

TOWNSHIP HOF HOLMDEL, COUNTY OF MONMOUTH

ORDINANCE 2020-06

AN ORDINANCE AMENDING CHAPTER 30, “DEVELOPMENT REGULATIONS” OF THE CODE OF THE TOWNSHIP OF HOLMDEL BY CREATING A NEW SECTION 30-135A ENTITLED “AF-MF2 AFFORDABLE HOUSING MULTIFAMILY ZONE 2.”

WHEREAS, the Township of Holmdel (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Holmdel, Docket No. MON-L-2523-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Township entered into a First Amended Settlement Agreement with Fair Share Housing Center on or about January 11, 2019 (the “Settlement Agreement”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing on April 4, 2019 and entered an order on May 1, 2019 approving the Settlement Agreement by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Township entered into an Amendment to the First Amended Settlement Agreement dated December 10, 2010, and the Court conducted a second Fairness Hearing on January 30, 2020 approving the Amendment to the First Amended Settlement Agreement by and between the Township and Fair Share Housing Center finding again on a preliminary basis that the Settlement Agreement is fair to low and moderate income households;

WHEREAS, the Court Order approving the Settlement Agreements requires the Township to adopt zoning for the Middle Road site located at Block 57, Lot 2 on the tax map of the Township of Holmdel to create a 50 unit family rental one hundred percent affordable housing project so as to meet its obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing; and

WHEREAS, this Ordinance shall set forth the zoning regulations and bulk standard requirements for all development within the newly created AF-MF2 Zone; and

WHEREAS, the Township Committee finds it is in the best interest of the Township to comply with the Court’s Order and implement the terms and conditions of the Settlement Agreements with Fair Share Housing Center which includes the creation of the AF-MF2 Affordable Housing Multifamily Zone 2.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey, that Chapter 30, Article 5 shall be amended to include a new Section 30-135A entitled “AF-MF2 Affordable Housing

MultiFamily Zone”, which shall regulate development through the following zoning regulations and bulk standards.

30-135A. AH-MF2 AFFORDABLE HOUSING MULTIFAMILY ZONE 2

30-135A.1. Purpose

The AH-MF2 zone is established to provide an opportunity for the construction of a 100% affordable housing project with 50 affordable multifamily rental apartments on the property designated on the Township Tax Map as Block 57, Lot 2, which are intended to address the Township’s obligation to implement the Settlement Agreements with Fair Share Housing Center as part of the Township’s third round affordable housing obligation so as to provide its fair share of the region’s affordable housing need.

30-135A.2. General Provisions

- A. The development regulations set forth herein shall apply to the zone as a whole, not to individual lots which may be created therein. For the purposes of this section, the word “tract” shall mean the entire zone district.
- B. The tract shall be permitted to be subdivided into one or more parcels, and one or more buildings or uses shall be permitted on a single parcel. The tract shall be permitted to be constructed in one or more phases.
- C. The regulations set forth in this Section 30-135A shall apply to the AH-MF2 Zone. Any other zoning and design requirements of the Township of Holmdel Development Regulations set forth in Articles IV and V of Chapter 30 or the Township of Holmdel Design Manual shall apply only when specifically referenced herein. This section shall supersede any conflicting development criteria.
- D. The administrative and procedural aspects of the Holmdel Development Regulations Chapter XXX Articles II and III shall remain applicable, except the following submission checklist requirements shall not be required in connection with any development application in the AH-MF2 zone.
 - 1. Environmental Impact Report (A 19)
 - 2. Environmentally Sensitive Land Areas Map (A 23)
 - 3. Soil Borings (E 7)
 - 4. Environmental (J, Items 1-9)

30-135A.3. Use Regulations

- A. Permitted principal uses. A development consisting of 100% affordable multifamily rental apartments, consisting of two or more detached buildings.
- B. Permitted accessory uses.
 - 1. Clubhouses and community buildings.
 - 2. A management office.
 - 3. Indoor and outdoor multi-family apartment building amenities including, but not limited to a community room, fitness center, meeting room, business center, playground or other recreational facilities. Inclusion of amenity space and recreational facilities shall not be deemed a requirement.
 - 4. Recreational facilities.
 - 5. Patios, decks, terraces, or balconies.
 - 6. Parking facilities, either surface (open air) or structured.
 - 7. Any other use customarily incidental to a principal use.

30-135A.4. Area and Bulk Requirements

- A. Tract requirements:
 - 1. Minimum tract area: 3.5 acres
 - 2. Required tract development yield: 50 dwelling units
 - 3. Maximum tract impervious coverage: 75%
- B. Building requirements:
 - 1. Maximum building height: 3½ stories, 45 feet
 - 2. Minimum building setbacks. Setback dimensions shall be measured from the location of the tract perimeter as it exists at the time of the adoption of this ordinance. Setback requirements in this section shall apply to buildings only, not to accessory structures such as parking and lighting.
 - a) From tract perimeter: 20 feet
 - b) From other buildings: 20 feet
- C. CAFRA requirements. In addition to the tract coverage requirement set forth above, the tract shall be subject to the maximum impervious coverage requirements of CAFRA, set forth in N.J.A.C. 7:7-13.17, as follows:
 - 1. Metropolitan Planning Area: 80%
 - 2. Suburban Planning Area: 30%

30-135A.5. Buffering and Landscape Requirements

- A. Frontage buffer. There shall be a frontage buffer provided along the Middle Road and South Laurel Avenue tract perimeters, which shall be as follows:
 - 1. The buffer width shall be a minimum of 20 feet as measured from the right-of-way line existing at the time of the adoption of this ordinance.

2. The buffer shall be maintained as a landscaped area and no structures shall be permitted within the buffer except for access drives, walkways, stormwater management facilities, utilities and/or signs.
 3. The buffer landscaping shall consist of a combination of trees and shrubs, and may also include ornamental grasses, perennials, and annuals.
 4. The minimum planting height for shrubs shall be 3 feet and the minimum planting height for trees shall be 8 feet.
 5. Where existing vegetation is preserved, new plantings shall not be required.
- A. Transition buffer. A transition buffer shall be provided where the tract boundary does not abut a street, which shall be as follows:
1. The transition buffer width shall be a minimum of 5 feet as measured from the tract boundary as it exists at the time of the adoption of this ordinance.
 2. The transition buffer shall be maintained as a landscaped area and no structures shall be permitted within the buffer except for fencing, walls, walkways, stormwater management facilities, utilities and/or signs.
 3. The buffer landscaping shall consist of a continuous row of evergreen trees in a staggered row and the buffer may also include trees and/or shrubs and/or ornamental grasses, perennials, and annuals.
 4. The minimum planting height for evergreen trees shall be 8 feet.
 5. Where existing vegetation is preserved, new plantings shall not be required.
 6. The transition buffer may include a solid privacy fence.

30-135A.6. Parking Requirements

- A. The minimum number of off-street parking spaces required shall be 1.8 spaces per residential unit. No additional off-street parking spaces shall be required for accessory structures or uses.
- B. Minimum Parking Setbacks
1. From tract perimeter forming a municipal boundary: 5 feet
 2. From tract perimeter other than above: 20 feet

30-135A.7. Design Regulations

- A. Architecture.
1. Façades. Building façades shall be broken up at 25-foot to 50-foot intervals, to add architectural interest and variety, and to relieve the visual effect of a long, monotonous wall. This may be accomplished, by way of example, through changes in materials, color, pattern and/or texture; changes in the size and rhythm of fenestration or glazing; or changes in the roofline such as coping, parapet, cornice or similar ornamental features.
 2. Roofs. Flat and/or pitched roofs shall be permitted.
 3. Residential density per building. The maximum number of residential units per building shall be 24.

B. Landscape Architecture.

1. All areas that do not contain buildings or structures shall be landscaped with plantings and/or lawn.
2. All plant materials shall be in accordance with “The American Standards for Nursery Stock”

C. Access, Circulation, and Parking Design.

1. All access, circulation, and parking dimensions shall be in accordance with the Residential Site Improvement Standards (RSIS) and the Americans with Disabilities Act (ADA).
2. Parking areas shall be permitted in any yard, including the front yard, provided the buffer requirements set forth above are met.

D. Stormwater and Utility Design.

1. All stormwater shall be in accordance with the Residential Site Improvement Standards.
2. All utility design shall be in accordance with the Residential Site Improvement Standards.

E. Lighting.

1. Lighting shall comply with the requirements of Section 30-69 of the Holmdel Development Regulations

F. Refuse.

1. All refuse and recycling storage shall be fully enclosed and screened within the building or, if outside, within a refuse enclosure that is a minimum of 6 feet high on all sides.
2. The refuse enclosure shall include a separate access gate for persons, aside from the main gate for vehicle access.

G. Fences and Walls

1. Fences and walls shall be permitted in any yard, including the front.
2. Fences and walls in the front yard shall be a maximum of 4 feet high.
3. Fences in the front yard shall be 50% open.
4. Fences and walls in yards other than the front yard shall be a maximum of 6 feet high.

H. Signs.

1. One ground sign shall be permitted per frontage and one wall sign shall be permitted per building.
2. The maximum sign area for any sign shall be 60 square feet.
3. The maximum height for any ground sign shall be 8 feet.

I. Mechanical Equipment.

1. Air conditioning units, HVAC systems, and related mechanical equipment and elevator housing shall be screened to minimize visual impact.

J. Other Development Regulations

1. Sight triangles shall be required to meet AASHTO standards.
2. Stormwater facilities may be located within required setback and buffer areas.
3. An application for development does not require a Woodlands Retention and Preservation Plan.
4. All development shall adhere to stormwater design and wetlands protection requirements set by NJDEP or other similar authority having jurisdiction.

30-135A.8. Affordable Housing Requirements

- A. All residential units in the zone shall comply with the affordable housing requirements that exist by law at the time of final development approval, including by way of example, the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the Uniform Housing Affordability Controls regulations (N.J.A.C. 5:80-26.1, et seq.).
- B. The bedroom distribution and the minimum unit sizes shall be in accordance with applicable affordable housing laws.
- C. Each apartment unit shall be deed restricted with affordability controls for residents with low (including very low) and moderate incomes as prescribed by law and shall comply with Section 14-16 of the Township Code as amended and supplemented by Ordinance 2020-07.

BE IT FURTHER ORDAINED 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.

LEGAL NOTICE

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 February 27, 2020 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on July 28, 2020 at 7:30 PM, conducted on an electronic basis, pursuant to P.L. 2020, c. 11, login information will be provided at www.holmdeltownship.com and the public hearing will be conducted electronically while affording full public participation.

Gregory Buontempo, Mayor

Attest:
Wendy L Patrovich, RMC/CMR
Township Clerk

CERTIFICATION

I, hereby certify that I, the undersigned, am the Municipal Clerk of the Township of Holmdel, and am duly authorized to certify Ordinances adopted by the Township Committee at a regular meeting held on the 28, day of July 2020.

WENDY L PATROVICH, RMC/CMR

Township Clerk