

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 AH-MR AFFORDABLE HOUSING MIDDLE ROAD ZONE FOR BLOCK 57, LOT 2 2017-20

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 Middle Road Overlay Zone District; 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 30-135.7 in the Township Code and known as the AH-MR Affordable Housing Middle Road Zone for Block 57, Lot 2 (the “AH-MR Affordable Housing Zone”).

Section 30-135.7 shall read as follows:

AH-MR AFFORDABLE HOUSING MIDDLE ROAD ZONE DISTRICT

A. Purpose.

The purpose of the zone is to create an opportunity for the construction of inclusionary affordable housing in Holmdel at Block 57, Lot 2.

B. The following uses are permitted within the AH-MR Affordable Housing Zone:

1. Multi-family apartments with a minimum low- and moderate-income rental unit set aside of 20 percent of the total number of rental units.

C. The following accessory uses are permitted within the AH-MR Overlay Zone:

1. Off-street parking and loading;
2. Internal circulation roadways;
3. Open Space;

4. Drainage basins and stormwater structures may be located within buffers and/or conservation easements;
5. Fences;
6. Signage, including entry monument signs, directional and building identification signage according to the following schedule:
 - a. 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.

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

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| 1. Maximum tract density: | 12.38 units/acre |
| 2. Minimum tract size: | 4 acres |
| 3. Minimum tract width: | 250 feet |
| 4. Minimum perimeter setback for buildings: | 85 feet |
| 5. Minimum front yard:* | 20 feet |
| 6. Minimum side yard: | 20 feet |
| 7. Minimum rear yard | 25 feet |
| 8. Minimum separation between buildings: | 30 feet |
| 9. Maximum building height: | 3 stories over parking |
| 10. Maximum lot coverage: | 30% |
| 11. Maximum building wall length: | 145 feet |
| 12. Maximum number of units per building: | 30 units |
| 13. Maximum number of total units: | 52 units |
| 14. Minimum number of affordable units: | 10 units |

* For multi-family apartments, the front, rear, and side yard definitional provisions in section 30-3 that allow for the designation of the front, rear, and side yards for apartment complexes, irrespective of their orientation to the street, apply.

E. The following parking requirements shall apply to multi-family rental apartments.

1. The minimum number of parking spaces shall amount to 2 spaces per residential unit.
2. Access To and From Lots. Drives shall be limited to one (1) to any street. Each drive shall handle no more than two (2) lanes of traffic, shall be at least eighteen (18) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic, 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. No parking shall be in the entrance/exit drive. 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. 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.
- c. For parking spaces 8 to 9 feet wide, oriented perpendicular to the drive aisle, a minimum aisle width of 24 feet is required for both one- and two-way aisles.

4. Location of Parking and Loading Areas.

- 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. No individual off-street parking or loading space shall have direct access from a street. No loading areas shall be in the front yard. All off-street parking lots along arterial and collector streets shall be set back at least fifteen (15) feet from the right-of-way.
- b. No loading and parking spaces shall be located in any required buffer area, 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.
- c. 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. Parking is permitted in the designated rear yard and in one designated side yard.
- d. In multifamily developments, commercial districts and industrial zones, no parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.
- e. 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. Other parking regulations. All other provisions of the Holmdel Zoning Ordinance Section 30-80b, 30-80c, 30-80d, 30-80f, 30-80g, and 30-80i apply.

F. Other Development Regulations

1. The buffer requirements of section 30-54 are not applicable. Multi-family apartments shall provide a minimum landscaped buffer of 20 feet and a privacy fence of a minimum of 6 feet in height between any principle and/or accessory uses or structures, and adjacent single-family residential uses.
2. Lighting. The following lighting requirements shall apply in lieu of the requirements of section 30-69 of the Holmdel Development Regulations:
 - a. 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.
 - b. 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.
3. An application for development does not require a Woodlands Retention and Preservation Plan.
4. Only the following Resource Management Sections of the Township Code shall be applicable to the AH-MR zone:
 - a. Section 30-116.3
 - b. Section 30-116.4
 - c. Section 30-116.5
 - d. Section 30-116.6
 - e. Section 30-116.8
 - f. Section 30-116.9
 - g. Section 30-116.11
5. All development shall adhere to Flood Hazard Area, Wetlands and Stream Corridor buffers set by NJDEP or other similar authority having jurisdiction.
6. 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. Sections 30-70.1, 30-70.2, 30-70.3, 30-70.7, and 30-70.8 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, and 30-70.6 do not apply.

7. Sight triangles shall be required to meet AASHTO standards.
8. The required 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 "AH-MR Affordable Housing Middle Road Zone" allowing for multi-family market rate housing and affordable housing units for the property designated as Block 57, Lot 2, commonly known as 625 South Laurel 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 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