

55-26. ML-4 MULTIFAMILY RESIDENTIAL ZONE. [Added 2-2-98 by Ord. No. 1998-1 § 2]

The following regulations apply in the ML-4 Zone. A. *Permitted Uses.*

- (1) Garden apartments, together with accessory structures in accordance with the provision of this chapter.**
- (2) Parks and preserves.**
- (3) The erection, construction, alteration or maintenance by the public utility or municipal agency of underground distribution or collection systems necessary for the furnishing of adequate service by such utility or agency to the use on the same lot and/or surrounding neighborhood or for the public health, safety or general welfare.**
- (4) Municipal offices and fire rescue stations.**

B. *Accessory and Temporary Uses.*

- (1) Same as those permitted in the PW Zone.

C. *Conditional Uses.*

- (1) None.

D. *Affordable Housing Requirements.*

- (1) All residential development within the ML-4 Zone requiring major subdivision or major site plan approval shall meet these affordable housing requirements.
- (2) Garden apartments shall not exceed a density of eight (8) units per acre.
- (3) The units shall be developed in accordance with the Regulations for Inclusionary Developments included in this chapter.
- (4) A minimum of fifteen percent (15%) of the units within the development shall be set aside for low and moderate income households.

E. *Garden Apartment General Standards.*

- (1) Maximum building height. No building shall exceed thirty-five (35) feet in height or two and five-tenths (2.5) stories.
- (2) Area and yard requirements.
 - (a) The minimum tract size shall be five (5) acres, including the areas of existing street and water areas within the tract boundary lines, provided that they total no more than two percent (2%) the tract area. All plans shall delineate the boundaries of portion(s) of the tract devoted to each use.
 - (b) The minimum building setback from the tract perimeter shall be fifty (50) feet. The setback shall be increased to seventy-five (75) feet

along all property lines abutting lands zoned for single-family detached uses.

- (c) Landscape buffers shall be provided in accordance with requirements for Buffers included in this chapter. Buffers shall be included as part of the perimeter setback in this zone.
- (d) Minimum building yard areas shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be forty (40) feet for front yards, twenty-five (25) feet for side yards and fifty (50) feet for rear yards. No building as measured radially from any corner shall be closer to any other building corner than the combined distances of the side yard requirements for each building. The combined distance of two (2) side yards shall exclude any driveway or vehicular access, such driveway or vehicular access width being in addition to the combined side yard width.
- (e) No structure shall be more than four (4) dwelling units in any unbroken building line. A setback of not less than four (4) feet shall be deemed a satisfactory break in the building line.
- (f) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission Class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of a typical unit shall be required. Any room other than kitchen,

bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.

- (g) Land area equal to at least two hundred fifty (250) square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development. Such areas shall be an integral part of the development, and each shall be at least ten thousand (10,000) square feet in size, at least seventy-five (75) feet wide and have a grade less than five percent (5%).
- (h) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

(3) Gross floor area minimums. (a) Garden apartments:

- [1] Efficiency unit: five hundred (500) square feet.
 - [2] One (2) bedroom unit: six hundred (600) square feet.
 - [3] Two (2) bedroom unit: seven hundred fifty (750) square feet.
 - [4] Three (3) bedroom unit: nine hundred (900) square feet.
- (4) Plan review shall be required by the appropriate municipal agency for all garden apartments. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations and compliance shall conform to the provisions as set forth in this chapter.

F. Apartments.

- (1) Within the ML-4 Zone, no dwelling containing apartments shall take place unless the following minimum standards are met in addition to the other requirements of this chapter.
- (2) 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, and 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 width, 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 for each dwelling unit. The number of dwelling units in one (1) building shall not exceed sixteen (16).

- (3) All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a certificate of occupancy.
- (4) All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. The total area devoted to parking shall not exceed twenty percent (20%) of the tract, and the total aggregate area devoted to both parking and interior streets shall not exceed thirty percent (30%) of the tract.
- (5) Apartment buildings may consist of any configuration that meets the prescribed area and yard requirements and does not exceed the following overall or component building lengths. Building coverage shall not exceed twenty percent (20%) of the tract area.



a = 200 feet on one plane

b = 340 feet on any angle

c = 500 feet along the center line

Buildings measured along the center line shall provide one (1) opening at ground level at least every two hundred fifty (250) feet. This opening shall be a minimum of fifteen (15) feet in clear width and height and shall be at an elevation enabling emergency-vehicle access through the opening.

- (6) No portion of any dwelling unit shall be a basement.**
- (7) Each dwelling unit shall have two (2) separate means of egress to the ground, except that any windowsill which is twelve (12) feet or less above the ground level below it shall be considered a separate means of egress.**
- (8) In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit two hundred (200) cubic feet of storage area in a convenient, centrally located area in the basement or ground floor of the dwelling structure, where personal belongings and effects may be stored without constituting a fire hazard and where said belongings and effects may be kept locked and separated from the belongings of other occupants.**
- (9) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit for the laundering and artificial drying of laundry of occupants of each dwelling unit.**

- (10) Each apartment building shall contain a single master television antenna system which shall serve all dwelling units within the building, and there shall be no additional exterior television or radio equipment permitted.
- (11) All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary for the health, safety and welfare of the public and in the public interest, including recreational facilities, shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of landscaping improvements only, an adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Barnegat Township, after approval by the Township Attorney as to form and surety, for a period of no more than one (1) year, during which time said landscaping improvements shall be completed. This subsection shall not be construed as relieving the developer of the performance bond requirements in accordance with this chapter.