

ORDINANCE NO. 15-08

AN ORDINANCE TO AMEND SECTIONS 201 AND 410 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING "NET DENSITY PROVISIONS AFFECTING RESIDENTIAL ZONES"

WHEREAS, bulk zoning regulations affecting residential zones per Section 410 of the Land Development Ordinance include Maximum Gross Residential Density, and

WHEREAS, gross density is defined under Section 201, Definitions, of the Township's Land Development Ordinance as "The permitted number of dwelling units per total area of land to be developed," and

WHEREAS, establishing a standard formula for calculating a Net Residential Density of developable units, as defined below, will provide developers and land owners with a clear basis on which to estimate the maximum permissible residential development on a property encumbered by environmental, legal, and man-made constraints, and

WHEREAS, the purpose of this Ordinance is to amend Sections 201 and 410 of the Land Development Ordinance to establish a definition of Net Residential Densities, and to establish a formula for calculating Net Residential Densities respective to Section, and

WHEREAS, Net Residential Density shall be defined as, "The permitted number of dwelling units which may be developed per acre of land, exclusive of wetlands and wetland buffers, water bodies and their riparian buffers, easements, steep slopes, and any and all other environmental, legal, or man-made constraints.", and

WHEREAS, Net Residential Density shall be the lesser of either a.) 10 units per acre, or b.) the result of the following calculation, where G = Maximum Residential Density permitted in the zone, P = proportion of property encumbered by environmental, legal, or man-made constraints:

$$\frac{G}{(1 - P)} = \text{Net Density}$$

SECTION 1.

Section 201, Definitions, of the Land Development Ordinance is hereby supplemented and amended to include the definition of Net Residential Density as aforementioned.

SECTION 2.

Section 410 of the Land Development Ordinance is hereby amended to be subdivided into Sections 410.01 and 410.02, as follows:

§410 ZONING DISTRICT BULK REGULATIONS

§410.01 SCHEDULE B

See Schedule B for Bulk Regulations by Zoning District.

#### §410.02 NET RESIDENTIAL DENSITY REQUIREMENT

- A. For Zone Districts R-1, R-2, R-3, R-4, R-5, B-3, and any other non-historic Zone District, the net residential density shall be the lesser of either a.) 10 units per acre, or b.) the result of the following calculation, where G = Maximum Residential Density permitted in the zone, P = proportion of property encumbered by environmental, legal, or man-made constraints:

$$\frac{G}{(1 - P)} = \text{Net Density}$$

- B. Developable dwelling units shall be calculated by multiplying the net density by the number of unencumbered acres on the property in question.

#### SECTION 3. 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 4. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

#### SECTION 5. SEVERABILITY

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

#### SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING: February 9, 2015

APPROVED, PASSED, AND ADOPTED: March 9, 2015

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Richard J. Cuttrell,  
Municipal Clerk

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Mary Beth Jahn,  
Mayor