

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLMDEL, COUNTY OF MONMOUTH AMENDING SECTION 30-135 OF THE TOWNSHIP CODE BY CREATING AN OVERLAY ZONE ENTITLED AFFORDABLE HOUSING MULTI FAMILY AH-MF ZONE FOR BLOCK 52 LOTS 17 AND 18 TO ALLOW FOR AFFORDABLE HOUSING MULTI FAMILY USE 2017-19

WHEREAS, pursuant to the New Jersey Supreme Court’s decision in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Township of Holmdel (the “Township”) filed an action on July 2, 2015, seeking, among other things, a judicial declaration that its amended Housing Element and Fair Share Plan (the “Fair Share Plan”) satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center, which has been recognized by the New Jersey Supreme Court as an interested party that participates as a matter of right in all cases filed by municipalities pursuant to the Mount Laurel IV case;, including the Township of Holmdel and

WHEREAS, the Court will be conducting a Fairness Hearing to determine whether to approve the Settlement Agreement, and as condition of approving the settlement and in accordance with the requirements of the Fair Housing Act and COAH’s implementing regulations, the Township will be required to adopt this Ordinance creating the Affordable Housing Multi-Family AH-MF Zone for Block 52, Lots 17 and 18;and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township Holmdel that it hereby amends Section 30-135 of the Township Code of the Township Holmdel creating a new section designated as Section 30-135.8 in the Township Code and known as the Affordable Housing Multi-Family AH-MF Zone (“AH-MF Zone”) for Block 52, Lots 17 and 18.

AH-MF ZONE

- A. The following uses are permitted within the AH-MF Zone:
 - 1. Multi-family dwelling unit apartment buildings with a minimum low- and moderate-income unit set aside of 20% of the total number of units.

- B. The following accessory uses are permitted within the AH-MF Zone:
 - 1. Off-street parking and loading, including both surface lots and enclosed parking garages;
 - 2. Internal circulation roadways;
 - 3. Open Space;
 - 4. Drainage basins. Drainage basins and drainage structures may be located within buffers and/or conservation easements pursuant to all necessary approvals being obtained from NJDEP.
 - 5. Fences; and
 - 6. Signs, including entry monument signs, directional and building identification signage.

C. The following area, yard, and building bulk requirements shall apply:

1. Maximum tract density: 9 units/acre
2. Minimum tract size: 4 acres
3. Minimum lot width: 500 feet
4. Minimum lot frontage: 500 feet
5. Minimum lot depth: 400 feet
6. Minimum front yard: 50 feet
7. Minimum side yard: 20 feet
8. Minimum rear yard: 25 feet
9. Maximum building footprint 40,000 square feet
10. Maximum building height: 54 feet (4 stories)
11. Maximum lot coverage: 25 %
12. Maximum number of total units: 60 units
13. Minimum number of affordable units: 12 units

D. The following parking requirements shall apply in lieu of the requirements of sections 30-80a, 30-80b, 30-80c, 30-80e, 30-80h, 30-80j of the Holmdel Development Regulations:

1. The minimum number of parking spaces shall be based on the per bedroom standards established in the New Jersey Residential Site Improvement Standards (RSIS) as follows:
 - a. One-bedroom units shall require 1.8 spaces per unit
 - b. Two-bedroom units shall require 2 spaces per unit
 - c. Three-bedroom units shall require 2.1 spaces per unit.
2. Access to and from Lots.
 - a. One access drive shall be permitted. The drive shall handle no more than two (2) lanes of traffic, shall be a minimum of twenty-four (24) feet wide where there is perpendicular parking. There shall be no specific dimension of length for access driveways.
 - b. The access drive shall be at least one hundred (100) feet from the right-of-way of any intersecting street, and shall be at least twenty (20) feet from any property line.
 - c. No parking shall be in the entrance/exit drive.
 - d. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the access drive connected to the street in the same manner as another street.
3. Dimensions.
 - a. Off-street parking spaces for residential uses shall be a minimum of eight and one-half (8 1/2) feet wide and eighteen (18) feet in length, except that as per section 30-70.8(d), a select number of spaces can be designed for compact cars.

- b. Parallel parking spaces shall be a minimum of twenty-five (25) feet in length in all instances.
 - c. In parking lots containing fewer than twenty (20) spaces a minimum of one (1) space shall be at least twelve (12) feet wide, and for parking lots with greater than twenty (20) spaces, two (2%) percent of all spaces shall be twelve (12) feet wide, or have an adjacent buffer area that, combined with the parking stall itself, provides a minimum width of 12 feet. These wider spaces shall be located in one (1) area and designated as parking for the handicapped.
 - d. Drive aisles shall be a minimum of twenty-four (24) feet wide where there is perpendicular parking.
4. Parking Location.
- a. Parking and loading spaces shall be located on the same lot as the use being served. No individual off-street parking or loading space shall have direct access from a street.
 - b. The edge of any parking space or drive aisle in an exterior surface parking lot shall be at least five (5) feet from any building. Interior garage parking does not require a minimum setback from the building wall.
 - c. In order to allow for sufficient parking spaces, liberty to place parking in front and side yards shall be permitted. However, no parking spaces shall be located in any required buffer area as established in section F below, and all spaces shall be set back a sufficient distance to prevent any part of a vehicle from overhanging the street right-of-way or property line.
 - d. Parking spaces located to serve residential, commercial and industrial uses shall be located conveniently to the intended dwelling unit or entrance door of a commercial use and shall generally be within one hundred fifty (150) feet of the entrance of the building and within three hundred (300) feet of commercial/industrial uses.
 - e. Parking spaces may be located off major interior circulation drives.
 - f. In multifamily developments, commercial districts and industrial zones, no parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.
 - g. Handicapped parking spaces shall be located to be most accessible and approximate to the building(s) being served and shall be specified on the site plan. Each handicapped space shall be identified by the international symbol in paint and with a sign. The sign shall be placed at the end of each space, facing the space.
5. Parking lot landscaping and buffering.
- a. One tree is required for every 8 parking spaces that are located outside of a parking garage. The required trees can be planted outside of the parking lot in a yard area with proximity to the parking lot.
 - b. A mix of shade trees and ornamental plantings should be creatively utilized for planting throughout the site and along the parking perimeter. Shading of paved areas with trees and buffering against headlights with low hedges should be considered. No specific dimensioned buffers shall be required along the perimeter of parking lots, provided that parking areas do not extend into the required buffers described in section F below.

6. Loading requirements. The means and methods of operating the building should be addressed, however, given the unique characteristics of this zone, no specific requirement or dimensions for a loading zone should be required to allow for creativity and flexibility in managing the site. Where loading or operational areas are integrated for the building, they should be appropriately and aesthetically integrated into the site through building elements, fencing, and/or landscaping. There shall be no specific buffer planting requirement or dimension around a loading area.
7. Other parking regulations. Provisions of the Holmdel Zoning Ordinance Section 30-80d, 30-80f, 30-80g, and 30-80i apply.

E. Buffers and Landscaping

1. The following buffer and landscaping requirements shall apply in lieu of the requirements of section 30-54 of the Holmdel Development Regulations:
2. All development should provide aesthetically pleasing landscaping, but given the unique characteristics of this zone, no specifically delineated buffer or buffer easement from property lines in the side and rear yard should be required. Where development abuts a developed residential property or community, and there remains no existing vegetation, then a buffer consisting of a double row of planted evergreens, a mix of deciduous and evergreen plantings, a solid fence, or some combination should be provided.
3. A buffer with a minimum width of 15 feet as measured from the curb line shall be required in the front yard along the street frontage. Street tree plantings within this buffer area shall be required as per section 30-93 of the Holmdel Development Regulations.
 - a. No structure or accessory uses are permitted in the required buffer area.
 - b. Sidewalks of both a straight and winding path are permitted in the required buffer area. Sidewalks should be composed of a bituminous paving material.

F. Lighting. The following lighting requirements shall apply in lieu of the requirements of section 30-69 of the Holmdel Development Regulations:

1. The objective is to provide safety and security on the site and minimize undesirable off-site effects. While mounting heights may vary, the intent is to minimize the heights of lights. All area lighting in places such as parking lots or for security shall provide translucent fixtures with shields around the light source.
2. The light intensity at ground level shall be an average of one and zero-tenths (1.0) footcandle. In all instances, no lighting source shall shine or reflect into windows or onto streets and driveways. No lighting shall be a beam or a rotating, pulsating or other intermittent frequency.

G. Signage

1. Section 30-96 of the Holmdel Development Regulations shall apply. The AH-MF zone is considered a residential district for the purpose of signage regulations in section 30-96.2.

H. Environmental Requirements

1. All development shall adhere to Flood Hazard Area, Wetlands and Stream Corridor buffers set by NJDEP or other similar authority having jurisdiction.

2. The following standards override any conflicting subsections of section 30-58:
 - a. To accommodate the need to improve drainage patterns and maximize flood prevention, liberty to grade, clear, de-s snag or install utility and drainage structures within any conservation easements and stream corridor buffers shall be permitted. Reasonable effort shall be made to limit disturbance within the buffer. Such 'drainage improvements' including stormwater pipes, soil stabilization, removal of impeding debris or vegetation shall not constitute a reduction in the buffer or require buffer averaging. A drainage easement shall not be required for drainage facilities located within a conservation easement.
 - b. There shall not be a setback requirement above and beyond the 100' stream corridor buffer or any conservation easement for principal or accessory structures, provided that the conservation easement is monumented and fenced along its boundary, with the fence placed one (1) foot outside of the easement area.
 - c. There shall be no monumentation required for the stream corridor itself. Demarcation is required only for the boundary of the conservation easement as described above in section I.2(b).
 3. Given that there is an existing conservation easement preserving a stream corridor buffer within the zone, only the following Resource Management Sections of the Township Code shall be applicable to the AH-MF zone:
 - a. 30-116.3
 - b. 30-116.4
 - c. 30-116.5
 - d. 30-116.7, as modified below
 - e. 30-116.8
 - f. 30-116.9
 - g. 30-116.10
 - h. 30-116.11
 4. The following standards override any conflicting subsections of section 30-116.7(e):
 - a. An applicant shall be permitted to match or utilize previously recorded stream corridor buffers, where such buffer may have been set, averaged, or reduced in a prior approval.
 - b. An applicant shall not be required to buffer contiguous steep slopes.
 5. The property owner shall be required to de-s snag the portion of the Mahoras Brook within the property twice a year.
- I. Technical Requirements. Given the unique conditions of the zone, the following technical standards will apply and prevail over any conflicting standards in the Holmdel Development Regulations or the Holmdel Development Design Manual:
1. Sight triangles shall be required to meet AASHTO standards.
 2. To accommodate the need to improve drainage patterns and maximize flood prevention, grading, basin and channel side slopes, and related improvements should be permitted at a

maximum slope of 3:1. Slopes should be stabilized per County Conservation District standards.

3. To accommodate the need to improve drainage patterns and maximize flood prevention, grading and utilization of any portion of the site should be permissible if needed. Therefore, no limits should or restrictions on disturbance of steep slopes shall be set. Unnecessary disturbance of slopes greater than 25% should be avoided where practical. Slopes should be stabilized per County Conservation District standards.
4. To accommodate the need to improve drainage patterns and maximize flood prevention, HDPE piping methods and materials shall be permitted for roof drain systems.

J. Other Regulations

1. Standards for Townhomes and other Multi-Family Dwellings
 - a. The building length limits of section 30-106.b shall not apply. However, developers are encouraged to break the plane of eastern-facing building facades with variation in finishing elements, colors, or other architectural features so that no homogeneous wall area extends for a length greater than 200 feet.
 - b. Public spaces for tenant use, such as clubhouses or club rooms, playgrounds, and recreational facilities shall be permitted. Inclusion of amenity space and recreational facilities shall not be deemed to be a requirement.
2. Sections 30-70.1, 30-70.2, 30-70.3, and 30-70.7, and section 30-70.8 in part, related to the development of lower income housing all apply to the development of multi-family apartments in this district. Sections 30-70.4, 30-70.5, 30-70.6, and the minimum parking requirement of two spaces per unit in section 30-70.8(d) do not apply.
3. The bedroom distribution for the affordable units shall provide the bedroom distribution as required by applicable COAH regulations.

BE IT FURTHER ORDAINED, that from the date that this ordinance becomes effective through the expiration date of the Judgment of Repose entered in the declaratory judgment action filed by the Township entitled In the Matter of the Application of the Township of Holmdel, Docket No. MON-L-2523-15, this ordinance shall supersede the underlying zoning and the affordable housing use identified herein shall be the exclusive use of the property governed by this zoning ordinance. Thereafter, the uses and conditions connected thereto in the underlying zoning shall become effective and this ordinance shall become overlay zoning.

BE IT FURTHER ORDANED that if any Section or provision thereof shall be adjudged invalid, such determination shall not affect the other Sections or provisions thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that all other Ordinances or provisions of the Code of the Township of Holmdel or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.

This Ordinance shall take effect upon its passage and publication as required by law..

LEGAL NOTICE

This ordinance creates a new section designated as Section 30-135.6 in the Township Code known as the "Affordable Housing Multi Family AH-MF Zone" allowing for multi-family market rate housing and affordable housing units for the property designated as Block 52, Lots 17 and 18, located on Palmer Avenue, Holmdel, NJ 07733.

A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Township Hall, 4 Crawford's Corner Road, Holmdel, NJ between the hours of 8:30am and 4:30pm on Monday through Friday, except on legal holidays.

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on November 13, 2017 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on December 20, 2017 at Township Hall, 4 Crawford's Corner Road, Holmdel, NJ at 8:00 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Gregory Buontempo, Mayor

Attest:

Maureen Doloughy, RMC

Township Clerk