

**CITY OF ABSECON**

**ORDINANCE 09-2014**

**AN ORDINANCE AMENDING CHAPTER 224, ARTICLE XXXVI, ABSECON DEVELOPMENTAL ORDINANCE AND THE ZONING MAP CREATING THE MULTI-UNIT RENTAL DEVELOPMENT DISTRICT (MURD)**

**WHEREAS**, the Absecon City Planning Board adopted a Housing Element and Fair Share Plan on July 23, 2013; and

**WHEREAS**, the Housing Element and Fair Share Plan recommended creating a Multi-Unit Rental Development District (MURD).

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body for the City of Absecon City, County of Atlantic and State of New Jersey, that Chapter 224, Absecon Developmental Ordinance and the Absecon City Zoning Map is hereby amended as follows:

**Article XXXVI - Multi-Unit Rental Development District (MURD)**

**§ 224-324. SHORT**

This Ordinance shall be known and may be cited as: Multi-Unit Rental Development District (MURD)

**§ 224-325. PURPOSE**

- A. The purpose of the Multi-Unit Rental Development District (MURD) is to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units.
- B. This ordinance is also to encourage the development of mixed residential / neighborhood commercial uses, which will provide convenient shopping for the adjoining residential neighborhood and encourage pedestrian activity.

**§ 224-326 – PERMITTED DENSITY / USES**

- A. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum densities, and affordable housing set-asides as follows:
  - (1). Multi-Unit Rental Development (MURD) zoning permits a maximum density of 10 units per acre with 100% affordable rental housing units in development;
  - (2). The following Inclusionary Development sites are designated as MURD zone:

Site Location: Property situated at the intersection of New Road (State Highway Route 9) and California Avenue (Atlantic County Route 663), Lots 2, 3 and 11 in Block 289 as shown on the Municipal Tax Maps, Absecon City, Atlantic County, New Jersey. (Former Clayton Block Site)

B. Permitted Principal Structures / Uses:

- (1) Multi-Unit Rental Garden Apartment buildings with 100% affordable rental housing units, which may include one manager's unit for the entire development.

C. Permitted Accessory Structures / Uses:

- (1) One Tool Shed (max. size 8' x 10')
- (2) One Open Gazebo (max. size 16' x 16')
- (3) One Storage / Maintenance Building (max. size 12' x 16')
- (4) Gate House
- (5) Clubhouse

(6) Accessory structures shall conform to building setbacks set forth in § 224-327 below. Storage / Maintenance Building and Tool Shed shall not be placed in area between the building face of the principal buildings and the public street.

## § 224-327 – RESIDENTIAL BULK AND AREA REQUIREMENTS

### A. Residential Bulk and Area Requirements

Bulk, Area and Buffer Requirements:

(1) Minimum Lot Area:	7 Acres
(2) Minimum Lot Frontage:	100 Feet
(3) Minimum Lot Depth;	200 Feet
(4) Min. Perimeter Setback:	
Adjoining New Road	50 Feet
Adjoining Multi-Residential Unit Use (Building End)	25 Feet
Adjoining Multi-Residential Unit Use (Building Front)	40 Feet
Adjoining Multi-Residential Unit Use (Building Rear)	40 Feet
Adjoining Single Family Use	40 Feet
Adjoining Commercial Use	50 Feet
(5) Min. Distance Between buildings	25 Feet
(6) Maximum site coverage	70%
(7) Maximum Building Height	35' (3 Stories)
(8) Distance between building/parking space	15 Feet Min.
(9) Min. Vegetative Buffer adjoining commercial Uses	50 Feet

## § 224-328 – RESIDENTIAL DESIGN STANDARDS

### A. Design Standards

- (1) Refer to the New Jersey Residential Site Improvement Standards (RSIS) for requirements.
- (2) Refer to Article XXII Design and Improvement Standards for requirements not addressed in the RSIS.

**§ 224-329 – NEIGHBORHOOD COMMERCIAL**

**A. Neighborhood Commercial Requirements**

Permitted Commercial Uses:

(1) Neighborhood commercial uses include retail uses to generate pedestrian activity for purpose of serving the surrounding multi-unit developments such as convenience grocery stores, bakery, shoe repair, tailor shop, dry-cleaning (with no cleaning on premises) child care facility, adult care facility, professional offices, coffee shop / café, newspapers/magazines, ice cream parlor, restaurants (Excluding fast food with drive-through windows), banks (excluding drive-through windows), general business offices, personal and household services and business service (excluding vehicle maintenance, vehicle repair, auto body, gas stations and other similar uses).

**§ 224-330 – NEIGHBORHOOD COMMERCIAL BULK AND AREA REQUIREMENTS**

**A. Bulk, Area and Buffer Requirements:**

- |  |                 |
|--|-----------------|
| (1) Minimum Lot Area:  | 1.5 Acres       |
| (2) Minimum Lot Frontage:  | 100 Feet        |
| (3) Minimum Lot Depth;   | 200 Feet        |
| (4) Min. Perimeter Setback:                                      | 50 Feet         |
| (5) Min. Distance Between buildings                              | 20 Feet         |
| (6) Maximum site coverage  | 70%             |
| (7) Maximum Building Height                                      | 25' (2 Stories) |
| (8) Distance between building/parking space                      | 15 Feet Min.    |
| (9) Min. Vegetative Buffer adjoining Multi-Unit Residential Uses | 50 Feet *       |
- \* Not Applicable if adjoining Multi-Unit Residential Use provides for 50 Foot Vegetative Buffer

**§ 224-331 – NEIGHBORHOOD COMMERCIAL DESIGN STANDARDS**

**A. Design Standards**

- (1). Neighborhood commercial uses must be located on a corner lot with street frontage on two streets.
- (2) Refer to Article XXII Design and Improvement Standards for additional requirements.

**§ 224-332 – ARCHITECTURAL DESIGN REQUIREMENTS**

**A. Architectural Design Requirements:**

- (1) Vinyl siding, brick, stone or similar or compatible building materials shall be utilized. Horizontal vinyl siding boards should be seamless in application, to the extent feasible, and be narrow four to 6 inches in exposed face dimension. Siding may be either smooth faced in texture and finish or be stamped wood grain.
- (2) Traditional early 20<sup>th</sup> century architectural exterior design is encouraged for all new construction. Example prototypes to consider include: American Four Square; American Craftsman; Cape Cod; English Cottage; Colonial Revival; or similar.
- (3) Each building shall a different front elevation design and roof single color.

(4) Many pre-molded synthetic architectural ornaments, columns, railings and trim details are readily available. Use of such products is encouraged.

(5) All future additions, alterations, and/or renovations to structures shall be compatible to the architectural design of the existing structures on-site.

(6) No unpainted pressure treated lumber shall be used unless it is covered with vinyl.

(7) All porch and stoop railings shall be open spindle and shall match other spindles of open porches and / or open stoops on the individual building.

#### **§ 224-333 – SITE PLAN REVIEW REQUIREMENTS**

##### **A. Site Plan Review**

(1) Refer to Article XX for site plan review requirements.

#### **§ 224-334 – STORMWATER CONTROL REQUIREMENTS**

##### **A. Stormwater Control**

(1) Refer to Article XXXV for stormwater control design requirements.

#### **§ 224-335 – PARKING REQUIREMENTS**

##### **A. Off Street Parking Requirements**

(1) Refer to NJ Residential Site Improvement Standards (RSIS) for parking requirements Residential Use.

Should the applicant believe the RSIS parking requirements for the residential development are greater than actually needed; or the municipal parking requirements for commercial development are greater than actually needed, the applicant has the option to request a reduction of the required parking. It is the obligation of the applicant to demonstrate to the Board actual need for parking with professional testimony and/or by the presentation of parking generation studies from authorities on the subject of parking generation. The Board may grant up to a 10% reduction in required parking without the applicant requesting a variance. This is provided that an area is reserved for expansion in the event the parking is determined to be necessary by the Board, or by the applicant at a future date.

The additional parking is to be pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted. The additional parking can be constructed at the time of the original approval is granted or the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

For the residential development, the RSIS allow a municipal approving authority to grant a de minimis exception that is reasonable and within the general purpose and intent of the standards. The City will support an applicant's request for a waiver from a provision of the RSIS from the Site Improvement Advisory Board by showing that adherence to a particular provision presents a danger to public health and safety.

**B. Parking Design**

(1) Refer to the RSIS and /or § 224-128 for parking design requirements where applicable.

**§ 224-336 – LANDSCAPING DESIGN REQUIREMENTS**

**A. Landscaping Design**

(1) Refer to § 224-129 and § 224-159 for landscaping requirements.

**§ 224-337 – LIGHTING DESIGN REQUIREMENTS**

**A. Lighting Design**

(1) Refer to § 224-130 for landscaping requirements.

**§ 224-338 – SIGNAGE REQUIREMENTS**

**A. Signage Design**

(1) Refer to Article XXIII for sign requirements.

**§ 224-339 – PERFORMANCE GUARANTIES**

**A. Performance Guaranties and Improvements Costs**

(1) Refer to Article XXIV for performance guaranties and improvements costs requirements.

**§ 224-340 – FENCES AND WALL REQUIREMENTS**

**A. Fences and Wall Design**

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(3) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(4) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(5) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(6) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

**§ 224-341 - AFFORDABLE HOUSING REQUIREMENTS**

**A. Affordable Housing**

(1) Refer to the City's amended Housing Element and Fair Share Plan for Affordable Housing requirements.

**BE IT FURTHER ORDAINED that:**

Any ordinance or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such inconsistency.

This ordinance shall take effect upon final adoption and publication as required by law.

**Dated: April 17, 2014**

**SIGNED: \_\_\_\_\_**  
**John R. Armstrong, Mayor**

**ATTEST: \_\_\_\_\_**  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on April 3, 2014. Laid over and advertised for public hearing and final adoption on April 17, 2014. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at regular meeting held on April 17, 2014.