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MASTER PLAN UPDATE

REVISED LAND USE ELEMENT

CONDUCTED BY THE

LACEY TOWNSHIP

PLANNING BOARD

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INTRODUCTION

The Municipal Land Use Law, specifically, N.J.S.A. 40:55D-89, requires that a municipality undertake a periodic general reexamination of its Master Plan and Development Regulations every ten (10) years. Pursuant to that statute, the Lacey Township Planning Board is obligated to prepare and adopt by Resolution this reexamination report and forward same to the County Planning Board and Municipal Clerk of each adjoining municipality.

The Lacey Township Planning Board, pursuant to its obligations under that statute, began its task of reexamining the Master Plan to revise the Land Use Element on November 7, 2016. The Reexamination Report is required by law to state the major problems and objectives relating to land development at the time of the adoption of the last Reexamination Report, the extent to which such problems and objectives have been reduced or increased, the extent to which significant changes in assumptions that were the basis for the Master Plan have occurred and specific changes recommended for the Master Plan and/or Development Regulations.

This report will constitute a review of the Land Use Element adopted in the last “complete” Master Plan dated October 2012.

REVIEW OF THE 2012 LAND USE ELEMENT

A. REEXAMINATION OF THE MASTER PLAN ELEMENTS

The Board makes the following findings concerning the specific elements included within the prior Master Plan and the need for amendment:

1. LAND USE PLAN ELEMENT

a. Current Reexamination:

- There is a need for an Updated Land Use Element to establish an inclusionary zone district overlay, entitled MFIZ-I, providing affordable housing units to be developed subject to certain lands along Lacey Road and U.S. Route 9.
- There is a need to remove zoning for churches and other places of worship; private non-profit recreational and community buildings; public and parochial schools and colleges for academic instruction; and nursery schools and day care centers from residential zones.
- There is a need to incorporate zoning for firearms sales.
- There is a need to incorporate zoning for sexually oriented businesses.
- There is a need to clarify the dwelling unit size for dwelling units in mixed use buildings and accessory buildings in commercial zones.

- There is a need to correct the tract area requirements for multifamily dwellings within the C-200 Limited Business Zone and the C-100 Marine Commercial Zone.

MASTER PLAN LAND USE ELEMENT

Introduction

1. This Land Use Element concerns lands in Lacey Township east of the Garden State Parkway; recognizing that lands west of the Parkway are within the N.J. Pinelands Protection Area and subject to the provisions of the Pinelands Comprehensive Management Plan.
2. East of the Parkway, Lacey Township is predominately (more than 60%) developed with a fully developed infrastructure. Remaining vacant lands are generally within planned infrastructure service areas and accessible by public roadways.
3. A main purpose is to encourage affordably priced workforce housing for the residents of Lacey Township in close proximity to public transportation.

Current Reexamination

Propose New Zone – Multi Family Inclusionary Zone (MFIZ-I) District Overlay

There is a need for an Updated Land Use Element to establish an inclusionary zone district overlay, entitled MFIZ-I, providing affordable housing units to be developed subject to certain lands along Lacey Road and U.S. Route 9.

1. Chapter 335 entitled “Zoning” of the Township of Lacey, is hereby amended and supplemented to create a new zoning district to be added as Section 335-68.2, entitled MFIZ-I as follows:

15-B Multi Family Inclusionary Zone (MFIZ-I) District Overlay The purpose of the Multi Family Inclusionary Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop an inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Third Round obligation of the Township for the period 2015-2025. The MFIZ-I district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.

- (1) Applicability. The Multi Family Inclusionary Zone District shall be applied to all properties east of the Garden State Parkway fronting on US Route 9 or Lacey Road, as shown on the Official Tax Map of the Township. The Official Zoning Map of the Township of Lacey is hereby amended in accordance with the foregoing and is incorporated by reference. The Multi Family Inclusionary Zone District shall be permitted to be developed with an inclusionary residential development with a mandatory affordable set-aside of twenty percent (20%) for units sold to qualified low/moderate income purchasers and fifteen percent (15%) for rental units. All development of affordable units shall follow the very-low/low/moderate income

split provided for in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et seq. except that in lieu of the requirement for ten percent (10%) of affordable units to be at thirty-five percent (35%) of median income in N.J.A.C. 5:50-26.3(d), thirteen percent (13%) of affordable units in such projects shall be required to be at thirty percent (30%) of median income. For the purpose of permitting the development of an inclusionary development the provisions and requirements of the Multi Family Inclusionary Zone District shall supersede the provisions and restrictions of the underlying Office-Commercial (O-C); Marine Commercial (C-100); Highway Business (C-150); Limited Business (C-200); Business Park (M-1); Limited Industrial (M-2); and Industrial (M-6) zone districts. In the event of a conflict between the provisions of this section and other sections of the Township development regulations with respect to the development of affordable housing, the provisions of the MFIZ-I District shall govern.

- (2) Principal Permitted Use in the Multi Family Inclusionary Zone District shall be inclusionary multifamily affordable housing developments which may include:
 - (a) Townhomes
 - (b) Apartments
 - (c) Multifamily dwellings,
 - (d) Two-family dwellings
 - (e) Single family semi-detached dwellings
- (3) Accessory Uses. The following shall be permitted:
 - (a) Open space area(s);
 - (b) Off-street parking facilities including driveways;
 - (c) Fences in accordance with the applicable Township standards;
 - (d) Signs in accordance with the standards in Chapter IX of the Township Code;
 - (e) Sidewalks in accordance with the standards in Chapter XII of the Township Code; and
 - (f) Other uses which are customarily incidental and accessory to the principal use.
- (4) Maximum Density of multifamily affordable housing development shall be 16.0 dwelling units per gross acre.
- (5) Bulk, area, and building requirements. The following requirements shall apply for all permitted uses:

BULK STANDARDS	Permitted
Minimum Lot Area	45,000 sq. ft.
Minimum Lot Width	275 Feet
Minimum Front Yard Setback	12 Feet
Minimum One Side Yard Setback	5 Feet
Minimum Both Side Yard Setback	10 Feet
Minimum Rear Yard Setback	20 Feet
Maximum Impervious Coverage	65%
Maximum Building Coverage	33%
Maximum Building Height	3 Stories/35 Feet

(6) Site Improvement Standards.

- (a) The proposed development(s) shall be served by public water and sewer. The phasing of utility improvements, if necessary, shall be subject to the review and approval of the Planning Board.
- (b) The proposed development(s) shall be planned and designed to meet the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
 - [1] All roadways, parking areas, and landscaped islands shall be private and maintained by a homeowners’ association, except that access roads across lands dedicated to and accepted by the Township for public use may be public roads.
 - [2] Parking standards shall be conforming with the New Jersey Residential Site Improvement Standards for townhouse dwellings (N.J.A.C. 5:21 et seq.).
 - [3] As part of final approval, the development shall provide a municipal services agreement with the Township for the contribution by the Township for maintenance, snow plowing, refuse removal and lighting in accordance with the municipal policies in effect at the time of approval.
 - [4] Each townhouse dwelling shall be constructed with and shall maintain a one-car driveway with a width of at least 12 feet and a length of at least 18 feet between the face of the structure and the right-of-way.
- (c) The development(s) shall provide for stormwater management in accordance with all applicable regulations. Stormwater management basins shall be owned and maintained by a homeowners’ association to be established by the developer. Stormwater management facilities provided as part of a one-hundred-percent affordable development shall be maintained by a property management entity. The phasing of stormwater management improvements, if necessary, shall be subject to the review and approval of the Planning Board

and shall be completed in a manner that services the development areas as construction progresses.

Affordable housing requirements. Residential development projects developed under the provisions of the MFIZ-I shall provide for the development of affordable housing as outlined herein. Such affordable housing shall be provided through an affordable housing set-aside of low and moderate income rental units interspersed throughout the development.

Proposed Use Category Descriptions

The Planning Board envisions the following permitted and conditional uses, which would be “removed” and/ or “new” to Township Zoning and are proposed in the Land Use Element:

1. R-100 Residential Zone

Types of permitted uses to be removed and to be considered prohibited uses:

- (1) Churches and other places of worship. Sunday school buildings and parish houses for the presbyter and ministerial staff.
- (2) State accredited public and parochial schools and colleges, private schools and colleges for academic instruction.
- (3) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans’ or fraternal organization, which are not of a commercial character.

Types of conditional uses to be removed and to be considered prohibited uses:

- (1) Nursery Schools and day care centers.

2. R-150 Residential Zone

Types of conditional uses to be removed and to be considered prohibited uses:

- (1) Nursery Schools and day care centers.

3. RO-100 Residence and Office Zone

Types of permitted uses to be removed and to be considered prohibited uses:

- (1) Churches and other places of worship. Sunday school buildings and parish houses for the presbyter and ministerial staff.
- (2) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organization, which are not of a commercial character.
- (3) Nursery Schools and day care centers.

4. RO-150 Residence and Office Park Zone

Types of uses to be considered prohibited uses:

- (1) Churches and other places of worship. Sunday school buildings and parish houses for the presbyter and ministerial staff.
- (2) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organization, which are not of a commercial character.
- (3) Nursery Schools and day care centers.

5. M-1 Business Park Zone

Types of new permitted uses:

- (1) Firearms sales shops such as guns, shotguns, rifles, pistols, revolvers or other similar devices, and the ammunition associated with the same.

Types of new conditionally permitted uses:

- (1) Sexually oriented business such as but not limited to adult cabaret, adult media store, adult motion-picture theatre, video arcade and/or sex shop, etc.

The following general conditions are applicable to sexually oriented businesses as proposed to be defined in § 335-3, where they are not prohibited. This use may only be permitted upon receipt of a conditional use permit from the Planning Board and any other applicable requirements of this chapter or the Planning Board.

- A. No establishment shall be located closer than 1,000 feet to any school, hospital, church, library, park, playground, public building or recreational facility.
- B. No establishment shall be located closer than 3,000 feet to any other sexually oriented business, tattoo, body piercing or branding establishment.
- C. No establishment shall be located closer than 2,000 feet to an area zoned residential, neighborhood commercial, or mixed-use development.
- D. When any existing building is converted from any use to said establishments, a full and complete site plan shall be submitted and reviewed in accordance with the provisions of this chapter.
- E. An establishment shall only be located in a freestanding commercial building.
- F. In addition to district-specific sign regulations, the use of neon signs on sexually oriented business establishments, in window displays, or use in any other manner is prohibited.

Amend definitions to add the following to § 335-3:

ADULT CABARET

A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MEDIA

Magazines, books, videotapes, movies, slides, CD-ROMs, DVDs or other devices used to record images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.

ADULT MEDIA STORE

An establishment that rents and/or sells adult media or explicit sexual material, and that advertises or holds itself out in any forum as "XXX," "Adult," "sex," or otherwise as a sexually oriented business.

ADULT MOTION-PICTURE THEATER

An establishment emphasizing or predominantly showing sexually oriented movies.

SEX SHOP

An establishment offering goods for sale or rent in any two of the following categories: (a) adult media (b) lingerie (c) sexually oriented toys or novelties.

SEXUALLY ORIENTED BUSINESS

An inclusive term used to describe collectively: adult cabaret, adult media store, adult motion-picture theatre, video arcade and/or sex shop.

SEXUALLY ORIENTED TOYS OR NOVELTIES

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

6. M-2 Limited Industrial Zone

Reword existing permitted uses:

- (1) Educational and research activities and related service activities conducted by any of the following:
 - a. Public and private education institutions.
 - b. Scientific or research laboratories of private corporations, institutions or other agencies devoted solely to research, design and experimentation.

7. RD Rural Development Zone

Types of permitted uses to be removed and to be considered prohibited uses:

- (1) Churches and other places of worship. Sunday school buildings and parish houses for the presbyter and ministerial staff.
- (2) State accredited public and parochial schools and colleges, private schools and colleges for academic instruction.
- (3) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organization, which are not of a commercial character.

Types of conditional uses to be removed and to be considered prohibited uses:

- (1) Nursery Schools and day care centers.

8. VR Village Residential Zone

Types of permitted uses to be removed and to be considered prohibited uses:

- (1) Churches and other places of worship. Sunday school buildings and parish houses for the presbyter and ministerial staff.
- (2) Public schools and parochial schools.
- (3) Nursery Schools and day care centers which are designed to serve the needs of the village.
- (4) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational and community oriented character which are not of a commercial character.

9. O-C Office Commercial Zone

Reword apartment size requirements for dwelling units in mixed use buildings and accessory buildings.

- (1) Dwelling units shall be no less than 700 square feet in area, exclusive of stairs.

10. C-150 Highway Business Zone

Reword apartment size requirements for dwelling units in mixed use buildings and accessory buildings.

- (2) Dwelling units shall be no less than 700 square feet in area, exclusive of stairs.

11. C-200 Limited Business Zone

Reword apartment size requirements for dwelling units in mixed use buildings and accessory buildings.

- (1) Dwelling units shall be no less than 700 square feet in area, exclusive of stairs.

Reword area and size requirements for multifamily residential buildings.

- (1) The minimum tract size shall be five acres.

12. C-100 Marine Commercial Zone

Reword apartment size requirements for dwelling units in mixed use buildings and accessory buildings.

- (1) Dwelling units shall be no less than 700 square feet in area, exclusive of stairs.

Reword area and size requirements for multifamily residential buildings.

- (1) The minimum tract size shall be five acres.