

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 24-2023** - Ordinance of the Borough of Eatontown Entitled “An Ordinance Amending Chapter 89, “Land Use” Article VII “Area, Bulk And Use Requirements” Section 89-47 “Schedule Of Zone Requirements”; And Section 89-30 Of The Borough Code “List Of Zones” And The Establishment Of A New Zone In Attachment 1-Exhibit 3 Entitled “Schedule Of Zone Requirements For The Mu-Oo” Mixed Use Old Orchard Zone” was passed after a public hearing at the regular meeting of August 23, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 24-2023**

#### **BOROUGH OF EATONTOWN**

#### **COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

#### **AN ORDINANCE AMENDING CHAPTER 89, “LAND USE” ARTICLE VII “AREA, BULK AND USE REQUIREMENTS” SECTION 89-47 “SCHEDULE OF ZONE REQUIREMENTS”; AND SECTION 89-30 OF THE BOROUGH CODE “LIST OF ZONES” AND THE ESTABLISHMENT OF A NEW ZONE IN ATTACHMENT 1-EXHIBIT 3 ENTITLED “SCHEDULE OF ZONE REQUIREMENTS FOR THE MU-OO” MIXED USE OLD ORCHARD ZONE.**

**WHEREAS**, the Borough Planning Board adopted its most recent version of the Master Plan in 2018 which established the policies for land development and redevelopment within the Borough because it serves as the principal document concerning land use, and guides both public and private development in making land use decisions and it forms the legal foundation for the Borough’s zoning ordinances and zoning map.

**WHEREAS**, the Borough Planning Board considered and adopted a 2023 Master Plan Reexamination Report pursuant to N.J.S.A. 40:55D-89 (the “Report”) which is a review and evaluation of municipal planning documents and development regulations on a periodic basis to reflect the changing needs of the Borough.

**WHEREAS**, the Report, amongst other suggestions, recommends that the Borough Council create the MU-OO Mixed Use Old Orchard Zone by rezoning Block 2701, Lot 69 on the Borough Tax Map (the “Old Orchard Property”) for age-restricted housing as a permitted use along the northern portion of the property and certain commercial uses along the Route 36 frontage within the current R-32 Residential Zone District to ensure the establishment of a significant buffer to the existing residential properties that abut the site and which allows for the distinction between the residential and commercial uses that have been identified as being permitted on the Old Orchard Property.

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to implement the Planning Board recommendation to rezone the Old Orchard Property by creating the MU-OO Mixed Use Old Orchard Zoning District which will limit the development of the site through the development of small lot age-restricted housing, preserve open space, and encourage the development of the property’s frontage along Route 36 with appropriate commercial development.

#### **NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**SECTION 1:** Section 89-47 Schedule of Zone Requirements shall include reference to the MU-OO Mixed Use Old Orchard Zone of the revised general ordinances of the Borough of Eatontown is hereby Amended.

**SECTION 2:** Section 89-30, List of Zones shall be amended to include the MU-OO Mixed Use Old Orchard Zone of the revised general ordinances of the Borough of Eatontown is hereby Amended.

**SECTION 3:** Attachment 1 – Exhibit 3 shall be amended to include the following:

In the MU-OO Old Orchard Zoning District the following uses are permitted:

- a. Principal Permitted Uses in Zone A as illustrated on the attachment Form Based Zoning Exhibit:

1. Age-Restricted Housing
- b. Accessory Uses permitted in Zone A as illustrated on the attached Form Based Zoning Exhibit:
  1. Pickleball Courts
  2. Outdoor recreation
  3. Club house
  4. Swimming pool
  5. Gazebos
  6. Walking trails
  7. Benches
- c. Private Sheds or detached garage structures is not permitted.
- d. Area and Bulk Standards for Zone A as illustrated on the attachment Form Based Zoning Exhibit:
 

1. Overall Tract Area	60 acres
2. Minimum Lot Area – Interior Lot	7,200 s.f.
3. Minimum Lot Area – Corner Lot	10,500 s.f.
4. Minimum Lot Width – Interior Lot	60 feet
5. Minimum Lot Width – Corner Lot	90 feet
6. Minimum Lot Depth	120 feet
7. Minimum Front Yard Setback	25 feet
8. Minimum Rear Yard Setback	25 feet
9. Minimum Side Yard Setback – Interior Lot	10 feet
10. Minimum Side Yard Setback – Corner Lot	25 feet
11. Minimum Combined Side Yard Setback - Interior Lot	20 feet
12. Maximum Building Height – Principal Building	35 feet
13. Maximum Lot Coverage	48.5%
14. Maximum Density	2 du/acre
- e. Buffer Requirements for Zone A as illustrated on the attachment Form Based Zoning Exhibit:
  1. A minimum of 100-foot buffer is required around the perimeter of Zone A as illustrated on the attachment Form Based Zoning Exhibit, with the exception of those lots that back up to the stream corridor, in that instance the buffer will be determined by the New Jersey Department of Environmental Protection.
  2. The requirement of a permanent 100-foot buffer easement, measured from the property line, shall be provided by the applicant and is in addition to any land that is required under ordinance for use as a side and rear yard setback for proposed residential lots.
  3. No structure, disturbance, storage of materials or parking of vehicles shall be permitted in the buffer area.
  4. The buffer shall consist of the following:
    - i. Landscaped berm at least six feet high.
    - ii. Planted and maintained with either grass or ground cover together with a screen of live shrubs and scattered planting of live trees, shrubs or other plant material meeting the following requirements:
      1. The preservation of natural wood tracts shall be an integral part of all major subdivisions and may be calculated as part of the required buffer area, provided that the growth is of a density and the area is wide enough to serve with the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.

2. Plant materials used in screen plantings shall be evergreens at least six feet to eight feet in height when planted, be balled and burlapped nursery stock and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights.
3. The screen plantings shall be so placed that at maturity it will not be closer than three feet from any street or property line.
4. Trees shall be at least 10 feet in height and 2 ½ inches in caliper when planted and will be hardy and thrive in the area, of balled and burlapped nursery stock, free of insect and disease.
5. Any plant material which does not live shall be replaced within two years from release of performance bond.
- f. Access from Zone A, B or C as illustrated on the attached Form Based Zoning Exhibit, directly to Reynolds Drive and Redfern Way are prohibited.
- g. Principal Permitted Uses in Zone B as illustrated on the attached Form Based Zoning Exhibit shall be:
  1. Dedicated Open Space no less than 45 acres.
  2. Stormwater management facilities.
- h. Principal Permitted Uses in Zone C as illustrated on the attached Form Based Zoning Exhibit shall include:
  1. New Car and Truck Sales and Internet-based Used Car and Truck sales.
  2. Self-storage.
  3. Entertainment/recreation.
  4. Office (professional and medical)
  5. Quick Services Restaurants.
  6. Retail.
- i. Accessory Structures permitted in Zone C as illustrated on the attached Form Based Zoning Exhibit shall include:
  1. Essential services as defined in the Code of the Borough of Eatontown
  2. Off-street parking in accordance with the regulations in the Code of the Borough of Eatontown.
  3. Signs in accordance with the regulations of Article XI of this chapter.
  4. Any accessory use clearly incidental to the principal use on the lot, provided that any and all regulations of the Borough Code are met.
- k. Area and Bulk Standards for Zone C as illustrated on the attachment Form Based Zoning Exhibit:
 

1. Overall Tract Area	25.5 acres
2. Minimum Lot Area	5 acres.
3. Minimum Lot Width	400 feet
4. Minimum Lot Depth	330 feet
5. Minimum Front Yard Setback	90 feet
6. Minimum Rear Yard Setback	100 feet
7. Minimum Side Yard Setback	45 feet
8. Maximum Building Height – Principal Building	40 feet
9. Maximum Lot Coverage	65 %

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION 4**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5**

This ordinance shall take effect after final passage and publication as provided by law.

**BE IT FURTHER ORDAINED,** that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.