

ORD. #10-2026

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 550 ENTITLED “LAND USE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MOUNT OLIVE TO ESTABLISH A NEW 3100 CONTINENTAL DRIVE REDEVELOPMENT OVERLAY DISTRICT AND TO ESTABLISH DEVELOPMENT REGULATIONS FOR SAME

WHEREAS, P.L. 2024, c. 2 (“FHA-2”), sets forth deadlines for municipalities to complete the Fourth-Round affordable housing compliance process in order to secure a Compliance Certification from the County Mount Laurel Judge; and

WHEREAS, a Compliance Certification protects municipalities from exclusionary zoning and builder’s remedy litigation for the ten-year period commencing on July 1, 2025 and continuing to June 30, 2035; and

WHEREAS, the Township has been working diligently and has been fully compliant throughout the entire Fourth Round affordable housing process, and to date the Township has met all deadlines imposed by the State under the FHA-2; and

WHEREAS, the Township of Mount Olive initially adopted a Housing Element and Fair Share Plan (HE&FSP) on June 19, 2025; and

WHEREAS, the 2025 HE&FSP identified Block 301 Lot 4 as a component to address its Fourth Round affordable housing obligation by enabling the development of a 100% affordable housing community on said site; and

WHEREAS, the Township of Mount Olive entered into a Settlement Agreement with Fair Share Housing Center (FSHC) as it relates to its Fourth Round affordable housing obligation for the period of 2025-2035 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, by order issued by the Morris County Mount Laurel Judge in the Township’s 2025 affordable housing litigation entitled: In re Township of Mount Olive, Docket No. MRS-L-180-25, is required to adopt all affordable housing zoning and implementation ordinances by no later than March 16, 2026 in order to secure a Compliance Certification from the Court; and

WHEREAS, pursuant to the Township’s HE&FSP and its Settlement Agreement, the Township shall adopt zoning for a one hundred percent (100%) affordable housing development for property identified on municipal tax maps as Block 301 Lot 4; and

WHEREAS, in order to facilitate the development of such, the Mount Olive Township authorized the Township Planning Board to conduct a preliminary investigation to determine if Block 301 Lot 4 constituted an Area in Need of Redevelopment under the Local Redevelopment and Housing Law; and

WHEREAS, following the preparation of a planning report entitled Area in Need of Redevelopment Study 3100 Continental Drive and a public hearing on November 20, 2025, the Planning Board determined that Block 301 Lot 4 met the statutory criteria for such a determination; and

WHEREAS, the Township Council received and accepted the Planning Board's findings and, as set forth in a resolution adopted on December 23, 2025, authorized the preparation of a redevelopment plan for the site; and

WHEREAS, a redevelopment plan was prepared in accordance with the Local Redevelopment and Housing Law, entitled 3100 Continental Drive Redevelopment Plan, dated March 5, 2026; and

WHEREAS, the 3100 Continental Drive Redevelopment Plan sets forth specific development standards for the development of a one hundred percent affordable housing development with the Redevelopment Overlay District on Block 301 Lot 4.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, County of Morris, State of New Jersey, as follows:

Section 1. The Zoning Map established pursuant to § 550-78, Interpretation and General Provisions of the Township Code shall be amended to incorporate Block 301 Lot 4 in its entirety to the 3100 Continental Drive Redevelopment Overlay District.

Section 2. Chapter 550, Land Use, Article VI, Zoning, § 550-78, Interpretation and General Provisions, Paragraph F., Zoning districts and map, of the Township Code is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- F. Zoning districts and map. The zoning districts and the Combe Fill Redevelopment Overlay Zone as well as the 3100 Continental Drive Redevelopment Overlay District shall be as shown on the map prepared by Van Cleef Engineering, as revised and as enumerated in the Schedule of Limitations, both made part of this chapter.

Section 3. Chapter 550, Land Use, Article VII, Zoning District Use and Bulk Regulations, § 550-103, Nonresidential Districts, Paragraph G., FTZ: Foreign Trade Zone Special District, is hereby amended and supplemented to add a new subparagraph (8) to read as follows.

(8) 3100 Continental Drive Redevelopment Overlay District

In accordance with the 3100 Continental Drive Redevelopment Plan, an overlay zone for the development of a 100% affordable housing and mixed use community is hereby established. The overlay zone supplements, but does not exclude, the permitted principal,

accessory and conditional uses of the FTZ-4 zone district within the overlay zone. The following development regulations are applicable to the 3100 Continental Drive Redevelopment Overlay District and, where a conflict exists with other applicable standards set forth in Chapter 550, those established in this Section shall apply. The development standards applicable to the overlay zone shall be as follows:

- a. Description. The 3100 Continental Drive Redevelopment Overlay District shall constitute Block 301 Lot 4.
- b. Purpose. The purpose of the 3100 Continental Drive Redevelopment Overlay District is to encourage and enable the development of an attractive, high-quality one hundred percent (100%) affordable housing development as well as a supportive, small-scale commercial center which shall be designed to maintain and enhance the residential character of the Township, contribute to an appropriate balance of housing opportunities, and help address the Township's goals of supporting affordable housing.
- c. Permitted Principal Uses. The following uses shall be permitted in the 3100 Continental Drive Redevelopment Overlay District:
 - i. A one hundred percent (100%) multifamily housing development consisting of one hundred and eighty (180) dwelling units for the entirety of the district. Multiple principal buildings for this principal permitted use shall be permitted.
 - ii. A mixed-use development consisting of any combination of retail sales of goods and services (exclusive of automobile and truck sales, auto service centers and laundromats), professional and medical offices, restaurants, and health clubs, provided that such commercial uses shall be located on a lot separate from the one hundred percent (100%) multifamily housing development, and located within 300 feet of adjoining Block 200 Lot 1. Multiple principal buildings for these principal permitted uses shall be permitted.
- d. Accessory uses and structures permitted in the 3100 Continental Drive Overlay Redevelopment District are those uses and structures which are customarily incidental and subordinate to the permitted uses identified item (c) above. Such accessory uses and structures may include, but shall not be limited to, the following:
 - i. Recreation and open space facilities, including but not limited to clubhouses, walkways, courtyards, and plazas.
 - ii. Off-street parking and loading.
 - iii. Street furnishings, planters, street lights, and exterior, garden-type shade structures.

- iv. Fences and walls which shall complement the architectural style, type, and design of the buildings and the overall project design.
 - v. Decks, patios, and terraces (including rooftop facilities) which shall complement the architectural style, type, and design of the buildings and the overall project design.
 - vi. Open-air structures such as gazebos, pavilions, children's play areas, and pet walks.
 - vii. Parking areas, loading areas, trash and garbage collection areas and other uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.
 - viii. Sheds for maintenance, hotboxes, and other enclosures for utilities.
 - ix. Solid waste enclosures.
 - x. Signs.
- e. Intensity, Bulk, and Other Regulations. The following standards shall apply to the 3100 Continental Drive Redevelopment Overlay District.
- i. Minimum Lot Area. The minimum lot area shall be three (3) acres.
 - ii. Maximum Number of Units. A maximum of one hundred and eighty (180) residential units shall be permitted for the entirety of the district. All units to be constructed on site shall be reserved for affordable households, pursuant to the standards and requirements of the latest procedural and substantive rules for affordable housing as determined by the courts of other applicable authority, as well as the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as it may be amended from time to time.
 - iii. Setbacks. The setbacks for any buildings, structures, parking areas, drive aisles, or other related improvements shall be as follows:
 - 1. Setback to Continental Drive. There shall be a setback of not less than 100 feet from the Continental Drive right-of-way.
 - 2. Side Yard Setback. There shall be a side yard setback of not less than 15 feet.
 - 3. Rear Yard Setback. There shall be a rear yard setback of not less than 15 feet.
 - 4. Stormwater Basins and Improvements; Utility Structures. Irrespective of the above, stormwater basins and related stormwater improvements and utility structures may be permitted to be located in a required setback.

5. Nothing contained herein shall be construed to restrict fences and walls being located in a required setback.
- iv. Minimum Building Spacing. A minimum of twenty-five (25) feet shall be provided between buildings.
 - v. Maximum Building Height. There shall be a maximum building height of 3 stories/45 feet. Mechanical equipment, including but not limited to penthouse elevators, condensers, exhaust fans, air conditioners and similar equipment, stair enclosures, skylights, and atrium structures may exceed the maximum permitted height by up to 10 feet, provided that such structures do not exceed 10% of the roof area on which they are located and are properly screened. Building height shall be measured from the finished floor elevation to the midpoint of a sloped roof. An average grade measurement shall not apply for 100% affordable housing development.
 - vi. Maximum Building Coverage. The maximum building coverage shall be thirty percent (30%).
 - vii. Maximum Lot Coverage. The maximum lot coverage shall be sixty percent (60%).
- f. Affordable Housing Requirements. The following affordable housing requirements shall apply to the 3100 Continental Drive Redevelopment Overlay District.
 - i. Requirements. All very-low, low-, and moderate-income housing units shall be in conformance with the requirements of: Section 550-86 of the Township's Land Use Procedures entitled "Affordable Housing"; the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA"), including, without limitation, the Uniform Housing affordability Controls, NJAC 5:80-26.1, et seq. ("UHAC"). The affordable units shall be marketed in a manner that provides a preference for United States veterans who have served in time of war or other emergency in accordance with N.J.S.A. 52:27D-311j.
 - ii. Bedroom Distribution of Very-Low, Low-, and Moderate-Income Housing Units. The bedroom distribution of very-low, low-, and moderate-income housing units for affordable units constructed in the 3100 Continental Drive Redevelopment Overlay District shall be in accordance with the UHAC and as follows:
 1. One-Bedroom Units. No more than twenty percent (20%) of the very-low, low-, and moderate-income units shall be one-bedroom units.

2. Two-Bedroom Units. At least thirty percent (30%) of the very-low, low-, and moderate-income units shall be two-bedroom units.
3. Three-Bedroom Units. At least twenty percent (20%) of the very-low, low-, and moderate-income units shall be three-bedroom units.
- iii. Very-Low, Low-, and Moderate-Income Unit Split. At least fifty percent (50%) of the affordable units shall be available to very-low income and low-income households, and the remainder of which will be available to moderate-income households as defined in the FHA, UHAC, and other applicable statutes and regulations. A minimum of thirteen percent (13%) of the affordable units will be made available to very-low income households, defined as households earning thirty percent (30%) or less of the regional median income by household size.
- iv. Deed Restrictions. The following restrictions shall apply.
 1. Time Limit. The developer shall deed restrict the affordable units for a minimum of at least forty (40) years. The deed restriction shall indicate the unit or apartment number of each affordable unit, the number of bedrooms in the unit, and the income level. The deed restriction shall further include a clause that reserves in the Township the authority to extend the affordability controls for an additional at least forty (40) years in accordance with then applicable law.
 2. Submittal. At least one hundred and sixty (160) days prior to the issuance of any Certificate of Occupancy, there shall be submitted to the Township's Municipal Housing Liaison a form of Deed restriction consistent with the Township's Affordable Housing Ordinance and applicable regulations and an Affirmative Marketing Plan consistent with the Township's approved Affirmative Marketing Plan.
 3. The deed restriction shall include a reversion clause providing that in the event the residential units cease being used and occupied by affordable households, the property shall revert back to the Township.
- v. Cost Generative Provisions. As per Section 14(b) of the Fair Housing Act, NJSA 52:27D-301 et. seq., any cost generative provisions of the Township of Mount Olive Land Use Code shall not apply to affordable housing development in the Redevelopment Area.
- g. The following building and site design standards shall apply to the 3100 Continental Drive Redevelopment Overlay District.
 - i. Site Plan Design. The following site plan design standards shall apply.
 1. Site Plan Design. The following site plan design standards shall apply.

2. Devices including but not limited to garden walls, gates, fluctuations in setbacks, and variable landscape layout are encouraged to reduce the size of groupings of buildings.
 3. Boredom of visually repeated elements should be avoided. The use of curved streets or variety of architectural design or landscaping to avoid a view of more than three identical structures from any single point on a street should be encouraged.
 4. Buildings shall not exceed a length of 200 feet.
- ii. Building and Facade Design. The following building and facade design standards shall apply.
1. Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
 2. Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings are encouraged, provided that such are architecturally compatible with the style, materials, colors and details of the building.
 3. Complementary building colors and materials shall be consistent with the general theme of the development.
 4. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be screened.
- iii. Landscaping standards. The following landscape design standards shall apply.
1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.
 2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.
 3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site,

drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.
 5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.
 6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.
 7. The use of passive systems such as raingardens, landscaped areas, and/or planters to offset stormwater discharge shall be utilized to the extent feasible.
 8. Water conservation measures such as drip irrigation and soil moisture-sensing irrigation systems shall be used where practicable.
- iv. Signage. The following signage design standards shall apply.
1. Any proposed project shall be permitted one ground or monument site identification sign, which may be double-sided.
 - a. The maximum area of such sign, not including any supporting elements or decorative base, shall be 30 square feet per side.
 - b. The maximum height of such sign, including any supporting elements or decorative base, shall be 5 feet.
 - c. Such signs shall be a minimum of 10 feet from an adjacent property line or right-of-way of a public street.
 2. Wall signage shall not exceed 12 square feet in area.
 3. Illumination of signage is permitted.
- v. Lighting. The following lighting design standards shall apply.
1. Streetlighting shall be provided at all street intersections and along all collector and local streets, parking areas and anywhere else deemed reasonably necessary for safety reasons.

2. Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting shall be shown on a lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads, and traffic safety from glare, reflection and overhead sky glow in order to recommend steps needed to minimize these impacts.
3. The intensity of lighting in parking areas and along buildings and walkways shall average a minimum of 0.5 footcandles.
4. Light intensity along all tract boundaries shall not exceed 0.3 footcandles.
5. All lights shall be focused downward so that the direct source of light is not visible from adjoining streets or properties.
6. No light source, including sign lights, shall exceed a height of 25 feet.

vi. Parking and Loading.

1. Parking shall be provided for all residential uses in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21). As those requirements represent the maximum parking that can be required as part of any residential development, the Planning Board may approve fewer parking spaces, but in no case shall less than one and one half parking spaces be provided per unit, regardless of the number of bedrooms within the unit.
 2. No designated loading area shall be required for multifamily residential uses in the Redevelopment Area.
 3. Parking, loading and circulation for all other uses, including mixed-uses and commercial uses, shall be in accordance with Chapter 550 of the Code of the Township of Mount Olive.
- h. Site Plan Application. Potential redevelopers will be required to enter into a Redevelopment Agreement with the Township for the purpose of setting forth such details as the Township and such redeveloper may agree regarding the development or redevelopment of the Redevelopment Area. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board or the Zoning Board of Adjustment until the applicant has been designated by the Township as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Township. Alternatively, any application filed with the Planning Board or Zoning Board of Adjustment regarding development or redevelopment of property subject to this Redevelopment Plan shall be subject to

the conditions that the applicant be so designated and enter into such Redevelopment Agreement.

Section 4. Chapter 550, Land Use, Attachment 4, Schedule of Limitations, Nonresidential Districts, shall be revised to incorporate the 3100 Continental Drive Redevelopment Overlay District.

Section 5. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance and the remaining portions shall remain in full force and affect.

Section 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Mount Olive, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Township of Mount Olive are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 7. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 8. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Mount Olive for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 45 days after referral, a report including identification of any provisions in the proposed ordinance and redevelopment plan which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 9. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 10. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF MOUNT OLIVE

Alex Roman, Township Council President

Attest:

Susan Gouveia, Deputy Township Clerk