

TOWNSHIP OF MILLSTONE
COUNTY OF MOMOUTH, STATE OF NEW JERSEY

ORDINANCE #26-05
ORDINANCE SUMMARY

Ordinance 26-05 - An Ordinance Amending Chapter XXXV (Land Use and Development Regulations) to Repeal and Replace Article 8 “Affordable Housing” In It’s Entirety and Amend Section 5-17 “Accessory Apartments” to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls Regarding Compliance with the Township’s Affordable Housing Obligations.

This Ordinance repeals and replaces Chapter 35 (Land Use and Development Regulations), Article 8 (Affordable Housing) in its entirety and amends Article 5 (Zoning District Regulations), Section 5-17 (Accessory Apartments) to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls.

This Ordinance repeals and replaces Chapter 35, Article 8 (Affordable Housing) in its entirety to incorporate the Township’s Housing Element and Fair Share Plan and comprehensively reflect the Township’s constitutional obligations to provide for its fair share of very low-, low-, and moderate-income housing as reflected by the Amended Fair Housing Act as well as new rules issued by the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency.

The Ordinance replaces Article 8 of the Code with the following sections:

- 35-8-1: Introduction and Applicability
- 35-8-2: Definitions
- 35-8-3: Monitoring and Reporting Requirements
- 35-8-4: Affordable Housing Programs
- 35-8-5: New Construction Programs
- 35-8-6: Regional Income Limits
- 35-8-7: Maximum Initial Rents and Sales Prices
- 35-8-8: Affirmative Marketing
- 35-8-9: Selection of Occupants of Affordable Housing Units
- 35-8-10: Occupancy Standards
- 35-8-11: Control Periods for Restricted Ownership Units and Enforcement Mechanisms
- 35-8-12: Price Restrictions for Restricted Ownership Units and Resale Prices
- 35-8-13: Buyer Income Eligibility
- 35-8-14: Limitations on Indebtedness Secured by Ownership Unit; Subordination
- 35-8-15: Control Periods for Restricted Rental Units
- 35-8-16: Rent Restrictions for Rental Units; Leases and Fees
- 35-8-17: Tenant Income Eligibility
- 35-8-18: Municipal Housing Liaison
- 35-8-19: Administrative Agent

- 35-8-20: Responsibilities of the Owner of a development containing affordable units
- 35-8-21: Enforcement of Affordable Housing Regulations
- 35-8-22: Development Fees

This Ordinance also amends Chapter 35 (Land Use and Development Regulations), Article 5 (Zoning District Regulations), Section 5-17 (Accessory Apartments) to ensure consistency with the updated provisions of the Uniform Housing Affordability Controls. The Ordinance amends paragraph (b) of Section 5-17 to amend the definition of an “accessory apartment.” The Ordinance also amends paragraph (e) to incorporate the requirements of this Ordinance’s amendments to Chapter 5, Article 8 and the Uniform Housing Affordability Standards into the regulations governing accessory apartments.

PUBLIC NOTICE: This Ordinance was introduced and passed on first reading at the Township Committee meeting on February 4, 2026. It will be further considered for final passage after a public hearing at a meeting of the Governing Body to be held on March 4, 2026 at 8:00 P.M. at the Millstone Township Municipal Court Building located at 215 Millstone Road, Millstone Township, NJ 08535, at which time all persons who may be interested therein will be given an opportunity to be heard.

The full text of the Ordinance is available to all members of the public free of charge. To obtain a copy of the full text of the Ordinance, contact the Municipal Clerk of Millstone Township, Kathleen Hart. A copy of the Ordinance is available at the Township of Millstone’s Municipal Clerk’s Office at 470 Stagecoach Rd, Millstone Township, New Jersey 08510 between the hours of 8:30 A.M. and 4:00 P.M. It is also available on our website at www.millstonenj.gov. Kathleen Hart, Clerk