 10 acres.
- 3) The minimum tract width shall be 500 feet
- 4) The minimum tract depth shall be 500 feet
- 5) The maximum impervious coverage for the entire tract shall be 50 percent
- 6) The maximum building coverage for the entire tract shall be 25 percent
- 7) Overall tract building setbacks:
  - a) Texas Road - 75 feet
  - b) Side yard - 50 feet
  - c) Rear yard - 50 feet
  - d) Building to roadway - 15 feet
- 8) Multi-family dwellings:
  - a) Maximum number of dwelling units per building - 30 units
  - b) Maximum building height - 3 stories / 45 feet
  - c) Maximum building length - 220 feet
  - d) Maximum building depth - 80 feet
  - e) Minimum building separation
    - [1] Front to front - 60 feet
    - [2] Side to side - 40 feet
    - [3] Rear to rear - 50 feet
    - [4] Front to side/rear - 40 feet
    - [5] Building to roadway - 15 feet
    - [6] Deviations of up to 5 feet from any of these minimum building separation requirements may be permitted as de minimis.
- 9) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Circulation requirements:

- 1) A maximum of two (2) access driveways shall be permitted on Texas Road.
- 2) Parking setbacks:
  - a) Texas Road - 40 feet
  - b) Buildings - 10 feet

G. Signage requirements:

- 1) A maximum of one entrance sign shall be permitted per access driveway.
  - a) Any entrance sign shall be a monument sign composed of a stone base.
  - b) The maximum permitted height of an entrance sign shall be 8 feet, on top of a stone base with a maximum height of 2 feet, for a maximum permitted total height of 10 feet.
  - c) The maximum permitted width of an entrance sign shall be 8 feet.
  - d) The maximum permitted width of a stone base shall be 10 feet.
  - e) The maximum permitted sign area of an entrance sign shall be 40 square feet, exclusive of any stone base or other structural supports.
  - f) Any entrance sign shall be setback a minimum of 15 feet from a street right-of-way.
  - g) Any entrance sign shall be setback a minimum of 8 feet from any internal road or driveway.
  - h) Entrance signs shall be permitted to be internally or externally illuminated.
- 2) A maximum of two building identification wall signs shall be permitted per building.
  - a) Building identification wall signs shall not exceed the height of the eave of the roof.
  - b) Building identification wall signs shall have a maximum permitted sign area of 6 square feet each.
  - c) Building identification wall signs shall be permitted to project from the face of the wall a maximum distance of 6 inches.
- 3) Directional signage shall be permitted as necessary for safe and efficient circulation on the site.
  - a) Directional signage shall have a maximum sign height of 4 feet.

- b) Directional signage shall have a maximum sign area of 15 square feet per side.
- c) Directional signage shall be setback a minimum of 4 feet from any street or driveway.

H. Other provisions

- 1) A minimum of 20 percent of the total number of dwelling units, or twenty-four (24) dwelling units, whichever is greater, must be non-age restricted affordable rental units. Any calculation which results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- 2) A landscaped buffer with a minimum width of 20 feet shall be provided along all tract boundaries.
- 3) Drainage, utilities, driveways, and recreation facilities may be permitted to encroach within a required buffer area.

§220-XX.5 "Generational Housing 5 District"

The following regulations shall apply to all development within the GH-5 district: (M&M)

A. Purpose

The Generational Housing - 5 District is provided in accordance with the terms of an order of the Superior Court in the matter of In Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15.

B. Permitted principal uses

- 1) Attached single-family dwellings
- 2) Multi-family dwellings

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels
- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces

- 8) Public and/or private utilities
- 9) Temporary construction and sales trailers
- 10) Management or leasing offices associated with the development
- 11) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 200 residential dwelling units.
- 2) The minimum tract area for development shall be 10 acres.
- 3) The maximum impervious coverage for the entire tract shall be 50 percent
- 4) The maximum building coverage for the entire tract shall be 25 percent
- 5) Overall tract building setbacks:
  - a) Route 79 - 75 feet
  - b) Side yard - 50 feet
  - c) Rear yard - 50 feet
- 6) Overall building setbacks:
  - a) Front to front - 60 feet
  - b) Front to side - 40 feet
  - c) Side to side - 25 feet
  - d) Rear to rear - 50 feet
  - e) To any internal roadway or parking - 10 feet
- 7) Attached single-family dwellings (townhouses):
  - a) Minimum lot area - 2,000 square feet
  - b) Minimum lot width - 20 feet
  - c) Minimum lot depth - 100 feet
  - d) Maximum building height - 3.5 stories / 40 feet
  - e) Maximum number of dwellings per building - 6 units
  - f) Townhouse building setbacks:
    - [1] Front yard - 20 feet
    - [2] Side yard (exterior wall) - 10 feet
    - [3] Side yard (interior wall) - 0 feet
    - [4] Rear yard - 20 feet
  - g) Maximum building coverage - 60 percent
  - h) Maximum lot coverage - 85 percent
- 8) Multi-family dwellings:
  - a) Maximum building height - 3.5 stories / 45 feet

- b) Minimum building separation
  - [1] Front to front - 60 feet
  - [2] Side to side - 40 feet
  - [3] Rear to rear - 50 feet
  - [4] Front to side/rear - 40 feet
- 9) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Circulation requirements:

- 1) A maximum of one access driveway shall be permitted on Route 79
- 2) Parking setbacks:
  - a) Route 79 - 50 feet
  - b) Buildings - 10 feet (excluding driveways for single-family dwellings)

G. Other provisions

- 1) A minimum of 20 percent of the total number of dwelling units, or 40 dwelling units, whichever is greater, must be non-age restricted affordable rental units. Any calculation which results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- 2) A landscaped buffer with a minimum width of 20 feet shall be provided along all tract boundaries.
- 3) Drainage, utilities, driveways, and recreation facilities may be permitted to encroach within a required buffer area.

§220-XX.6 "Generational Housing 6 District"

The following regulations shall apply to all development within the GH-6 district: (Buckdale)

A. Purpose

The Generational Housing - 6 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15.

B. Permitted principal uses

- 1) Detached single-family dwellings

- 2) Attached single-family dwellings (townhouses)

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels
- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 8) Public and/or private utilities
- 9) Temporary construction and sales trailers
- 10) Management or leasing offices associated with the development
- 11) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 45 residential dwelling units.
- 2) The minimum tract area for development shall be 10 acres.
- 3) The maximum impervious coverage for the entire tract shall be 60 percent
- 4) The maximum building coverage for the entire tract shall be 32 percent
- 5) Overall tract building setbacks:
  - a) Buckley Road - 50 feet
  - b) Route 79 - 100 feet
  - c) Side yard - 50 feet
  - d) Rear yard - 50 feet
- 6) Detached single-family dwellings:
  - a) Minimum lot area - 4,000 square feet
  - b) Minimum average unit width - 30 feet
  - c) Maximum building height - 3 stories / 35 feet
  - d) Minimum detached single-family building setbacks:
    - [1] Front yard - 25 feet
    - [2] Side yard (one side) - 0 feet
    - [3] Side yard (combined) - 10 feet
    - [4] Rear yard - 25 feet

- e) Maximum building coverage - 60 percent
- f) Maximum lot coverage - 85 percent
- 7) Attached single-family dwellings (townhouses):
  - a) Minimum lot area - 2,000 square feet
  - b) Minimum lot width - 20 feet
  - c) Minimum lot depth - 100 feet
  - d) Maximum building height - 3 stories / 35 feet
  - e) Maximum number of dwellings per building - 6 units
  - f) Minimum townhouse building setbacks:
    - [1] Front yard - 20 feet
    - [2] Side yard (exterior wall) - 10 feet
    - [3] Side yard (interior wall) - 0 feet
    - [4] Rear yard - 20 feet
    - [5] Distance between buildings - 25 feet
- 8) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Other provisions

- 1) A minimum of 20 percent of the total number of dwelling units, or 9 dwelling units, whichever is greater, must be non-age restricted affordable rental units. Any calculation which results in a fraction of a unit, shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- 2) All new construction of affordable dwelling units shall incorporate an even split between low and moderate income units. In the event that an even split results in a fraction of a dwelling unit, the additional dwelling unit shall be permitted to be a moderate income unit within the GH-6 district.
- 3) No recreation space or amenities shall be required within the GH-6 district.
- 4) The maximum permitted size of any deck or patio shall be 10 feet in width by 10 feet in depth.

§220-XX.7 "Generational Housing 7 District"

The following regulations shall apply to all development within the GH-7 district: (Wildflower)

A. Purpose

The Generational Housing - 7 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15.

B. Permitted principal uses

- 1) Detached single-family dwellings
- 2) Attached single-family dwellings (townhouses)
- 3) Multi-family dwellings

C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels
- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 8) Public and/or private utilities
- 9) Temporary construction and sales trailers
- 10) Management or leasing offices associated with the development
- 11) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 258 residential dwelling units within the district.
- 2) The minimum tract area for development shall be 2 acres.
- 3) Detached single-family dwellings:
  - a) Minimum lot area - 6,000 square feet
  - b) Minimum lot width - 40 feet
  - c) Minimum lot depth - 90 feet
  - d) Maximum building height - 3 stories / 35 feet
  - e) Minimum detached single-family building setbacks:
    - [1] Front yard - 20 feet



- [2] Side yard (one side) - 5 feet
- [3] Side yard (combined) - 15 feet
- [4] Rear yard - 20 feet
- f) Maximum building coverage - 60 percent
- g) Maximum lot coverage - 50 percent
- 4) Attached single-family dwellings (townhouses):
  - a) Minimum lot area - 2,000 square feet
  - b) Minimum lot width - 20 feet
  - c) Minimum lot depth - 100 feet
  - d) Maximum building height - 3 stories / 35 feet
  - e) Maximum number of dwellings per building - 6 units
  - f) Minimum townhouse building setbacks:
    - [1] Front yard - 10 feet
    - [2] Side yard (exterior wall) - 10 feet
    - [3] Side yard (interior wall) - 0 feet
    - [4] Rear yard - 20 feet
    - [5] Distance between buildings - 20 feet
- 5) Multi-family dwellings:
  - a) Minimum lot area - 2 acres
  - b) Minimum lot width - 125 feet
  - c) Minimum lot depth - 125 feet
  - d) Maximum building height - 4 stories / 50 feet
  - e) Minimum building setbacks:
    - [1] Front yard - 10 feet
    - [2] Side yard - 10 feet
    - [3] Rear yard - 10 feet
    - [4] Distance between buildings - 20 feet
  - f) Maximum lot coverage - 80 percent
- 6) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Other provisions

- 1) One hundred percent (100%) of all residential dwelling units constructed within the Generational Housing 7 district shall be affordable dwelling units other than up to two superintendent's units, as the superintendent's units are not required to be deed restricted as affordable housing units.
- 2) All new construction of affordable dwelling units shall incorporate an even split between low- and

moderate-income units. In the event that an even split results in a fraction of a dwelling unit, the additional dwelling unit shall be permitted to be a low-income unit within the GH-7 district. Thirteen (13) percent of all affordable dwelling units shall be very low-income units as defined in the Fair Housing Act. The bedroom distribution shall be as required by N.J.A.C. 5:80-26.3 and the very low-income, low-income, and moderate-income units shall be proportionally distributed within each bedroom category.

- 3) No recreation space or amenities shall be required within the GH-7 district.
- 4) A landscaped buffer with a minimum width of 15 feet shall be provided along all tract boundaries.

#### §220-XX.8 "Generational Housing 8 Overlay District"

The following regulations shall be applicable to all property within the GH-8 district (Motor Lodge) as an overlay district.

##### A. Purpose

The Generational Housing - 8 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15. The regulations found within this ordinance shall serve as an overlay to the underlying zoning. Development may be permitted under either these overlay district standards, or the underlying zoning. There shall be no mixing of overlay or underlying standards for any development.

##### B. Permitted principal uses

- 1) Detached single-family dwellings
- 2) Attached single-family dwellings (townhouses)
- 3) Multi-family dwellings

##### C. Accessory uses

- 1) Signs
- 2) Fences
- 3) Structural retaining walls
- 4) Off-street parking
- 5) Patios, decks, terraces, porches, or balconies
- 6) Solar panels

- 7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces
- 8) Public and/or private utilities
- 9) Temporary construction and sales trailers
- 10) Management or leasing offices associated with the development
- 11) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses

- 1) Public utilities

E. Area, yard, and building requirements

- 1) The maximum permitted residential density shall be a total of 92 residential dwelling units.
- 2) The minimum tract area for development shall be 3 acres.
- 3) The maximum impervious coverage for the entire tract shall be 60 percent
- 4) The maximum building coverage for the entire tract shall be 32 percent
- 5) Overall tract building setbacks:
  - a) Route 9 - 30 feet
  - b) Side yard - 30 feet
  - c) Rear yard - 50 feet
- 6) Detached single-family dwellings:
  - a) Minimum lot area - 6,000 square feet
  - b) Minimum lot width - 40 feet
  - c) Minimum lot depth - 90 feet
  - d) Maximum building height - 3 stories / 35 feet
  - e) Minimum detached single-family building setbacks:
    - [1] Front yard - 20 feet
    - [2] Side yard (one side) - 5 feet
    - [3] Side yard (combined) - 15 feet
    - [4] Rear yard - 20 feet
  - f) Maximum building coverage - 60 percent
  - g) Maximum lot coverage - 50 percent
- 7) Attached single-family dwellings (townhouses):
  - a) Minimum lot area - 2,000 square feet
  - b) Minimum lot width - 20 feet
  - c) Minimum lot depth - 100 feet
  - d) Maximum building height - 3 stories / 35 feet

- e) Maximum number of dwellings per building - 6 units
- f) Minimum townhouse building setbacks:
  - [1] Front yard - 10 feet
  - [2] Side yard (exterior wall) - 10 feet
  - [3] Side yard (interior wall) - 0 feet
  - [4] Rear yard - 20 feet
  - [5] Distance between buildings - 20 feet
- 8) Multi-family dwellings:
  - a) Minimum lot area - 2 acres
  - b) Minimum lot width - 125 feet
  - c) Minimum lot depth - 125 feet
  - d) Maximum building height - 4 stories / 50 feet
  - e) Minimum building setbacks:
    - [1] Front yard - 10 feet
    - [2] Side yard - 10 feet
    - [3] Rear yard - 10 feet
    - [4] Distance between buildings - 20 feet
  - f) Maximum lot coverage - 80 percent
- 9) Accessory structures:
  - a) Maximum building height - 15 feet
  - b) Setbacks:
    - [1] Side yard - 3 feet
    - [2] Rear yard - 5 feet

F. Other provisions

- 1) One hundred percent (100%) of all residential dwelling units constructed within the Generational Housing 8 overlay district shall be age-restricted affordable rental dwelling units other than one superintendent's unit, as the superintendent's unit is not required to be deed restricted as an affordable housing unit.
- 2) All new construction of affordable dwelling units shall incorporate an even split between low- and moderate-income units. In the event that an even split results in a fraction of a dwelling unit, the additional dwelling unit shall be permitted to be a low- income unit within the GH-8 district. Thirteen (13) percent of all affordable dwelling units shall be very low-income units as defined in the Fair Housing Act. The bedroom distribution shall be as required by N.J.A.C. 5:80-26.3 and the very low-income, low-income, and moderate-income units shall be proportionally distributed within each bedroom category.

- 3) *No recreation space or amenities shall be required within the GH-8 district.*
- 4) *A landscaped buffer with a minimum width of 20 feet shall be provided along all tract boundaries.*

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance shall be provided to each of the following:

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Township Engineer
- d. Louis Rainone, Esq.

PASSED: NOVEMBER 14, 2019

ADOPTED:

\_\_\_\_\_  
ALIDA MANCO,  
MUNICIPAL CLERK

\_\_\_\_\_  
JONATHAN L. HORNIK,  
MAYOR

DATE SIGNED: \_\_\_\_\_

