



Lake Enno



TOWNSHIP OF JACKSON

HOUSING PLAN ELEMENT & FAIR SHARE PLAN

July 2025

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TOWNSHIP OF JACKSON

HOUSING ELEMENT & FAIR SHARE PLAN

Prepared: July, 2025

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Township of Jackson, New Jersey

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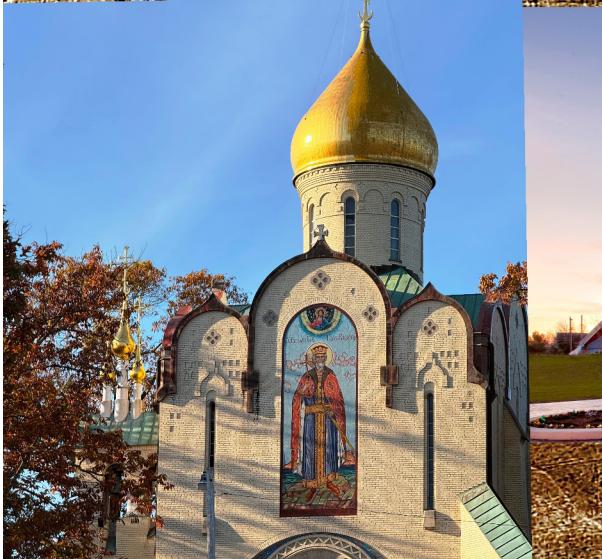
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Holman School Park

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INTRODUCTION

INTRODUCTION

LOCATION AND CONTEXT

Jackson Township is 100.55 square miles in size and is located in the northwest part of Ocean County and the central part of New Jersey. The Township borders the Ocean County municipalities of Lakewood Township, Toms River Township, Manchester Township, and Plumsted Township. It also borders the Monmouth County municipalities of Howell Township, Freehold Township, Millstone Township, and Upper Freehold Township.

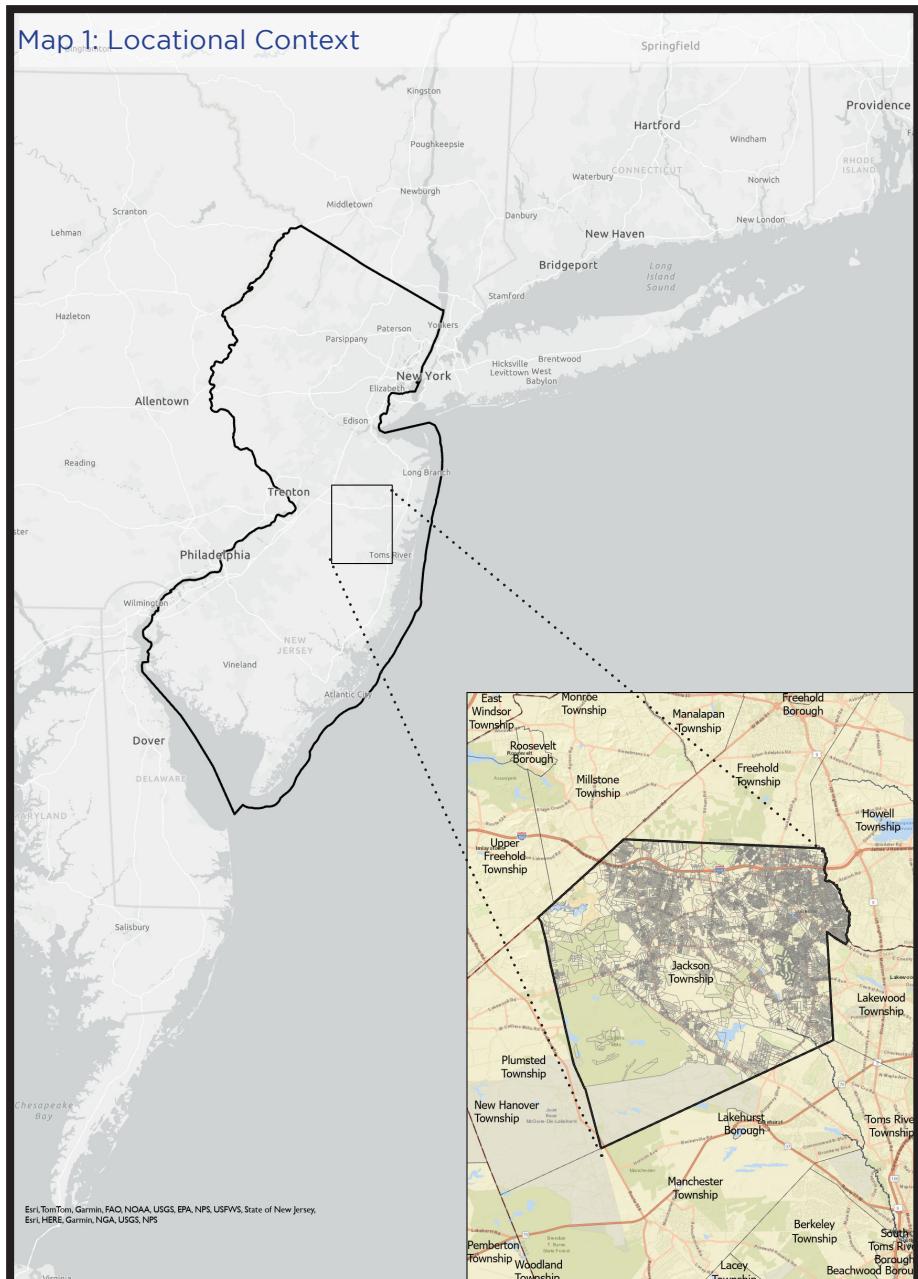
The Township is approximately 55 miles from Center City Philadelphia and Midtown Manhattan in New York City, but also is about 30 miles from Trenton and 15 miles from the Jersey Shore via Interstate 195.

HISTORY AND DEVELOPMENT PATTERNS

Jackson Township was established by the state legislature on March 6, 1844, comprising portions of Dover, Freehold, and Upper Freehold Townships while they were part of Monmouth County. It later became part of newly formed Ocean County on February 15, 1850, and portions were also used to create Plumsted Township on March 11, 1845.

The Township continued to be a traditional small farming community until the mid-20th century. Similar to many communities in New Jersey within the New York Metropolitan and Philadelphia areas, development and the population boomed in the 1960s, and the population of the Township tripled from 1960 to 1970, from a population of around 6,000 residents to a population of around 18,000 according to the US Census population counts.

This population boom was largely fueled by the development of the highways that connected Jackson to employment centers such as Trenton, Philadelphia, Newark, Jersey City, and New York City as well as Federal policies that supported home ownership in new suburban locations.



Jackson Township strategically supported and approved the development of entertainment uses to draw in both visitors and residents. A significant milestone was the opening of Six Flags Great Adventure on July 1, 1974. Later, to serve the expanded tourist base and population, Simon Property Group opened Jackson Premium Outlets in 1997. Most of the commercial uses in the Township are located along larger roads, such as County Line Road, Cooks Bridge Road, East Veterans Highway, in the form of strip-malls and smaller shopping centers, with residential uses located along connecting streets.

The Township also includes a variety of park space which is predominantly located in the Pinelands National Reserve.

POPULATION HISTORY AND DEMOGRAPHICS

Traditionally a farming community, the Township is the largest in Ocean County and has grown as an outer-ring suburb of the New York and Philadelphia metropolitan areas. As of the 2020 Census the Township's population was 58,544, an increase of 3,688 (+6.7%) from the 2010 Census count of 54,856, which reflected an increase of 12,040 (+28.1%) from the 42,816 counted in the 2000 Census.

The rate of increase from 2010 to 2020 much smaller than was the case when the population tripled from 1960 to 1970. Since the 1960's, the population has grown steadily by an average of 27% per decade. According to the NJTPA updated Demographic and Employment Forecast Model Jackson is projected to continue its growth in the coming decades as the Township is expected to have a population of 76,752 people by 2050.

Jackson consists of roughly 58,500 residents, of which data indicates that 45,972 people or 78.5% identify as white, 2,971 people or 5.1% percent identify as African American or Black, 1,577 or 2.7% percent identify as Asian, 179 people or 0.3% identify as American Indian and Alaska Native, 15 people or 0.03% identify as Native Hawaiian and Other Pacific Islander, 2,902 people or 5.0% identify as Some Other Race and 4,928 or 8.4% percent identify as two or more races.

7,543 people or 12.9% of the population of any race identifies as Hispanic or Latino, and 44,395 people or 75.8% identifies as White alone and not Hispanic or Latino.

Census data (2023 ACS 5-Year Estimate) also indicates a median household income of approximately \$108,947 for the Township. This is a relatively high median household income given that the median household income for Ocean County is \$86,411 and for the state of New Jersey it is approximately \$101,050.

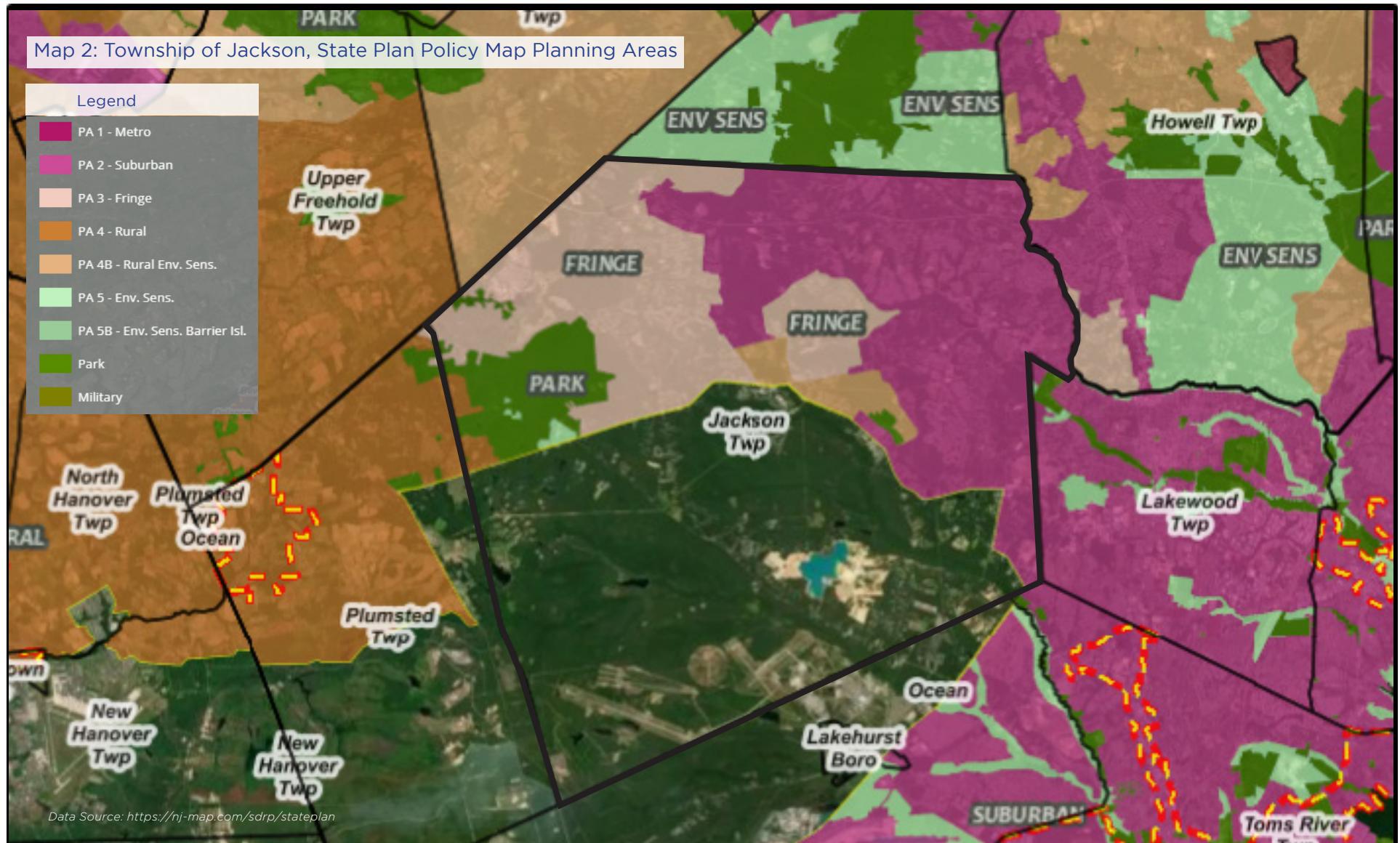
STATE PLAN

According to the 2001 State Plan Policy Map, The Township is mostly located in the Suburban Planning Area (PA2) and the Fringe Planning Area (PA3), and partially located in the Rural Planning Area (PA4), Rural Environmentally Sensitive Area (PA 4B), the Environmentally Sensitive Planning Area (PA5).

Similarly, the surrounding Ocean County municipalities of Lakewood Township, Toms River Township, Manchester Township, and Monmouth County municipality of Freehold Township, are primarily located within the Suburban Planning Area (PA2). The Ocean County municipality of Plumsted Township, and the Monmouth County municipalities of Millstone Township and Upper Freehold Township are primarily located in the Rural Planning Area. Similar to Jackson Township, Howell Township in Monmouth County, contains multiple planning areas; PA2, PA3, PA4, and PA5.

The State Plan promotes the strategic application of investment and regulatory policy to repair and maintain infrastructure in developed areas, to reestablish adequate levels of service in overburdened communities and to protect the agricultural, natural and cultural resources of the state.

The State Plan Policy Map Planning Areas serve a pivotal role in the State Plan by setting forth Policy Objectives that guide the application of the State Plan's Statewide Policies. Planning Areas are areas of land that are greater than one square mile that share a common set of conditions, such as population density, infrastructure systems, level of development or protection of natural systems.



STATE PLAN

The Suburban Planning Area (PA2) provides for much of the states' future development and redevelopment opportunities. According to the 2001 State Plan, the additional intentions of the Suburban Planning Area are to: promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

The Fringe Planning Area (PA3) is predominantly rural in nature and does not contain prime agriculture or environmentally sensitive land, while containing small communities. According to the 2001 State Plan the intent of the Fringe Planning Area is to: accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine programmed sewers and public water services to Centers.

The township is partially located in the Rural Planning Area (PA4). This area includes much of the countryside of New Jersey, where large masses of cultivated or open land exist. According to the 2001 State Plan the intent of the Rural Planning Area is to maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing, stable communities; and confine programmed sewers and public water services to Centers.

The Township is also partially located within the Rural Environmentally Sensitive Planning Area (PA 4B). This area includes areas within the Rural Planning Area that contain one or more environmentally sensitive features. According to the 2001 State Plan the intent of the Rural Environmentally Sensitive Planning Area is the same as the Rural Planning Area.

The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. According to the 2001 State Plan the intent of the Environmentally Sensitive Planning Area (PA5) protects environmental resources and accommodates growth in Centers; protects the character of existing stable communities; confines programmed sewers and public water services to Centers; and revitalizes cities and towns. The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems and geological features and wildlife habitats.

While there is no official designated Center within the Suburban Planning Area (PA2), the area north of County Line Road Avenue, acts as the Township's "Center", as this is where most of the residential and commercial uses occurs within the Township.

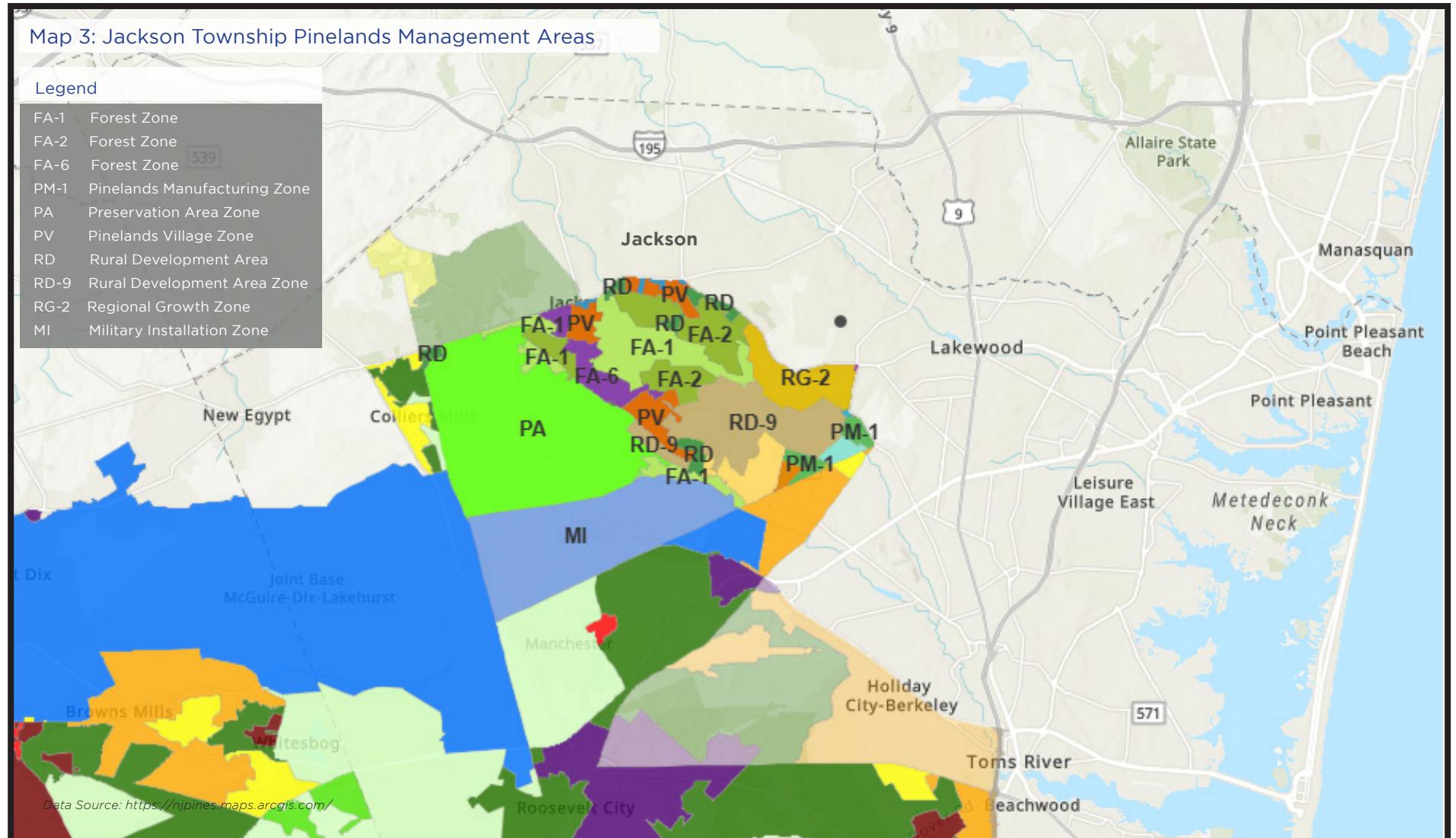
PINELANDS MANAGEMENT AREA

The Township is also located within the designated Pinelands Management Area. The Pinelands National Reserve was created by Congress in 1978, encompassing 1.1 million acres covering all or parts of 56 municipalities. In 1979 the Pinelands Commission was established and the Pinelands Protection Act was enacted, which set the stage for the adoption of the Pinelands Comprehensive Management Plan (CMP) in 1981. Soon thereafter municipalities within the Pinelands Area were required to adopt Master Plan and land use regulations consistent with the CMP.

Since the adoption of the CMP, the suburban development of Jackson that began in the 1950s and exploded from 1960 to 1970, has continued but has been focused to the non-Pinelands areas of the Township. Mainly as a result of the Pinelands regulations and associated infrastructure planning, and the environmental constraints within the Pinelands area,

Jackson Township has been developed with a distinctly suburban character in the northern and eastern portions of the Township, particularly along Route I-195 and the County Line Road corridors, and with a more rural character in the southern and western portions of the Township. This pattern however is changing over the recent years as more people make Jackson their home.

The majority of the Pinelands Management Area is either designated as the Pinelands Rural Development Area, Preservation Area, or Forest Area. The Pinelands Village, Regional Growth Area, and Special Agricultural Production Area are also located within the Township.



AFFORDABLE HOUSING

In 1975 the New Jersey Supreme Court determined, in *So. Burlington County. NAACP v. Township of Mount Laurel* (“Mount Laurel I”) that every developing municipality in New Jersey had an affirmative obligation to provide a “realistic opportunity” for its fair share of low-and moderate-income housing. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance in its “Mount Laurel II” decision. In this decision, the Court exposed municipalities that refused to comply voluntarily to the possibility of builder’s remedy relief. The Court also called for the state legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

First and Second Rounds

In 1985 the Legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) (“FHA”). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary compliance and empowered municipalities to submit to COAH’s jurisdiction and voluntarily comply under the protections of the COAH process.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 (“First Round”) and for the second housing cycle in 1994; which covered the years 1993 through 1999 (“Second Round”). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the “fair share” methodology. COAH utilized a different methodology, known as “growth share,” beginning with its efforts to prepare Third Round housing-need numbers.

Third Round

COAH first adopted the Third-Round rules in 2004; which were to cover the years 1999 through 2014. The “growth share” approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that along with employment opportunities there should be proportionate opportunities for affordable housing.

Each municipality was required to project the amount of residential and nonresidential growth that would occur during the period 2004 through 2014 and prepare a plan to provide proportionate affordable housing opportunities. The regulations were challenged and in January 2007, the New Jersey Appellate Division invalidated key aspects of COAH’s third round rules and ordered COAH to propose and adopt amendments to its rules to address the deficiencies it had identified.

COAH adopted new Third Round rules in May of 2008 and subsequently adopted amendments that became effective on October 20, 2008. Changes to the Fair Housing Act were also adopted in July of 2008 (P.L. 2008 c. 46 on July 17, 2008). The COAH rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the “Growth Share” methodology, and also indicated that COAH should adopt regulations pursuant to the “Fair Share” methodology utilized in the First and Second Rounds.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations and sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in the First and Second Rounds.

In October of 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party in the earlier cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. On March 20, 2015, the Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to the creation of COAH in 1986.

Since the 2015 Mt. Laurel IV decision, municipalities have turned to the courts to seek a declaratory judgement of their housing plans to determine whether they are meeting their constitutional affordable housing obligations, and to be granted immunity from any "builder's remedy" lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology following closely one proposed by Fair Share Housing Center to determine municipal obligations.

In the 2018 decision by Judge Jacobson, it was further determined that the initial period of the Third Round which had not been addressed (1999 – 2015) known as the "gap period" is to be included in each municipality's fair share calculations to address the Third Round.

Fourth Round

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low and moderate income housing. This new law formally abolished COAH and established a new "Program" for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required municipalities to determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County as it related to the Third Round, and adopt a binding resolution setting those obligation numbers.

The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

In addition to the revisions to low and moderate income housing crediting, the amended law established a new Affordable Housing Alternative Dispute Resolution Program. The Program is intended adjudicate any disputes in affordable housing, and function as the administrative body responsible for reviewing and certifying municipal compliance with the Fair Housing Act. Through the Program and the Administrative Office of the Courts, municipalities seeking a judgment of compliance with Affordable Housing regulations must submit their plans to the Program for certification and to retain immunity from any potential builders remedy lawsuits.

JACKSON TOWNSHIP'S COMPLIANCE HISTORY

Jackson Township has had a long compliance history in meeting its constitutional obligation of providing affordable housing within the Township. Jackson prepared its Housing Element and Fair Share Plan addressing its First Round obligation (1987-1993) on January 26, 1993. A Fairness Hearing was conducted by the Court and with the recommendation of the Court Appointed Special Master, the Court approved the Township's first cycle plan and a Judgement of Compliance and Repose was entered on October 29, 1993. The Judgement of Compliance and Repose granted the Township six years of protection from exclusionary zoning challenges.

In 1994, COAH issued its cumulative (1987-1999) first and second housing cycle (round) municipal affordable housing obligations. In early 1999, the Township embarked upon the process of developing a cumulative affordable housing compliance plan (Housing Element and Fair Share Plan) under the auspices and protection of the Court. A Draft Housing Element was prepared in November 2000 and submitted to the Court Special Master for review.

The Draft Housing Element included a request for reduction of the Township's obligation under COAH's "1,000-unit cap rule", a "senior cap" waiver request, and a request for 247 credits under the "credits without controls rule". The ultimate resolution of these issues and other circumstances (incl.: the issuance of new COAH rules; an additional third round obligation; the subsequent challenge and modification of said rules; and, necessary modifications to the Hovbilt [Site No. 6] and Leigh at Jackson

JACKSON TOWNSHIP'S COMPLIANCE HISTORY

[Site No. 2] affordable housing developments delayed the preparation of the Township's Cumulative (1987-1999) Affordable Housing Compliance Plan until late 2007. On January 14, 2008, the Planning Board adopted a Housing Element and Fair Share Plan, which was subsequently endorsed by the Township Council on January 22, 2008.

On November 23, 2011, the Court issued an Order granting the relief sought by the Township to modify the Second Amendment to the Hovbilt, Inc. and Jackson Township Affordable Housing Agreement with respect to Affordable Housing Site No. 6. The Order further provided that the Township revise its Compliance Plan to reflect changes to the 2008 Housing Element and Fair Share Plan as a result of the Settlement Agreements affecting Affordable Housing Sites Nos. 2 and 6, and to further conduct a compliance hearing on said plan "... to demonstrate compliance with its prior round and rehabilitation obligations and credits towards its future third round obligation".

On November 19, 2012, the Planning Board adopted an Amended Housing Element and Fair Share Plan to address the requirements of the November 23, 2011 Order of the Court (i.e., to demonstrate compliance with Township's prior round and rehabilitation obligations and credits toward its future, but at that time, undetermined, third round obligation). The Township Council, on November 20, 2012, endorsed the Amended Housing Element and Fair Share Plan adopted by the Planning Board.

At the end of Second Round period, which expired in 1999, COAH subsequently promulgated new rules for Third Round based on the Growth Share methodology. After years of litigations and challenges, on September 26, 2013, the New Jersey Supreme Court affirmed the invalidation of the growth share methodology and required COAH to come up with new Third Round Rules. After COAH failed to produce those new rules by February 26, 2014, Supreme Court issued its decision on March 10, 2015, stripping COAH of its administrative duties relating to affordable housing certification process. As several of the municipalities turned to Courts to determine their compliance with Third Round Plan, on July 7, 2015, Township filed a motion for Declaratory Judgement (IMO Township of Jackson, County of Ocean, Docket No. OCN-L-001879-15) seeking the declaration of the Court of its

compliance with the Mount Laurel doctrine and the Fair Housing Act (N.J.S.A. 53:27D-301 et seq.) in accordance with the Court's Mount Laurel IV decision. Fair Share Housing Center, Inc. (FHC), Highview Homes and EL @ Jackson were granted intervenor status in separate Orders of the Court.

After the filing of the Declaratory Judgment action, the Township and FHC participated in numerous conferences, motions, appeals, and other proceedings and ultimately reached a settlement agreement with FHC and Highview Homes. This agreement referred to as the Settlement Agreement, was dated October 25, 2016 and signed by both FHC and Highview Homes and sets forth the Township's second and third round fair share obligations and a compliance plan to address the obligations. On December 31, 2016, the Court ordered Fairness Hearing on the Settlement Agreement. The Township was granted a final judgment of compliance.

Following this, Township of Jackson and Fair Share Housing Center reached a Settlement Agreement on December 12, 2024 to address its Fourth Round affordable housing obligation and to address the deferred gap period obligation described in the 2016 Settlement Agreement at Paragraph 13.

Jackson Township has previously been a party to litigation in the Superior Court of New Jersey concerning its obligation to plan for and provide affordable housing and has entered into affordable housing agreements with the Fair Share Housing Center ("FHC"), a public interest organization designated by the courts to represent the interests of low- and moderate-income households in such matters for the Third and Fourth Rounds. The Township acknowledges its ongoing obligation to comply with all court orders, settlement agreements, and declaratory judgments entered in relation to its affordable housing obligations.

The Township has prepared this Housing Plan Element and Fair Share Plan in accordance with all requirements of the Municipal Land Use Law, and the Amended Fair Housing Act and the Settlement Agreement.

2

HOUSING PLAN ELEMENT

HOUSING PLAN ELEMENT

According to the Municipal Land Use Law (MLUL) (40:55D-28.b(3)), a municipality is required to adopt a Housing Plan Element of the Master Plan, as well as a Fair Share Plan for addressing its low and moderate income housing obligations in accordance with the Fair Housing Act (FHA). Pursuant to the Fair Housing Act, Section 10 of P.L. 1985, c. 222 (C. 52:27D-310), a municipality's housing plan element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with attention to low- and moderate-income housing. This updated Housing Plan Element for Jackson Township has been prepared in a manner that is consistent with the FHA and MLUL requirements, and contains the following, as spelled out in the FHA:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing; and

6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low-and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
7. A map of all sites designated by the municipality for the production of low- and moderate income-housing and a listing of each site that includes its owner, acreage, lot, and block;
8. The location and capacities and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for amendments to, or consistency determinations regarding, applicable area-wide water quality management plans (including wastewater management plans);
10. A copy of the most recently adopted master plan and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate, United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required by the appropriate authority.

This Housing Plan Element and Fair Share Plan will address the Township's obligations to provide a realistic opportunity for the construction of low- and moderate-income housing in accordance with the Fair Housing Act, and the MLUL for the Fourth Round period of 2025 – 2035. The preparation of a Housing Plan Element and Fair Share Plan is the first step in petitioning the court for Substantive Certification and Judgement of Repose.

A review and analysis of the Township's housing stock, demographics, population analysis, and economic characteristics can be found in Appendices.

ANALYSIS OF DEMOGRAPHIC, HOUSING, AND EMPLOYMENT CHARACTERISTICS

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township's demographic, housing and employment characteristics based on information from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.

DEMOGRAPHICS

Population

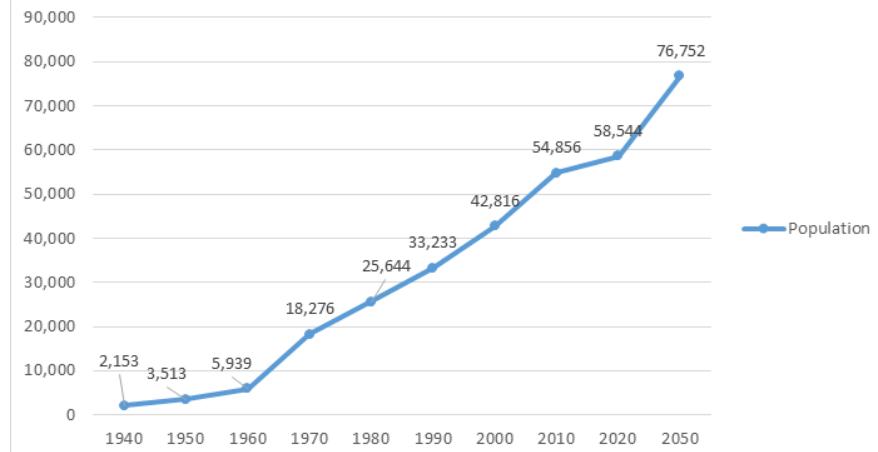
The Township of Jackson has experienced moderate but steady growth over the past few decades. According to the 2020 U.S. Census, the Township's population stood at 58,544 residents. This marks a 6.7% increase from the 54,856 residents recorded in 2010. There was a substantial percentage increase of 28.1% from 2000 to 2010 in the Township. In comparison, Ocean County grew more slowly from 2000 to 2010, with a 13.0% increase.

Table 1: Population Trends, 2000 - 2020

	2000	2010	2020	Percent Change 2000-2010	Percent Change 2010-2020
Jackson Township	42,816	54,856	58,544	28.1%	6.7%
Ocean County	510,916	577,574	637,229	13.0%	10.3%

Source: US Census Bureau Decennial Census (Table DP-1)

Figure 1: Population over time in Jackson Township



Source: US Census Bureau, Decennial Census, North Jersey Transportation Planning Authority Demographic Forecasts (2050)

The Township's population growth between 1940 to 2050 (actual and estimated) is illustrated in Figure 1 above. As seen in the figure, population growth increased drastically from 1960 to 2010, however from 2010 there was a modest population growth. It is, however, projected that the Township's population might continue to experience a modest increase by 2050, with an estimated population of 76,752.

Population Composition by Age

The age composition of Jackson has shifted noticeably since 2000, as shown in Table 2 below. According to the U.S. Census Bureau's Decennial Census Estimates, significant changes occurred between the older age groups. All age cohorts except '35-44 years' experienced an increase. The Township saw a significant increase in the number of residents aged 55 years and older. The greatest percentage increase occurred in the 75 to 84 years cohort, which grew by 175.9%, and in the 85 and over cohort, which grew by 196.9%.

Table 2: Population by Age Cohort, Jackson Township, 2000 - 2020

Population and Cohort Type	2000		2020		Percent Change 2000-2020
	Number	Percent	Number	Percent	
Total population	42,816	100%	58,544	100%	36.7%
Under 5 years	3,515	8.2%	3,758	6.4%	6.9%
5 to 9 years	3,832	8.9%	3,909	6.7%	2.0%
10 to 14 years	3,583	8.4%	3,826	6.5%	6.8%
15 to 19 years	2,726	6.4%	3,765	6.4%	38.1%
20 to 24 years	1,829	4.3%	3,440	5.9%	88.1%
25 to 34 years	5,755	13.4%	7,026	12.0%	22.1%
35 to 44 years	8,883	20.7%	6,017	10.3%	-32.3%
45 to 54 years	5,492	12.8%	7,621	13.0%	38.8%
55 to 59 years	1,793	4.2%	4,383	7.5%	144.5%
60 to 64 years	1,399	3.3%	3,805	6.5%	172.0%
65 to 74 years	2,228	5.2%	5,984	10.2%	168.6%
75 to 84 years	1,325	3.1%	3,656	6.2%	175.9%
85 years and over	456	1.1%	1,354	2.3%	196.9%

Ocean County has also seen notable shifts in the age composition of its population over the past two decades, as shown in Table 3 below. The younger cohort's populations surged by an average of 32.9%, while the middle-aged adult cohort population (35 to 44 years) decreased by 14.8%. Although less than the Township, the older age population cohorts from 55 years and above increased by an average of 47.0%, reflecting an aging population at both County and Township level.

Table 3: Population by Age Cohort, Ocean County, 2000 - 2020

Population and Cohort Type	2000		2020		Percent Change 2000-2020
	Number	Percent	Number	Percent	
Total population	510,916	100%	637,229	100.0%	24.7%
Under 5 years	32,181	6.3%	44,884	7.0%	39.5%
5 to 9 years	34,396	6.7%	43,622	6.8%	26.8%
10 to 14 years	33,898	6.6%	41,909	6.6%	23.6%
15 to 19 years	28,690	5.6%	37,880	5.9%	32.0%
20 to 24 years	23,528	4.6%	35,107	5.5%	49.2%
25 to 34 years	57,098	11.2%	71,896	11.3%	25.9%
35 to 44 years	75,878	14.9%	64,640	10.1%	-14.8%
45 to 54 years	63,293	12.4%	67,819	10.6%	7.2%
55 to 59 years	25,587	5.0%	41,928	6.6%	63.9%
60 to 64 years	23,107	4.5%	43,205	6.8%	87.0%
65 to 74 years	54,304	10.6%	76,886	12.1%	41.6%
75 to 84 years	44,042	8.6%	47,329	7.4%	7.5%
85 years and over	14,914	2.9%	20,124	3.2%	34.9%

The median age of residents in Jackson increased by 15.9% from 2000 and 2020, rising from 35.2 to 40.8 years. The median age increase in the Township outpaced that of both Ocean County (1.2%) and New Jersey (8.7%), suggesting a sharper demographic shift towards an older population.

Table 4: Median Age, 2000 – 2020

	2000	2020	Percent Change
Jackson Township	35.2	40.8	15.9%
Ocean County	41.0	41.5	1.2%
New Jersey	36.7	39.9	8.7%

Source: US Census Bureau, Decennial Census (Table DP-1)

Households

A household is defined as one or more individuals, related or not, living together in a single housing unit. According to the 2023 American Community Survey (ACS) 5-Year estimates, there were 20,993 households in the Township. Of these, the share was almost equally divided across all household sizes with 23.7% of 1-person, 30.3% of 2-persons and 29.7% of 4 or more persons.

As illustrated in Table 5, the Township and the County have a similar makeup of household size, with the largest being a 2-person household at 34.4% at the County level.

The Township's average household size was 2.81 people, slightly higher than the County's average of 2.65 and New Jersey's average of 2.61, according to the ACS estimates.

Table 5: Household Characteristics, 2023

	Jackson Township		Ocean County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
Total Households	20,993	100.0%	241,521	100.0%	3,478,355	100.0%
1-person	4,974	23.7%	68,021	28.2%	918,897	26.4%
2-persons	6,363	30.3%	83,181	34.4%	1,081,842	31.1%
3-persons	3,426	16.3%	33,386	13.8%	594,946	17.1%
4 or more persons	6,230	29.7%	56,933	23.6%	882,670	25.4%
Average Household Size	2.81	people	2.65	people	2.61	people

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table S2501& B25010)

Family households are defined as two or more individuals living together in the same residence, related by blood, marriage, or adoption. Of the total 20,993 households within Jackson, a total of 15,411 (73.4%) are family households. In contrast, Ocean County has 66.6% family and 33.4% non-family households.

Table 6: Household by Type, 2023

	Jackson Township	Ocean County		
	Number	Percent	Number	Percent
Total Households	20,993	100.0%	241,521	100.0%
Average Family Size	3.34	people	3.31	people
Family Households	15,411	73.4%	160,799	66.6%
Married Couple Family	12,236	79.4%	127,318	79.2%
With own children under 18 years	5,316	43.4%	48,896	38.4%
No children under 18 years	6,920	56.6%	78,422	61.6%
Male householder, no wife present	1083	7.0%	9,784	6.1%
With own children under 18 years	503	46.4%	3,965	40.5%
No own children under 18 years	580	53.6%	5,819	59.5%
Female householder, no husband present	2092	13.6%	23,697	14.7%
With own children under 18 years	877	41.9%	8,312	35.1%
No own children under 18 years	1,215	58.1%	15,385	64.9%
Non-family Households	5,582	26.6%	80,722	33.4%
65 years and over	2,687	12.8%	42,025	17.4%

Source: US Census Bureau, American Community Survey 5-year Estimates 2019 to 2023 (Table S1101)

Within the Township, approximately 79.4% of family households consist of married couple householders. Among the remaining family households, 7.0% are headed by a single male householder and 13.6% are headed by a single female householder. The average family size in the Township is 3.34 persons. The percentage share within family households is similar at the County level as well. There are about 13% non-family households aged 65 years and at the Township level and about 17% non-family households aged 65 years at the County level.

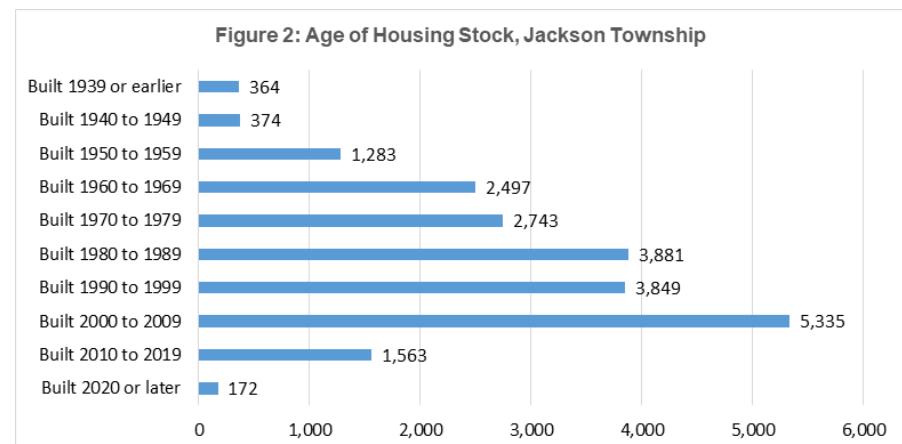
Existing Housing Conditions

Jackson's housing stock is predominantly occupied, as indicated in Table 7. Only 4.8% of the housing units are vacant. Of the total of 20,993 occupied housing units, 85.9% are owner-occupied while 14.1% are renter-occupied.

Table 7: Housing Units in Jackson Township		
	Number	Percent
Total Housing Units	22,061	100.0%
Occupied Housing Units	20,993	95.2%
Owner Occupied	18,040	85.9%
Renter Occupied	2,953	14.1%
Vacant Housing Units	1,068	4.8%
For rent	0	0.0%
Rented, not occupied	109	10.2%
For Sale Only	120	11.2%
Sold, not occupied	152	14.2%
For Seasonal, Recreational or Occa- sional use	0	0.0%
For migrant workers	641	60.0%
Other Vacant	0	0.0%

Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04 and B25004)

As illustrated in Figure 2, building activity in the Township was at its peak during 1980-1990. Since 2010, construction appears to have dipped substantially, especially from 2020 due to slower housing market post-recession and the Covid-19 pandemic.



Housing Type and Size

Jackson's housing stock is predominantly comprised of single-family detached homes, making up approximately 77.5% of the total housing units. Multi-family housing containing 20 or more units comprise 4.1% of the total units. In terms of bedrooms, 24.2% and 31.0% are made up of 2- and 3-bedroom units, respectively.

Table 8: Housing Units by Type, 2023, Jackson Township

	Number	Percent
Total Housing Units	22,061	100.0%
1-unit detached	17,107	77.5%
1-unit, attached	1,154	5.2%
2 units	81	0.4%
3 or 4 units	321	1.5%
5 to 9 units	410	1.9%
10 to 19 units	672	3.0%
20 or more units	904	4.1%
Mobile home	1412	6.4%
Boat, RV, Van, etc.	0	0.0%
Bedrooms		
No bedroom	130	0.6%
1 bedroom	1,342	6.1%
2 bedrooms	5,332	24.2%
3 bedrooms	6,830	31.0%
4 bedrooms	7,139	32.4%
5 or more bedrooms	1,288	5.8%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Tables DP04)

Housing Values and Contract Rents

Table 9 provides a detailed breakdown of home values for owner-occupied units within the Township. According to the ACS 5-Year Estimates, the plurality of housing units in Jackson (39.0%) were valued between \$500,000 to \$999,999, which is higher than the County's highest share of the value of housing units, \$300,000 to \$499,999, at 36.7%. The median value of an owner-occupied home in Jackson in 2023 was \$461,200, which is considerably higher than the County's median at \$366,600.

Table 9: Value of Owner-Occupied Housing Units, 2023

	Jackson Township		Ocean County	
	Number	Percent	Number	Percent
Total	18,040	100.0%	193,630	100.0%
Less than \$50,000	601	3.3%	6722	3.5%
\$50,000 TO \$99,999	531	2.9%	7606	3.9%
\$100,000 TO \$149,999	159	0.9%	6557	3.4%
\$150,000 TO \$199,999	742	4.1%	10614	5.5%
\$200,000 TO \$299,999	1903	10.5%	38410	19.8%
\$300,000 TO \$499,999	6,722	37.3%	71,026	36.7%
\$500,000 to \$999,999	7,042	39.0%	43,985	22.7%
\$1,000,000 and greater	340	1.9%	8,710	4.5%
MEDIAN VALUE	\$461,200		\$366,600	

Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)

Table 10 below provides a breakdown of gross rent paid within the Township and County. Rental prices in Jackson typically fall between the range of \$1,000 to \$1,499 per month at 27.2%. At the County level, the plurality share lies between \$1,500 to \$1,999 at 33.5%. According to the 2023 ACS 5-Year Estimates, the median contract rent in the Township was \$1,711, similar to the County median of \$1,702.

Additionally, approximately 18 units in the Township did not require cash rent payments, compared to 3,010 such units across the County.

Table 10: Gross Rent Paid, 2023				
	Jackson Township		Ocean County	
	Number	Percent	Number	Percent
TOTAL	2,935	100.0%	44,881	100.0%
Less than \$500	131	4.5%	1,911	4.3%
\$500 TO \$999	205	7.0%	3,137	7.0%
\$1,000 to \$1,499	797	27.2%	11,324	25.2%
\$1,500 to \$1,999	794	27.1%	15,025	33.5%
\$2,000 to \$2,499	735	25.0%	8,562	19.1%
\$2,500 to \$2,999	106	3.6%	2,654	5.9%
\$3,000 or more	167	5.7%	2,268	5.1%
No rent paid	18	0.6%	3,010	6.7%
Median Contract Rent	\$1,711		\$1,702	

Source: US Census Bureau, ACS 5-year Estimates 2023 (Tables DP04)

Housing Conditions

According to the 2023 ACS estimates, 1.1% of the owner-occupied units and 1.3% of the renter-occupied units out of the total occupied housing units are overcrowded in Jackson, meaning that they house more than 1 persons per room. The estimates also reveal that there are 122 units that lack complete plumbing facilities and 225 units that lack complete kitchen equipment in the Township as of 2023. These housing deficiencies are key factors in assessing overall housing conditions across the Township and determining municipal rehabilitation needs. Table 11 below provides a breakdown of housing deficiency characteristics based on the 5-year ACS data.

Table 11: Housing Deficiency Characteristics, 2023, Jackson Township

Housing Units with 1.01 or More Persons Per Room		
	Count	Percent
Owner-Occupied	202	1.1%
Renter-Occupied	39	1.3%
Plumbing Facilities		
Total Occupied Housing Units	20,993	100.0%
Lacking complete plumbing facilities	122	0.6%
Kitchen Equipment		
Total Occupied Housing Units	20,993	100.0%
Lacking complete kitchen facilities	225	1.1%

Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables B25014, S2504)

Housing Stock

According to the New Jersey Department of Community Affairs (DCA), Township of Jackson issued building permits for 825 new residential units between January 2013 and December 2023. During this period, the Township also approved 26 residential demolition permits. Subtracting the demolition permits from the construction permits reveals a net increase of 799 residential units over the same timeframe.

Notably, the Township's one and two family housing as well as multi-family housing stock was consistent from 2013 to 2020. As such, housing production in Jackson seems to have decreased since 2021.

Table 12: Building Permits and Demolition Permits Issued 2013 – 2023						
Year	1&2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2013	40	0	0	40	3	37
2014	67	0	0	67	9	58
2015	86	134	0	220	2	218
2016	70	222	0	292	0	292
2017	36	31	0	67	1	66
2018	58	0	0	58	2	56
2019	38	0	0	38	0	38
2020	27	0	0	27	9	18
2021	1	11	1	13	0	13
2022	0	0	0	0	0	0
2023	3	0	0	3	0	3
TOTAL	426	398	1	825	26	799

Source: NJ DCA, Construction Reporter 2013 to 2023

EMPLOYMENT DATA

Employment Status

ACS estimates provide data on the work activity of residents aged 16 and older. As of 2023, Jackson's working-age population was 45,358 with approximately 29,712 (65.5%) residents in the labor force. Around 34.5% of the Township's working-age residents were not participating in the labor force at the time of the estimates, which is comparable to the County's 41.0% non-participation rate. Most of the Township's labor force were employed in civilian jobs, with 66 residents reported as members of the armed forces. The unemployment rate for Township residents was approximately 3.1%, comparable to the County's rate of 3.2%.

Table 13: Employment Status, 2023				
	Jackson Township	Ocean County		
	Number	Percent	Number	Percent
Population 16 years and over	45,358	100.0%	502,187	100.0%
In labor force	29,712	65.5%	296,116	59.0%
Civilian Labor Force	29,646	65.4%	295,499	58.8%
Employed	28,254	62.3%	279,228	55.6%
Unemployed	1,392	3.1%	16,271	3.2%
Armed Forces	66	0.1%	617	0.1%
Not in Labor Force	15,646	34.5%	206,071	41.0%

Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)

Worker Classification

As shown in Table 14 below, approximately 77.4% of Township's workers were employed in private wage and salary positions, while 4.1% were self-employed. Government employees made up 17.9% of the workforce, with 0.5% of the workforce are unpaid family workers.

Table 14: Classification of Workers in Jackson Township, 2023		
	Number	Percent
Civilian employed population 16 years and over	28,254	100.0%
Private Wage and Salary Worker	21,869	77.4%
Government Worker	5,066	17.9%
Self-Employed Worker	1,167	4.1%
Unpaid Family Worker	152	0.5%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

Workforce by Sector

An analysis of employed individuals over the age of 16 by economic sector reveals while there is a diverse range of industries in which the Township's working-age population is engaged. The sector with the highest share of workforce is educational, healthcare services, and social assistance at 25.6%. It is followed by retail trade at 13.4% and professional management services and professional, scientific, and management, and administration and waste management services at 13.0% and 11.4%, respectively.

Table 15: Workforce by Sector, 2023, Jackson Township

Industry	Number	Percent
Civilian employed population 16 years and over	28,254	100.0%
Agriculture, forestry, fishing and hunting and mining	1	0.0%
Construction	2,435	8.6%
Manufacturing	1,427	5.1%
Wholesale trade	618	2.2%
Retail trade	3,777	13.4%
Transportation and warehousing, and utilities	1,775	6.3%
Information	479	1.7%
Finance and insurance, and real estate and rental and leasing	2,261	8.0%
Professional, scientific, and management, and administration and waste management services	3,676	13.0%
Educational services, health care and social assistance	7,227	25.6%
Arts, entertainment, and recreation, and accommodation and food services	1,938	6.9%
Other services, except public administration	899	3.2%
Public administration	1,741	6.2%

Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)

Occupations by Type

Table 16 presents a breakdown of occupations by type within the Township's employed civilian labor force. The largest segment is engaged in management, business, science, and arts occupations (44.3%), followed by sales and office occupations (21.1%), service occupations (14.5 %).

Table 16: Occupations by Type, 2023, Jackson Township

	Number	Percent
Employed Civilian population 16 years and over	28,254	100.0%
Management, business, science, and arts occupations	12,524	44.3%
Service occupations	4,107	14.5%
Sales and office occupations	5,973	21.1%
Natural resources, construction, and maintenance occupations	2,702	9.6%
Production, transportation, and material moving occupations	2,948	10.4%

Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)

Commuting To Work

As shown in Table 17 below, the vast majority of residents (78.1%) commute to work alone by private vehicle, which is comparable to the County's rate of 76.5%. At the Township level, those who work from home represent 11.5 % of the workforce, followed by those who carpool (8.0%). At the County level, 11.6% of the workforce work from home.

Table 17: Means of Commute, 2023

	Jackson Township		Ocean County	
	Number	Percent	Number	Percent
Workers 16 years and over	27,797	100.0%	271,882	100.0%
Car, truck, van -Drove Alone	21,704	78.1%	207,910	76.5%
Car, truck, van - Carpoled	2,221	8.0%	21,641	8.0%
Public transportation (excluding taxicab)	302	1.1%	3,128	1.2%
Walked	185	0.7%	3,589	1.3%
Other means	183	0.7%	4,192	1.5%
Worked from home	3,202	11.5%	31,422	11.6%

Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)

As indicated in Table 18 below, 54.58% of Jackson residents have a commute of more than 30 minutes, which is greater than the County at 42.3%. However, 24.42% of Township residents have a commute of less than 20 minutes, which is less than the County rate of 39.09%.

The mean travel time to work at the Township level is 34 while at the County level it is 30.7 minutes.

Table 18: Travel Time to Work, 2023

	Jackson Township		Ocean County	
	Number	Percent	Number	Percent
Less than 10 minutes	1,441	5.86%	29,788	12.39%
10 to 19 minutes	4,564	18.56%	64,200	26.70%
20 to 29 minutes	5,167	21.01%	44,761	18.61%
30 to 44 minutes	6,372	25.91%	44,155	18.36%
45 to 59 minutes	3,407	13.85%	21,155	8.80%
60 to 89 minutes	2,330	9.47%	23,748	9.88%
90 or more minutes	1,314	5.34%	12,653	5.26%
Mean travel time to work (minutes)	34		30.7	

Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03, B08303)

3

FAIR SHARE PLAN

FAIR SHARE PLAN

Affordable Housing regulations define a “Fair Share Plan” as follows:

“Fair share plan” means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L., by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.”

The Fair Share Plan for the Jackson Township is broken up into four sections; a Present Need or Rehabilitation Obligation, the Prior Round / First and Second Round (1987-1999) Prospective Need Obligation, the Third Round (1999-2025) Prospective Need Obligation, and the Fourth Round (2025-2035) Prospective Need Obligation.

The Township’s Fair Share Plan specifically describes the completed and proposed mechanisms to address the present need (rehabilitation) obligation, First and Second Round (Prior Round) obligation, Third Round obligation, and Fourth Round obligation.

Income Levels

Jackson Township is in COAH’s Region 4, which includes Mercer, Monmouth, and Ocean Counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very-low income households are a subset of “low income” households, and are defined as households earning 30% or less of the regional median income.

FAIR SHARE OBLIGATION

The Township has the following cumulative affordable housing obligations:

- Rehabilitation / Present Need = 186 Units
- Prior Round / First and Second Round (1987-1999) Prospective Need = 1,247 Units
- Third Round (1999-2025) Prospective Need = 1,250 Units
- Fourth Round (2025-2035) Prospective Need = 1,000 Units

Table 19: 2025 Income Limits for Region 4

Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household	6-Person Household	7-Person Household	8+ Person Household
Moderate	\$75,440	\$86,160	\$96,960	\$107,680	\$116,320	\$124,960	\$133,600	\$142,160
Low	\$47,150	\$53,850	\$60,600	\$67,300	\$72,700	\$78,100	\$83,500	\$88,850
Very Low	\$28,290	\$32,310	\$36,360	\$40,380	\$43,620	\$46,860	\$50,100	\$53,310

Source: 2025 Income Limits prepared by New Jersey Housing and Mortgage Financing Agency

PRIOR ROUND REHABILITATION OBLIGATION

The Township has a rehabilitation, or present need obligation of 186 units.

The Township has an on-going municipally sponsored rehabilitation program that has been in existence over ten years. This program has been utilized in both prior rounds to address its rehabilitation obligation. The program requires a ten (10) year deed restriction per the requirements. The Township has funded the Program using Affordable Housing Trust fund monies.

The Township will continue its on-going rehabilitation program and will satisfy its 186-unit present need obligation.

Jackson Township reserves the right to conduct a further analysis of its existing housing stock and adjust the obligation if based on field observations it can be demonstrated that there are less than 186 units in the Township that are deficient and in need of rehabilitation.

PRIOR ROUND OBLIGATIONS (1987-1999)

The Township had a cumulative obligation of 1,247 units in order to satisfy its Prior Round (1987 - 1999) obligations.

In accordance with previous COAH rules found at N.J.A.C. 5:93, the Township must meet the following minimum and maximum requirements in addressing its prior Obligation.

Table 20: Prior Round Obligations (1987 - 1999)

Round I/II Obligation Requirements and Caps	Permitted or Required	Provided
Minimum Number of Rentals (5:93-5.15)	160	196
Maximum Number of Age-Restricted Units (5:93-5.14)	184	126
Maximum Rental Bonus Credits	140	140

The Township satisfied, its prior round obligation through the following projects:

Table 21: Prior Round Projects

Compliance Mechanism	Affordable Units	Rental Bonus Credits	Total Credits
Prior Cycle Credits (April 1, 1980 — December 15, 1986)			
Credits without Controls	205	0	205
Group Home	5	0	5
RCA			
Trenton (Completed)	50	0	50
Built Affordable Units (After December 15, 1986)			
Site No. 1 — Willow Point (Family Rental)	100	100	200
Site No. 3 — West Lake Village (Senior Rental)	150	0	150
Bella Terra (Assisted Living; Senior Rental)	11	0	11
Sunrise (Assisted Living; Senior Rental)	2	0	2
Orchards at Bartley (Assisted Living; Senior Rental)	15	0	15
Colonial Arms (Senior Rental)	24	0	24
Tomorrow's Hope (Special Needs)	5	5	10
Windsor Crescent/CIS (Family Rental)	111	111	222
Arc of Ocean (Special Needs)	4	4	8
Habitat for Humanity (Block 2401, Lot 16; Family Sale)	1	0	1
Proposed Affordable Units			
Site No. 6 — Hovbilt (Family Rental/For-Sale)	220	0	220
Site No. 2 — Leigh (Jackson Woods; 159 Family For-Sale; 72 Family Rental)	231	39	270
TOTALS	1,134	259	1,393

The plan included a unit count totaling to 1,134 units and bonus of 259 credits, thereby the total number of credits equals 1,393, resulting in a prior round surplus of 146 credits. The Township was found to have fully addressed its prior round obligation.

THIRD ROUND OBLIGATION

The Township Third Round (1999 – 2025) Obligation was 1,250 affordable units. This was based on the Settlement Agreement between the Township and FSHC, dated October 25, 2016. The Township must meet the following minimum and maximum requirements in addressing the 1,250 total unit obligation:

- Very Low Income Units: Thirteen percent (13%) of all affordable units referenced in the Settlement Agreement, except for those units constructed or approved prior to July 1, 2008, shall be affordable for very low income households, with half of the very-low-income units being available to families.

The Township's prior and third round compliance plans provide for a total of 1,243 new affordable units to be constructed and subject to the 13 percent very low-income requirements of the Fair Housing Act and the Court-approved Settlement Agreement, resulting in a very low-income requirement of 162 units. Based on the Third Round Plan, Township anticipates to generate 172 very low income units.

- Rental Units: At least twenty-five percent (25%) of the Third Round Prospective Need shall be met through rental units, including at least half in non-age-restricted rental units available to families.
 - $1,250 \times 0.25 = 312$ units.
 - A minimum of 519 units must be rental units, and at least 260 of those units must be non-age-restricted units that are available to families.

- A total of 467 units are rental units, of which 459 of the rental units are non-age restricted.
- Age Restricted Units: A maximum of 25 percent (25%) of the Township's credits can be from age-restricted senior units.
 - $1,250 \times 0.25 = 312$ units
 - The Township may claim a maximum of 312 credits from senior units. The third round plan contains only the five (5) proposed age restricted units in Holly Oaks Development and is therefore well below the age restricted unit cap.
- Family Units: A minimum of fifty percent (50%) of the units addressing the Third Round Obligation must be non-age restricted affordable units available to families.
 - $1,250 \times 0.5 = 625$
 - A minimum of 625 units must be available to families.
 - A total of 925 units are available to families.
- Rental Bonus Credits: The Township may claim bonus credits for rental units in accordance with N.J.A.C. 5:93-5.15(d), which states that a municipality shall receive two units (2.0) of credit for rental units available to the public, but no rental bonuses shall be granted for rental units in excess of the rental obligation. A municipality shall receive one and one-third 1.33 units of credit for age restricted rental units. However no more than 50 percent of the rental obligation shall receive a bonus for age restricted rental units. The rental bonus claimed shall not exceed the minimum rental obligation.
 - $1,250 \times 0.25 = 312$
 - The Township may claim bonus credits for rental units up to 312 bonus credit units. This may be either through 2.0 credits for family rental units, or 1.33 credits for age-restricted rental units, provided that no more than 50 percent of the rental obligation is met through age-restricted units.

THIRD ROUND COMPLIANCE MECHANISMS

The Township shall satisfy its 1,250 unit Third Round (1999-2025) prospective need obligation through the following mechanisms:

Table 22: Third Round Compliance Mechanisms

Project Name	Project Location	Project Type	Affordable Units	Rental Bonus Credits	Total Credits
A. EL @ Jackson, LLC (Carried Forward from Site No. 6)	Perrineville Road	Family Rental (Units Carried Forward from Prior Round)	146	0	146
B. Holly Oaks	Block 14801, Lot 5	Inclusionary Age- Restricted For-Sale	5	0	5
C. DVT Enterprises (Maplewood Estates)	Block 1720, Lot 173.03	Family For-Sale	1	0	1
D. SNHPLP Program	TBD	Special Needs Housing	8	0	8
E. Leigh Realty-North Tract (Site No. 10)	Interchange of Route 195 and Route 526/527	Mixed-Use Family Rental	273	272	545
F. Highview Homes (Site No. 15)	Block 164, Lot 2	Inclusionary Family Rental	40	40	80
G. RG-2 Zone (Sites Nos. 12, 13, and 14)	Various	Inclusionary Family For-Sale	175	0	175
H. Remainder of RG-2 and RG-3 Zones	TBD	Inclusionary with 20- Percent Set-Aside	290	0	290
TOTALS			938	312	1,250

The Third Round Plan dated June 8, 2017 contains the details on each of the site proposed to meet the Third Round Obligation. This has been attached as an appendix to this plan.

FOURTH ROUND OBLIGATIONS

The Township has a Fourth Round (2025 – 2035) Prospective Need Obligation of 1,000 affordable units. Township meets this obligation through 1,000 credits as demonstrated below.

The following minimum and maximum requirements must be met when addressing the Fourth Round Obligation:

- Age-Restricted Units: A maximum of 30% of credits claimed by the Township may be age-restricted, or senior housing units.
 - $30\% \times 1,000 = 300$
 - A maximum of 300 units may be age-restricted senior housing units.
 - The Township not claiming any credits for age-restricted units. This meets the requirement.
- Family Units: A minimum of 50% of credits to satisfy the Fourth shall be for units available to families (non-age restricted or non-special needs housing), exclusive of bonus
 - $50\% \times (1,000) = 500$
 - A minimum of 500 units must be family units.
 - The Township is claiming 1,000 credits for family units, thereby meeting this requirement.
- Rental Units: A minimum of 33% of credits claimed by the Township must be rental units available to families.
 - $33\% \times 1,000 = 333$ units
 - A minimum of 333 units must be family rental units.
 - At least 333 units of the proposed family units will be rental units, thereby meeting this requirement.
- Bonus Credits: The Township may not claim bonus credits for the Fourth Round.

CONSIDERATION OF LANDS SUITABLE FOR AFFORDABLE HOUSING

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-310(f)) requires that the Housing Element provide a narrative that includes “a consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.”

Within Jackson Township, the lands that are most appropriate for development with new affordable housing are those within or adjacent to a designated sewer service area and availability of infrastructure necessary to support development within the Township.

Consistent with the State Development and Redevelopment Plan, as well as general smart growth planning principles, Jackson has focused its efforts to identify appropriate sites for affordable housing within the Suburban Planning Area (PA2), Fringe Planning Area (PA3), and the Pinelands Village and Pinelands Regional Growth designated areas. These areas are within or adjacent to the sewer service area and can be feasibly serviced by public utilities. The Township has proposed several mixed-use projects and residential uses at higher densities, which concentrates a mix of uses to limit suburban sprawl, and places new affordable units in areas already or feasibly served by existing infrastructure, and with access to transportation, jobs, and amenities such as grocery stores, service organizations, and other support services.

More specifically, these areas of the Township are more suitable for development than other areas of the Township. The Township has focused its search for affordable housing sites on clusters of properties near major roadways, existing development, available land, and utility services.

All properties in the Township where a developer has approached Township staff or officials and expressed an interest in building affordable housing have been considered and are included in the plan as potential sites for affordable housing. The Township remains open to additional opportunities for providing housing if any new developers express interest.

Each project and site have unique attributes that have been considered in the context of the overall land use picture. The Township's deliberative planning process has enabled a comprehensive fair share plan that provides opportunities for a variety of housing types and affordable housing set asides.

The Fair Share Plan must demonstrate site suitability for proposed new units that are not yet fully approved, as required by N.J.A.C. 5:93 -5.3. A site is considered to be suitable for development with affordable housing if it is available, developable, suitable, and approvable.

An “available site” is a site with clear title, and that is free of encumbrances which preclude development for low- and moderate-income housing.

A “developable site” is a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area-wide water quality management plan and wastewater management plan.

A “suitable site” is a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4 (not in wetlands, flood hazard areas, steep slopes).

An “approvable site” is a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

Affordable housing units may be constructed on a site which is not contiguous and may be incorporated with other development subject to the applicable zoning district requirements.

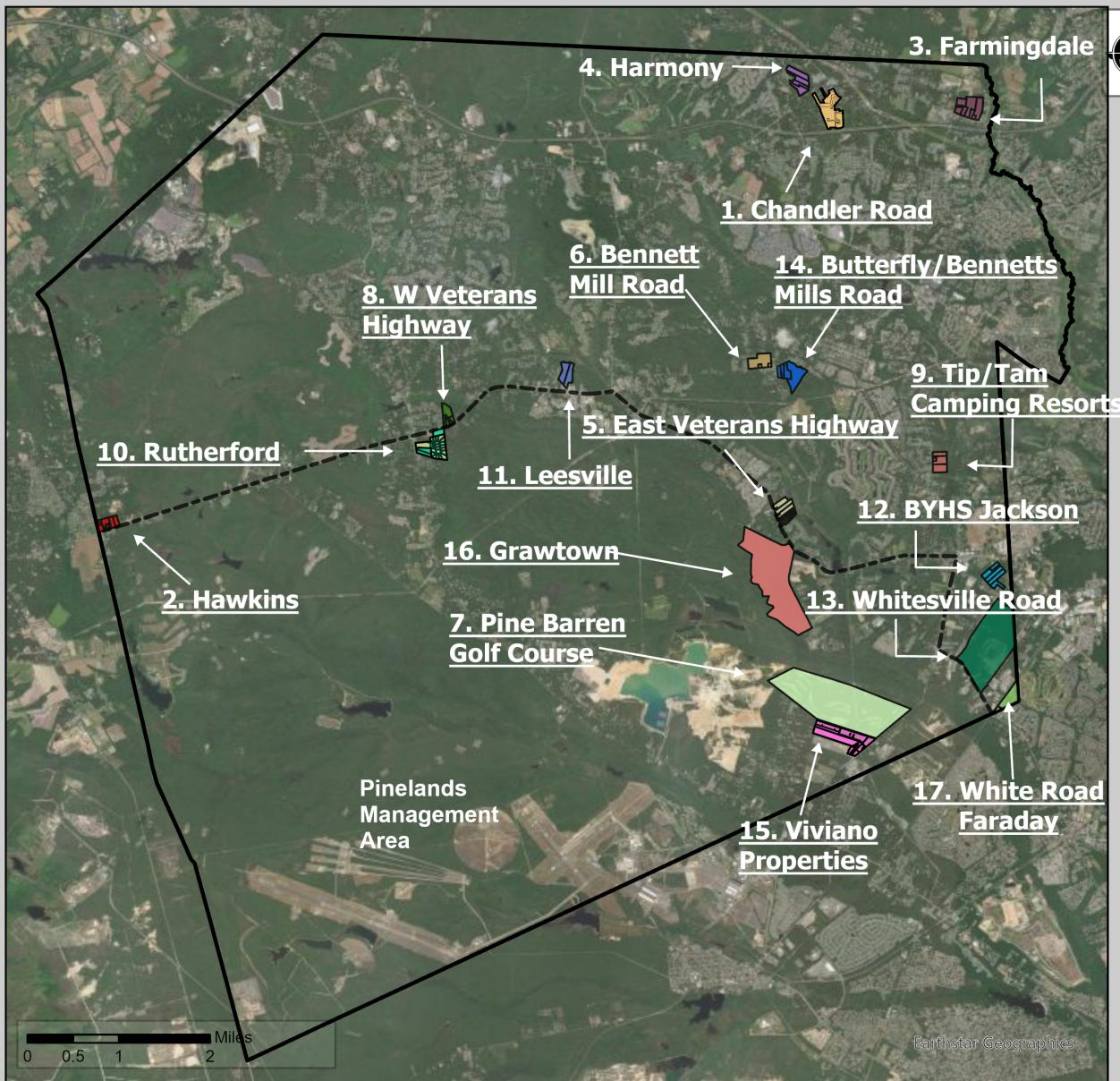
FOURTH ROUND COMPLIANCE MECHANISMS

The Township shall satisfy its 1,000-unit Fourth Round (2025-2035) prospective need obligation through the mechanisms described below. The site suitability of each project site is also discussed.

Table 23: Fourth Round Compliance Mechanisms

Round IV Compliance Mechanism Summary	Affordable Units	Credits
<i>FAMILY UNITS (RENTAL/FOR- SALE)</i>		
Chandler Road Concept– 66 Credits	66	66
Hawkins – 22 Credits	22	22
Farmingdale – 53 credits	53	53
Harmony – 15 Credits	15	15
East Veterans Highway – 44 Credits	44	44
Bennett Mills Road – 28 Credits	28	28
Pine Barren Golf Course – 275 Credits	275	275
W Veterans Highway – 23 Credits	23	23
Tip/Tam Camping Resorts– 12 Credits	12	12
Rutherford– 60 Credits	60	60
Leesville – 31 Credits	31	31
BYHS Jackson – 38 Credits	38	38
Whitesville Road Concept Plan – 44 Credits	44	44
Butterfly Road and Bennetts Mills Road – 32 Credits	32	32
Viviano Properties– 51 Credits	51	51
Grawtown – 195 Credits	195	195
White Road-Faraday – 11 credits	11	11
TOTALS	1,000	1,000

MAP 4: ALL FOURTH ROUND AFFORDABLE HOUSING SITES, JACKSON N.J



Fourth Round Affordable Housing Sites

JACKSON TOWNSHIP OCEAN COUNTY NEW JERSEY

Legend

1. Chandler Road	11. Leesville
2. Hawkins	12. BYHS Jackson
3. Farmingdale	13. Whitesville Road
4. Harmony	14. Butterfly/Bennetts Mills Road
5. East Veterans Highway	15. Viviano Properties
6. Bennett Mill Road	16. Gravtown
7. Pine Barren Golf Course	17. White Road- Farlay
8. W. Veterans Highway	Pinelands Management Area
9. Tip/Tam Camping Resorts	Township Boundary
10. Rutherford	

Source: NJGIN Parcels and MOD-IV Tax Data



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, NJ 08859
1460 ROUTE 9 SOUTH, HOWELL, NJ 07735
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSA.COM

DATE	SCALE	LAST REVISED	CREATED BY
06/25/2025	1:103,447	N/A	M.E.

FAMILY RENTAL CREDITS

1. Chandler Road Concept- 66 Credits

Block 801 Lot 46, 51, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, and 99;
Block 802 Lot 1, 2, 3, 4, and 5 - 394 Chandler Road

54.86 Acres

Status - Proposed



This property, located in the northern area and Non-Pinelands portion of the Township, is mostly wooded and undeveloped, but does contain a small residential dwelling. This site is proposed as a potential mixed-use development encompassing 330 total units, with 66 affordable units and two commercial spaces totaling 60,000 square feet. The units will not be age restricted and will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

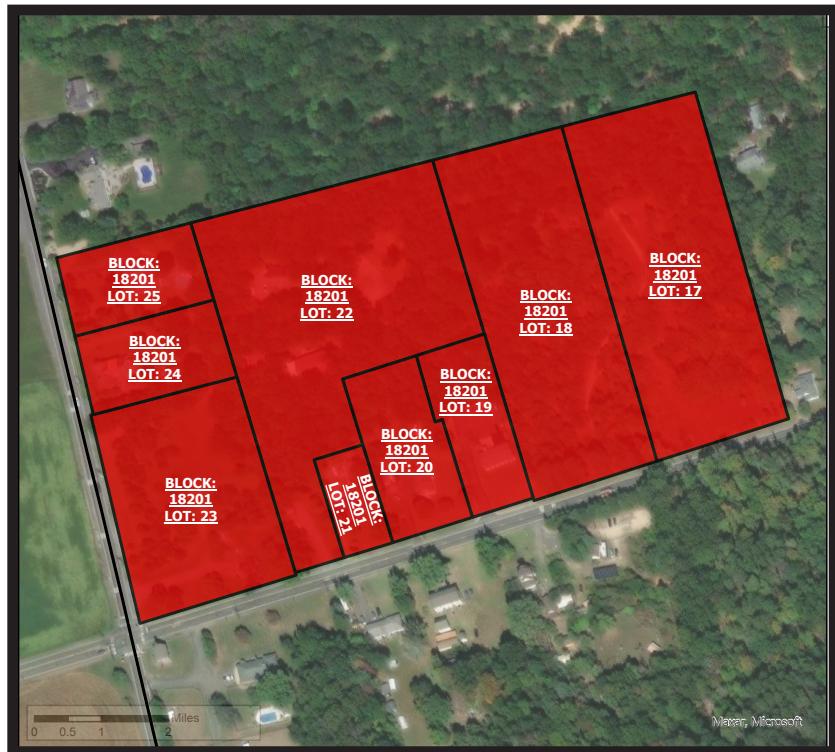
- **Availability:** The Township is working with the contract purchasers to develop an inclusionary project with 66 affordable units. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues. Maps indicate that there are no wetlands or flood hazard areas, and minimal presence of steep slopes on the property. Additionally, there is sufficient land and buffering for the units to be developed.
- **Developability:** The site has access to appropriate water and sewer infrastructure and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits no environmental constraints that would interfere with the proposed redevelopment of existing improvements. The site is adjacent to, but not within, the sanitary sewer service area. However, the developer's professionals indicate that there is adequate water and sewerage capacity on the north side of Jackson to support the Chandler mixed-use development.
- **Suitability:** The location of the site is appropriate for an inclusionary development, as within a half-mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of commercial properties, and single-family residences. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not encumbered by flood hazards or wetlands and has minimal steep slopes. The site is not surrounded by industrial users and has sufficient space for adequate buffering.
- **Approvability:** The Township will adopt overlay zoning to permit an inclusionary development on the site.

2. Hawkins - 22 Credits

Block 18201 Lots 17-25 - Hawkin Rd & W. Veterans Hwy

20.78 acres

Status - Proposed



This proposed site, fronting West Veterans Highway is located in the western area of the Township, is currently undeveloped. The proposed project comprises of 22,080 sqft, evenly divided between commercial and retail uses, and a total of 133 rental units, of which 22 will be non-age restricted affordable rental units and will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

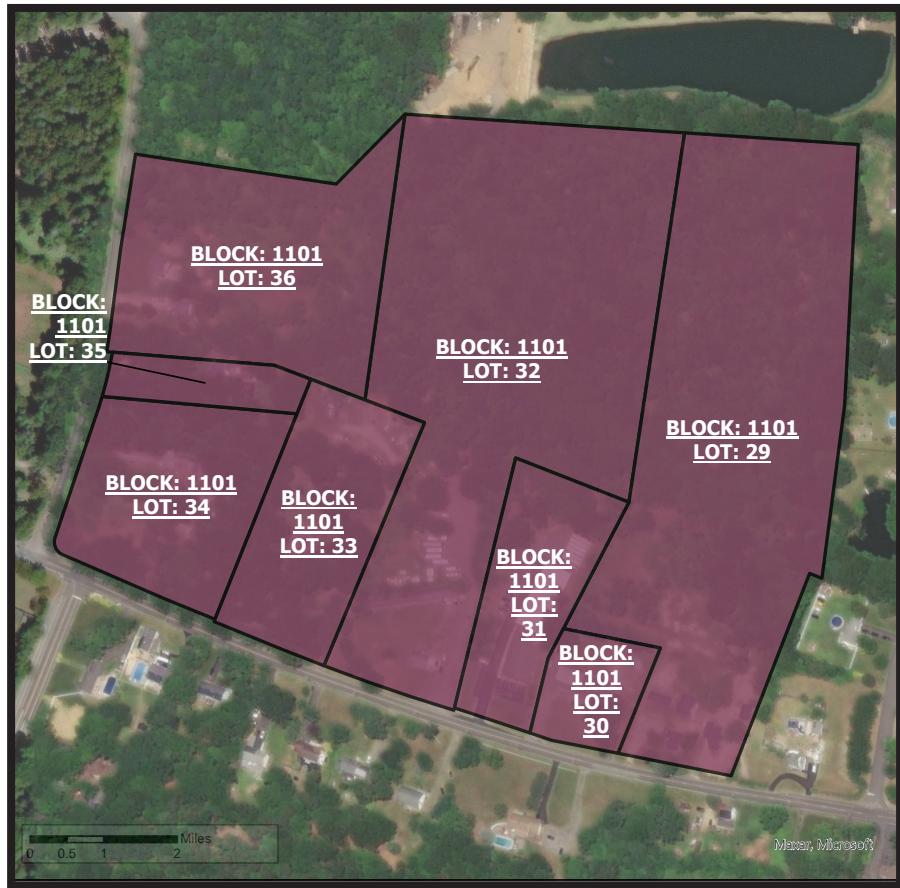
- Availability: The Township is working with the developer to develop the 133-unit project, which will include 22 affordable units. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues that would prevent the construction of the project. While there are wetlands and floodplain on the site, there is sufficient land for the project to be developed and not interfere with the environmental constraints.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site. The development footprint does not interfere with wetlands or floodplain. The site is proposed to be within the sewer service area.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing commercial and residential uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development on the site.

3. Farmingdale - 53 credits

Block 1101 Lots 29 - 36 - 1094 Farmingdale Road

44.63 acres

Status - Proposed



This proposed site, fronting Farmingdale Road, is located in the northeastern area of the Township. It is currently developed with an auto repair shop and two single-family homes, with a wooded area in the rear of the property. The proposed project includes 318 dwellings units, of which 53 will be affordable units and will follow UHAC requirements regarding distribution of income level and bedroom counts. Additionally, the proposed project includes 45,120 square feet of commercial and office space on the property.

Site Suitability

- Availability: Although a title search has not been completed, there do not appear to be any deed restrictions or title issues as there is currently an auto repair shop and a few single-family homes. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate minimal wetlands encumbrances towards the eastern edge of the property, as there is sufficient land and buffering for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits no environmental constraints that would interfere with the proposed development. The site is adjacent to the sewer service area. A WQMP application has been submitted for this site, the project will be connected to sewer service by the connection to a sewer main, near the intersection of N New Prospect Road and Palamino Drive, and a pump station and force main starting along Farmingdale Road, passing south under I-195 to the force main.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is adjacent to accessible to public utilities and services. The surrounding properties consist of existing commercial, agriculture, and residential uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

4. Harmony - 15 Credits

Block 902, Lots 34 – 35, 39 & 40 – 607 Breezy Road,
795, 801, and 825 Harmony Road

30.75 acres

Status – Proposed



This proposed site, located along Harmony Road in the northern portion of the Township, is mostly wooded. However, there are two single-family dwellings located on the site. The proposed project includes a total of 87 dwellings, with 15 being affordable units and will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: Although a title search has not been completed, there do not appear to be any deed restrictions or title issues. Maps indicating the likely areas of steep slopes, wetlands, or flood hazard areas on the property indicate minimal environmental encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits no environmental constraints that would interfere with the proposed redevelopment. The site is adjacent to the sewer service area and approximately 0.1 miles north of the site located at the Four Seasons at Metedeconk Lakes development.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing mostly residential uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development.

5. East Veterans Highway - 44 Credits

Block 19701 Lots 7, 8, 9, 11, 12, 13.01 – 13.05

East Veterans Highway Mixed Use

36.70 acres

Status - Proposed



This proposed site, located in the eastern area of the Township, is currently undeveloped and wooded, with a few single-family homes on the site. The site is south of Butterfly Road. The proposed project includes 264 dwellings, of which 44 units will be affordable, and 39,600 square feet of commercial space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: Although a title search has not been completed, there do not appear to be any deed restrictions or title issues as one property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate minimal environmental encumbrances, with some wetlands located at the rear of the site. There is a flood hazard area located to the rear of Lots 13.01 – Lots 13.05; however, there is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits flood hazards to the rear of some of the lots; however, there is sufficient land for the development. The site is within the sewer service area.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space 39,600 for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

6. Bennett Mills Road - 28 Credits

Block 12301 Lots 12, 13 and 14 - 406, 414, and

426 Bennetts Mills Road

24.89 acres

Status - Proposed



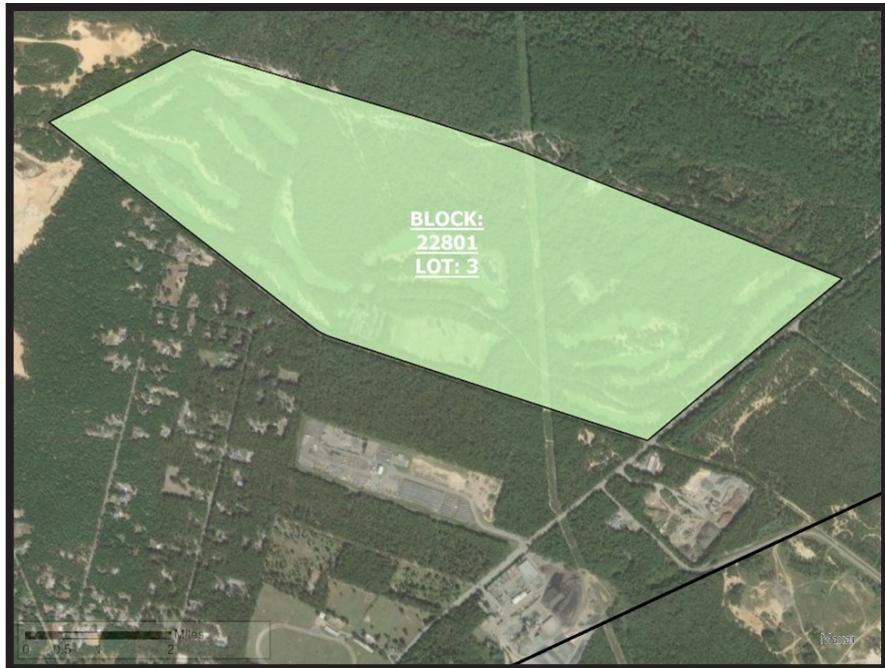
This proposed site, located in the eastern area of the Township, is currently developed with single-family residential dwellings. The proposed project includes 169 residential units, with 28 being affordable, and 27,864 square feet of commercial space and 10,884 square feet of office space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate minimal environmental encumbrances. Although there are wetlands located along the frontage of the site and a few steep slopes scattered throughout the site, there is sufficient land and buffering for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is within the sewer service area.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential uses and places of worship. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development and a sufficient density on the site.

7. Pine Barren Golf Course - 275 Credits

Block 22801 Lot 3 - 540 S Hope Chapel Road
477.00 acres
Status - Proposed



This proposed site, located in the southeastern area of the Township, is currently home to the Pine Barrens Golf Club. The proposed project will redevelop the existing golf course, into a mixed-use inclusionary development including 240,000 square feet of commercial and office space, containing commercial uses and 1,496 residential units, yielding 275 affordable housing units that will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: The Township is working with the developer to develop this inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate minimal environmental encumbrances. Although there are wetlands, flood hazards, and steep slopes on the property, they are clustered together, allowing sufficient land and buffering for the project to be developed away from the environmentally constrained areas.
- Developability: The developer's professionals indicate that there will be adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is adjacent to the sewer service area. A WQMP amendment and restoration of the Regional Growth Land Use designation will be required to provide sewer service to the project. There are sewer service agreements in place for the provision of sewer service from Toms River Municipal Utilities Authority and Manchester Township Department of Utilities. Both downstream Township authorities have adequate capacity for the flows estimated from this development.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential, industrial, and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development on the site and will submit it to the Pinelands Commission for approval.

8. W. Veterans Highway - 23 Credits

Block 11601 Lots 42,43, 44 & 45 - 454 - 480 West Veterans Highway

17.00 acres

Status - Proposed



This proposed mixed-use inclusionary site is located in the central part of the Township along W. Veterans Highway. The site is mostly wooded but has a few existing residential dwellings. The proposed project includes 116 residential units, with 23 being affordable that will follow UHAC requirements regarding distribution of income level and bedroom counts. Additionally, the site will include 18,450 square feet of commercial space. The adjacent properties consist of residential uses.

Site Suitability

- Availability: The Township is working with the developer to develop this inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate minimal environmental encumbrances. Although, there are steep slopes located towards the rear of the property, the property has sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is entirely located within the sewer service area.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development on the site.

9. Tip/Tam Camping Resorts- 12 Credits

Block 14301 Lots 10, 11, 12, & 13- Brewers Bridge Road

25.15 acres

Status - Proposed



This proposed site fronts Brewer Bridge Road and is located in the southeastern area of the Township. The site currently includes a few single-family homes and Tip Tam Camping Resort surrounded by wooded areas to the rear yard and side yards of the property. The proposed project includes 60 residential units, with 12 being affordable that will follow UHAC requirements regarding distribution of income level and bedroom counts. Adjacent to the property are existing residential developments.

Site Suitability

- Availability: Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate no environmental encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is located in the sewer service area.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential, industrial, and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

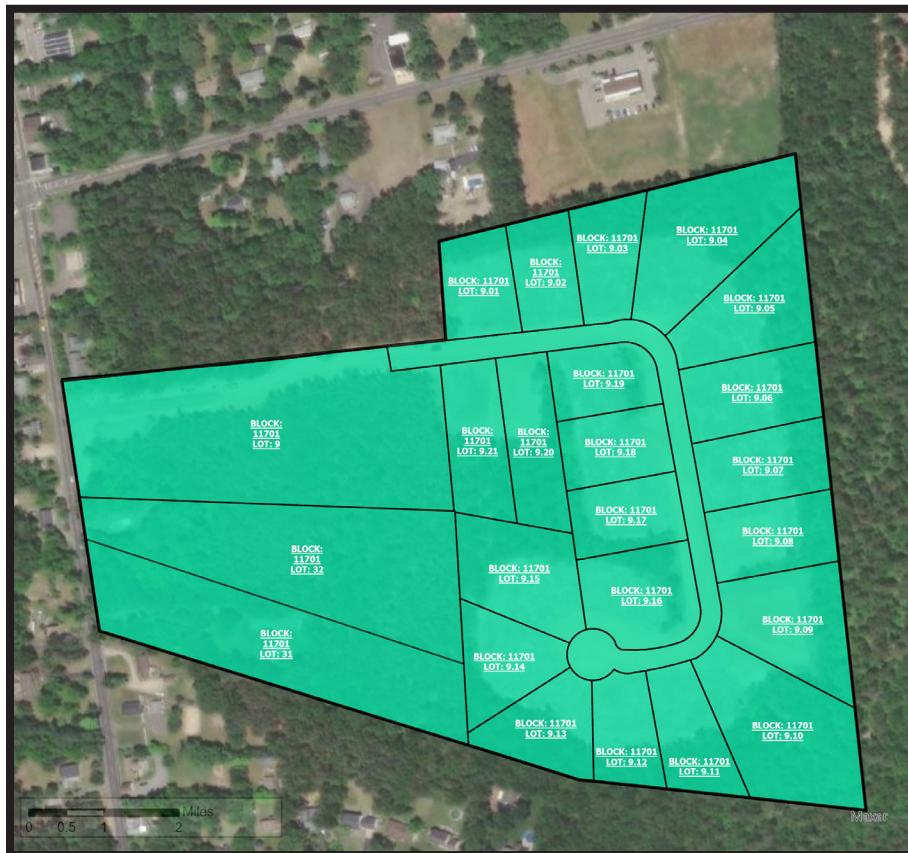
10. Rutherford- 60 Credits

Block and Lots are Block 11701 Lots 9, 9.01 - 9.21, 31 and 32 -

Toms River Road

44.77 acres

Status - Proposed



This proposed site, is in the Pinelands Management area within the central part of the Township and designated as a Pinelands Village zone and Pinelands Commerical-2 zone. The proposed project includes 300 residential units, with 60 being affordable, 55,200 square feet of commercial space, and 3,380 square feet of office space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: The Township is working with the developer to develop the site. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicates no wetlands and flood hazards, and minimal steep slopes encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is entirely located in the sewer service area, and can be connected to the JPS proposed sewer mains, along Toms River Road and Perrineville Road or the existing sewer facilities in Don Connor Boulevard.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development on the site and submit for approval to the Pinelands Commission. The development received a major subdivision approval by the Planning Board on Lots 9.01 – 9.23.

11. Leesville - 31 Credits

Block 11901 Lot 40; Block 12001 Lot 1.01 - Leesville Road

24.30 acres

Status - Proposed



This proposed site, is in the central part of the Township. The proposed mixed-use project includes 186 residential units, with 31 of those being affordable, and includes 20,800 square feet of commercial space and 7,100 square feet of office space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

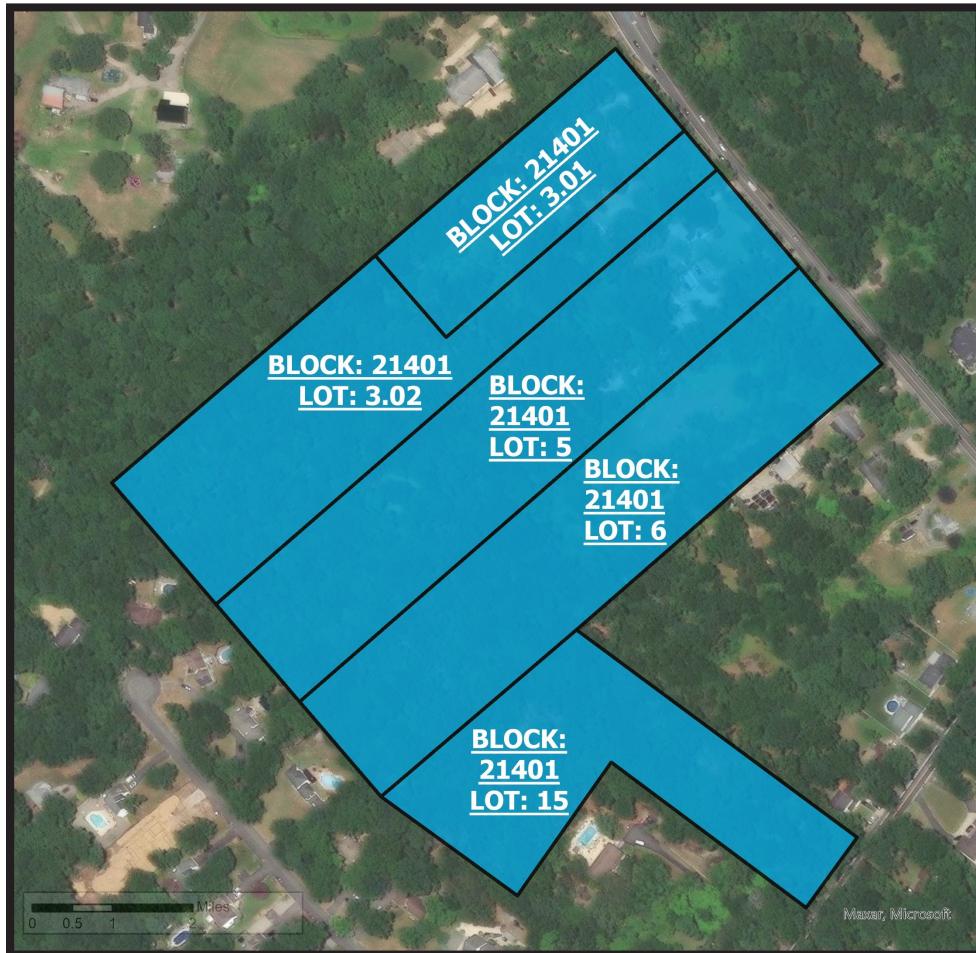
- Availability: The Township is working with the developer to develop this mixed-use inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicates there are no wetlands and flood hazards, and minimal steep slopes encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is entirely located in the sewer service area.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

12. BYHS Jackson - 38 Credits

Block 21401 Lots 3.01, 3.02, 5, 6 & 15 – Cross Street and White Street

28.95 acres

Status – Proposed



This proposed site is located in the eastern portion of the Township. The proposed project includes 231 residential units, with 38 of those being affordable, and includes 30,000 square feet of commercial space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

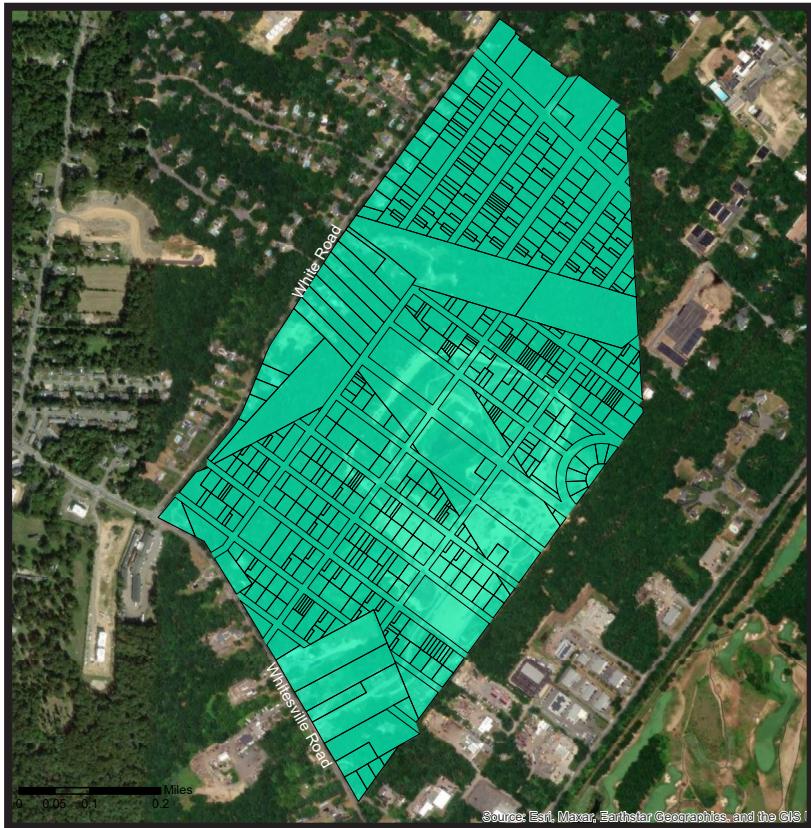
- Availability: The Township is working with the developer to develop this mixed-use inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicates there are no flood hazards, although there are wetlands towards the rear of Block 21401 Lot 15, along with minimal steep slope encumbrances. Regardless of the encumbrances, there is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is entirely located in the sewer service area.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential, institutional, light industrial, and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit a mixed-use inclusionary development on the site.

13. Whitesville Road Concept Plan - 44 Credits

Block 22102 Lots 1 & 2 and several others - *Whitesville Road and White Road*

251.20 acres

Status - Proposed



This proposed site, is located in the south-eastern portion of the Township. The proposed project includes 438 residential units, with 44 of those being affordable and will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

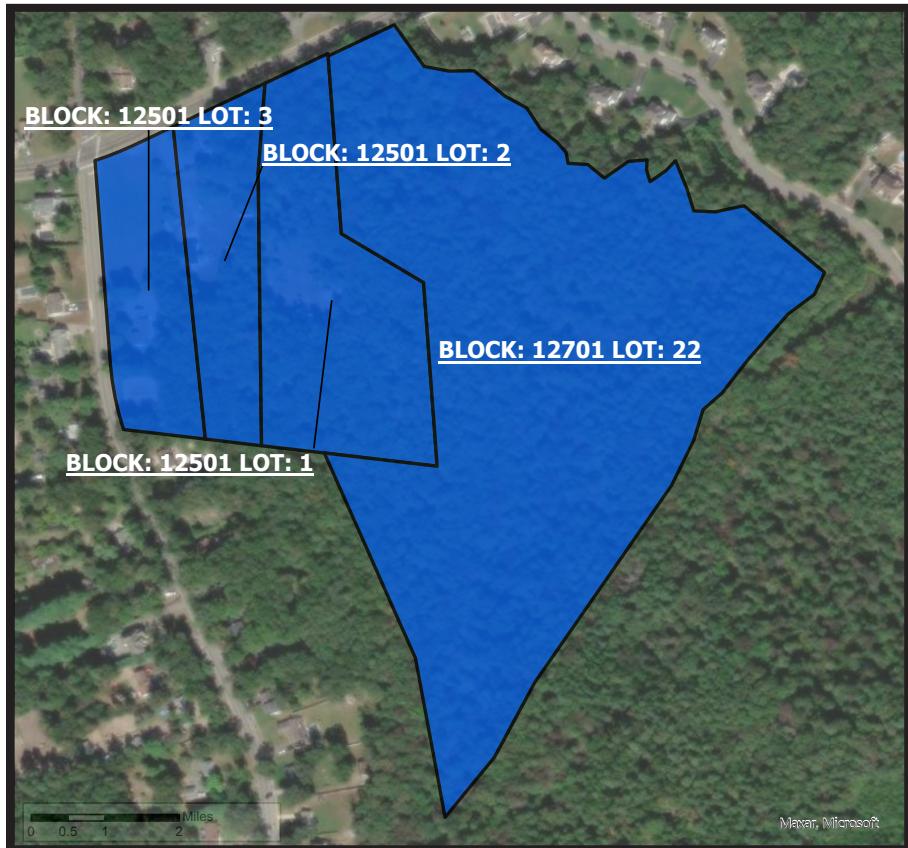
- Availability: The Township is working with the developer to develop this project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicates there are no environmental encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there will be adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site is entirely located in the sewer service area.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential, light industrial, and office uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

14. *Butterfly Road and Bennetts Mills Road - 32 Credits*

Block 12501 Lots 1, 2, and 3; Block 12701 Lot 22 - *Butterfly Road and Bennetts Mills Road*

41.78 acres

Status - Proposed



This proposed site, is located in the eastern portion of the Township. The proposed project includes 160 residential units, with 32 of those being affordable, and includes 21,000 square feet of commercial space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

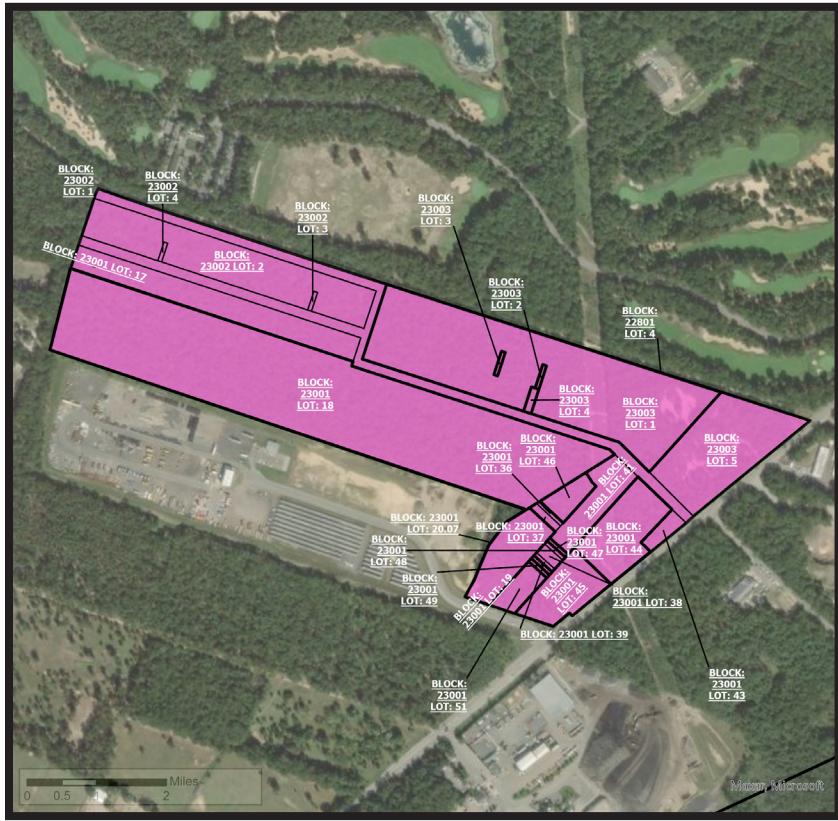
- *Availability:* The Township is working with the developer to develop this mixed-use inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicate there are minimal steep slopes, significant portion of wetlands, encompassing the eastern portion and partial frontage of the site. However, there is sufficient land and buffering for the project to be developed.
- *Developability:* The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The western portion of the site is located in the sewer service area.
- *Suitability:* The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential properties. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site is not surrounded by industrial uses and has sufficient space for adequate buffering.
- *Approvability:* The Township will adopt overlay zoning to permit an inclusionary development on the site and submit it to the Pinelands Commission for approval.

15. Viviano Properties- 51 Credits

Block 23001 Lots 17-19, 20.07, 36 - 39, 41, 43-51, Block 23002 Lots 1 - 4, Block 23003 Lots 1 - 5, and Block 22801 - South Hope Chapel Road

70.83 acres

Status - Proposed



This proposed site is located in the southern portion of the Township. The properties are undeveloped with the Glidden railroad spur along the north side with the Earle industrial subdivision and Jackson Trails residential subdivision located to the south. The proposed mixed-use inclusionary project includes 307 residential units, with 51 of those being affordable, and includes 18,400 square feet of commercial space. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: The Township is working to develop this mixed-use inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues on the property. Maps indicating the likely areas of wetlands, steep slopes, or flood hazard area on the property indicates there are no environmental encumbrances. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The property is within the sewer service area and will construct a pump station to extend sewer mains to either the north along Whitesville Road (Toms River Municipal Utilities Authority), or the south towards Jackson Trails (Manchester Township Department of Utilities). Both Township's authorities agreed to provide adequate capacity for the flows generated by this development.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing residential, light industrial, and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

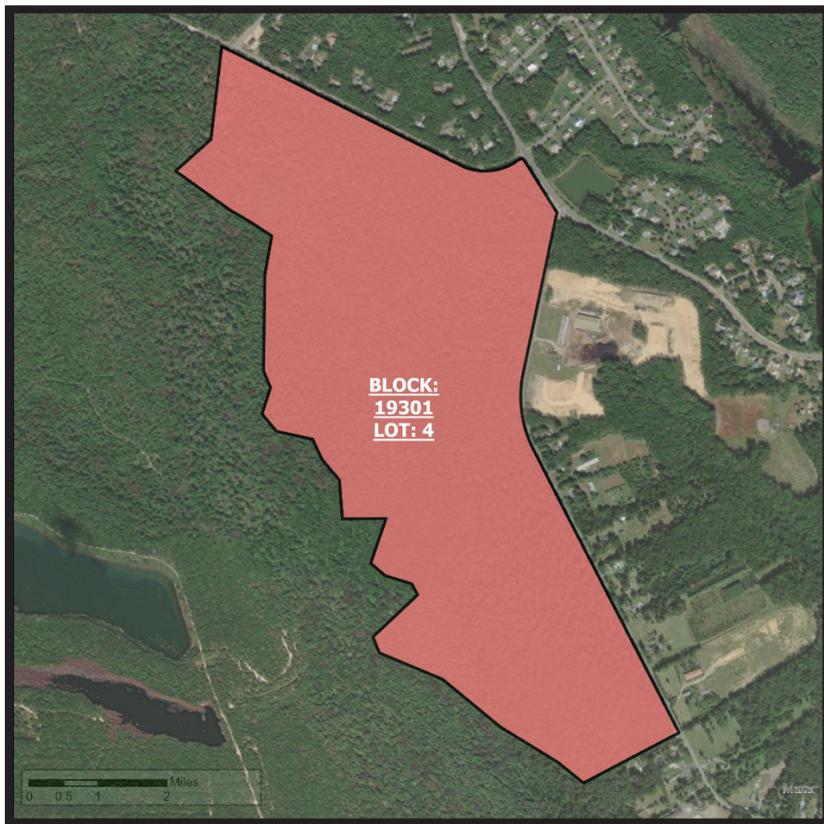
16. Grawtown - 195 Credits

Block 19301 Lot 4 - Corner of East Veterans Highway,

Bowman Road, and Grawtown Road

303.00 acres

Status - Proposed



This property, located in the northern area of the Township, is currently wooded and fronts East Veterans Highway and Bowman Road. The project incorporates 120,000 square feet of commercial space, 1,455 residential units, of which 291 will be affordable. A total of 195 of the 291 affordable units will be accredited towards the 4th Round obligation, and the remaining 96 units will be accredited towards the Township's 3rd Round obligation in place of prior approval. Affordable units will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: The Township is working with the contract purchasers to develop the 1,344-unit project, including affordable units. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues. Maps indicating the likely areas of steep slopes, wetlands, or flood hazard area on the property indicate minimal environmental encumbrances. There is sufficient land for the project to be developed.
- Developability: The site has access to appropriate water and sewer infrastructure and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits no environmental constraints that would interfere with the proposed redevelopment. The site is within the sewer service area.
- Suitability: The location of the site is appropriate for a mixed-use inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of existing school, residential, and commercial uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. The site is not encumbered by steep slopes, but the western portion of the site is encumbered by wetlands and flood hazards. The site is not surrounded by industrial uses and has sufficient space for adequate buffering. All development is proposed away from the environmentally regulated areas.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site and submit it to the Pinelands Commission for approval.

17. White Road-Faraday - 11 credits

Block 22111, Lot: 1.01 & 1.02— 545 Whitesville Road

24.6 acres

Status – Proposed



Located in the southeastern section of Jackson Township, adjacent to Lakewood Township, this development site encompasses a wooded area and a portion of the Eagle Ridge Golf Club's golf course. The property is north of White Road, along Faraday Avenue, and bordered on the west by a Class 1 Railroad (22018, Lot 1), which is owned by NJDOT. The project proposes the construction of 54 dwellings, including a commitment to 11 affordable units and will follow UHAC requirements regarding distribution of income level and bedroom counts.

Site Suitability

- Availability: The Township is working with the developer to develop the inclusionary project. Although a title search has not been completed, there do not appear to be any deed restrictions or title issues as most of the land is owned by a single owner. Maps indicating the likely areas of steep slopes, Wetlands, or flood hazard area on the property indicate minimal environmental encumbrances. The steep slopes on Lot 1.02 are attributable to the intentional grading and construction of the golf course. There is sufficient land for the project to be developed.
- Developability: The developer's professionals indicate that there is adequate water and sewerage capacity for the site and is consistent with the applicable area-wide water quality management plan and wastewater management plan. The site exhibits no environmental constraints that would interfere with the proposed redevelopment. The site is completely within the sewer service area.
- Suitability: The location of the site is appropriate for an inclusionary development, as within a half mile the surrounding properties consist of compatible uses and the site is accessible to public utilities and services. The surrounding properties consist of a variety of uses including commercial, light industrial, recreational, and residential uses. The site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4). The site has sufficient space for adequate buffering.
- Approvability: The Township will adopt overlay zoning to permit an inclusionary development on the site.

HOUSING ADMINISTRATION

AFFORDABLE HOUSING ORDINANCE

The Township Code at Chapter 244 Article XIII was adopted on April 26, 1993 and was last amended on November 21, 2017, and will be amended as need to make it compliant with all current Fair Housing Act and Uniform Housing Affordability Controls (UHAC) requirements.

- All new housing units will have a minimum of 50% of the units be available to low income households, with at least 13% of units being available to very-low-income households. No more than 50% of housing units shall be made available to moderate income households.
- All new construction shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b.
- All affordable units shall fully comply with UHAC.
- In inclusionary developments, the affordable units shall be integrated with the market rate units.
- Construction of affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
- All affordable units shall be affirmatively marketed in accordance with UHAC and applicable laws.

The Township's code will be also amended to require that all affordable units shall be subject to affordability controls of at least 40 years from the initial date of occupancy for new construction, and to make any updates as required to bring the code into compliance with current regulations.

DEVELOPMENT FEE ORDINANCE

The Township's current development fee ordinance at Section 244-12.J requires that all new residential construction make a contribution equal to 1% of the equalized assessed value of the construction (6% when a variance for increased density is required), and all new non-residential construction provide a contribution of 2.5% of the equalized assessed value of the construction, to the Township's dedicated Affordable Housing Trust Fund.

AFFORDABLE HOUSING TRUST FUND

The Township has an interest-bearing affordable housing trust fund in place, and consistent with the development fee ordinance discussed above, will impose development fees on all applicable residential and non-residential development, and said fees shall be deposited into the affordable housing trust fund.

The Township will adopt by resolution an updated Spending Plan for the affordable housing trust fund. The Spending Plan will provide an outline of how the Township intends to utilize these funds to further the goals and mechanisms established in this Plan, and in accordance with prior COAH regulations found at N.J.A.C. 5:97 et seq, and with the Fair Housing Act.

This will include a summary of revenues and expenditures to date from the affordable housing trust fund, identify mechanisms to collect revenues, project anticipated future revenues and interest, as well as outline all proposed spending from the trust fund. Funds will be spent on appropriate housing activity, affordability assistance, and administrative expenses consistent with applicable prior COAH regulations.

In the event that funding sources identified in the Spending Plan prove to be inadequate to complete the affordable housing programs outlined in this Housing Plan, the Township shall provide sufficient funding to address any such shortfalls.

AFFORDABILITY ASSISTANCE PROGRAM

The Township will address the minimum affordability assistance requirements of the Affordable Housing Trust Fund spending in accordance with an Affordability Assistance Program that it will be implement, consistent with the Settlement Agreement and the Spending Plan outlined above.

MUNICIPAL HOUSING LIAISON

The Township created the position of Municipal Housing Liaison and has appointed a municipal staff member as the designated Municipal Affordable Housing Liaison, who is responsible for overseeing all affordable housing regulations and corresponding with administrative agent(s), the public, and all other related affordable housing professionals.

AFFORDABLE HOUSING ADMINISTRATIVE AGENT

The Township will ensure that all future projects are administered by a qualified affordable housing professional and will appoint an Administrative Agent to administer all projects that do not have their own administrative agent.

Pursuant to N.J.A.C. 5:80-26.15(f), the Township will adopt an updated Affirmative Marketing Plan to ensure that all available affordable units are marketed to the appropriate populations.

APPENDICES

FOURTH ROUND SETTLEMENT AGREEMENT

AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

DRAFT SPENDING PLAN

AH-1, AH-II, AH-III AND AH-IV DRAFT ORDINANCE

AMENDMENT TO AFFORDABLE HOUSING SETTLEMENT AGREEMENT

THIS AMENDMENT TO AFFORDABLE HOUSING SETTLEMENT AGREEMENT (the “**Agreement**”) made as of the _____ day of _____, 2024 (the “**Effective Date**”) by and between

THE TOWNSHIP OF JACKSON, a public body corporate and politic of the State of New Jersey, having its offices at 95 West Veterans Highway, Jackson, New Jersey 08527, (hereinafter referred to as the “**Township**”);

AND

FAIR SHARE HOUSING CENTER, a nonprofit corporation of the State of New Jersey, having its offices at 510 Park Boulevard, Cherry Hill, New Jersey 08002 (hereinafter referred to as “**FSHC**”). The Township and FSHC are sometimes singularly referred to herein as a “**Party**” and collectively as “**Parties**.”

WHEREAS, the Township of Jackson (“Jackson” or “Township”) and Fair Share Housing Center (“FSHC”) have previously entered into a Settlement Agreement dated October 25, 2016 that resolved the Township’s Third Round affordable housing obligations (hereinafter the “2016 Agreement”), and

WHEREAS, the 2016 Agreement included particular provisions in Paragraph 13 that left certain portions of the Township’s affordable housing obligations unresolved, specifically, those portions relating to the affordable housing need that was generated between 1999 and 2015 during the so-called “Gap Period,” and

WHEREAS, in the 2016 Agreement the parties reserved their rights as to how this portion of the obligation would be calculated, which mechanisms could be utilized to address this obligation, and other items associated with the Township’s unresolved Gap Period obligation, and

WHEREAS, the parties recognizing that the Legislature has passed and the Governor has signed new legislation that governs the affordable housing process for the Fourth Round and beyond, and

WHEREAS, the parties wish to resolve the remaining and unresolved issues in Paragraph 13 of the 2016 Agreement as to the “Gap Period” and provide a process for the Township to proceed with its affordable housing planning for the Fourth Round in accordance with the new legislation.

W I T N E S S E T H

Jackson Township and Fair Share Housing Center agree to the following terms amending the previous settlement agreement executed by the Parties and dated October 25, 2016 (“2016 Agreement”). All other terms and provisions set forth in the FSHC Settlement Agreement and First Amendment and not expressly amended herein shall remain unchanged and are still in full force and effect as previously approved by the Court. This Agreement shall have no effect on the provisions of the 2016 Agreement related to Highview Homes, nor on the settlement agreement

between EL at Jackson, LLC, Jackson Township, the Jackson Township Planning Board, and FSHC executed in 2021.

1. The Parties acknowledge that Paragraph 13 of the 2016 Agreement left as an open issue a potential additional obligation deferred from the Third Round into future rounds, as follows: "the parties have elected not to enter into a settlement regarding whether there may be an obligation deferred to future housing cycles arising from the manner in which the cap is applied during the Third Round. The parties reserve all rights to address how such obligations will be calculated or addressed, including any arguments as to the potential carrying over of any extra credits to future rounds in conformance with the then-applicable law."
2. The Parties agree to resolve the open issue in the settlement it is fair to agree to the following comprehensive resolution:
 - a. The Parties agree that Jackson Township shall prepare a Housing Element and Fair Share Plan for the Fourth Round providing a realistic opportunity for 750 actual affordable units exclusive of any bonuses to satisfy its Fourth Round obligation.
 - b. The Parties further agree that Jackson Township shall provide an additional 250 actual affordable units, exclusive of any bonuses, in the 4th Round to address the deferred gap period obligation described in the 2016 Settlement Agreement at Paragraph 13. Provision for the 250 actual affordable units, along with adherence to the further substantive terms of this agreement as to provision of affordable units, shall absolve Jackson Township of any obligation to plan or provide for any further affordable housing obligation from the gap period and fulfills any obligation discussed and described in Paragraph 13 of the 2016 Settlement Agreement. In consideration for the provision of these units and further substantive terms set forth in this Paragraph, FSHC upon final unappealable approval of this Agreement by the trial court waives any claims for additional units toward this deferred gap period obligation beyond the 250 actual affordable units mentioned above.
 - c. FSHC and Jackson Township thus agree that, through the Master Plan process as described further below, Jackson will provide a realistic opportunity for at least 1000 total affordable housing units (which shall include the 750 units towards the Fourth Round and the 250 units towards the deferred gap period obligation), exclusive of any bonus credits. FSHC and Jackson Township further agree as an essential term of settling the outstanding claims as to the gap period that for those 1000 total affordable housing units:
 - i. Jackson shall be permitted able to provide up to 30% of the affordable housing units, or up to 300 units, as age-restricted.
 - ii. Jackson shall provide at least 33% of the affordable housing units, or at least 333 units, as family rentals.
 - iii. The 1000 total affordable housing units mentioned above does not include any bonus credits that may be available in addition to the 1000 units. FSHC and the Township agree that such bonus credits as may be available upon final determination of the Township's Fourth Round obligations pursuant to P.L. 2024, c. 2 may be carried over to the Fifth Round, provided that Jackson shall be required to implement a fair share plan for the full number

of units agreed to herein on the timetables agreed to herein regardless of the ultimate determination of prospective need, and in no circumstance shall the combined number of bonus credits in the Fourth and Fifth Round plans exceed 25 percent of the Township's ultimate Fourth and Fifth Round obligations.

3. The Parties agree to implement this Agreement and the Township's updated Housing Element and Fair Share Plan as follows:

- a. Jackson agrees to prepare a Housing Element and Fair Share Plan that complies with the compliance standards provided in P.L. 2024, c.2, and existing compliance standards that were not otherwise invalidated by P.L. 2024, c.2 and that may be relied upon pursuant to N.J.S.A. 52:27D-311(m). Jackson and FSHC agree to utilize substantive compliance standards as were utilized in the 2016 agreement between the parties, other than the percentages specified in paragraph 2 above, and unless these standards have been superseded by P.L. 2024, c. 2.
- b. The Township will begin a Master Plan effort within 60 days of execution of agreement that will result in a realistic opportunity for at least 750 actual affordable housing units to address the Fourth Round and at least 250 additional actual affordable housing units to address the deferred gap period obligation.
- c. Jackson's Master Plan effort shall comply with all requirements in the Municipal Land Use Law and Fair Housing Act, as amended via P.L. 2024, c. 2. including with respect to:
 - i. Consideration of lands most appropriate for affordable housing including a consideration of lands that are offered for affordable housing by developers and land-owners.
 - ii. The sites the Township ultimately selects shall be available, approvable, developable, and suitable, as those terms are defined and understood in the Prior Round regulations and which have been incorporated through section 24(m) of P.L. 2024, c. 2.
- d. Jackson agrees to review sites that were included in the existing plan to address both the Prior Round and Third Round obligations and ensure that all sites continue to create a realistic opportunity for the number of units agreed upon, no later than the end date of the master planning process, and update any zoning, that may be required to fulfill these goals, including changing the permitted unit type or density in any zones, including, but not limited to, the RG2 and RG3 zones, in which the zoning does not allow the yield required by the Prior Round or Third Round plan. If any unbuilt site no longer presents a realistic opportunity, Jackson shall substitute a site that does present a realistic opportunity and compliant with all applicable law.
- e. As part of the Housing Element and Fair Share Plan process, Jackson will identify any specific sites in which it proposes off-site provision of affordable units required for inclusionary development, where the affordable units are not of a similar housing type to the market-rate units and where the provision of the affordable units comply with standard phasing requirements for inclusionary developments. FSHC agrees to consider such proposals in good faith as part of working cooperatively to

agree upon final plan mechanisms to satisfy the Fourth Round obligation as set forth below.

- f. Jackson shall prepare and present a preliminary plan or plan summary to FSHC by January 31, 2025. The preliminary plan or plan summary shall include at minimum the identification of sites sufficient to provide at least 1000 actual affordable housing units not including any bonuses and in compliance with all terms of this Agreement.
- g. FSHC and Jackson agree to work cooperatively to agree upon final plan mechanisms by May 31, 2025 including proposed zoning for all sites to be utilized to satisfy the Fourth Round obligation.
- h. Jackson shall complete the Master Plan process by August 31, 2025 and then adopt implementing zoning ordinances no later than December 31, 2025.

4. The Parties agree to cooperatively work together in good faith through the process of Fourth Round implementation as follows:

- a. The Parties acknowledge that a methodology for the calculation of affordable housing obligations for the Fourth Round commencing on July 1, 2025 was adopted by the legislature in P.L. 2024, c. 2 which includes a procedure for municipal determinations of fair share obligation, and implementation thereof.
- b. Jackson shall adopt and file a binding resolution for its fair share obligation pursuant to P.L. 2024, c. 2 no later than January 31, 2025 that is consistent with the obligations set forth in this Agreement and the requirements of P.L. 2024, c. 2.
- c. If Jackson's binding resolution is consistent with this Agreement and the requirements of P.L. 2024, c. 2, FSHC agrees to support Jackson against any third party challenge pursuant to P.L. 2024, c. 2 of its fair share obligation for the Fourth Round.
- d. Jackson shall present a Fourth Round fair share plan pursuant to P.L. 2024, c. 2 no later than June 30, 2025, based upon the Master Plan process and implementing zoning ordinances set forth above. As noted above, the Parties agree to work cooperatively to agree upon final plan mechanisms to satisfy the Fourth Round. If the parties are able to agree to final plan mechanisms, then FSHC will support Jackson against any third party challenge pursuant to P.L. 2024, c. 2 of its fair share plan for the Fourth Round. In the instance that the Parties are not able to reach such an agreement upon final plan mechanisms, the Parties reserve all rights as any aspect of the fair share plan and any challenge thereto not covered by the specific provisions agreed to in this Agreement.
- e. As part of preparing, submitting, and implementing a Fourth Round fair share plan, Jackson will continue to implement the same affordable housing administrative standards as described in the 2016 agreement as may be updated through a future agreement and compliance with the provisions of P.L. 2024, c. 2, including with respect to the affordable housing ordinance, development fee ordinance, affordable housing trust fund and spending plan, compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. as to bedroom distribution, controls on affordability and affirmative marketing, adaptability for people with disabilities, and reporting on affordable housing activity and trust fund utilization.

5. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing.
6. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if this Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Court ruling or judgment.
7. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Ocean County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
8. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
9. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
10. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties and submitted to the Special Master and approved by the Court.
11. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
12. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
13. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in

connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

14. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto.
15. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
16. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
17. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Robin La Bue, Esq.
Counsel for Township of Jackson
Rothstein, Mandell, Strohm, Halm & Cipriani, P.A.
98 East Water Street
Toms River, NJ 08753
Phone: 732-363-0777
Telecopier: 732-905-6555
Email: rlabue@rmshc.law

TO SPECIAL ADJUDICATOR:

Mary Beth Lonergan, PP, FAICP
Clarke Caton Hintz
100 Barrack Street
Trenton, NJ 08608
Email: mblonergan@cchnj.com

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Clerk,
Jackson Township
95 West Veterans Highway
Jackson, NJ 08527

On behalf of Jackson Township, with the authorization
of the governing body

Dated: _____

On behalf of Fair Share Housing Center



Adam Gordon, Executive Director

Dated: 12/12/2024

APPENDICES

AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

Amended Housing Element and Fair Share Plan

**Township of Jackson
Ocean County, New Jersey**

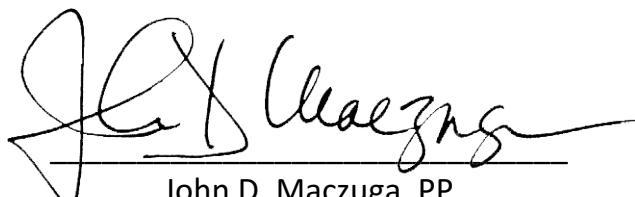
June 8, 2017

Prepared for:

Jackson Township Planning Board
95 West Veterans Highway
Jackson, New Jersey 08527

Prepared by:

JDM Planning Associates, LLC
614 Harbor Road
Brick, New Jersey 08724



John D. Maczuga, PP
New Jersey Professional Planner
License No. 1714

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1.0 INTRODUCTION

Jackson Township has been engaged in affordable housing activities under the auspices of the Court for over 25 years. In November 1992, the Jackson Township Planning Board prepared a Housing Element of the Master Plan addressing its first cycle (1987–1993) Council on Affordable Housing (COAH) mandated affordable housing obligation. The Housing Element was adopted by the Planning Board on January 26, 1993. A Fairness Hearing was conducted by the Court and, with the recommendation of the Court-appointed Special Master, the Court approved the Township's first cycle plan and a Judgment of Compliance and Repose was entered on October 29, 1993. The Judgment of Compliance and Repose granted the Township six years of protection from exclusionary zoning challenges.

In 1994, COAH issued its cumulative (1987-1999) first and second housing cycle (round) municipal affordable housing obligations. In early 1999, the Township embarked upon the process of developing a cumulative affordable housing compliance plan (Housing Element and Fair Share Plan) under the auspices and protection of the Court. A Draft Housing Element was prepared in November 2000 and submitted to the Court Special Master for review. The Draft Housing Element included a request for reduction of the Township's obligation under COAH's "1,000-unit cap rule", a "senior cap" waiver request, and a request for 247 credits under the "credits without controls rule". The ultimate resolution of these issues and other circumstances (incl.: the issuance of new COAH rules; an additional third round obligation; the subsequent challenge and modification of said rules; and, necessary modifications to the Hovbilt [Site No. 6] and Leigh at Jackson [Site No. 2] affordable housing developments) delayed the preparation of the Township's Cumulative (1987-1999) Affordable Housing Compliance Plan until late 2007. On January 14, 2008, the Planning Board adopted a Housing Element and Fair Share Plan, which was subsequently endorsed by the Township Council on January 22, 2008.

Since the adoption of the 2008 Housing Element and Fair Share Plan, the Township has continued to pursue and process affordable housing production opportunities under the auspices of the Court. On June 29, 2011, the Court issued a Consent Order Incorporating Stipulation of Settlement between Leigh Realty Company, the Jackson Township Planning Board and Jackson Township with respect to Affordable Housing Site No. 2 (formerly Leigh at Jackson). On November 23, 2011, the Court issued an Order granting the relief sought by the Township to modify the Second Amendment to the Hovbilt, Inc. and Jackson Township Affordable Housing Agreement with respect to Affordable Housing Site No. 6. The Order further provided that the Township revise its Compliance Plan to reflect changes to the 2008 Housing Element and Fair Share Plan as a result of the Settlement Agreements affecting Affordable Housing Sites Nos. 2 and 6, and to further conduct a compliance hearing on said plan “... to demonstrate compliance with its prior round and rehabilitation obligations and credits towards its future third round obligation...”.

On November 19, 2012, the Planning Board adopted an Amended Housing Element and Fair Share Plan to address the requirements of the November 23, 2011 Order of the Court (i.e., to demonstrate compliance with Township’s prior round and rehabilitation obligations and credits toward its future, but at that time, undetermined, third round obligation). The Township Council, on November 20, 2012, endorsed the Amended Housing Element and Fair Share Plan adopted by the Planning Board.

Subsequent to the adoption of the 2012 Plan, and notwithstanding the substantial period of time during which there were no third round rules or a definitive third round affordable housing obligation, the Township continued to pursue and foster affordable housing opportunities aimed at the creation of number of additional affordable units.

The New Jersey Supreme Court, in its decision in March of 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), transferred the evaluation of municipal compliance with the Mount Laurel doctrine from COAH to the trial courts. On July 7, 2015, the Township filed a motion for a Declaratory Judgment (IMO Township of

Jackson, County of Ocean, Docket No. OCN-L-001879-15) seeking the declaration of the Court of its compliance with the Mount Laurel doctrine and the Fair Housing Act (N.J.S.A. 53:27D-301 et seq.) in accordance the Court's Mount Laurel IV decision. Fair Share Housing Center, Inc. (FSHC), Highview Homes and EL @ Jackson were granted intervenor status in separate Orders of the Court.

After the filing of the Declaratory Judgment action, the Township and FSHC participated in numerous conferences, motions, appeals, and other proceedings, and with the assistance of the Court's Special Master, Philip Caton, PP, FAICP, ultimately reached a settlement agreement with FSHC and Highview Homes. This agreement, hereinafter referred to as the Settlement Agreement, was dated October 25, 2016 and signed by both FSHC and Highview Homes, and is attached hereto as Appendix A and sets forth the Township's second and third round fair share obligations and a compliance plan to address the obligations.

The Settlement Agreement, and the preliminary compliance plan for the period from 1987 to 2025 that is contained therein, were the subject of a Fairness and Preliminary Compliance hearing before the Honorable Mark A. Troncone, J.S.C., on December 16, 2016. Based upon the testimony of the Court Master and the recommendations set forth in his report entitled *Master's Report for a Mount Laurel Fairness and Preliminary Compliance Hearing, Township of Jackson, Ocean County, New Jersey, IMO Application of the Township of Jackson, Docket No. OCN-L-1879-15*, Judge Troncone issued an Order, dated December 31, 2016 (attached hereto as Appendix B). The Order approved the Settlement Agreement, the obligations established, and compliance mechanisms therein, and contained a further finding that the Township's preliminary compliance plan is "facially constitutionally compliant and provides a fair and reasonable opportunity for Jackson to meet its obligation under Mount Laurel IV", subject to the "Court's approval by way of a Final Compliance Hearing."

This Amended Housing Element and Fair Share Plan is intended to: demonstrate satisfaction of the Township's affordable housing obligations, and the other provisions

and conditions established pursuant to the Settlement Agreement and Judge Troncone's December 31, 2016 Order; and, following a Final Compliance hearing, receive Final Judgment of Compliance and Repose for the period 1987 to 2025.

2.0 ANALYSIS OF DEMOGRAPHIC, HOUSING AND EMPLOYMENT CHARACTERISTICS

In accordance with the provisions of the Fair Housing Act and applicable regulation, this housing element contains the following discussion of the Township's demographic, housing, and economic characteristics. The information provided in this section has been compiled from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.

2.1 *Jackson's Demographics*

At the time of the 2000 US Census, the Township of Jackson had a population of 42,816 residents (Table 1). This figure represents a 28.8 percent increase over the 33,233 residents that were counted at the time of the 1990 US Census. The Township of Jackson continues to grow considerably, as evidenced by the US Census Bureau's 2010 population estimate of 54,856 residents, which represents a 28.1 percent increase in population in the Township between 2000 and 2010.

Table 1: Population Trends, 1990-2010

	1990	2000	2010	% Change 1990-2000	% Change 2000-2010
Township of Jackson	33,233	42,816	54,856	28.8	28.1

Source: US Census Bureau (1990, 2000 and 2010)

According to the 2010 US Census, the Township's population is composed of 19,417 households (Table 2). The Township's average household size of 2.80 is greater than both the County's and the State's. It is noted that the Township's percentage of population that is 65 years or older, 14.8 percent, is significantly less than the percentage that is represented at the County level, but more than the percentage that is represented at the State levels. The median household income of Jackson Township, which at the time of the 2010 US Census was estimated to be \$89,463, is significantly higher than the estimated median household income at the County and State levels. The median age of 41.6 years that describes Jackson's residents is lower than at the County level, but higher than at the State level.

Table 2: Demographic Indicators, 2010

	Number of Households	Average Household Size	Median Age	% of Population ≥ 65 years	Median Household Income
Township of Jackson	19,417	2.80	41.6	14.8	\$89,463
Ocean County	221,111	2.58	42.6	21.0	\$59,565
New Jersey	3,214,360	2.68	39.0	13.5	\$69,400

Source: US Census Bureau; American Community Survey (Median Household Income)

With regard to the age-structure of the Township's population, the 2010 US Census reported that there were 2,949 pre-school age children in Jackson, which was 5.4 percent of the total population (Table 3). School age children accounted for 11,920 residents, or 21.8 percent of the total population. Working age individuals accounted for 31,864 residents, or 58.1 percent of the total population. Finally, those aged 65 years or older accounted for 8,123 residents, which equated to 14.8 percent of the 2010 population.

Table 3: Population by Age, 2010

	Number	% of Total
Pre-School Age		
Under 5 Years	2,949	5.4
School Age		
5 to 9 Years	3,709	6.8
10 to 14 Years	4,222	7.7
15 to 19 Years	3,989	7.3
Working Age		
20 to 24 Years	2,737	5.0
25 to 34 Years	5,073	9.3
35 to 44 Years	7,929	14.4
45 to 54 Years	9,579	17.5
55 to 59 Years	3,312	6.0
60 to 64 Years	3,234	5.9
Senior Age		
65 Years and Older	8,123	14.8

Source: US Census Bureau

2.2 Jackson's Housing Stock

According to the 2010 US Census, Jackson had a total of 20,342 housing units (Table 4). This was an increase of 5,704 units since the 2000 US Census. Of the total number of housing units in existence at the time of the 2010 US Census, 19,417 units, or 95.5

percent, were listed as occupied; owners occupied 87.2 percent of these units, while renters occupied 12.8 percent. The percentage of renter-occupied units is lower than at the County level, where 18.9 percent of all occupied housing units are occupied by renters.

The 2010 US Census reported an average household size in Jackson Township of 2.80 persons, and an average family size of 3.21 persons. These sizes are higher than the corresponding figures for the County. Of the total number of households, family households accounted for 15,042, or 77.5 percent, and non-family households¹ accounted for 4,375, or 22.5 percent.

A total of 10.2 percent of the Township's housing stock was estimated to have been constructed before 1960, and the estimated median year of construction was 1988. The median year of construction is more recent than that of the County and of the State, where it is 1978 and 1966, respectively.

In addition to the above, it is noted that the Township's housing stock is in fair condition. This is evidenced by the fact that the rehabilitation share of old, overcrowded and deficient housing is just 28 units, which represents about one-half of one percent (0.5) of all housing units. Further evidence of the fair condition of the Township's housing stock is provided by the fact that only 137 units (about 0.7 percent of all units) lacked complete plumbing facilities, and only 104 units (about 0.5 percent of all units) lacked complete kitchen facilities. It is also noted that only about 0.7 percent of all occupied units reported overcrowded conditions (1.01 occupants or more per room) in 2010, according to US Census Bureau 2010–2014 estimates.

Regarding housing values, it is noted that the median value of the owner-occupied

¹ A non-family household is present when a householder lives alone, or when the householder shares the home exclusively with people to whom he or she is not related.

housing units in Jackson during 2010 was estimated to be \$324,600. This is greater than the County median value of \$264,100, and the State median value of \$319,900. Jackson Township's estimated median gross rent of \$1,168 is also higher than the County and State median gross rents of \$1,139 and \$1,046, respectively.

Table 4: Housing Characteristics, 2010

	Number	% of Total
Housing Units		
Number of Units	20,342	100.0
Occupied Housing Units	19,417	95.5
Vacant Housing Units	925	4.5
Number of Units (2000)	14,638	100.0
Occupancy/Household Characteristics		
Number of Households	19,417	100.0
Persons Per Household	2.80	N/A
Family Households	15,042	77.5
Non-Family Households	4,375	22.5
Year Structure Built*		
2010 or Later	198	1.0
2000 to 2009	5,898	28.4
1990 to 1999	3,542	17.0
1980 to 1989	3,661	17.6
1970 to 1979	2,919	14.0
1960 to 1969	2,469	11.9
1950 to 1959	993	4.8
1940 to 1949	499	2.4
1939 or Earlier	624	3.0
Condition of Units*		
Lacking Complete Plumbing Facilities	137	0.7
Lacking Complete Kitchen Facilities	104	0.5
Home Value (Owner-Occupied Units)*		
\$300,000 or More	9,874	57.8
\$200,000 - \$299,999	4,756	27.8
\$150,000 - \$199,000	965	5.6
\$100,000 - \$149,000	306	1.8
\$50,000 - \$99,999	281	1.6
\$0 - \$49,999	902	5.3
Median Value	\$324,600	N/A
Median Rent *		
\$1,499 or More	639	23.8
\$1,250 - \$1,499	466	17.4
\$1,000 - \$1,249	724	27.0
\$500 - \$999	706	26.3
\$0 - \$499	150	5.6
Median Rent	\$1,168	N/A

Source: US Census Bureau

Note: (*) 2010–2014 5-Year American Community Survey Estimates of the US Census Bureau

Housing units that have a monthly cost of less than 30 percent of gross household income are considered to be affordable. In the Township of Jackson, a total of 60.6 percent of all owner-occupied housing units and 36.6 percent of renter-occupied housing units were estimated to be affordable (Table 5).

Table 5: Housing Affordability as a Percentage of Household Income, 2010–2014

	Number	% of Total
Selected Monthly Owner Costs		
< 20%	5,654	33.1
20% to 24%	2,619	15.3
25% to 29%	2,073	12.1
30% or More	6,676	39.1
Not Computed	62	0.4
Gross Rent		
< 15%	91	3.3
15% to 19%	253	9.1
20% to 24%	294	10.6
25% to 29%	379	13.6
30% or More	1,644	59.1
Not Computed	120	4.3

Source: 2010–2014 5-Year American Community Survey Estimates of the US Census Bureau

2.3 Jackson's Employment Characteristics

The 2010–2014 American Community Survey (ACS) estimates that 26,205, or about 58.9 percent, of Jackson Township's residents aged 16 and over were employed in the civilian labor force (Table 6). Of those who are employed in the civilian labor force: 37.6 percent are in management, professional, and related occupations; 14.9 percent are in service occupations; 27.7 percent are in sales and office occupations; 11.5 percent are in natural resources, construction, extraction, and maintenance occupations; and, 8.3 percent are involved in production, transportation, and material moving occupations.

Table 6: Occupation of Employed Civilian Population Aged 16 and Over, 2010–2014

	Number	% of Total
Management, Professional, Related	9,856	37.6
Service	3,905	14.9
Sales, Office	7,261	27.7
Natural Resources, Construction, Extraction, Maintenance	3,010	11.5
Production, Transport., Material Moving	2,173	8.3

Source: 2010–2014 5-Year American Community Survey Estimates of the US Census Bureau

In 1999, the median household income in Jackson was \$65,218. According to US Census Bureau estimates, it had risen to \$87,629 by 2014 (Table 7). At first glance this may seem like a significant increase. However, it is noted that when these values are inflation-adjusted to 2014 dollars², the median income has actually decreased by \$5,045 or 5.4 percent.

Table 7: Household Income, 2010–2014

	Number	% of Total
< \$10,000	479	2.4
\$10,000 to \$14,999	539	2.7
\$15,000 to \$24,999	1122	5.6
\$25,000 to \$34,999	1316	6.6
\$35,000 to \$49,999	1768	8.9
\$50,000 to \$74,999	3,261	16.4
\$75,000 to \$99,999	2,784	14.0
\$100,000 to \$149,999	4,879	24.6
\$150,000 to \$199,999	2,219	11.2
\$200,000 or More	1,498	7.5
Median Household Income (Dollars)	\$87,629	N/A

Source: 2010–2014 5-Year American Community Survey Estimates of the US Census Bureau

With regard to the number of jobs that are located within the Township, it is noted that the New Jersey Department of Labor and Workforce Development indicates that there was an average of 11,538 jobs located within the municipality during 2015, which is the latest data available. This represents an increase of approximately 34.0 percent over the 2005 average of 8,609 jobs. The Department of Labor and Workforce Development's basis for this information is jobs that are covered by public unemployment and disability insurance.

² The 1999 median household income of \$65,218 has the same purchasing power as \$92,674 in 2014.

3.0 MUNICIPAL FAIR SHARE OBLIGATION

Pursuant to the October 25, 2016 Settlement Agreement approved by Judge Troncone's December 31, 2016 Order, the Township's fair share obligation for the period from 1987 through June 30, 2025 is comprised of three components, as follows:

- Rehabilitation Obligation: 28 units
- Prior Round (1987-1999) Obligation: 1,247 units
- Third Round (1999-2025) Obligation: 1,250 units

In accordance with the terms of the Court-approved Settlement Agreement, implementation of this Housing Plan will satisfy the Township's third round obligation through June 30, 2025. The Settlement Agreement, however, did not resolve certain issues related to the application of the cap provided in Section 307.e. of the Fair Housing Act, N.J.S.A. 52:27D-307.e., but did provide that to the extent the issues are resolved in future decisions of the courts, an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, any adjustment in to the third round obligation would be addressed in future compliance rounds in accordance with the then-applicable law.

4.0 COMPLIANCE PLAN

The following sections demonstrate and detail the satisfaction of the three components of the Township's fair share obligation for the period from 1987 through 2025.

4.1 *Rehabilitation Obligation*

Per the Court-approved settlement agreement, the Township's 2010 rehabilitation obligation is 28 units. In July 2012, the Township re-established its former rehabilitation program to build upon the success of its earlier program. The current program is funded with a total of \$1,380,000 from the Township's affordable housing trust fund, and is administered by Rehabco, Inc. The program has completed 17 units since the 2012 restart, with an average cost of \$17,238. In addition, three units have been rehabilitated since 2010 under the Ocean County HUD HOME program, with an average cost of \$28,246. The average cost of the twenty units rehabilitated in the Township since 2010 is \$18,889. The Township is currently entitled to claim 20 credits toward its 28-unit rehabilitation obligation. However, the Township is committed to expend the entire \$1,380,000 committed to rehabilitation under its current Spending Plan towards rehabilitation through 2025 and will continue to satisfy its rehabilitation obligation and beyond with that commitment.

4.2 *Prior Round Obligation*

Per the Court-approved Settlement Agreement, the Township's prior round (1987–1999) obligation is 1,247 units, which is met through the mechanisms in Table 8, Prior Round (1987-1999) Compliance Plan Summary (below).

Table 8: Prior Round (1987–1999) Compliance Plan Summary

Compliance Mechanism	Affordable Units	Rental Bonus Credits	Total Credits
<i>Prior Cycle Credits (April 1, 1980 — December 15, 1986)</i>			
Credits without Controls	205	0	205
Group Home	5	0	5
<i>RCAs</i>			
Trenton (Completed)	50	0	50
<i>Built Affordable Units (After December 15, 1986)</i>			
Site No. 1 — Willow Point (Family Rental)	100	100	200
Site No. 3 — West Lake Village (Senior Rental)	150	0	150
Bella Terra (Assisted Living; Senior Rental)	11	0	11
Sunrise (Assisted Living; Senior Rental)	2	0	2
Orchards at Bartley (Assisted Living; Senior Rental)	15	0	15
Colonial Arms (Senior Rental)	24	0	24
Tomorrow's Hope (Special Needs)	5	5	10
Windsor Crescent/CIS (Family Rental)	111	111	222
Arc of Ocean (Special Needs)	4	4	8
Habitat for Humanity (Block 2401, Lot 16; Family Sale)	1	0	1
<i>Proposed Affordable Units</i>			
Site No. 6 — Hovbilt (Family Rental/For-Sale)	220	0	220
Site No. 2 — Leigh (Jackson Woods; 159 Family For-Sale; 72 Family Rental)	231	39	270
Totals	1,134	259	1,393

The individual components of the Township's prior round compliance plan set forth in Table 8 are detailed in the following sections:

4.2.1 Prior Cycle Credits

Jackson Township claims 210 credits toward satisfying its prior round obligation with crediting detailed below:

Credits without Controls

Jackson Township claims 205 credits for the creation of affordable housing units resulting from free market residential development that occurred between April 1, 1980 and December 15, 1986. The Township will apply these credits toward satisfying its prior round obligation.

Pursuant to N.J.A.C. 5:93-3.2(b), a municipality may earn credits for affordable housing units developed via free market residential development provided that:

1. The date of construction of the unit is within the time period specified and is confirmed by a certificate of occupancy.
2. The unit is certified to be in sound condition as a result of an exterior inspection by a licensed building inspector.
3. The unit is currently occupied by a low- and moderate-income household. Household income is to be certified by the head of household on a form designed and accepted by COAH.
4. If the unit is a for sale unit, the unit shall have a market value that is affordable to be a moderate-income household pursuant to the requirements of N.J.A.C. 5:93-7.4(a) and (e). The market value of each such unit is no greater than a sales price determined by averaging the reported actual sales prices of three comparable housing units from the municipality that can be documented as being arms length, closed sales transactions and which occurred within one year of the date of filing of the petition.
5. If the unit is a rental unit, the unit shall have a monthly rent that is affordable to a moderate-income household pursuant to the requirements of N.J.A.C. 5:93-7.4(a) and (f) and the rental unit must be an arms length transaction.

In Summer 1998, the Township initiated an extensive “credits without controls” survey in an effort to determine the number of residential dwelling units that qualify as affordable units pursuant to N.J.A.C. 5:93-3.2(b). Survey forms were mailed to approximately 700 residential units that were identified as rental units with an assessed value of \$125,000 and were constructed between April 1, 1980 and December 15, 1986. A total of 491 responses were received by the Court Master.

A structural conditions survey of eligible units was undertaken by the Township's building inspectors during March 2007. Using the results of this survey, the Court Master determined that six (6) units did not meet the "sound condition" criteria set forth above, and subsequently recommended the approval of the Township's petition to apply 194 "credits without controls" toward satisfying its prior round obligation. The Honorable Eugene D. Serpentelli, A.J.S.C., approved the Court Master's recommendation by Order dated June 21, 2007.

On January 8, 2008, the Court Master issued a letter advising the Township of its eligibility to claim eleven (11) additional "credits without controls", due to an increase in the maximum and rental sale prices permitted by COAH. After evaluating the responses from the Township's "credit without controls" survey in the context of COAH-determined maximum affordable rental and sale prices, the Court Master determined that the Township is eligible to apply 205 "credits without controls" toward satisfying its prior round obligation. Therefore, the Township claims 205 "credits without controls", and will apply these credits toward satisfying its prior round obligation.

Alternative Living Arrangements Facilities

The Township claims five (5) prior cycle credits for the Developmental Services of New Jersey, Inc. facility, which is located at 76 Buckingham Drive (Block 75.28, Lot 14). This five (5) bedroom group home for mentally challenged adults was issued a certificate of occupancy in 1985. Although Developmental Services of New Jersey, Inc. has ceased operations at the facility, the facility was operational for a minimum of ten years and, therefore, qualifies for crediting.

4.2.2 Regional Contribution Agreements (RCAs)

The Township claims 50 credits from approved Regional Contribution Agreements (RCAs), as outlined below:

Vista Center (Affordable Housing Site No. 1)

On December 21, 1999, the Honorable Eugene Serpentelli approved an amendment to Jackson Township's 1993 Affordable Housing Plan whereby the developers of the Vista Center Planned Mixed-Use Development (PMUD) were permitted to satisfy a portion of their affordable obligation via a payment in lieu to fund a 50-unit RCA agreement with the City of Trenton at the then-permitted rate of \$20,000 per unit. The Township and the City of Trenton subsequently entered into an RCA. The agreement was approved by the various agencies having jurisdiction, and the agreement implemented. All monies were transferred and the agreement concluded by the end of 2005.

4.2.3 Built Affordable Units (Post December 15, 1986)

The Township claims 433 credits for new affordable housing units built in the Township since 1986. Details of this crediting are provided below:

Vista Center/Willow Pointe (Affordable Housing Site No. 1)

In the Township's first cycle Compliance Plan, Vista Center was identified as Affordable Housing Site No. 1. The original proposal in 1987 was for a large, mixed-use development on 1,300 acres that would include a golf course, commercial development, office space, light manufacturing, and a variety of residential housing types totaling approximately 2,800 dwelling units. The Planning Board's approval of the Master Development Plan was conditioned on the developer providing 280 low- and moderate-income units. The developer subsequently reduced its proposal to 800 age-restricted and 190 single-family detached homes, and the revised plan was approved by the Planning Board on April 27, 1999, subject to the applicant entering into an agreement with the Township with respect to the affordable housing obligation. An agreement was entered into by Jackson Township and Vista Center Associates on September 13, 1999. The agreement included the provision of 100 income-restricted family rental units in section AH-1 of the project. The units have been completed and the final certificate of occupancy has been issued. As a family rental project, the units are eligible for one-for-one rental bonus crediting.

In addition the Vista Center Associates agreed to pay \$1,000,000 to fund 50 Regional Contribution Agreement (RCA) units (see Section 4.2.2 above) and non-residential affordable housing fees in accordance with the Township's Affordable Housing Development Fee Ordinance.

West Lake Village (Affordable Housing Site No. 3)

The West Lake Village project was identified as Affordable Housing Site No. 3 with an affordable housing obligation of 60 units in the first cycle compliance plan. The site is located between South Boston Road and Cooks Bridge Road. In accordance with the agreement between the Township and the developers of Westlake Village, LLC, which was dated September 13, 1999, the developers were to construct 150 units of age- and income-restricted rental housing. The Court approved the amendment of the Township's 1993 plan to permit the project on December 21, 1999. All 150 units have been constructed and are fully occupied. The final Certificate of Occupancy was issued on February 11, 2003.

Bella Terra

Bella Terra is an assisted living facility, which is located at 2 Kathleen Drive in Jackson Township. The facility contains 107 assisted living facility beds. In accordance with regulatory requirements, twenty percent of the assisted living rental beds must be set aside for Medicaid residents. In the case of the Bella Terra assisted living facility, twenty percent of the total number of beds have been set aside for occupation by Medicaid residents.

Pursuant to N.J.A.C. 5:97-6.11, a municipality may receive one credit for each Medicaid unit within an assisted living facility. Therefore, making the most conservative assumptions that all the low-income units are two-bedroom units and occupied by related individuals, the Township claims eleven (11) credits toward satisfying its prior round obligation based on the following formula: *(107 Assisted Living Facility Beds × 0.20 Set Aside) ÷ 2 Beds per Bedroom = 11 Units of Credit.*

Sunrise

Sunrise of Jackson is an assisted living facility that is located at 390 County Line Road in Jackson Township. The facility contains 75 assisted living facility bedrooms with a total of 100 beds. Per agreement with the Township dated May 10, 2007, the owner agreed to restrict ten (10) units within the facility to Medicaid recipients.

Pursuant to N.J.A.C. 5:97-6.11, a municipality may receive one credit for each Medicaid unit in an assisted living facility. Therefore, the Township claims ten (10) credits toward satisfying its prior round obligation.

Care One at Jackson

Care One at Jackson is a senior care facility, which is located at 11 History Lane in Jackson Township. The facility offers post-acute specialty services and long-term care to its clients. At present, Care One at Jackson contains sixteen (16) comprehensive personal care beds. In accordance with regulatory requirements, a minimum of twenty percent of the personal care units are set aside for low-income residents. Therefore, the Township claims two (2) credits toward satisfying its prior round obligation based on the following formula: *(16 Comprehensive Personal Care Beds × 0.20 Set Aside) ÷ 2 Beds per Bedroom = 2 Units of Credit.*

The Orchards at Bartley

The Orchards at Bartley is a 72-unit assisted living facility that is located at 175 Bartley Road. This facility was awarded \$9,981,591.00 in revenue bonds from the New Jersey Healthcare Facilities Finance Authority. In accordance with regulatory requirements, twenty percent of the assisted living rental units must be set aside for low-income residents. Fifteen (15) rental units are set aside for individuals whose income does not exceed 50 percent of median income for the region. The site received a certificate of occupancy on September 17, 2001.

Colonial Arms

The Township is claiming 24 credits for a multi-family rental project on West Veteran's Highway known as Colonial Arms (Block 12001, Lot 5). This project was financed with funding from the U.S. Department of Agriculture (USDA) through a Section 515 Rural Rental Housing Loan. Eligible tenants include: low-income seniors; and; low-income handicapped or disabled persons, regardless of age. Colonial Arms is comprised of three buildings. Eighteen units are located in Building A, which received a Certificate of Occupancy in 1964. No credits can be claimed for these units, which were built before 1980. Another 24 deed-restricted units were located in Buildings B and C, which received Certificates of Occupancy in 1988. The 24 units had been deed-restricted for a minimum of twenty years prior to the expiration of the affordability controls in 2007, and, hence, the Township may claim crediting for these units.

Tomorrow's Hope

In addition to the prior cycle credits for alternative living arrangement facilities, the Township claims five (5) rental credits for Tomorrow's Hope alternative living arrangement facility, which received a certificate of occupancy on September 30, 1994. This five (5) bedroom group home for developmentally disabled adults is located at 609 Henry Street (Block 91, Lot 19.03). Post-1986 alternative living arrangement units are eligible for rental bonus crediting.

Windsor Crescent/Community Investment Strategies (CIS)

Windsor Crescent, located on Solar Avenue, is a 100-percent affordable, family rental development, which was built and occupied in 2011 and contains 111 dwelling units. The project is situated on a 20.5-acre tract of land that was assembled by the Township, and developed by Community Investment Strategies, Inc., which maintains its offices at 201 Crosswicks Street, Bordentown, NJ 08505. The development was financed with Low-Income Housing Tax Credits (LIHTCs) and subsidies from the New Jersey Department of Community Affairs (NJDCA) and the New Jersey Housing and Mortgage Finance Agency (HMFA) and, as such, has qualifying affordability controls. As a family rental project, the units are eligible for one-for-one rental bonus crediting.

ARC of Ocean County

The Township claims four (4) rental credits for special needs housing units provided by the ARC of Ocean County, which received a certificate of occupancy in March 1, 2009. The four (4) bedroom group home for developmentally disabled adults is located at 76 Buckingham Drive (Block 13203, Lot 2). Units (i.e., bedrooms) in post-1986 alternative living arrangements are eligible for rental bonus credits.

Habitat for Humanity

One (1) unit of credit is claimed for a family for-sale unit located at 490 Cedar Swamp Road (Block 4201, Lot 16). The unit was constructed by Habitat for Humanity on donated land, and was issued a certificate of occupancy on August 25, 2011. The unit was affirmatively marketed and 30-year affordability controls were established in the deed of sale, which was dated August 26, 2011.

4.2.4 Proposed Affordable Units

The Township claims 423 units/credits in its 1987-1999 cumulative plan for two projects included in prior Court-approved plans that, to date, have not been constructed. Details involving these projects are provided in the following subsections.

Hovbilt (Affordable Housing Site No. 6)

In 1999, the Township sought Court approval to amend its 1993 Plan to include the Fairview at Jackson (Hovbilt) site in its affordable housing plan, and to approve an agreement between Hovbilt and the Township to accept a payment in lieu for low- and moderate-income units otherwise to have been built within the development. The agreement called for the full funding of a 97-unit RCA at the rate of \$20,000 per unit. Upon favorable recommendation of the Court Master, Philip Caton, and after a Fairness Hearing on December 21, 1999, the Plan amendment and developers agreement were approved by Order of the Honorable Eugene Serpentelli on January 10, 2000.

In April 2007, the Township petitioned the Court to amend its January 10, 2000 Order to allow the amendment of the Developer's Agreement with the Township to convert the

developer funding of a 97-unit RCA to an age-restricted inclusionary project with a 15 percent low- and moderate-income set aside in a project of up to 1,275 units. This modification would have produced up to 192 low- and moderate-income, age-restricted units. Upon favorable recommendation of the Court Master and having conducted a compliance hearing on the matter, the Honorable Eugene Serpentelli issued an Order dated June 21, 2007, which approved the amendment of the Township's Plan and the developer's agreement. As part of the Court Order, Hovbilt agreed to a range of affordability and pricing stratification of the inclusionary affordable units geared toward making additional units available to households with incomes of 30 percent of the regional median household income. The Township has agreed to apply for subsidies to write down the affordability of the inclusionary units, such that additional units may be available to households at or below 30 percent of the regional median, above and beyond that which had already been agreed to by Hovbilt.

The Court, under the scope of its review during the December 21, 1999 Fairness Hearing, determined the property to be approvable, available, developable and suitable as defined in N.J.A.C. 5:93-1.3. On April 2, 2007, the Jackson Township Planning Board granted conditional Preliminary and Final Major Site Plan and Subdivision approval to Sections 1 and 2 of the proposed development, which consisted of 965 units.

The Township and Hovbilt entered into a further agreement (i.e., Second Amendment to the Hovbilt, Inc. and Jackson Township Affordable Housing Agreement). This agreement was approved by Order of the Court dated November 23, 2011, after a conducting a Compliance Hearing on November 10, 2011. The Second Amendment to the Affordable Housing Agreement allowed Hovbilt, or its assign, to sell approximately 290 acres to the Trust for Public Land, to be added to the State-owned Collier's Mill Wildlife Area.

The lands to be conveyed to the Trust for Public Land included an area containing approximately 63 dwelling units approved in 2007 as part of General Development Plan (GDP) for 965 units, as well as an area contemplated for an additional 310 units under the prior Affordable Housing Agreement. The parties to the Second Amendment to the

Affordable Housing Agreement also agreed to include a provision that Hovbilt shall set aside 192 units for inclusionary affordable housing as part of the 902 units previously approved as part of the GDP that remains after removal of the subject property as sold to TPL. Jackson and Hovbilt further agreed that Hovbilt could apply to amend the approvals to include up to 1,100 units on the property still owned by Hovbilt of which 20% would be set aside for affordable housing, with a minimum of 192 affordable units. The Second Amendment provided that in the event final approval for 902 units is reduced as a result of "...a change in state, county or local legislation, regulations, permitting or determinations that limit the development of the Property, Jackson and Hovbilt reserved the right to request an appropriate reduction in the number of affordable housing units through a further hearing before this Court...".

The Second Amendment was signed and approved by the Court and the lands conveyed to the Trust for Public Land in 2012. Hovbilt subsequently filed for bankruptcy and the Hovbilt Site was sold in a Bankruptcy Court proceeding to M&M at Jackson, LLC. The Township was subsequently advised that a new entity, EL at Jackson, LLC, had been formed and assumed the ownership, rights, and obligations of Hovbilt. On September 16, 2016, a Consent Order was entered providing for the rezoning of the former Hovbilt site. Appendix C provides a copy of an ordinance, which is scheduled to be introduced by the Township Council on June 13, 2017 and considered for adoption on June 27, 2017, and which creates a new Mixed Residential-Affordable Housing-8 (MR-AH-8) Zone and rezones the former Hovbilt site (Affordable Housing Site No. 6) in a manner that is consistent with the September 16, 2016 Consent Order, the Settlement Agreement and the prior Affordable Housing Agreements related to the site.

The zoning permits non-age-restricted mixed residential dwelling unit buildings, including detached single-family and two-family dwellings, as well as multi-family development. The zoning permits up to 1,100 dwelling units and requires 20 percent of the units to be set aside for low- and moderate-income households, with 17 percent of the affordable units to be set aside for very low-income households. Upon adoption of the MR-AH-8 Zoning amendment,

the site will again be approvable, available, developable and suitable, and, therefore, entitle the Township to claim crediting for 220 units.

Leigh/Jackson Woods (Affordable Housing Site No. 2)

The Leigh/Jackson Woods project, Affordable Housing Site No. 2, was approved by the Court for inclusion in the Township's 1993 Compliance Plan. The project had received a conditional Preliminary Subdivision and Site Plan approval from the Planning Board in March 1989. The 1989 preliminary approval provided for the construction of a total of 1,641 units (311 detached single-family and 1330 multi-family dwelling units), ten percent of which (164 units) were to be set aside for low- and moderate-income households. The Planning Board, on October 15, 2007, voted to deny Final Subdivision and Site Plan approval for Section C of the project and determined that the preliminary approval granted in 1989 for the entire project had lapsed.

Leigh Realty Company subsequently filed several legal challenges to actions taken by the Planning Board and Township related to land development applications made for the property. After lengthy mediation under the guidance of the Court Master, Leigh Realty Company, the Township and Planning Board reached a settlement of these legal challenges. A Consent Order Incorporating Stipulation of Settlement was entered by the Honorable Vincent J. Grasso, A.J.S.C. on June 29, 2011. Chief among the provisions of the Settlement Agreement and Order was the right of Leigh Realty to seek approval of 1,541 dwelling units, of which 15 percent (231) are to be set aside as low- and moderate-income units.

On June 4, 2012 the Jackson Township Planning Board granted Preliminary Major Site Plan approval to The Jackson Woods project for 1,541 non-age-restricted dwelling units, of which 231 units are to be set aside for low- and moderate-income families and individuals. On August 6, 2012 the Jackson Township Planning Board granted Amended Preliminary Major Site Plan approval and Final Major Site Plan approval for the Central Portion (Phase I) of the Jackson Woods development. The approved (final) Central Portion (Phase I) consists of 510 multi-family rental units, of which 72 rental units are to be set aside as affordable. Construction

of site improvements and housing units in the Central (Phase I) currently underway, with numerous buildings built and occupied.

The Southeast Section (Phase II) received amended preliminary and final subdivision approval in November 2015. The Southeast Section is to contain 553 for-sale townhomes and an 88-unit, entirely affordable family rental component to be developed by Walters Homes. Funding approval has been received from New Jersey Housing and Mortgage Finance Agency (HMFA) for the affordable units. Construction is scheduled to begin in June 2017 and is anticipated to be completed in 12 to 15 months. The Southwest Section (Phase III) is to contain 549 family rental units, of which 71 are to be reserved for low- and moderate-income households. Construction in the Southwest Section is expected to commence in 2019.

Based upon the foregoing, the Township claims 231 dwelling units and 39 rental bonus credits towards its prior round obligation for the Jackson Woods development. The Township is not eligible to claim all 72 rental units for rental bonus crediting in Central Portion (Phase I) against its prior round obligation having reached the 259-unit rental bonus cap with the thirty-ninth unit in Phase I.

4.2.5 Prior Round Compliance Plan Caps and Requirements

Rental Bonus Credits

Pursuant to N.J.A.C. 5:97-3.5(a), the number of rental units eligible for one-for-one rental bonus credits is limited to qualifying affordable rental units, up to the municipal rental obligation. As cited in Section 7.3 (above), the Township's rental obligation is 259 units. Jackson Township claims one-for-one rental bonus credits for 259 of existing affordable rental units developed per Table 9 (below).

Table 9: Rental Bonus Credits Prior Round Obligation (1987-1999)

Project	Rental Units	Rental Bonus Credits
Affordable Housing Site No. 1 – Willow Point – Family Rental (100 × 1)	100	100
Affordable Housing Site No. 2 – Jackson Woods- Family Rental (39 × 1)	39	39
Tomorrow's Hope (Special Needs) – (5 × 1)	5	5
Windsor Crescent/CIS – Family Rental (111 × 1)	111	111
ARC of Ocean (Special Needs) – (4 × 1)	4	4
Total	259	259

Minimum Rental Obligation

At least 259 units must be rental units in accordance with N.J.A.C. 5:97-3.10.(b) (i.e., $0.25 [Prior\ Round\ Obligation\ (1,247)\ Minus\ (-)\ Prior\ Cycle\ Credits\ (210)] = 259$). The Township has provided 504 rental units and, therefore, complies with this requirement.

Rental unit crediting has been generated from the following projects:

- Site No. 1 – Willow Pointe (100 Units)
- Site No. 3 – West Lake Village (150 Units)
- Bella Terra (11 Units)
- Sunrise (10 Units)
- Care One at Jackson (2 Units)
- Orchards at Bartley (15 Units)
- Colonial Arms (24 Units)
- Tomorrow's Hope (5 Units)
- Windsor Crescent/CIS (111 Units)
- ARC of Ocean (4 Units)
- Site No. 2 – Leigh (72 Units)

Maximum RCA Credits

Prior to P.L. 2008, c.46, enacted into law on July 17, 2008, the Township was permitted under COAH regulations to transfer a maximum of 624 units through RCA agreements.

The use RCAs as a mechanism to satisfy a portion of its obligation was effectively eliminated by this legislation. In 2005, prior to the enactment of P.L. 2008 c.46, the Township had completed the transfer 50 units to the City of Trenton through an RCA agreement, and is entitled to claim crediting for these units under the provisions of P.L. 2008, c.46.

Maximum Age-Restricted Units

The Township is permitted to provide a maximum of 247 age-restricted affordable units to address its prior round obligation per N.J.A.C. 5:97-3.10(c) (i.e. $.25 [Prior Round Obligation (1247)] \text{ Minus } (-) \text{ Prior Cycle Credits } [210] \text{ Minus } (-) \text{ Transferred RCA Units } [50] = 247$). The Township's prior round compliance plan provides 212 age-restricted units, and therefore complies with the maximum age-restricted unit cap. Age-restricted units have been provided as follows:

- West Lake Village (150 Units)
- Bella Terra (11 Units)
- Sunrise (10 Units)
- Care One at Jackson (2 Units)
- Orchards at Bartley (15 Units)
- Colonial Arms (24 Units)

4.3 Third Round Compliance Plan

The Township claims a total of 1,250 credits, including a surplus of 146 credits from the prior round that has been carried forward toward its third round obligation. The following table (Table 10: Third Round Compliance Plan Summary), enumerates how the Township will address its Court-approved 1250-unit third round obligation.

Table 10: Third Round (1999–2015) Compliance Plan Summary

Project Name	Project Location	Project Type	Affordable Units	Rental Bonus Credits	Total Credits
A. EL @ Jackson, LLC (Carried Forward from Site No. 6)	Perrineville Road	Family Rental (Units Carried Forward from Prior Round)	146	0	146
B. Holly Oaks	Block 14801, Lot 5	Inclusionary Age-Restricted For-Sale	5	0	5
C. DVT Enterprises (Maplewood Estates)	Block 1720, Lot 173.03	Family For-Sale	1	0	1
D. SNHPLP Program	TBD	Special Needs Housing	8	0	8
E. Leigh Realty-North Tract (Site No. 10)	Interchange of Route 195 and Route 526/527	Mixed-Use Family Rental	273	272	545
F. Highview Homes (Site No. 15)	Block 164, Lot 2	Inclusionary Family Rental	40	40	80
G. RG-2 Zone (Sites Nos. 12, 13, and 14)	Various	Inclusionary Family For-Sale	175	0	175
H. Remainder of RG-2 and RG-3 Zones	TBD	Inclusionary with 20-Percent Set-Aside	290	0	290
Totals			938	312	1,250

The components of the Township's third round compliance plan that are set forth in Table 10 are described below:

4.3.1 Proposed Affordable Units

Hovbilt (Affordable Housing Site No. 6)

The Township will carry forward to the third round 146 of the total of 220 affordable units in the Hovbilt project (Affordable Housing Site No. 6), which has been described in detail above.

Holly Oaks

A use variance to permit the construction of 28 age-restricted multi-family units and a free-standing bank was approved by the Jackson Township Zoning Board of Adjustment on August 6, 2008, and preliminary and final site plan approval of the bank and preliminary site plan approval of the residential units was approved on January 21, 2009.

The Holly Oaks development, located at the southwest corner of the intersection of Manhattan Street and Cooks Bridge Road (Block 14801, Lot 5), received amended preliminary and final site plan approval of both the bank and residential units on September 9, 2009. All approvals are conditioned upon the set aside of five (5) of the twenty-eight (28) total units as affordable units. Based upon the foregoing, the Township claims five (5) credits for the for-sale, age-restricted units to be created by this project toward its third round affordable housing obligation.

DVT Enterprises, LLC (Maplewood Estates)

DVT Enterprises, LLC, the owner and applicant of property known as Block 17201, Lots 1, 37, and 38, received final major subdivision approval from the Jackson Township Planning Board on May 16, 2005. The 13-lot subdivision included 12 new building lots, and a lot bearing an existing detached single-family dwelling. The approval was conditioned upon the applicant satisfying the Township's "Growth Share Ordinance." DVT Enterprises filed a complaint against the Township and Planning Board on January 30, 2009 challenging the growth share ordinance requirements. Pursuant to a Settlement Agreement with DVT Enterprises, LLC dated June 21, 2010, a copy of which is attached as Appendix D, the developer of the property is required to deed restrict the existing dwelling for occupancy by a moderate-income household and pay a total of \$76,114 (\$6,342.84 per unit upon issuance of a certificate of occupancy) into the Township's Affordable Housing Trust Fund. Construction of site improvements has recently commenced and building permits have been sought. The Township claims one credit for the affordable unit in the Maplewood Estates development.

Special Needs Housing Partnership Loan Program (SNHPLP)

By Memorandum of Understanding dated April 10, 2012, the Township, the New Jersey Housing and Mortgage Finance Agency (HMFA) and the New Jersey Department of Human Services (DHS) agreed to participate in the Special Needs Housing Partnership Loan Program (SNHPLP) in an effort to expand housing opportunities and expedite the placement of developmentally disabled individuals into community-based supportive housing within Jackson Township. The Township has transferred \$500,000 from its

affordable housing trust fund to the New Jersey Department of Community Affairs (DCA), which is to be matched by \$500,000 from the State to fund the development of special needs housing. Based upon the program guidelines of a maximum expenditure of \$125,000 per bedroom, the program will generate a minimum of eight (8) bedrooms of special needs housing. Advancing Opportunities, Inc. has received approval from HMFA, with the concurrence of the Township, to develop a four-bedroom group home (Middletree Home) on West Veterans Highway. Applications for building permits have been made and construction is scheduled to start immediately upon receipt thereafter. The Township claims eight units of credit toward its third round affordable housing obligation for the Middletree Home project and an additional future site to be developed under the SNHPLP.

Village Green (Leigh Realty – North Tract, Affordable Housing Site No. 10)

The Village Green site (Affordable Housing Site No. 10) consists of approximately 325 noncontiguous acres that are generally located at the Interstate Route 195/Ocean County Routes 527 & 526 interchange. The property is adjacent to the Leigh/Jackson Woods site (Affordable Housing Site No. 2). The Village Green site is owned or controlled by Leigh Realty or affiliated companies. The property is currently zoned HC, Highway Commercial, and LM, Light Manufacturing. The property received various approvals from the Jackson Township Board of Adjustment to construct approximately 2,900,000 square feet of mixed commercial (non-residential) development in a regional commercial development known as “Jackson Commons”.

Leigh Realty expressed an interest in developing the property as a mixed-use, town center-type development to be known as the “Village Green”. The Township and Leigh Realty, as part of the negotiations resulting in the Affordable Housing Site No. 2 (Jackson Woods) settlement agreement, discussed the potential rezoning of the Affordable Housing Site No. 10 (Leigh Realty—North Tract) to permit the development of a self-contained mixed-use development. Those discussions conducted with the participation of the Court Master resulted in the parties entering into a Consent Agreement signed by the Court, after a “Fairness Hearing”, on October 15, 2015.

The Consent Agreement provided for the rezoning of the property to permit a minimum of 1,365 dwelling units and a minimum required non-residential component of 273,000 square feet. Twenty percent (273) of the 1,365 dwelling units within the overall mixed-use development would be required to be set aside as affordable family rental units. The Court Master, affirmed by the Court, has determined the Agreement represents a realistic opportunity for the production of 273 units of affordable housing. On May 9, 2017, the Township Council adopted Ordinance No. 6-2017, which rezoned the property pursuant to the Court-approved Consent Agreement. Ordinance No.6-2017 is attached as Appendix E.

Highview Homes (Affordable Housing Site No. 15)

Affordable Housing Site No. 15 (Block 1203, Lot 29) is an approximately 40-acre, vacant, wooded site that is located at the northeast quadrant of the intersection of New Prospect Road and Larsen Road. Highview Homes is the contract purchaser and an intervenor in the Township's Declaratory Judgment Petition (Docket No. OCN-L-1879-15). Highview Homes is a party to the Court-approved Settlement Agreement (Appendix A) whereby the site would be rezoned from its current R-1 Single-Family Residential zoning to permit a maximum of 214 multi-family residential rental units, of which 40 are to be reserved for low- and moderate-income households and individuals. Approximately 20 acres of the site is free of environmental restrictions, and sanitary sewer and water facilities are available. The site is bounded: on the south, across Larsen Road, by Jackson Fire Company No. 1 Station and First Aid Facility and Johnson Elementary School; to the east by detached single-family homes along Birch Drive; and to the west by detached single-family residences along the west side of North New Prospect Road. A draft ordinance creating the MF-AH-7 Zone and rezoning the Highview Homes property accordingly, consistent with the Court-approved Settlement Agreement, is attached as Appendix F. Said Ordinance is scheduled for introduction at the June 13, 2017 Council meeting and to be considered for adoption on June 27, 2017. Based upon the foregoing the site is available, developable and suitable for development as reflected in this plan and the Township is entitled to claim 40 affordable family rental units toward its third

round obligation.

RG-2 Associates, LLC (Affordable Housing Site No. 12)/Swanbourne, LLC (Affordable Housing Site No. 13)/Jackson Holdings/Grawtown (Affordable Housing Site No. 14)

Per the Court-approved Settlement Agreement, the Township has included these three sites in its third round plan. All three sites (Site Nos. 12, 13 and 14) are located in the RG-2, Regional Growth Zone, which is situated within the Pinelands area of the Township. Pursuant to P.L. 2008, c.46, developments consisting of newly-constructed residential units, located, or to be located, within the jurisdiction of the Pinelands Commission and subject to the Pinelands Comprehensive Management Plan “shall be required to be reserved for occupancy by low- or moderate-income households at least 20 percent of the residential units constructed, to the extent this is economically feasible.” Development plans for all three sites have been prepared, and separate applications have been submitted to the Township at various times and with varying outcomes. All three development applications were submitted to the Pinelands Commission at the time development approvals were sought from Jackson Township and all three development applications have received a certificate of filing from the Pinelands Commission. Collectively the three projects are anticipated to yield 874 detached, single-family units, 20 percent of which (175) are to be set aside for low- and moderate-income households. The particulars of the individual projects are provided below.

1. RG-2 Associates, LLC (Affordable Housing Site No. 12): The RG-2 Associates, LLC property (Block 19403, Lots 2, 6, 7, 10, 12, 19, 20, 30 & 31) consists of 166.6 total acres and is located on Grawtown Road. The site contains 132 developable/upland acres. The developer proposes to build detached, single-family homes on 12,000 square feet lots. The proposed development is to be served by public sewer. The project received preliminary and final major subdivision approval for 186 building lots on November 21, 2016. The required, 20-percent set aside is 37 affordable, for-sale units. The Township claims 37 credits toward its third round obligation for the 37 affordable units that are to be

developed on this site.

2. Swanbourne, LLC (Affordable Housing Site No. 13): The Swanbourne, LLC property (Block 20801, Lots 3, 8, 9, 10, 12, 15, 16, 17, 18, and 28 and Block 20701, Lot 3)) consists of 159 total acres with access to South Hope Chapel Road. The site contains 102 developable/upland acres. The developer proposes to build detached, single-family residences on 12,000 square feet lots. The site has access to public sewer. Development plans that provide for a total of 195 building lots have been prepared, and application has been made to the Jackson Township Zoning Board of Adjustment for a “(d)5 density bonus” and major subdivision approval of this 195-building lot development. The application before the Zoning Board of Adjustment has been adjourned by the applicant’s request to July 19, 2017. As a result of the adoption of Ordinance No. 8-2017 by the Township Council on May 23, 2017 (attached as Appendix G) the applicant will not require a “(d)5 density variance” and the Planning Board is likely to assume jurisdiction. The required, 20-percent set-aside would be 39 affordable, for-sale units. The Township claims 39 credits toward its third round obligation for the 39 affordable, for-sale single-family units on this site.

3. Jackson Holdings/Grawtown Estates (Affordable Housing Site No. 14): The Jackson Holdings property (Block 19301, Lot 4) consists of 302 acres along the west side of Grawtown Road. The site contains 191 developable/upland acres. A prior application in 2007 for 493 detached single-family building lots (9,000 square feet minimum) was denied by the Planning Board under the conditional use section of the ordinance, primarily on the basis of the applicant’s failure to obtain a Certificate of Filing from the Pinelands Commission demonstrating consistency with the Pinelands Comprehensive Management Plan and traffic concerns. In December 2007 Jackson Holdings filed a legal challenge to the Planning Board’s denial, raising as an issue the validity of the conditional use requirements of the Township’s ordinance. The trial court reversed the determination of the Planning Board and remanded the application to the Planning

Board for approval. The Planning Board appealed and the Appellate Division remanded to the trial court for the inclusion of the Township.

The Township of Jackson Planning Board undertook a periodic reexamination of its Master Plan in 2008. Several ordinances implementing the provisions of the Master Plan were adopted by the Township Council on November 9, 2010, including Ordinance No. 29-10, which is referenced below. The 2009 Master Plan and implementing ordinances were submitted to the Pinelands Commission. The Commission has not certified either the 2009 Master Plan as it pertains to the Pinelands Area portion of Jackson Township (n.b., it has certified the 2009 zoning map) or Ordinance 29-10.

Ordinance No. 29-10 directly affected all of the properties zoned as RG-2 and RG-3. Specifically, Ordinance No. 29-10 removed and repealed §109-81.D and §109-82.D, which were the conditional use sections in the RG-2 and RG-3 Regional Growth Zones within the Pinelands Areas portion of Jackson Township. These sections permitted the development of residential lots at less than one acre, and at increased densities on lands with certain environmental constraints or impacted by Joint Base McGuire-Dix-Lakehurst pursuant to the Joint Base Land Use Study. They were removed based on density recommendations as described in the Joint Land Use Study for Joint Base McGuire-Dix-Lakehurst (JLUS), the Toms River Corridor Study and the goals and principles of the 2009 Jackson Township Master Plan.

The legal challenge filed by Jackson Holdings in 2007 ultimately concluded in 2011 with the Township asserting that the conditional use standards of the RG2 and RG3 zoning districts were invalid. Ordinance No. 8-17, which was adopted by the Township Council on May 23, 2017 (Appendix G), revised and re-established conditional use standards permitting development of detached single-family units on lots of less than one acre in size and opening the door for the re-application consistent with that previously submitted in 2007 (i.e., 493 building

lots [minimum 9,000 square feet]). The required 20 percent set-aside will result in the creation of 99 affordable for sale units.

4.3.2 Third Round Compliance Plan Caps and Requirements

Third Round Age-Restricted Units

Utilizing N.J.A.C. 5:97-3.10(c)2 as the basis for determining the maximum number of age-restricted units that the Township may claim toward its third round obligation, the Township can claim up to a maximum of 312 age-restricted units. This is determined as follows: *Age-Restricted Maximum = 0.25 × Third Round New Construction Obligation = 0.25 × 1250 = 312 Units.*

The Township's third round plan contains only the five proposed age-restricted units in the Holly Oaks development and therefore is well below the age-restricted unit cap.

Third Round Rental Obligation

Utilizing N.J.A.C. 5:93-5.15, the Township's rental obligation is calculated as follows: *0.25 × Calculated Need = .25 × 1250 = 312 Units.* The Township's third round compliance plan, which is set forth in Table 10, includes 467 rental units (viz., EL at Jackson, the SNHPLP program, Leigh Reality North, and Highview projects) and, therefore, exceeds by far the minimum rental requirement.

Third Round Rental Bonus Credits

Utilizing N.J.A.C. 5:93, the Township may claim rental bonus credits for rental units up to its rental obligation of 312 units. As detailed in Table 10, the Township claims one-for-one rental bonus credits for 272 of the 273 family rental units in Leigh Realty—North Tract (Affordable Housing Site No. 10) and the 40 family-rental units in Highview Homes development (Affordable Housing Site No. 15) for a total of 312 rental bonus credits.

Third Round Very Low-Income Housing Requirement

The July 2008 amendments to the New Jersey Fair Housing Act (P.L. 2008, c.46) and the

FSHC Settlement Agreement provide that a minimum of 13 percent of the low- and moderate-income units developed in a municipality shall be “reserved for occupancy by very low-income households.”

The Township’s prior and third round compliance plans provide for a total of 1,243 new affordable units to be constructed and subject to the 13 percent very low-income requirements of the Fair Housing Act and the Court-approved Settlement Agreement, resulting in a very low-income requirement of 162 units. The following demonstrates compliance with these requirements:

1. As part of the 2007 Court Order, Hovbilt (Affordable Housing No. 6) agreed to a range of affordability and pricing stratification of the inclusionary affordable units geared toward making additional units available to households with incomes of 30 percent of the regional median. The Township has agreed to apply for subsidies to write down the affordability of the inclusionary units, such that additional units may be available to households at or below 30 percent of the regional median, above and beyond that which has been already agreed to by Hovbilt. These requirements survive the bankruptcy sale of the property and will be a condition of any forthcoming development approval obtained by EL @ Jackson, LLC and will yield 37 very low-income units.

2. Leigh/Jackson Woods (Affordable Housing Site No. 2), as described in a preceding section of this Amended Housing Element and Fair Share Plan, consists of three phases. Phase I (Central) is currently under construction and the project affordable housing plan for this phase provides for eight of 72 affordable units in this phase to be qualifying very low-income family rental units. Construction of the affordable units in Phase II (Southeast) is scheduled to commence in June 2017. This 88-unit, all-affordable project, pursuant to funding requirements, will have a minimum of 10 percent (9) of the family rental units as very low-income units. A requirement that 13 percent of the 71 affordable units (9) in Phase III (Southwest) will be developed as very low-income units will be a condition of

any forthcoming development approval.

3. All eight units to be developed pursuant to the SNHPLP program will qualify as very low-income units.
4. The Township and Planning Board will require that 13 percent of the 273 affordable, family-rental units (35) be reserved for occupancy by very low-income households as a condition of any forthcoming development approvals and the required project-specific affordable housing plan related to the Leigh Realty-North Tract (Affordable Housing Site No. 10).
5. The Township and Planning Board will require that 13 percent of the 40 affordable, family-rental units (5) be reserved for occupancy by very low-income households as a condition of any forthcoming approvals and the required project-specific affordable housing plan related to Highview Homes (Affordable Housing Site No. 15).
6. The Township and Planning Board will require that 13 percent of the 175 affordable units (23) be reserved for occupancy by very low-income households as a condition of any forthcoming development approvals and as part of the required project-specific affordable housing plans related to Affordable Housing Sites Nos. 12, 13, and 14.
7. The Township and Planning Board will require that 13 percent of the required number of affordable units be reserved for occupancy by very low-income households for all future development applications in the RG-2 and RG-3 zones. The anticipated buildout of the RG-2 and RG-3 zones is anticipated to yield 290 affordable units and 38 very low-income units.

Based upon the foregoing, the prior and third round compliance plans are anticipated to generate 172 very low-income units, and, therefore, exceed the 162-unit requirement.

5.0 ADDITIONAL FAIR SHARE PLAN COMPONENTS

5.1 Spending Plan

Appendix H is the Township's Spending Plan adopted and endorsed by Township Council.

5.2 Affirmative Marketing Plan

Appendix I is a draft of the Township's Affirmative Marketing Plan to be adopted by resolution of the Township Council.

5.3 Reporting Requirements

Per the FSHC Settlement Agreement, on October 25, 2017 and every October 25 thereafter through 2025, the Township is required to provide an annual report of the affordable housing trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with copy to Fair Share Housing Center, Inc., and posted on the municipal website.

Per the FSHC Settlement Agreement, on October 25, 2017 and every October 25 thereafter through March 2025, the Township will prepare a report on the status of all affordable housing activity within the Township. Such report is to be posted on the Township website.

Per the Settlement Agreement, the Township shall conduct a "midpoint realistic opportunity review" due on July 1, 2020 and consisting of a status report as to its implementation of this Amended Housing Element and Fair Share Plan, and an analysis of whether any unbuilt sites or unfulfilled compliance mechanisms continue to present a realistic opportunity for the production of affordable housing, and whether any compliance mechanisms should be revised or supplemented. Such report shall be posted on the Township website.

Per the Settlement Agreement, within 30 days of October 25, 2019 and every third year thereafter, the Township shall prepare a status report, and post same on its website, as to satisfaction of its very low-income requirements, as set forth in N.J.S.A. 52:27D-329.1 and addressed in this Housing Element and Fair Share Plan.

5.4 *Amendments to Affordable Housing Ordinances*

Appendix J is a draft ordinance to be adopted by the Township Council amending the Township's affordable housing ordinances consistent with this Amended Housing Element and Fair Share Plan and the Settlement Agreement.

Appendix A: Settlement Agreement



350R-16

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October 25, 2016

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Toms River, NJ 08753

GILMORE & MONAHAN

Re: In the Matter of the Township of Jackson, County of Ocean, Docket No. L-1879-15

Dear Ms. Cipriani:

This letter memorializes the terms of an agreement reached between the Township of Jackson (the Township, Jackson, or "the municipality"), the declaratory judgment plaintiff, Fair Share Housing Center (FSC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and a defendant in this proceeding, and Highview Homes ("Highview"), which intervened in this proceeding as a defendant pursuant to an order dated _____, 2015.

Background

Jackson filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Prior to the completion of a trial on the matter before the Honorable Mark A. Troncone, J.S.C., FSC, Highview, and the Township began mediation proceedings with the assistance of the Special Master, Philip B. Caton. Through that process, the Township and FSC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township and FSC hereby agree to the following terms:

1. FSC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan, including spending plan in accordance with the terms of this Agreement, and the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and Jackson hereby agree that Jackson's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	28
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	1247
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	1250

4. The Township's efforts to meet its present need/rehabilitation share include the following: In July 2012 the Township re-established its rehabilitation program to build upon the success of its earlier program. The current program is funded with a total of \$1,380,000 from the Township's affordable housing trust fund, and is administered by Rehabco, Inc. The municipality agrees to continue this program. The 28-unit obligation may be satisfied through units rehabilitated during or since 2010. This is sufficient to satisfy the Township's present need obligation of 28 units.

5. As noted above, the Township has a Prior Round prospective need of 1247 units, which is met through the following compliance mechanisms:

Compliance Mechanism	Affordable Units	Rental Bonuses	Total Credits
Prior Cycle Credits (4/1/80 – 12/15/86)			
Credits without Controls	205	0	205
Group Home	5	0	5
RCAs			
Trenton (Completed)	50	0	50
Built Affordable Units (Post 12/15/86)			
Site #1 – Willow Point (Family Rental)	100	100	200
Site #3 – West Lake Village (Senior Rental)	150	0	150
Bella Terra (Assisted Living; Senior Rental)	11	0	11
Sunrise (Assisted Living; Senior Rental)	2	0	2
Orchards at Bartley (Assisted Living; Senior Rental)	15	0	15
Colonial Arms (Senior Rental)	24	0	24
Tomorrow's Hope (Special Needs)	5	5	10
Windsor Crescent/CIS (Family Rental)	111	111	222
ARC of Ocean (Special Needs)	4	4	8
Habitat for Humanity (B2401, L16; Family Sale)	1	0	1
Proposed Affordable Units			
Site #6 – Hovbilt (Family Rental)	192	0	192
Site #2 – Leigh (Jackson Woods; 159 Family for Sale, 72 Family Rental)	231	39	270
TOTAL	1116	259	1375

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

6. The Township has implemented or will implement the following mechanisms to address its Third Round prospective need of 1250 units:

Project Name	Project Location	Project Type	Number of Affordable Units or Credits	Rental Bonus Credits	Total Credits
A. EL @ Jackson, LLC (carried over from Site #6 above)	Perrineville Road	Family Rental (Units Carried Forward from Prior Round)	128	128	256
B. Holly Oaks	Blk. 14801, Lot 5	Inclusionary - Age-restricted- For Sale	5	0	5
C. SNHPLP Program	TBD	Special Needs Housing	8	0	8
D. Leigh Realty- North Tract (Site #10)	Rt.195 and Rt. 526/527 Interchange	Mixed Use Development - Family Rental	273	184	457
E. Highview Homes (Site #15)	Blk. 164, Lot 2	Inclusionary Development -Family Rental	40	0	40
F. RG-2 Zone (Sites #12, #13, and #14)	Misc.	Inclusionary Development -Family Rental	203	0	203
		Subtotal	657	312	969
G. Remainder of RG-2 and RG-3 Zones	281	Inclusionary development - 20% Affordable Unit Setaside Requirement	281	0	281
		Totals	938	312	1250

At its option, Jackson Township may apply to the court to amend the judgment entered in this matter to provide compliance mechanisms, including 100% affordable housing development, that otherwise satisfy the fair share obligations that relate in the chart above to F. RG-2 Zone (Sites #12, #13, and #14) and G. Remainder of RG-2 and RG-3 Zones. Such an application, which shall be on notice to and opportunity to be heard by FSHC, shall demonstrate how the units to be provided instead of units listed above at items F

and/or G provide a realistic opportunity in accordance with applicable law and comply with all terms of this Agreement.

7. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements through requiring that 13% of the affordable units in the Leigh Realty – North, Highview Homes, and RG-2 Zone (Sites #12, #13, and #14) and Remainder of RG-2 and RG-3 Zones are very low income units, and through the SNHPLP program units. For EL @ Jackson, pursuant to the 2007 Order of Judge Eugene Serpentelli, 17% of the affordable units in that project shall be very low income units.
8. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
9. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, 14 Clifton Ave. S., Lakewood, NJ 08701, the Latino Action Network, PO Box 943, Freehold, NJ 07728, NAACP Toms River Branch, PO Box 5144, Toms River 08754, and NAACP Ocean County/Lakewood Branch, PO Box 836, Lakewood, NJ 08701, OCEAN, Inc., S&F Plaza, 2008 Rt. 37 East – Suite 12, Toms River, NJ 08753, the New Jersey Housing Resource Center, 637 South Clinton Avenue, P.O. Box 18550, Trenton, NJ 08650, and the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
10. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing

Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law, except as provided in paragraph 7 above. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.

11. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
12. As an essential term of this settlement the Township shall adopt an amended Housing Element and Fair Share Plan including spending plan consistent with this agreement, and shall adopt an ordinance providing for the amendment of the Township's Affordable Housing Ordinances and Zoning Ordinances to implement the terms of this settlement agreement and the zoning contemplated herein within 120 days of Court's approval of this Settlement Agreement.
13. The parties agree that the obligations set forth in this agreement and steps taken to fulfill these obligations meet all the need that the Township is required to address pursuant to the Mount Laurel Doctrine and Fair Housing Act through June 30, 2025.

The parties anticipate that future decisions of a court of competent jurisdiction in Ocean County, including but not limited to decisions of the Appellate Division or Supreme Court and/or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, will establish fair share obligations for the Third Round and the application of the 1000-unit cap during the Third Round, including whether portions of the obligation above the capped amount must be satisfied in future rounds. In view of the unsettled nature of those issues now, the parties have elected not to enter into a settlement regarding whether there may be an obligation deferred to future housing cycles arising from the manner in which the cap is applied during the Third Round. The parties reserve all rights to address how such obligations will be calculated or addressed, including any arguments as to the potential carrying over of any extra credits to future rounds in conformance with the then-applicable law.

Notwithstanding any change in law or other circumstance, the Township shall not have an obligation to be satisfied in the period through 2025 beyond the mechanisms set forth in this Agreement. However, with the exception of F. RG-2 Zone (Sites #12, #13, and #14) and G. Remainder of RG-2 and RG-3 Zones, which are subject to a provision included above that allows for replacement of those compliance mechanisms with alternative compliance mechanisms, the Township shall be obligated to implement all terms of this settlement agreement and its Fair Share Plan, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; and otherwise fulfilling the fair share obligation as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1.

14. The Township maintains an affordable housing trust fund balance and will prepare a Spending Plan that will be a part of the HEFSP, subject to the review of the Court, the

Special Master and FSHC. The parties understand that expenditures of funds that the court finds are "committed" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, shall have the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

15. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
16. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
17. FSHC previously had intervened in earlier litigation involving Jackson Township and all parties have acknowledged that due to that earlier intervention FSHC is a party in this litigation. FSHC is hereby deemed to have party status in this matter and to have

intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

18. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
19. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
20. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Ocean County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
21. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
22. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
23. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
24. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
25. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

26. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and the Special Master, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
27. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
28. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
29. No member, official or employee of the Borough shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
30. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
31. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC: Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE TOWNSHIP: Jean Cipriani, Esq.
Counsel for Township of Jackson
Gilmore & Monahan, P.A.
10 Allen St,
Toms River, NJ 08753
Telecopier: 732-244-1840
Email: jlc@gm-law.net

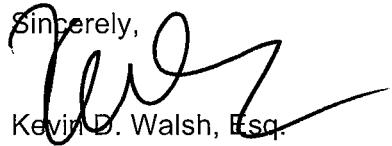
TO HIGHVIEW: Richard J. Hoff, Jr. , Esq.

Bisgaier Hoff, LLC
25 Chestnut Street -Suite 3
Haddonfield, NJ 08033
Email: rhoff@bisgaierhoff.com

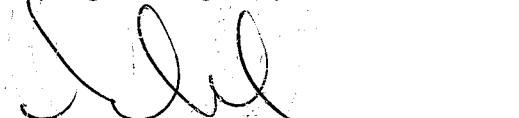
TO SPECIAL MASTER: Philip B. Caton, PP, FAICP
Clarke Caton Hintz
100 Barrack Street
Trenton, NJ 08608
Email: pcaton@cchnj.com

**WITH A COPY TO THE
MUNICIPAL CLERK:** Clerk,
Township of Jackson
95 W. Veterans Hwy
Jackson, NJ 08527
Telecopier: 732-928-4377

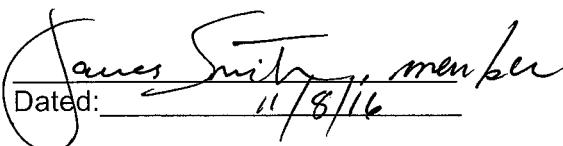
Please sign below if these terms are acceptable.

Sincerely,

Kevin D. Walsh, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Jackson, with the authorization
of the governing body


Michael Reina, Mayor
Dated: 10-26-16

On behalf of Highview Homes:


James Smith, member
Dated: 11/8/16

RESOLUTION OF THE TOWNSHIP OF JACKSON
JACKSON, NEW JERSEY

RESOLUTION NUMBER: 350R-16

DATE OF ADOPTION: 10-25-16

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT
AGREEMENT WITH FAIR SHARE HOUSING CENTER

Council Member Updegrave presents the following resolution.

Seconded by Martin

1 of 2

WHEREAS, the Township of Jackson filed a complaint in July of 2015 seeking a declaration of its compliance with the Mount Laurel Doctrine and Fair Housing Act, entitled In the Matter of the Township of Jackson, Docket No. OCN-L-1879-15 and has participated in the proceedings in the Court in order to determine the proper methodology for the calculation of Fair Share Obligations for municipalities in Ocean County as contemplated by the Supreme Court In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, there are open issues regarding an obligation for the period 1999-2015 during which no effective COAH regulations were adopted from which the Township's Third Round affordable housing obligation could be established, and the applicability of the 1,000 unit cap to the Third Round period which ends in 2025; and

WHEREAS, Fair Share Housing Center's position on Jackson Township's Third Round Affordable Housing obligation from 1999-2025, as of its expert report of May 2016 is 3,616 affordable housing units, not inclusive of prior round obligation; and

WHEREAS, prior to the Court reaching a decision, the Township engaged in settlement discussions with Fair Share Housing Center and the parties agreed to establish the Township's Third Round Present Need at 28 units and the Third Round Prospective Need for the 1999-2025 to be 1,250 units, in order to ensure that the Township receives the benefits of bonus credits where appropriate; and

WHEREAS, the Township and Fair Share Housing Center have come to an agreement that the Township shall satisfy its Prospective Need through a plan consisting of 657 units (414 units being part of projects which have previously been included in compliance plan) to be achieved in six separate developments which will enable the Township to claim 312 additional Rental Bonus Credits; and

Ann Marie Eden

ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RECORD OF VOTE				Council V.P.	Council President
TOWNSHIP COUNCIL	Barry Calogero	Scott Martin	Ann Updegrave	Kenneth Bressi	Robert Nixon
YES		✓	✓	✓	
NO	✓				
ABSTAIN					
ABSENT					✓

I, Ann Marie Eden, Municipal Clerk of the Township of Jackson in the County of Ocean, hereby certify that the above is a true copy of a Resolution adopted by the Township Council on the 25th day of October 2016.

Ann Marie Eden 18

WHEREAS, the balance of the Prospective Need will be through the mandatory 20% set aside requirement of the Pinelands Commission in the Regional Growth Zones of the Pinelands sections of the Township; and

WHEREAS, the proposed settlement agreement, attached hereto, shall settle the Township's entire third round obligation, regardless of determinations by the Courts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Jackson as follows:

1. The Mayor is hereby authorized to sign the agreement, attached hereto, on its behalf.
2. This Resolution shall take effect immediately.

Appendix B: December 31, 2016 Order of the Court

GILMORE & MONAHAN, P.A.

Ten Allen Street
P.O. Box 1540
Toms River, NJ 08754
(732) 240-6000

Attorneys for **Township of Jackson**

JEAN L. CIPRIANI, ESQ. NJ ATTY ID #: 048771994



**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
JACKSON, a municipal corporation of the
State of New Jersey**

**SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
LAW DIVISION**

DOCKET NO. OCN-L-1879-15

**ORDER ON FAIRNESS AND
PRELIMINARY COMPLIANCE
HEARING**

THIS MATTER having been opened to the Court by Gilmore & Monahan, P.A., attorneys for the Township of Jackson (hereinafter referred to as "Jackson"), Jean L. Cipriani, Esquire, appearing, in the presence of Adam Gordon, Esquire, attorney for Interested Party and Intervenor, Fair Share Housing Center, Inc., (hereinafter referred to as "FSHC") and Richard Hoff, Esquire, attorney for Interested Party and Intervenor Highview Homes, by way of Fairness and Preliminary Compliance Hearing held pursuant to and in accordance with East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and sufficient notice of this hearing having been given in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") and Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law. Div. 1984); and the Court

GILMORE & MONAHAN
A Professional Corporation
COUNSELLORS AT LAW
Allen Street Professional Center
Ten Allen Street
P.O. Box 1540
Toms River, New Jersey 08754

having considered the testimony of Jackson qualified expert, John Maczuga, P.P., and the Court-appointed Special Master, Philip Caton, P.P., F.A.I.C.P.; and the Court having considered the Settlement Agreement entered into between Jackson, FSHC and Highview Homes dated October 25, 2016, and Jackson's Revised Housing Plan Summary referenced therein; and the Court having considered the testimony and presentations of Interested Parties at the time of the hearing; and good cause having been shown;

IT IS on this 31st day of December 2016, ORDERED that

1. The Court finds that the Settlement Agreement between Jackson, FSHC and Highview Homes is fair and adequately protects the interests of low and moderate income persons within Jackson's housing region based upon the criteria set forth in East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) for approving a settlement of Mount Laurel litigation; and

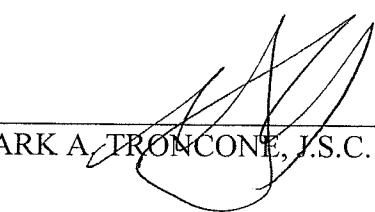
2. The Court preliminarily finds that Jackson's proposed draft summary Housing Element and Fair Share Plan is facially constitutionally compliant and provides a fair and reasonable opportunity for Jackson to meet its obligation under Mount Laurel IV, subject to Jackson's satisfaction of any conditions set forth by the Court's Special Master, and subject to the Court's approval by way of a Final Compliance Hearing to be held as hereinafter set forth; and

3. A Final Compliance Hearing is hereby scheduled for **1:30 p.m. on May 5, 2017**, by which time Jackson shall have complied with the above-referenced conditions, shall have submitted to the Special Master for review and comment Jackson's Housing Element and Fair Share Plan and all Resolutions and Ordinances required to implement the Housing Element and Fair Share Plan, and shall have provided for the Planning Board of the Township of Jackson to

finalize and adopt the Housing Element and Fair Share Plan and the Jackson Township Council to endorse same and to adopt all necessary effectuating Resolutions and Ordinances; and

4. FSHC be and hereby is granted status of Intervenor in this matter; and
5. The temporary immunity previously granted to Jackson herein is hereby extended until and through the day following the May 31, 2017; and
6. A copy of this Order shall be served upon all parties on the service list in this matter within 7 days of Jackson's receipt thereof.

MARK A. TRONCONE, J.S.C.



GILMORE & MONAHAN
A Professional Corporation
COUNSELLORS AT LAW
Allen Street Professional Center
Ten Allen Street
P.O. Box 1540
Toms River, New Jersey 08754

Appendix C: MR-AH-8 Zone Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" BY ESTABLISHING A NEW ZONING DISTRICT KNOWN AS THE "MIXED RESIDENTIAL-AFFORDABLE HOUSING-8 (MR-AH-8) ZONE"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Zoning Map of the Township of Jackson is hereby amended to create a new Mixed Residential-Affordable Housing-8 (MR-AH-8) Zone and placing the following parcels in said zone: Block 10401, Lots 5.01 and 5.04; and, Block 17802, Lot 57.01.

SECTION 2. The Township Code of the Township of Jackson is hereby amended and supplemented to amend Chapter 244, entitled "Land Use and Development Regulations," Section 42, entitled "List of Zones," to add the following zoning district: MR-AH-8 — Mixed Residential-Affordable Housing-8 Zone.

SECTION 3. The Township Code of the Township of Jackson is hereby amended and supplemented to amend Chapter 244, entitled "Land Use and Development Regulations," to add new Section 51.2, which shall be entitled "MR-AH-8 — Mixed Residential-Affordable Housing-8" and read as follows:

§ 244-51.2: MF-AH-8 — Mixed Residential-Affordable Housing-8 Zone.

- A. Intent. The intent of the MR-AH-8 Zone is to provide a suitable location(s) for the construction of inclusionary housing, which will provide the construction of between 192 and 220 low- and moderate-income households in a manner that is consistent with the Township's duly-adopted Housing Element and Fair Share Plan for the period 1999-2025.
- B. Permitted principal uses of buildings and structures are as follows:
 - (1) Detached single-family dwellings.

- (2) Two-family dwellings.
- (3) Multi-family dwellings.
- (4) Open space and recreational uses and facilities.
- (5) Retention drainage basin(s) and related structures; provided, however, that said basin(s) is (are) designed and used as an amenity and for aesthetic purposes, as well as for drainage, flood control, water recharge and fire-protection purposes.
- (6) Essential services.

C. Permitted accessory uses of buildings and structures are as follows:

- (1) Fences and walls, subject to the provisions of § 244-190.
- (2) Gatehouses.
- (3) Off-street parking and garages, subject to the provisions of § 244-197 and § 244-198.
- (4) Satellite dish antennas, subject to the provisions of § 244-165.
- (5) Sheds (garden, storage or tool): A maximum of one shed shall be permitted per residential lot.
- (6) Signs, subject to the provisions of § 244-207.
- (7) Buildings or structures necessary for the administration and/or maintenance of the infrastructure, streets, off-street parking facilities, drainage facilities, recreational facilities, open space areas and other facilities and areas that are the maintenance responsibility of a homeowners' association for the development.
- (8) Other customary accessory buildings, which are clearly incidental to the principal use and buildings and for the exclusive use of residents of the development, and which shall be limited to social and recreational uses.

D. Conditional uses, subject to the provisions of Article VIII of this chapter, are as follows:

- (1) Public utilities (subject to § 244-128).

E. Area, yard and building requirements are as follows:

- (1) The minimum tract area for a mixed residential development shall be 100 contiguous acres under a single ownership or control.
- (2) The minimum tract frontage of a mixed residential development shall be 250 continuous feet along an existing minor arterial or major collector as identified in the Circulation Plan Element of the Jackson Township Master Plan.
- (3) The minimum tract width of a mixed residential development shall be 250 feet.
- (4) The minimum tract depth of a mixed residential development shall be 250 feet.
- (5) The maximum number of dwelling units in the MR-AH-8 Zone shall be 1,100 units.
- (6) The minimum unoccupied open space in a mixed residential development shall be 30 percent.
- (7) All parking areas and other above ground improvements, with the exception of access drives or access roadways, landscaping and screening areas, and permitted signs shall be set back a minimum of 35 feet from the exterior tract boundary of the mixed residential development.
- (8) Principal buildings shall be set back a minimum of 50 feet from the exterior tract boundary of the mixed residential development.
- (9) The following standards shall apply to multi-family residential buildings in a mixed residential development:
 - (a) The maximum principal building height shall be 45 feet and not more than three stories, subject to the provisions of § 244-156.
 - (b) The maximum building length viewed from any elevation shall be 200 feet.
 - (c) No multi-family residential building shall contain more than 24 units.

- (d) No multi-family residential building containing more than 16 units shall be located within 100 feet of any exterior boundary of the mixed residential development.
- (e) No multi-family residential building shall be located closer than 30 feet to any access drive or internal roadway.
- (f) No multi-family residential building shall be located closer than 20 feet to any parking area, except for access aisles or driveways to garages and/or carports that serve the multi-family residential building.
- (g) The minimum distances between multi-family residential buildings and other principal buildings shall be as follows:
 - [1] Any building side wall to side wall shall have a minimum distance of 30 feet between the midpoint of said side walls, and/or a minimum distance of 25 feet between the side wall corners.
 - [2] Any building side wall to front or rear building walls shall be a minimum distance of 40 feet between the midpoint of said walls and/or a minimum distance of 30 feet between the side wall building corner and front or rear wall building corner.
 - [3] Any front-to-rear, front-to-front or rear-to-rear building wall shall have a minimum distance of 50 feet between the midpoint of said walls and/or a minimum distance of 40 feet between the building wall corners.

(10) Area, Yard and Building Requirements for detached single-family development and two-family development shall be as follows:

- (a) Single-Family Dwellings:
 - [1] Lot area: 12,500 square feet
 - [2] Lot width: 90 feet
 - [3] Lot frontage: 75 feet

- [4] Lot depth: 120 feet
- [5] Front yard setback: 30 feet
- [6] Rear yard setback: 30 feet
- [7] One-side yard setback: 10 feet
- [8] Combined side yard setback: 25 feet
- [9] Maximum building height: 35 feet
- [10] Maximum accessory building height: 15 feet
- [11] Maximum building coverage: 30 percent
- [12] Maximum lot coverage: 70 percent

(b) Two-Family Dwellings:

- [1] Lot area: 20,000 square feet
- [2] Lot width: 170 feet
- [3] Lot frontage: 150 feet
- [4] Lot depth: 120 feet
- [5] Front yard setback: 30 feet
- [6] Rear yard setback: 30 feet
- [7] Side yard setback: 15 feet
- [8] Maximum building height: 35 feet
- [9] Maximum accessory building height: 15 feet
- [10] Maximum building coverage: 40 percent
- [11] Maximum lot coverage; 70 percent

(c) Notwithstanding the bulk requirements for lots for two-family dwellings that are set forth in this section, fee simple units for duplex units shall be permitted, provided that the combined lots shall meet the bulk requirements of section (b) above and further provided that one side yard may be zero.

(d) No accessory building shall be located in any required front yard area on single-family residential and two-family family residential lots.

F. Affordable Housing Requirements.

- (1) Twenty percent of the residential units within a mixed residential development, but no less than 192 units, shall be set-aside for low- and moderate-income households. A minimum of 17 percent of the low and moderate income units shall be set-aside for very-low income households per Court-approved Settlement Agreement, the Jackson Township Housing Element and Fair Share Plan, COAH regulations and the Uniform Housing Affordability Controls. The required very- low income units shall be considered part of the low-income unit requirement for the purposes of determining satisfaction of the required 20 percent set-aside.
- (2) No more than 110 low and moderate income units shall be located in any given section of a mixed-residential development.
- (3) An applicant for final site plan and/or subdivision approval shall submit for approval by the Township Affordable Housing Planner, or designated Administrative Agent, as part of the submission for final approval a project affordable housing plan demonstrating compliance with the Township's Housing Element and Fair Share Plan; prevailing COAH regulations, and the Uniform Housing Affordability Controls.
- (4) The developer of a mixed residential development in the MR-AH-8 Zone shall enter into a developer's agreement with the Township of Jackson setting forth the terms, conditions, requirements and obligations of the respective parties.

G. Buffer Requirements.

- (1) No use, building, or structure shall be constructed, placed, located or erected within 50 feet of an exterior boundary of the mixed residential development, with the exception of entrance roadways, gatehouses, signs, utilities, fences or walls.
- (2) No portion of the tract buffer area shall be part of a private residential or nonresidential lot, but instead shall be part of the common open space used and maintained by the homeowners' association.

(3) All buffer areas shall be in accordance with the provisions of § 244-50E(2), (3) and (4).

H. Solid Waste Storage.

(1) For multi-family residential units, without attached garages, solid waste storage shall be provided in accordance with the provisions of § 244-208.

(2) Solid waste storage areas shall be in accordance with the provisions of § 244-50S(2), (3) and (4).

I. Outdoor Lighting.

(1) All interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, but, in no case, shall such lighting be less than is required to provide a minimum lighting level of 0.5 horizontal foot-candle throughout such areas from dawn to dusk. Where necessary, lights shall be shielded to avoid glare disturbing to occupants of the buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.

J. Recreation.

(1) Passive and active recreation areas, such as pathways, natural woods and fields, seating areas and lawns, shall be provided and suitably arranged throughout the site. A minimum of 25 percent of the tract area shall be provided as open space and recreation in accordance with the requirements set forth in § 244-50O(2) through (8), (9)(a) through (c) and (10) through (12) and § 244-199.

K. Parking.

(1) Off-street parking shall be provided in accordance with the requirements of § 244-197 or as otherwise provided pursuant to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1).

(2) Off-street parking shall comply with the requirements set forth in § 244-50P.

L. Courtyards.

(1) Courtyards bounded on three or more sides by wings of the same building or by the walls of separate buildings shall be a minimum court width of three feet for each one foot in height of the tallest building or building wing.

M. Garages and/or Carports.

(1) Garages and/or carports serving multi-family development, when provided in a mixed residential development, shall be in accordance with § 244-50I, § 244-197 and § 244-198.

N. Homeowners' Association.

(1) A homeowners' association, composed of all of the residents of a mixed residential development, shall be created and shall be responsible for the activities per § 244-50J.

O. Improvements.

(1) Unless specified otherwise herein, all public and private improvements on the site of a mixed residential development shall comply with the standards, criteria and requirements of this chapter.

P. Landscaping.

(1) Landscaping within a mixed residential development shall be provided in accordance with the requirements of § 244-193.

Q. Laundry Equipment.

(1) No outside area or equipment shall be provided for the hanging or outside airing of laundry in any manner.

R. Sectionalization and Staging Plan.

(1) A sectionalization and staging plan for the construction of a mixed residential development shall be submitted as part of the preliminary site plan application and shall comply with the requirements set forth in § 244-50Q.

S. Sidewalks and Aprons.

(1) Sidewalks and aprons shall be provided in accordance with the provisions of § 244-203 and shall be designed and constructed as part of an integrated sidewalk system within a mixed residential development.

T. Dwelling Units.

(1) Unit elevations. Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design, such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination.

(2) Unit offset. Not more than two consecutive dwelling units in the same building shall be constructed without setbacks, offsets and/or breaks in the front and rear building elevations of at least four feet.

(3) Unit width. Each attached dwelling unit shall have a minimum width of 18 feet.

U. Utilities.

(1) No individual wells or individual sewage disposal systems shall be permitted, and each building shall be serviced with said utilities by a central supply or disposal system, which is approved by the Jackson Township Board of Health, Jackson Township Municipal Utilities Authority and other controlling agencies. No building permit shall be issued unless and until plans for such facilities have been submitted to

the proper authorities for approval and adequate provisions are made to ensure that such necessary facilities shall be installed.

- (2) All buildings shall be connected to an approved and functioning public water supply system and sanitary sewer system prior to the issuance of any certificate of occupancy.
- (3) All utility lines leading to and within the site of a mixed residential development shall be installed underground.

V. General Development Plan Approval Permitted.

- (1) A developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a mixed residential development pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.) may submit a general development plan to the planning board prior to the granting of preliminary approval of that development by the Planning Board.
- (2) The general development plan shall set forth the permitted number and type of dwelling units for the mixed residential development, in its entirety, according to a schedule that sets forth the timing of the various sections of the development. The mixed residential development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.
- (3) The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in Subsection V(4) of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).

(4) In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider the number of dwelling units to be constructed; prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions, which the Planning Board attaches to the approval thereof.

(5) The following details shall be submitted as part of the general development plan:

- (a) A general land use plan indicating the tract area and general location of the permitted uses and residential dwelling unit types to be included in the planned development at a scale of not smaller than one inch equals 200 feet. The total number of dwelling units proposed shall be set forth and the locations of same shall be provided.
- (b) A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development.
- (c) An open space plan showing the proposed land area and a general location of open space and recreation and any other land areas to be set aside for conservation and purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks, recreational lands and community facilities.
- (d) A utility plan indicating the need for and showing the proposed location of sewage and water lines; any drainage facilities necessitated by the physical characteristics of the

site; proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities.

- (e) A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site.
- (f) An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features, and the probable impact of the development on the environmental attributes of the site.
- (g) A community facility plan indicating the scope and type of supporting community facilities, which may include but not be limited to educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.
- (h) A housing plan outlining the number of housing units to be provided and the extent to which the proposed development is consistent with the affordable housing requirements pursuant to the Jackson Township Housing Element and Fair Share Plan, COAH Rules, and the Uniform Housing Affordability Controls.
- (i) A local service plan indicating those public services, which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.
- (j) A fiscal report describing the anticipated demand on municipal services to be generated by the mixed residential development and any other financial impacts to be faced by Jackson Township as a result of the completion of the development. The fiscal report shall also include a detailed projection of property tax revenues that will accrue to the County, Township and school district according to the timing schedule provided under Subsection V(5)(k) of this section,

and following the completion of the planned development in its entirety.

- (k) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions, which are intended to protect the interests of the planned development prior to the completion of the development in its entirety.
- (6) A municipal development agreement, which shall mean a written agreement between Jackson Township and a developer relating to the proposed development.
- (7) Required findings of the Planning Board. Prior to approval of a general development plan, the Planning Board shall find the following facts and conclusions:
 - (a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards for mixed residential development.
 - (b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate.
 - (c) That provisions, through the physical design of the proposed development, for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
 - (d) That the proposed development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
 - (e) In the case of a proposed development that contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of

the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

- (8) In addition, the Board may set forth those conditions, which it deems necessary to protect the interests of the general public and the residents of the mixed residential development. Such conditions shall be predicated on the following criteria:
 - (a) That each stage of development shall include required open space in proportion to that part of the total residential units in the development. Such open space shall include both recreation and conservation uses accessible to the resident population within the development.
 - (b) That the size and timing of successive stages of a mixed residential development shall be conditioned upon the availability and provision of suitable capacity of facilities such as arterial highways, primary roadways of Ocean County, primary roadways of Jackson Township, sewer, water, stormwater drainage, and other services whose capacities must be expanded as a result of the development.
- (9) General development plan; timing schedule modification. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual need for residential units within Jackson Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.
- (10) General development plan hearing on modifications required.

- (a) The developer may make amendments or revisions to the general development plan. However, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the mixed residential development, the developer wishes to make any variation in the location of land uses or to increase the density of residential development.
- (b) Any variation in the location of land uses or increase in density proposed in reaction to a negative decision or condition of development approval imposed by the Pinelands Commission pursuant to P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), or Department of Environmental Protection pursuant to P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), shall be approved by the Planning Board if the developer can demonstrate, to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the Pinelands Commission or the Department of Environmental Protection, as the case may be.

- (11) General development plan on modifications not required. Once a general plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.
- (12) Certification upon completion; failure to complete or comply; termination of approval.
 - (a) Upon the completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligation under the approved plan. For the purposes of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for

every residential unit as set forth in the approved general development plan and pursuant to Section 15 of P.L. 1975, c. 217 (N.J.S.A. 52:27D-133).

- [1] If the Township does not receive such notification at the completion of any section of the development, the Township shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.
- [2] If a developer does not complete any section of the development within 2 years of the date provided for in the approved plan, or if at any time the Township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer, by certified mail, and the developer shall have 30 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

(b) In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development that is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the Township shall have cause to terminate the approval.

- (13) General development plan satisfactory completion. In the event that a development that is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential unit in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all obligations pursuant to the approval.
- (14) General development plan approval procedure.
 - (a) The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

Date: _____

Michael Reina
MAYOR

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the 13th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 2017 at 7:00 p.m. or as soon thereafter as this matter can be reached, at the Jackson Township Municipal Building, located at 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.

Ann Marie Eden, RMC
Township of Jackson

**Appendix D: DVT Enterprises, LLC (Maplewood Estates)
Settlement Agreement**

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into on this 21 day of June, 2010 by and between **DVT ENTERPRISES, LLC, a/k/a MAPLEWOOD ESTATES** ("Plaintiff" or "Developer") and **JACKSON TOWNSHIP PLANNING BOARD** and the **TOWNSHIP OF JACKSON** ("Defendant") (collectively referred to as the "Parties").

WHEREAS, the plaintiff has received a final major subdivision approval on May 16, 2005 for premises known as Block 17201, Lots 1, 37 and 38 (formerly Block 9.01, Lots 173.02, 174.01 and 174.02) in the Township of Jackson, for a subdivision creating a total of thirteen (13) residential building lots which includes twelve (12) new building lots and one (1) existing home (the "Project"); and

WHEREAS, the Plaintiff has filed a Complaint against the Defendants on or about January 30, 2009; and

WHEREAS, the Defendant, Township of Jackson, served an Answer, Counterclaim and Third Party Complaint dated March 20, 2009 and the Defendant, Jackson Township Planning Board, filed an Answer and Separate Defenses on or about February 27, 2009 (the Third Party Defendant, Counsel on Affordable Housing ("COAH") has been dismissed as a party to this action.); and

WHEREAS, the Plaintiff's Complaint specifically addresses Jackson Township Ordinance 109-198.1, referred to as the Jackson Township "Growth Share Ordinance," which Ordinance imposes a requirement to provide affordable housing pursuant to the FHA and COAH's rules on developers for the creation of affordable housing, which obligation is determined pursuant to said Ordinance; and

WHEREAS, the parties hereto have reached an agreement to settle the dispute as more fully set forth herein, do hereby agree to the settlement of the action currently pending in the Superior Court of New Jersey, Ocean County, Law Division, bearing Docket No. OCN-L-447-09.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants and undertakings set forth herein and without making any admissions as to any of the claims in either the Complaint, Answer or Counterclaim, the parties desire to enter into this Settlement Agreement for the purposes of resolving the issues related to the above-captioned litigation as follows:

- 1) Plaintiff agrees to execute or cause to be executed any and all documents required to deed restrict the use of the home currently existing on proposed Block 173.03 to a moderate for sale affordable unit which will be targeted to a sixty percent (60%) of median income three (3) person household. The deed restriction, affirmative marketing, sale and use of the home referenced herein shall, where applicable, be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26 et seq., the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and N.J.A.C. 5:97 et seq. The aforesaid restriction shall be effective from the time that the Developer receives a total of six (6) Certificates of Occupancy (C.O.) for the Project. The deed restriction shall be recorded with the Ocean County Clerk within 30 days of the issuance of the sixth Certificate of Occupancy being issued by the Township for the Defendant.
- 2) Plaintiff agrees to pay to the Defendant, Jackson Township, a fee in the amount of and not to exceed \$76,114.00 (Seven Six Thousand One Hundred Fourteen Dollars and No Cents), which fee may be used by the Township, pursuant to the FHA, to offset any affordable housing/growth share obligation that may arise from this development application or for any other eligible purpose for expenditure of affordable housing trust funds under the FHA and applicable rules implementing the Act. Such payment shall be in full and final satisfaction of any and all affordable housing obligation requirement and/or fee which may be imposed upon the plaintiff relating to the subject development application.
- 3) The parties shall attend to the execution of any and all maps of subdivision, Developer's Agreements allowing the plaintiff to file the plat and map of subdivision within 30 days of the court approval of the Settlement Agreement pursuant to the Fairness Hearing subject to confirmation from the Planning Board Engineer that the Plaintiff has achieved compliance with the resolution requirements.
- 4) All parties to this Agreement hereby further acknowledge and agree that the plaintiff's payment of \$76,114.00 (Seventy-Six Thousand One Hundred Fourteen Dollars and No Cents) is intended to assist the township in addressing its Affordable Housing Growth Share Obligations. It being further agreed by and between the parties that Jackson Township will seek to receive the benefit of N.J.A.C. 5:97-3.17 as part of the Fairness Hearing. If at the Fairness Hearing the Special Master and the Court determine that the Township is entitled to receive the benefit of N.J.A.C. 5:97-3.17, then the Township shall be permitted to claim three (3) credits pertaining to

this approval against the Jackson Township's third Round Affordable Housing/growth share obligation.

5) The parties do fully and completely release and discharge one another from any and all claims which were raised or may be raised as part of the litigation captioned herein and filed under docket number OCN-L-447-09.

6) The parties further agree that the Plaintiff shall pay the \$76,114 in the proportionate amount of and at the time the Developer receives a Certification of Occupancy (C.O.) for each new residential unit. (\$76,114.00/12 units = \$6,342.84 per unit, which shall be payable at the time each C.O. is issued.)

7) The Parties further agree that if the FHA or –the rules and/or policies implementing the FHA are altered to reduce the obligation of municipalities or developers to less than the Developer's obligation agreed to in this Agreement,, then and in such an event, the Developer's obligations under this Agreement shall be reduced to reflect the new obligation, including removal of the restriction outlined in Paragraph 1 hereof. However, in no event, shall the Plaintiff/Developer's obligation be less than the monetary contribution set forth in paragraph (6) six herein.

8) This agreement is specifically conditioned upon the Planning Board and Township Council adopting a resolution authorizing the settlement of this matter in accordance with this agreement. Each entity shall be responsible to secure such duly adopted and executed resolution. The agreement is also conditioned upon the Court's approval of the settlement agreement at a fairness hearing on notice and the Court's determination that the Township is entitled to claim bonus credits pursuant to N.J.A.C. 5:97-3.17.

9) Within ten (10) days of complete execution of this agreement by all parties, including the adoption of resolutions authorizing settlement of this matter by the Planning Board and Township Council, the Township shall send out the appropriate notice of a Fairness Hearing as specified by the Court/Court Master to be conducted by the Court to give the public and interested parties the opportunity to be heard regarding this settlement. The Court must also conduct the appropriate and required fact finding and legal determinations that this settlement is consistent with law and equity and is in the best interests of the protected class. All of the parties to this agreement have agreed to participate and cooperate in the fairness hearing and shall be required to use best efforts to secure a Court Order approving of this settlement. If the Court finds that the settlement is sufficient and that the Township is entitled to claim bonus

credits pursuant to N.J.A.C. 5:97-3.17, then this agreement shall become binding on the parties. If the Court does not approve of this agreement and/or the bonus credit pursuant to N.J.A.C. 5:97-3.17, as a result of the fairness hearing, this matter shall be returned to the active trial list automatically for disposition as appropriate by the Court.

10) The Parties further agree that the Plaintiff's Development Application was approved prior to the adoption, in August 2009, of the Chapter 100 and the provisions thereof were not in force or effect at the time of the Plaintiff's Application and therefore do not attach to the Plaintiff's application.

Notices: All notices, requests, demands, acceptances and other communications which are required or permitted under this Agreement shall be in writing and shall be deemed to have been duly given when delivered to the party or the attorney representing the party (I) when delivered personally, or (ii) when sent by fax if sent on a business day prior to 5:00 p.m. local time at the place of receipt, or on the following business day if sent after 5:00 p.m. or on a non-business day, or (iii) on the day following delivery to a courier service if sent by next day delivery via a recognized international courier service, or (iv) five days after the date when mailed by registered or certified mail, return receipt requested, postage prepaid.

Binding Effect Benefits: This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns.

Nothing in this Agreement, express or implied, is intended to confer on any person other than the parties hereto or their respective heirs, administrators, executors, successors and assigns, any rights, remedies, obligations or liabilities. This agreement may be recorded with the Ocean County Clerk's Office by any party.

Governing Law / Waiver of Jury Trial: The interpretation and performance of this Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey, without regard to such State's conflicts of law principles. The terms and conditions contained herein are to be resolved in Ocean County, New Jersey, without a jury.

Default: In the event of a default by the developer in making any payments pursuant to this Agreement, the Township shall be permitted at its discretion to issue a stop work order for the entire project and/or shall be permitted to withhold the issuance of any C.O.'s, and/or withhold the release of any performance bonds as may be associated with this project. The action taken by the township in this regard shall remain in effect until the event of default has been cured.

Headings: Headings of the Sections in this Agreement are for reference purposes only and shall not be deemed to have any substantive effect.

Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same instrument.

Entire Agreement: This Agreement is the entire agreement by and between the parties.

This Agreement may not be modified or altered in any form without the express written consent of all parties, which agreement must be in writing and signed by each party hereto.

IN WITNESS WHEREOF, the undersigned have signed this Settlement Agreement on the date set forth below.

Witness: Date: Name:

Minor Elkin 6/21/10

**DVT ENTERPRISES, LLC, a/k/a
MAPLEWOOD ESTATES,**

S. Shee

Louis J. Pown
Planning Board Secy
4-5-10

**JACKSON TOWNSHIP PLANNING
BOARD**

Howard T. St.

Andrae Eden
Township Clerk
3-15-10

TOWNSHIP OF JACKSON

Howard T. St.

Appendix E: Ordinance No. 6-17

ORDINANCE NO. 06-17

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" WHEREBY ESTABLISHING ADDITIONAL ZONING DISTRICTS KNOWN AS "MIXED USE NEIGHBORHOOD CENTER/HIGHWAY COMMERCIAL ZONE" AND "MIXED USE NEIGHBORHOOD CENTER/LIGHT INDUSTRIAL ZONE"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Zoning Map of the Township of Jackson is hereby amended to establish the boundaries of the Mixed Use Neighborhood Center/Highway Commercial (MUNC/HC) and Mixed Use Neighborhood Center/Light Industrial (MUNC/LM) zoning districts in accordance with the map entitled "Mixed Use Neighborhood Center Zoning Amendment" prepared by JDM Planning Associates, LLC dated 12/10/13 attached hereto and part of this Ordinance. The following parcels shall be designated as follows:

<u>Block</u>	<u>Lots (Zoned – MUNCH/LM)</u>	<u>Block</u>	<u>Lots (Zoned-MUNC/HC)</u>
2502	1 and 2	2402	1 through 8
2403	1 through 12	4201	1, 2, 3, 56 & 57
2503	1 through 10	4301	1, 2, 3 & 4
2504	1 & 2	2301	1, 2, 26, 28, 29 & 30

SECTION 2. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-42 entitled "List of Zones" so as to add the following zoning districts:

MUNC/HC – Mixed Use Neighborhood Center/Highway Commercial Zone
MUNC/LM – Mixed Use Neighborhood Center/Light Industrial Zone

SECTION 3. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add §244-57.1 which shall be entitled "MUNC/HC – Mixed Use Neighborhood Center/Highway Commercial Zone" and which shall read as follows:

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) All principal uses permitted in the HC Highway Commercial Zone; and
 - (2) Mixed Use Neighborhood Centers in accordance with the provisions of Section 244-239 of this Chapter.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) All accessory uses of buildings and structures permitted in the HC Highway Commercial Zone.
- C. Conditional uses, subject to the provisions of Article VIII of this Chapter as follows:
 - (1) All conditional uses in the HC Highway Commercial Zone.
- D. Area, yard and building requirements for the MUNC/HC Zoning District are as follows:
 - (1) Same as in HC Highway Commercial Zone.

SECTION 4. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add §244-62.1 which shall be entitled "MUNC/LM – Mixed Use Neighborhood Center/Light Industrial" and which shall read as follows:

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) All principal uses permitted in the LM Commercial Office/Light Industrial Zone; and
 - (2) Mixed Use Neighborhood Centers in accordance with the provisions of Section 244-239 of this Chapter.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) All accessory uses of buildings and structures permitted in the LM Office Commercial/Light Industrial Zone.
- C. Conditional uses, subject to the provisions of Article VIII of this Chapter as follows:

- (1) All conditional uses in the LM Office Commercial/Light Industrial Zone.
- D. Area, yard and building requirements for the MUNC/LM Zoning District are as follows:
 - (1) Same as in the LM Commercial Office/Light Industrial Zone.

SECTION 5. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add Article XV which shall be entitled "Mixed Use Neighborhood Centers."

SECTION 6. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add §244-239 within Article XV which shall be entitled "Mixed Use Neighborhood Centers (MUNC) and which shall read as follows:

In zones where a Mixed Use Neighborhood Center (MUNC) is a permitted principal use, the following shall apply:

- A. General Requirements. The following general requirements for a Mixed Use Neighborhood Center development shall apply:
 - (1) In all zones where Mixed Use Neighborhood Centers are a permitted principal use and an applicant proposes the development of a Mixed Use Neighborhood Center or addition to same, the provisions of this section shall apply and supersede the remaining zoning provisions of the particular zone;
 - (2) The minimum tract size of a Mixed Use Neighborhood Center shall be twenty (20) contiguous acres. This subsection shall not prohibit the subdivision of property within a Mixed Use Neighborhood Center into lots less than twenty (20) acres subject to the minimum lot area requirements set forth in section F. below;
 - (3) Not more than sixty (60) percent of the total number of dwelling units shall be located in buildings of the same type.
 - (4) Not more than ten (10) percent of the total number of dwelling units, including required affordable units, shall have three or more bedrooms;
 - (5) No detached single-family dwellings shall be permitted in a Mixed Use Neighborhood Center;

- (6) No dwelling unit in the Mixed Use Neighborhood Center shall have four (4) or more bedrooms;
- (7) The initial Mixed Use Neighborhood Center approved under this section shall provide for both a minimum of one thousand three hundred sixty five (1365) dwelling units, of which 20% or a minimum of two hundred seventy three (273) shall be affordable family rental units, and a minimum of two hundred seventy three thousand square feet (273,000) of required commercial space consistent with section H. below; and
- (8) A Developer's Agreement shall be required as a condition of any approval of a Mixed Use Neighborhood Center.

B. Permitted principal uses of buildings and structures are as follows:

- (1) Retail establishments excluding the sale or rental of non-fossil fueled motor vehicles;
- (2) Business offices and services, including but not limited to, real estate and travel agencies, insurance, advertising, financial, and printing and copying;
- (3) Personal service establishments, including but not limited to, barber shops, tailor, beauty salon, dry cleaning (with no cleaning done on-premises), and pet grooming (with no boarding facilities);
- (4) Health clubs, day spas, and fitness centers;
- (5) Studios for dance, music, art, crafts, gymnastics, martial arts, and photography;
- (6) Professional offices for medical, health services, law, engineering, architecture, and accounting;
- (7) Establishments serving food or beverages (alcoholic and non-alcoholic) to the general public, such as restaurants, cafés, delicatessens, taverns, bars, pubs, micro-breweries, nightclubs, confectionery and ice cream shops, excluding drive thru facilities but including walk-up windows and outdoor dining, provided adequate pedestrian access is maintained;
- (8) Adult and child day care facilities, and early learning centers;
- (9) Banks and financial services excluding businesses with check cashing as primary or principal service;
- (10) Indoor commercial recreation facilities, including bowling alley, skating rink, swimming pool, and amusements and entertainment for children;
- (11) Bed and breakfast inns and homes;
- (12) Hotels, motels, and extended stay facilities limiting stays to less than 45 days or less;

- (13) Private clubs and fraternal organizations;
- (14) Art galleries, museums, and theatres (motion picture and stage, but excluding adult entertainment venues);
- (15) Multi-family dwellings, including multi-family dwelling units in mixed use buildings;
- (16) Townhouses of four (4) or more units per building;
- (17) Live-work units and loft style apartments in mixed use buildings only;
- (18) Surface parking and parking structures;
- (19) Municipal, County, State, and Federal offices and buildings;
- (20) Municipal County, and State open space, parks and playgrounds;
- (21) Police, fire and emergency sub-stations;
- (22) Transit facilities and shelters;
- (23) Private open space, parks, playgrounds, plazas, squares, courtyards, urban gardens, clubhouses, community buildings and facilities for the use of residents and visitors of the Mixed Use Neighborhood Center; and
- (24) Essential services.

C. Permitted temporary uses are as follows:

- (1) Outdoor art and craft shows, antique shows, flea markets or group activities in accordance with the provisions of §244-158;
- (2) Municipally sponsored events and festivals;
- (3) Street vending and kiosks subject to the requirements of §310-1 et seq.;
- (4) Seasonal outdoor retail sales in accordance with the provisions of §244-158;

D. Permitted accessory buildings and uses are as follows:

- (1) Fences and walls subject to the design standards in §244-239(K)(9) below;
- (2) Signs subject to the design standards in §244-239(k)(7) below;
- (3) Off-street parking and loading facilities in accordance with the provisions of §244-239(K)(6) below;
- (4) Public restrooms;
- (5) Parks, playgrounds, recreational facilities and buildings, community buildings, and clubhouses;
- (6) Detached garages;
- (7) Production of electrical power through alternative sources including but not limited to natural gas;
- (8) Minor solar or photovoltaic energy facilities or structures; and
- (9) Automobile electrical charging stations.

E. Conditional Uses

(1) Farmers Market – Farmers Markets may be permitted as a conditional use in the Mixed Use Neighborhood Center zone, provided that the lot, use and structures shall adhere to the minimum standards of the particular zone and the following:

- (a) No area for outdoor sales or storage shall be located within the front yard area or closer to the rear and side property lines than the required rear yard and side yard setbacks for accessory buildings for the particular zone
- (b) The retailing of farm products raised off-site and transported to the property in question for sale is permitted
- (c) Parking shall be provided in accordance with the provisions set forth at §244-239(K)(6) below

F. Area, yard and building requirements for a Mixed Use Neighborhood Center (MUNC) shall be in accordance with the following table:

	Min. Lot Area (Sq. Ft.)	Min. Lot Width (Ft.)	Min. Lot Depth (Ft.)	Min. Front Yard Set-back (Ft.)	Min. Side Yard Set-back (Ft.)	Min. Rear Yard Set-back (Ft.)	Max. Building Height (Ft.)	Max. Building Coverage (%)	Max. Lot Coverage (%)
Mixed Use Building Lots	10,000	10 0	10 0	5	0	20	65	75	10 0
Multi-Family Residential Lots	4,250	50	85	15	25	30	65	65	80
Townhouse (Fee Simple) Lots	1,800	18	90	15	0	25	40	75	85
Freestanding Non-Residential Use Lots	5,000	50	10 0	15	20	25	65	65	85
Freestanding Large Retail Establishment Lots	100,00 0	25 0	25 0	50	30	50	45	50	80
All other Non-Residential Permitted Use Lots	5,000	50	10 0	15	—	25	45	60	75

- (1) The maximum number, and the timing of the construction and occupancy, of dwelling units permitted in a Mixed Use Neighborhood Center shall be determined by the amount of qualifying commercial development, as defined and limited herein; the total number of residential units to be constructed in a Mixed Use Neighborhood Center shall not exceed 2,500 units;
- (2) Commercial development as defined herein shall mean the gross floor area of a building or buildings, or portions thereof, within the Mixed Use Neighborhood Center used for non-residential, non-tax exempt purposes;
- (3) Except as otherwise excluded or limited herein pursuant to subsection H. below, the developer of a Mixed Use Neighborhood Center shall be permitted to develop one (1) dwelling unit for every two hundred (200) square feet of qualifying commercial development;
- (4) The total number of dwelling units within a Mixed Use Neighborhood Center shall be determined at the time of the grant of preliminary site approval by the Planning Board based upon the amount of qualifying commercial development approved as part of the same preliminary site plan approval, however the total number of residential units to be constructed in a Mixed Use Neighborhood Center shall not exceed 2,500 units.

H. Limitations and Exclusions. The amount of commercial development used to determine the maximum number of dwelling units permitted (qualifying commercial development) in a Mixed Use Neighborhood Center pursuant to subsection G.(3) above shall be established based upon the following limitations and exclusions from the total amount of commercial development:

- (1) A minimum of fifteen percent (15%) of the amount of qualifying commercial development used for determining the permitted number of dwelling units pursuant to G(3) above shall be located within mixed use buildings;
- (2) Commercial floor area for a single grocery store/food market up to fifty thousand (50,000) square feet shall be considered qualifying commercial development for the purposes of determining the maximum number of dwelling units permitted in the Mixed-Use Neighborhood Center pursuant to G(3) above. Commercial floor area of such grocery store/food market in excess of fifty thousand (50,000) square feet is permitted but shall not be considered qualifying commercial development.
- (3) The amount of qualifying commercial development used to determine the maximum number of dwelling units permitted within the Mixed

Use Neighborhood Center pursuant to G(3) above may include up to two (2) ground level single use buildings or users of up to thirty five thousand (35,000) square feet each. Commercial floor area in each of the two (2) ground level single use buildings or users in excess of thirty five thousand square feet shall be permitted but shall not be considered qualifying commercial development.

- (4) Except as otherwise provided in H(2) and H(3) above, commercial floor area in excess of fifteen thousand square feet for any ground level single user **not** in a mixed use building shall be permitted but excluded as qualifying commercial development in determining the maximum number of dwelling units permitted pursuant to G(3) above;
- (5) The total amount of qualifying commercial development permitted pursuant to H(2) and H(3) above shall not constitute more than forty percent (40%) of the total amount of qualifying commercial development used in determining the maximum number of permitted dwelling units pursuant to G(3) above.
- (6) Additional dwelling units may be added to a Mixed Use Neighborhood Center at a rate of one (1) dwelling unit per two hundred (200) square feet of additional qualifying commercial development subject to the limitations and exclusions of this section and an amended preliminary site plan approval;
- (7) Large retail establishments and other freestanding single user commercial buildings in excess of fifteen thousand (15,000) square feet are generally to be discouraged within the interior of Mixed Use Neighborhood Centers. Nothing in this subsection shall prohibit or discourage the development of large retail establishments and other large free standing single use commercial buildings in excess of fifteen thousand (15,000) square feet along the periphery of Mixed Use Neighborhood Centers, provided such facilities have direct access to either Ocean County Routes 526 (Commodore Boulevard) or 527 (Cedar Swamp Road) and are reasonably connected to the Mixed Use Neighborhood Center and further provided such commercial development shall not be considered qualifying commercial development unless otherwise provided pursuant to H.(2) , H.(3), or H.(4) above.

I. Phasing of Residential Units to Commercial Development Required. The occupancy of residential units within a Mixed Use Neighborhood Center shall be subject to the following:

- (1) At the time of preliminary approval the specific commercial development used to determine the total number of permitted residential units (qualifying commercial development) pursuant to subsection G. (3) above shall be clearly identified;
- (2) The issuance of Certificates of Occupancy (COs) for residential units in the Mixed Use Neighborhood Center shall be based upon the issuance of Certificates of Approval for the required commercial development in accordance with the following table:

Certificates of Approval Issued (Percent of Required Commercial Space)	Eligible for Certificates of Occupancy (Percent of Approved Units)
0	35
25	50
50	75
75	90
100	100

- (3) The main civic space (Village Green) shall be complete prior to the issuance of COs for any residential units in excess of the five hundredth (500th) approved dwelling unit in the Mixed Use Neighborhood Center.

J. Affordable Housing Requirements

- (1) Every Mixed Use Neighborhood Center, or addition thereto, shall have an affordable housing set aside requirement as determined by the Township's Housing Element and Fair Share Plan, Consent Order approved the Court, or in accordance with the Developer Agreement required as part of preliminary site plan approval;
- (2) Twenty percent (20%) of the first 1365 dwelling units in the initial Mixed Use Neighborhood Center or two hundred seventy three (273) shall be low and moderate-income family rental units. A minimum of thirteen percent (13%) of the total number of low and moderate income units shall be affordable to households of very low income;
- (3) Additional dwelling units beyond the first 1365 in the initial Mixed Use Neighborhood Center, dwelling units in additional new Mixed Use Neighborhood Centers beyond the initial, and any expansion of a Mixed Use Neighborhood Center shall provide an affordable housing set aside of fifteen percent (15%) of the total number of dwelling units for rental units and twenty percent (20%) for for-sale units. A

minimum of thirteen percent (13%) of all low and moderate income units shall be affordable by very low income households:

- (4) Required affordable units shall be reasonably integrated and dispersed among the market rate rental or sale units in the Mixed Use Neighborhood Center.
- (5) All affordable units within the Mixed Use Neighborhood Center shall be built and operated in accordance with prevailing Council on Affordable Housing (COAH) regulations in effect at the time of preliminary approval and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.);
- (6) An applicant for preliminary site plan approval shall submit for approval as part of the submission for preliminary approval a project affordable housing plan demonstrating compliance with the Township's Housing Element and Fair Share Plan; prevailing COAH regulations, and the Uniform Housing Affordability Controls.

K. Design and Improvement Standards. The following design and improvement standards shall apply in a Mixed-Use Neighborhood Center, notwithstanding any conflict with the design and improvement standards elsewhere in this Chapter:

- (1) Pedestrian Ways, Road, Street and Block Design Standards
 - (a) All streets, alleys and pedestrian pathways shall connect to other streets, and connect to existing and projected streets outside the neighborhood.
 - (b) Modular masonry materials, such as brick, slate, stone and concrete pavers, or cast-in-place paving materials, such as poured concrete, exposed aggregate concrete slabs, shall be used on sidewalks, pedestrian ways, crosswalks, public or semi-public plazas, courtyards and open spaces.
 - (c) No block shall have a length greater than four hundred (400) feet without an alley or pedestrian pathway providing through access to another street or alley. No block shall have a length of less than 150 feet, measured centerline to centerline of adjoining streets.
 - (d) Curb interruptions are permitted only for alleys, driveways, barrier-free access and other parking access points specified herein.
 - (e) A hierarchy of streets shall be utilized, providing for the respective needs of pedestrians, bicycles and automobiles. The Street Hierarchy and Circulation Plan developed as part of the approval of a Mixed Use Neighborhood Development shall

generally follow the classifications, dimensional requirements, and design standards for same set forth in Appendix A or as otherwise provided pursuant to the standards contained in N.J.A.C. 5:21-4.1 through 4.5, utilizing the cumulative average daily traffic (ADT) for both residential and non-residential traffic volumes. A bicycle/pedestrian circulation component shall be included as part of the overall circulation plan.

- (f) A Mixed Use Neighborhood Center shall have a minimum of three (3) access roads providing separate ingress and egress on to either Ocean County Route 526 or 527. No parallel parking shall be permitted along any roadway segment ingressing a Mixed Use Neighborhood Center within one hundred (100) feet of either Ocean County Route 526 or 527.
- (g) The circulation and roadway plan for the Mixed Use Neighborhood Center shall include to the maximum extent practicable provisions to accommodate public transportation, including but not limited to: bus stops; transit shelters; bicycle racks; taxi stops; etc.

(2) General Building Design Standards

- (a) The first (i.e., closest to sidewalk grade) level residential unit shall be raised a minimum of two (2) feet above average sidewalk grade unless handicap access to such building is required.
- (b) An encroachment of not more than eight (8) feet may be permitted into required front or rear yard setback for: first floor unenclosed front and rear porches, stoops, stairs, and balconies. Stairs/steps may encroach into the required front yard setback to within twelve inches (12") of the property line. An encroachment of not more than five (5) feet may be permitted into required setbacks for bay windows and cornices, provided the length of the encroachment comprises less than fifty (50) per cent of the length of the façade.
- (c) Building elements, canopies, and marquees, along streets serving predominately mixed residential and non-residential uses, may extend into required setbacks provided a minimum ten (10) feet of vertical clearance is maintained over all pedestrian ways.
- (d) All wall-mounted mechanical, electrical, communication, and service equipment, including, including satellite dishes and

vent pipes, shall be screened from nearby streets by parapets, walls, fences, landscaping, or other approved measures.

(e) All rooftop mechanical equipment and other appurtenances shall be screened, to the maximum extent practicable, from the view of all adjoining properties and building floors. The following, when above the roofline, require screening: stair wells; elevator shafts; air conditioning units; large vents; heat pumps; and mechanical equipment.

(f) Buildings on corner lots shall be considered significant structures. If deemed appropriate by the approving Board corner buildings may be designed with additional height and architectural treatments, such as towers to emphasize their location.

(g) Buildings located at gateways to the Village Green or a central mixed use or commercial concentration shall mark the transition to such areas using massing, additional height and/or architectural embellishments to achieve the effect of entry into the Village Green.

(3) Commercial and Mixed Use Building Design Standards

(a) Commercial buildings shall provide a shop front at sidewalk level along the entire length of its frontage, with the exception of lobbies and building services serving the residential component of mixed-use buildings. The shop front shall be no less than 60% glazed in clear glass and may be shaded by an awning, which may overlap the sidewalk.

(b) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for: a first floor commercial function, which shall be a minimum of 10 feet with a maximum of 25 feet; and the uppermost story of a building, which may not exceed 16 feet. A single floor level exceeding 16 feet, or 25 feet at ground level, shall be counted as two (2) stories. A mezzanine extending beyond 33% of the floor area shall be counted as an additional story.

(c) Residential uses, except for lobbies, entry-ways and accessory uses serving the residents of the mixed use building, such as community rooms and fitness facilities with shop front treatment on the building elevation, are not permitted on the ground floor of mixed-use buildings.

(d) Restaurants, coffee houses, and other similar uses may utilize a portion of the sidewalk for outdoor dining. A minimum

clearance of sixty (60) inches shall be reserved along the outside edge of a sidewalk for pedestrian passage.

(e) In mixed-use buildings, an architectural distinction shall be made between ground floor commercial uses and upper level commercial or apartment uses. Storefronts and other ground floor entrances shall be accentuated.

(f) Storefronts are an integral part of a building and shall be integrally designed with the upper floors to be compatible with the overall facade character. Ground floor retail, service, and restaurant uses shall have large display windows. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

(4) Residential Design Standards

(a) Townhouse or other row-type dwellings with the minimum setback shall have the front entry set to one (1) side of the facade to preserve the possibility of retrofitting a ramp for wheelchair access.

(b) Townhouse type lots shall have a street screen constructed along the un-built parts of the frontage line. A minimum of twenty-five (25) percent of the townhouses on any townhouse block shall have front porches. Such front porches may encroach into the front setback and shall not count against lot coverage requirements.

(c) Townhouse type lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet one-way and sixteen (16) feet two-way.

(d) Off-street parking for Townhouse type lots shall be to the rear of the building. Access shall be through a vehicular alley. Nothing herein shall prohibit parking for townhouses on-street, in off-site off-street parking lots or garages located no greater than two hundred fifty feet (250') from the lot they are intended to serve.

(e) Front loaded garages and side-loaded garages requiring access in the front of the townhouse buildings they are intended to serve are prohibited.

(5) Civic Use, Recreation and Open Space Design Standards

(a) Civic Use lands shall include, but not be limited to, parks, squares, greens, plazas, greenways, and civic use lots and

buildings. Large area recreational uses such as regional parks and playfields are discouraged and, if included, shall be located only on the periphery of any Mixed-Use Neighborhood Center. Lands designated for civic use shall be developable for the intended uses and largely unconstrained from development.

(b) A minimum of five (5) percent of the gross area of the Mixed Use Neighborhood Center (excluding greenways, regional parks, playfields, environmentally constrained lands, and storm water management facilities) or five (5) acres, (whichever is greater) shall be allocated to civic use lands. A range of civic use lands, including parks, squares, and playgrounds shall be distributed within residential neighborhoods and areas of non-residential and mixed use.

(c) Each Mixed Use Neighborhood Center shall contain at least one (1) main civic space (Village Green), to function as a focal point for civic activities, no less than forty thousand (40,000) square feet and no greater than one hundred forty thousand (140,000) square feet in contiguous area. No single square or park shall be more than thirty (30) percent of the required civic use lands.

(d) The remaining required civic use lands, other than the main civic space(s), shall be divided into lesser tracts and distributed such that no part of the developed Mixed Use Neighborhood Center is further than twelve hundred (1,200) feet from a park or square.

(e) The Village Green, plazas, and squares shall have at least fifty (50) percent of their perimeter abutting public or semi-public lands or streets.

(6) **Parking and Loading Design Standards.** The following standards shall supplement the standards set forth in §244-196, §244-197 and §244-198 and the event the standards of this subsection shall conflict, the provisions of this subsection shall supersede:

(a) Vehicle access to a lot shall be from the rear of the property, a secondary street or alleyway wherever practical;

(b) Shared access drives shall be required except where shared access is not available or practical and further provided that access drives shall be provided alongside property lines to facilitate and provide shared access to adjacent properties in the event of future development;

- (c) On-street parking shall be permitted in Mixed-Use Neighborhood Centers in accordance with the approved Street Hierarchy and Circulation Plan and the Street Design Standards in Appendix A;
- (d) “Parking space” within a Mixed-Use Neighborhood Center shall mean a storage area for the parking of a motor vehicle;
- (e) Parking areas shall be interconnected, wherever practical, by cross-access drives which promote fluid access to parking areas on adjoining properties;
- (f) Wherever practical, each lot shall provide cross-access easements for its parking areas and access drives guaranteeing access to adjacent lots. Interconnections shall be strategically placed and easily identifiable to ensure safe and convenient traffic flow between parking areas. In the event a property is proposed for development, provisions for cross access drives shall be established with appropriate easements to facilitate interconnections as adjacent properties develop.
- (g) With the exception of properties fronting on and with direct access to Ocean County Routes 526 or 527, parking shall be located on-street, in public parking areas, or in designated parking areas to the rear of buildings, wherever practical. All parking areas shall be adequately screened and landscaped per section (13) below;
- (h) With the exception of properties fronting on and with direct access to, County Routes 526 or 527, parking shall not be located between the street right-of-way and the front façade of buildings;
- (i) Provision of safe pedestrian access to and through parking lots and connections to other pedestrian links shall be required, including striping, enhanced pavement markings, lighting and traffic calming features;
- (j) Parking structures (garages) shall be visually screened from all rights –of-way, public open space areas, and residential uses. Such screening shall include a liner building for a minimum of the first floor. Screening of upper floors may include landscaping, walls, liner buildings, other architectural elements or decorative features;
- (k) Principal use parking structures shall be architecturally integrated into surrounding development consistent with the

overall design and character of the immediate neighborhood within which it is situated;

(l) Shared parking shall be encouraged. Nothing herein shall prohibit the reservation of a limited number of parking spaces for particular residential or non-residential users or the restriction of the hours of certain parking spaces for particular residential or non-residential users.

(m) Each application involving non-residential development in excess of five thousand square feet shall submit a parking study to support the proposed on-street and off-street parking required to accommodate the development proposed. The parking study shall contain as a minimum the following:

- [1] A projection of peak parking demand utilizing the methodology and factors provided in the most current edition of the report entitled *Parking Generation*, an information report published by the Institute of Transportation Engineers (ITE). In calculating peak parking demand an applicant may exclude non-residential space within liner buildings with perpendicular depth of thirty (30) feet or less and individual retail users with unshared street access of five hundred (500) square feet or less;
- [2] A calculation of the number of parking spaces needed by expanding the peak parking demand by ten percent (10%) to assure a reasonable number of vacant parking spaces to permit adequate turnover of parking spaces;
- [3] An identification of how the proposed parking is to be remain available to future occupants and users;
- [4] The required number of parking spaces may be reduced by up to 100% in the event of one, or a combination of, the following:
 - [a] The proposed use is within four hundred feet (400') of an available parking facility;
 - [b] Sufficient on-street parking is available within a fifty feet (50') radius of the property;
 - [c] Non-residential space within liner buildings with perpendicular depth of thirty (30) feet or less and individual retail uses of five hundred (500) square feet or less with direct street access, shall have no parking requirement; and

[d] The shared parking analysis in accordance with subsection e) below substantiates a reduction.

[5] If shared parking is proposed the applicant shall submit a shared parking study documenting how adequate parking is to be provided and maintained to satisfy the identified parking demands. The study shall be prepared in accordance with the procedures and methodology set forth in the most current edition of a report entitled Shared Parking, published by the Urban Land Institute or the most current shared parking methodology published by either the Urban Land Institute or the Institute of Transportation Engineers. The shared parking study may also adjust projected parking demand based upon an analysis of captured parking utilizing the procedures provided in the most current edition of the publication entitled Trip Generation Handbook prepared by the Institute of Transportation Engineers. The captured and shared parking study shall include as a minimum the following:

- [a] A calculation of the projected peak parking demand for each use that will be sharing available parking supply;
- [b] A calculation of the extent to which parking demand is to be mitigated on site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle;
- [c] A calculation of the peak parking demand for the proposed development utilizing shared parking procedures;
- [d] An expansion of the peak parking demand by ten percent (10%) to assure an adequate number of spaces for the turnover of parking spaces;
- [e] A determination of the number of on-site parking spaces to be provided; and
- [f] A determination of the number of on-street parking spaces that are available to the proposed development in accordance with the standards of this section.

(n) The following minimum parking area setback requirements shall be provided:

- [1] Minimum setback from right-of-way: ten (10) feet;
- [2] Minimum setback from residential use side property line: twenty (20) feet;
- [3] Minimum setback from non-residential use side property line: five (5) feet;
- [4] Minimum setback from Ocean County Route 526 and Route 527: thirty (30) feet; and
- [5] Parking lot setbacks for lots having five or fewer spaces shall be subject to Planning Board approval.

(o) Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct view of vehicles from streets, and sidewalks, avoid spillover light, glare, or noise onto adjoining properties and provide shading upon tree maturity.

- [1] Parking lots exposed to views from streets and sidewalks shall be screened by a minimum four (4) feet high, four season landscape hedge or screen or three (3) feet high wall. Such screen, hedge or wall shall not obstruct the visibility of pedestrians or motor vehicles.
- [2] All surface parking lots of twenty (20) spaces or more shall provide shade trees, with a caliper of a minimum of two and one half (2.5) inches, at a rate of one shade tree per ten (10) spaces.
- [3] Surface parking lots shall incorporate landscaping strips to separate parking rows wherever practical.

(p) Loading area and loading area operational requirements shall be subject to Planning Board approval and as minimum include the following:

- [1] No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 9:00 p.m. and 6 a.m. unless an applicant shall provide evidence that barriers to sound are to be provided to effectively limit noise levels to 45 dBA or less as measured at any adjoining property line.
- [2] Service and loading areas shall be located at the rear of buildings. Loading docks shall not be located along primary street frontages.
- [3] Screening and landscaping shall be required to minimize direct views of loading areas from adjacent

properties or public rights-of-way. Screening and buffering shall be provided via walls, fences and landscaping. Building recesses and depressed ramps may be used as screening measures.

(q) Lighting Standards - Building Exterior and Street

- [1] All building exterior and street lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lighted for security and identification without significant negative spillover to adjacent properties. The height of lighting fixtures shall be a maximum of sixteen (16) feet for parking areas and drives and twelve (12) feet for pedestrian walkways.
- [2] Streetlights and alley lights shall be decorative and match or compliment the overall architectural style of the Mixed Use Neighborhood Center of the immediate neighborhood of which it is a part.
- [3] Decorative street lights, a maximum of twelve (12) feet in height, shall be provided at regular intervals along all non-residential and mixed use streets, parking areas, sidewalks, walkways, courtyards, civic use areas, and interior open space areas. Street lighting on residential streets shall be spaced no greater than one hundred fifty (150) feet apart per side and located at all intersections.
- [4] The use of minimum wattage metal halide or color-corrected sodium or mercury vapor light sources is encouraged. The use of lower-wattage streetlights, more closely spaced, rather than higher wattage street lighting more widely space shall be encouraged. Non-color corrected low-pressure sodium lighting is prohibited.
- [5] For alleyways and pedestrian walkways between buildings, lighted bollards shall be strongly encouraged.
- [6] Light fixtures attached to the exterior of buildings shall be architecturally compatible with the style, materials, colors, and details of the building.
- [7] The color spectrum and character of the light produced by the lighting used should be consistent and

compatible throughout the Mixed Use Neighborhood Center, including the exterior of lighted buildings, streets, signs, parking areas, pedestrian walkways, and other areas. Residential side shielding shall be provided where abutting residential uses. The use of low-pressure sodium, fluorescent, or mercury vapor lighting, either attached to buildings or to light the exterior of buildings, shall be prohibited.

- [8] Building facades shall be lighted from the exterior, and in general, the light source should be concealed through shielding or recessed behind architectural features. Mounting brackets and associated hardware should be inconspicuous.
- [9] Porch and yard post lighting is encouraged to augment and complement street lighting design.
- [10] Garages along streets or alleys shall provide building-mounted lighting facing the alley or street, unless streetlights are provided along the street or alley.

(7) Sign Design Standards

- (a) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (b) Building-mounted signs shall be located in architecturally-appropriate sign bands or other similar facade features, shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade. Whenever possible, signs located on buildings within the same block shall be placed the same height in order to create a unified sign band. Signs shall be mounted so that the method of installation is concealed.
- (c) Wood and metal, painted with a durable high-quality finish are the preferred materials for signs. Flat signs should be framed with raised edges. Wood signs shall be fabricated from high-quality exterior grade wood with suitable grade finishes. Sign colors should be compatible with the colors of the building facade.
- (d) Signs mounted perpendicular to, and projecting from, a building wall of a mixed use or commercial building shall be permitted, provided the following standards are met: the

signboard does not exceed six (6) square feet; a minimum of ten (10) feet of vertical clearance is provided from the ground or sidewalk to the lower edge of the signboard; the top of the signboard shall not extend above the height of the first floor of the building; the maximum distance from the building to the signboard shall not exceed six (6) inches nor shall the signboard extend more than four (4) feet from the building; the height of the lettering, numbers or graphics on the signboard shall not exceed eight (8) inches; there shall be a limit of one projecting, perpendicularly mounted, signboard per business and shall not be used in conjunction with wall-mounted or free standing signs.

- (e) Painted glass window and door signs shall be permitted subject to the following standards: the painted sign area shall not exceed the lesser of 10% of the window or door glass or four (4) square feet; the sign shall be hand or silk screen painted; the height of the lettering shall not exceed four (4) inches; there shall be one (1), painted window or door sign per business; and a painted window or door sign may be used in conjunction with one (1) additional sign from the following: a wall mounted sign, an applied letter sign, a projecting sign or an awning sign.
- (f) Awning signs for first floor businesses, shall be permitted subject to the following standards: if the awning sign is the primary sign, it shall not exceed ten (10) square feet and shall not be in addition to a wall-mounted sign, and lettering height shall be no greater than nine inches; if awning sign is a secondary sign, lettering shall be located on the valance only and lettering height shall be limited to six (6) inches or less; and no business shall have more than one awning sign.
- (g) Businesses located in corner buildings are permitted signage as permitted by this subsection on both street frontages.
- (h) Signs shall be either spot lit or backlit with a diffused light source. Spotlighting shall require complete shielding of all light sources. Light shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign. Warm fluorescent bulbs may be used to illuminate the interior of display windows. Neon signs placed inside the display windows shall ensure low intensity colors.

- (i) Temporary civic, cultural, and public service window posters, promotional or other special event (e.g. sale) inside of first floor commercial uses, shall be permitted provided: they do not individually or in the aggregate exceed the lesser of twenty five (25) percent of the total area of the window or six (6) square feet; and any such sign shall not be posted for more than ninety (90) days.
- (8) Refuse and Recycling Design Standards
 - (a) Shared refuse and recycling facilities shall be utilized wherever available or practical.
 - (b) The storage of refuse and recyclables shall be provided inside of buildings or within an outdoor area in the rear of the property, screened around the perimeter by wood enclosures with roof or by brick/masonry walls with cap, with a minimum height of seven (7) feet on three sides, and door or gate on the remaining side which visually screens the inside of the storage area.
 - (c) A minimum five (5) feet wide landscape area shall be provided along the walls of the outdoor storage enclosure.
- (9) Fence and Wall Design Standards
 - (a) Fencing shall be constructed of vinyl, masonry, aluminum, wrought iron or combinations thereof;
 - (b) No fencing located in any front yard area between the front building line and street line shall exceed three feet in height nor contain any solid section or component except for masonry pillars/columns. Such masonry pillars/columns shall not exceed eighteen inches in width and shall maintain a minimum of six feet between any such pillars/columns, excepting pillars/columns forming walkways or gates.
 - (c) Solid masonry walls, not to exceed six feet in height may be utilized for screening purposes in side and rear yard areas.
- (10) Landscaping and Buffer Design Standards
 - (a) Notwithstanding the provisions of §244-193B and C, the Planning Board may approve reduced buffers consistent with the overall concept of the Mixed Use Neighborhood Centers to provide more compact, mixed use development. This may include the elimination or reduction of buffers and screening separating residential and non-residential uses, where appropriate, as determined by the Board.

(b) In addition to the street tree species permitted pursuant to of §244-193A(b) the following may also be utilized within a Mixed-Use Neighborhood Center:

- [1] London Plane (*Platanus acerifolia*)
- [2] American Sycamore (*Platanus occidentalis*)
- [3] Swamp White Oak (*Quercus bicolor*)
- [4] American Hornbeam (*Carpinus caroliniana*)

(c) Notwithstanding the provisions of §244-193, street trees within a Mixed-Use Neighborhood Center may be planted between the curb and sidewalk in locations and spaced in accordance with the design standards for the respective street types set forth in Appendix A. Street trees planted between the cur and sidewalk shall also meet the species and planting strip/grate sizing requirements set forth in the inost current edition of the publication entitled *Trees for New Jersey Streets*, prepared by the Shade Tree Federation of New Jersey.

SECTION 7. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-6 entitled "Definitions" in order to add and arrange alphabetically the following definitions:

APARTMENT UNIT

One or more rooms with private bath, kitchen and sleeping facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units or non-residential use(s) on the ground floor.

CERTIFICATE OF APPROVAL

A certificate issued by the construction official pursuant to N.J.A.C. 5:23-2 upon completion of work that requires a construction permit but not a certificate of occupancy.

CIVIC USE

A publicly or privately owned space or building available to the general public, for recreation, cultural and/or community purposes.

FARMER'S MARKET

The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar agricultural products, occurring in a pre-designated

area, where the vendors are individuals who have raised the vegetable or produce or have taken same on consignment for retail sale.

GREENWAY

A linear open space area designated on an approved development plan connecting or linking natural features; recreational features; bicycle and/or pedestrian facilities.

LARGE RETAIL ESTABLISHMENTS

Single occupant retail uses with a gross floor area of fifty thousand (50,000) square feet or greater.

LINER BUILDING

A building specifically designed to screen or mask a parking lot or parking structure (garage) from a view or frontage.

LIVE /WORK UNIT

Space within a mixed use building, owned or leased and utilized as a single unit, consisting of a dwelling unit (living area) not on the ground level and a permitted non-residential use (working area) on the ground level, connected by a private internal staircase.

LOFT APARTMENT

An apartment unit, located on the upper floor of a mixed use building, characterized by large un-partitioned living areas and high ceilings.

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE

A fuel cell, solar or photovoltaic panel or system of panels for the production of energy that: uses solar energy as its fuel; is located on the same property as the power beneficiary; is intended to offset all or a portion of the beneficiary's on-site energy consumption; is intended to mitigate electrical system improvement requirements; and generates not more than 110% of the power consumed on the beneficiary's premises for any 12 month period.

MIXED USE BUILDING

A building of two or more stories with a minimum of the ground floor consisting exclusively of non-residential uses and a minimum of one floor of residential use over one or more lower floors of non-residential use.

SQUARE

An open space designated for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Squares shall be located at the intersection of key thoroughfares and range in size from one half to four acres.

VILLAGE GREEN

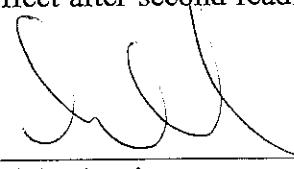
The primary open space area for public recreation and public gathering, centrally located, and an integral part of the core of the most intensely developed, mixed use, portion of an approved Mixed-Use Development Neighborhood.

SECTION 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

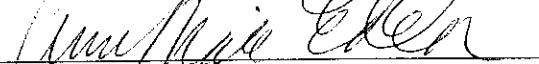
SECTION 10. This ordinance shall take effect after second reading and publication as required by law.

Date: 5-11-17


Michael Reina
MAYOR

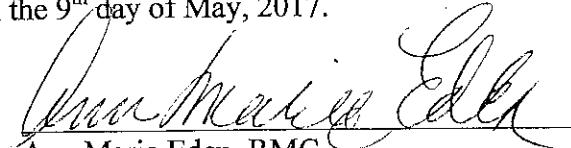
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the 11th day of April, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 9th day of May, 2017 at 7:30 p.m., or as soon thereafter as this matter can be reached, at the Jackson Township Municipal Building, located at 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.


Ann Marie Eden
Township of Jackson

I, Ann Marie Eden, Municipal Clerk of the Township of Jackson in the County of Ocean, State of New Jersey hereby certify that the above is a true copy of Ordinance No. 06-17 adopted by the Township Council on the 9th day of May, 2017.

Date: 6-5-17


Ann Marie Eden, RMC
Township Clerk

Appendix F: MF-AH-7 Zone Ordinance

ORDINANCE NO. -17

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" ESTABLISHING THE MF-AH-7 MULTIFAMILY AFFORDABLE HOUSING-7 ZONE

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Zoning Map of the Township of Jackson is hereby amended to establish the boundaries of the Multifamily Affordable Housing – 7 Zone (MF-AH-7) zoning district. The following parcel shall be designated as MF-AH-7:

Block	Lot
1203	29

SECTION 2. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-42 entitled "List of Zones" so as to add and arrange alphabetically the following zoning district:

MF-AH-7	Multifamily Affordable Housing-7 Zone
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SECTION 3. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add §244-57.3 which shall be entitled "MF-AH-7 Multifamily Affordable Housing-7 Zone" which shall read as follows:

A. Intent. The intent of the MF-AH-7 Zone is to provide a suitable location(s) for the construction of inclusionary housing, which will provide the construction of a substantial amount of low- and moderate-income households consistent with the Township's duly adopted Housing Element and Fair Share Plan for the period 1999-

2025. To the extent that the regulations of this MF-AH-7 conflict with any other provision(s) and/or regulation(s) within the Township's Land Use and Development Regulations, §190-224, et seq., the provisions of this Section shall control.

B. Permitted principal uses of buildings and structures are as follows:

- (1) Multifamily dwellings at a total tract density not to exceed 216 total units of which 40 units shall be reserved as affordable units (as affordable unit is defined by the regulations of the Council on Affordable Housing and the Township's Land Use and Development Regulations).

C. Permitted accessory uses of buildings and structures are as follows:

- (1) Fences and walls, subject to the provisions of § 244-190, with the exception that the maximum wall height within the MF-AH-7 District shall be ten feet (10').
- (2) Off-street parking shall be subject to the provisions of this section and §§ 244-197 and 244-198. Provided that parking fields in the MF-AH-7 District shall be permitted in the front yard setback provided that said parking fields are no less than 50' from the property line.
- (3) Pump houses, which are directly used for the maintenance and operation of utilities and/or a swimming pool serving a multifamily development.
- (4) Satellite dish antennas, subject to the owner's or homeowners' association rules, as applicable.
- (5) Sheds strictly for the storage of materials and equipment, which are directly used for the maintenance of the buildings and grounds of a multifamily development. Private residential sheds shall not be permitted.
- (6) Community identification signs, or monument signs, may be placed on one or both sides of each entrance to the multifamily community. Directional signs shall be permitted, as well as temporary sales, leasing and community identification signs. Signs are subject to the provisions of § 244-207.
- (7) Swimming pools for residents of the multifamily development and their guests, subject to the provisions of § 244-216. Private residential swimming pools shall not be permitted.
- (8) Recreational amenities (i.e., tot lots, courts, gazebos).
- (9) Garages, provided said garages remain within ownership control of the owner of the multi-family development or the homeowners' association.
- (10) Management and leasing offices and buildings or structures necessary for the administration and/or maintenance of the infrastructure, streets, off-street parking facilities, drainage facilities, recreational facilities, open space areas, and other facilities and areas that are the maintenance responsibility of a homeowners' association for, or owner of, the development.
- (11) Other customary accessory buildings, which are clearly incidental to the principal use and buildings and for the exclusive use of residents of the development, and which shall be limited to social and recreational uses.

D. Area, yard and building minimum requirements for MF-AH-7 District are as follows:

- (1) Applicable Bulk Standards

DENSITY REQUIREMENTS	MF-AH-7 REQUIREMENTS
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MAXIMUM RESIDENTIAL YIELD (units)	216
AFFORDABLE HOUSING SET ASIDE (units)	40
LOT REQUIREMENTS	
MINIMUM LOT AREA (ACRES)	35
MINIMUM LOT WIDTH (FEET)	200
MINIMUM LOT FRONTAGE (FEET)	200
MINIMUM LOT DEPTH (FEET)	200
PRINCIPAL BUILDING REQUIREMENTS	
MINIMUM FRONT YARD SETBACK (FEET)	100
MINIMUM REAR YARD SETBACK (FEET)	100
MINIMUM SIDE YARD SETBACK (FEET)	50
MAXIMUM BUILDING HEIGHT (including Clubhouse)(FEET)	42 and 3 stories
MAXIMUM BUILDING LENGTH (FEET)	230
ACCESSORY BUILDING REQUIREMENTS - GARAGES	
MINIMUM DISTANCE FROM PRINCIPAL BUILDING	30
MINIMUM FRONT YARD SETBACK (FEET)	100
MINIMUM REAR YARD SETBACK (FEET)	50
MINIMUM SIDE YARD SETBACK (FEET)	50
MAXIMUM BUILDING HEIGHT (FEET)	15
MINIMUM BUFFER AREA REQUIREMENTS	
FRONT YARD BUFFER (FEET)	35
REAR YARD BUFFER (FEET)	75
SIDE YARD BUFFER (FEET)	50
BUFFER ADJACENT TO SINGLE FAMILY DWELLING UNIT OR SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (FEET)	100
FRONT YARD BUFFER TO AN EXISTING STREET (FEET)	35
MINIMUM BUILDING DISTANCE REQUIREMENTS	
SIDE WALL TO SIDE WALL AT MIDPOINT (FEET)	30
SIDE WALL TO FRONT OR REAR WALL AT MIDPOINT (FEET)	40
FRONT WALL TO REAR WALL AT MIDPOINT (FEET)	50
REAR WALL TO REAR WALL AT MIDPOINT (FEET)	50

DISTANCE BETWEEN PRINCIPAL BUILDING AND ACCESS DRIVEWAY OR INTERNAL DRIVEWAY CURLINE (FEET)	25
DISTANCE BETWEEN PRINCIPAL BUILDING AND PARKING AREA CURBLINE (FEET)	20
DISTANCE BETWEEN PRINCIPAL BUILDING AND ACCESS AISLE OR DRIVEWAY TO GARAGE OR CARPORT (FEET)	25
MONUMENT SIGN REQUIREMENTS	
MAXIMUM AMOUNT OF SIGNS	2
MAXIMUM SIGN HEIGHT (FEET)	6
MAXIMUM SIGN SIZE (SQUARE FEET)	48
MINIMUM DISTANCE TO STREET RIGHT OF WAY (FEET)	25
MINIMUM DISTANCE TO A PROPERTY LINE (FEET)	5

(2) Buffering and Landscaping Requirements - Buffer areas shall be developed in an aesthetic manner for the primary purpose of screening views and reducing noise perception beyond the lot. Buffer widths shall be measured horizontally and perpendicularly to lot and street lines. No structure, except as otherwise provided herein, activity, storage of materials, decks, patio or parking of vehicles shall be permitted in a buffer area. Drainage and utility structures shall be permitted in the buffer area. The location and design of buffers shall consider the use of the portion of the property being screened; the distance between the use and the adjoining property line; differences in elevation; the type of buffer, such as dense planting, existing woods, a wall or fence; buffer height; buffer width; and other combinations of man-made and natural features. The buffer shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

(a) All application, to the extent feasible, shall seek to preserve all natural wooded tracts along perimeter areas of a given tract and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer.

(b) All buffer areas shall be planted and maintained to provide screening and an aesthetically pleasing design. In general, the Planning Board may approve waivers to the standard landscaping requirements of this chapter, provided the plan presented is appropriate and adequate to meet the intent of providing suitable screening.

(c) Landscaping within a multifamily development in an MF-AH-7 District shall be provided to create an aesthetically pleasing design in accordance with the requirements of § 244-193 provided that buffers

along major collector roads within the MF-AH-7 District shall be a minimum of thirty-five feet (35'). The Planning Board may approve waivers to standard landscaping requirements of this chapter, provided the plan presented is appropriate and adequate to meet the intent of providing an interesting and attractive landscape.

E. Laundry equipment. No outside area or equipment shall be provided for the hanging or outside airing of laundry in any manner.

F. Lighting. All interior development roads, parking areas, dwelling entranceways and pedestrian walks within a development in the MF-AH-7 District shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, but in no case shall such lighting be less than is required to provide a minimum lighting level of 0.5 horizontal footcandle throughout such areas from dusk to dawn. Lights shall be shielded to avoid glare disturbing to occupants of the buildings and shall be so arranged as to reflect away from all adjoining properties.

G. Open space and Recreation. Every tract of land developed in the MF-AH-7 District shall include common open space and active and passive recreation facilities in accordance with the following:

- (1) Open space requirements. For the purposes of this section, the term "open space" is defined to mean any area of land (exclusive of buildings, streets, parking areas and utility rights-of-way or water) which is open to the sky and which is set aside for active or passive recreational use. Buffers may be included as passive recreation.
- (2) A minimum of 25% of the gross tract acreage shall be set aside for private use for active and passive open space and recreational purposes and for common open space.
- (3) Lands used or deeded to public agencies for roads, streets or utilities, including utility easements, shall not be defined as common open space. However, bodies of water located within the tract may be counted as common open space.
- (4) Any lands set aside for open space shall be available for the residents of the community to use for active and passive recreational activities.
- (5) There shall be a close visual and physical relationship between open space and dwelling units. Open space areas shall be an integral part of the development and shall be located to best suit the purpose(s) for which they are intended.

H. Parking.

- (1) Parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21)
- (2) Parking along all internal streets, driveways and parking lot aisles within a multifamily development shall be permitted.

I. Sidewalks and aprons. Unless otherwise required pursuant to the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21), sidewalks and aprons shall be provided, at a minimum on one side of the street, and shall be designed and constructed as part of an integrated sidewalk system within a multifamily

development located to facilitate safe pedestrian circulation throughout the community.

J. Solid waste.

- (1) Solid waste storage shall be provided in accordance with the provisions of § 244-208 provided that in the MF-AH-7 District, the provisions of § 144-208(j) shall not be applicable. With respect to the area and distance requirements within the MF-AH-7 District there shall be provided at least three (3) outdoor solid waste storage areas and such solid waste storage areas shall not be located further than 500 feet from the entrance of any dwelling unit which is intended to be served. The foregoing requirements shall not be applicable if a trash compactor is proposed to serve the development.
- (2) The preliminary and final site development plans of a development shall illustrate the method of refuse collection and shall note the locations of refuse areas, in addition to the size, height and type of screening for same.
- (3) Solid waste storage, collection and disposal shall be the responsibility of the condominium association, the homeowners' association, or the owner or as otherwise permitted in the Municipal Services Act (N.J.S.A. 40:67)
- (4) Separate collection bins, located in accordance with the requirements of § 244-208, shall be provided for the collection of recyclable materials.

K. Streets, internal

- (1) All streets, driveways, parking aisles and parking areas within a development in an MF-AH-7 District shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21)
- (2) No street, driveway, parking aisle or parking area located within a development in an MF-AH-7 District shall have a name which will duplicate or so nearly duplicate so as to be confused with the names of any other existing public or private street located within the Township of Jackson. All street names shall be subject to the approval of the municipal agency.

L. Utilities.

- (1) All dwelling units in the project shall be served with public water, sanitary sewers and underground electric, telephone and cable television services.
- (2) All dwelling units and community buildings shall be connected to an approved and functioning public water supply system and sanitary sewer system prior to the issuance of any certificate of occupancy.
- (3) All utilizing lines leading to and within the site of a multifamily development shall be installed underground.
- (4) For any public improvement(s) required to be installed and/or upgraded by an Applicant as a condition of approval for any development within the MF-AH-7 District, the Applicant shall be entitled to a credit against applicable connection fees for units within the development up to the total construction costs of such a public improvement(s), less the portion of such construction costs representing Applicant's pro rata share of the costs of such public improvements in accordance with the provisions of N.J.S.A. 40:55D-42. In the event that the Township or any other public entity is required to construct

and/or upgrade any public improvement(s), which construction is necessitated by any development within the MF-AH-7 District, Applicant shall be required to contribute its pro rata share of the costs of such public improvements in accordance with the provisions of N.J.S.A. 40:55D-42.

- M. Conformance with Township's Tree Removal Provisions (§405-1, et seq.)
 - (1) Tree removal for developments within the MF-AH-7 District shall be in accordance with the provisions of § 405-1 et seq., provided that:
 - (a) the Exemption Area for any development within the MF-AH-7 District, as such Exemption Areas are defined at §405-11(E), shall be established as fifty percent (50%) of the total tract size, which Exemption Area shall be contiguous; and
 - (b) for purposes of tree replacement fees, developments within the MF-AH-7 District shall be treated as commercial uses within the meaning of §405-9(D).
- N. Affordable housing requirements.
 - (1) An applicant for final site plan approval shall submit for approval by the Township Affordable Housing Planner or designated Administrative Agent as part of the submission for final approval a project affordable housing plan demonstrating compliance with the Township's Housing Element and Fair Share Plan; prevailing COAH regulations, and the Uniform Housing Affordability Controls.
 - (2) The developer for any development within the MF-AH-7 District shall enter into a developer's agreement with the Township of Jackson setting forth the terms, conditions, requirements and obligations of the respective parties
 - (3) Assuming a development yield of 216 total units, 40 of such residential units developed with the MF-AH-7 Zone shall be reserved for occupancy by low income and moderate households (hereinafter "Affordable Units") as the terms Affordable Units is defined by the COAH regulations per the provisions of N.J.A.C. 5:93-1 et seq.
- O. Expedited application review process and exemption from cost generative measures. The following review provisions shall apply to development applications in the MF-AH-7 Zone:
 - (1) The applicant shall submit all plans and documents to the Planning Board for review and approval. Completion review shall be done within 20 business days of the receipt of the initial application and within 10 days of any subsequent filing if the prior filing was deemed incomplete. As soon as the application is deemed complete, the Planning Board shall distribute the plans to those persons and agencies desired and/or required by the Planning Board and/or law to review, comment upon and/or approve development plans and to all other municipal agencies which normally review, comment upon and/or approve development plans. The failure of a municipal agency to submit a report to the Planning Board shall not extend the time for review and action by the Board.

- (2) The development plans submitted shall contain the information ordinarily required by ordinance for complete applications reserving Applicant's right to request waivers from such submission requirements.
- (3) To the extent practical, counsel for the Board shall attempt to have a memorialization resolution prepared the night of the Board's vote on the application such that the Board can vote on the application and resolution simultaneously.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

Date: _____

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Council of the Township of Jackson held on the **13th day of June, 2017**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **27th day of June, 2017** at 7:30 p.m. or soon thereafter as this matter can be reached at the Township Municipal Building located on 95 West Veterans Highway in 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.

Ann Marie Eden, RMC
Township Clerk

Appendix G: Ordinance No. 8-17

ORDINANCE NO. 08-17

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" CHAPTER 244-90 ENTITLED "RG-2 REGIONAL GROWTH ZONE", CHAPTER 244-91 ENTITLED "RG-3 REGIONAL GROWTH ZONE" AND CHAPTER 244-104 ENTITLED "USE OF PINELANDS DEVELOPMENT CREDITS"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-90 entitled "RG-2 Regional Growth Zone" so as to add subsection D. which shall be entitled "Conditional Uses" which shall read as follows:

(D). Conditional Uses:

1. Detached, single-family developments on lots less than one acre without the use of Pinelands Development Credits, subject to the following conditions:
 - a. Maximum Density: 2.0 dwelling units per acres
 - b. Minimum lot area: 12,000 square feet
 - c. Minimum lot width: 100 feet
 - d. Minimum lot frontage: 80 feet
 - e. Minimum lot depth: 120 feet
 - f. Minimum front yard setback: 30 feet
 - g. Minimum side yard setback: 15 feet
 - h. Miniium rear yard setback: 30 feet
 - i. Minimum accessory structure setback: 10 feet, not permitted in front yard
 - j. The proposed lots are to be serviced by a public sanitary sewer system.
 - k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
 - l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.
2. Detached single-family developments on lots less than one acre with the use of Pinelands Development Credits in accordance with §244-102 et seq., subject to the following conditions:
 - a. Maximum Density: 3.0 dwelling units per acres
 - b. Minimum lot area: 10,000 square feet
 - c. Minimum lot width: 100 feet
 - d. Minimum lot frontage: 80 feet
 - e. Minimum lot depth: 100 feet

- f. Minimum front yard setback: 30 feet
- g. Minimum side yard setback: 10 feet
- h. Minimum rear yard setback: 30 feet
- i. Minimum accessory structure setback: 10 feet, not permitted in front yard
- j. The proposed lots are to be serviced by a public sanitary sewer system.
- k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
- l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.

3. Detached single-family developments, with the use of Pinelands Development Credits in accordance with §244-102 et seq., subject to the following standards only if the restrictions of the buffer overlay zone in accordance with §244-101 will prevent achievement of the maximum residential density permitted:

- a. Maximum Density: 3.0 dwelling units per acres
- b. Minimum lot area: 9,000 square feet
- c. Minimum lot width: 75 feet
- d. Minimum lot frontage: 75 feet
- e. Minimum lot depth: 100 feet
- f. Minimum front yard setback: 30 feet
- g. Minimum side yard setback: 10 feet
- h. Minimum rear yard setback: 30 feet
- i. Minimum accessory structure setback: 10 feet, not permitted in front yard
- j. The proposed lots are to be serviced by a public sanitary sewer system.
- k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
- l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.

SECTION 2. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-91 entitled "RG-3 Regional Growth Zone" so as to add subsection D. which shall be entitled "Conditional Uses" which shall read as follows:

(D). Conditional Uses:

1. Detached, single-family developments on lots less than one acre without the use of Pinelands Development Credits, subject to the following conditions:
 - a. Maximum Density: 2.0 dwelling units per acres
 - b. Minimum lot area: 12,000 square feet
 - c. Minimum lot width: 100 feet
 - d. Minimum lot frontage: 80 feet

- e. Minimum lot depth: 120 feet
 - f. Minimum front yard setback: 30 feet
 - g. Minimum side yard setback: 15 feet
 - h. Minimum rear yard setback: 30 feet
 - i. Minimum accessory structure setback: 10 feet, not permitted in front yard
 - j. The proposed lots are to be serviced by a public sanitary sewer system.
 - k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
 - l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.
2. Detached single-family developments on lots less than one acre with the use of Pinelands Development Credits in accordance with §244-102 et seq., subject to the following conditions:
 - a. Maximum Density: 3.0 dwelling units per acres
 - b. Minimum lot area: 10,000 square feet
 - c. Minimum lot width: 100 feet
 - d. Minimum lot frontage: 80 feet
 - e. Minimum lot depth: 100 feet
 - f. Minimum front yard setback: 30 feet
 - g. Mininium side yard setback: 10 feet
 - h. Minimum rear yard setback: 30 feet
 - i. Minimum accessory structure setback: 10 feet, not permitted in front yard
 - j. The proposed lots are to be serviced by a public sanitary sewer system.
 - k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
 - l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.
3. Detached single-family developments, with the use of Pinelands Development Credits in accordance with §244-102 et seq., subject to the following standards only if the restrictions of the buffer overlay zone in accordance with §244-101 will prevent achievement of the maximum residential density permitted:
 - a. Maximum Density: 3.0 dwelling units per acres
 - b. Minimum lot area: 9,000 square feet
 - c. Mininium lot width: 75 feet
 - d. Minimum lot frontage: 75 feet
 - e. Minimum lot depth: 100 feet
 - f. Minimum front yard setback: 30 feet
 - g. Minimum side yard setback: 10 feet
 - h. Minimum rear yard setback: 30 feet

- i. Minimum accessory structure setback: 10 feet, not permitted in front yard
- j. The proposed lots are to be serviced by a public sanitary sewer system.
- k. Compliance with the requirement of an affordable housing set aside as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9.
- l. Submission of a traffic impact assessment for all preliminary major subdivisions regardless of the number of lots created.

SECTION 3. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-104 entitled "Use of Pinelands Development Credits" so as to amend subsection A. which shall read as follows:

A. To permit development of parcels of land in the RG-2 and RG-3 Zones according to the density and lot area requirements as set forth in sections §244-90 and §244-91, respectively.

SECTION 4. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-104 entitled "Use of Pinelands Development Credits" so as to delete subsections E and F in their entirety, and to replace subsections E. and F. which shall read as follows:

E. When a variance or other approval is granted to permit a residential use in the RG-2 or RG3 zones pursuant to §244-90(D)(2) or §244-91(D)(2), 0.25 of a Pinelands development credit shall be purchased and redeemed for each such dwelling unit.

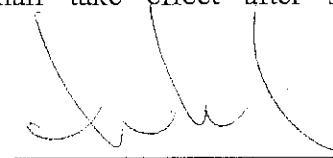
F. When a variance or other approval for a nonresidential use within the RG-2 and RG-3 Zones is granted by the Township, one-quarter of one Pinelands development credit (i.e., one right) shall be purchased and redeemed for every 6,500 square feet of floor area, or portion thereof, or one-quarter of one Pinelands development credit (i.e., one right) shall be purchased and redeemed for every acre, or portion thereof, of land at the parcel, whichever shall require the purchase and redemption of more Pinelands development credits.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

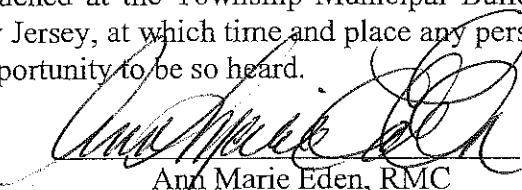
SECTION 7. This ordinance shall take effect after second reading and publication as required by law.

Date: 5-24-17


MAYOR MICHAEL REINA

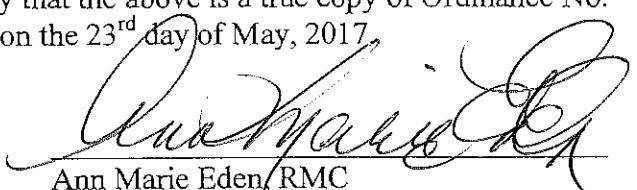
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Council of the Township of Jackson held on the **9th day of May, 2017**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **23rd day of May, 2017** at 7:30 p.m. or soon thereafter as this matter can be reached at the Township Municipal Building located on 95 West Veterans Highway in 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.


Ann Marie Eden, RMC
Township Clerk

I, Ann Marie Eden, Municipal Clerk of the Township of Jackson in the County of Ocean, State of New Jersey hereby certify that the above is a true copy of Ordinance No. 08-17 adopted by the Township Council on the 23rd day of May, 2017.

Date: 5-31-17


Ann Marie Eden, RMC
Township Clerk

Appendix H: Spending Plan

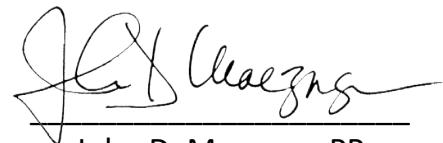
Affordable Housing Trust Fund Spending Plan

**Jackson Township
Ocean County, New Jersey**

June 5, 2017

Prepared for:
Jackson Township Council
95 West Veterans Highway
Jackson, NJ 08527

Prepared by:
JDM Planning Associates, LLC
614 Harbor Road
Brick, New Jersey 08724



John D. Maczuga, PP
New Jersey Professional Planner
License No. 1714

Affordable Housing Trust Fund Spending Plan

Jackson Township, Ocean County, New Jersey

June 5, 2017

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Affordable Housing Trust Fund Spending Plan

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1 — Introduction

Jackson Township, Ocean County, has prepared a housing element and fair share plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (NJDCA; N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the NJDCA on April 26, 1993 and adopted by the municipality on April 26, 1993. The ordinance establishes the affordable housing trust fund for which this spending plan is prepared.

2 — Revenues for Certification Period

As of December 31, 2016, Jackson Township has collected \$6,569,633.19 and expended \$5,642,014.52, resulting in a balance of \$927,618.67 (hereinafter rounded to as \$927,619). All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Ocean First Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7 through N.J.A.C. 5:97-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of third round substantive certification, Jackson Township considered the following:

- 1) Development Fees:

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- a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
- b) All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and,
- c) Future development that is likely to occur based on historical rates of development.

2) Payments-in-Lieu-of-Construction:

- a) Payments-in-lieu-of-construction are anticipated from DVT Enterprises, LLC (Maplewood Estates) in years 2017-2019.

3) Other Funding Sources:

- a) No funds from other sources are anticipated.

4) Projected Interest:

- a) Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

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3 — Revenue Schedule

The projection of revenues is detailed below:

Source	Revenue Schedule (2017-2025)										Total
	2017	2018	2019	2020	2021	2022	2023	2024	2025		
Development Fees — Approved	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,000
Development Fees — Pending	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,000
Development Fees — Projected	\$80,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$1,360,000	
Payments-in-Lieu-of-Construction	\$12,686	\$31,714	\$31,714	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$76,114
Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$13,500
Total	\$174,186	\$193,214	\$193,214	\$161,500	\$161,500	\$161,500	\$161,500	\$161,500	\$161,500	\$1,529,614	

Jackson Township projects a total of \$1,529,614 in revenue to be collected between January 1, 2017 and December 31, 2025. This projected amount, when added to Jackson Township's trust fund balance as of December 31, 2016, results in anticipated total revenue of \$2,457,233, which is available to fund and administer its affordable housing program. All interest earned on the account shall be used only for the purposes of affordable housing.

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4 — Administrative Mechanism to Collect and Distribute Development Fee Revenues

Jackson Township shall adhere to the following procedural sequence for the collection and distribution of development fee revenues:

- 1) Collection of Development Fee Revenues:
 - a) Collection of development fee revenues shall be consistent with Jackson Township's development fee ordinance for both residential and non-residential developments in accordance with the NJDCA's rules, as well as P.L. 2008, c.46, Section 8 (N.J.S.A. 52:27D-329.2) and Section 32 through Section 38 (N.J.S.A. 40:55D-8.1 through N.J.S.A. 40:55D-8.7).
- 2) Distribution of Development Fee Revenues:
 - a) The Municipal Housing Liaison instructs the Chief Financial Officer to release the required amount of funding to the recipient entity based on the type and nature of the affordable housing activity.

5 — Description of Anticipated Use of Affordable Housing Funds

Jackson Township anticipates using affordable housing funds as described in the following subsections.

5.1 — Rehabilitation and New Construction Programs and Projects (N.J.A.C. 5:97-8.7):

Jackson Township will dedicate no additional monies from its affordable housing trust fund to the rehabilitation of existing housing or new construction programs.

- 1) Rehabilitation Program:

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- a) No additional monies from the affordable housing trust fund will be dedicated to Jackson Township's rehabilitation program through 2025. Jackson's rehabilitation program is not funded by the affordable housing trust fund. The township's rehabilitation program is funded by a separate account, which, as of the preparation of this Affordable Housing Trust Fund Spending Plan, had a total remaining balance of \$934,969.71 (n.b., the original balance of this separate account was \$1,380,000.00). These funds, which are separate from and in addition to those in Jackson's affordable housing trust fund will be used for the rehabilitation of existing housing units in Jackson Township that are occupied by low- and moderate-income households. As indicated in Jackson's 2017 Amended Housing Element and Fair Share Plan, the township's total remaining rehabilitation obligation is eight units. Jackson will use the \$934,969.71 to complete its remaining rehabilitation obligation of eight units, and, in fact, will surpass its rehabilitation obligation by continuing to implement its rehabilitation program until the remaining \$934,969.71 has been fully expended.
- 2) New Construction Programs:
 - a) No affordable housing trust fund monies will be allocated to new construction programs in the period through 2025.

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5.2 — Affordability Assistance (N.J.A.C. 5:97-8.8)

As detailed below, Jackson Township is required to expend a minimum of \$1,063,085 from its affordable housing trust fund to render units more affordable.

Affordability Assistance Calculation			
Actual Development Fees through 12/31/16			\$3,449,906
Actual Interest Earned through 12/31/16	+		\$337,409
Projected Development Fees from 01/01/17 through 12/31/25		+	\$1,440,000
Projected Interest from 01/01/17 through 12/31/25		+	\$13,500
Housing Activity Expenditures through 06/02/08		-	\$1,697,199
Total		=	\$3,543,616
30 Percent of Total	× 0.3 =		\$1,063,085
Affordability Assistance Expenditures through 12/31/16	-		\$0.00
Projected Minimum Required Affordability Assistance Requirement from 01/01/17 through 12/31/25		=	\$1,063,085
Projected Minimum Very Low-Income Affordability Assistance Requirement from 01/01/17 through 12/31/25	÷ 3.0 =		\$354,362

Jackson Township will dedicate \$1,063,085 from the affordable housing trust fund to render units more affordable, including \$354,362 to render units more affordable to households earning 30 percent or less of the median income by region, as follows:

Affordable Housing Trust Fund Spending Plan

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- 1) A total of \$751,219 will be used to reimburse the township for housing activities funded pursuant to Bond Ordinance No. 17-07. These housing activities included multiple land purchases and associated soft costs related to the Windsor Crescent (Solar Avenue I) project.
- 2) Up to an additional \$311,866 (n.b., \$1,063,085 total affordability assistance requirement – \$751,219 used to reimburse the township for previous housing activities = \$311,866 remaining affordability assistance requirement) will be used to provide affordability assistance in a manner that is compliant with applicable rules and regulations, including, but not limited to:
 - a) Provision of subsidies to render required low and moderate income units in inclusionary developments affordable to very-low income households;
 - b) Provision of down payment assistance; and,
 - c) Provision of security deposit assistance.
 - d) Provision of rental assistance.

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5.3 — Administrative Expenses (N.J.A.C. 5:97-8.9)

As detailed below, Jackson Township may spend a maximum of \$759,956 from its affordable housing trust fund to fund the administration of its affordable housing program.

Administrative Expenses Calculation		
Actual Development Fees through 12/31/16		\$3,449,906
Actual Interest Earned through 12/31/16	+	\$337,409
Projected Development Fees from 01/01/17 through 12/31/25	+	\$1,440,000
Projected Interest from 01/01/17 through 12/31/25	+	\$13,500
Payments-in-Lieu-of-Construction and Other Deposits through 07/17/08	+	\$2,550,000
Total RCA Expenditures	-	\$0
Total	=	\$7,790,815
20 Percent of Total	× 0.2 =	\$1,558,163
Administrative Expenses through 12/31/16	-	\$798,207
Projected Maximum for Administrative Expenses from 01/01/17 through 12/31/25	=	\$759,956

Jackson Township will allocate up to \$759,956 from the affordable housing trust fund for administrative purposes. Projected administrative expenditures, subject to the 20-percent cap, are as follows:

- 1) Administration of affordable housing programs.
- 2) Payment of employee salaries and benefits.

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- 3) Payment of other miscellaneous administrative expenses and costs related to the preparation and implementation of the Amended Housing Element and Fair Share Plan.

The maximum that may be spent for administration is limited to 20 percent of affordable housing trust fund revenue in any given year, not 20 percent of the total projected revenue through 2025. In the case of Jackson, this amount is: \$34,837 in 2017; \$38,643 in 2018 and 2019; and, \$32,300 for every year from 2020 through 2025 (n.b., values represent 20 percent of annual projected revenues as shown in Section 3 — Revenue Schedule).

Notwithstanding the above, the 20-percent maximum may be exceeded if: 1) less than 20 percent of historic revenues have been expended on administration; and, 2) the total administrative expenditure in a given year is not more than 20 percent of the annual revenue in same year, plus the difference between 20 percent of historic revenues and historic administrative expenditures.

Through December 31, 2016, the township allocated only \$798,207, or approximately 12.1 percent of historic affordable housing trust fund revenues, to administrative expenditures. Thus, the township is entitled to exceed the aforementioned, 20-percent maximum by up to a total of an additional \$515,720 for the period from 2017 through 2025 (n.b., 20 percent of the historic revenues through December 31, 2016 = \$1,313,927 maximum permitted historic administrative expenditures; \$1,313,927 maximum permitted historic administrative expenditures - \$798,207 actual historic administrative expenditures = \$515,720 permissible excess in administrative expenditures from 2017 through 2025).

Based on the values provided in the expenditure schedule (see: Section 6 — Expenditure Schedule), Jackson is using only \$451,736 of the permissible excess in administrative expenditures from 2017 through 2025 (n.b., 20 percent of projected

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annual revenue for all years from 2017 through 2025 = \$305,923; \$759,956 projected maximum for administrative expenses from 2017 through 2025 – \$305,923 portion of projected revenue subject to 20-percent cap = \$454,033 portion of the permissible excess in administrative expenditures from 2017 through 2025 used).

In the event that the township's actual administrative expenditures are less than the amounts provided in the expenditure schedule, the township will reallocate funds from administration to other programs in accordance with Section 5.4 of this Affordable Housing Trust Fund Spending Plan.

5.4 — Other Mechanisms

In accordance with applicable rules and regulations, Jackson will allocate \$634,192 toward additional affordability assistance, or other fair share compliance mechanisms described in the township's Amended Housing Element and Fair Share Plan. The Township will establish programs, using both trust fund monies earmarked for affordability assistance and “other mechanisms” provided in the Expenditure Schedule below, to:

- a. Provide down payment assistance for low and moderate income households targeting the affordable set-aside units to be developed in Affordable Housing Sites #12, #13, and #14 and the remainder of the RG-2 and RG-3 Zone;
- b. Provide rental assistance subsidies to allow required low and moderate income in inclusionary rental developments to be offered to very-low income households beyond the 13% very-low income requirement; and
- c. Provide rental assistance to low and moderate income households in inclusionary rental developments.

Affordable Housing Trust Fund Spending Plan

Jackson Township, Ocean County, New Jersey

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6 — Expenditure Schedule

The projected expenditures are detailed below:

Expenditure Schedule (2017-2025)												
Programs	Units	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total	
Rehabilitation Program	TBD	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
New Construction	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Affordability Assistance	TBD	\$751,219	\$38,984	\$38,983	\$38,983	\$38,983	\$38,983	\$38,983	\$38,983	\$38,984	\$1,063,085	
Administration	—	\$84,439	\$84,440	\$84,439	\$84,440	\$84,439	\$84,440	\$84,439	\$84,440	\$84,440	\$759,956	
Other Mechanisms	TBD	\$0.00	\$79,274	\$79,274	\$79,274	\$79,274	\$79,274	\$79,274	\$79,274	\$79,274	\$634,192	
Total	TBD	\$835,658	\$202,698	\$202,696	\$202,697	\$202,696	\$202,697	\$202,696	\$202,697	\$202,698	\$2,457,233	

7 — Excess or Shortfall of Funds

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, Jackson Township will address the shortfall through annual fee receipts or other available funding sources.

If more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or Jackson Township is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to fund an eligible affordable housing activity pursuant to applicable rules and regulations.

Affordable Housing Trust Fund Spending Plan

Jackson Township, Ocean County, New Jersey

June 5, 2017

8 — Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with Jackson Township's affordable housing ordinance and in accordance with N.J.A.C. 5:97-8.5.

9 — Summary

Jackson Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through N.J.A.C. 5:97-8.9, and consistent with the housing programs outlined in its 2017 Amended Housing Element and Fair Share Plan.

Jackson Township had a balance of \$927,619 in its affordable housing trust fund as of December 31, 2016, and it anticipates an additional \$1,529,614 in revenue through 2025 for a total of \$2,457,233. The municipality will dedicate \$1,063,085 toward affordability assistance, \$759,956 toward administrative costs, and \$634,192 toward other mechanisms.

Affordable Housing Trust Fund Spending Plan

Jackson Township, Ocean County, New Jersey

June 5, 2017

Spending Plan Summary

Balance as of 12/31/16		\$927,619
Projected Development Fees from 01/01/17 through 12/31/25	+	\$1,440,000
Projected Payments-in-Lieu-of-Construction from 01/01/17 through 12/31/25	+	\$76,114
Projected Other Funds from 01/01/17 through 12/31/25	+	\$0
Projected Interest from 01/01/17 through 12/31/25	+	\$13,500
Total Revenue	=	\$2,457,233
Projected Rehabilitation Expenditures from the Affordable Housing Trust Fund	-	\$0.00
Projected New Construction Project Expenditures (Total for all Projects)	-	\$0.00
Projected Affordability Assistance Expenditures	-	\$1,063,085
Projected Administrative Expenses	-	\$759,956
Projected Expenditures for Other Mechanisms	-	\$634,192
Total Projected Expenditures	=	\$2,457,233
Remaining Balance	=	\$0.00

Appendix I: Affirmative Marketing Plan

**RESOLUTION
OF THE MAYOR AND TOWNSHIP COUNCIL OF THE
TOWNSHIP OF JACKSON, COUNTY OF OCEAN,
STATE OF NEW JERSEY
ADOPTING THE “AFFIRMATIVE MARKETING PLAN”
FOR THE TOWNSHIP OF JACKSON**

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, *et seq.*), the Township of Jackson is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 4, the housing region encompassing the Township of Jackson.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Jackson, County of Ocean, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Jackson shall be marketed in accordance with the provisions herein, unless otherwise provided by law or regulation of the State of New Jersey.
- B. This Affirmative Marketing Plan shall apply to all developments that contain, or will contain, low- and moderate-income units, including those that are part of the Township’s prior round Fair Share Plan and its current Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Jackson. All costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Jackson, shall undertake the following strategies:
 - 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.

3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, to housing units that are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in the housing region. It is a continuing program that directs all marketing activities toward the housing region in which the municipality is located, and covers the entire period of the deed restriction for each restricted housing unit. The Township of Jackson is in Housing Region 4, which consists of Mercer, Monmouth, and Ocean counties.
- F. The Affirmative Marketing Plan is a continuing program that is intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 1. All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in at least one major-circulation, daily newspaper of regional circulation (i.e., circulation throughout all of Housing Region 4), or through a series of daily newspapers that reaches all of Housing Region 4 residents. This may include but is not limited to the Asbury Park Press, Atlantic City Press, Trenton Time, and Ocean County Observer.
 2. For new developments, the primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper(s) once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Street address(es) of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Numbers of bedrooms in units (bedroom mix);
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;

- g. Business hours when interested households may obtain an application;
- h. Application fees, if any;
- i. Number of units currently available; and,
- j. Anticipated dates of availability.

4. Newspaper articles, announcements and information on where to request applications for low- and moderate-income housing shall also appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the housing region, one of which shall be circulated primarily within Ocean County and the other two of which shall be circulated primarily outside of Ocean County but within the housing region.

5. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

- a. 3 — KYW-TV (CBS Broadcasting Inc.)
- b. 6 — WPVI-TV (American Broadcasting Companies, Inc., Walt Disney)
- c. 10 — WCAU (NBC Telemundo License Co., General Electric)
- d. 12 — WHYY-TV (WHYY, Inc.)
- e. 17 — WPHL-TV (Tribune Company)
- f. 23 — WNJS (New Jersey Public Broadcasting Authority)
- g. 29 — WTXF-TV (Fox Television Stations, Inc., News Corp.)
- h. 48 — WGTW-TV (Trinity Broadcasting Network)
- i. 52 — WNJT (New Jersey Public Broadcasting Authority)
- j. 57 — WPSG (CBS Broadcasting Inc.)
- k. 61 — WPPX (Paxson Communications License Company, LLC)
- l. 65 — WUVP-TV (Univision Communications, Inc.)
- m. 69 — WFMZ-TV (Maranatha Broadcasting Company, Inc.)

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Jackson Township Municipal Building
2. Jackson Township Web Site
3. Developer's Sales/Rental Offices
4. Ocean County Administration Building
5. Monmouth County Administration Building
6. Mercer County Administration Building
7. Ocean County Library (all branches)
9. Monmouth County Library (all branches)
10. Mercer County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. In addition, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Monmouth, Ocean, and Mercer counties that will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members: Ocean County Board of Realtors; Monmouth County Association of Realtors; and, Mercer County Association of Realtors
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Ocean, Monmouth and Mercer: Welfare or Social Service Board (via the Director); Rental Assistance Office (local office of DCA); Office on Aging; Housing Authority (municipal or county); Community Action Agencies; and, Community Development Departments
3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of major employers within the region that are included

on the list of community contact person(s) and/or organizations(s) in Monmouth, Ocean, and Mercer Counties that shall be developed, maintained and updated by the Administrative Agent.

4. Quarterly informational circulars and applications shall also be sent to the offices of the following organizations: Fair Share Housing Center; Latino Action Network; New Jersey State Conference of the NAACP; NAACP Long Branch Unit; NAACP Lakewood Branch Unit; NAACP Trenton Branch Unit; NAACP Bayshore (Matawan) Branch Unit; NAACP Red Bank Branch Unit; NAACP Toms River Branch Unit; NAACP Asbury Park/Neptune Branch Unit; STEPS Conference; OCEAN, Inc.; Supportive Housing Association; Ocean County Board of Chosen Freeholders; and, New Jersey Housing Resource Center.

I. The following is a listing of community contact person(s) and/or organizations in that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low- and moderate-income units:

1. Fair Share Housing Center
2. Latino Action Network
3. New Jersey State Conference of the NAACP
4. NAACP Long Branch Unit
5. NAACP Lakewood Branch Unit
6. NAACP Trenton Branch Unit
7. NAACP Bayshore (Matawan) Branch Unit
8. NAACP Red Bank Branch Unit
9. NAACP Toms River Branch Unit
10. NAACP Asbury Park/Neptune Branch Unit
11. STEPS Conference
12. OCEAN, Inc.
13. Supportive Housing Association
14. Ocean County Board of Chosen Freeholders
15. New Jersey Housing Resource Center

- J. A random selection method to select occupants of low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, which is comprised of Ocean, Monmouth and Mercer counties.
- K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to: income-qualify low- and moderate-income households; place income-eligible households in low- and moderate-income units upon initial occupancy; provide for the initial occupancy of low- and moderate-income units with income-qualified households; continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; assist with outreach to low- and moderate-income households; and, enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- L. The Administrative Agent shall provide or direct qualified low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low-income housing units are initially occupied and for however long affordable units exist that remain deed restricted, and for which the occupancy or re-occupancy of such units continues to be necessary.
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

I hereby certify that this is a true copy of a resolution duly adopted by the Mayor and Council of the Township of Jackson at a Township Council meeting held on [REDACTED], 2017.

Ann Marie Eden, RMC
Municipal Clerk

Appendix J: Amended Affordable Housing Ordinance

Chapter 244. Land Use and Development Regulations

Article XIII. Affordable Housing

§ 244-222. Intent.

1. It is the intent of this article to regulate the development and management of low- and moderate-income housing units constructed in compliance with the Housing Element of the Master Plan of the Township of Jackson.
2. **Applicability.** The provisions of this Ordinance shall apply:
 - a. To all affordable housing developments and affordable housing units that currently exist within Jackson Township;
 - b. To all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Jackson Township Housing Plan Element and Fair Share Plan;
 - c. To all unanticipated future developments that will provide affordable housing for low- and moderate-income households; and,
 - d. To any property in Jackson Township that is currently zoned for nonresidential uses and that is subsequently rezoned for multifamily residential purposes, and to all approvals for multifamily residential development granted by the Jackson Planning Board or Zoning Board of Adjustment, including approvals of use or density variances, site plans, or subdivisions, and redevelopment projects subject to a redevelopment plan adopted by the Township governing body governing the development and redevelopment of designated areas in need of rehabilitation or areas in need of redevelopment in the township, including substantial revisions to previously approved developments, where such rezoning, approval or revision results in or increases the number of residential units by five (5) or more units.

§ 244-223. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING ADMINISTRATOR (AH ADMINISTRATOR)

The Township Planner of the Township of Jackson, other municipal official(s) and/or designee(s) appointed or contracted by the Township Committee of the Township of Jackson

to administer the compliance and/or implementation of the Township's affordable housing plan.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

DEVELOPER'S AFFORDABLE HOUSING PLAN

A plan submitted by the developer and approved by the Affordable Housing Administrator which shall identify the manner in which the developer plans to develop, price, market and restrict the low- and moderate-income dwelling units in accordance with this article.

EXEMPT SALES

Includes the transfer of ownership between husband and wife and transfers of ownership between former spouses as a result of a judicial decree of divorce or a judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and a transfer of ownership by court order.

FAIR MARKET VALUE

The unrestricted price of a low- or moderate-income housing unit if sold at a current real estate market rate.

INCLUSIONARY DEVELOPMENT

A residential housing development in which a percentage of the housing units are reserved for low- and moderate-income households. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSING

Housing affordable according to Council on Affordable Housing (COAH) standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the house is located and subject to affordability controls.

MODERATE-INCOME HOUSING

Housing affordable according to Council on Affordable Housing (COAH) standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income of more than 50% but less than 80% of the median gross

household income for households of the same size within the housing region in which the house is located and subject to affordability control.

PRICE DIFFERENTIAL

The difference between the controlled unit sale price and the fair market value as determined at the date of the proposed contract of sale after reasonable real estate broker fees have been paid.

REPAYMENT CLAUSE

Obligation of a seller exercising the repayment option to pay 95% of the price differential to a municipality at closing for use within the municipal housing plan.

REPAYMENT OPTION

The option of a seller of a low- or moderate-income unit to sell a unit pursuant to N.J.A.C. 5:92-12.7 at a fair market value subject to compliance with the terms of the repayment clause.

SET-ASIDE

The percentage of housing units devoted to low- and moderate-income households within an inclusionary development.

UNIT COMPLETION

The receipt of any temporary or final certificate of occupancy.

VERY LOW-INCOME HOUSING

Housing affordable according to the Council on Affordable Housing (COAH) standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income of 30 percent or less of the median gross household income for households of the same size within the housing region in which the house is located and subject to affordability controls.

§ 244-224. Affordable housing sites.

A. Low- and moderate-income housing required.

(1) Developers of the affordable housing (AH) sites, as designated on the Zoning Map of the Township of Jackson, Ocean County, New Jersey, shall be required to set aside the number of affordable units specified in any existing valid approval **and** in accordance with the **Housing Element Fair Share Plan**.

(2) In addition to the set-aside requirements above, the developers of affordable housing (AH) sites shall be subject to the requirements of the underlying zoning of the respective site set forth in Article **X**.

B. Fee required. Prior to the issuance of a certificate of occupancy for an affordable housing unit, the developer of affordable housing sites shall pay a fee to the Township to offset the costs of the services of the Affordable Housing (AH) Administrator. Said fee shall be the prevailing fees charged by the Affordable Housing Management Service of the New Jersey Department of Community Affairs for such services.

C. Affordable Housing Administrator (AH Administrator).

(1) The Township shall appoint an Affordable Housing Administrator ("AH Administrator") to monitor sales and resales of affordable housing units.

(2) Initial sales and rental transactions as well as all resale and re-rental transactions of affordable housing units within the inclusionary developments shall be administered by the Jackson Township AH Administrator under this chapter.

(3) Jackson Township may delegate the administration of duties named in § **244-225E** to the Department of Community Affairs Affordable Housing Management Service (AHMS), a

nonprofit organization or another qualified entity. Such delegation must be approved by the Jackson Township Committee.

§ 244-225. Low- and moderate-income housing requirements.

A. Building permits. No building permit(s) shall be issued for any development within an affordable housing (AH) site without the submission and approval of a developer's affordable housing plan by the AH Administrator.

B. Bedroom distribution.

(1) Non-age-restricted AH sites. Affordable housing units within AH sites that are not restricted to senior citizens shall have the following distribution of bedroom types:

- (a) At a minimum, **30%** of all low- and moderate-income units shall be two-bedroom units;
- (b) At a minimum, **20%** of low- and moderate-income units shall be three-bedroom units; and
- (c) No more than 20% of all low- and moderate-income units may be **one-bedroom** and efficiency units.

(d) **The remainder, if any, may be allocated at the discretion of the developer.**

(2) Age-restricted AH sites. Low- and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate-income units within the inclusionary development. The standards can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

C. Unit location.

- (1) Affordable housing units shall be situated on the development tract in locations no less desirable than market-priced dwelling units within the development and shall be equally accessible to common open space, community facilities and shopping facilities.
- (2) **Rental units may be concentrated for ownership and management unit reasons**
- (3) **The exterior design of the low- and moderate-income housing units shall be harmonious in scale, texture, and materials with the market-priced units on the tract**
- (4) **Deed restrictions. Developers of housing units for low- and moderate-income households shall enter into a written agreement, binding on all successors-in-interest, in accordance with current COAH regulations or Court requirements for Resale/Rental Control, at the time of sale, resale, rental or re-rental regardless of the availability of Federal, State, County or Township subsidy programs.**
- (5) **In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.**

D. Phasing. Approval of the developer's affordable housing plan shall be contingent upon the development, whether developed in one stage or in two or more stages, meeting the following phasing schedule:

Minimum Percentage of Low- and Moderate-Income Units Completed	Percentage of Marketing Housing Units Completed
0%	25%
10%	25%, plus 1 unit
50%	50%

Minimum Percentage of Low- and Moderate-Income Units Completed	Percentage of Marketing Housing Units Completed
75%	75%
100%	90%
—	100%

E. Occupancy selection.

- (1) The AH Administrator shall designate an application period during which applications to purchase or rent affordable housing units will be accepted.
- (2) Applications shall be accepted only if submitted on an application form prepared and/or approved by the AH Administrator. Applications shall be completely filled out and notarized. Knowingly or intentionally making any false statement on a form shall be grounds for disqualifying an applicant even if the applicant is otherwise eligible. The following information shall be required:
 - a. A copy of IRS Form 1040A or 1040EZ (Tax Computation Form) for each of the three years prior to the date of the application.
 - b. A letter from all employers stating present annual income or four consecutive pay stubs dated within 120 days of the interview date.
 - c. A letter or appropriate reporting form verifying benefits, including but not limited to social security or pension.
 - d. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant household.
 - e. Reports that verify income from assets to be submitted by banks or other financial institutions managing trust funds, money market accounts, stocks or bonds.
 - f. Reports that verify assets that do not earn regular income such as real estate and savings with delayed earnings provisions.
- (3) The AH Administrator shall determine whether the applicant meets the income and other requirements established in these regulations. The review process for a prospective purchaser shall involve a credit background report; to be an eligible applicant, the applicant shall have an acceptable credit history such that there is a realistic possibility that he will be approved for a mortgage
- (4) The AH Administrator will determine which eligible applicants shall be offered the opportunity to purchase or rent affordable housing units. Selection from among the eligible applicants shall be on a random basis, subject only to that size of household priority schedule established in Subsection **E(6)** below.
- (5) In the event that an application is determined by the AH Administrator to be ineligible for a low- or moderate-income unit, the applicant may request reconsideration by the AH Administrator. Such request shall be made in writing within 10 days of receipt of notice of ineligibility by the applicant. The AH Administrator shall make a new eligibility determination and provide the applicant with specific findings as to the basis for such eligibility determination.

(6) Occupancy Standards

(a) In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- [1] Provide an occupant for each bedroom;
- [2] Provide children of different sexes with separate bedrooms;
- [3] Provide separate bedrooms for parents and children; and,
- [4] Prevent more than two persons from occupying a single bedroom.

(7) Waiting list. The AH Administrator may establish a waiting list for the remaining eligible applicants. After all the units are occupied, the AH Administrator may choose to accept new applications. If an applicant is deemed eligible, the applicant shall be placed on the waiting list at the bottom of the particular priority classification for which the applicant qualifies. The AH Administrator shall periodically recertify the applicants on the waiting list to ensure that the list remains current and that the applicants are still qualified for the units to which they applied.

F. Income eligibility standards.

(1) ~~Income eligibility ceilings for low- and moderate-income units for various sized households shall be established by the AH Administrator based upon United States Department of Housing and Urban Development Uncapped Median Income by Family Size for Ocean County and as adopted by COAH. No applicant with a household income in excess of these ceilings shall be eligible to rent or purchase the low- and moderate-income units.~~

(2) ~~Upon annual adoption of updated income standards by COAH, the AH Administrator shall modify its income eligibility ceilings accordingly.~~

(3) ~~For purposes of determining income and eligibility, the AH Administrator shall consider:~~

- (a) ~~All sources of income, whether taxable or nontaxable, including social security and pensions.~~
- (b) ~~Imputed income. For the purpose of determining eligibility and rents, interest on the present value of real property and extraordinary personal property owned by the applicant shall be imputed and deemed additional income. Interest shall be imputed at the average interest rate on money market accounts in the region as determined by the AH Administrator.~~
- (c) ~~The income and assets of all members of the household as well as the income and assets of any individual who is expected to occupy the unit for which the household is seeking to qualify shall be included in the determination of eligibility and of rents. The form used for verification of household income shall include an affidavit attesting that the application contains the complete income of all current or anticipated household members.~~

G. Initial sales and rental prices.

(1) All units offered for sale or rent are to be affordable to a cross-section of low- and moderate-income households. With respect to low-income households, that shall include households earning between 40% and 50% of median, adjusted for household size. With respect to moderate-income households, that shall include households earning between 50% and 80% of median, adjusted for household size.

(2) For affordable housing within an AH site, the average selling price of units in each unit size category shall not exceed a price affordable to a household earning 57.5% of median, adjusted for household size.

(3) In order to ensure that units within an AH site are affordable throughout the range set forth in Subsection G(1) above, the developer shall establish a range of stratified prices of sales units for the low- and moderate-income units, for each unit size. The developer shall provide, to the extent practicable, for the following distribution of sales prices for every 20 low- and moderate-income units; the average of the range shall not exceed the levels set forth in Subsection G(2) above.

(a) Low.

- [1] One at 40% through and 42.5%.
- [2] Three at 42.6% through and 47.5%.
- [3] Six at 47.6% through 50%.

(b) Moderate.

- [1] One at 50.1% through and 57.5%.
- [2] One at 57.6% through and 64.5%.
- [3] One at 64.6% through and 68.5%.
- [4] One at 68.6% through and 72.5%.
- [5] Two at 72.6% through and 77.5%.
- [6] Four at 77.6% through and 80.0%.

(4) Sales prices shall be considered affordable where the household purchasing the unit will not spend more than 28% of gross household income, after a 10% down payment, including the monthly principal, interest, taxes, insurance and homeowners' association fees, if any. In making these calculations, the following considerations shall govern:

- (a) Mortgage payments shall be determined on the basis of a thirty-year fixed-rate mortgage at the prevailing interest rates obtainable from at least two major lenders active in Ocean County;
- (b) Property taxes shall be determined by applying the equalized property tax rate in Jackson Township currently in effect to the proposed selling price of the unit;

(c) The developer shall use the best available assumptions to determine the insurance and homeowners' association fees to be applied to the units, subject to the approval of the AH Administrator as to reasonableness only for use in this calculation.

(d) Homeowners' association fees shall be set at a specific percentage of those paid by market purchasers. This percentage must be included in the master deed of any inclusionary development.

(5) Rental prices shall be considered affordable where the household renting the affordable housing unit will not spend more than 30% of gross household income for rent, including utilities. Maximum rent shall be calculated as a percentage of the regional median income adopted by the COAH that applies to the rental housing unit. The allowance for utilities shall be the personal benefit allowance for utilities as defined by the Department of Housing and Urban Development (HUD).

(6) At least half of all units devoted to low- and moderate-income households within inclusionary developments shall be affordable to low-income households. At least half of all units in each bedroom distribution and half of all rental units in inclusionary developments shall be available for low-income households.

H. Procedure for resale transaction prior to expiration of controls.

(1) All resale transactions of affordable housing units shall be administered by the AH Administrator. From the date on which the AH Administrator receives a notice of intent to sell by the owner of a low- and moderate-income unit, the AH Administrator shall have the exclusive right to refer prospective purchasers to that unit for a period of 90 days unless waived in writing. In the event that a contract for the unit is executed within the ninety-day period set above and the prospective buyer is unable to close, the period during which the AH Administrator shall have the exclusive right to market the unit is automatically extended for a period of 21 days from the date it is notified of the buyer's inability to close.

(2) In the event that no contract has been entered into for the unit at the end of a ninety-day period, the owner of the unit may seek approval from the AH Administrator to sell the unit directly. The AH Administrator may authorize the applicant to sell the unit as follows. However, if the AH Administrator determines that the failure to enter into a contract was the result of negligence, absence of good faith effort or lack of cooperation on the part of the seller, the AH Administrator shall require the applicant to attempt to sell the unit for an additional ninety-day period.

(a) In the case of a low-income unit, to a low- or moderate-income buyer; or

(b) In the case of a moderate income unit to a buyer whose income does not exceed 120% of median.

(c) Any subsequent sale shall be fully subject to the resale restrictions contained in these regulations. The deed to the above income purchaser shall specifically contain a deed restriction establishing that it is subject to all the affordability controls outlined in this article.

I. Calculation of resale price. The resale price of the affordable housing unit shall be the base price increased pursuant to Subsection I(1) and (2) below.

(1) Percentage increase in household income. The price approved by the AH Administrator at which the seller acquired the property shall be the base price. The base price shall be multiplied by 100% plus the percentage increase in the HUD uncapped median income by family size for Ocean County from the time of acquisition of the property to the date that notice of intent to sell is given to the AH Administrator. For example, if the base price is \$30,000 and the median income at the time of the initial acquisition is \$32,000 and, at the time of the resale transaction, the median income has increased 25% to \$40,000, then the resale price is as follows:

$$\frac{100}{100} + \frac{25}{100} = 1.25$$

$$\$30,000 \times 1.25 = \$37,500$$

(2) Improvements.

(a) In addition, the seller shall be entitled to add to the selling price of the unit the cost of an eligible capital improvement to the affordable housing unit which pursuant to N.J.A.C. 5:92-12.8 renders the unit suitable for a larger household.

(b) Upon request of an owner of an affordable housing unit, the AH Administrator shall consider within 30 days whether to grant prior approval of an improvement and to approve a specific dollar amount up to the amount actually expended for that improvement.

J. Exempt sales.

(1) The following transactions shall be deemed nonsales for the purpose of this article. The owner of the affordable unit shall be entitled to a statement of exemption from the AH Administrator upon application.

(a) Transfer of an affordable housing unit between husband and wife.

(b) Transfer of ownership of an affordable housing unit between former spouses as a result of a judicial decree, judgment or order of divorce, but not including sales to third parties.

(c) Transfer of ownership of an affordable housing unit as a result of inheritance.

~~(d) Transfer of ownership of an affordable housing unit through an order of the Superior Court.~~

~~(2) A grant of exemption shall not eliminate the resale control restriction set forth in these regulations. Any subsequent sale shall be subject to all of the terms of these regulations.~~

~~K. Rental increases. All rental transactions shall be administered by the AH Administrator. The rents of affordable housing units may increase annually based on the percentage increase in median income for the Ocean County housing region as determined from the uncapped Section 8 income limits, published by HUD, or other recognized standard adopted by the COAH that applies to the rental housing unit.~~

~~L. Rental of low- and moderate-income sales unit. No owner of an affordable housing unit may lease the unit to a tenant without prior written approval of the AH Administrator. Such approval shall not be granted except when justified by particular and unusual circumstances. An owner seeking such approval shall submit a written request to the AH Administrator setting forth the particular circumstances of the case, including the reasons for the request to rent, the proposed duration of the tenancy and certification that the proposed tenant is a qualified low- or moderate-income household. In the event that the AH Administrator approves the request, it shall notify the owner of the unit. The owner shall rent the unit only to a qualified low- or moderate-income tenant for the period approved by the AH Administrator at a rent affordable to a low- or moderate-income tenant, whichever is applicable.~~

~~M. Conversion of rental units to sales units. Rental units may be converted for sale as condominium, cooperative or fee simple units, but any sale of converted units shall continue to be restricted to persons meeting the income eligibility standards as set forth in this article unless COAH requires otherwise. No rental unit which is part of the rental component of the Township's Housing Element and Fair Share Plan shall be converted to a condominium, cooperative or sale unit without approval of the court.~~

~~N. Exemption from rent control ordinances. All rental units, both market and affordable, shall not be subject to any rent control ordinance which may be adopted in the Township of Jackson during the time period in which affordable housing price controls are effective.~~

~~O. Duration of controls.~~

~~(1) Except as otherwise provided in these regulations, all units for sale or resale subject to the provisions of this article shall be subject to resale and rental controls for a period of 20 years from the date of acquisition of the unit by the initial purchaser or lessee.~~

~~(2) All units for owner-occupied rehabilitation subject to the Jackson Township Housing Rehabilitation Program shall be subject to affordability controls for a period of six years.~~

~~(3) All lower-income dwelling units shall be covered by covenants to ensure that in all initial sales and rentals, and in all subsequent resales and rentals, the units will continue to remain available and affordable to the lower-income households for which they were intended for the period specified in this~~

~~subsection in accordance with the requirements and standards established by COAH.~~

~~P. Expiration of controls. The restrictive covenant governing the deeds of the low- and moderate-income units shall include an option permitting purchase of the affordable unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the period specified in this article subject to the requirements set forth below. The option to buy shall be available to Jackson Township, the New Jersey Department of Community Affairs (DCA), the New Jersey Housing and Mortgage Finance Agency (HMFA) or a qualified nonprofit organization as determined by the New Jersey Council on Affordable Housing (COAH). All restrictive covenants governing low- and moderate-income units shall require the owner to notify the AH Administrator by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing units for the period specified in this article. Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price shall be available for 90 days. The AH Administrator shall notify the Jackson Township Committee, DCA, HMFA and COAH that the unit is for sale. If the Township exercises this option, it may enter into a contract of sale. If the Township fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the ninety-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by a written intent to purchase, the owner may proceed to sell the housing unit. If the owner does not sell the unit within one year of the date of the delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale. Any option to buy a housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.~~

~~(1) Jackson Township option.~~

~~(a) If the Township elects to purchase a low- or moderate-income unit pursuant to this article:~~

- ~~1. It may convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rental for a period of up to 20 years.~~
- ~~2. It may convey the unit at fair market value subject to the deposit of the "price differential" as defined in § 244-223 in the Jackson Township Housing Trust Fund devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing.~~
- ~~3. Money placed in the Jackson Township Housing Trust Fund may not be expended pursuant to Subsection P(1)(a)[2] above until a plan for its use is developed and approved by the Township Committee and the court.~~

(b) In the event that the Township purchases low-income housing units, the Township shall maintain them as low-income housing units

(c) In the event that the Township elects to purchase low- or moderate-income housing units and convey them at fair market value, the Township shall:

1. Notify the COAH and the court of any proposed sale and resale price 90 days before closing
2. Notify COAH and the court of the price differential;
3. Deposit the price differential in the Jackson Township Housing Trust Fund devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing; and
4. Notify COAH and the court by February 1 of each calendar year of the existing balance within the Jackson Township Housing Trust Fund.

(2) State option. When the DCA or HMFA elects to purchase a low- or moderate-income unit pursuant to this section, it may:

- a. Convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental; or
- b. Convey the unit at fair market value and utilize the price differential to subsidize the construction, rehabilitation or maintenance of low- and moderate-income housing within the appropriate housing region.

(3) Nonprofit option. Nonprofit agencies that have been designated by COAH shall be eligible to purchase low- or moderate-income units pursuant to this section for the sole purpose of conveying or renting the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental. Low-income units shall be made available to low-income purchasers or tenants, and the housing unit shall be regulated by the restrictive covenant and lien in a form adopted by COAH. The term of the controls on affordability shall be the same as those required by this article.

(4) Seller's option.

- a. An eligible seller of a low- or moderate-income sales unit which has been controlled for at least 20 years and who has provided notice of an intent to sell may proceed with the sale if no eligible entity as outlined in Subsection P(1), (2) or (3) above exercises its option to purchase within 90 days.
- b. Subject to other applicable requirements of this article, the seller may elect to:
 - i. Sell to a qualified low- or moderate-income household at the controlled unit sales price in accordance with existing COAH rules;

provided that the unit is regulated by the restrictive covenant and lien adopted by COAH for an additional period of 20 years; or

- ii. Exercise the repayment option and sell to any purchaser at market price, provided that 95% of the price differential is paid into the Jackson Township Housing Trust Fund at closing.
- c. If the sale will be to a qualified low- and moderate-income household, the AH Administrator shall certify the income qualifications of the purchaser and the Township shall ensure that the housing unit is regulated by the restrictive covenant and lien as required by COAH.
- d. The AH Administrator shall examine any contract of sale containing a repayment option to determine if the proposed sales price bears a reasonable relationship to the housing unit's fair market value. In making this determination, the AH Administrator may rely on comparable sales data or an appraisal. The AH Administrator shall not approve any contract of sale where there is a determination that the sales price does not bear a reasonable relationship to fair market value. The AH Administrator shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.
- e. The Township shall also adopt an appeal procedure by which a seller may submit written documentation requesting the AH Administrator to recompute the repayment obligation if the seller believes an error has been made or to reconsider a determination that a sales price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal shall be final administrative determination of the Township.
- f. The repayment shall occur at the date of closing and transfer of title for the first nonexempt transaction after the expiration of controls on affordability. Repayment proceeds shall be deposited in the Jackson Township Housing Trust Fund devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing. Money deposited in the Jackson Township Housing Trust Fund may not be expended until a plan for its use is developed and approved by the Township and COAH.

Continued application of options. When a housing unit has been maintained as a low- or moderate-income unit after controls have been in effect for the period specified in this article, the restrictive covenant governing the housing units shall allow the Township, the state, nonprofit agencies and sellers of low- and moderate-income units to again exercise all the same options as provided in this article.

Q. Foreclosure.

(1) A judgment of foreclosure or a deed in lieu of foreclosure by a financial institution regulated by state and/or federal law shall extinguish controls on affordable housing units, provided that there is a compliance with N.J.A.C. 5:92-12.10. Notice of foreclosure shall allow the Township, the Department of Community Affairs, the Housing and Mortgage Finance Agency or a nonprofit organization to purchase the affordable housing unit at a maximum permitted sales price and maintain it as an affordable unit for the balance of the intended period of control.

(2) In the event of a foreclosure sale, the owner of the affordable housing unit shall be personally obligated to pay the Township any surplus funds but only to the extent that such surplus funds exceed the difference between the maximum price permitted at the time of foreclosure and the amount necessary to redeem the debt to the financial institution, including the cost of foreclosure.

R. Second mortgages. No second mortgage shall be placed upon the property without the prior written approval of the AH Administrator. In determining whether to grant an approval for the second mortgage, the AH Administrator shall consider the need for the second mortgage and the impact that the second mortgage shall have upon the ability to maintain the unit as a low- and moderate-income unit. Under no circumstances shall a foreclosure of a second mortgage constitute grounds for eliminating the resale controls provided for in this regulation. Prior written approval shall be denied unless second mortgages are specifically authorized by COAH regulations and the application is consistent with those regulations.

S.

Sale of personal items. Items of personal property which are not permanently affixed to the unit (e.g., refrigerator, freezer, washer or dryer) and which were not included when the affordable housing unit was purchased may be the subject of separate negotiations between the parties subsequent to the signing of the contract for the purchase of the house. Any agreed price for the purchase of any item or items of personal property shall be reasonable considering the original cost, nature, age and condition of the item. The price to be paid for items of personal property shall not be used as a mechanism to avoid or circumvent the limitations on the resale price of the unit itself. In no event shall the right to purchase the unit be conditioned upon the buyer's willingness to agree to purchase any item or items of personal properties of the seller.

T. Certificate of occupancy.

(1) No certificate of occupancy for a low- or moderate-income unit shall be issued until the developer shall have submitted and have approved by the Township Attorney a deed restriction encompassing all the provisions of these regulations.

(2) No certificate of occupancy shall be issued for the resale of a low- or moderate-income unit unless the AH Administrator shall certify that the resale complies with the terms of these regulations.

(3) No low- and moderate-income unit may be occupied by an initial purchaser or resale purchaser without a certificate of occupancy.

U. Affirmative marketing. The AH Administrator shall develop and implement an affirmative marketing program for affordable housing units that shall include the following:

(1) An announcement that specifies eligibility requirements and a request for applications for low- and moderate-income units shall be placed in newspapers of general circulation within Ocean County and the region.

[Amended 3-17-1994 by Ord. No. 6-94]

(2) Press releases announcing the availability of low- and moderate-income housing units shall be submitted to newspapers of general circulation within Ocean County and the region.

[Amended 3-17-1994 by Ord. No. 6-94]

(3) The availability and eligibility of low- and moderate-income housing shall be announced to the Ocean County Housing Agency, the Ocean County Office on Aging, the Township of Jackson, local religious and other civic organizations and other appropriate local and area-wide groups.

(4) The marketing program will commence at least 90 days before issuance of either temporary or permanent certificates of occupancy and shall continue until all low- and moderate-income housing units are under contract of sale and/or lease.

V. Waiver. In the event of a special hardship or in the event that a minor technical modification of these regulations is necessary to effectively implement the policy of this article, the AH Administrator may waive or modify those regulations relating to occupancy selection, sale or resale prices or income eligibility standards, provided that such waiver or modification is consistent with the intent of these regulations and the Land Use and Development Regulations and does not violate COAH policy or regulation or any statute.

F. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Jackson Township takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the

unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

- d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- e. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

G. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

- a. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - [1] The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent;
 - [2] The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards;
 - [3] The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers; and,
 - [4] The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

H. Buyer Income Eligibility

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- b. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Committee, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- d. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

I. Limitations on Indebtedness Secured by Ownership Unit, Subordination

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- b. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

J. Capital Improvements to Ownership Units

- a. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements

shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (e.g., refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

K. Control Periods for Restricted Rental Units

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Jackson Township takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of Ocean County. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- c. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or,
 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

L. Rent Restrictions for Rental Units, Leases

- i. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- ii. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- iii. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- iv. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

M. Tenant Income Eligibility

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined, as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income;
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income; and,
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- i. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
- ii. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
- iii. The household is currently in substandard or overcrowded living conditions;
- iv. The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
- v. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- c. The applicant shall file documentation sufficient to establish the existence of the circumstances enumerated in this subsection with the Administrative Agent, who shall counsel the household on budgeting.

N. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- i. A studio shall be affordable to a one-person household;
- ii. A one-bedroom unit shall be affordable to a one and one-half person household;
- iii. A two-bedroom unit shall be affordable to a three-person household;
- iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
- v. A four-bedroom unit shall be affordable to a six-person household.

- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; an
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

(17) Requirements for affordable housing. Developments which include affordable housing units shall be subject to the following provisions:

- A. In accordance with N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) at least 13 percent of the affordable units provided within the township shall be reserved for very low income households, i.e. households earning 30 percent or less of the median income and of that amount at least 50 percent shall be reserved for very low income families (i.e., non-age restricted and not reserved for special needs populations). For developments with eight (8) or more affordable housing units on site, at least 13 percent of all low- and moderate-income units shall be affordable to households earning no more than 30 percent of median income. A minimum of 50 percent of these units shall be reserved for very low income families.
- B. Age restriction. The sales and rentals of not more than 25 percent of the affordable housing units constructed within the Township may be age restricted to senior citizens as defined by and in accordance with the Federal Fair Housing Act and as regulated by N.J.A.C. 5:92-14, provided that no more than 25 percent of the total affordable housing units constructed within the Township shall be age restricted. A request to age restrict housing units may only be granted after the Planning Board or Board of Adjustment has received the consent of the Township Committee. In designing its project, the applicant may propose constructing the senior citizen restricted affordable units in the same building or buildings in order to maximize the potential of preserving a more tranquil lifestyle for the senior citizen resident; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.
- C. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units
- D. Utilities
 1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
 2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the DCA for its Section 8 program.
- E. Accessibility Requirements

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and the following:
 - a. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor; and,
 - ii. An adaptable kitchen on the first floor; and,
 - iii. An interior accessible route of travel on the first floor; and,
 - iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and,
 - v. If not all of the foregoing requirements in this paragraph can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the foregoing requirements in this paragraph have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Little Egg Harbor Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 1. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 2. To this end, the builder of restricted units shall deposit funds within the Little Egg Harbor Township Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 3. The funds deposited under the terms of this paragraph shall be used by Little Egg Harbor Township for the sole purpose of making the

adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

4. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of Little Egg Harbor Township for the conversion of adaptable to accessible entrance
5. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Jackson Township Affordable Housing Trust Fund.

- b. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(18) Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and the UHAC, with the following exceptions:
- B. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
- C. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- D. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with the UHAC, unless an alternative commitment is approved by the Court.
- E. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

[Added 4-26-2004 by Ord. No. 13-04; amended 9-12-2006 by Ord. No. 21-06]

A.

Applicability. This section of the land use regulations of the Township of Jackson sets forth the mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within the Township of Jackson.

(1)

Residential development. Except as exempted by Subsection A(3), all residential development that results in the construction of new market rate dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the growth share provisions of this section.

(2)

Nonresidential development. Except as exempted by Subsection A(3), all nonresidential development that results in an increase in gross floor area of any existing nonresidential structure or the construction of a new nonresidential structure in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the growth share provisions of this section.

(3)

Exemptions. All developments that received preliminary or final approval from the Planning Board and/or Board of Adjustment, as applicable, prior to the effective date of this section.

B.

Residential growth share provisions.

(1)

Pursuant to the applicable rules and regulations of COAH, all residential developments of eight or more lots or units shall provide one affordable housing unit (as defined by COAH) on site for every eight market rate units or petition the Council for approval to provide the affordable housing units off site or make a payment in lieu of providing affordable housing on site or constructing the affordable housing unit, in accordance with Subsection D.

(2)

For developments that result in a number of market rate residential units not evenly divisible by eight, the developer may construct the additional affordable unit on site or, alternatively, the developer may make a payment in lieu of constructing the additional affordable unit in accordance with Subsection D. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of eight from the total number of market rate residential units being created, dividing any remaining number of units by eight and multiplying the resulting fraction by \$200,000.

(3)

All residential development consisting of less than eight residential units may provide one affordable unit on site or may make a payment in lieu of constructing the proportionate fraction of the affordable housing unit required. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of market rate units by eight and multiplying the resulting fraction by \$200,000.

(4)

All residential developments not subject to Subsection B(1) through (3) shall be subject to the provision of the Township's Mandatory Development Fee Ordinance (Ordinance No. 08-05).¹¹

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Editor's Note: See § 244-12J(3) and (4).

C.

Nonresidential growth share provisions.

(1)

All nonresidential developments that result in an increase in gross floor area of any existing nonresidential building or the construction of a new nonresidential building in the Township of

Jackson shall provide one affordable housing unit for every 25 jobs that result from the application of standards adopted by COAH (presently found in Appendix E of N.J.A.C. 5:94-1 et seq.) and based on use groups, as defined by the International Building Code (IBC) which has been incorporated by reference into the Uniform Construction Code ("UCC").

(2)

All nonresidential developments in the Township of Jackson shall provide one unit of affordable housing for every 25 jobs created by new or expanded development. Determinations of the number of jobs created shall be based on the new or expanded floor area in the development and by the conversion factors, by use group, established by COAH as Appendix E in N.J.A.C. 5:94-1 et seq.

(3)

For nonresidential developments that result in a number of jobs not evenly divisible by 25, the developer may construct the additional affordable unit off site in accordance with Subsection D or, alternatively, the developer may make a payment in lieu of constructing an additional affordable unit in accordance with Subsection D. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of 25 from the total number of jobs being created, dividing any remaining number of jobs by 25 and multiplying the resulting fraction by \$200,000.

(4)

All nonresidential developments creating less than 25 jobs may provide one affordable housing unit off site in accordance with Subsection D or may make a payment in lieu of constructing an affordable housing unit. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of jobs by 25 and multiplying the resulting fraction by \$200,000.

D.

Affordable housing compliance mechanisms. All residential developments consisting of eight or more units or lots must provide affordable housing on site. For all residential developments consisting of seven or less units and for all nonresidential developments, the developer may satisfy its affordable housing growth share obligation through the following mechanisms permitted in COAH's rules:

(1)

The construction of the affordable housing unit(s) on site;

(2)

The construction of the affordable housing unit(s) off site but within the Township of Jackson;

(3)

The purchase of an existing market rate home at another location in the Township and its conversion to an affordable price restricted home in accordance with COAH criteria, regulations and policies; or

(4)

Contributing a payment in lieu of providing affordable housing as set forth below:

(a)

Payments in lieu of the construction of affordable housing shall be negotiated with the Township Council, but shall in no case be less than \$200,000 per unit unless the cost of the Township independently developing an affordable housing unit within the Township is less. Payments in lieu of construction of affordable housing may exceed \$200,000 but shall not exceed the cost of the Township independently developing an affordable housing unit within the Township.

(b)

Regardless of the mechanism by which the applicant has been approved to satisfy the required number of affordable housing units, any development or portion thereof that generates a fraction of an affordable housing unit as all or a portion of the obligation shall be required to make a payment-

~~in-lieu of construction for that fraction of a unit. The payment shall be no greater than the fractional prorated cost of constructing an affordable housing unit in the Township.~~

E.

~~Division for low- and moderate-income affordable housing. The affordable housing units to be produced pursuant to these regulations shall be allocated as follows: Where only one affordable housing unit is required, that housing unit shall be available to a low-income individual or household; where more than one affordable housing unit is required, the total number of units shall be divided equally between low- and moderate-income individuals or households; and where the total number of affordable housing units required is an odd number, the last housing unit shall be available to a low-income individual or household.~~

F.

~~Compliance with COAH rules and regulations.~~

(1)

~~Affordable housing units being constructed on site or off site shall meet the requirements of Article XIII, Affordable Housing, of this chapter and shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq., and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to requirements regarding phasing schedule, controls on affordability, low-/moderate-income split, heating source, maximum rent and/or sales price, affordability average, bedroom distribution and affirmative marketing.~~

(2)

~~To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed through inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.~~

(3)

~~All applicants subject to this section shall include, as part of any application to the Zoning Board of Adjustment or Planning Board, a calculation from a qualified professional as to the affordable housing obligation generated by the project and a plan through which the applicant intends to satisfy said affordable housing obligation.~~

APPENDICES

DRAFT SPENDING PLAN

Jackson Township, Ocean County

Affordable Housing Trust Fund Spending Plan

Fourth Round (2025 – 2035)

INTRODUCTION AND BACKGROUND

Jackson Township, Ocean County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and consistent with the affordable housing regulations set forth at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:97-1 et seq. as applicable.

The Township of Jackson, Ocean County prepared and adopted its Housing Element and Fair Share Plan addressing its First Round obligation (1987-1993) on January 26, 1993. The Housing Element and Fair Share Plan was prepared and adopted to address its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (UN.J.S.AU. 40:55D-1 et seq.) and the Fair Housing Act. Township reached and signed a settlement agreement with both FSHC and Highview Homes on October 25, 2016, to provide its the second round and third round obligations and a compliance plan to address the obligations. On December 31, 2016, Court ordered Fairness Hearing on the Settlement Agreement and Jackson was granted a final judgment of compliance. The Third Round Housing Element and Fair Share plan amended the Prior Round Housing Element and Fair Share plan and was prepared and adopted in June 2017 by the Township Council.

A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the Township on 4-26-1993 by Ord. No. 14-93 after the adoption and endorsement of the Housing Plan Element and Fair Share Plan by the Township Planning Board and Committee. The affordable housing development fee ordinance established the Jackson Township Affordable Housing Trust Fund. The development fee ordinance was subsequently amended on 3-26-1994 by Ord. No. 7-94, and on 2-28-2005 by Ord. No. 08-05. As part of the Third Round Housing Element and Fair Share Plan the Township prepared a Spending Plan which details the projected monies deposited or withdrawn from the affordable housing trust fund to meet the housing needs of low- and moderate-income households.

The affordable housing development fee ordinance was last amended in its entirety on 2-2-2022 by Ord. No. 06-22 to reflect requirements of the revised COAH rules and the Statewide Mandatory Development Fee requirements.

Jackson Township – Affordable Housing Trust Fund Spending Plan

These 2025 Spending Plan amendments are to provide an up-to-date status of affordable housing projects and to address projects outlined in the Township's DRAFT Fourth Round Housing Element and Fair Share Plan. This updated Spending Plan is intended to demonstrate commitment of the funds in the Affordable Housing Trust Fund within four years of the date of collection as required by P.L. 2008 c.46, anticipated to be deposited during the Fourth Round (through July 2035). The Spending Plan will be amended as needed to respond to affordable housing needs or opportunities that may emerge, and may also be amended if there are significant changes to anticipated revenue.

The Township's Municipal Housing Liaison, together with the Director of Finance, have and continue to prepare annual reporting on Affordable Housing Trust Fund activity. This Spending Plan provides estimates of projected funding, proposals for expenditure in support of the Fair Share Plan and the Township's affordable housing inventory and provides guidance to ensure that funds are spent in accordance with the requirements of N.J.A.C. 5:97- 8.7 through 8.10. In accordance with N.J.S.A. 52:27D-329.2 and -329.3, all funds deposited into the Township's Affordable Housing Trust Fund are to be spent within 4 years of their receipt.

This plan supplements but does not replace the annual reporting; which is available for review upon request.

1. REVENUES FOR CERTIFICATION PERIOD

All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the trust fund monies are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of supporting and providing affordable housing. These funds have been and shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated through 2035, the following have been considered:

(a) Development fees.

1. Residential and non-residential construction projects that are subject to the requirements of Section 244-12J of the Township Code, (Fees, Mandatory Development Fees) and fees for developments that have already received approval by the Jackson Township Planning Board and/or Zoning Board;
2. Applications for residential and non-residential construction projects that are currently pending and will be heard by the Planning Board and/or Zoning Board and are likely to receive building permits and/or certificates of occupancy before 2035; and
3. Residential and non-residential construction projects that are likely to occur before 2035 based on available land, economic conditions, and historical rates of development.
4. For the purposes of this plan, estimated development fees are \$1,325,980.27 annually for the remainder of the reporting period. This is based on an actual received revenue through development fees from 2020 to 2024.

(b) Payment in lieu (PIL) of on-site construction.

Payments in lieu (PIL) of construction from residential developers that have or are expected to enter into an agreement with the Township to make a specific payment to the Affordable Housing Trust Fund in lieu of providing affordable housing units onsite.

At this time, the Township is not anticipating any new payments in lieu of construction. Township policy has been to require on-site construction of affordable housing rather than accepting payments.

(c) Other funding sources.

Potential funds from other sources include the sale of units with extinguished controls, repayment of affordable housing program loans (such as rehabilitation or down payment assistance), rental income, and proceeds from the sale of affordable units.

Jackson Township – Affordable Housing Trust Fund Spending Plan

Any such payments may be accepted, but at this time the Township is not anticipating any alternative sources of revenue.

(d) Projected interest.

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is estimated to be at minimum \$85,905.92 per year as that is the interest collected at year one of the obligation period. The interest collected will vary depending upon the market, actual revenues and expenditures. All interest earned on the account shall be used only for the purposes of affordable housing.

Table 1. Projected Revenues 2025 -2035

Starting Balance (12/31/2024)	\$7,958,934.58											
SOURCE OF FUNDS	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees:	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$773,488.49	\$14,033,291.21
1. Approved Development	-	-	-	-	-	-	-	-	-	-	-	-
2. Development Pending Approval	-	-	-	-	-	-	-	-	-	-	-	-
3. Projected Development	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$1,325,980.27	\$773,488.49	\$14,033,291.21
(b) Payments in Lieu of Construction	-	-	-	-	-	-	-	-	-	-	-	-
(c) Other Funds	-	-	-	-	-	-	-	-	-	-	-	-
(d) Interest on Total Account Balance	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$85,905.92	\$50,111.79	\$909,170.97
Total	\$1,411,886.19	\$823,600.28	\$14,942,462.18									

Jackson Township projects a total revenue of \$14,942,462.18 to be collected from December 2024 through July 2035. Adding the projected revenue to the current trust fund balance of \$7,958,934.58 as of December 2024, results in an estimated total potential revenue of \$22,901,396.76 available to fund, support, and administer affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Jackson Township follows the following procedures for the collection and distribution of affordable housing trust fund revenues.

(a) Collection of fees and payments:

Jackson Township – Affordable Housing Trust Fund Spending Plan

1. Development fees shall be collected consistent with Jackson Township's development fee ordinance of Section 244-12J for both residential and non-residential projects in accordance with the N.J.A.C. 5:97-1 et seq and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison, Township Planner, and Township Manager coordinate compliance and implementation of the Spending Plan as it relates to the Fair Share Plan; and coordinate recommendations for expenditure of funds in support of compliance or implementation of the Spending Plan.
2. The Township Manager authorizes staff to prepare a Resolution that includes an explanation of how the expenditure advances the Township's affordable housing objectives, implements some aspect of the Fair Share Plan, and is consistent with the Spending Plan.
3. Township Council reviews the request and authorizes the expenditure by resolution.
4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) New construction, Rehabilitation and conversion programs and projects (N.J.A.C. 5:97-8.7)

Jackson Township will dedicate approximately \$2,500,000.00 towards its Municipal Rehabilitation obligations.

(b) Affordability Assistance (N.J.A.C. 5:97-8.8): \$228,000.00 (minimum)

Municipalities are required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very-low-income households. The table below projects the minimum required affordability assistance:

Table 2. Minimum Affordability Assistance		
Starting Balance through 12/31/2024		\$7,958,934.58
Development fees projected 2025-2035	+	\$14,033,291.21
Interest projected 2025-2035	+	\$909,170.97
Less housing activity expenditures through 12/31/2024	-	\$1,120,188.70
Total	=	\$21,781,208.06
30 percent requirement	x 0.30 =	\$6,534,362.42
Less affordability assistance expenditures through 12/31/2024	-	
Projected Minimum Affordability Assistance Requirement 12/31/2024 through 07/31/2035	=	\$6,534,362.42
Projected Minimum Very Low-Income Affordability Assistance Requirement 12/31/2024 through 07/31/2035	x 0.34 =	\$2,221,683.22

Jackson Township is required to dedicate a minimum of \$6,534,362.42 from the affordable housing trust fund to provide affordability assistance, with at least 1/3 of the required affordability assistance spending must be dedicated to providing assistance to very-low income households. This would be a minimum of \$2,221,683.22 that must be directed towards making housing more affordable specifically to very-low income households.

Jackson Township – Affordable Housing Trust Fund Spending Plan

A total of \$4,312,679.2 dollars has been allocated to programs that provide affordability assistance to low and moderate-income households, in accordance with N.J.A.C. 52:27D-329.2 and may include the following:

1. Down Payment Assistance Program;
2. Security Deposit Assistance Program;
3. Low interest loans;
4. Maintenance expenses for condominiums;
5. Rental assistance;
6. Conversion of low or moderate income housing units to very low income housing units;
7. Any other program authorized by the Department of Community Affairs (NJDCA)

The Township projects to set aside \$2,221,683.22 for the development or redevelopment of very low income units:

1. Very-Low Income Units: \$2,221,683.22

The Township is required to ensure that thirteen percent (13%) of all affordable units approved after July 2008 are “very low income” units. Very low-income households are defined as those with a total gross annual household income equal to 30 percent or less of the regional median household income. The very-low Income affordability assistance program enables a developer of low- and moderate-income units to be provided a subsidy for providing very low-income units. The subsidy will be an up-front payment for re-pricing units that otherwise would be “low” income units as “very low income” units. The appropriate subsidy will be determined on a case-by-case basis at the Township’s discretion and as funds allow. For rental units the subsidy would represent the present-day value of the difference between the “low” income rent and the “very low” income rent for the restriction period. For ownership units, the subsidy would be the difference in the “low” and “very low” income affordable sales price.

Jackson Township – Affordable Housing Trust Fund Spending Plan

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

Administrative expenses are subject to a twenty percent (20%) cap. The table below demonstrates the maximum amount of Affordable Housing Trust Fund revenue that will be available for administrative expenses through 2035.

Table 3. Administrative Expense Calculation		
Starting Balance through 12/31/2024		\$7,958,934.58
Development fees & interest projected 2024- 2035	+	\$14,942,462.18
Payments-in-lieu of construction and other deposits through 12/31/2024	+	\$0.00
Less RCA expenditures through 12/31/2024	-	\$0.00
Total	=	\$22,901,396.76
Calculate 20 percent	x .20 =	\$4,580,279.35
Less administrative expenditures through 12/31/2024	-	\$789,695.29
Projected maximum available for administrative expenses 12/31/2024 through 07/31/2035	=	\$3,790,584.06

Jackson Township projects that \$3,790,584.06 will be available for administrative expenses through 2035. However, since there is no certainty about the timing of revenue deposits, the Township will continue to calculate the maximum amount to be expended on administrative expenses yearly. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Wait list management and general administration.
2. Administration of Down Payment Assistance Program by Administrative Agent
3. Establishment and Administration of Homeowner Association Fee Assistance Program by Administrative Agent
4. Establishment and Administration of the Very Low-Income Assistance program
5. Establishment, Implementation, Administration of Market to Affordable program
6. Fees for the sale of affordable units that are priced such that 3% of sale price is less than the Administrative Agent's minimum fee (Township pays the difference).
7. Preparation and Review of Affordable Housing Agreements, Resolutions, Deed Restrictions for affordable housing developments.
8. Preliminary engineering analysis for affordable housing sites

Jackson Township – Affordable Housing Trust Fund Spending Plan

9. GIS mapping and analysis related to preparation and implementation of the Fair Share Plan.
10. Litigation expenses for the review and implementation of the Fourth Round Housing Element and Fair Share Plan.

(d) Emerging Compliance Mechanisms (N.J.A.C. 5:97-8.11):

As Jackson Township projects to have a surplus of funds beyond the minimum requirements to fully fund the rehabilitation program and the affordability assistance program, the Township will consider mechanisms not currently identified in the May 2025 Housing Element and Fair Share Plan as new and unforeseen opportunities to provide additional affordable housing arise in the future. This may include providing funding assistance to a new 100% affordable project that has yet to be proposed by a developer, rehabilitation of existing deficient housing units, extension of existing affordability controls, development of special needs housing, funding market to affordable conversions, or reallocating additional projected revenues towards affordability assistance programs.

The Township projects \$10,076,450.28 of flexible funds that may be available through the reporting period to be used for emerging mechanisms.

4. EXPENDITURE SCHEDULE

Jackson Township intends to use affordable housing trust fund revenues for the creation and maintenance of affordable housing units, for affordability assistance, and for administration as set forth above. The Township will commit funds to specific programs as outlined above, or the plan will be amended.

TABLE 4. Projected Expenditure Schedule 2025-2035

Programs	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation Obligation	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$227,272.73	\$2,500,000.00
Affordability Assistance	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$594,032.95	\$6,534,362.42
Administration	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$344,598.55	\$3,790,584.06
Emerging Mechanisms	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$916,040.93	\$10,076,450.28
Total	\$1,612,914.02	\$22,901,396.76										

5. EXCESS OR SHORTFALL OF FUNDS

A shortfall of funds is not anticipated since the primary purpose of this Spending Plan is to plan for and commit the funds that have been collected and that are anticipated. The Township plans to implement the programs set forth in the DRAFT Fourth Round Fair Share Plan and the Spending Plan incrementally with the funds that are available; and will ensure that the collected funds are spent consistent with the applicable rules and regulations and in a manner that advances the Township's affordable housing goals. The purpose of the Spending Plan is to plan for expenditure of monies in the Affordable Housing Trust Fund. N.J.A.C. 5:97-8.10(a)(9) requires that the spending plan address the "manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan". Jackson Township will assess the status of the AHTF and implementation of the Fair Share Plan annually.

In the event more funds than anticipated are collected and the available funds exceed the amount necessary to implement the Fair Share Plan, the excess funds may be used to expand the programs described above.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Jackson's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 will be detailed within the Township's Affordable Housing Ordinance.

SUMMARY

Jackson Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the programs outlined in the Fourth Round Housing Element and Fair Share Plan dated May 2025 and this Spending Plan.

Jackson Township had a balance of \$7,958,934.58 as of December 31, 2024 and anticipates an additional \$14,942,462.18 in revenues through 2035 for a total of \$22,901,396.76. The municipality has provided a plan to spend projected revenues on specific projects and programs. The exact timing of additional revenues is uncertain, but the estimate is realistic based on project schedules, development trends, and historical rates of fees collected into the Affordable Housing Trust Fund. The Spending Plan will be amended if needed to adjust for changed needs or emergent opportunities for affordable housing production or assistance.

Table 5. Spending Plan Summary	
Balance as of December 31, 2024	\$7,958,934.58
Projected Revenue 2024-2025	\$14,942,462.18
Development Fees	\$14,033,291.21
Other Funds	\$0.00
Interest	\$909,170.97
TOTAL REVENUE	\$22,901,396.76
Expenditures	
Rehabilitation Program	\$2,500,000.00
Affordability Assistance	\$6,534,362.42
Administration	\$3,790,584.06
Emerging Mechanisms	\$10,076,450.28
TOTAL PROJECTED EXPENDITURES	\$22,901,396.76
REMAINING BALANCE	\$0.00

APPENDICES

AH-1, AH-II, AH-III AND AH-IV DRAFT ORDINANCE

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

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:

§244-64.1

- (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.

Block	Lots
801	46, 51, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, and 99
802	1, 2, 3, 4, 5
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
15401	31, 32
18201	17, 18, 19, 20, 21, 22, 23, 24, 25
19701	7, 8, 9, 10, 11, 12, 13.01, 13.02, 13.03, 13.04, 13.05
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 :

- (a) Commercial uses permitted in the NC Neighborhood Commercial Zone
- (b) Multifamily dwellings
- (c) Townhouses
- (d) No duplexes

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

- (a) Open space area(s);
- (b) Clubhouse;
- (c) Outdoor pool(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 accessory to the principal use.

(5) Maximum Density.

- (a) The number of dwelling units shall not exceed 8 dwelling units per acre inclusive of affordable units.

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

- (a) Additional Standards
- (b) Properties must have minimum 400 feet frontage on County Roads.
- (c) Frontage along county road should be mixed use with commercial below and 3 story residential above.
- (d) Minimum lot area is 15 buildable acres.
- (e) For every 100 units proposed at least 15,000 square feet of commercial square feet must be proposed, to the maximum of 100,000 square feet.
- (f) For every 75 units proposed there shall be at least 3,000 square feet of community center.
- (g) Community Centers should be stand alone structures.
- (h) Minimum 18% of total project site shall be dedicated to open space, provided at least 25% of it being used for active recreation
- (i) Maximum building height:
 - i. Residential: 2.5 stories / 40 feet for townhouses
 - ii. Mixed-Use: 4 stories (1 story commercial / 3 stories residential) / 50 feet
- (j) A minimum 50 foot buffer is required around the property boundary when the site is adjacent to single family residential. No buffer is required when adjacent to open space -park use.
- (k) Off Street Parking:
 - [1] Minimum stall size: 9 ft. by 18 ft.
 - [2] Aisle width: 24 feet
 - [3] Parking Requirements:
 - i. Residential: RSIS Standards
 - ii. Retail: 1 parking space/200 square feet gross floor area (GFA)
 - iii. Office: 1 parking space/150 square feet GFA
 - iv. Community Center: 1 parking space/200 square feet GFA.

(l) Shared parking for a mixed use building permitted provided atleast 75% of total parking is shown at all times, and a shared parking analysis and its impacts report is submitted during the site plan application.

(7) Site Improvement Standards.

- (a) The entirety of 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) 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.).
 - i. 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.
 - ii. Parking standards shall be conforming with the New Jersey Residential Site Improvement Standards for garden apartments (N.J.A.C. 5:21 et seq.).
 - iii. 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.

DRAFT

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

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 ENTITLED AH-II, 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-II) is hereby established and applied to certain lands in the Township as follows:

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

§244-64.2

(1)Affordable Housing Overlay Zone (AH-II) District Overlay. The purpose of the AH-II Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary 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-II district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.

(2)Applicability. The AH-II 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-II Zone shall be permitted to be developed with residential developments with a 20%

inclusionary set-aside. 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-II 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-II Zone shall govern.

Block	Lots
902	34, 35, 39, 40
14301	10, 11, 12, 13
22111	1.01, 1.02

- (3) For the purpose of permitting the development of an inclusionary development the provisions and requirements of the AH-II District shall supersede the provisions and restrictions of the underlying zone districts. All other regulations of Chapter 244 related to parking, accessory uses, fencing, buffering, etc. shall be applicable to any development.
- (4) Principal Permitted Use shall be an inclusionary housing development of single-family dwellings.
- (5) Bulk Requirements:

Bulk Standard	Requirement
Area (sq. ft.)	9,000
Width (ft.)	90
Frontage (ft.)	90
Depth (ft.)	100
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	10
Maximum Height (ft.)	
Principal Structure	35
Accessory Structure	15
Maximum Building Coverage (%)	30%
Maximum Impervious Lot Coverage (%)	70%
Accessory Structure Side/Rear Setback (ft.)	
Garage (detached)	10
Shed	10
Pool	10

- (6) Affordable housing requirements.
 - (a) Affordable housing shall be provided through a mandatory 20% affordable housing set-aside.

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

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-III, 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-III) 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-III as follows:

§244-97.1

- (1) Affordable Housing Overlay Zone (AH-III) District Overlay. The purpose of the AH-III 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-III district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.
- (2) Applicability. The AH-III 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-III 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-III 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-III Zone shall govern.

Block	Lots
22801	3
11701	9, 9.01 through 9.23, 31, 32
19301	4
23001	17, 18, 19, 20.07, 36, 38, 39, 41, 43, 44, 45, 46, 47, 49, 50, 51
23002	1, 2, 3, 4
23003	1, 2, 3, 4, 5

(3) Principal Permitted Use in the AH-III Affordable Housing Overlay Zone shall be inclusionary mixed-use developments with multifamily affordable housing, provided that 20% of the housing units are set aside :

- (a) Commercial uses permitted in the NC Neighborhood Commercial Zone
- (b) Multifamily dwellings
- (c) Townhouses
- (d) No duplexes

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

- (a) Open space area(s);
- (b) Clubhouse;
- (c) Outdoor pool(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 accessory to the principal use.

(5) Maximum Density.

(a) The number of dwelling units shall not exceed 8 dwelling units per acre inclusive of affordable units.

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

- (a) Additional Standards
- (b) Properties must have minimum 400 feet frontage on County Roads.
- (c) Frontage along county road should be mixed use with commercial below and 3 story residential above.
- (d) Minimum lot area is 15 buildable acres.
- (e) For every 100 units proposed at least 15,000 square feet of commercial square feet must be proposed, to the maximum of 100,000 square feet.
- (f) For every 75 units proposed there shall be at least 3,000 square feet of community center.
- (g) Community Centers should be stand alone structures.
- (h) Minimum 18% of total project site shall be dedicated to open space, provided at least 25% of it being used for active recreation
- (i) Maximum building height:
 - i. Residential: 2.5 stories / 40 feet for townhouses
 - ii. Mixed-Use: 4 stories (1 story commercial / 3 stories residential) / 50 feet
- (j) A minimum 50 foot buffer is required around the property boundary when the site is adjacent to single family residential. No buffer is required when adjacent to open space -park use.
- (k) Off Street Parking:
 - [1] Minimum stall size: 9 ft. by 18 ft.
 - [2] Aisle width: 24 feet
 - [3] Parking Requirements:
 - i. Residential: RSIS Standards
 - ii. Retail: 1 parking space/200 square feet gross floor area (GFA)
 - iii. Office: 1 parking space/150 square feet GFA
 - iv. Community Center: 1 parking space/200 square feet GFA.
- (l) Shared parking for a mixed use building permitted provided atleast 75% of total parking is shown at all times, and a shared parking analysis and its impacts report is submitted during the site plan application.

(7) Site Improvement Standards.

- (a) The entirety of 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) 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.).
 - i. 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.
 - ii. Parking standards shall be conforming with the New Jersey Residential Site Improvement Standards for garden apartments (N.J.A.C. 5:21 et seq.).
 - iii. 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-III shall provide for the development of affordable housing as outlined herein. Such affordable housing shall be provided through a 20% affordable housing set-aside.

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

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 ENTITLED AH-IV, 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-IV) is hereby established and applied to certain lands in the Township as follows:

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

§244-64.3

(1) **Affordable Housing Overlay Zone (AH-IV) District Overlay.** The purpose of the AH-IV Zone is to implement the Township Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary 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-IV district provides for the development of affordable housing for low- and moderate-income housing in a suitable location.

(2) **Applicability.** The AH-IV 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-IV Zone shall be permitted to be developed with residential developments with a

10% inclusionary set-aside. 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-IV 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-IV Zone shall govern.

Block	Lots
21501	16.01, 16.02, 17.01
21502	3,4
21503	2, 3, 4, 5, 6, 7
21504	1
21601	All lots 1 through 211
21602	All lots 1 through 18
21901	All lots 1 through 32
21902	All lots 1 through 14
21903	All lots 1 through 18
21904	1, 2, 3, 4, 5, 6, 7
21905	All lots 1 through 11
21906	1
21907	All lots 1 through 20
21908	All lots 1 through 14
21909	All lots 1 through 13
21910	1, 2, 3
21911	All lots 1 through 18
21912	All lots 1 through 13
21913	All lots 1 through 18
22001	1
22002	All lots 1 through 15
22003	1, 2, 3, 4, 5, 6, 7
22004	1, 2, 3
22005	All lots 1 through 10
22006	1, 2, 3, 4, 5, 6, 7, 8
22008	1, 2, 3, 4, 5, 6, 7, 8
22101	All lots 1 through 20
22102	1, 2
22115	1, 2, 3, 4
22201	All lots 1 through 13
22202	1, 2, 3, 4, 5, 6, 7, 8, 9
22203	All lots 1 through 34
22204	1
22205	All lots 1 through 12
22206	1, 2

(3) For the purpose of permitting the development of an inclusionary development the provisions and requirements of the AH-IV District shall supersede the provisions and

restrictions of the underlying zone districts. All other regulations of Chapter 244 related to parking, accessory uses, fencing, buffering, etc. shall be applicable to any development.

(4) Principal Permitted Use shall be an inclusionary housing development of single-family dwellings.

(5) Bulk Requirements:

Bulk Standard	Requirement
Area (sq. ft.)	9,000
Width (ft.)	90
Frontage (ft.)	90
Depth (ft.)	100
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	7.5
Maximum Height (ft.)	
Principal Structure	35
Accessory Structure	15
Maximum Building Coverage (%)	30%
Maximum Impervious Lot Coverage (%)	70%
Accessory Structure Side/Rear Setback (ft.)	
Garage (detached)	10
Shed	10
Pool	10

(6) Affordable housing requirements.

(a) Affordable housing shall be provided through a mandatory 10% affordable housing set-aside.

