

ORDINANCE NO. O-26-9
TOWNSHIP MEETING DATE: FEBRUARY 10, 2026

AN ORDINANCE AMENDING CHAPTER 190, LAND USE, ARTICLE XI, ZONES AND SCHEDULE OF REQUIREMENTS; AND ARTICLE XIII, ZONE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Township Committee of the Township of Freehold, County of Monmouth, and State of New Jersey as follows:

I

PURPOSES: The purposes of this Ordinance are to amend Chapter 190, Article XI, Zones and Schedule of Requirements; and Land Use, Article XIII, Zone Regulations to comply with the mediation agreement between the Township of Freehold and Fair Share Center before the Affordable Housing Dispute Resolution Program in the matter of Docket No. MON-L-298-25:

- (1) To amend Article XI – Zones and Schedule of Requirements subsections §190-97 and §190-98 to add new zone ALH-Assisted Living Overlay Zone; and ML-6 Moderate and Low Income Housing Zone
- (2) To amend Article XIII Zone Regulations to:
 - (a) Add minor revisions to: §190-142.4 - MU-3 Mixed Use Overlay-3
 - (b) Add new zone ALH-Assisted Living Housing Overlay Zone and create new subsection §190-142.5
 - (c) Add new zone ML-6 – Moderate-and-Low Income Housing Zone and create new subsection §190-142.6

Note: Additions are underlined and deletions are shown with ~~strikethroughs~~.

II

Article XI, Zones and Schedule of Requirements, §190-97 Zones, is hereby amended to add the following zones to the list of zones:

ALH – Assisted Living Housing Overlay Zone

ML-6 – Moderate and Low Income Housing Zone

III

Article XI, Zones and Schedule of Requirements, §190-98 Zoning Map, is hereby amended to rezone the following block and lots as follows and as depicted on a map entitled “ALH – Assisted Living Housing Overlay Zone” dated January 22, 2026 and prepared by Thomas Planning Associates, LLC.; and “ML-6 Moderate and Low Income Housing Zone” dated January 22, 2026 and prepared by Thomas Planning Associates, LLC:

Block	Lot	Address/Roadway	Approximate Acres	Current Zone	Proposed Zone
71	8	3390 Route 9	+/- 10.6	CMX-3	ALH
42	60	36 Weaverville Rd.	+/-10.66	R-60 and R-9	ML-6

IV

Article XIII, Zone Regulations, section §190-142.4, MU-3 – Mixed Use Overlay-3 is hereby as follows:

§ 190-142.4. MU-3 Mixed Use Overlay-3

A.- E. No Changes

F. Development Standards

(1) – (2) No Changes

(3) The maximum permitted residential density, inclusive of any multifamily dwelling units that are within mixed-use buildings, shall be ~~42~~ 15 units per acre as applied to the total tract area.

(4) – (13)

G. – H. No Changes

V

§ 190-142.5. ALH - Assisted Living Housing Overlay Zone

A. Purpose: The ALH – Assisted Living Housing Overlay Zone is established in accordance with a second amendment to a settlement agreement in the matter of Land Bank Freehold, L.L.C., v. the Township of Freehold Docket No.: MON-L-6026-08 of the Superior Court of New Jersey Law Division: Monmouth County. The ALH zone applies to Block 71, Lot 8 located on Route 9 as stipulated in the second amendment to settlement agreement. The ALH Zone shall permit only a development consisting of a senior citizen congregate care facility, assisted living facility and memory care facility, subject to the following standards and requirements. The development will provide for qualified affordable housing units

B. Definitions

As used in this subsection, the following terms shall have the meanings indicated:

Senior Citizen Congregate Living Facility

A residential facility where units are restricted by deed or other instrument to occupy by no more than two persons, with the primary occupant being at least 55 years of age. Due to health, a surviving household member of less than 55 years of age shall be allowed to remain. The facility must feature a central lobby, common dining area, and recreational rooms. Hospitality services such as meal preparation, housekeeping, and transportation are provided on-site. The individual residential units shall offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable entrance door. For the purpose of interpreting the standards included in this section, senior citizen congregate living facilities shall be considered an institutional (non-residential) use.

Assisted Living Facility

A facility which is licensed by the Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor, with no more than two persons per unit, such persons either being related or consensual as to the living arrangement. The individual residential units shall offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable entrance door. For the purpose of interpreting the standards included in this section, assisted living facilities shall be considered an institutional (non-residential) use.

Memory Care Facility

A type of assisted living facility that specifically treats individuals that have been formally diagnosed with dementia and are experiencing either early stage or later stages of the condition.

Assisted Living Services

A coordinated array of personal and health services, available 24 hours a day, which promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings to residents who have been assessed to need these services, including residents who require formal long-term care.

C. Permitted uses - Permitted uses are defined in subsection B. above.

- (1) Senior Citizen Congregate Care Facility
- (2) Assisted Living Facilities
- (3) Memory Care Facility
- (4) A combination of the uses listed in C.(1)-(3) above

D. Permitted accessory uses.

- (1) Assisted living services
- (2) Passive recreational facilities
- (3) Dining and kitchen facilities
- (4) Health care facilities
- (5) Storage space
- (6) Administrative spaces
- (7) Off-street parking
- (8) Electrical vehicle charging station
- (9) Solar panels - Rooftop solar facilities shall be permitted and shall conform with the requirements of solar facilities for residential developments (N.J.S.A. 45:22A-48.2 and 52:27D-141.1 et seq.), or other such state-wide standards as may be applicable at the time of the application for development.
- (10) Essential utilities
- (11) Maintenance and equipment sheds
- (12) Fences in accordance with §190-165
- (13) Signs, in accordance with the provisions set forth herein
- (14) Outdoor waste collection and recycling areas enclosed and constructed of materials similar to the facade of the building
- (15) Any use customary and incidental to a permitted principal use

E. Bulk and Area Requirements

- (1) Minimum lot area – 3 acres
- (2) Minimum lot frontage at building line – 300 feet
- (3) Minimum lot frontage – 300 feet
- (4) Minimum lot depth – 400 feet
- (5) Maximum building coverage – 20%
- (6) Maximum impervious coverage – 65%
- (7) Maximum floor area ratio – 0.50
- (8) Parking location – parking shall be permitted on all sides of the building, including front, sides and rear, but not located within any buffer area.
- (9) Parking space minimum size – parking standards pursuant to Township parking standards §190-162
- (10) Maximum building height – 45 feet / 3 stories (even if building is located within 200 feet of residential zone)
- (11) Minimum front yard – 100 feet
- (12) Minimum side yard – 50 feet
- (13) Minimum rear yard – 100 feet
- (14) Minimum accessory side yard – 30 feet
- (15) Minimum accessory rear yard – 30 feet
- (16) Minimum buffer width – 50 feet and shall only apply to side and rear lot lines to the west, north and south. Stormwater management shall be allowed within this buffer area
- (17) Minimum building area – 5,000 sq. ft.

(18) Scenic corridor buffer – 35 feet, except for signage which shall be 25 feet

- F. Access to the site shall be from U.S. Route 9 and Tom Antus Boulevard.
- G. The Developer shall ensure that the development maintains the affordability controls as may be required pursuant to N.J.S.A. 2H-12.16 and its associated regulations governing the 10% Medicaid beds. It is anticipated that the beds will be maintained pursuant to these requirements for a period of at least forty (40) years.
- H. The development shall pay an affordable housing development fee for the independent living units pursuant to N.J.S.A. 40:55D-8.4 (which presently requires a fee equal to 2.5% of the equalized value of the independent living units).
- I. Other ordinances. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other subsections, the provisions and requirements of this section shall govern.

VI

Article XIII, Zone Regulations, section §190-142.6, ML-6- Moderate and Low Income Housing Zone is hereby amended as follows:

§ 190-142.6. ML-6 Moderate- and Low-Income Housing Zone.

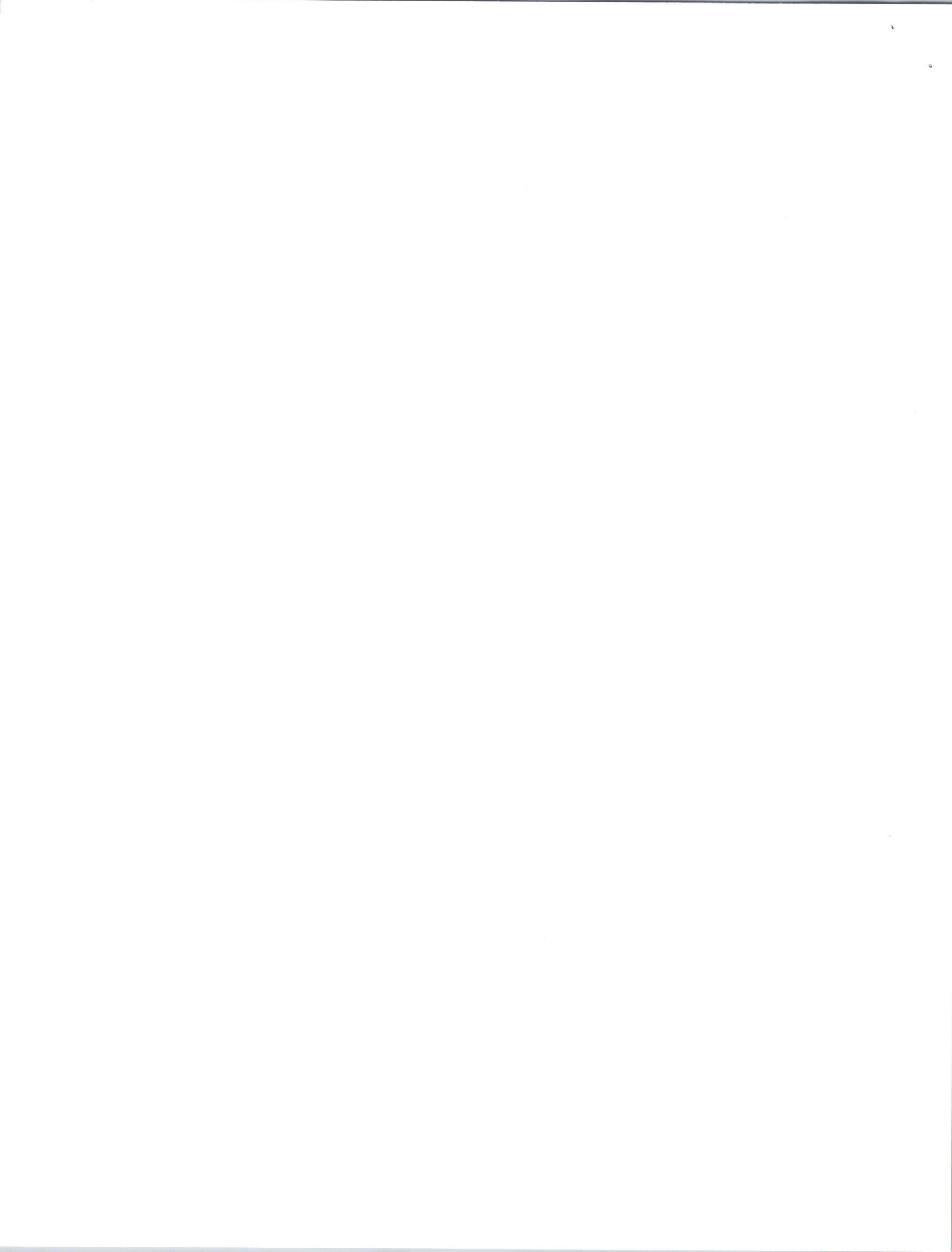
- A. Purpose. The purpose of the ML-6 Moderate- and Low-Income Housing Zone is to provide a realistic opportunity for the construction of housing for persons and families of low and moderate incomes as part of a mixed-income development, as required by the New Jersey Supreme Court in Southern Burlington County NAACP v. Twp. of Mt. Laurel, 92 N.J. 158 (1983) (Mount Laurel II) and by the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:27D-301 et seq.), and in accordance with the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:270-301 et seq.).
- B. Permitted uses. In the ML-6 Zone, the following uses shall be permitted:
 - (1) Permitted principal uses.
 - (a) Stacked townhouses
 - (b) Community building
 - (c) Notwithstanding § 190-105 of the Township Code, multiple principal buildings and uses shall be permitted on the lot.
 - (2) Permitted accessory uses. The following may be permitted as an accessory use:
 - (a) Attached community building may include offices for leasing, management and maintenance operations, lounge, gym, conference room,

and superintendent apartment on second floor

- (b) Essential utilities
- (c) Patios
- (d) Parks and playgrounds and shade structures (such as gazebos)
- (e) Maintenance and equipment sheds
- (f) Fences in accordance with §190-165
- (g) Signs, in accordance with the provisions set forth herein
- (h) Outdoor waste collection and recycling areas enclosed and constructed of materials similar to the facade of the building

C. Area, yard and building requirements.

- (1) Maximum density: 6.8 units per gross acre not to exceed 70 total units.
- (2) Minimum lot area: Minimum lot area 10 acres
- (3) Minimum lot frontage on public street: 100 feet, with a minimum of two access points from public roads, one of which may be an emergency access road.
- (4) Additional area, yard and building requirements:
 - (a) Front yard setback: Twenty-five (25) feet (structure setback shall be measured from the curblines unless otherwise stated)
 - (b) Rear yard setback: Twenty (20) feet
 - (c) Side yard setback:
 - [1] Twenty (20) feet from all buildings and structures.
 - [2] Twenty-five (25) feet to all curblines
 - [3] Fifty (50) feet to property lines unless abutting an open space lot then twenty (20) feet.
 - (d) Maximum height: three (3) stories / 35 feet.
 - (e) Maximum impervious coverage: 50%.
 - (f) Patios: same as principal structures, except rear yard setback: 10 feet.
 - (g) No structure shall have more than ten (10) units per structure
 - (h) No structure or building shall exceed 150 feet in length.
 - (i) Setback from building front to building front: 75 feet.
 - (j) Setback between building side to side: 20 feet.



- (k) Minimum perimeter buffer: ten (10) feet
 - (l) Notwithstanding anything to the contrary contained herein, parking, interior roadways, stormwater facilities and permitted accessory uses shall be permitted within required setbacks.
 - (m) Community building may be attached as an endcap to a stacked townhouse building
- (5) Off-street parking requirements:
- (a) Off-street parking shall be provided in spaces measuring not less than 18 feet by nine (9) feet for perpendicular parking stalls in accordance with N.J.A.C. 5:21, Residential Site Improvement Standards. Parking spaces for persons with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.
 - (b) No structure or portion of a structure constructed as a private garage or storage area shall be converted into living area.
- (6) Open space requirement. Not less than 30% of the development site shall be devoted to open space (as defined in this chapter). Notwithstanding the foregoing, any outdoor recreational space proposed as part of a residential development shall be counted towards the open space requirement.

D. Affordable housing requirements.

- (1) Except as otherwise specified in this section, developer or applicant shall comply with the Township's Affordable Housing Ordinances. Developer shall satisfy the affordable housing obligation required in connection with the project by setting aside at least 20% of all residential units developed for very-low-, low- and moderate-income households as described herein (the "affordable units").
- (2) All affordable units shall be non-age-restricted family rental units and shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC") and the FHA, including] that 13% of the affordable units within each bedroom distribution shall be required to be for very-low-income households as defined by UHAC and the FHA. Further, the affordable units shall be subject to affordability controls of at least 40 years and affordable deed restrictions as provided for by UHAC, which may be extended
- (3) The affordable units shall be integrated with the market units to the extent possible, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) from the market units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all the amenities, common areas, and recreation areas and facilities as the market units.



E. Permitted signage. The following signs shall be permitted within the ML-6 Zone:

- (1) One freestanding, ground lit illuminated, double-sided sign, advertising the name and/ or address of the residential development. The freestanding sign may not exceed 32 square feet in area and shall not exceed a height of eight feet from ground level. All freestanding signs shall be at least 25 feet from all buildings, and shall be setback at least 15 feet from any lot line. Signage must be outside the sight triangle area as determined utilizing AASHTO guidelines.
- (2) Two single-faced, freestanding, nonilluminated, temporary real estate signs of not more than 32 square feet for each sign; or, in lieu thereof, one double-faced sign of not more than 16 square feet of surface area for each face. Such sign or signs shall be permitted only in the case where it pertains to the lease or rental of the property on which it is located. No such sign shall be closer than 15 feet to any lot line. The overall height of each such sign shall not exceed a height of eight feet from ground level. Each such sign shall be removed upon the leasing or rental of the property.
- (3) Wayfinding signs, building identification signs, parking restriction and other community restriction signs shall be permitted throughout the ML-6 Zone.

VII

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

VIII

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

IX

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

X

Copies of this Ordinance shall be filed with the Freehold Township Clerk, Tax Assessor, Planning Board, Planning Board Attorney, Township Attorney, Special Council for Affordable Housing, Township Engineer, Township Planner, Township Planning Consultants, Zoning Officer and Construction Official



APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

EXPLANATORY STATEMENT:

This Ordinance adopts revisions to Chapter 190, Article XI, Zones and Schedule of Requirements; and Land Use, Article XIII, Zone Regulations to comply with the mediation agreement between the Township of Freehold and Fair Share Center before the Affordable Housing Dispute Resolution Program in the matter of Docket No. MON-L-298-25, to add new zone ALH-Assisted Living Overlay Zone; and ML-6 Moderate and Low Income Housing Zone; and add minor revisions to §190-142.4 - MU-3 Mixed Use Overlay-3.

