

**§ 211-25.2. Mixed Use Zone (MU). [Added 11-5-2007 by Ord. No. 2007-98<sup>1</sup>; amended 7-1-2008 by Ord. No. 2008-58]**

The following shall apply in the Mixed Use Zone (MU):

**A. Purpose:**

- (1) Promote compact, mixed-use, pedestrian-oriented development and greater employment opportunities.
- (2) Promote a diverse mixture of residential, commercial, neighborhood, traditional downtown, educational, institutional, office, and cultural and entertainment uses in close proximity to one another in order to attract additional businesses employment opportunities, places to live and destinations.
- (3) Emphasize pedestrian-oriented development within walking distance of transit opportunities.
- (4) Emphasize appropriate pedestrian and bicycle linkages between parks, civic uses, and government services.
- (5) Create a strong sense of place that represents a unique, attractive, and memorable destination for visitors and residents.
- (6) Enhance the community's character through the promotion of high-quality and coordinated design of building facades, gateways, and streetscape, including textured sidewalks and crosswalks, awnings, benches, landscaping, plazas, lighting, and signage.
- (7) Promote new development compatible with the existing historic character of Manahawkin Village.
- (8) Encourage the use of energy-efficient design as per LEED or Energy-Star Standards.
- (9) Encourage the provision of affordable housing through inclusionary zoning. **[Added 1-19-2010 by Ord. No. 2010-03]**

**B. Permitted uses shall be as follows:**

- (1) Offices for members of a recognized profession or business, including but not limited to a physician, dentist, chiropractor, architect, engineer, planner, attorney, real estate broker, insurance agent and accountant, and music, art or photography studios.
- (2) Any retail shopping facility or service establishment which supplies commodities or performs a service primarily for residents of the surrounding neighborhood, such as food convenience stores, delicatessens, meat markets, drugstores, variety stores, bakery shops, restaurants, luncheonettes, barbershops, beauty shops, laundromats, dry cleaners, appliance repair shops, and bookstores.
- (3) Antique shops.
- (4) Studios: art, dance, martial arts, music, photography, etc.
- (5) Restaurants, diners, taverns, cafes, coffee shops, and other eating and drinking establishments (excluding nightclubs and fast-food restaurants, but including microbreweries).

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1. Editor's Note: This ordinance also repealed former § 211-25.2, Mixed Use Zone (MU), added 5-3-1994 by Ord. No. 94-43, as amended.

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- (6) Public and private schools.
- (7) Veterinary hospitals.
- (8) Child-care centers.
- (9) Financial institutions.
- (10) Long-term care facilities, assisted-living facilities, residential health care facilities and continuing-care retirement communities.
- (11) Recreational facilities, including but not limited to parks, open space, plazas, courtyards, and other indoor recreation amenities such as bowling lanes, racquetball courts, skating rinks, tennis courts and theaters.
- (12) Churches and other places of worship.
- (13) Club and activities of a quasi-public, social, fraternal or recreational character.
- (14) Funeral homes.
- (15) Family day-care homes and adult day-care health facilities.
- (16) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, as defined in N.J.S.A. 40:55D-66.2. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
- (17) Bed-and-breakfasts, restricted to properties with frontage on Route 9, Bay Avenue, or Stafford Avenue.
- (18) Government services (city, county, state or federal).
- (19) Mixed-use building on properties with frontage on Route 9 or Bay Avenue only, provided that:
  - (a) Residential density shall not exceed 11 units per acre, calculated based on the developable area of land devoted exclusively to a mixed-used building and associated improvements. In those circumstances where a developer seeks to develop a mixed-use residential building where the residential component of the mixed-use building contains five or more residential units, said developer shall provide and develop on site one affordable housing unit for every four market-rate residential units constructed. Said affordable unit(s) shall be compliant with COAH and UHAC regulations. **[Amended 1-19-2010 by Ord. No. 2010-03]**
  - (b) All nonresidential floor space provided on the ground floor must have a minimum floor-to-ceiling height of 11 feet.
  - (c) All nonresidential floor space provided on the ground floor must contain the following minimum floor area:
    - [1] At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
    - [2] At least 20% of the lot area on lots with 50 feet of street frontage or more.
  - (d) To the greatest extent possible, the development shall divide proposed buildings into

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smaller, individualized groups, utilizing such features as courtyards, quadrangles, plazas and common areas that encourage pedestrian activity and incidental social interaction among users.

(20) Single-family residences pursuant to the requirements of the R-2 District, with the exception of properties fronting on Route 9 or Bay Avenue. **[Added 10-7-2008 by Ord. No. 2008-98]**

C. Conditional uses shall include the following:

- (1) Home occupations, subject to the provisions of § 211-35U.
- (2) (Reserved)
- (3) Multifamily dwellings, provided that the standards set forth in Subsection H below are met.
- (4) Townhouses, provided that the standards set forth in Subsection H below are met.

D. Prohibited uses. All uses not expressly permitted in this zone are prohibited.

E. Permitted accessory uses shall be as follows:

- (1) Private swimming pools and tennis courts as part of a residential development.
- (2) Parking areas.

F. Required off-street parking shall be as follows:

- (1) Nonresidential uses: Refer to § 130-81 design requirements and minimum parking requirements.
- (2) Off-street parking for residential uses shall be in conformance with the Residential Site Improvement Standards (RSIS).
- (3) Off-street parking required for nonresidential uses less than 2,500 square feet may be waived at the discretion of the Planning Board, provided that sufficient off-street parking is available within 600 feet of the use during its normal hours of operation.
- (4) All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way of residential zoning districts.
- (5) Shared parking intended to reduce impervious surface coverage for properties containing mixed-use buildings is permitted subject to the recommendations of the Board Traffic Engineer.

G. Area, yard and building requirements shall be as specified in the Local Business (LB) Zone, except as otherwise provided within this subsection herein:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum lot width shall be 150 feet.
- (3) The minimum lot depth shall be 100 feet.
- (4) Setbacks are intended to promote an appropriate building placement and orientation to the street and to adjacent buildings so as to facilitate pedestrian movement within mixed-use districts. Buildings shall be set back as follows:

(a) Front setback: **[Amended 11-20-2018 by Ord. No. 2018-24]**

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[1] Minimum: 25 feet.

[2] Maximum: 35 feet.

(b) Side yard:

[1] Minimum: 10 feet.

[2] Maximum: 20 feet.

(c) Minimum rear yard: 15 feet. **[Amended 11-20-2018 by Ord. No. 2018-24]**

(5) The maximum building height shall be three stories for lots along Bay Avenue and for lots of five acres or more located on Route 9. The maximum building height shall be two stories for lots located along Route 9 on sites of less than five acres.

(6) The maximum percent of impervious lot coverage shall be 65%.

(7) The maximum allowable floor area ratio for nonresidential uses: 1.0.

(8) Open space requirements shall be subject to § 130-51.

H. The following conditions must be met for multifamily dwellings and townhouses:

(1) The minimum lot area shall be 40,000 square feet.

(2) The maximum density shall be six dwelling units per gross acreage for townhouses. In those circumstances where a developer seeks to develop a townhouse development of five or more housing units, said developer shall provide and develop on site one affordable housing unit for every four market-rate townhouse units constructed. Said affordable unit(s) shall be compliant with COAH and UHAC regulations. **[Amended 1-19-2010 by Ord. No. 2010-03]**

(3) The maximum density shall be eight dwelling units per gross acreage for multifamily dwellings. In those circumstances where a developer seeks to develop a multifamily development of five or more housing units, said developer shall provide and develop on site one affordable housing unit for every four market-rate multifamily units constructed. Said affordable unit(s) shall be compliant with COAH and UHAC regulations. **[Amended 1-19-2010 by Ord. No. 2010-03]**

(4) All multifamily and townhouse developments must be served by public sewer and water facilities.

(5) All multifamily and townhouse developments must fully address pedestrian and bicycle circulation on site and integrate its system as a component of Township's overall circulation plan.

I. In addition to the conditions set forth in Subsection H above, the following standards shall apply to all multifamily developments, including fee simple townhouse developments, except as otherwise provided within Subsection I(14) herein. Where conflicts exist with other requirements of this zone, the provisions of this subsection shall supersede.

(1) Setback from public streets. All buildings, parking areas and other aboveground improvements, with the exception of access drives, landscaping and screening areas, shall be set back a minimum of 10 feet from the right-of-way of all public streets. Prevailing setbacks shall apply. For properties to which the Highway Access Management Code, Desired Typical Section (DTS) for Route 9, applies, the Planning Board may require a larger setback along Route 9 if

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deemed required by the New Jersey Department of Transportation.

- (2) Setback from other property lines. All buildings, parking areas and other aboveground improvements, including access drives, but excluding landscaping and screening areas, shall be set back a minimum of 15 feet from all side and rear lot lines.
- (3) Building length. No principal building, when viewed from any elevation, shall be greater than 100 feet in length.
- (4) Distance between principal buildings and internal drives. No multifamily dwellings shall be located closer than 30 feet to any access drive or internal roadway where access to a garage/driveway is proposed, and no closer than 20 feet where no garage/driveway access is proposed.
- (5) Distance between principal buildings and parking areas. No principal building shall be located closer than 15 feet to any parking area, except for access aisles or driveways to garages and/or carports which are attached to principal buildings.
- (6) Building design standards and aesthetics. Building design standards and aesthetics shall be in conformance with Subsection J of this section.
- (7) The minimum percentage of open space shall be 35% and no more than 40% of the required green space shall be provided in the rear yard or side yard behind buildings. Open space requirements may be satisfied through the provision of public plaza, village streetscape (i.e., creation of wider sidewalks or alleyways).
- (8) Maximum units per building: eight for townhouse buildings; 12 for all other buildings.
- (9) Refuse and recycling storage. There shall be provided at least one outdoor refuse and recycling storage area of at least 100 square feet for each 20 dwelling units. The refuse and recycling storage area shall be suitably located and arranged for access and ease of collection. Such storage area shall not be part of, restrict or occupy any parking aisle and shall not be located farther than 300 feet from the entrance to any unit which it is intended to serve. All refuse and recycling storage areas shall be adequately screened.
- (10) Buildings shall have no more than two dwelling units in a line without setbacks and/or breaks in building elevation of at least five feet.
- (11) Maximum height. The maximum building height shall be 32 feet or three stories, except that the third story shall be under a pitched roof and contain dormers or other architectural features to give the appearance of having only 2.5 stories. Buildings shall be designed with a Victorian style turret or other architectural treatments to serve as a focal point.
- (12) Minimum unoccupied open space. The minimum unoccupied open space shall be 30%.
- (13) Maximum impervious tract cover shall be 55%.
- (14) Standards applicable exclusively to fee simple townhouse developments:
  - (a) If private roadways are proposed, such roadways shall be located on a separate lot, owned by a homeowners' association, and shall include a minimum of 10 feet along both sides of the cartway to accommodate sidewalks, utilities, shade trees, and other such facilities as may be approved by the Planning Board.

#### J. Design standards.

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## (1) General. Development projects shall be designed and constructed to:

- (a) Be pedestrian in its focus.
  - (b) Distribute parking so as to minimize multiple vehicle trips within the development project and encourage pedestrian mobility within the site.
  - (c) Be compatible with and complement adjacent land uses.
- (2) Consistent use of architectural details and materials.
- (3) Features.
- (a) Street-level features. Long expanses of blank walls shall be prohibited. Building wall offsets, including projections, recesses, and changes in floor level, shall be used in order to add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human-scale proportions. Similarly, roofline offsets shall be provided to lend architectural interest, add variety to the massing of a building and eliminate the effect of a single, long roof.
  - (b) Facade treatments.
    - [1] A minimum of 60% to 75% of the street-facing building facade (between two feet and eight feet tall) must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.
    - [2] The bottom edge of any window or product display window may not be more than three feet to 3.5 feet above the adjacent sidewalk.
    - [3] Product display windows shall be internally lit.
  - (c) Doors and entrances.
    - [1] Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
    - [2] Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
    - [3] When nonresidential and residential uses are located in the same structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.
  - (d) Lighting: reference § 130-84.
  - (e) Walls and fences: reference existing standards.
  - (f) Building types.
    - [1] Frontage street commercial.
      - [a] New construction. To fill in existing vacant lots with high-quality commercial properties capable of contribution to the general upgrading of the quality of Bay Avenue and Route 9, new construction should be contemporary but based on traditional commercial patterns that include a pedestrian orientation and large

amounts of glass fronts.

- [b] Infill construction. Encourage preservation and sensitive refurbishment of buildings of historic character and value. Encourage the upgrading and renovation of existing buildings to improve their relationship to the street as well as their general image (width-to-height proportion, materiality, facade articulation, etc.)
- [2] Gateways. Create gateway developments that anchor the ends/edges of the Bay Avenue and Route 9 corridors that provide a substantial presence on available corner sites.
- [3] Mixed-use buildings. Encourage high-quality mixed-use properties capable of simultaneously contributing to the general upgrading of the quality of the corridors and providing live-work opportunities. New construction should be contemporary, favoring appealing building elements such as balconies, large windows, high ceilings, and large glass surfaces at the first-floor level.
- [4] Multifamily. Create alternative, residential types within the existing fabric of the community, encouraging a greater diversity of inhabitants and densities of occupation. Permit a larger number of inhabitants to be within walking distance of area retail and commercial sites, thus improving street life and neighborhood growth.
- (g) Roof form and pitch. Roofs shall be simple forms such as hip, flat, shed, gable to front, or gable to side and shall avoid excessive articulation.
- (h) Facade articulation and detailing. Architectural elements, like openings, sills, bulkheads, columns, and other architectural features, shall be used to establish human scale at the street level.
- (i) Upper-level features. Upper floor balconies, bays, and windows that overlook the street shall be provided whenever opportunities exist for such features.
- (4) Landscaping standards. The following landscape standards establish the minimum criteria for the development of roadways, parking areas, and other features to ensure continuity in aesthetic values throughout the corridor:
  - (a) Parking lots.
    - [1] All new or expanded impervious surfaces in existing parking lots with five or more spaces shall comply with this section. This shall also apply to all new parking lots for storefront, workplace, civic, and attached housing building types.
    - [2] Parking lots are to be treated as enclosed rooms for cars. For small lots (36 spaces or less), landscaping shall be required at the perimeter; for large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior. In large lots, the landscaping shall be placed to break the lot into parking modules of not more than 36 spaces.
  - (b) Landscaped buffers are required between parking, commercial uses and residential uses.
  - (c) At least 10% of each tract must be planted with native species of trees.
  - (d) Paving, grass block paving, open-faced pavers, gravel, shells or stabilized stone dust are

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encouraged in parking lots to minimize impervious surfaces.

- (e) Service and utility rooms, including transformers, meter and junction boxes, and dumpsters, must be located away from public rights-of-way and must be appropriately shielded by landscaping to avoid visual/physical intrusion.
- (f) All streetscape elements such as light fixtures, benches, etc., shall conform to the Township's specifications and be subject to Township approval.

(5) Operational standards.

- (a) Outdoor nonresidential uses in mixed-use buildings shall be prohibited from operating between the hours of 10:00 p.m. and 7:00 a.m., except that outdoor dining in designated "sidewalk cafe" areas is permitted as an accessory use to a restaurant during its normal hours of operation.
- (b) Joint tenants' and owners' association. A joint tenants' and owner's association shall be formed to ensure the well-being of each tenant and owner in a mixed-use project.
- (c) Loading and unloading. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.

(6) Screening and buffering standards.

- (a) Loading areas and recycling and refuse storage facilities shall be completely screened from view from adjacent residential portions of the project or other adjacent residential uses.
- (b) Roof-mounted equipment shall be completely screened from public view from the ground elevation.

(7) Historic structures. The Secretary of Interior's Standards for Historic Preservation shall govern in the event of a conflict of the design standards of this chapter with the design or character of the architecture of existing structures listed on the National and State Registers of Historic Places or the Stafford Historic Sites Inventory.

K. Parcel consolidation incentive program. In order to encourage the assemblage of smaller existing parcels into larger parcels that can be more efficiently developed into a mixed-use project, the following incentives are offered:

(1) Allowable incentives for parcel consolidation:

- (a) Reduction in required parking for a mixed-use project, subject to the approval of the Board Traffic Engineer.
- (b) Increase in maximum total sign area, up to a maximum of 20%, at the discretion of the Planning Board.
- (c) Increase in maximum lot coverage, up to a maximum of 10%.
- (d) Reduction in common and/or private open space requirements, up to a maximum of 10%, at the discretion of the Planning Board.

L. Historic buildings incentive. Buildings that have been deemed by the Township as having historic



- § 211-25.2 value and that are identified as having significant historic or cultural value within the historic preservation element of the 2007 Stafford Master Plan are encouraged to be maintained and retained or upgraded in a way that is substantially in accordance with its original character, consistent with the Secretary of the Interior's Standards for Historic Preservation. In order to promote the retention of such buildings, the Planning Board will allow the adaptive reuse of such buildings for the permitted uses enumerated in this section and offer the incentives as listed in Subsection K(1) above.
- M. Affordable housing incentive. The Planning Board shall consider the incentives listed in Subsection K(1) above for proposed townhouse and multifamily development and mixed-use residential buildings that contain five or more residential units and that are required to provide a twenty-percent affordable housing set-aside. The Planning Board shall also consider the following incentives in connection with density for all townhouse and multifamily development and mixed-use residential buildings that contain five or more residential units that are required to provide a twenty-percent affordable housing set-aside: **[Amended 1-19-2010 by Ord. No. 2010-03]**
- (1) The maximum residential density for mixed-use residential buildings for properties with frontage on Route 9 and Bay Avenue shall not exceed 13 dwelling units per acre, calculated based on the developable area of land devoted exclusively to a mixed-use building and associated improvements.
  - (2) The maximum density for townhouses shall not exceed eight dwelling units per acre.
  - (3) The maximum density for multifamily projects shall not exceed 10 dwelling units per acre.
- N. Sustainable development/"green" design/LEED. The Planning Board shall offer the incentives listed in Subsection K(1) above for proposed new development that commits, as a condition of site plan approval, to obtaining a minimum of silver-level certification under LEED (Leadership in Energy and Environmental Design).
- O. Where conflicts exist between requirements of § 211-25.2 and standards or requirements delineated within Chapter 130, Land Use and Development, the provisions of § 211-25.2 shall supersede.