

ORDINANCE 2026-06

**AN ORDINANCE OF THE TOWNSHIP OF HOLMDEL REPEALING
CHAPTER 30 "LAND DEVELOPMENT", ARTICLE V "ZONING", SECTION 30-136 AH-
MU AFFORDABLE HOUSING MIXED USE ZONE DISTRICT AND REPLACING IT WITH
THE AH-ROUTE 35 AFFORDABLE HOUSING ZONE DISTRICT**

WHEREAS, the Township of Holmdel (the "Township" or "Holmdel") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action captioned In the Matter of the Township of Holmdel, Docket No. MON-L-445-25 pursuant to N.J.S.A. 52:27D-391 et. Seq. (the "Fair Housing Act") January 31, 2025 and

WHEREAS, the Court entered an order on April 14, 2025 setting the Township's Fourth Round fair share obligations as a Present Need of 129 units and a Prospective Need of 106 units, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township having filed its HEFSP on June 16, 2025 ("Adopted HEFSP") which included an up to 80 unit 100% affordable housing development on the property designated as Block 59, Lots 6 & 7 (the "Property") to address the Township's affordable housing deficit arising from the Property owner's failure to implement the development t on the Property authorized by the Township's Third Round Plan; and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP on August 26, 2025; and

WHEREAS, the Township and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement; and

WHEREAS, the Court having entered an order on February 25, 2026 requiring the Township to adopt the implementing ordinances and resolutions to ensure implementation of its Fourth Round HEFSP by no later than March 16, 2026;

WHEREAS, N.J.S.A. 40:55D-62 provides the Township Committee with the power to repeal and create zoning districts and related requirements to effectuate the Township Master Plan and Housing Plan Element and Fair Share Plan;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey, that it hereby repeals Chapter 30 "Land Development", Article V "Zoning", Section 30-136 "AH-MU Affordable Housing Mixed Use Zone" and replaces it in its entirety with a new development zone entitled "AH-Route 35 Affordable Housing Zone District" as set forth herein

PURPOSE

The purpose of this Ordinance is to amend Chapter 30 of the Township's Land Development regulations to repeal Section 30-136 AH-MU Affordable Housing Mixed Use Zone District in its entirety and replace it with a new development zone entitled AH-35 Affordable Housing Zone District (AH-35).

Unless otherwise indicated these regulations and standards are the only standards that apply to this zoning district. Any other sections of the Borough's Land Development Regulations are applicable.

SECTION 1

That Chapter 30, Land Development Regulations, Section 30-136 AH-35 Affordable Housing Zone District shall be as set forth herein

§30-136 AH-35 Affordable Housing Zone District (AH-35)

- a. Purpose: The AH-35 Affordable Housing Zone is intended to provide for development of 100% affordable dwelling units. The AH-35 Zone shall provide for up to 80 non age-restricted rental units.
- b. Location. The AH-35 Affordable Housing Zone is applicable to a portion of Block 59, Lots 6 & 7 as generally depicted on the attached map.
- c. Permitted uses. The following principal uses shall be permitted:
 1. Multi-family rental housing.
- d. Accessory Uses Permitted. The following accessory uses and structures shall be permitted provided they are located on the same premises as the principal use or structure to which they are accessory and are located in the rear or side yard:
 1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
 2. Surface parking area and garages.
 3. Active and passive recreational amenities.
 4. Clubhouse.
 5. Leasing office.
- e. Development Standards
 1. Maximum height: 3 stories or 40 feet
 2. Maximum building coverage: 20%
 3. Maximum Lot Coverage: 40%
 4. Minimum front yard setback: 25 feet
 5. Minimum side yard setback: 10 feet
 6. Minimum rear yard setback: 50 feet
 7. Minimum parking: 1.8 parking spaces per unit

8. Lighting for parking areas and driveways shall not exceed twelve (12) feet in height.
9. All refuse and recycling storage shall be fully enclosed and screened within a masonry refuse enclosure that is a minimum of 6 feet in height on all sides and shall contain façade materials that are consistent with the materials used for the principal structure or within the principal structure..
10. Building Design.
 - a. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the residential zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
 - b. All HVAC and mechanical equipment shall be adequately screened from view from the public right-of-way or residential dwellings.
11. Affordable Housing.
 - a. The AH-35 Affordable Housing Zone shall provide up to 80 family (non-age restricted) rental units. Affordable units in said projects must be affordable to very low, low- and moderate-income households in accordance with the Township's Affordable Housing Ordinance, the Township's Housing Element and Fair Share Plan, any applicable Order of the Court, the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Committee on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.
 - b. The rental affordable housing units shall provide for the split between very low, low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply, pricing and rent of units, affirmative marketing, minimum affordability controls set by deed restriction in accordance with UHAC and the Township's Affordable Housing Ordinance.
 - c. The Township designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site affordable unit, in accordance with the Township's affirmative marketing plan and applicable law, including the posting of all affordable units on the online New Jersey Housing Resource Center website, with all administrative costs to be paid by the Developer.

- d. The developer of the Property which is the subject of this zoning ordinance shall be required to enter into a Developer's Agreement with the Township prior to any application before the Planning Board.

BE IT FURTHER ORDAINED that in the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

BE IT FURTHER ORDAINED This Ordinance shall not be effective after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

CERTIFICATON

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, 2026 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on March 13, 2026 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 3:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Rocco Impreveduto, 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 13, day of March 2026.

WENDY L PATROVICH, RMC/CMR
Township Clerk