

ORDINANCE NO.: 2017-52

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVIII, ENTITLED "UNIFIED DEVELOPMENT ORDINANCE", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD TO IMPLEMENT THE 2017 LAKEWOOD TOWNSHIP MASTER PLAN BY CREATING AND ADOPTING STANDARDS FOR THE PLANNED DEVELOPMENT NONCONTIGUOUS CLUSTER (PDNC) OVERLAY ZONE

WHEREAS the Lakewood Township Planning Board considered the adoption of a new master plan, entitled the "2017 Lakewood Township Master Plan", at public hearings on: September 5, 2017; September 6, 2017; September 12, 2017; September 13, 2017; October 3, 2017; and, October 25, 2017.

WHEREAS the Lakewood Township Planning Board adopted the 2017 Lakewood Township Master Plan on October 25, 2017.

WHEREAS the Land Use Element of the 2017 Lakewood Township Master Plan contained specific recommendations to amend Chapter XVIII, entitled "Unified Development Ordinance", of the revised general ordinances of Lakewood Township by: establishing a noncontiguous cluster planned development overlay; and, adopting a noncontiguous cluster ordinance.

WHEREAS Ordinance No. 2017-51 established the Planned Development Noncontiguous Cluster (PDNC) Overlay Zone in Chapter XVIII, entitled "Unified Development Ordinance", of the revised general ordinances of Lakewood Township.

WHEREAS this ordinance contains development standards and noncontiguous cluster provisions for the Planned Development Noncontiguous Cluster (PDNC) Overlay Zone.

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. New Section 18-904.1 of the Lakewood Township Code, entitled "Planned Development Noncontiguous Cluster (PDNC) Overlay Zone" is hereby added as follows:

- A. Planned Development Noncontiguous Cluster (PDNC) Overlay Zone
 - 1. Purpose: The purpose of the Planned Development Noncontiguous Cluster (PDNC) Overlay Zone is to facilitate smart growth by promoting

development with a compact footprint while simultaneously facilitating the permanent preservation of the most ecologically important areas and valuable forested areas of the municipality.

2. Location: The specific area of the Planned Development Noncontiguous Cluster (PDNC) Overlay Zone is depicted in Attachment 1.
3. Use and Bulk Requirements: The use and bulk requirements of the underlying zone districts shall apply.
4. Tree Save Requirements:
 - a. The requirements of N.J.A.C. 7:7-13.4, N.J.A.C. 7:7-13.14, and N.J.A.C. 7:7-13.18, as applicable, shall apply.
 - b. These requirements may be met through the noncontiguous cluster provisions of Section 18-904.1(A)5, below.
5. Noncontiguous Cluster Provisions:
 - a. Applicability: These provisions shall become an applicable option when both of the following conditions are met:
 - (1) The ~~scale of~~ development triggers the tree save requirements that have been cited in Section 18-904.1(A)4, above; and,
 - (2) The development qualifies as a planned development, subdivision, or site plan as defined in Section 18-200.
 - b. Development and Preservation Areas: Areas for development and preservation are depicted in Attachment 2. Areas for development are the "Schedule B" areas that are depicted in Attachment 2 and listed in Attachment 3. Areas for preservation are the "Schedule A" areas that are depicted in Attachment 2 and listed in Attachment 4.
 - c. No Increased Density: Use of these provisions shall not result in density bonuses or similar bonuses. The minimum lot size requirements of the underlying zone district in which the

“Schedule B” portions of the development tract are located shall apply, and the maximum development yield shall be based solely on the “Schedule B” portions of the development tract. However, the area that is required to meet tree save requirements does not reduce the development capacity of the “Schedule B” portions of the development tract, because said area is provided in the “Schedule A” portions of the development tract.

d. Requirements:

- (1) Development Requirements: All development shall be designed and constructed in accordance with the standards of the underlying zone districts.
- (2) Development Location: All development shall be located in the area designated as “Schedule B” in Attachment 2 and listed in Attachment 3.
- (3) Preservation Area Size: The size of the preservation area shall be determined by the requirements provided at N.J.A.C. 7:7-13.4, N.J.A.C. 7:7-13.14, and N.J.A.C. 7:7-13.18, as applicable.
- (4) Preservation Area Location: The preservation area shall be located in an area designated as “Schedule A” in Attachment 2 and listed in Attachment 4.
- (5) Preservation Required:
 - (a) Upon approval of the noncontiguous development, the preservation area shall be permanently preserved by conservation restriction.
 - (b) The form of conservation restriction shall conform with current practice and standards of the New Jersey Department of Environmental Protection.

e. Additional Application Requirements: In addition to the application submission requirements that are outlined in other applicable sections of Chapter XVIII of the Unified Development

Ordinance, the following additional application submission requirements shall apply:

- (1) Boundary survey of all parcels for preservation.
 - (2) Proof of agreement between the owners of all properties in the noncontiguous cluster development, if applicable.
 - (3) Draft or previously established conservation restriction.
 - (4) Deed of all parcels for preservation.
 - (5) Demonstration of full compliance with N.J.A.C. 7:7-13.4, N.J.A.C. 7:7-13.14, and N.J.A.C. 7:7-13.18, as applicable.
- f. Standards for Approval by Planning Board
- (1) The Planning Board shall find that:
 - (a) One or more parcels are designated for preservation.
 - (b) Parcels for preservation are located in an area that is designated as "Schedule A" in Attachment 2 and listed in Attachment 4.
 - (c) The parcels for preservation are available for use by the applicant for use in a noncontiguous cluster development application.
 - (d) One or more parcels are designated for development.
 - (e) Parcels for development are located in an area designated as "Schedule B" in Attachment 2 and listed in Attachment 3.
 - (f) The goals and objectives of the 2017 Lakewood Township Master Plan are promoted.

- (g) The parcels for preservation are suitable for meeting the tree save requirements of N.J.A.C. 7:7-13.4, N.J.A.C. 7:7-13.14, and N.J.A.C. 7:7-13.18, as applicable.

SECTION 2. The following definitions in existing Section 18-200, entitled “Definitions of Terms” are hereby amended as follows (new text is **bold and underlined**; text to be deleted is **~~bold and stricken through~~**):

Planned Development: ~~A Planned Unit Development (PUD), Planned Unit Residential Development or residential cluster, or Planned Commercial Development as those terms are defined in N.J.S.A. 40:55D-6 of the Municipal Land Use Law, but only to the extent not inconsistent with the provisions of this chapter.~~ **A planned development is a planned unit development, planned unit residential development, contiguous cluster or noncontiguous cluster, planned commercial development or planned industrial development.**

Planned Industrial Development: ~~An area of minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.~~ **A planned industrial development is an area of minimum contiguous or noncontiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.**

SECTION 3. Existing Section 18-200 is hereby amended to include the following additional definitions:

Contiguous Cluster: A contiguous area to be developed as a single entity according to a plan containing a section or sections to be developed for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the section or sections under conventional development, in exchange for the permanent preservation of another section or other sections of the area as common or public open space, or for historic or agricultural purposes, or a combination thereof.

Noncontiguous Cluster: Noncontiguous areas to be developed as a single entity according to a plan containing an area, or a section or sections thereof, to be developed

for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the area, section, or sections, under conventional development, in exchange for the permanent preservation of another area, or a section or sections thereof, as common or public open space, or for historic or agricultural purposes, or a combination thereof.

Planned Commercial Development: An area of a minimum contiguous or noncontiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

Planned Unit Development: An area with a specified minimum contiguous or noncontiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more contiguous clusters or noncontiguous clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

Planned Unit Residential Development: An area with a specified minimum contiguous or noncontiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more contiguous clusters or noncontiguous clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

SECTION 4. All ordinances or parts of ordinances that are found to be inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, paragraph, sentence or any part hereof is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgement shall have been rendered.

SECTION 6. A copy of this Ordinance must be transmitted to the Ocean County Planning Board upon final passage.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **8th day of November 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 7, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.


Kathryn Hutchinson, RMC
Township Clerk

[ATTACHMENT 1 — SHOWS PDNC W/O SCHEDULE A AND SCHEDULE B]
[ATTACHMENT 2 — SHOWS PDNC W/ SCHEDULE A AND SCHEDULE B]