

TOWNSHIP OF HOLMDEL

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLMDEL, COUNTY OF MONMOUTH AMENDING THE TOWNSHIP CODE AMENDING SECTION 30-135 OF THE TOWNSHIP CODE BY ESTABLISHING A NEW ZONING DISTRICT KNOWN AS THE AH-MU AFFORDABLE HOUSING MIXED-USE ZONE OVERLAY DISTRICT 2017-21

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 AH-MU Affordable Housing Mixed Use Zone Overlay District ("AH-MU Zone")

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 30-135.5 in the Township Code and known as the AH-MU Zone for Block 59, Lots 6 and 7.

AH-MU ZONE

A. Purpose.

The zone is located off Route 35, adjacent to a shopping center that could provide future residents with convenient access to everyday shopping needs. The primary purpose of the zone is to create an additional opportunity for the construction of inclusionary affordable housing in Holmdel. It serves the additional purpose to support mixed-use, compact and accessible development where adjacent commercial and residential uses within the zone and adjacent to the zone support one another, and are reachable for pedestrians and vehicles alike.

B. The following uses are permitted within the AH-MU Zone:

1. Multi-family dwelling unit apartment buildings with a minimum low- and moderate-income unit set aside of 15% of the total number of units.
2. Retail sales and service uses conforming to C-1 District regulations.

C. One lot may contain more than one permitted use and more than one principle building, with each building containing a maximum of one permitted use.

D. The following accessory uses are permitted within the AH-MU Zone:

1. Off-street parking and loading, including both surface lots and below-grade parking garages;
2. Internal circulation roadways;
3. Drainage basins. Drainage basins and drainage structures may be located within buffers and/or conservation easements.
4. Fences;
5. Signage, including entry monument signs, directional and building identification signage according to the following schedule:
 - a. Independent signage is permitted for each principally permitted use within the zone. Signage for residential uses shall follow the standards in section D-5.b below. Signage for commercial uses shall follow the standards in section D-5.c below.
 - b. One (1) freestanding, double-sided ground mounted monument identification sign for the residential buildings is permitted. The sign shall be no more than 45 square feet per side, nor shall it be greater than 6 feet in height. The sign must be set back at least 10 feet from the street line.
 - c. Signage for commercial development shall comply with Section 30-96.

E. The following area, yard, and building requirements shall apply. Area and yard requirements apply to the development tract, which includes all lots in the zone considered together as a single developable area.

1. Maximum tract density: 15.7 units/acre
2. Minimum tract size: 11.5 acres
3. Minimum tract width: 200 feet
4. Minimum tract front yard setback: 100 feet
5. Minimum tract side yard setback: 20 feet
6. Minimum tract rear yard setback: 80 feet
7. Minimum building separation
 - Side-to-side: 40 feet
 - Side-to-rear: 60 feet
8. Maximum building height:
 - a. Residential building 60 feet (5 stories)
 - b. Commercial building 45 feet
9. Maximum tract coverage: 45 %
10. Maximum tract building coverage: 20 %

- a. Parking and loading spaces shall be located on the same lot as the use being served. The edge of any parking space shall be at least five (5) feet from any building. Interior garage parking does not require a minimum setback from the building wall.
- b. No individual off-street parking or loading space shall have direct access from a street. No loading areas shall be in the front yard.
- c. All off-street parking lots along arterial and collector streets shall be set back at least fifteen (15) feet from the right-of-way. Parking areas shall be set back a at least five (5) feet from all property lines. 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, generally within three hundred (300) feet of a building entrance. Parking is permitted in all yard areas, subject to the minimum setback requirements from the right-of-way and property lines.
- 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.
- h. Other parking regulations. Provisions of the Holmdel Zoning Ordinance Section 30-80d, 30-80f, and 30-80g apply.

G. 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.

H. Other Development Regulations

- 1. Pedestrian circulation requirements. Pedestrians shall have a means of accessing the shopping center to the east of the lot 6, so that it is possible to walk from apartment buildings to the shopping center without walking along Route 35. To the maximum extent possible, the location of this access point shall be centered among all residential buildings.

Meeting this requirement may involve the cooperative negotiation of an access easement with the owners of Block 59 Lot 8. The purpose of this pedestrian access point is to mitigate total vehicle trips and provide an additional circulation option that allows residents convenient access to everyday consumer goods within walking distance of the property.

2. Sight triangles shall be required to meet AASHTO standards.
3. The buffer requirements of section 30-54 are not applicable.
4. Stormwater facilities may be located within required setback and buffer areas.
5. An application for development does not require a Woodlands Retention and Preservation Plan.
6. Only the following Resource Management Sections of the Township Code shall be applicable to the AH-MU zone:
 - a. Section 30-116.3, item b.4
 - b. Section 30-116.4
 - c. Section 30-116.5
 - d. Section 30-116.8
 - e. Section 30-116.9
 - f. Section 30-116.11
7. All development shall adhere to Flood Hazard Area, Wetlands and Stream Corridor buffers set by NJDEP or other similar authority having jurisdiction.
8. 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.
9. The bedroom distribution for the affordable units shall provide the bedroom distribution as required by applicable COAH regulations.
10. 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.
11. Financing subdivisions. No variance shall be required for bulk, design and buffer requirements on a lot developed with uses permitted in the AH-MU zone where the need for such variance is caused solely by a subdivision of such lot into two (2) or more for financing of such uses. A subdivision created for financing purposes shall include a

subdivision to allow separate ownership of lots within an AH-MU development, or to allow separate liens on the subdivided lots even if such lots remain under one (1) owner, all in order to facilitate coordinated development of a site plan or site plans which are consistent with an approved development plan.

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 "AH-MU Affordable Housing Mixed Use Zone" allowing for mixed use commercial, market rate housing, and affordable housing for the property designated as Block 59, Lots 6 and 7, commonly known as 2147 State Highway 35, 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