

## **ORDINANCE 07-06**

### **AN ORDINANCE OF THE TOWNSHIP OF JACKSON AMENDING CHAPTER 109 ARTICLE IV, VI, XI AND ARTICLE VII (Pinelands Area Requirements) of the MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF JACKSON**

**WHEREAS**, the Township Committee desires to enact ordinance provisions that will make the zoning requirements in the Township consistent with the recommendations set forth in the Master Plan and Master Plan Re-examinations; and

**WHEREAS**, from time to time the Land Use and Development Regulations of the Township need to be updated to reflect the changing conditions in the Township in order to effect sound planning in the best interests of the community; and

**WHEREAS**, in the interest of ensuring efficient and thorough review of applications for development, in accordance with N.J.S.A. 40:55D-53.2 the Township is permitted to hire professional experts to advise the Planning Board and Zoning Board on matters relevant to their review of development applications; and

**WHEREAS**, the Township Committee desires to enact ordinance provisions that will promote comprehensive land use planning and encourage the use of planning tools to balance preservation with permitted development; and

**WHEREAS**, the Township Committee has acknowledged that the development of individual parcels in isolation tends to inhibit the implementation of integrated planning and would like to encourage planned development; and

**WHEREAS**, the Jacksn Township Land Use and Development Regulations currently permit a developer to submit an application for a general development plan only in the PRC planned retirement community zone; and

**WHEREAS**, the recommended addition of section 109-30 to permit and guide the submission of general development plans will allow and encourage well-planned residential and non-residential development, which is consistent with the intent and purpose of Jackson Township's Land Use and Development Regulations set forth in section 109-3, specifically 109-3H to "encourage the location and design of transportation routes which will promote free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight", 109-3I "to promote a desirable visual environment through creative development techniques and good civic design and arrangements" and 109-3J "to promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land."; and

**WHEREAS**, the development of age-restricted housing within the Pinelands villages and regional growth areas of Jackson Township will advance the purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2(g) and the municipal Master Plan (page 11-3); and

**WHEREAS**, the "Regional Natural Resource Plan for the Toms River Corridor", endorsed by the Pinelands Commission in March of 2006, recommends the creation of a new Planned Environmental Development (PED) zone to direct development away from environmentally sensitive land by encouraging clustered development on sewerred upland areas; and

**WHEREAS**, the successful implementation of the Planned Environmental Development zone will require consistent application of the standards in Jackson and Manchester Townships and will result in development patterns that preserve critical habitat areas and allow reasonable development on the less sensitive areas,

I. Chapter 109 shall be amended as follows:

**1. The Zoning Map of Jackson Township, incorporated into Chapter 109 of the Codified Ordinances of the Township of Jackson, prepared by Ragan Design Group under the direction of the Township Committee and revised to March 10, 2006 is hereby adopted as amended pursuant to the provisions of N.J.S.A. 40:55D-62 and incorporates the following changes from the map previously adopted on July 11, 2005:**

- a. Block 54, lot 26 will be changed from the RG-4 zone to the PED-9 zone.
- b. Block 54, lot 28 will be changed from the RG-4 zone to the PED-9 and PED-1 zone in accordance with the zoning map. The majority of the lot is PED-9. The triangular portion of the lot south of the easement (approximately 10 acres) is PED-1.

**2. Section 109-169 Environmental Impact Statement shall be amended as follows:**

(add)

A(2)(d) When due to the particular characteristics of the site, the Planning Board or Zoning Board determines that review of the Environmental Impact Statement is beyond the expertise of the professionals normally employed by the Township to review application materials, the reviewing Board may enlist the services of a qualified environmental scientist to review the materials submitted by the applicant. The qualified professional will report to the Planning Board or Zoning Board with copy to the Environmental Commission on the methodology utilized to assess the environmental impacts, the scope and comprehensiveness of the EIS, and the credibility of the findings.

**3. Section 109-79A PV Pinelands Village zone shall be amended as follows:**

(add)

A(7) Clubhouse or community recreation buildings associated with an age-restricted development consisting of at least 100 residential units.

**4. Section 109-83 RG-4 Regional Growth zone shall be deleted in its entirety and replaced with the following:**

**109-83 PED Planned Environmental Development**

A. Purpose. The purpose of the Pinelands Environmental Development district is to implement a new zoning district within the Rural Development Management Area of the Pinelands Area that will permit low density residential development with a development option for a planned retirement community that requires the development to be located away from environmentally sensitive lands. Specifically, the development will be directed away from areas identified as habitat for threatened and/or endangered species toward designated development "receiving areas". The PED will allow for coordinated development on contiguous lands within the Toms River Corridor in Jackson and Manchester Townships. The Pinelands Environmental Development district is comprised of a PED-9 zone and a PED-1 zone. The PED-9 zone permits single-family detached housing units on lots of nine (9) acres and the PED-1 zone permits single-family detached housing units on lots one (1) acre. Both the PED-9 and PED-1 require cluster development. The Pinelands Environmental Development district permits development at a higher density for Planned retirement Communities provided that all development is clustered within the PED-1 zone and that the designated sending areas (PED-9) are deed restricted in accordance with Pinelands Commission regulations for inter-municipal transfers.

- B. **Maximum Density.** The maximum number of dwelling units within a Planned Retirement Community within the PED district shall not exceed a total of 600 single-family detached dwelling units. The maximum number of units that may be generated from block 62, lots 30, 31 and 32 in Manchester is 330, as specified in the settlement agreement between Manchester Development Group, LLC and Manchester Township. The maximum number of single-family detached age-restricted dwelling units that may be generated from block 54, lots 26 and 28 in Jackson Township is 250. In order to effectuate the development transfer, an intermunicipal agreement between Jackson and Manchester shall be executed and the applicant shall submit a General Development Plan in accordance with N.J.S.A. 40:55D-45.1 and applicable municipal ordinances.
- C. **Permitted Uses.** The following uses shall be permitted in the PED district.
1. Single family detached housing in accordance with the standards set forth below.
    - a. PED-9. One single family dwelling unit per nine acres (.111 du/acre). All development shall be clustered on lots a minimum of one acre in size in accordance with the standards set forth in 109-80.1A(1)(a)[2] through [4]. Clustered developments shall be designed to protect the particular environmental attributes of the site, to maintain the conservation area in an undisturbed state, to promote the establishment of greenways on adjacent sites and to maximize the contiguity of protected lands as a means to providing habitat for threatened and endangered plant and animal species. The developed area shall be located and designed to promote efficient use of the existing infrastructure (roads, utilities, etc.) and coordinate with development on adjacent parcels. The design shall be subject to review and approval of the Planning Board and the Pinelands Commission. Permitted development may be transferred to a PED-1 zoning district with the use of the PED Planned Retirement Community option in accordance with subsection 109-83C.(2) below.
    - b. PED-1. One single family dwelling unit per 3.2 acres (.313 du/acre). All development shall be clustered on lots a minimum of one acre in size in accordance with the standards set forth in 109-83C(1)(a) above.
  2. PED Planned Retirement Community Development Option. The PED Planned Retirement Community Development option allows for the transfer of units from Jackson Township to Manchester Township. The Planned Retirement Community option shall be permitted within the PED-1 and PED-9 zones provided that the plan conforms to the conditions set forth in Manchester Township's Land Use and Development Regulations section 35-34.22(c)(2) and (3) are met.
  3. Agriculture.
  4. Places of worship, such as churches, synagogues, parish houses, convents, and the like subject to the conditions set forth in 109-104.
  5. Municipal parks and playgrounds and other municipal uses deemed appropriate and necessary by the Township Committee.
  6. Other public buildings of a governmental or cultural nature.
- D. **Accessory uses.** Accessory uses shall be the same as those permitted in the PV zone.

**5. Section 109-6 Terms Defined** shall be revised as follows:

**GENERAL DEVELOPMENT PLAN-** A comprehensive plan for the development of a planned development, as provided for in the Municipal Land Use Law (40:55D-45.1 through 45.8 and within this chapter at 109-30 and 109-48.

**6. Section 109-30 General Development Plan** shall be added as follows:

**A. Purpose and Applicability**

1. The purpose of this section is to permit and encourage the submission of conceptual general development plans that present a comprehensive plan for a proposed development. The general development plan is intended to prompt a holistic approach to site planning.
2. A developer of a parcel or parcels of land totaling more than 100 acres in size, for which the developer is seeking approval of a planned development may submit a general development plan to the planning board prior to the granting of preliminary approval of the development by the planning board.
3. The general development plan shall set forth the permitted number of dwelling units and the residential density, and the amount of nonresidential floor space for the proposed development in its entirety according to a schedule which sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the planning board notwithstanding any provision of P.L. 1975, c.291 (C. 40:55D-1 et seq.) or any ordinance or regulation adopted pursuant thereto after the effective date of the approval.
4. The general development plan shall be designed to promote and encourage the conservation of natural features and the efficient use of resources in subdivision and site design while remaining responsive to market demands for residential and nonresidential development. To the extent possible, a general development plan should be designed to reduce infrastructure and service costs over the long term and to provide a pedestrian friendly environment.

**B. Required submission items.** The general development submission shall include the following:

1. A general land use plan indicating the tract area and general location of land uses to be included in the planned development at a scale not smaller than one inch equals two hundred feet (1"=200'). The total number of proposed dwelling units and the amount of non-residential floor area to be provided and the proposed land area to be devoted to residential and nonresidential uses shall be set forth.
2. The proposed types of nonresidential uses to be included in the planned development shall be set forth and the land area to be occupied by each use shall be estimated, including the area to be devoted to parking for the proposed uses.
3. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development.

4. An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands. The open space plan should include a calculation of the total area that will be available for public or semi-public use, as well as the anticipated percentage of impervious surface.
  - a. The open space plan shall provide a minimum of 25% of the gross site area as open space. The recreation plan shall be shown with the open space plan, and consistent with the requirements of section 109-178.1. The recreation area shall be centrally located.
  - b. The open space plan shall include a minimum buffer of 50 feet to County roadways and a minimum of 50 feet to adjacent residential development.
  - c. The open space plan should be designed to create linkages between open lands and provide pedestrian access a minimum of 100 feet in width to open space areas.
5. A utility plan indicating the need for and showing the proposed location of sewer and water lines, and information regarding the available capacity for utility facilities. Additionally, proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities shall be included. If a homeowners association is anticipated, a draft of the HOA documents shall be submitted.
6. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site including low-impact development and bioremediation techniques.
7. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.
  - a. A natural resources inventory should be provided in a plan format that clearly delineates the following: topography at two foot intervals, slopes in excess of 15%, soil types, streams, wetlands, wetland and upland buffers, identification of trees including species and size, analysis of the quality of the wooded areas. The applicant should provide a descriptive explanation of how the proposed plan responds to the natural features of the site, providing evidence that the plan has been arranged with consideration for the protection and enhancement of the site's natural attributes.
8. A community facility plan indicating the scope and type of supporting community facilities which may include but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.
9. A housing plan outlining the number and type of housing units to be provided and the manner in which any affordable housing obligation will be fulfilled by the development.
10. A local service plan indicating those public services which the applicant proposes to provide and which may include but not be limited to, water, sewer, cable and solid waste disposal.

11. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality or the school districts as a result of the completion of the planned development. The fiscal impact report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided.
12. A proposed timing schedule for the phasing of the project if it is anticipated that the development will be completed over a number of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
13. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the development.

**C. Required Findings by the Planning Board.** Prior to approval of a general development plan the Planning Board shall make the following facts and conclusions.

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards that may be specific to a planned development or overlay zone ordinance.
2. That proposals for maintenance and conservation of the common open space are reliable, and that the amount, location and purpose of the common open space are adequate.
3. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
5. In the case of a proposed development, which contemplates construction over a period of years, the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
6. That the proposal is responsive to the natural features of the site and is designed in a manner that preserves valuable site characteristics identified in the environmental inventory.
7. That the proposal advances the principles of smart growth by providing opportunities for vehicular and pedestrian interconnectivity where feasible, by incorporating affordable housing units within the development when deemed appropriate by the Planning Board or in the Housing Element of the Master Plan, by encouraging the use of conservation or cluster design when practicable, and by safeguarding the character of existing stable neighborhoods.

#### **D. Approval Process and Duration**

1. The planning board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant.
2. The term of the effect of the general development plan approval shall be determined by the planning board using the guidelines set forth below, except that the term of the approval shall not exceed twenty (20) years from the day upon which the developer receives final approval of the first section of the planned development. In making its determination regarding the duration of the approval of the development plan, the planning board shall consider the following:
  - a. The number of dwelling units or amount of nonresidential floor area to be constructed
  - b. Prevailing economic conditions
  - c. The timing schedule to be followed and likelihood of its fulfillment
  - d. The developer's capability of completing the development
  - e. The contents of the general development plan and any conditions which the planning board attaches thereto
3. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the planning board. The planning board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing market and economic conditions, anticipated actual needs for residential units and non-residential space within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.
4. Except as provided hereunder, once a general development plan has been approved by the planning board, it may be amended or revised only upon application by the developer and approval of the planning board. The exceptions are listed below.
  - a. If a variation in land uses or increase in density or floor area ratio is proposed in response to a negative decision of, or a condition of development approval imposed by the Pinelands Commission or the N.J. Department of Environmental Protection, and there is a valid environmental reason for such decision, the variation shall be approved by the planning board if the developer can demonstrate to the satisfaction of the planning board that the variation being proposed is a direct result of a determination by the Pinelands Commission or the Department of Environmental Protection.
  - b. Planning Board approval is not required if the developer seeks to reduce the number of residential dwellings or reduce the amount of nonresidential floor space by no more than fifteen percent (15%) without otherwise violating the terms and conditions of the general development plan approval.

**E. Completion, Failure to Apply and Termination of Approval.**

1. In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the planning board, the municipality shall have cause to terminate the approval.
2. If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer by certified mail, and the developer shall have ten days within which to give evidence that he is fulfilling his obligation pursuant to the plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If after such hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.
3. In the event that a development which is the subject of a general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development.
7. All other provisions of chapter 109 of the Codified Ordinances of the Township of Jackson shall remain in full force and effect, except to the extent modified herein.
8. This Ordinance shall take effect immediately upon due passage and publication according to law and upon approval by the Pinelands Commission.

**NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Jackson, in the County of Ocean, State of New Jersey, held on March 13, 2006, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 27<sup>th</sup> day of March, 2006, at 7:30 P.M. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning this Ordinance.

Prior to the second reading, a copy of this Ordinance shall be posted on the Bulletin Board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

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ANN MARIE EDEN,  
TOWNSHIP CLERK