

Memorandum

ABS 046.02

DATE: July 7, 2007

TO: ABSECON CITY PLANNING BOARD

FROM: Robert L. Reid, AICP, PP, Board Planner

SUBJECT: **Proposed Age-Restricted Overlay on the HD 1* Highway Development District (*AKA – HD Highway Development district in Article XIV)**

Introduction

The HD-1 District is situated along US Route 30, bounded by the railroad, the City of Pleasantville boundary line and coastal wetlands with a 240 degree scenic vista of the adjoining open coastal wetlands and the Atlantic City skyline. The existing HD-1 Highway Development District area consists of a number of antiquated motels, a drive-in theater that has been closed for over 20 years, vacant land, and a bus parking lot. This area also includes a newly constructed Home Depot and Staples retail store. The previous owners of the Home Depot and Staples site tried for many years to develop a 100 unit hotel sites, without any success. Even with the hotel developer being able to qualify for a state liquor license to go along with a 100-room hotel there were no takers. The previous owner for years believed that with the zoning permitting building heights to elevation 70, close proximity to Atlantic City and view of the Atlantic City skyline, hotels as high as 6 stories would be developed. The hotel developers never materialized. Research of the Atlantic City hotel market did provide answers. Most of Atlantic City's casino patrons are still day-trippers. Casino Hotels such as the Borgata has increased overnight stays but not enough to justify more non-casino hotel development. Most of the overnight market is "comped" rooms for the high-rollers and other frequent patrons in the casino hotels. A non-casino hotel requires at least 65% occupancy to maintain its operation. The Sheraton Convention Hotel at the base of the Atlantic City Expressway just makes it to the 65% level of occupancy. Many other non-casino hotels just fall short of the needed minimum occupancy. Because of this there has been little non-casino hotel development has seen in adjoining Atlantic City and Absecon.

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Absecon City, like many other communities desire to reduce tax burden on the residents by increasing commercial rateables to help offset rising education costs. Commercial developers look for sustainable markets to feed the commercial establishments. Commercial developers always look for density. They count roof-tops within a close proximity of the commercial area. Without adequate densities commercial developers cannot finance their projects and will not attempt such an investment.

Absecon desires to generate economic growth locally to encourage more commercial development along the White Horse Pike corridor and Absecon's downtown main street, New Jersey Avenue. Permitting age-restricted housing will add much needed ratables without the burden of the education expenses, add more people to encourage more commercial growth and allow for the reuse and redevelopment of existing vacant lands, the under utilized and antiquated old motels and drive-in theater site.

The proposed Age-Restricted Overlay District is similar to the current Absecon Developmental Ordinance § 224-242B which permits age-restricted independent living facilities, assisted living facilities, medical facilities, adult day care, congregate senior residences, adult retirement communities and such accessory uses that are customary and incidental to the principal uses.

The proposed Age-Restricted Overlay ordinance includes applicable setback requirements and buffering requirements for adequate screening of residential uses from the White Horse Pike and permitted commercial uses in the HD Highway Development District (Absecon Developmental Ordinance § 224-83). The proposed ordinance includes building height as permitted by the Absecon Land Development Ordinance, § 224-84. A permitted building height up to six stories allows the residents to enjoy the open vista looking out over the coastal wetlands and bay towards the Atlantic City skyline.

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The following proposed Age-Restricted Citizen Housing Overlay District ordinance is offered for review and comment.

ORDINANCE NO. _____ OF 2007

**AN ORDINANCE AMENDING CHAPTER 224, ABSECON DEVELOPMENTAL
ORDINANCE AND THE ZONING MAP CREATING
- AGE-RESTRICTED HOUSING OVERLAY DISTRICT (ARTICLE XXXII)**

WHEREAS, the Absecon City Planning Board adopted a Master Plan Reexamination Report and Master Plan Update on May 23, 2006; and

WHEREAS, the Master Plan Reexamination Report and Master Plan Update recommended creating An Age-Restricted Housing Overlay District (Article XXXII) zoning overlay district in the HD 1* Highway Development District (*AKA – HD Highway Development district in Article XIV) along US Highway Route 30 southeast of Illinois Avenue.

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:

§ 224-252 Intent.

- A. Intent. The intent of the Age-Restricted Housing Overlay District is to permit a residential community designed for active 55 year old and older individuals which contains independent living residential dwelling units, neighborhood commercial uses, nursing facilities, assisted living facilities, health spas, wellness centers, medical facilities, active and passive recreation open space, as well as a community center for social and cultural activities.
- B. Regulations in district. The use, height and area regulations of § 224-254 to § 224 - 255 inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and the general regulations of Article XVIII are the regulations in the Age-Restricted Housing Overlay District .

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§ 224-253 District Location

The following properties in the HD-1 Highway Development District are included in the Age-Restricted Housing Overlay District age-restricted overlay district:

Block 224, Lots 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,22, 23, 24, 25,26.

Block 225, Lot 1.

(See plan entitled "Absecon City Zoning Map", prepared by Robert L. Reid, AICP, PP, dated May 4, 2007 on file at the City Clerk's Office and Planning Board Office)

§ 224-254 Permitted uses.

Age-Restricted Housing Overlay District may include the following principal use:

- A. Age-restricted independent living dwelling units in multi-story multi-unit buildings as principal structures.
- B. Age-restricted independent living dwelling units in multi-story multi-unit buildings with attached ground level parking garages and commercial uses as one principal structure.
- C. Age-restricted independent living dwelling units in townhouse units.
- D. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall include but not be limited to:

Assisted Living Facilities; Nursing Facilities; Medical Facilities; Adult Day Care Facilities; Child daycare for the convenience of employees; Healthcare / Wellness Centers; Health Spas; Active Indoor & Outdoor Recreation; Open Space; restaurants, coffee shops, gift shops, barber shops, beauty salons, gatehouses, detached garages, carports, guardhouses and storage facilities for maintenance and equipment; recreational structures;

The Assisted Living and Nursing Facilities are permitted provided the residents can contract for a lifetime or lesser duration use of a unit and may receive healthcare, including but not limited to food services; housekeeping, maintenance, utilities and the use of recreational facilities. Healthcare / wellness facilities, food service and the use of recreational facilities may also be offered on a contract basis to nonresidents of the on-site facilities. Access to on-site commercial uses shall also be opened to the public.

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§ 224-255 Bulk and Area Requirements.

- | | | |
|------|------------------------------|---|
| A | Minimum Lot Area: | 2 Acres |
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| B | Maximum Impervious Coverage: | 80% with the inclusion of affordable housing;
60% without affordable housing |
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 | | |
| C | Minimum Front Yard Setback: | 50' with the inclusion of affordable housing;
75' without affordable housing |
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 | | |
| D | Minimum Side Yard Setback: | 35', (70' window wall to window wall) with the
inclusion of affordable housing;
50' (100' window wall to window wall) Side
Yard without affordable housing |
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| E | Minimum Rear Yard Setback: | 50', (60' window wall to window wall) with the
inclusion of affordable housing;
75' (80' window wall to window wall) Side Yard
without affordable housing. |
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 | | |
| F | Maximum Building Height: | 65' or six (6) stories with the inclusion of
affordable housing;
55' (5) stories without affordable housing. |

Setback Exceptions with the
inclusion of affordable housing

**Setbacks adjoining railroad right of way
exception** - Setbacks may be reduced by the
Planning Board at the time of Site Plan review
to a minimum of 35' provided the building is a
minimum of 125' from the centerline of the
existing railroad tracks.

**Setbacks adjoining State regulated
wetlands exception** – Setbacks may be
reduced to a minimum of 20' from the side or
rear property line by the Planning Board at the
time of Site Plan review provided the property
line adjoins a property with State regulated
wetlands with a minimum 50' buffer and as a
result no other development can be proposed
on the adjoining lot.

G Lot Width

200 ft min.

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- H. Buffer Strip is required along all side and rear lot lines that adjoin an existing use. The purpose of this buffer is to screen the view of automobiles and parking areas, reduce noise and the glare of the automobile headlights. The buffer strip adjoining parking areas shall be at least 25 ft. in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may grant a reduction in the 25' wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.
- I. Parking space perimeter setback: 25 ft. min. from property lines.
- J. Pedestrian circulation and vehicle circulation: subject to Planning Board review.
- K. Permitted density: The permitted by-right density shall not exceed twelve (12) dwelling units per acre without the inclusion of affordable housing. With the inclusion of affordable housing, there is no limit to permitted density for nursing facilities, assisted living facilities or independent living residential units. Independent living units are for 55 year old or older individuals only and shall not exceed three bedrooms per unit. The intensity of the site is controlled by the site coverage, setbacks and building height requirements of this section. The inclusion of one affordable housing unit for each eight market rate units shall be provided or the developer may make a contribution in lieu of the construction of the affordable housing units in accordance with the Absecon Affordable Housing Ordinance.
- L. Physical characteristics of buildings. A maximum length of 150 feet per freestanding building shall be permitted. A maximum building length may be extended by the Planning Board provided building façade includes offsets of at least 10' along with the inclusion of affordable housing.

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A maximum of three such 150 foot maximum length buildings may be attached, provided that an angle of at least 30 degrees exists between adjacent buildings. However, there can be no continuous roofline or continuous front, and/or rear building line of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section. Buildings connected by open walkways may be considered separate buildings for the purposes of Subsection N dealing with space between buildings.

- M. Bedroom content. The applicant shall furnish as part of the project submittal data indicating the proposed mix of bedrooms of structures included within the development. Independent living units shall not exceed three bedrooms.
- N. Space between buildings. No building shall be closer than 30 feet to any other building (windowless wall to windowless wall), 60' window wall to window wall.
- O. Floor area of independent living residential units. A studio-efficiency type unit shall contain not less than 600 square feet; one-bedroom design, shall contain not less than 700 square feet; a unit with two bedrooms shall contain not less than 850 square feet and a unit with three bedrooms shall contain not less than 1,100 square feet..
- P. Social and recreational facilities shall reflect, insofar as possible, preferences of the anticipated residents. Indoor facilities shall include hobby or craft facilities, lounging areas which may also be used for meetings and group activities, card rooms, lavatories and a swimming pool, or similar facilities. Outdoor facilities shall include walks, shuffleboard and horseshoe courts, or similar facilities.
- Q. The architectural design of all buildings and the site location and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of active 55 year old and older persons for privacy, participating in social community activities and access to community activities. The architectural design as aforesaid shall be a matter of review by the Planning Board, and failure to comply or provide for the criteria as aforesaid without good and sufficient cause or without proposing acceptable alternatives may be a reason for denial. The use of natural materials, such as wood, brick or stone, is encouraged.

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- R. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

§ 224-256 Design Standards

Design standards shall conform to Article XXII of the Absecon Developmental Ordinance (where applicable).

§ 224-257 Landscaping and Buffers

Landscaping shall conform to § 224-78 and § 224-129. Buffers shall conform to § 224-255H.

§ 224-258 Parking

Parking requirements-Guidelines offered for provided parking are as follows:

Minimum Spaces Recommended

Independent Living Unit:

Three bedroom	2/unit
Two bedroom	2/unit
One bedroom	1.3/unit
Efficiency or Studio	1/unit
Nursing Bed:	0.3/bed
Assisted Living Bed:	0.3/bed

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In addition to the parking requirements listed above, 0.5 parking space shall be provided for each employee in the peak shift.

The actual parking need shall be determined by the number of employees intended to occupy the facility and the number of residents anticipated to occupy the units at peak periods. It is the obligation of the applicant to demonstrate to the planning board the actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. The parking generation study shall include all accessory uses proposed at the site in addition to the age-restricted independent living structure(s) as the principal use. The parking generation study shall include a time schedule matrix of anticipated activities, events in the principal use and the accessory uses that will share on-site parking. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other professional associations will be considered. If a parking generation study is not provided, the applicant must comply with the parking requirements in §224-128.

The Planning Board may consider permitting a 20% reduction in required parking, provided an area is reserved for expansion in the event the parking is determined to be necessary by the applicant or the Planning Board at a future date. If the additional parking is pre-engineered and reviewed by the Planning Board and the Planning Board's professionals at the time the original approval is granted, the additional parking can be constructed at the time the original approval is granted, or the additional parking can be constructed by the applicant at their discretion without returning to the Planning Board. The applicant must inform the Planning Board and the City Engineer in writing and post an inspection escrow prior to the actual construction of the parking area occurs.

The New Jersey Residential Site Improvement Standards (RSIS) parking requirements apply to all proposed residential uses. Parking generation can include a shared parking arrangement for accessory uses. In the case were the applicant demonstrates that a reduction in parking is warranted, the planning board will support an application to NJ DCA for a waiver from the parking RSIS parking requirements.

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§ 224-259 Lighting.

Lighting shall conform to § 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

§ 224-260 Public Notice.

Public Notice shall be required in accordance with NJSA 40:55D-12.

§ 224-261 General Provisions.

For general provisions refer to § 224-154.

§ 224-262. INCONSISTENCY

Any part of parts of any Ordinances which are found to be inconsistent with this Ordinance shall be deemed to have been repealed to the extent of such inconsistency.

§ 224-263. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication according to law and the filing of same with the County Planning Board in accordance with N.J.S.A. 40:55D

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NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed the first reading at a meeting of the City Council of the City of Absecon City, County of Atlantic and State of New Jersey, held on _____, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 500 Mill Road, Absecon, New Jersey 08201, on _____, at 7:30 p.m. or as soon thereafter as the matter may be reached.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON

Approved: _____
Peter C. Elco, Mayor

Attest: _____
Carie A. Crone, Acting Municipal Clerk

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