

**BOROUGH OF SHREWSBURY
COUNTY OF MONMOUTH
ORDINANCE NO. 2026-1142**

AN ORDINANCE AMENDING THE CHAPTER 94, LAND USE AND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF SHREWSBURY, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY BY AMENDING THE AH-MF-14 AFFORDABLE HOUSING MULTI-FAMILY OVERLAY ZONE DISTRICT AND TO AMEND THE ZONING MAP TO INCLUDE AH-MF-14 ZONE TO FACILITATE THE PROVISION OF AFFORDABLE HOUSING IN THE BOROUGH.

WHEREAS, the Borough of Shrewsbury, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Shrewsbury") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose from the Court in the matter captioned In the Matter of the Application of the Borough of Shrewsbury, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-002536-15 thereby immunizing the Borough from builder remedy litigation until July 1, 2025 (the "Third Round Litigation"); and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Shrewsbury; and

WHEREAS, the DCA Report calculated Shrewsbury Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 35 and a Fourth Round Prospective Need (New Construction) Obligation of 96 affordable housing units; and

WHEREAS, the Borough Council adopted Resolution 68-2025 accepting the DCA calculation of the Borough Fourth Round affordable housing obligation of a Present Need Obligation of 35 units and a Fourth Round Prospective Need obligation of 96 affordable housing units, subject to the Borough's right to a Vacant Land Adjustment in accordance with N.J.S.A 52:27D-311 of the Amended Act; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24 dated December 13, 2024 and pursuant to that Directive, a municipality seeking a certification of compliance with the Act is required to file a legal action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Borough filed a timely declaratory judgment complaint in accordance with AOC Directive #14-24 known as In the Matter of the Application of the Borough of Shrewsbury, County of Monmouth, State of New Jersey, Docket No. MON-L-000202-25 seeking a declaration as to the Borough's Fourth Round affordable housing obligation and the approval of

the Borough’s Housing Element and Fair Share Plan (“HESP”) which sets forth the affordable housing mechanisms the Borough will implement to satisfy its Fourth Round affordable housing obligation; and

WHEREAS, the Court entered an order on April 2, 2025 setting the Borough’s Fourth Fair Share obligations of a Present Need of 15 units and a prospective need of 96 units and ordered the Borough to file a Housing Element and Fairs Plan by June 30, 2025; and

WHEREAS, the Borough filed its HESP with the Court on June 6,2025 after the Planning Board approved and the Borough Council endorsed the HESP setting forth the Borough is entitled to a Vacant Land Adjustment adjusting the Borough’s Realistic Development Potential to two units with an unmet need of units, and

WHEREAS, Fair Share Housing enter having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) on August 31, 2025 seeking additional information before the HESP may be approved; and

WHEREAS, the Borough and Fair Share having entered into a Consent Order approving the Borough’s amended HESP subject to certain conditions which must be met under the Amended FHA by March 15, 2026.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Shrewsbury, County of Monmouth, State of New Jersey that it hereby amends the Section 35-412 of the Borough Code as follows:

SECTION 1

Chapter 94, Article X, Zoning District Regulations, § 94.10.1, Zoning Map and Schedule, §94.10.1A(5), Revisions to the Zoning Map and Schedule, is hereby amended to modify the map to designate Block 73, Lot 1 as “AH-MF-14 Overlay Zone” and to include the ordinance number and adoption date reference as applicable. Said amendments shall not become effective until such time as the Official Zoning Map has been amended in accordance with the provisions of Article X.

SECTION 2

Chapter 94, Article X, Zoning District Regulations is hereby amended and supplemented by the amendment of section § 94-10.16 entitled “Affordable Housing Multi-Family Overlay Zone,” to read as follows:

§ 94-10.16. AH-MF-14 Affordable Housing Multi-Family Overlay Zone.

- A. Purpose.** The purpose of the AH-MF-14 Affordable Housing Multi-Family Overlay Zone is to provide compensatory economic benefits and incentives for the development of multi-family housing with inclusionary low and moderate income housing units on parcels of land that are designated for such use by ordinance. Development within the AH-MF-14 Overlay Zone shall permit multi-family housing as an optional use to the underlying zoning district regulations. Multi-family residential development within this zone shall include affordable housing units for low and moderate income families, in order to better promote

the general welfare and to create a realistic opportunity for the construction of low and moderate income housing within the Borough of Shrewsbury in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the New Jersey Council on Affordable Housing Rules, N.J.A.C. 5:92 through N.J.A.C. 5:97.

- B. Qualification of developer.** The Land Use or Zoning Board shall require the prospective developer to file a report of financial qualifications, prepared by a recognized auditing firm, and such documentation as may be deemed necessary by the Board or its professionals, to determine the developer's ability to complete the proposed development as part of its finding for a development in accordance with N.J.S.A. 40:55D-45.
- C. Assignment of interests.** Before any applicant or developer effectively assigns any of the interests in any preliminary or final approval, he or she must notify the administrative officer of the Land Use (Land Use Board Secretary) in writing of their intent, and must furnish detailed information with regard to the name, address, principals, type of organization, competency, experience, and past performance of the assignee, transferee or agent. Any such assignment of interests shall be subject to the following requirements.
1. Any successor or assignee is subject to the filing requirements as outlined in paragraph B, qualification of developer, above.
 2. The assignee shall file a written certification that he or she has been made aware of each of the conditions of development application approval.
 3. The administrative officer shall notify the Borough clerk, the Borough chief financial officer, the Borough engineer, the Borough zoning officer, and the Borough construction official in writing of the assignment of interest, upon approval of the assignee's qualifications by the Land Use Board.
 4. Any request for assignment of interest must be accompanied by a non-refundable administrative fee in the amount of \$500.00, to offset the cost of the review and recording of the certification filed by the assignee.

Written notice of such assignments or transfers shall be made by the applicant no later than ten (10) calendar days after its effective date.

- D. Permitted uses.** In the AH-MF-14 Overlay Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:
1. Any principal use permitted in the prevailing or underlying zone, in compliance with the standards of the zone.
 2. Multi-Family structures consisting of a minimum of four (4) and a maximum of forty (40) units per building, with a mandatory inclusionary component for low and moderate income households of twenty (20) percent for 'Sale' units and twenty (20) percent for rental units in accordance with Article XI of this Chapter.
 3. Community residences for the developmentally disabled in accordance with N.J.S.A. 40:55D-66.1 and the requirements of the Americans With Disabilities Act.

4. Public parks, playgrounds, conservation areas, and essential municipal services and facilities.

E. Permitted accessory uses. The following shall be considered permitted accessory uses in the AH-MF-14 Zone Overlay:

1. Common parking areas designed in compliance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21 *et seq.*).
2. Common recreational facilities and structures.
3. Common open space and conservation areas.
4. Attached garages with a capacity of not more than two (2) vehicles per unit.
5. One (1) freestanding sign at the main site entrance identifying the name of the development with a total area of not greater than 50 square feet, nor a height greater than ten (10) feet. One (1) façade sign may be placed on the face of a multi-unit building, having a sign area not greater than 10% of the building façade.
6. Such other customary accessory uses and structures permitted by the LDO. All structures accessory to dwelling units, such as patios, decks and balconies shall be attached to the dwelling unit to which they are accessory.
7. One (1) temporary sales office incidental to the initial project development, consisting of not more than 1,000 square feet allowed during the period of initial sales of units by the developer. Any temporary sales office installed shall be removed within 30 days of the completion and issuance of Certificate of Occupancy of the first model home.
8. One (1) temporary construction field office adequately screened from public view, incidental to the site construction activities, provided that same is removed upon completion of site construction work.
9. Up to four (4) temporary storage trailers or containers utilized for the staging or storage of construction materials during development may be located on site. Any temporary storage trailers or containers must be situated on site to be meet all required accessory or principal building setbacks contained herein, and shall remain fully closed and secured at all times when not in use and during non-working hours.
10. Community recreation center for the residents and guests of the development, whose building design shall complement the design of principal buildings; and may include such amenities as a swimming pool, playground, tot-lot, gazebo, tennis courts and the like.
11. One (1) maintenance storage building with a maximum floor area of two hundred (200) square feet and a maximum height of twelve (12) feet as measured to the highest point of the roof, whose architectural design shall complement the design of the principal buildings. The maintenance storage building shall adhere to all minimum building setback requirements for principal buildings.

12. Model homes may be constructed by the developer, with not more than one (1) model home per housing style being offered for sale. The models shall be in full compliance with UCC requirements and shall abide by the hours of operation for businesses as outlined in the Borough Administrative Code.

F. Common ownership. Provisions shall be made for the ownership and maintenance of all common areas, open space and recreation facilities by a common ownership association, which shall be established as a condition of approval. The association shall comply with the following requirements:

1. Membership in the common ownership association shall be mandatory for all owners of property in the development.
2. The common ownership association shall be empowered to ensure the payment of dues through deed restrictions on the properties of its members.
3. A copy of the master deed, if applicable, declaration of covenants, easements and restrictions, restrictive covenants and by-laws, which will govern the development, shall be submitted for review and approval by the Borough and Land Use Board attorneys. The documents shall include all restrictions and limitations imposed by the AH-MF-14 ordinance, including restrictions on further development and open space protections.

G. Association requirements, covenants, and easements.

1. All proposed restrictive covenants, articles of incorporation or other documents concerning the creation of a common ownership association for the ownership and maintenance of common lands and facilities shall be submitted to the Borough and approved by the Borough and Land Use Board attorneys, prior to final approval or as determined by the Land Use Board as a condition of subdivision or any proposed site plan.
2. All dwelling units shall be constructed, subject to such restrictions and covenants as may be required to establish common rights and responsibilities.

H. Developer's agreement. The Land Use Board shall require a written developer's agreement between the Borough and the developer or its assignees, addressing the improvements to be provided in accordance with the requirements of this chapter, the provision of community services, conditions of the final development approval, both on- and off-site, storm water management and any other issues deemed appropriate by the Borough. As a condition of final approval of any development, a municipal services agreement shall be executed between the developer and the Borough, addressing the contribution by the Borough for solid waste, leaves and recyclables collection, snow removal and street lighting in accordance with the Municipal Services Act.

I. Zoning standards. Development pursuant to the AH-MF-14 Zone Overlay, shall be subject to the following standards and regulations:

1. **Tract ownership, further development and change in zoning district.** The minimum contiguous tract area shall consist of one (1) acre. The entire tract shall be under the control of one (1) ownership or contract purchaser for the purposes obtaining all required development approvals and committing this tract to the provisions of this overlay zone ordinance. Upon approval of the tract for development, no further development shall be permitted unless approved by the municipal agency, and appropriate restrictions shall be incorporated into any approval issued to effectuate this limitation. Upon final approval, the zoning district designation shall be changed to an AF-MF-14 zoning district.
2. **Maximum permitted residential density.** The maximum permitted residential density shall be as indicated below. The gross density includes the total area within the boundaries of the tract to be developed, including internal roadways, conservation areas, stormwater management facilities, and dedicated right-of-way areas. The maximum permitted density shall be computed based on the overall tract area without the exclusion of portion(s) of the same development used for non-residential uses. In computing the number of units permitted, any portion of a unit less than 0.50 shall not be considered and any portion of the unit greater than 0.50 shall be rounded up to the nearest whole number.
 - a. There shall not be more than fourteen (14) dwelling units constructed upon each gross acre of tract area. A minimum of twenty (20) percent of the units constructed shall be set-aside as Affordable Housing units in accordance with Article XI.
3. **Maximum lot coverage.** The maximum lot coverage, including but not limited to buildings, pools, parking areas, driveways, streets, walkways, patios and all other constructed surfaces for use or occupancy shall be as listed below:
 - a. In a purely residential development, the maximum lot coverage shall be fifty (50) percent.
 - b. In the case of mixed use developments where residential and non-residential uses share common site elements such as parking, loading and access driveways the overall maximum permitted lot coverage shall be pro-rated based on a ratio of gross residential floor area to non-residential floor area for all buildings within the development, computed as $(\text{Non-Residential Floor Area} \times 65\%) + (\text{Residential Floor Area} \times 50\%)$ divided by Total Floor Area.
 - c. In developments with non-residential components, a phasing plan must be submitted outlining those limits of the development utilized for such purposes. All minimum setbacks, buffer areas, parking areas, refuse storage areas and similar appurtenant features for each phase of a development must lie wholly within the phase limit shown on the Phasing Plan.
4. **Maximum building coverage.** The maximum permitted building coverage shall be twenty-five (25) percent of the total area of the tract, including residential and non-residential portions of a development.

5. **Maximum building height.** The maximum building height of a principal structure shall be forty (40) feet measured to the mean elevation of the eaves and ridge; with a maximum height of forty-five (45) feet at any point measured to the highest point of the roof from the lowest adjacent grade. The maximum building height of accessory structures shall be sixteen (16) feet.
6. **Maximum number of stories.** Each building shall be limited to not more than three (3) stories above grade. Notwithstanding the definition of Basement in section 94-2, attics and basements may be used for storage, utilities, garages or similar uses.
7. **Minimum multi-family structure setbacks.** Any residential structure, with the exception of detached single-family homes or attached units, constructed as part of a multi-family development shall meet the following minimum setbacks:
 - a. For all structures containing 2.5 or less stories, a minimum setback of forty-five (45) feet shall be provided from any existing municipal street, or proposed collector street as designated on the Borough Master Plan.
 - b. For a three (3) story building the minimum front setback shall be increased by either; an additional five (5) to the façade of the third story through architectural building design, or an additional two and a half (2.5) feet to the entire building.
 - c. All setbacks shall be measured to the building face and shall include any exterior terraces, balconies, or rooflines.
 - d. Twenty (20) feet from any internal private street line where individual unit garages are proposed, measured at the private right-of-way limit. In the absence of a right-of-way line, the minimum distance between the building face and back edge of the sidewalk shall be no less than twenty (20) feet, or in cases where no sidewalk exists, the minimum distance to the curb line of an internal street shall be twenty-six (26) feet.
 - e. Thirty-five (35) feet from any tract boundary other than a street line. Normal architectural projections such as eaves, chimneys, porches, balconies, patios, and similar projections may extend into this minimum required setback area a maximum distance of two (2) feet.
 - f. Fifty (50) feet between the rear walls of any two (2) buildings, measured at right angles to the rear wall.
 - g. Twenty-five (25) feet between the front or side walls of a building and the front or side walls of any adjacent buildings, not including bay windows.
 - h. Fifteen (15) feet to any common off-street parking area or access driveway for the parking area. Normal architectural projections such as eaves, chimneys, porches, balconies, patios, and similar projections may extend

into this minimum required setback area a maximum distance of two (2) feet.

- i. One hundred (100) feet to any existing principal residential structure or residential zone boundary. Customary architectural projections such as eaves, chimneys, porches, balconies, patios, and similar projections may extend into the minimum required setback area a maximum of two (2) feet.
- j. The front facade of any structure containing more than one (1) dwelling unit shall not continue on the same plane for a distance of more than the width of four (4) adjacent units. Offsets between front facade planes shall not be less than four (4) feet nor more than twenty (20) feet.

J. Zoning. Common open space and recreation facilities. In developments consisting of more than eight (8) residential units, the development shall be clustered to provide open space areas and shall meet the minimum standards outlined herein:

1. A minimum of thirty-five (35) percent of the total tract area shall be retained as common open space.
2. The minimum required common open space areas may include steep slope areas, freshwater wetlands, buffer areas, and open waters.
3. Common open space and recreation facilities shall be owned and maintained by an association to be established in accordance with the applicable provisions of N.J.S.A. 40:55D-43.
4. Conservation or Slope Area Easements shall be required pursuant to local, state, or federal environment protection regulations, specifically including the provisions of § 94-5.13 entitled "Preservation of Natural Features."

K. Buffer areas. In developments consisting of more than eight (8) residential units, buffer areas shall be established within the boundaries of the development tract pursuant to the following standards.

1. A landscaped buffer strip at least fifty (50) feet in width shall be permanently maintained along all tract boundaries which abut a residential zone or use.
 - a. Required buffer strips may contain earthen berms with a maximum height of three (3) feet, and a minimum top width of six (6) feet.
 - b. Required buffer areas shall be suitably landscaped in accordance with the requirements of § 94-8.6, entitled "Buffer Areas and Screening."
 - c. Landscaped buffers shall be designed to provide a year-round visual screen, and shall contain a mix of deciduous and evergreen plantings and groundcover.

- d. Buffer areas may be supplemented with fences, with a maximum height of six (6) feet, to provide effective visual and noise buffers.
 - e. Buffers from railroad rights of way shall be provided subject to the design criteria of Chapter 94-8.6, Buffer Areas and Screening.
2. Buffer areas may be ‘averaged’ at the discretion of the municipal agency, and reduced in width to a minimum of twenty-five (25) feet to allow the construction of site access roads, where no feasible alternative exists. In such cases, the design of buffer plantings and fences shall be suitable to maintain an effective year-round screen. Buffer area reductions shall be permitted for the purposes of roadway construction only, and shall be compensated at a 1:1 ratio elsewhere on the tract, with a maximum compensation width of twenty-five feet.
 3. Prior to final approval, buffer areas shall be recorded in the form of buffer easements and shall contain restrictions prohibiting the removal of plantings and future construction.

L. Streets, parking, sidewalks, water supply, fire hydrants, sanitary sewers, drainage and stormwater management standards.

1. Primary access shall be from the street with the higher classification.
2. A secondary access shall be provided and shall be designed in accordance with the RSIS.
3. Public improvements shall be designed and installed as required by the RSIS.
4. Street, common driveways, parking areas, and access drives within developments shall be owned and maintained by a private association to be established by the developer in accordance with the applicable provisions of N.J.S.A. 40:55D-43, entitled “Standards For The Establishment of Open Space Organization.” The Borough shall bear no responsibility to maintain, or contribute to the maintenance of streets, parking areas, or common driveways, except as mandated by the Municipal Services Act.
5. The maintenance of drainage facilities in privately owned and maintained streets shall be the sole responsibility of the developer and association. The developer shall be required to deposit with the Borough a sum of money computed by the Borough engineer to be held in escrow for a period of ninety-nine (99) years to fund the following:
 - a. The review of an annual report prepared by a licensed professional engineer retained by the developer or association verifying the adequate operation and maintenance of stormwater management facilities.
 - b. Bi-annual inspections by the Borough to confirm maintenance.
6. Prior to the release of performance guarantees, the developer shall be required to deposit a growth fund in accordance with the methodology outlined in Exhibit K

for the future maintenance of the on-site stormwater management facilities by the association. The growth fund shall be computed based upon a ninety-nine year period beginning at the time of final acceptance, and shall including the costs for the following:

- a. Routine lawn mowing and landscaping maintenance.
 - b. Semi-annual cleaning, de-silting, and de-snagging of above or below ground facilities.
 - c. Bi-Annual inspections of all on-site stormwater management facilities, including above and below ground facilities, storm sewers, and all appurtenances.
 - d. Replacement of all above ground structures, including outlet structure, headwalls, flared-end sections, and conduit outlet protection at year fifty (50).
 - e. Replacement of Landscaping every twenty-five (25) years.
7. Prior to final approval, the developer shall filing in writing a request with the Borough clerk for the enforcement of N.J.S.A. 39:1 *et seq.* (Title 39), Motor Vehicles and Traffic Regulation pursuant to N.J.S.A. 39:5A-1, Revised Statutes.
 8. In all cases where the maintenance or repair of any wall, fence or other improvement by its owner or his agent would require entry upon an adjacent property, an appropriate easement or right-of-way shall be obtained by the developer. All such easements shall be detailed and specific as to required notice and any limitations upon the right of entry and shall provide a specific means of arbitration in the event of disputes.
 9. Stormwater management facilities shall be maintained solely by the developer or the association in accordance with the provisions of § 94-8.39, Stormwater Runoff and Control, and N.J.A.C 7:8-5, Stormwater Management.
 10. Stormwater management facilities, including detention basins, retention/infiltration basins, water quality basins, and appurtenant structures shall be designed to be harmonious with the topography of the development and shall maintain a minimum horizontal setback of forty (40) feet as measured from the top of bank to any residential or non-residential structure.
 11. Streets shall be designed to provide a smooth and efficient traffic circulation pattern and shall be in accordance with RSIS design standards. All dead end-streets shall include adequate provisions for turn-around movements of emergency and refuse collection vehicles.

M. Lighting. Development shall comply with § 94-8.22, entitled “Lighting.” All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.

1. All exterior lighting shall be arranged protect residential uses both within the project as well as adjoining uses from glare.
2. Pedestrian walkways, excluding nature trails, shall be adequately illuminated to provide a minimum of 0.2 foot-candles in all locations and a maximum of 1 foot-candle.

N. Utilities. Public utilities for all residential developments within the AH-MF-8 Overlay Zone shall be designed and installed in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21), and the following:

1. Residential development within the AH-MF-14 Overlay Zone shall be served by public water and public sanitary sewer that shall be installed by and at the expense of the developer.
2. All utilities shall be installed underground. The costs for the installation of all utilities, including street lighting, shall be borne by the developer.
3. The developer shall establish and convey appropriate utility easements to the appropriate utility service provider.
4. The developer shall pay the cost of connection and transmission facilities necessary to connect to municipal sewer and water systems.
5. All underground utilities shall be installed before the placement of final surface course pavement.

O. Solid Waste and Refuse & Recycling Collection.

1. Areas suitable for storage of recyclable materials shall be provided in accordance with §94-8.51B entitled "Recyclable Materials Storage."
2. Refuse and recycling materials storage and collection areas shall be suitable for containerized collection and shall be provided in sufficient number and at locations convenient to all dwelling units. Such areas shall be screened from view on three sides by solid fence, walls or other suitable materials.
3. Refuse and recycling collection shall be provided and maintained by the entity responsible for internal streets and other common facilities.

P. Low- and Moderate-Income Housing Obligation.

1. Any residential development in the AH-MF-14 Overlay Zone District shall be an inclusionary development and the developer shall provide a minimum of one (1) affordable dwelling unit for every five (5) market-rate housing units (i.e., twenty (20) percent set-aside) for units offered for sale. The affordable housing set-aside shall be a minimum of twenty (20) percent for rental units. In computing the low- and moderate-income housing obligation, any portion of a unit less than or equal to 0.49 shall not be considered and any portion of the unit greater than 0.50 shall be rounded up to the nearest whole number.

2. All affordable units shall comply with all borough affordable housing regulations as contained in the Affordable Housing Ordinance, including compliance with all relevant regulations codified in the New Jersey Fair Housing Act at N.J.S.A. 52:27D-301 et. seq. and N.J.A.C. 5:97 et. seq. and the Uniform Housing Affordability Controls adopted by the New Jersey Housing and Mortgage Finance Agency and codified at N.J.A.C. 5:80-26.1 et. seq., including but not limited to the following minimum requirements:
 - a. At least 13 percent of affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income;
 - b. Bedroom distribution of 1, 2 and 3 bedroom units shall be in accordance with applicable law or regulation;
 - c. Appropriate Affordability Controls of not less than forty (40) years for rental units and thirty (30) years for sale units;
 - d. All affordable units shall meet the minimum size requirements by square footage as required by applicable law or regulations;
 - e. Any affordable units created under this ordinance shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
3. The developer in any affordable housing inclusionary development shall bear all costs associated with the administering of affordable units.
4. Affordable housing units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or within separate area(s) or floor(s) from market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that affordable units shall be generally distributed within each building with market units. The residents of affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of market-rate units. The affordable units shall be the same type of housing as the market-rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.
5. Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

SECTION 3

Chapter 94, Article VII, Design Standards and Improvement Specifications is hereby amended and supplemented by the addition of a new section 94-8.52 to be entitled “Affordable Housing Multi-Family Overlay Design Standards” to read as follows:

- A. Residential structures constructed in the AH-MF-14 Overlay Zone shall conform to the following minimum standards:

1. No dwelling unit shall be less than eighteen (18) feet in width and the average width of all dwelling units within a development shall not be less than twenty (20) feet.
2. Each dwelling unit shall contain, at a minimum, a bedroom, a bathroom, and a kitchen that shall be located separate, and apart from other rooms except that a living room and a dining area may be combined.
3. Building facades shall be varied in appearance in accordance with § 94-8.4, Architectural and Building Site Design Standards.
4. Each multi-family residential unit shall be constructed with, and shall maintain, a private outdoor space that may be designed as a deck, patio, balcony, or terrace containing a minimum of forty (40) square feet.
5. Off-street parking spaces shall be provided for each dwelling unit in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21). Required parking spaces may be provided in any combination: within attached garages, on driveways leading to attached garages, or within collective parking lots or areas. At least one (1) parking space for each dwelling unit shall be within one hundred (100) feet of that dwelling unit's entrance or the main building entrance most nearest to that dwelling unit, measured along the route reasonably expected for access to and from the dwelling unit.
6. If a driveway is used to satisfy a portion of the parking requirements, the driveway shall be no less than twenty-two (22) feet in length from the face of the garage to the back of the sidewalk or the right of way. Where driveways are utilized to meet some of the parking requirements, integrity and function of pedestrian walkways shall be maintained.
7. Garages shall not be used as habitable living space or for any use inconsistent with the use as a garage.
8. Where garages are proposed, association documents shall contain provisions mandating that at least one vehicle be parked in the garage and prohibiting the conversion of garages to any other use, including habitable living space.
9. The requirements of § 94-8-19 entitled "Garages" shall apply to the design of garages for multi-family buildings, except that the requirement in S 94-8-19D is modified to require rear or side-entry garages to the extent feasible.

SECTION 4

Chapter 94, Article X, Zoning District Regulations is hereby amended and supplemented by the amendment of section § 94-10.7.1.A(1)(e) entitled "B-1 Business Zone District" to read as follows:

(e) Residential use(s) which are part of an inclusionary development in accordance with the provisions of § 94-10.20 entitled "AH-MU Affordable Housing Mixed Use Overlay Zone" either as a mixed-use or stand-alone residential development.

SECTION 5

All Ordinances and parts of Ordinances inconsistent herewith are repealed.

SECTION 6

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held invalid, such decision shall not invalidate the remaining portion of this Ordinance.

SECTION 7

This Ordinance shall take effect immediately upon passage, publication according to law and filing with the Monmouth County Planning Board.

SECTION 8

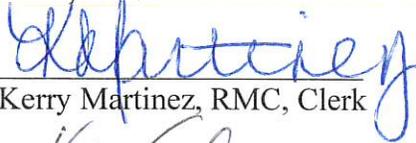
Following adoption, copies of this Ordinance shall be sent to: Shrewsbury Land Use Board and attorney, Environmental Commission, Borough Attorney, Borough Engineer, Borough Planner, Affordable Housing Special Counsel, and any Court Appointed Special Master.

Introduction: February 10, 2026

Second Reading/Public Hearing: March 10, 2026

Adoption: March 10, 2026

ATTEST:


Kerry Martinez, RMC, Clerk

APPROVE:


Kimberly Eulner, Mayor

Council Member	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Daly		α	α			
Mr. Eddy	α		α			
Mr. Levy					α	
Mr. Martinetti			α			
Mr. McAvoy					α	
Ms. Morton			α			