

Ordinance Number – 1656-19

AN ORDINANCE REZONING BLOCK 68.13, LOT 26  
AND BLOCK 69.01, LOT 8, PURSUANT TO A SETTLEMENT AGREEMENT  
APPROVED BY THE SUPERIOR COURT OF THE STATE OF NEW JERSEY,  
IN HIGHVIEW HOMES, LLC V. TOWNSHIP OF HAZLET

WHEREAS, the Township of Hazlet was sued by Highview Homes, LLC for a builder's remedy in a matter entitled Highview Homes, LLC v. Township of Hazlet, MON-L-4224-15, filed in the Superior Court of the State of New Jersey, for property known as Block 68.13, Lot 26, and Block 69.01, Lot 8; and

WHEREAS, a Settlement Agreement has been entered into with Highview Homes, LLC as of November 29, 2018; and

WHEREAS, after a hearing on December 19, 2018 the Honorable Jamie S. Perri, J.S.C., entered an order on January 11, 2019 approving the Settlement Agreement, which order also provides protection for the Township from further builder's remedy lawsuits; and

WHEREAS, the Settlement Agreement requires that the Township of Hazlet rezone Block 68.13, Lot 26 as an Affordable Housing Zone District.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hazlet, in the County of Monmouth and State of New Jersey, that Chapter 181, the Development Review Ordinance, of the Ordinances of the Township of Hazlet be and hereby is amended to create the AH-1 (Affordable Housing) Zoning District as follows:

**Purpose-** The purpose of the AH-1 zone is to provide for the construction of an inclusionary residential development consistent with the provisions of the Township's Settlement Agreement dated November 29, 2018 and subject to the provisions of UHAC.

**Zoning map revisions –** The zoning map of the Township shall be revised to include Block 68.13 Lot 26 in the AH-1 zone (the "tract"). To effectuate the Settlement Agreement, the zoning map shall also be revised to include Block 69.01, Lot 8 in the R-70 zone (the "dedicated property"). The terms of this ordinance shall only apply to the tract, unless otherwise specifically noted.

**Concept Plan-** The tract shall be developed in general accordance with the concept plan, dated October 30, 2018, prepared by Joseph D. Hanrahan, PE, and attached hereto, and previously attached to the Settlement Agreement. In the event of any substantial inconsistencies between the terms of this ordinance and the concept plan, the concept plan shall control. Landscape berms shall be a minimum of 3 feet in height, and shall be planted with 6-foot-high, four season landscaping.

**Maximum Residential Density-** The tract may be developed with no more than 172 residential units. There shall be no more than 146 market rate units. The affordable housing setaside shall be 15% and 26 affordable rental units shall be provided.

**Bedroom Distribution-** At least 53 % of all market units shall be 1-bedroom units. No more than 47% of the market units shall be 2-bedroom units. No market units shall have 3 or more bedrooms.

A maximum of 20% of all affordable units shall be 1-bedroom units. A minimum of 20% of all affordable units shall be 3-bedroom units.

**Income Distribution** – Affordable units shall be subject to the provisions of UHAC, in addition a minimum of 13% of all affordable units shall be available to very low-income households. All affordable units shall be subject to 30-year affordability controls.

**Design Standard Modifications-** The development shall be subject to the design standards set forth in the Township's Land Development ordinance, but shall not be subject to the design standards in Sections 181-502 (C), (G), and (H). The following modifications shall apply:

- Landscape berms shall not be required in wetlands areas in riparian areas or in required buffers associated with wetlands and riparian areas.
- Landscaping shall not be required in parking areas.
- Trash enclosures, parking areas, driveways and utilities may be located in front yard areas.
- Sidewalks and driveways may be located within required setbacks.
- Lighting fixture height shall be limited to 20 feet.
- Driveways shall be permitted at a width of 20 feet.
- Observation wells and groundwater table impact assessments shall not be required.

**Additional Provisions-**

- Encroachments from existing adjacent development on Tara Lin Drive may remain.
- The Dedicated Property shall be dedicated to the Township as a condition of any development approvals, with a deed of dedication being delivered to the Township prior to the issuance of any construction or site development permits. As a condition of any approvals, the developer of the tract shall provide a sanitary sewer tie-in within a public street to allow gravity flow from the Dedicated Property.
- The tract shall be subject to the floodplain regulations of NJDEP and CAFRA
- The local floodplain ordinance shall not apply.
- Where local standards conflict with federal regulations promulgated pursuant to the American with Disability Act, 42 U.S.C. §12101, *et seq.* (“ADA”), the regulations promulgated pursuant to the ADA shall control.
- Public/private roads shall not be located closer than 6 feet to any residential district.

## Schedule of Use and Bulk Requirements

<b>Township of Hazlet - AH-1 Zone</b>	
<b>Permitted Principal Use: Inclusionary Multi-Family Rental Housing</b>	
<b>Permitted Accessory Use: Clubhouse, Garages, Sheds, Signage, Swimming Pool, Trash Enclosures, Fences, Walls, Parking</b>	
<b>Maximum Unit Yield and Affordable Requirements</b>	<b>AH-1 Zone Requirement</b>
Total Unit Yield	172
Affordable Unit Yield	26
<b>Lot Requirements</b>	
Minimum Lot Area (Acres)	10
Minimum Lot Width (Feet)	400
Minimum Lot Frontage (Feet)	360
Minimum Lot Depth (Feet)	750
Maximum Building Coverage	12%
Maximum Impervious Coverage	36%
<b>Principal Building Requirements</b>	
Minimum Front Yard Setback (Feet)	50
Minimum Rear Yard Setback (Feet)	100
Minimum Side Yard Setback (Feet)	100
Maximum Building Height (Feet) (1)	45.5
Maximum Building Height (Stories) (1)	3
Maximum Building Length (Feet)	220
Minimum Principal Building Setback to any single-family zone or use (feet)	100
(1) If any portion of a building is within 150 feet of a single-family zone or use, not including Block 69.01, Lot 8, then that building height shall be limited to 2 stories and 36 feet.	
<b>Accessory Building Requirements - Club House</b>	
Minimum Distance from Principal Building	44
Minimum Front Yard Setback (Feet)	50
Minimum Rear Yard Setback (Feet)	100
Minimum Side Yard Setback (Feet)	100
Maximum Building Height (Feet)	30
<b>Minimum Building Distance Requirements</b>	
Side Wall to Side Wall at Midpoint (Feet)	50
Side Wall to Front or Rear Wall at Midpoint (Feet)	35
Front Wall to Front Wall at Midpoint (Feet)	95
Distance Between Principal Building and Access Driveway or Internal Driveway Curblines (Feet)	10
Distance Between Principal Building and Parking Area Curblines (Feet)	15
Distance Between Accessory Building and Access Driveway or Internal Driveway Curblines (Feet)	15

<b>Minimum Buffer Area Requirements</b>	
Front Yard Parking Area Setback (Feet)	15
Buffer Adjacent to Single-Family Dwelling Unit or Single-Family Residential Zoning District (Feet)	80 feet
Maximum Fence Height Within the Buffer	6
Site Entry Drives Allowed Within Buffer	Yes
Monument Sign Allowed Within Buffer	Yes
<b>Open Space Requirements</b>	
Minimum Percentage of Common and Natural Open Space	15%
<b>Parking Requirements</b>	
Club House- 1 Space for Each 200 Sq. Ft. of Gross Floor Area (2,900 sq. ft.)	15
Minimum Parking Space Size	9 ft. x 18 ft.
Minimum Drive Aisle Width	24 ft.
Minimum Side Yard and Rear Yard Parking Setback (feet)	80
<b>Monument Sign Requirements</b>	
Maximum Number of Signs	2
Maximum Sign Height (Feet)	6
Maximum Sign Size (Sq. Ft.)	48
Minimum Distance to Street Right of Way (Feet)	10
Minimum Distance to a Property Line (Feet)	10

BE IT FURTHER ORDAINED that the following sections of the Development Review

Ordinance shall be amended as follows:

- Section 181-408.10 – 20’ mounting height permitted.
- Section 181-412 – Not applicable to this tract.
- Section 181-505(B)(4) – 20’ driveway width permitted.
- Section 181-507(I)(6) – Not applicable to this tract.
- Sections 181-509(H)(6), (7), (8) and (9) – Amended to allow:
  - Max Mounting Height 20’
  - Illumination Standards:
    - Parking Areas:
      - Min. Average: 1.0 foot candles
      - Max: 5 foot candles
      - Min: .5 foot candles
    - Walkway Areas:
      - Min Average: 1.1 foot candles
      - Max.: 3 foot candles
      - Min: .2 foot candles

- Section 181-512(B)2 – Parking in a front yard setback is permitted. Driveways and utility infrastructure in the front yard setback is permitted.
- Section 181-512(B)8(f) & (g) – Not applicable to this tract.
- Section 181-519(B)1 – Not applicable to this tract.
- Section 181-519(B)4 – Not applicable to this tract.
- Section 181-526(C) – Not applicable to this tract.
- Section 181-502(C) – Not applicable to this tract.
- Section 181-502(G) – Not applicable to this tract.
- Section 181-502(H) – Not applicable to this tract.

BE IT FURTHER ORDAINED that the Hazlet Township Zoning Map, Section 181-301, is hereby amended consistent with the action taken herein and the proper officials of the Township of Hazlet be and hereby are authorized to designate such changes thereon; and

BE IT FURTHER ORDAINED that any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED that the Township Clerk shall give notice at least ten days prior to the hearing on the adoption of this ordinance by certified mail to (1) the County Planning Board, (2) the clerks of all adjacent municipalities, (3) the owner of the property, The Church of the Holy Family, 727 Highway 36 W., Union Beach, NJ 07735, with a copy to The Diocese of Trenton, 701 Lawrenceville Road, Trenton, NJ 08648, and (4) all owners of record for properties within 200 feet of the subject properties, both within the Township of Hazlet and the Borough of Union Beach; and

BE IT FURTHER ORDAINED that the Township Clerk shall publish this ordinance by title and summary in an official newspaper of the municipality at least one week prior to the hearing on the adoption of this ordinance; and

BE IT FURTHER ORDAINED that the Township Clerk shall execute an Affidavit of Proof of Service of the notices required and shall keep such affidavit in her file along with the proof of publication of the notice of this required public notice; and

BE IT FURTHER ORDAINED that the Township Clerk shall refer this ordinance to the Hazlet Township Land Use Board for review and comment; and

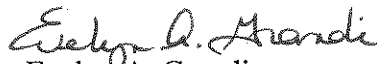
BE IT FURTHER ORDAINED that upon adoption of this ordinance, after public hearing thereon, the Township Clerk shall publish notice of the passage thereof and file a copy with the County Planning Board pursuant to N.J.S.A. 40:55D-16; and

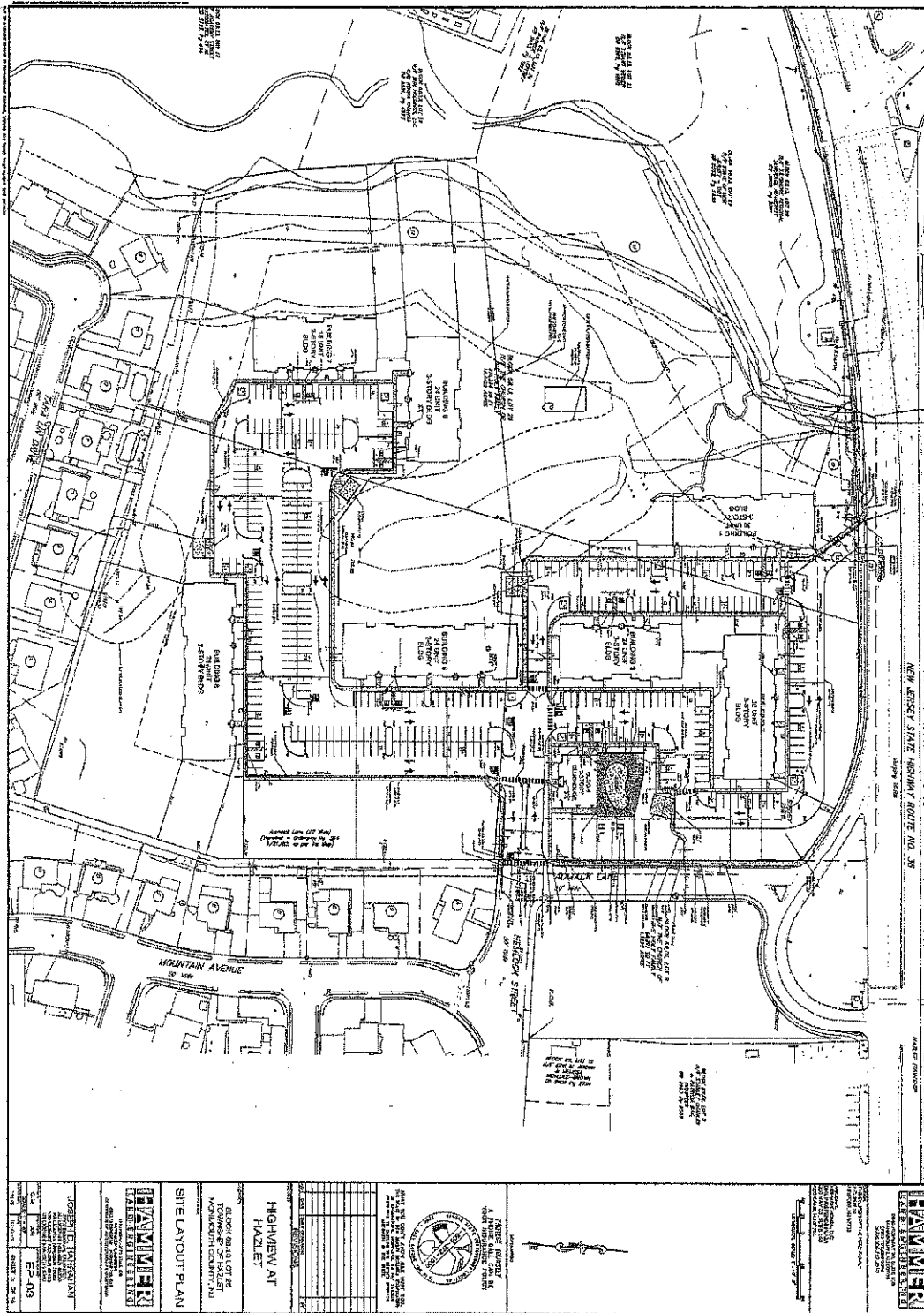
BE IT FURTHER ORDAINED that this ordinance shall take effect upon publication according to law, and filing with the Monmouth County Planning Board.

CERTIFICATION

I, EVELYN A. GRANDI, Municipal Clerk of the Township of Hazlet, do hereby certify that the foregoing is a true copy of an ordinance duly published and adopted in accordance with law by the Township of Hazlet at its meeting held on the 5<sup>th</sup> day of March, 2019.

ATTEST:

  
Evelyn A. Grandi  
Municipal Clerk



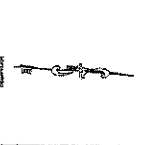
**PREPARED BY**  
 JOSEPH E. HANNAHMAN  
 CIVIL ENGINEER  
 1000 W. 11th St.  
 HAZLET, MI 49426  
 PHONE: (269) 781-0100  
 FAX: (269) 781-0101  
 EPOCH 2009  
 SHEET 7 OF 9



**SITE LAYOUT PLAN**  
 HIGHVIEW AT  
 HAZLET  
 ALONG AN 15 LOT  
 DEVELOPMENT (SHEET 7)

NO.	REVISION	DATE
1	ISSUE FOR PERMITS	09/15/09
2	ISSUE FOR CONSTRUCTION	10/15/09
3	ISSUE FOR OCCUPANCY	11/15/09
4	ISSUE FOR FINAL RECORD	12/15/09

**NOTES:**  
 1. REFER TO SHEET 6 FOR GENERAL NOTES.  
 2. REFER TO SHEET 8 FOR FINISHES AND SCHEDULES.  
 3. REFER TO SHEET 9 FOR UTILITIES AND EROSION CONTROL.  
 4. REFER TO SHEET 10 FOR LANDSCAPE ARCHITECTURE.  
 5. REFER TO SHEET 11 FOR SIGNAGE AND LIGHTING.  
 6. REFER TO SHEET 12 FOR FURNITURE AND FIXTURES.  
 7. REFER TO SHEET 13 FOR INTERIORS AND MECHANICAL/ELECTRICAL/PLUMBING.  
 8. REFER TO SHEET 14 FOR EXTERIORS AND SITEWORK.  
 9. REFER TO SHEET 15 FOR FINISHES AND SCHEDULES.  
 10. REFER TO SHEET 16 FOR UTILITIES AND EROSION CONTROL.  
 11. REFER TO SHEET 17 FOR LANDSCAPE ARCHITECTURE.  
 12. REFER TO SHEET 18 FOR SIGNAGE AND LIGHTING.  
 13. REFER TO SHEET 19 FOR FURNITURE AND FIXTURES.  
 14. REFER TO SHEET 20 FOR INTERIORS AND MECHANICAL/ELECTRICAL/PLUMBING.  
 15. REFER TO SHEET 21 FOR EXTERIORS AND SITEWORK.



**LEGEND:**  
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**HAMMER**  
 ENGINEERING & ARCHITECTURE, INC.  
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 HAZLET, MI 49426  
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