

ORDINANCE NO. 2021-14

**AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE
COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING SECTIONS 4, 11, 84 AND 86
OF CHAPTER 102 DEVELOPMENT REGULATIONS OF THE
CODE OF THE TOWNSHIP OF COLTS NECK**

WHEREAS; on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in planning and development process in the Township, and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare, and

WHEREAS, the Township has become aware of a recent zoning appeal and request for an interpretation of the Township's policies and Development Regulations involving the applicability of the existing conditional use standards for an existing place of worship, and more specifically, whether and how these existing conditional use ordinance standards were to be applied to such a use; and

WHEREAS, the Township has reviewed the decision of the Zoning Board of Adjustment and its recommendation that the Development Regulations provide more definite specifications and standards required for institutional uses as conditionally permitted uses within the Township's A-1, A-3 and A-G Zones; and

WHEREAS the Township finds that the Development Regulations warrant revision to clarify and better articulate these conditional use specifications and standards as applied to institutional uses, building and structures customarily associated with places of worship, libraries, private and public nonprofit day schools of elementary or high school grades and accredited by the New Jersey State Department of Education; and

WHEREAS, the Township Committee of Colts Neck Township finds it is in the best interest of the Township and the Township residents to ensure that conditional use standards for institutional uses be revised to better articulate the specifications and standards expected for such conditional uses within certain Township Zones.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey that this ordinance amending the Code of Colts Neck Township, is hereby adopted (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~) as follows:

SECTION I: That Section 102-4, Definitions, be amended and supplemented to add the following definition only:

Institutional Uses

A building, structure or use which is customarily associated with places of worship, libraries, private and public nonprofit day schools of elementary or high school grades and accredited by the New Jersey State Department of Education.

SECTION II: That Section 102-11, Conditional Uses, be amended and supplemented to add new Subsection F, Institutional Uses:

F. Institutional Uses. Institutional Uses, as defined in this chapter, when approved as conditional uses, in the A-1, A-3 and A-G Zones only, subject to the following requirements:

1. The property on which the structure or building is to be constructed or the activities conducted must contain a minimum of five (5) acres in the A-1 and A-3 Zones and ten (10) acres in the AG Zone.
2. The property must have a minimum lot frontage of 300 feet.
3. The property must have a minimum lot depth of 300 feet.
4. No building, structure, access aisle or parking area shall be closer than 75 feet to the side line of any adjacent property and subject to 102-87 Note 1. These 75 feet shall be considered as a buffer strip and shall be landscaped in accordance with the standards set forth in §102-90 where the lot lines abut residential uses or zone boundaries.
5. No building, structure, access aisle or parking area shall be closer than 75 feet to the rear line of any adjacent property and subject to Section 102-87 note 1. These 75 feet shall be considered as a buffer strip and shall be landscaped in accordance with the standards set forth in §102-90 where the lot lines abut residential uses or zone boundaries.
6. No building or structure shall be closer than 100 feet to any front street property line in the A-1 and A-3 Zones, 200 feet in the AG Zone and subject to section 102-87 Note 1 nor less than 20 feet from any other structure.
7. No building or structure shall be higher than 55 feet above the ground level except as provided by §102-61.
8. The property shall not exceed ten (10%) percent maximum building coverage.
9. One (1) off-street parking space for every 1,000 square feet of gross floor area; places of worship shall further provide one additional off-street parking space for: (a) every three (3) seats within a sanctuary area or (b) every 45 square feet of a sanctuary area if worship does not utilize seating.
10. No parking shall be permitted between the front building line and the street right-of-way.
11. The site shall have direct access to major collector, secondary arterial or primary arterial road designated in the Colts Neck Master Plan, as amended.

SECTION III: That Section 102-11B Conditional Uses is hereby repealed and reserved for future use.

SECTION IV: That Section 102-84B(4), Principal permitted uses on land and in buildings, be amended and supplemented in the following parts only:

~~Places of worship, libraries, private and public nonprofit day schools of elementary or high school grades and accredited by the New Jersey State Department of Education~~ Institutional Uses and public utilities are permitted only as a conditional use in the A-1 and A-3 Districts only after application to, review by and approval of the approving authority. See §102-11F.

SECTION V: That Section 102-84E(2) Area and yard requirements for places of worship is hereby repealed and reserved for future use.

SECTION VI: That Section 102-84F(2) Minimum off-street parking for places of worship is hereby repealed and reserved for future use.

SECTION VII: That Section 102-86C(3), Conditional uses, be amended and supplemented in the following parts only:

~~Places of worship, libraries, private and public nonprofit day schools of elementary or high school grades and accredited by the New Jersey State Department of Education;~~ Institutional Uses, except these uses shall not be permitted on lots resulting from the lot size averaging provisions contained in §102-86F(3)(b) of the Colts Neck Development Regulations. See §102-11F.

SECTION VIII: That Section 102-86G(5) Minimum off-street parking for places of worship is hereby repealed and reserved for future use.

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


SECTION X: Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION XI: Inconsistent Ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION XII: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 9th day of June 2021. A public hearing will be held on July 14, 2021 at 7:30 p.m. Town Hall, 124 Cedar Drive.


Michael Viola, Mayor


Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	June 9, 2021					August 11, 2021				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Viola		X					X			
Deputy Mayor Bartolomeo		X				M	X			
Fitzpatrick		X				S	X			
Torchia Buss	M	X					X			
Rizzuto	S	X					X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent			