

## TOWNSHIP OF HOLMDEL

### 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 GREENHOUSE AH-GH" FOR BLOCK 35, LOTS 14.01 & 15 TO ALLOW FOR MIXED USE RESIDENTIAL MARKET RATE AND AFFORDABLE HOUSING UNITS 2017-18

**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 by order of the Court to adopt this Ordinance creating the Affordable Housing Greenhouse AH-GH Zoning District; and

**WHEREAS**, this Ordinance shall set forth the zoning regulations and bulk standard requirements for all development within the newly created Affordable Housing Greenhouse AH-GH Zoning District ("AH-GH Zone") for Block 35, Lots 14.01 & 15

**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 30-135.6 in the Township Code and known as the AH-GH Zone for Block 35, Lots 14.01 and 15 to allow for mixed use residential market rate housing and affordable housing units.

Section 30-135.6 shall read as follows:

#### **AH-GH ZONE**

A. The following uses are permitted within the AH-GH Zone:

1. Townhouses
2. Multiple Family Apartments
3. Retail (first floor only)

4. Restaurants (first floor only)
5. Personal Service (first floor only)
6. Professional Service (first floor only)
7. Mixed Use (non-residential first floor only)
8. Professional Office
9. Medical Office
10. Uses customary and incidental to the hospital use.

B. The following accessory uses are permitted within the zone:

1. Clubhouse;
2. A community pool, associated mechanicals and mechanical housing structures;
3. Open Space;
4. Fences;
5. Drainage basins. Drainage basins and drainage structures may be located within buffers and/or conservation easements.
6. Signage, including entry monument signs, directional and building identification signage;
  - a. Two (2) freestanding, double-sided, ground mounted monument signs are permitted. Each sign shall be no more than 45 square feet per side or greater than 6 feet in height. The sign must be setback at least 10 feet from a street line.
  - b. One (1) ground mounted freestanding identification sign in front of each residential building with a maximum sign area of 12 square feet and no more than 3 feet in height.
  - c. One (1) building mounted identification sign for each building with a maximum sign area of 6 square feet and only on the first floor of each building.
  - d. Signage for commercial development shall comply with Section 30-96
7. On and off-street parking areas, loading areas, and internal circulation roadways;
8. Patios and deck areas associated with each residential unit; and

9. Any and all other customarily incidental uses as the Board may determine to be clearly associated with and subordinate to the permitted principal uses listed in Section A.

C. All development in the AH-GH zone shall conform to the following Bulk Standards:

- |   |                                |
|---|--------------------------------|
| 1. Minimum Tract Area:  | 10 acres                       |
| 2. Minimum Tract Width:   | 400 feet                       |
| 3. Minimum Lot Frontage:  | 400 feet                       |
| 4. Minimum Front Yard Setback   | 15 feet                        |
| 5. Minimum Side Yard Setback<br>to residential                          | 40 feet                        |
| 6. Minimum Side Yard Setback<br>to commercial                           | 30 feet                        |
| 7. Minimum Rear Yard Setback  | 20 feet                        |
| 8. Minimum Setback from Building to<br>Interior Road without sidewalks: | 15 feet                        |
| 9. Minimum Side Yard Setback<br>to Interior Roads with sidewalk:        | 20 feet                        |
| 10. Minimum Setback from Parking:                                       | 6 feet                         |
| 11. Front to Front Building Separation:                                 | 60 feet                        |
| 12. Side to Side Building Separation:                                   | 30 feet                        |
| 13. Rear to Rear Building Separation:                                   | 30 feet                        |
| 14. Side to Rear Building Separation:                                   | 30 feet                        |
| 15. Maximum Building Height   |                                |
| Townhouse   | 3 stories/45 feet              |
| Apartments  | 3 stories over parking/54 feet |
| Mixed Use   | 4 stories/ 50 feet             |
| Retail  | 50 feet                        |
| Restaurant  | 35 feet                        |

16. Maximum Building Length:	250 feet
17. Maximum Number of Units per Building:	
Townhome	16 units
Apartments	50 units
Mixed Use	14 units
18. Minimum Number of Units per Building:	2 units
19. Maximum Lot Coverage:	60%
20. Minimum Number of Affordable Units	30
21. Maximum Number of Total Units	160

D. Other Development Regulations:

1. Parking for residential development shall be per Residential Site Improvement Standards, except where de minimus exceptions are necessary to affect the intent of this Ordinance.

2. Parking for commercial development shall be pursuant to the following:

Retail:	1 space/200 square feet
Restaurant:	1 space/3 seats
Personal Service	1 space/200 square feet
Professional Service	1 space/200 square feet

3. Buffer to any adjoining residential property shall be 25 feet and provide a minimum screening of at least 10 feet in width, planted with a single row of evergreen trees.

4. 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.

5. In the AH-GH zone, to minimize land disturbance and maximize preservation of existing perimeter wooded areas, tiered walls shall be permitted, provided that each tier shall not exceed 8 feet in height and the slope as measured from the top of the retaining wall tier to the top of the adjacent retaining wall tier shall not exceed twenty-five percent (25%). There can be no more three (3) tiers and each tier is required to be set back three feet.

6. On and off-street parking, storm-water facilities, loading areas, and internal circulation roadways shall be permitted within required setback areas and/or buffers.

7. Only the following Resource Management Sections of the Township Code shall be applicable to the AH-GH zone:

- Section 30-116.3
- Section 30-116.4
- Section 30-116.5
- Section 30-116.7
- Section 30-116.8
- Section 30-116.9
- Section 30-116.11

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

9. The bedroom distribution for the affordable units shall provide the bedroom distribution as required by applicable COAH regulations.

10. Ingress and egress driveways shall be a maximum of 24 feet wide.

11. Two-way parking aisles with parking stall widths of 8 ½ feet to 9 feet wide to be 24 feet wide.

**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 Greenhouse AH-GH" Zone allowing for mixed use residential market rate housing and affordable housing units for the property designated as Block 35, Lots 14.01 and 15, commonly known as 670 North Beers Street, 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 Crawfords 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 Crawfords 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