

**TOWNSHIP OF JACKSON  
ORDINANCE NO. 2025-46.**

**AN ORDINANCE AMENDING CHAPTER 244 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, AND STATE OF NEW JERSEY TO ESTABLISH AN INCLUSIONARY ZONE DISTRICT OVERLAY, ENTITLED AH-I, PROVIDING AFFORDABLE HOUSING UNITS TO BE DEVELOPED SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS**

*WHEREAS*, the Township of Jackson will satisfy its affordable housing obligation in accordance with Mount Laurel IV regulations, the settlement agreement between the Township and Fair Share Housing Center, and the most recently adopted Housing Plan Element & Fair Share Plan; and

*WHEREAS*, prior to the most recent Township of Jackson Housing Plan Element & Fair Share Plan, in 2025 the State of New Jersey provided a framework for municipalities to achieve constitutional compliance with regard to creating a realistic opportunity for producing a fair share of affordable housing for the Fourth Round; and

*WHEREAS*, N.J.S.A. 4:55D-62 provides the governing body with the power to create zoning districts and related requirements to effectuate the Township Master Plan and Housing Plan Element and Fair Share Plan; and

*WHEREAS*, the Township Council recognizes the importance of providing a realistic opportunity to produce its fair share obligation for the Fourth Round and to allow for the opportunity of housing choices within the Township; and

*WHEREAS*, the most recently adopted Housing Plan Element & Fair Share Plan and settlement agreement between the Township of Jackson and Fair Share Housing Center includes inclusionary developments to provide the Township with low- and moderate-income affordable units.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey, that an Affordable Housing Overlay Zone (AH-I) is hereby established and applied to certain lands in the Township as follows:

**SECTION 1.** Chapter 244 entitled “Land Use and Development and Regulations” of the Township of Jackson, is hereby amended and supplemented to create a new zoning district entitled AH-I as follows:

§244-97.1

- (1) Affordable Housing Overlay Zone (AH-I) District Overlay. The purpose of the AH-I Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary mixed-use residential developments that incorporate an appropriate affordable housing set-aside to address the Fourth Round obligation of the Township for the period 2025-2035. The AH-I district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.
- (2) Applicability. The AH-I District shall be applied to those properties identified in the table below as shown in the Township Tax Map. The Official Zoning Map of the Township of

Jackson is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-I Zone shall be permitted to be developed with mixed-use developments providing commercial and residential mixed uses. All development of affordable units shall follow the very-low/low/moderate income split provided for in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et seq). For the purpose of permitting the development of an inclusionary development the provisions and requirements of the AH-I Zone shall supersede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Township development regulations with respect to the development of affordable housing, the provisions of the AH-I Zone shall govern.

<b>Block</b>	<b>Lots</b>
801	46, 51, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, and 99
802	1, 2, 3, 4, 5
803	4, 5, 6, 7
1101	29, 30, 31, 32, 33, 34, 35, 36
1250	1, 2, 3, 22
11601	42, 43, 44, 45
11901	40
12001	1.01
12301	12, 13, 14
12501	1, 2, 3
12701	22
18201	17, 18, 19, 20, 21, 22, 23, 24, 25
21401	3.01, 3.02, 5, 6, 15

(3) Principal Permitted Use in the AH-I Affordable Housing Overlay Zone shall be inclusionary mixed-use developments with multifamily affordable housing, provided that 20% of the housing units are set aside as dwelling units affordable to very low-, low-, or moderate-income households:

A. Commercial uses permitted in the NC Neighborhood Commercial Zone arterial and major collector roads only.

i. A minimum of 7,500 square feet of commercial space is required for every 50 residential units proposed. For developments, or development increments of less than 50 residential units, no commercial space shall be required. The total commercial space for any development shall not be required to exceed 100,000 square feet within the tract. If, within ten (10) years of approval of a project for 49 or fewer residential units on a parcel of land, another application is submitted to the Planning Board or Zoning Board for an additional approval on the original lot that was the subject of the prior approval; and that second application would result in more than 49 residential units cumulatively within the parameters of the original lot, the appropriate Board shall classify the application as a creeping major subdivision and apply the standards for commercial development of this subsection as to the cumulative number of residential units within the parameters of the original lot.

- ii. Commercial uses are required to be on the first floor of a mixed-use building and may additionally be provided be on the second floor.

B. Affordable Multifamily dwellings

- i. The number of dwelling units shall be as required to constitute at least 20% of the market rate units and may be provided as clustered townhouse or apartment dwellings in accordance with the bulk standards of the zone.

C. Townhouses

- i. The number of dwelling units shall not exceed 8 dwelling units per net usable acre (ie. not including wetlands and any applicable wetlands transition buffers); exclusive of affordable units, which shall be provided as per B. above.

D. Duplexes or Two-Family Dwellings shall be prohibited.

(4) Accessory Uses. The following shall be permitted:

- A. Open space area(s);
- B. Clubhouse;
- C. Outdoor pool(s) or splash park(s);
- D. Off-street parking facilities including driveways;
- E. Fences in accordance with the applicable Township standards;
- F. Signs in accordance with the standards in the Township Code;
- G. Sidewalks in accordance the Township Code; and
- H. Other uses which are customarily incidental and subordinate to the principal use.

(5) Bulk, area, and building requirements. The following requirements shall apply for all permitted uses:

- A. At least 3,000 square feet of community center space shall be required for all development of between 50-149 residential units. At least 6,000 square feet of community center space is required for every development of between 150 – 224 residential units proposed. For developments of 225 residential units and above, at least 9,000 square feet of community center space is required with an additional 3,000 square feet of community center space being required for every 75 residential units included in the development (ex. 12,000 sq. feet of community center space shall be required for beginning at 300 residential units; 15,000 sq. feet of community center space shall be required for 375 residential units, etc.). It is recommended that Community Centers be standalone structures.
- B. A minimum of 16% of the total project site shall be dedicated to open space as defined by 244-6, provided that a) no more than 30 % of the total open space requirement may

be met through inclusion of wetlands; and b) at least 25% of the required 16% open space is for active recreation.

- C. A minimum 25-foot buffer is required around the property. No buffer is required when adjacent to open space -park use or wetlands buffer.

Building Requirements	Requirement
Min. Tract Buildable Area (acres)	15
Min. Tract Frontage (ft.) *Along County Road	200
Min. Front Yard Setback (ft.)	25
Min. Rear Yard Setback (ft.)	20 from building, 15 feet from rear deck
Min. Side Yard Setback (ft.)	15 *Interior Units may have a 0 ft side yard setback
Maximum Height (ft./story) Residential (including Townhomes) Mixed-Use – 4 Stories Clubhouse/community center – 2.5 stories	35/2.5 50/ 4 40/2.5
Minium Property Buffer from Adjacent Property (ft.) Open Space-Park Use or wetlands buffer	25 No buffer is required.
Minimum Tract Open Space (%)	16%
Maximum Building Tract Coverage (%)	35%
Maximum Impervious Tract Coverage (%)	70%
Accessory Structure Side/Rear Setback (ft.)	10
Building distances	Side by side, 25 feet, rear to rear 40 ft, and side to rear 30 ft, back deck to back deck 30 feet

(7) Off Street Parking:

A. Parking Requirements:

- i. Shared parking for a mixed-use building is permitted provided that a shared parking analysis and impacts report is submitted during the site plan application.

B. Dimensions:

- i. Off Street parking spaces shall be 9 feet wide and a minimum of 18 feet in depth.

C. Driveways

i. Driveways in the AH-I Inclusionary Zone shall adhere to the applicable requirements outlined in § 244-194G of the Township Code.

ii. Parking lot driveway aisle width shall be a maximum of 24 feet.

Use Type – Parking	Requirement
Minimum Parking	
Residential	RSIS Standards
Retail	1 / 150 s.f.
Office	1 / 150 s.f.
Community Center	1 / 200 s.f.

(8) Other Requirements

- A. Market rate units and affordable units shall be deed restricted to prohibit conversion of basements and garages into rentals.
- B. Basements shall not be accessible from the outdoors via a direct stairway or entrance to prohibit the conversion of basements into rentals. Side entrances shall not be permitted.
- C. A homeowners association shall be created, subject to the approval of the Planning Board. This entity shall assume responsibility for the ownership, management, and maintenance of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas within the development. The governing documents of the association shall include provisions ensuring the continued care, funding, and operation of these areas in accordance with applicable municipal standards
- D. There shall be no more than 8 attached townhomes on a single structure.
- E. Phasing of Amenities:

Minimum # of Units completed	Amenities
25 % of total residential units	25% of total project active recreation and clubhouse/community center complete
50 % of total residential units	50% of total project active recreation, clubhouse/community center and commercial development complete
75 % of total residential units	75% of total project active recreation, clubhouse/community center

100% of total residential units	100% of total project active recreation, clubhouse/community center and commercial development complete
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No certificates of occupancy, or temporary certificates of occupancy or conditional certificates of occupancy may be issued for last 10% of residential units until 100% of total project active recreation, clubhouse/community center and commercial development complete.

F. It is acknowledged that a project to be developed pursuant to this subsection may be of such a size or type so as to make sectionalization by subdivision and the use of different forms of ownership a practical necessity. Therefore, a technical subdivision for such a project may be required for marketing or financing purposes.

(1) An application for technical subdivision approval may be submitted with an application for approval of a site plan, or subsequent to the issuance of such approval.

(2) Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required.

(a) The purpose of the application is to create a new lot for the purpose of financing or transfer of ownership within a development which is, or has been, the subject of site plan approval.

(b) A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.

(c) A technical subdivision must not reduce, limit or modify parking or access to parking.

(d) If a technical subdivision includes the division of parking or other common areas or facilities, the subdivision shall be conditioned upon appropriate easements for parking, access, drainage and/or utilities where necessary.

(9) Site Improvement Standards

A. The entirety of a mixed-use center shall be designed with common architectural theme. High quality building façade materials shall be utilized; buildings of similar typology shall have same height.

B. The scale and mass of buildings shall be complimentary to its surroundings.

C. The proposed development(s) shall provide sewer and water capabilities and plans. The phasing of utility improvements, if necessary, shall be subject to the review and approval of the Planning Board.

- D. The proposed development shall be planned and designed to meet the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
- (1) All roadways, parking areas, and landscaped islands shall be private and maintained by a property management entity, except that access roads across lands dedicated to and accepted by the Township for public use may be public roads. Off Street Parking Requirements
  - (2) A visitor space of minimum of 0.225 parking spaces per unit shall be provided within the development. These shall be provided as surface parking spaces sprinkled throughout the development for convenient access to several units.
  - (3) No on-street parking shall be permitted within 100 feet of any roadway intersection; signage stating the same shall be provided as approved by Township Engineer.
  - (4) As part of final approval, the development shall provide a municipal services agreement with the Township for the contribution by the Township for maintenance, snow plowing, refuse removal and lighting in accordance with the municipal policies in effect at the time of approval.
- E. The development(s) shall provide for stormwater management in accordance with all applicable regulations. Stormwater management facilities shall be maintained by a property management entity. The phasing of stormwater management improvements, if necessary, shall be subject to the review and approval of the Planning Board and shall be completed in a manner that services the development areas as construction progresses.
- F. Affordable housing requirements. Residential development projects developed under the provisions of the AH-I shall provide for the development of affordable housing as outlined herein. Such affordable housing shall be provided through a 20% affordable housing set-aside.
- G. Affordable housing shall comply with Article XIII and UHAC. All site plans shall be reviewed by the Township Affordable Housing Attorney as part of Planning Board Application Review and shall require approval by the Township Affordable Housing Attorney in order to be deemed complete.
- H. Developments with 50 or more units shall provide a minimum of two (2) separate and approved fire apparatus ingress/egress road. Developments with 150 or more units shall provide a minimum of three (3) separate and approved fire apparatus ingress/egress roads that can be accessed by all units/lots.
- I. The developer of any project located on a county road shall be required to make a request for road widening of the county. If such request is denied, the developer must provide proof of traffic safety to applicable land use board based upon existing road widths.

- J. As per §244-203, sidewalks and curbing shall be required along all public street frontages as a condition relating to any development for which approval is granted by the Planning Board or Board of Adjustment. The proposed curbing shall be designed and constructed in accordance with the requirements of §§ 244-186 and 244-187, and the proposed sidewalk shall be designed and constructed in accordance with the requirements of §§ 244-204 and 244-205.

### NOTICE OF PENDING ORDINANCE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of Jackson held on the 13<sup>th</sup> day of November 2025, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 16th day of December 2025, at 6:30 p.m., at the Jackson Township Municipal Building, 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Introduction: November 13, 2025

Adoption: December 16, 2025

Attest:

  
Sandra F. Martin, RMC, CMR

  
Jennifer L. Kuhn, Mayor