

ORDINANCE No. 2021-9

**AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 86
ENTITLED "AG, AGRICULTURAL DISTRICT" IN ARTICLE VIII, CHAPTER 102
DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF COLTS NECK**

WHEREAS; on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in planning and development process in the Township, and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare, and

WHEREAS, Section 102-86A of the Colts Neck Development Regulations states the purpose of the Agricultural District is to recognize the existing agricultural characteristics while permitting new development in a manner that will encourage the continuation of farming; and

WHEREAS, when development occurs in the agricultural district, Section 102-86F3(b) of the Colts Neck Development Regulations encourages the use of lot size averaging in order to preserve major tracts of land for agricultural and/or open space; and

WHEREAS, Section 102-86F3(b)[4] of the Colts Neck Development Regulations requires the Preliminary and Final Plats of all lot size averaging developments to contain a note stating "the further subdivision of this lot which is described is prohibited"; and

WHEREAS, the purpose of this note is to ensure large tract dedications are not further divided because the development rights have been exhausted by the other lots in the development; and

WHEREAS, the definition of subdivision contained in the Municipal Land Use Law (N.J.S.A. 40:55D-7) states "The following shall not be considered subdivisions within the meaning of this act, if no new streets are created: (1) divisions of land found by the planning board or subdivision subcommittee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size, (2) divisions of property by testamentary or intestate provisions; and

WHEREAS, the Township Committee of Colts Neck Township finds it is in the best interest of the Township and the Township residents to ensure that the large tract dedications resulting from lot size averaging developments are not further divided and to preserve the original terms and conditions of development for all property owners in the development.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I: That Section 102-86F3(b)[4] Lot Size Averaging be amended and supplemented in the following parts only:

- [4] A sample deed restriction dedicating the tract(s) to agricultural or open space shall accompany the application, together with a sample deed for all single-family lots. The following statement shall be contained in the deeds for all lots in a subdivision approved under these lot size averaging provisions [including the remaining tract(s) dedicated to agricultural or open space] and shall be placed upon the preliminary plat and on the final subdivision plat that is filed. The

applicant shall furnish a copy of the filed deed conveying each lot, containing the following clause, to the Township Planning board at the time of the conveyance:

"This lot was subdivided pursuant to the lot size averaging provisions published in §102-86F(3)(b) of Chapter 102, Development Regulations, of the Code of Colts Neck Township. The further subdivision, agricultural division of land or divisions of property by testamentary or intestate provisions of this lot which is described herein is prohibited. The use of this lot for places of worship, libraries, private and public day schools of elementary or high school grades accredited by the New Jersey Department of Education is also prohibited. These restrictions shall run with the land described herein and is binding upon any and all heirs, successors and assigns in title from and after the date of this deed and shall be enforceable by the township of Colts Neck."

SECTION II Severability.

If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 28th day of April, 2021. A public hearing will be held on May 12, 2021, 7:30 p.m. Town Hall, 124 Cedar Drive.



Michael Viola, Mayor



Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	April 28, 2021					May 12, 2021				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Viola		X					X			
Deputy Mayor Bartolomeo	S	X				S	X			
Fitzpatrick		X					X			
Torchia Buss		X					X			
Rizzuto	M	X				M	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent										