

ORDINANCE #2025-002

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220  
("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP  
OF MARLBORO 220-94.9 GENERATIONAL HOUSING 5 DISTRICT

WHEREAS, the Generational Housing 5 District was created in accordance with the terms of an order of the Superior Court via Ordinance 2019-14, however, the ordinance did not acknowledge the commercial development that existed on a portion of the tract. Consequently, an amendment is necessary to expand on permitted principal uses, as well as technical subdivisions.

WHEREAS pursuant to N.J.S.A. 40:55D-62, the Township Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings, and structures thereon.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use and Development", Section 220-94.9 "Generational Housing 5 District" is hereby supplemented as follows:

A. Purpose. The Generational Housing-5 District is provided in accordance with the terms of an order of the Superior Court in the matter of in Re: In the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15.

B. Permitted principal uses:

- (1) Attached single-family dwellings.
- (2) Multifamily dwellings.
- (3) Retail.
- (4) Motor Vehicle Service Station with Convenience.
- (5) Principal and accessory commercial uses existing or approved at the time of the passage of this section.

C. Accessory uses:

- (1) Signs.
- (2) Fences.
- (3) Structural retaining walls.
- (4) Off-street parking.

- (5) Patios, decks, terraces, porches, or balconies.
- (6) Solar panels.
- (7) Residential amenity spaces including clubhouses, swimming pools, playgrounds, picnic areas, and gathering spaces.
- (8) Public and/or private utilities.
- (9) Temporary construction and sales trailers.
- (10) Management or leasing offices associated with the development.
- (11) Any use which is customarily incidental and subordinate to the principal use of the property.

D. Conditional uses:

- (1) Public utilities.

E. Area, yard, and building requirements:

- (1) For the purpose of allowing for the development of the site as one overall property, even if various portions are under the legal control of disparate owners, the Plan allows for technical/economic subdivisions, provided the following:

- a. The minimum tract area for development shall be 10 acres.
- b. The maximum impervious coverage for the entire tract shall be 50%.
- c. The maximum building coverage for the entire tract shall be 25%.

The intent of this provision is to permit individual buildings to exist as separate lots. However, each subdivided lot and any proposed improvement on that lot shall be subject to and may only be improved in accordance with the GH -5 Zoning District and shall not cause the overall development to exceed the standards set forth herein.

(2) Residential Development

- a. The maximum permitted residential density shall be a total of 200 residential dwelling units.
- b. Overall tract building setbacks:
  - [1] Route 79: 75 feet.
  - [2] Side yard: 50 feet.

- [3]Rear yard: 50 feet.
- c. Overall building setbacks:
  - [1] Front to front: 60 feet.
  - [2] Front to side: 40 feet.
  - [3] Side to side: 25 feet.
  - [4] Rear to rear: 50 feet.
  - [5] To any internal roadway or parking: 10 feet.
- d. Attached single-family dwellings (townhouses):
  - [1]Minimum lot area: 2,000 square feet.
  - [2]Minimum lot width: 20 feet.
  - [3]Minimum lot depth: 100 feet.
  - [4]Maximum building height: 3.5 stories/40 feet.
  - [5]Maximum number of dwellings per building: six units.
  - [6]Townhouse building setbacks:
    - [a] Front yard: 20 feet.
    - [b] Side yard (exterior wall): 10 feet.
    - [c] Side yard (interior wall): zero feet.
    - [d] Rear yard: 20 feet.
  - [7] Maximum building coverage: 60%.
  - [8] Maximum lot coverage: 85%.
- e. Multi-family dwellings:
  - [1]Maximum building height: 3.5 stories/45 feet.
  - [2] Minimum building separation:
    - [a] Front to front: 60 feet.
    - [b] Side to side: 40 feet.
  - [3] Rear to rear: 50 feet.
  - [4] Front to side/rear: 40 feet.
- f. Accessory structures:
  - [1] Maximum building height: 15 feet.
  - [2] Setbacks:
    - [a] Side yard: three feet.
    - [b] Rear yard: five feet.

(3) Commercial Development - For preexisting or approved commercial uses which are permitted, with the exception of coverage, the requirements of the C-2 Neighborhood Commercial Zone as specified in the schedule of requirements in Section 220-34 shall apply.

F. Circulation requirements:

- (1) A maximum of one access driveway shall be permitted on Route 79.
- (2) Parking setbacks:
  - (a) Route 79: 50 feet.
  - (b) Buildings: 10 feet (excluding driveways for single-family dwellings).

G. Other provisions:

- (1) A minimum of 20% of the total number of dwelling units, or 40 dwelling units, whichever is greater, must be non-age-restricted affordable rental units. Any calculation which results in a fraction of a unit shall be rounded up to the nearest whole number as the required number of affordable dwelling units to be provided.
- (2) A landscaped buffer with a minimum width of 20 feet shall be provided along all tract boundaries.
- (3) Drainage, utilities, driveways, and recreation facilities may be permitted to encroach within a required buffer area.

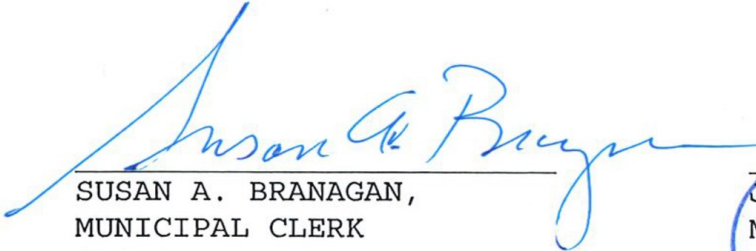
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

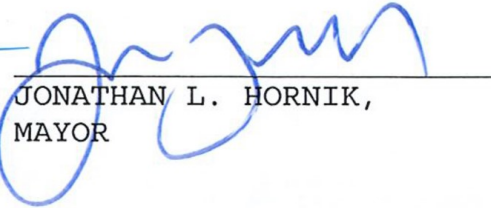
BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: FEBRUARY 20, 2025

ADOPTED: MARCH 20, 2025

  
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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
032025

  
\_\_\_\_\_  
JONATHAN L. HORNIK,  
MAYOR

DATE SIGNED: MARCH 20, 2025

DATE SIGNED: MARCH 20, 2025

## NOTICE OF PENDING ORDINANCE #2025-002

The ordinance was introduced and passed upon first reading at a meeting of the governing body of the Township of Marlboro, in the County of Monmouth, State of New Jersey, on February 20, 2025. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held at Town Hall, 1979 Township Drive, Marlboro, New Jersey on March 20, 2025. To view the council meeting live, go to the agenda on the Township's website (<https://www.marlboro-nj.gov/township-council-agendas-and-minutes>). In the event the meeting on March 20, 2025 is a virtual meeting, instructions regarding attendance and participation in the meeting will be posted on the Township's website (<https://www.marlboro-nj.gov/>). During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours of 8:30 a.m. to 4:30 p.m. Monday through Friday at the Municipal Clerk's office for the members of the general public who shall request the same. Copies of the ordinance can be requested by emailing [Clerk@marlboro-nj.gov](mailto:Clerk@marlboro-nj.gov) or calling 732-536-0200 ext.: 1235.

### ORDINANCE #2025-002

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 ("LAND USE AND DEVELOPMENT") OF THE CODE OF THE TOWNSHIP OF MARLBORO 220-94.9 GENERATIONAL HOUSING 5 DISTRICT

Said ordinance amends Chapter 220 ("Land Use and Development") of the Code of the Township of Marlboro. The Generational Housing-5 District is provided in accordance with the terms of an order of the Superior Court in the Matter of the Application of the Township of Marlboro for a Declaratory Judgement, Docket No. MON-L-2121-15.

SUSAN A. BRANAGAN, MUNICIPAL CLERK

(\$31.68)

AFFIDAVIT OF PUBLICATION

Order Number : 11065778

STATE OF WISCONSIN  
Brown County

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, deposes and saith that the advertisement of which the annexed is a true copy, has been published in said newspaper in the issue:

02/26/2025

*Keegan Moran*

Legal Clerk

*Vicky Felty*

Notary Public State of Wisconsin County of Brown

*9.19.25*

My commission expires

VICKY FELTY  
Notary Public  
State of Wisconsin

NOTICE OF ADOPTION  
OF ORDINANCE

ORDINANCE #2025-002

PUBLIC NOTICE IS HEREBY GIVEN,  
THAT AN ORDINANCE ENTITLED  
"AN ORDINANCE AMENDING AND  
SUPPLEMENTING CHAPTER 220  
("LAND USE AND DEVELOPMENT")  
OF THE CODE OF THE TOWNSHIP OF  
MARLBORO 220-94.9 GENERATIONAL  
HOUSING 5 DISTRICT" WAS FINALLY  
ADOPTED BY THE TOWNSHIP COUN-  
CIL OF THE TOWNSHIP OF MARL-  
BORO, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY ON  
MARCH 20, 2025.

SUSAN A. BRANAGAN,  
MUNICIPAL CLERK

(\$10.12)

AFFIDAVIT OF PUBLICATION

Order Number : 11154454

STATE OF WISCONSIN  
Brown County

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in said newspaper in the issue:

03/26/2025

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary Public State of Wisconsin County of Brown

  
\_\_\_\_\_  
My commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin