



Robert L. Reid, AICP, PP

Professional Planner

www.abseconplanner.com

e-mail: abseconplanner@comcast.net

366 Upland Avenue, Absecon NJ 08201

609-652-3049

cell 609-289-6424

Memorandum

ABS 046.16

Dated: July 20, 2007

To: Absecon Planning Board, Master Plan Committee

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

Re: Proposed Amendment to §224-5, Definitions

Introduction

The Absecon City Planning Board adopted a Master Plan Reexamination Report and Master Plan Update on May 23, 2006. The Master Plan Reexamination Report and Master Plan Update recommended numerous changes to the Absecon Developmental Ordinance and Absecon City Zoning Map.

The following proposed Ordinance to amend the definitions portion of the Absecon Developmental Ordinance to include new definitions of terms created as the result of numerous zone changes.

This ordinance was composed based on discussions with the Planning Board Master Plan Committee members, Planning Board members at numerous meetings while preparing the 2005 Reexamination of the Master Plan. At those meetings we discussed components of the Reexamination Report and the proposed ordinance. This proposed ordinance is consistent with and the 2005 Reexamination Report of the Master Plan.

Upon review and approval by the Planning Board the following proposed ordinance should be referred to City Council with findings that it is consistent with the Master Plan and recommend it be adopted.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

NJSA 40:55D-26a states (in part) that prior to the adoption of a development regulation, or amendment thereto, the Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identifications of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. Because this proposal originated at the Planning Board and the proposal is consistent with the Master Plan and this proposal is being referred to City Council with the statement that it is consistent with the Master Plan, the City Council does not need to refer it back to the Planning Board prior to final adoption.

ORDINANCE NO. ____ OF 2007

**AN ORDINANCE AMENDING §224-5, DEFINITIONS IN THE
DEVELOPMENTAL ORDINANCE OF THE CITY OF ABSECON**

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 to include new definitions of terms created as the result of numerous zone changes.

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 is hereby amended as follows:

The following definitions of terms shall be added to § 224-5 of the Absecon Developmental Ordinance.

Any duplication of terms in §224-5 at the time of adoption of this ordinance are hereby replaced by the definition in this ordinance.

Absecon Train Station Area Overlay - Means the area described in Ordinance _____ (Article XXXIII) the Absecon Train Station Area Overlay.

Accessory Building Setback – Means a setback for a structure that is subordinate in size and intensity of use to the principal use on the subject property and is behind the front yard setback of the principal structure.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Accessory Use – Means a structure and / or use customarily incidental to the principal structure and/or use; a structure and/or use that is subordinate in size and intensity of use to the principal use on the subject property; includes gatehouses, detached garages, carports, guardhouses and storage facilities for maintenance and equipment; pools, sheds, or similar structures.

Act - Means the Fair Housing Act of 1985, P.L. 1985, c.222 (N.J.S.A. 52:27D-301 et seq.).

Active Indoor & Outdoor Recreation - Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Adult Day Care – Means a facility that offers daily organized social and recreational activities, transportation services, meals, and other support services appropriate for senior citizens.

Affordable - Means a sales price or rent within the means of a low or moderate income household as defined in N.J.A.C. 5:94-7.

Affordable Housing Activities - means affordable housing units, site improvements associated with and in support of affordable housing units such as parking, pedestrian walks, pedestrian bridges, site lighting, site landscaping, street furniture, common open space, etc.

Affordable Housing Unit - Means Low Income Housing or Moderate Income Housing.

Assisted Living Facility – Means residences for frail elderly that provide rooms/beds, meals, personal care, and supervision of self-administered medication. Other services, such as recreation activities, financial services, and transportation.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Buffer - Means open space, landscaped area with fences, walls, berms, or any combination thereof used to physically separate or screen one use property from another so as to visually shield or block noise, lights or other nuisances.

Building, Height of – Means the vertical distance measured from the average elevation of finished grade surrounding the building to the highest point of the coping of a flat roof or the deckline of a mansard roof or the average height of the highest principal gable of a pitch or hip roof. In no case will the ridge line of a principal gable or hip roof exceed 10' above the maximum permitted building height.

Child Care Center / Child daycare – Means an establishment providing for the care, supervision, and protection of children licensed by the NJ Department of Human Services pursuant to P.L. 1983, c. 492 (C.30:5B-1 et seq.).

COAH - Means the New Jersey Council on Affordable Housing.

Congregate Senior Residences – Means apartments and dwellings for the elderly that provide communal dining facilities and services, such as housekeeping, organized social and recreation activities, transportation services, and other support services appropriate for the senior residences.

Contributions - Means money paid by an individual, person, partnership, association, company or corporation in lieu of constructing affordable housing and affordable housing activities in the Absecon Train Station Area Overlay.

Developer - Means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Development - Means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

Drip Line – Means an imaginary line that defines the limits of the tree canopy which location is determined by extending the tree canopy to the ground.

Extended Care Facility – Means a long-term facility licensed or approved by the state as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Family Day Care Home - Means the private residence of a family day care provider which is registered as a family day care home pursuant to the Family Day Care Provider Registration Act.

Gross Floor Area - Means the areas of all floors as measured at the exterior walls including the basement and attic space having a vertical clearance of 7' 6" or more.

Gross Leasable Floor Area - Means the area of floor exclusive of stairwells, elevators, common halls, common foyer, common maintenance areas, exterior walls, interior walls and similar areas.

Health Club / Spa – Means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, lockers, pro shop, instruction programs, aerobic classes, weight control programs and similar activities.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Historic District – Means one or more historic sites and intervening or surrounding property in Absecon City that has been designated as a Historic District by the New Jersey State Historic Preservation Office.

Historic Site – Means any real property, man-made structure, natural object or configuration or place of outstanding historical, archeological, cultural significance, scenic or architectural significance and designated as such by the State of New Jersey or the federal government.

Housing Trust Fund - Means the interest bearing account in which all development fees will be deposited pursuant to N.J.A.C. 5:93-8.15.

Inclusionary Development - Means a development containing low and moderate income units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to a residential structure and the creation of low and moderate income units through gut rehabilitation of a vacant residential structure.

Independent Living Facility, Adult Retirement Community - Means an age-restricted planned development that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation. Communal dining may be provided.

Intermediate Care Facility – Means a facility that provides personal care (including: dressing, eating, and health-related care and services) on a regular basis, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility would provide.

Low Income - Means 50 percent or less of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD) Section 8 Income Limits (uncapped) averaged across counties for COAH's housing region.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Low Income Housing - Means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

Market Rate Units - Means housing not restricted to low- and moderate-income households that may sell at any price determined by a willing seller and a willing buyer.

Medical Facilities - Means a facility that contains establishments dispensing health services.

Mid-Rise – Means a residential building, 4 to 6 stories in height.

Mixed Use Development – Means a combination of residential and commercial uses on the same parcel of land.

Moderate Income - means more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD's) Section 8 Income Limits (uncapped) averaged across counties for COAH's housing regions.

Moderate Income Housing - Means housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

Multi-Family Dwelling – Means a residential use / building with three or more individual dwelling units.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Nursing Facility, Nursing Home, Long-Term Care Facility - Means An institution that is licensed or approved by the state to provide health care under medical supervision for 24 or more consecutive hours.

Parking Generation Matrix – Means a table that includes an average sample week and a peak schedule of anticipated events, hours of operation, anticipated site / building occupancy and anticipated parking generation for each day divided into hours for each resident (If applicable), each employee and/or visitor / patron / client / customer / patient for each shift.

Parking Requirements, Residential - Means requirements for parking as required by the New Jersey Residential Site Improvement Standards (RSIS).

Parking Space - Means a space which, exclusive of driveways and turning areas, is 9' wide x 18' long with the exception of required ADA parking spaces and parking for retail uses. See term "Parking Space, retail". If a parking space is in enclosed garage the minimum size is 10' wide x 19' long. All parking spaces will be paved and have individual spaces marked and will be so designated, maintained and regulated that no parking space, backing onto or other maneuvering incidental to parking will be on any public street, walk or alley and so that any vehicle will be moved without moving another.

Parking Space, retail – Means a paved parking space for retail uses with a minimum of 50% - 10' wide x 18' long in size nearest the patron entrance. The remainder of parking spaces may be reduced to 9' wide x 18' long with exception of required ADA parking spaces. Also see term "Parking Space".

Parking Space, other – Means a paved parking space for other than retail uses - 9' x 18' with the exception of required ADA parking spaces. Also see term "Parking Space" and "Parking Space, retail".

Pedestrian oriented uses – Means any retail or service establishment that encourages pedestrian activity. Example: small retail shops,

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Vehicle oriented uses – Means any retail or service establishment that encourages vehicle activity or use. Example: car wash, auto repair and maintenance, gasoline stations, service stations, furniture stores, appliance stores, storage facilities, distribution centers, delivery services, large box retail stores, and similar uses.

Setback – Means the distance between the building and any lot line.

Service Establishments – Means any business establishment that provides a service to the public with retail as customarily incidental accessory activity such as: locksmith, computer repair, restaurants, coffee shops, barber shops, beauty salons, dry cleaner, shoe repair, nail salon, pet grooming, veterinary office, tanning salon, tailoring, photographic studio, and similar type uses

Story - Means the portion of a building included between the surface of the floor and the surface of the next floor above it, including basements, ground level parking garages and attic area with at least 40% of the floor area with 8' or higher ceiling. A habitable space at least 8' height from the floor to ceiling for commercial and residential uses, 7' minimum height from floor to ceiling for parking garages for passenger automobiles only.

Story, Half - Means a second floor level or higher that consists of a steep slope gable roof with or without dormers.

Tree Protection – Means measures taken to protect existing trees from removal or damage during the site design process and / or during construction. Standard pre-construction design measures include site / building layout and configuration, and site grading to design around existing trees. Measures taken at the time of construction, such as temporary fencing and / or tree wells at the drip line and similar measures are implemented.

ORDINANCE NO. ____ OF 2007
DEFINITIONS ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.16

July 20, 2007

Wellness Center / Health Center – Means a complete medical /fitness health facility with therapeutic and psychological welling programs. A facility that can provide holistic approach to health that addresses every aspect of wellbeing. Such a facility can include many services. The following services are considered customary and incidental:

Acupuncture; Anti-aging Aquatics; Chiropractic Disease management programs; Executive physicals and wellness screenings; Exercise and fitness training; Massage therapy; Mind/spirit classes; Nutrition; Orthopedic medicine; Personal training; Physical therapy; Preventive imaging; Spa services; Travel immunizations; Vein treatments; and similar uses.

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

C:\Absecon Ordinances\2007 07 20 Definitions.doc