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Memorandum

ABS 046.01

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to expand the SPB/PK District
(Portion of R 2 District to be changed to SPB / PK District).**

Introduction

In 1999 the Planning Board performed the re-examination of the 1993 Master Plan and expressed concern regarding the potential for increased enrollment into our school system and climbing real estate assessments to fund the rising costs. The recommendations to rezone existing residential districts to allow for the expansion of Pitney Park, the rezoning of Memorial Park to commercial and the aged restricted overlay zones all have helped to a small extent. Historically Absecon has sold land to offset future expenses. These lands eventually became single-family homes and generated school age children. Historically tax assessments on the single-family homes cannot offset the cost to educate each child. The sale of city owned land realizes only a short-term financial gain.

According to the Absecon City Construction Office, since the 1999 Master Plan review, approximately 338 new residential units have been built along with 6 commercial units. Of the new residential units, approximately 103 were single family homes, 93 were hotel units and 142 were condo apartments. In 2005 alone we have seen 43 additional hotel units on the White Horse Pike, 22 age restricted units at the Woodlands on Pitney Road, another 26 condo apartments at Oyster Bay and a number of single family dwellings on infill lots.

In addition to the above, three age restricted housing projects have received approvals. Stoneybrook – 269 units, Beazer Homes – 125 units and Absecon Seniors - 87 unit project on New Jersey Avenue at the former Marsh School site. This will result in approximately 481 additional units. This could translate into an approximate increase in population of over 1,000 new residents in the near future.

Of the approximately 7.25 square miles in Absecon only approximately 3.2 square miles of area is uplands with a population of over 7,600 residents (2000 Census 7,638). Of the 3.2 square miles of uplands, approximately 2 square miles of uplands (or approximately 63%) are zoned residential, approximately 0.86 square miles of uplands (or approximately 27%) are zoned commercial / industrial and approximately 0.31 square miles of uplands (or approximately 10% of the upland areas or approximately 4.3% of the total municipality) is zoned Park / School Public Buildings.

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According to the Absecon Tax Office there are 3,030 residential units, which does not include the above additional 481 units. This is up from the approximate 2,800 residential units from the 1999 reexamination.

According to the New Jersey State Development and Redevelopment Plan, *"Nearly a million more people will call New Jersey home by the year 2020. And over 800,000 more people will work in the state by the year 2020."*

In 2004, the Mayor assembled the "Vacant Land Committee" which consisted of a group of municipal officials, which included City Council members, School Officials, Board of Education members, municipal and planning board professionals. The group met through April and May of 2004. Their charge was to examine vacant land in the city and to study the impact on the city and school system if the city property was to be sold. The concluding committee recommendations stated :*"Limiting the sale of the land will keep property values high. Limiting use of the land through zoning can limit potential increase in school enrollment."*

It's true that "they are not making any more land". The Master Plan recommends that remaining lands be banked for our future. The demand for housing in Absecon will increase while the supply will hold. Absecon is known for its great school system. The region knows about our dedicated civil minded volunteer organizations and our Dr. J. Pitney Recreation Park. This can only increase the value of each home in Absecon.

City owned vacant lands consist of approximately 104 acres **(or 2.2% of the total lands in Absecon)**. City owned vacant lands includes numerous undersize infill lots through-out Absecon. This area also includes larger contiguous parcels adjacent to Pitney Park and in the northwestern portion of Absecon in the R 2 Residential District.

It should be noted that of the 440 acres of City owned lands, **approximately 49% of the City owned lands are State regulated wetlands**. City Parks and Public Buildings represent approximately 27% of the City owned lands, while approximately 24% of City owned lands are still vacant **(or just over 2% of the total lands in Absecon)**.

The population in Absecon will continue to increase. It is the future of Absecon that must be addressed. We foresee a need for additional open space within the existing residential districts within reasonable walking and / or biking distances from the neighborhoods. The expansion of the bike path system, community pool and recreation center, skate board park, street hockey, outdoor basketball courts, etc. all can be accommodated in the future on lands that we set aside now.

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The following proposed Ordinance to Expand the SPB/PK District is submitted for review and comment. 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.

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 2006
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Robert L. Reid, AICP, PP

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ORDINANCE NO. ____ OF 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO EXPAND THE SCHOOL AND PUBLIC
BUILDINGS (SPB) DISTRICT AND THE PARK (PK) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following properties are to be changed from R 2 District to SPB / PK.

Block 1.01, Lots 23, 24, 28.

Block 2, Lots 1.01, 1.02, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 3, 4, 12, 13,
13.01, 13.02, 13.03.

Block 5, Lots 20, 21, 22, 23.01, 23.02.

Block 6, Lots 1, 2.

Block 26, Lots 1, 2.01, 2.02, 3, 4, 5, 6, 7, 8, 9, 10, 11.

Block 27, Lot 1.

Block 28, Lots 1, 2.

Block 29.01, Lots 1, 2.

Block 62, Portion Lot 1.

Block 63, Lot 1.

Block 64, Lots 1, 2, 3, 4.

Block 71, Lots 2, 5, 7, 18.

Block 297, Lot 23

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

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SECTION 2.

The existing privately owned single family homes and privately owned vacant parcels within the zone change area at the time of the adoption of this ordinance will retain their rights to develop their properties in accordance with permitted uses and bulk and area requirements of the existing R 2 District without the requirement the seek relief from the Zoning Board of Adjustment.

SECTION 3.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance will take effect upon final passage and publication as required by law.

Memorandum

ABS 046.02

DATE: November 11, 2006

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.

ORDONANCE NO. ____ OF 2006

ARTICLE XXXII

Age-Restricted Housing Overlay District

§ 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 social and cultural facilities.
- 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 .

§ 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 Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file at the City Clerk's Office)

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§ 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.
- B. Age-restricted independent living dwelling units in multi-story multi-unit buildings with ground level parking garages and commercial uses.
- 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; Social and Cultural 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, garages, carports, guardhouses and storage facilities for maintenance and equipment; social and cultural; 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 social, recreational, and cultural facilities.

Healthcare / wellness facilities, food service and the use of recreational, social and cultural facilities may also be offered on a contract basis to nonresidents of the on-site facilities. Access to neighborhood commercial uses also shall be opened to the public.

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§ 224-255 Bulk and Area Requirements.

- A. Lot Area: 10 Acre minimum
- B. Impervious Coverage: 80 % max.
- C. Front Yard Setback: 100 ft min.
- D. Side Yard Setback: 50 ft min.
- E. Rear Yard Setback: 50 ft min.
- F. Building Height: 35' max. with minimum 50' setback
45' max. with minimum 75' setback
55' max. with minimum 85' setback
65' max. with minimum 100' setback

- G. Lot Width 100 ft min.

- H. Buffer Strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. 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: 20 ft. min. from property lines.

- J. Pedestrian circulation and vehicle circulation: subject to Planning Board review.

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- K. Permitted density: 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 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. Up to three such one-hundred-fifty-foot maximum depth buildings may be attached, provided that an angle of at least 30' 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.
- 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, references 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. Outdoor facilities shall include walks, shuffleboard and horseshoe courts.

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- 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.
- 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	2.5/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 attended 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 Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other professional associations will be considered. The 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 Board at a future date or by the applicant. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted, the additional parking can be constructed at the time of the original approval is granted, the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

§ 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.

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§ 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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Memorandum

ABS 046.03

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of I / PI Industrial / Planned Industrial to R-2 District.**

Introduction

The existing I / PI Industrial / Planned Industrial Area District west of Mill Road is bounded by the R 2 Residential District to the north, the Conservation District to the south and west and existing residential uses to the east across Mill road in the I / PI District. The area in question has no Industrial uses. The Zoning Board of Adjustment granted a use variance and subdivision approval to permit residential uses on Lot 21 in Block 192, which is a large portion of the area in question. A large portion of this area is state regulated freshwater wetlands.

The following proposed Ordinance to change a portion of the I / PI Industrial / Planned Industrial Area District to R 2 District is submitted for review and comment. 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.

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.

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ABS 046.03

September 25, 2006

ORDINANCE NO. ____ OF 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE I / PI
INDUSTRIAL / PLANNED INDUSTRIAL DISTRICT TO MODERATE DENSITY
RESIDENTIAL (R 2) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following properties in the I / PI District are included in expanded R 2 District:

Block 192, Lots 1.01, 1.02, 1.03, 2, 3, 15, 16, 17, 18, 19, 20, 21.

Block 195, Lots 1 through 28.

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance will take effect upon final passage and publication as required by law.

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Memorandum

ABS 046.04

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of I / PI Industrial / Planned Industrial to R-1 District.**

Introduction

The existing I / PI Industrial / Planned Industrial Area District east of Mill Road is bounded by the R 1 Residential District to the north and east, the Conservation District to the south and existing residential uses to the west across Mill Road in the I / PI District. The area in question has no Industrial uses. A large portion of this area is state regulated freshwater wetlands and coastal wetlands.

The following proposed Ordinance to change a portion of the I / PI Industrial / Planned Industrial Area District to R 1 District is submitted for review and comment. 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.

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ORDINANCE NO. ____ OF 2006

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE I / PI INDUSTRIAL / PLANNED INDUSTRIAL DISTRICT TO LOW DENSITY RESIDENTIAL (R 1) DISTRICT.

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following properties in the I / PI District are included in expanded R 1 District:

Block 231, Lots 1.01, 1.02, 1.03, 2.

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

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Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of R-2 District to PK District.**

Introduction

There are seven city owned parcels of land through-out the R 2 District that are maintained parks by the city or undevelopable wooded open space.

The following proposed Ordinance to change a portion of the R2 District to PK District is submitted for review and comment. 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.

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ORDINANCE NO. ____ OF 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE
MODERATE DENSITY RESIDENTIAL (R 2) DISTRICT TO PARK (PK) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following properties are to be changed from R 2 District to PK District.

Block 1.01, Lots 25, 26, 27

Block 43, Lot 1.

Block 102, Lot 1.

Block 106, Lot 1.

Block 108, Lot 1.

Block 116, Lot 1.

Block 150, Lot 1.

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance will take effect upon final passage and publication as required by law.



Robert L. Reid, AICP, PP

Professional Planner

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366 Upland Avenue, Absecon NJ 08201

609-652-3049

cell 609-289-6424

Memorandum

ABS 046.06

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of HC Highway Commercial to SPB District.**

Introduction

A portion of the HC Highway Commercial District is bounded by the Absecon Fire Department property on two sides, which is situated in the SPB District and is separated from the HC Highway Commercial District by the White Horse Pike (State Highway Route 30) and New Road (State Highway Route 9). This property was for many years prior Al Zona's auto service station. Thus the current HC Highway Commercial District designation. After being purchased by the NJDOT for the widening of State Highway Route 30 the remaining unused portion was converted into a mini-park with plantings and benches. The city should consider changing the zone to allow the possible future expansion of the Fire House.

The following proposed Ordinance to change a portion of the HC Highway Commercial District to SPB District is submitted for review and comment. 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.

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

**ORDINANCE NO. ____ OF 2006
AFFORDABLE HOUSING ORDINANCE OF ABSECON CITY**

Robert L. Reid, AICP, PP

ABS 046.06

September 25, 2006

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 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE
HIGHWAY COMMERCIAL (HC) DISTRICT TO SCHOOL AND PUBLIC BUILDINGS
(SPB) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following property in the HC District is included in the expanded SPB District:

Block 203, Lot 2.

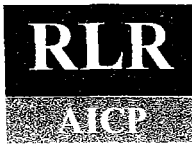
(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance will take effect upon final passage and publication as required by law.



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Memorandum

ABS 046.07

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of R-2 District to SPB District.**

Introduction

A vacant city owned parcel of land, which is isolated and fronting on Pitney Road in the R 2 District adjoins the site of the Emma C. Attales School and H. Ashton Marsh School in the SPB District.

The following proposed Ordinance to change a portion of the R2 District to SPB District is submitted for review and comment. 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.

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 2006
AFFORDABLE HOUSING ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

ABS 046.07

September 25, 2006

ORDINANCE NO. ____ OF 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE
MODERATE DENSITY RESIDENTIAL (R 2) DISTRICT TO SCHOOL AND PUBLIC
BUILDINGS (SPB) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following property is to be changed from R 2 District to SPB District.

Block 73, Lot 1.

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 in City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance will take effect upon final passage and publication as required by law.



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Memorandum

ABS 046.08

Dated: September 25, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Ordinance to change a portion of SPB District to R2 District.**

Introduction

A portion of the SPB District is surrounded by the R 2 District on three sides and is separated from the adjoining SPB District by Webb Road.

The following proposed Ordinance to change a portion of the SPB District to R2 District is submitted for review and comment. 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.

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 2006
AFFORDABLE HOUSING ORDINANCE OF ABSECON CITY**

Robert L. Reid, AICP, PP

ABS 046.08

September 25, 2006

ORDINANCE NO. ____ OF 2006

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON AND THE
ZONING MAP OF THE CITY OF ABSECON TO CHANGE A PORTION OF THE
SCHOOL AND PUBLIC BUILDINGS (SPB) DISTRICT TO MODERATE DENSITY
RESIDENTIAL (R 2) DISTRICT.**

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

SECTION 1.

The following property is to be changed from SPB District to R 2 District.

Block 9.01, Lot 12.

(See Exhibit "A" Proposed Modifications to the Zoning Map of Absecon City, prepared by Robert L. Reid, PP, dated September 7, 2005 on file in the City Clerk's Office)

SECTION 2.

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance will take effect upon final passage and publication as required by law.

Memorandum

ABS 046.09

Dated: October 17, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Absecon Train Station Area Overlay Ordinance**

Introduction

Like many other urban and suburban business districts through the state, Absecon has suffered over the years from the fate of creeping deterioration as retail activity has become more concentrated in large regional shopping areas and the consequent loss of the economical vitality has made the center of a small town a less attractive for other commercial uses.

The loss of pedestrian traffic from city employees and the Marsh School staff due to the relocation of City Hall and the Marsh School has also had a major impact on our downtown Main Street and Central Business District. Our New Jersey Avenue Central Business District has slowly adapted to the change in the retail market. New Jersey Avenue has evolved into a place where we run more errands than actually do slow paced casual shopping.

The newly constructed six lane divided State Highway Route 30 has changed the character of downtown Absecon forever. Now, residents question how Absecon's downtown will survive in the future, especially in terms of competition brought on by large, regional discount stores.

Presently, Absecon's downtown consists of mostly service-oriented establishments, with only a small percentage of retail establishments along New Jersey Avenue.

A review of the existing conditions shows that the Absecon Station Area has a good potential for revitalization. Community facilities which draw people to the area are an asset, and residential neighborhoods that adjoin the area are sound. There is a need to attract more neighborhood and commuter service shopping facilities to the area in order to create more activity downtown.

Existing historic landmarks like the Pitney House, United Methodist Church, Absecon Presbyterian Church, Odd Fellows Hall and Absecon's Historical Society Museum Howlett Hall should be promoted to encourage a viable downtown.

We need to look for ways to attract more people to our "Main Street" New Jersey Avenue. We need to find ways to attract more retail establishments.

ORDINANCE NO. _____ OF 2006
ABSECON TRAIN STATION AREA OVERLAY

Robert L. Reid, AICP, PP

ABS 046.09

October 5, 2006

With the addition of Home Depot and possibly another large discount retailer in Absecon's future, the city must look for vehicles to strengthen our Central Business District by attracting people to our "downtown". A pedestrian friendly enhanced streetscape with brick paved sidewalks and brick paved roadway to act as a traffic calming measure and additional parking should be encouraged.

Age Restricted housing now under construction on the former Marsh School site within walking distance of downtown will help strengthen our small town "downtown" and will add much needed pedestrian activity to downtown which will be a benefit to the community. The proposed development will encourage further investment on New Jersey Avenue which will in turn substantially improve the rent structure for our downtown Central Business District.

The following Absecon Train Station Area Overlay Ordinance is submitted for review and comment. 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 Absecon Train Station Area Overlay 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 Article should be referred to City Council with findings that it is consistent with the Master Plan and recommend it be adopted.

NJSA 40:55D-26a states (in part) that Aprior 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.

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ABSECON TRAIN STATION AREA OVERLAY

Robert L. Reid, AICP, PP

ABS 046.09

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ORDINANCE NO. _____ OF 2006

ARTICLE XXXII

ABSECON TRAIN STATION AREA OVERLAY

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

§ 224-252. SHORT

This Ordinance shall be known and may be cited as: ABSECON TRAIN STATION AREA OVERLAY ORDINANCE

§ 224-253. PURPOSE

The purpose of the Absecon Train Station Area Overlay is to revitalize the area by developing mixed uses, which will add more pedestrian activity, increase trade in the Absecon Central Business District, encourage pedestrian links, transit ridership and the development of housing to meet our constitutional obligation to provide for affordable housing. The development of Absecon Train Station Area is intended to create a stronger sense of community in the area, by using the Train Station as a focus; redevelop the old Downtown Central Business District; and connect the Absecon Train Station to New Jersey Avenue.

§ 224-254. GOALS

The following are goals for the Absecon Train Station Area:

The primary goal of the Absecon Station Area Plan is to increase trade in the Absecon Central Business District, provide for affordable residential units and to restore Absecon's downtown image as a town center.

The strategy to achieve this goal has two main objectives:

(1) to locate more potential customers in the area by adding apartments, retail shops and offices; and

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ABSECON TRAIN STATION AREA OVERLAY**

Robert L. Reid, AICP, PP

ABS 046.09

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(2) to provide the types of retail and services, as well as the enhanced atmosphere, which will attract additional customers and increase the rent structure downtown.

These two objectives reinforce each other: a larger customer base will draw merchants to the area to provide neighborhood and commuter shopping services and will create the incentive to merchants to improve their stores and the streetscape; conversely, the larger the variety of services provided, and the more pleasant the surroundings, the more likely the area will attract shoppers.

Increase trade in the Central Business District;

Improve public safety by encouraging pedestrian friendly infrastructures;

Encourage the creation of a pedestrian-oriented downtown with a pedestrian bridge link from Absecon 's Main Street " New Jersey Avenue" to the Absecon Train Station platform;

Add affordable housing, commercial and office uses at increased densities within walking distance of the shopping and transit facilities to stimulate pedestrian activity, enliven the Central Business District, reduce auto trips and generate transit riders;

Encourage additional measures to reduce traffic congestion and meet clean air standards;

Encourage pedestrian activity by improving the quality of the pedestrian environment; and

Encourage commuter convenience and service facilities close to the Absecon Train Station.

§ 224-255. LOCATION OF THE TRAIN STATION AREA OVERLAY

a. The Absecon Train Station Area encompasses an area within a reasonable walking distance the Absecon Train Station on both sides of State Highway Route 30. The boundaries of the area is the railroad right of way to the south, Shore Road to the east, Church Street to the north and School Street and Southwest Street to the west. The core of the Absecon Train Station Area is the 100 block of New Jersey Avenue. Existing community facilities include the Downtown Clock Plaza, Absecon Historical Society Museum "Howlett Hall", municipal parking lots, (one north of State Highway 30 and one south of State Highway 30). The Absecon Train Station Area also includes the recently approved Absecon Senior Project on the former Marsh School site. In Addition the Absecon Public Library and two historic places of worship are within the blocks adjoining

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ABSECON TRAIN STATION AREA OVERLAY

Robert L. Reid, AICP, PP

ABS 046.09

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the Absecon Train Station Area.

b. The Absecon Train Station Area is divided into two subsections:

- 1) a train station platform area for commuter business south of State Highway Route 30;
- 2) and the New Jersey Avenue area north of State Highway Route 30 for downtown neighborhood commercial uses.

c. The following parcels are included in the Absecon Train Station Area Overlay District:

Block 158, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7.

Block 159, Lots 1, 2, 3, 4, 5, 5.02.

Block 160, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.

Block 161, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.

Block 213, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16.

Block 214, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17..

Block 215, Lots 1.01, 1.02.

Block 800, lots 3, 4

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§ 224-256. PERMITTED USES

In order to further the purposes of the Absecon Train Station Area, only the uses set forth in the following sections are permitted. A mix of a minimum of 65% residential and maximum of 35% commercial is required as described in Sections 224-256A and 224-256B.

The permitted uses below are also permitted on lands currently owned by NJ Transit, its successors and assigns. The developer is encouraged to include the NJ Transit property in the proposed development. The City will assist with coordination with the NJ Transit and the developer to possibly enter into a joint-venture to construct a shared parking garage, pedestrian access walks and bridges, commercial uses at the platform level and residential units above.

A. Permitted Principal Commercial Uses

The following commercial uses are permitted provided commercial uses do not exceed 35% of the gross floor area of the proposed development not including the floor area for enclosed parking garage providing parking for the development.

- a. Commuter parking facilities and passenger drop-off and pick-up areas;
- b. Retail sales and other uses generating pedestrian activity, serving neighborhood residential and commuters, but excluding sale of building materials, plumbing supplies, motor vehicles, boats or swimming pools, large appliances;
- c. Personal and household services and business services; but excluding vehicle maintenance, repair, auto body, gas stations and similar uses;
- d. Restaurants and similar establishments selling food and / or beverages, but excluding drive-through windows;
- e. Day care centers, including nursery schools;
- f. Public buildings such as municipal offices, police station, library, post office, museum, and similar uses that directly serve the public, but excluding facilities such as public works garage, water treatment plant, electric transformer station, and uses of similar nature;
- g. Banks and savings and loan institutions, but excluding drive-through windows;
- h. Public Parks;
- i. Train Stations;
- j. General Business Offices, Offices for professionals such as architects, attorneys, doctors, engineers, planners and landscape architects.

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B. Permitted Residential Uses

The following residential uses are permitted provided residential uses represent a minimum of 65% of the gross floor area of the proposed development and a minimum of 25% of the residential units affordable housing units as described in §224-194 as replaced by Ordinance No. _____ of 2006.

a. Residential units in apartment buildings for rent or for sale as condominium units above commercial uses on ground floor and / or enclosed parking garages. The size, location and number of dwelling units to be determined by market conditions, New Jersey Uniform Construction Code (NJUCC) requirements and the development's conformity with use mix set forth in Section 224-256 and the bulk requirements set forth with Section 224-257.

§224-257. AREA, YARD AND BULK REQUIREMENTS.

a. Lot Size: 7,500 Square feet minimum.

b. Lot Width: 75' minimum.

c. Building Coverage: 65% maximum.

d. Site Coverage: 80% maximum.

e. Front Yard Setbacks

1. Open porches, open balconies, open pedestrian walkways
(covered or uncovered): 0 feet.

2. Building face: 8 feet minimum.

f. Side and Rear Yard Setbacks

1. Open porches, open balconies, open pedestrian walkways
(covered or uncovered): 3 feet.

2. Building face: 10 feet minimum.

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g. Building Height

1. New Jersey Avenue Area: 3 stories or 35 feet maximum with commercial units at the ground level, offices and or residential units at the second level and residential units at the third level.
2. Train Station Platform Area: 4 stories or 45 feet maximum with ground level commercial units, Train Station platform level (or second level) commercial units and residential units at the third and fourth levels.
3. Train Station Platform Area: 5 stories or 55 feet maximum with ground level enclosed parking, commercial units at the Train Station Platform Level and residential units at the third, fourth and fifth levels.
4. For buildings over two stories in height (25' maximum) the top floor shall be a gable roof design with gable roof dormers with windows.
5. The minimum slope of the gable roof shall be 6" in height for every 12" of width.
6. Roof height shall be measured from the average finish grade around the building to the mean height of the highest gable roof.
7. Variable roof heights are required. A minimum 30% of the building must be below the maximum building height.

§224-258. DESIGN STANDARDS

- A. Within the Train station platform area, incentives should be provided to attract commuter-serving retail and service stores at the train station platform level with apartments conveniently located above the commercial units.
- B. Site and building design and layout will encourage residences, commuters, visitors and other travelers to use the Absecon Train Station with the help of a visible point of identity;
- C. Site and building design and layout shall provide for easy access to the transportation; continuous and safe sidewalks and pathways that make pedestrian access easy; bike paths and storage location that encourage bicycle access; safe and comfortable places to wait and meet others;

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ABS 046.09

October 5, 2006

D. Overall site and building design shall include an environment that is active, human scaled, and visually safe, well lit, attractive areas for parking, drop-off and pick-up; and a sense of safety, security and predictability.

E. In the New Jersey Avenue area, improvements to existing storefronts shall be required as part of any second floor expansion to include apartments or offices above the commercial units at street level.

F. Architectural Requirements:

1. The traditional / historical character of Absecon shall be maintained. An example would be the early 20th century train station or the Absecon Manor at the corner of Ohio Avenue and Station Avenue. See Exhibit 528-F 1 and Exhibit 528 –F 2 on file with the City Clerk's Office.
2. Natural wood siding, (common 2 2/3" height) brick, stone or similar or compatible building materials shall be utilized.
3. Traditional late 19th century to early 20th century architectural design is encouraged for mixed residential / commercial uses new construction. Examples of architectural styles that are encouraged include Georgian, Federal, Creek Revival, and Victorian. (See attached Appendix 1a-d.)
4. All new construction, additions, alterations, and/or renovations to structures shall be compatible to the architectural design of the existing structures on-site and on surrounding property.

G. In addition to above standards Design standards shall conform to 224-77 (where applicable).

§224-259 LANDSCAPING AND BUFFERS

Landscaping and buffers shall conform to 224-199 H and 224-78 (where applicable).

§224-260 PARKING

Parking requirements: The actual parking need shall be determined by the number of employees attended 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 Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other

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ABSECON TRAIN STATION AREA OVERLAY**

Robert L. Reid, AICP, PP

ABS 046.09

October 5, 2006

professional associations will be considered.

The 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 Board or by the applicant at a future date. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted, the additional parking can be constructed without returning to the Board provided the additional parking is completed within five years of the original approval being granted. The construction of the additional parking is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

§224-261 LIGHTING

Lighting shall conform to 224-80 and 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

§224-262 PUBLIC NOTICE

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

§224-263 CONSISTENCY

Any Ordinance or part thereof which is inconsistent with the provisions of the Ordinance is hereby repealed to the extent of such inconsistency.

§224-264 EFFECTIVE DATE

This Ordinance will take effect upon final passage and publication as required by law.

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Memorandum

ABS 046.10

Dated: October 12, 2006

To: Absecon Planning Board, Master Plan Committee

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

Re: **Proposed Affordable Housing Ordinance of Absecon City**

Introduction

The New Jersey Council on Affordable Housing (COAH) adopted the third round methodology in November 2004. The new State housing plan ensures provisions for affordable housing for families and seniors and provides greater consistency with the State Plan, and creates incentives for very low-income and rental units.

The Third Round Methodology represents a comprehensive overhaul of the existing COAH system, and uses "growth share" to determine affordable housing obligations that are consistent with sound land use planning and smart growth. This growth share system reforms a system that has been criticized as cumbersome and rigid, and enables a town to determine its affordable housing obligation based on actual growth over time. The proposed COAH rules emphasize sound land use and long range municipal planning in keeping with New Jersey's smart growth agenda - affordable housing will not drive planning decisions; instead, sound planning decisions will drive the location and type of affordable housing to be provided.

Under the rules, one affordable unit must be provided for every eight market-rate residential units, and one affordable unit must be provided for every 25 jobs created, as measured by the square footage of new or expanded nonresidential construction.

The Third Round obligation is determined by the number of certificates issued since January 1, 2004 for both residential and non-residential development.

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Robert L. Reid, AICP, PP

October 12, 2006

In addition to the Third Round obligation of one affordable unit for each eight proposed market rate-units and one affordable unit for every 25 jobs created, the City of Absecon is obligated to provide approximately 180 affordable housing units under the First and Second round according to the COAH Annual Report – 2002-2003.

The Fair Housing Act, NJSA 52:27D-307 et. seq., dictate that every municipality in the State is required to provide opportunities for the development of its “fair share” of affordable housing. Municipalities are not required to participate in the COAH program or provide affordable housing, but each municipality has constitutional obligation to provide for a realistic opportunity for the development of affordable housing with its framework of its land use regulations.

The following Ordinance will require that all future development provide affordable housing or make a contribution to help support affordable housing in the Absecon Train Station Area Overlay.

The following Affordable Housing Ordinance is submitted for review and comment. 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 Affordable Housing 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 Ordinance should be referred to City Council with findings that it is consistent with the Master Plan and recommend it be adopted.

NJSA 40:55D-26a states (in part) that Aprior 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.

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AFFORDABLE HOUSING ORDINANCE OF ABSECON CITY

Robert L. Reid, AICP, PP

October 12, 2006

The following Ordinance is offered for informal review and comment, which is intended to replace §224-194 in its entirety.

ORDINANCE NO. ____ OF 2006

§224-194 - AFFORDABLE HOUSING

BE IT ORDAINED by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey, as follows:

§224-194 AFFORDABLE HOUSING

Section 1. SHORT TITLE

This Ordinance shall be known and may be cited as: **AFFORDABLE HOUSING ORDINANCE OF ABSECON CITY.**

Section 2. PURPOSE

The Mount Laurel decisions stand for the principle that each municipality has a constitutional obligation to provide opportunities for the development of low and moderate income housing. The Mount Laurel decisions and the Fair Housing Act, NJSA 52:27D-301 et. seq., dictate that every municipality in the State is required to provide opportunities for the development of it's "fair share" of low and moderate income housing. The purpose of this Ordinance is to advance the public welfare and comply with the municipality's constitutional obligation to provide the opportunity for the municipality's fair share of low and moderate income housing.

Section 3. DEVELOPMENT REQUIRED TO PROVIDE AFFORDABLE HOUSING

A. Within any zoning district permitting residential development or as a result of a use variance permitting residential development, developers shall provide a minimum of one (1) affordable housing unit for every eight (8) market rate housing units or the developer may make contribution in lieu of providing affordable housing in accordance with Section 5.

B. Developers within any zone permitting non-residential development shall provide a minimum of one (1) affordable housing unit for every twenty-five (25) jobs created. The developer of the non-residential development is required to

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construct affordable housing in the Absecon Train Station Area Overlay, or the developer may make a contribution in lieu of providing affordable housing in accordance with Section 5.

C. Within the Absecon Train Station Overlay Area, developers are required to provide affordable housing units. The development shall include a minimum of two (2) affordable housing units for every eight (8) market rate units [or a minimum of twenty-five (25%) percent]. Developers cannot make contributions in lieu of constructing affordable housing units in the Absecon Train Station Area Overlay. (Article XXXII)

Section 4 PROCEDURE

A. The units, once quantified, are specifically identified in the site plan, along with the support services required to sustain low- and moderate-income residences. It is the intent herein not only to encourage the development of low- and moderate-income housing but also to encourage and sustain a quality of life for the low- and moderate-income residents within proposed development.

B. In preparing plans for low- and moderate-income housing, developers shall follow the following minimum criteria:

(a) Bedroom distribution of low- and moderate-income units:

- [1] A minimum 35% shall be two-bedroom units.
- [2] A minimum 15% shall be three-bedroom units.
- [3] A maximum 20% may be efficiency units.

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(b) Pricing stratification for purchased housing shall be as follows:

Category	Percentage of Units	Affordability Range (Target Market) in Percentage of Median Income
Low	10	40 to 42.5
	30	42.6 to 47.5
	60	47.6 to 50
Moderate	10	50.1 to 57.5
	10	57.6 to 64.5
	10	64.6 to 68.5
	10	68.6 to 72.5
	20	72.6 to 77.5
	40	77.6 to 80

C. In pursuing the development of low- and moderate-income housing, the Planning Board may grant bulk variances and/or design waivers necessary to assist in adjusting the site plan configuration, thereby allowing the placement of disbursed low- and moderate-income housing within the limits of any specific project. This procedure will enable the CITY to work closely with the developer to tailor a specific site plan in the event that traditional zoning controls frustrate good site planning.

D. The developer shall deed-restrict all newly constructed low- and moderate-income sales units for a period of not less than 20 years and provide copies of a Council On Affordable Housing adopted restrictive covenant and mortgage lien along with details of the methods of screening applicants to be used as part of the site plan review process.

E. Prior to the issuance of the first certificate of occupancy for any development, the developer shall submit to the administrative agent as designated by City Council a list of all low- and moderate-income units to be developed. This list shall include:

- (a) The unit number or address.
- (b) The targeted income group.
- (c) The number of bedrooms.
- (d) The affordability range.

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F. The designated administrative agent shall maintain a comprehensive file on low- and moderate-income housing units. Prior to the issuance of a certificate of occupancy or certificate of continued occupancy, a statement from the screening agent certifying the proposed occupant's eligibility shall be submitted to the designated administrative agent and maintained in the file.

G. Affordable housing units to be built in accordance with the following schedule:

Percentage of Market-rate Units	Minimum Percentage of Low- and Moderate-Income Units
Completed	Completed
25	0
25 + 1 unit	10
50	50
75	75
90	100

H. Affirmative marketing. At the time of the initial occupancy of low- and moderate-income units, up to 50% of the units shall be occupied by persons currently living or working in Absecon City.

I. Prior to the issuance of a certificate of occupancy, the developer shall pay to the designated administrative agent any management or marketing fees adopted by the agency.

J. Contributions in lieu of constructing affordable housing units on site shall only be used to fund eligible affordable housing activities within the Absecon Train Station Area Overlay (Article XXXII).

K. Contributions in lieu of constructing affordable units shall be deposited in a separate, interest- bearing housing trust fund.

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Section 5. CONTRIBUTION IN LIEU OF CONSTRUCTING AFFORDABLE HOUSING UNITS

A. Within any zoning district permitting residential development or as a result of a use variance permitting residential development, developers may make a contribution of \$35,000.00 (or the minimum amount set by N.J.A.C. 5:94-5.4, Amount and duration of contributions) per affordable housing unit in lieu of providing affordable housing.

B. Developers within any zone permitting non-residential development may make a contribution of \$35,000.00 (or the minimum amount set by N.J.A.C. 5:94-5.4, Amount and duration of contributions) per affordable housing unit in lieu of providing affordable housing.

C. Contributions will be used to help fund affordable housing units and affordable housing activities in the Absecon Train Station Area Overlay (Article XXXII).

D. Residential developments with less than eight (8) market rate units or Non-residential developments creating less than twenty-five (25) jobs shall make a pro-rata share contribution in lieu of constructing affordable housing.

E. Age-Restricted Housing Developments in the Senior Citizen Housing Community Overlay District B (Article XXX) that received preliminary site plan approval prior to the effective date of this Ordinance shall be permitted to make a contribution in lieu of constructing affordable housing on-site.

Sections 5. EXEMPTIONS

A. Developers that have received preliminary subdivision or site plan approval prior to the effective date of this Ordinance shall be exempt from providing affordable housing unless the developer seeks a substantial change in the approval. Except as set forth in Section 5 E above.

B. Religious organizations that engage in construction activities for religious purposes shall be exempt from providing affordable housing.

C. Development by public agencies, public hospitals, non-profit educational or religious institutions, charitable or not-for-profit entities legally established in accordance with the laws of the state of New Jersey shall be exempt from providing affordable housing.

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Section 6. COLLECTION OF CONTRIBUTION IN LIEU OF CONSTRUCTING AFFORDABLE HOUSING

- A. Developers shall pay 50 percent of the contribution to Absecon City at the issuance of permits.
- B. Developers shall pay the remaining contribution to Absecon City at the issuance of certificates of occupancy. The developer shall be responsible for paying the difference between the contribution at certificate of occupancy and the contribution made at the issuance of building permit.
- C. Contributions that are challenged shall be placed in an interest bearing escrow account by the municipality. If all or a portion of the contested contributions are returned to the developer, the accrued interest on the returned amount shall also be returned.

Section 7. HOUSING TRUST FUND

- A. There is hereby created an interest bearing trust fund bank account with a bank to be named by City Council for the purpose of receiving contributions from residential and non-residential developers. All contributions made by developers pursuant to this Ordinance shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan in accordance with COAH Guidelines.

If COAH determines that Absecon City is not in conformance with COAH's guidelines regarding contributions in lieu of constructing affordable housing, COAH is authorized to direct the manner in which all contributions collected pursuant to this Ordinance shall be expended. Such authorization is pursuant to: this Ordinance, COAH's guidelines on contributions and the written authorization from the Governing, Body to a Bank to be named by City Council.

Section 8. USE OF FUNDS

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A. Money deposited in a housing trust fund shall be used for the construction of affordable housing and affordable housing activities in the Absecon Train Station Overlay Area. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure low and moderate income housing sites; and/or assistance designed to render units more affordable to low and moderate income households and administrative costs necessary to implement Absecon's housing element.

B. Absecon will dedicate no more than twenty percent (20%) of contributions made for administrative purposes. Those purposes shall include but not necessarily be limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program; a housing element; and an affirmative marketing program. These monies shall be spent either in the one year period of protection sought by the City; during the implementation of the current plan which will extend beyond the one year period of protection and/or during the period of implementation of any affordable housing plan for the third housing cycle.

C. Contributions may be used to reimburse the City for the outlay of funds or bonding for current housing activities, if any, prior to the collection of contributions.

Section 9. DEFINITIONS

The following definitions will be added to (or replace) the City's current Land Development Ordinances:

ABSECON TRAIN STATION AREA OVERLAY means the area described in Ordinance _____ (Article XXXII) the Absecon Train Station Area Overlay.

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

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

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has 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.

COAH means the New Jersey Council on Affordable Housing.

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.

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.

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.

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.

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

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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.

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.

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.

Section 10. 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.

Section 11. 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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